

**The Rhetoric of Gender in Cicero:
Oratorical Hegemony and
the Manipulation of Gender Identity**

BY

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ABSTRACT

The Rhetoric of Gender in Cicero: Oratorical Hegemony and the Manipulation of Gender Identity

My contention in this thesis is that gender identity in Ciceronian oratorical performance is a rhetorical tool that has two aspects: first, it enables Cicero as an orator to gain access to forensic space, and second, it facilitates the persuasion of his audience. The aim of this work is to discuss the concept of oratorical hegemony within a Ciceronian context; it is based on the idea that rhetoric functions in a political space essentially as a tool for governance regardless of the ideological leaning of the speaker or of the political or social body that he represents. The position taken in this thesis is that the rhetoric of a political orator such as Cicero is connected with a range of other factors that empower and lend versatility to his rhetorical position. Invariably, an orator such as Cicero has to manoeuvre within a wider context than what any particular speech situation might suggest on the surface.

As a basis for examination, I have developed three models to create an appropriate framework for the discussions on oratorical hegemony. The first model, which I have termed the Anatomy of a Speech, shows only the stages of preparation and of the delivery of a speech. The second model, the Ciceronian Improvisatory Model, depicts the development of Cicero in his speeches through the technique of role-playing during different periods of his public career. The

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third model, which I call the Phallic Model of Hegemonic Masculinity, is a sociological model constructed to accommodate the different structures of Roman society. My deconstruction of the different sectors of the model form the core chapters in this thesis. Although this model has been informed by the close reading of social history that features in most discourses on gender, my discussion of the model implicitly challenges the view that women were universally and equally oppressed across races and cultures. My more important argument is that gender identity becomes not only a rhetorical tool in the hands of the orator but also a manipulative 'sign' within a social discourse. Although basic class and gender distinctions may be implicit in the orator's delivery, what matters more is his ability to deploy strategically the rhetorical means at his disposal.

Issues relating to power, nationalism and the representation of men, women and slaves are discussed in connection with the orator's performance strategies in a political context. Because the Roman public forum is associated with competition and the young Roman male aspired to high honours and political attainments (*laus et gloria*), power becomes a major issue in my discussion. The orator's quest for political and rhetorical glory entails challenging the best orators in the state and questioning the rationale behind the tendencies of some government administrators to abuse the rights of other members of civil society who are not as highly placed as they are in government. The orator progressively wields power through his performance of rhetoric, although when he is in the process of gaining national recognition for excellent speaking, he is

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apt to argue that his paramount concern is what is best for the state. Hard work in the oratorical arena often resulted in a high political profile for the orator, which occasionally led to the attainment of a powerful political position such as a consulship, a position achieved by Cicero himself in 63 BC. Cicero's ability to represent himself, contemporary events and his subjects imaginatively while delivering his speeches enabled him to persuade his audience on many occasions.

Cicero's alternation between the spaces of senate and general assembly as consul and the kind of discourses that he develops in each space are important subjects of discussion in this thesis. Furthermore, Cicero's private *persona* is considered by examining his fears and anxieties to establish how much distance there is between his public self and private self. Within a cluster of *personae*, the stress to which Cicero is subjected opens him up to express in the oratorical arena certain fears that normally are meant for the private space in a Roman context.

To complete my deconstruction of the Phallic Model of Hegemonic Masculinity, I have chosen to discuss Cicero's representation of slaves as a social manifestation of the bottom rung of the Roman world. Because discussions of oratorical hegemony in the Roman republic not only undertake to consider how it is used as a tool for governance but also its effect upon slaves, who represent the lowest stratum of the social order, this thesis examines Cicero's representation of the role, function and employment of slaves in respect

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to the power relations that existed between the dominant group and that particular subordinated group.

In the final analysis, oratorical hegemony is not a paradigm for a specific orator. Oratorical hegemony functions among a group of orators who have gained political ascendancy through their performance of rhetoric. Cicero is not just a historical figure but he also represents a concept or form of oratorical hegemony. This thesis ultimately explains how Cicero serves as a model for the exercise of this kind of oratorical practice.

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J. O. I.
2001

In accordance with the regulations of the University of Natal, I certify that the contents of this thesis are my own original work unless specifically indicated to the contrary in the text.

I further declare that this thesis has not been published at any other university.

Signed: _____

Dated: _____

Preface

Recently there seems to have been a progressive reduction in the number of scholars working on Cicero. The 'cyber age' order of merit is causing many university authorities in the west to favour technological courses at the expense of humanities courses. Classics seems to have suffered at least as much as any other discipline in the recent past. Classics is currently faced with the problem of justifying its existence in the midst of new courses that have overwhelmed some major territories of Classics in public vocations, for example, the diplomatic service, public administration and public relations. In an attempt to face up to and respond to this challenge, Classicists have been developing new courses and strategies. In the present context, the onus lies on the incautious scholar of African descent to justify his ambition to write a PhD thesis on Cicero.

The drive to write a PhD thesis on a rhetoric related subject emanated from a discussion with my former MA supervisor, the late Professor Lloyd Arthur Thompson of the University of Ibadan, Nigeria.¹ The discussion was about how to look for sponsorship for the founding of a Collegiate of Orators (*Oratorium Collegium*) with a view to expanding the scope of research, performance and the curriculum of rhetoric

¹ For more about the life and works of Prof. L. A. Thompson, see Dominik 1997a: 3-9.

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in Africa. One of Thompson's key recommendations was that the champion of such a noble cause must have at least a PhD in rhetoric, as that would enhance the authority and credibility of an administrator of such a centre of learning. As an African of Yoruba descent and from a culture that has a rich rhetorical tradition, I am passionate about accomplishing the dream of establishing an African school of rhetorical studies. It has therefore been imperative for me to study classical rhetoric in order to understand the strategies used by ancient orators in codifying their speeches and their methods of preserving their oratorical tradition; hence the reason for this study on Ciceronian rhetoric.

The greatest challenge that this dissertation poses is having to include gender as a sub-theme. This project started at a time when classicists had not yet really produced much knowledge on ancient norms of masculinity especially in relation to rhetorical performance and the dissertations that had been written were still waiting to be published. However, 'talking gender' within context of this thesis has enabled me to understand how first century BC Roman young men, especially Cicero, would have articulated and would have performed their masculinity with a view to gaining dominance in the forensic space. Inquiring into the orator's goal of dominating in the public space engendered the concept of oratorical hegemony. Using Cicero as a case study helps to understand a form of oratorical hegemony and the different human elements and rhetorical strategies that enhance hegemonic performances. Hopefully, in the future, the theoretical framework that has been developed for this

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work will be applied to other oratorical contexts and orators of the same stature as Cicero, which will foster a more comprehensive insight into the 'performance world' of hegemonic orators.

Writing a grand narrative of a forensic space that consists predominantly of male participants is also quite problematic. The danger in the process of thinking is that one slips into the 'malestream' thought pattern, which does not appear to be sympathetic to modern gender discourse. According to Hearn,

[I]t is important not to make public patriarchies into yet another 'grand narrative'. To do so is to fall into the pitfalls of single logic malestream thinking. To put this another way, it is necessary to avoid conceptualisation preceding oppression. History does not take place through a grand narrative of orderly stages: it takes place. Partly for this reason it may be more accurate to speak of *movements towards* public patriarchies rather than the *establishment of* public patriarchies.²

This thesis does not in any way seek to perpetuate the old order of gender oppression, but interrogates it through the rhetorical processes laid down by Cicero. In this way, the orator is not only an 'actor' but also a theorist. The social-political milieu in which Cicero existed is to modern discourse on gender an established

² Hearn 1992: 77.

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public patriarchy. Unfortunately, one cannot avoid an occurrence of the problem identified by Hearn in a project like this. One can therefore see this project as explicating an important aspect of the origins of public patriarchy. An area for further research would be to investigate the gendered encounters of hegemonic orators in subsequent dispensations, such as the Christian era, the Renaissance, the Reformation and in the modern world. Hopefully, further research will offer new perspectives that will construct rhetoric into a non-gendered public engagement.

I have included descriptive narratives and translations throughout this thesis in order to make it accessible and 'user friendly' to a possible non-Classics reader. All translations of the Latin are my own except otherwise stated. In most cases I have tried to be as accurate as possible, but in some places I have employed a free style of translation or paraphrased the Latin. I have not, however, always translated Latin words whose meanings have been retained in the English language or whose meanings are patently obvious. Finally, I have been very selective in my inclusion of foreign language publications, since gendered oratorical hegemony has not really emerged as a popular subject of investigation among classical scholars outside the English-speaking world.

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1

Introduction: Ciceronian Rhetoric and the Gendering of Forensic Space

1.1. INTRODUCTION

Cicero serves as the model for the examination of oratorical hegemonic practices because his life, literary work and forensic practice not only capture the enduring public culture of Rome but also are similar to aspects of modern political culture. The reproduction of the Ciceronian oratorical tradition in later contexts,¹ including Europe and Africa, make Cicero a pertinent choice of study. As elements of this thesis are influenced by recent attempts of gender scholars to globalise masculinity,² ancient definitions of oratorical masculinity, for example, those of

¹ Black 1980: 7:1-85 suggests very pungently that due to the discontinuities in the history of rhetoric and its religious use, especially in Christianity, the functions of rhetoric have changed. However, there are some traditional roles that rhetoric plays in certain contexts. Conceiving of a rhetorical experience as repeatable, better describes the rhetorical process than speaking of the continuation of rhetoric or of an oratorical form since this conception takes into account the emergence, resurgence and sustainability of rhetoric in different (or other) cultures and through sundry media.

² 'Globalising Masculinity' was one of the sessions of the South African Masculinities conference held at the University of Natal in July 1997. The unpublished proceedings, which were compiled by Robert Morrell under the title *Colloquium: Southern African Masculinities*, are available from the E. G. Malherbe Library at the University of Natal, Durban.

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Demosthenes, Hortensius, Caesar and Cicero, are made relevant to the modern world in this work. This thesis examines a rhetorical model based upon the Graeco-Roman civilisation as the root of western civilisation, but the ancient constructs of gender and of the oratorical 'self' have reproduced themselves and are located in indigenous African cultures such as the Yoruba and Ibo cultures in Nigeria and the Zulu culture in South Africa.³ As it did in the ancient Mediterranean world, rhetoric serves as an important tool for self-promotion in politics and for the making of a public man in the modern world. In democracies public men generally prefer first to resolve political issues through dialogue and debate before resorting to open confrontation or warfare. As a result of an orator's engagement in political debate and his involvement in law and politics, a consistently good orator may easily become famous and successful. The most famous orators of this type in the ancient world are Demosthenes in fourth-century BC Greece and Cicero in first-century AD Rome, while prominent

³ One can argue that these constructs of oratorical hegemony have universal traits, but what defines a particular oratorical hegemony are the socio-political milieux, the kind of orator's opportunity to perform as defined by attendant sociological factors, and the orator's construction of 'self'. In the modern day context, orators make use of different kinds of media to promote themselves. Until recently, and possibly in some African cultures still, an orator's rhetorical situation is still similar to that of the ancient orators because of the lack of media technology.

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modern orators include Martin Luther King in the US and Chief Bola Ige,⁴ a Nigerian solicitor nicknamed 'Cicero at Agodi'.

James May attempts to chart Cicero's advancement into the Roman hall of fame in *Trials of Character: The Eloquence of Ciceronian Ethos* by examining the different masks that he 'wears' in the forensic space.⁵ As illuminating as *Trials of Character* is, May does not look at Cicero's progression as an orator in relation to his construction of oratorical hegemony; he also does not consider Cicero's construction of gender identity in the forensic space. Ann Vasaly's *Representations: Images of the World in Ciceronian Oratory*⁶ makes incidental references to rustic and city *personae*, but her concern is not so much one of identity or of gender as how 'objects' and 'things' are represented in Ciceronian oratory. Since these and other scholars who have recently published on gender-related subjects have not treated the theme of this thesis in detail and since little

⁴ After the National Party of Nigeria (NPN) had rigged the 1983 elections held in Oyo state to oust the Governor Bola Ige, a Unity Party of Nigeria gubernatorial candidate, he presented a number of political speeches challenging the verdict of the elections and inciting people to reject the election outcome. In response to his call there were political riots in several cities that resulted in the violent murder of many NPN party supporters. After this incident, Stanley MacEbh, an old classmate of Chief Bola Ige, nicknamed him 'Cicero at Agodi', an epithet that is now used to refer to him in political circles. Bola Ige is a classicist and currently serves as Nigeria's Attorney General. (Chief Bola Ige is not a relation of mine; nor is he from my hometown.)

⁵ May 1988.

⁶ Vasaly 1993.

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has been published on this topic, there is ample space for the exploration of some of the issues relating to the construction of Ciceronian oratorical hegemony. This thesis not only examines specific instances of oratorical hegemony in Cicero but also attempts to explain the connection between his construction of oratorical hegemony and his manipulation of gender identity. In the course of this discussion, possibilities will emerge for the treatment of this topic that go beyond what this dissertation seeks to accomplish, but I have limited my discussion to some of the more salient issues.

In order to facilitate theoretical clarification and an understanding of the production of oratorical hegemony in various Ciceronian contexts, I have developed the following models: the Anatomy of a Speech (Figure 1), the Ciceronian Improvisatory Model (Figure 2) and the Phallic Model of Hegemonic Masculinity (Figure 3).

1.2. THE ANATOMY OF A SPEECH⁷

In the diagram of the Anatomy of a Speech, A₁ contains the activities the orator is engaged in prior to the delivery of a speech (*pronuntatio*, B₂), while A₂ on the right shows the abstract components of the speech. In B₁ the orator is physically present before an audience presenting his speech. B₁ and C form the interactive

⁷ The Anatomy of a Speech and the Ciceronian Improvisatory Model are based upon the five elements of a speech, namely, *inventio*, *dispositio*, *elocutio*, *memoria* and *pronuntiatio* (*Brut.* 25, *De Orat.* 1.142). For more discussion on the abstract components of a speech, see Kennedy 1994: 4-6.

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phase of speech-making: the orator-audience situation. Box B₂ on the right displays the theoretical elements and order of an orator's speech.

This model depicts the different stages of a speech, its structure and how it transforms from conception to actual delivery.

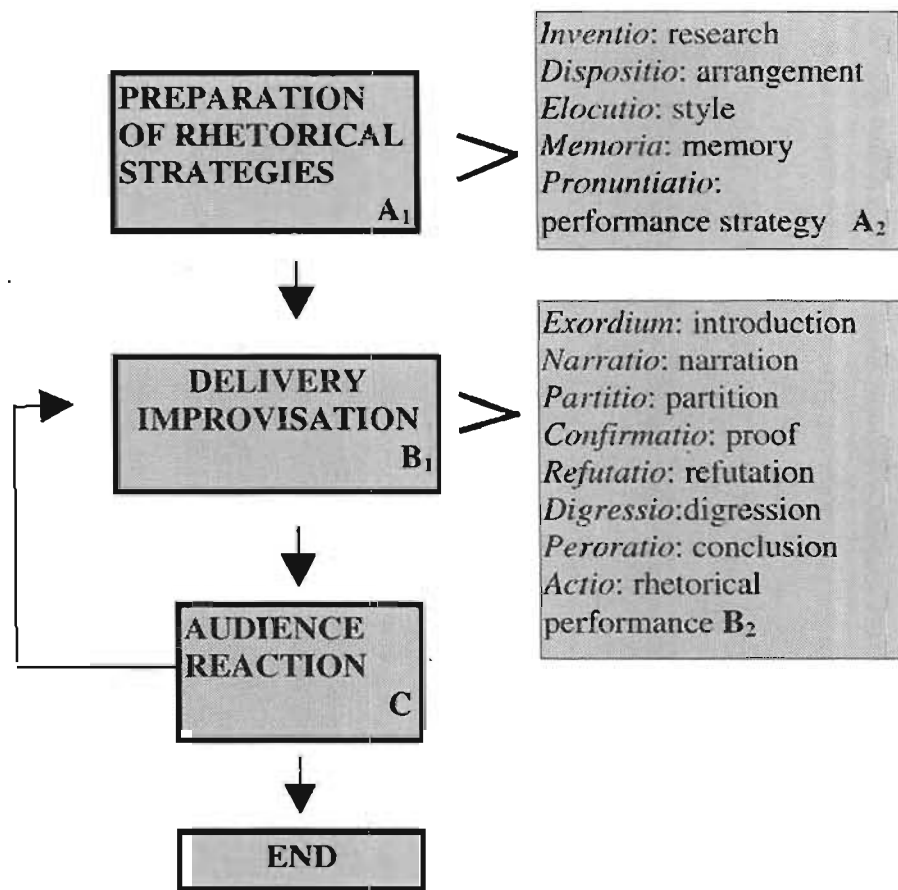


Figure 1. The Anatomy of a Speech

The first stage, preparation (A₁), includes the groundwork that the orator has to do on his own. The speech does not have a sociological impact until it reaches the delivery stage when the orator has to perform his organised speech (B₁). An

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interaction between the orator and the audience is assumed;⁸ in other words, as the orator speaks, the feedback from the audience will give the orator the necessary cues as to the speech's reception and how to continue. At this level of interaction, the orator will employ rhetorical strategies directed at persuading the audience. The Anatomy of a Speech does not take into consideration feedback elements that are extraneous to a particular speech situation. (See particle theory under 'The Tagmemic Theory of Invention' below for the application of this model).

1.3. THE CICERONIAN IMPROVISATORY MODEL

The Ciceronian Improvisatory Model is a communication model that depicts the cumulative effects of the orator's production of various aspects of his identity through speeches over a given period of time. The Improvisatory Model, developed and named after Cicero, shows the gradual and progressive development of a public speaker from novice (*persona non grata*) to notable orator (*orator princeps*).⁹

The Ciceronian Improvisatory Model can be used to understand the long-term performance of an orator in the forensic space. The model holds that every past delivery or rhetorical experience of the orator, however recent or remote that

⁸ For speaker-audience relationship models, see Makay 1977: 1-20, Ehninger, Monroe and Gronbeck 1978: 5-18, Ross 1980: 10-40.

⁹ I developed this model in the process of attempting to design a software program that would assist in training and evaluating the performance of an orator.

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may be, serves as input for subsequent speech-making exercises. In the application of this model, given the varied nature of social and political events that surround the orator's speech performance, rhetorical critics must establish whether the rhetoric is appropriate for a given occasion. In situations where the orator's speech does not appear to have taken into account the response of the audience to a previous speech, critics must consider why and to what extent the orator's delivery deviated from the cues suggested by the feedback of the audience. The model offers a flexible framework for rhetorical criticism and is a diagrammatic representation of speechmaking and the reception of speeches by audiences over a given period of time. The Improvisatory Model also represents diagrammatically the cumulative production of identity on the part of the orator and the responses of the audience over a period of time and therefore illustrates that the orator/audience context is an interactive social phenomenon. With the application of this model, it is possible to monitor the gradual transformation of the rhetoric and oratorical style of an ancient orator. The rhetoric of the orator is built on a repertoire of experiences and as a result he eventually becomes an authority in the forensic space. The most important area is the delivery phase of the model, where feedback from the audience determines the orator's preparation for subsequent speeches and also what happens after his current delivery. The model is as follows:

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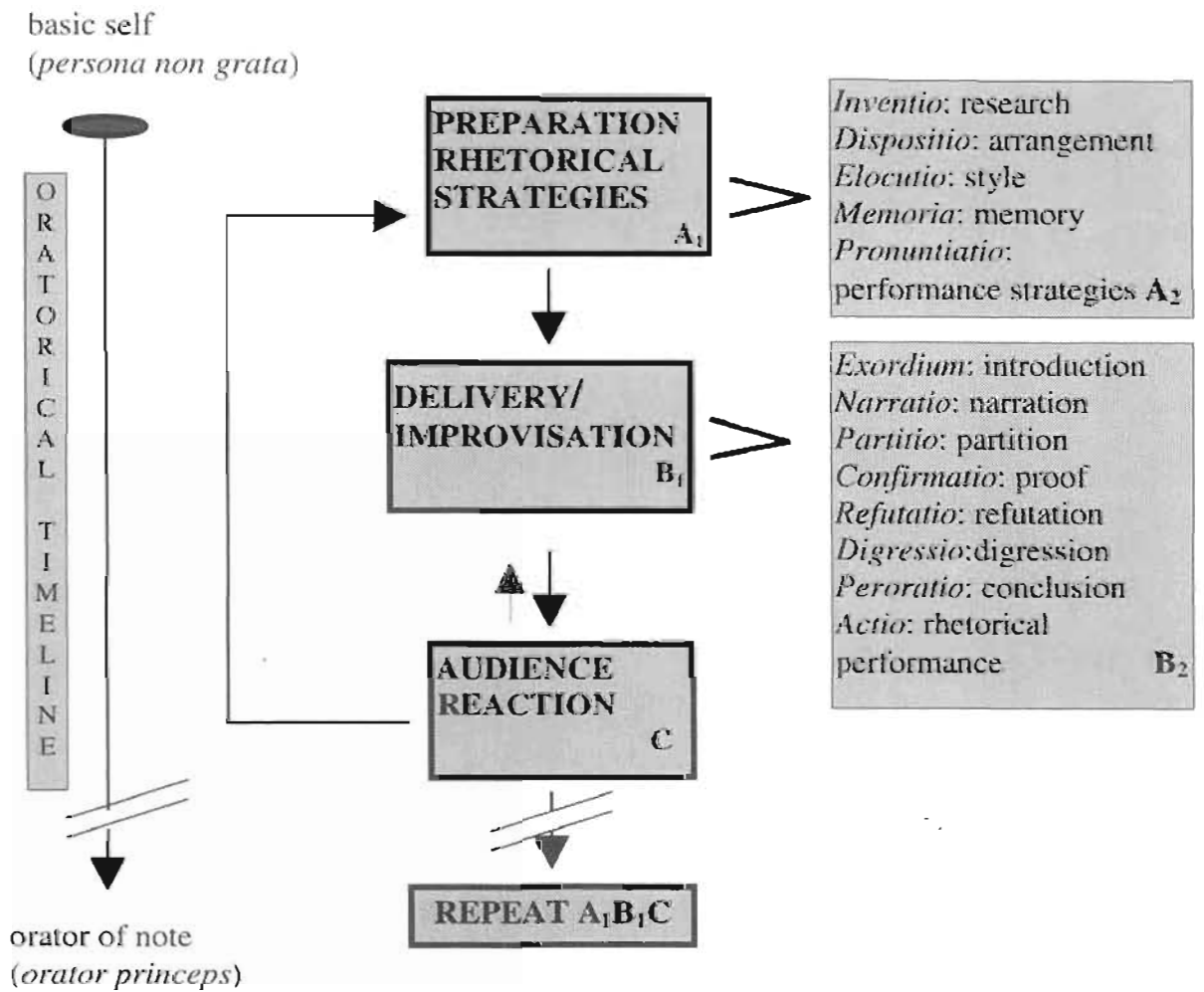


Figure 2. The Ciceronian Improvisatory Model

As mentioned above, the Ciceronian Improvisatory Model traces the development of the orator over a period of time and illustrates how an orator systematically develops his oratorical style and identity based on feedback from the audience.¹⁰

¹⁰ White's (1980: 7-20) view of rhetoric as not only a historical configuration but also as a modifying force agrees with the concept that forms the bedrock of the Ciceronian Improvisatory Model. White 1980: 7 asserts, 'The first step to understanding *why* and *how* rhetoric should be viewed as historical configuration, or exigential Gestalt, is to develop a full appreciation that history is not an entity, but a becoming; not an array of time frames representing the

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The Ciceronian Improvisatory Model mostly exhibits in this thesis textual speech elements and is deficient in the sense that it does not generally depict visual and verbal cues that may also be present in the forensic space. This model traces the chronological development of an orator like Cicero, although it cannot explain some performance variables (for example, gestures, facial expression, tone modulation) because the analysis of the speeches in the present context stops at the level of the text.¹¹ Moreover, the unavailability of speeches presented by Cicero's opponents does not help in making a sufficiently balanced judgement

decaying residue of a living present, but an ongoing flow, a continuing transition, producing the "realities" of each particular moment. . . . The evanescent moment is the basic unit for all things, inanimate as well as animate, and for all ongoing developments including the flow of history.' White's idea of the flow of history places rhetorical performance within a social realm of the creation of history, not as purely an isolated entity, but a dynamic event that belongs to a network, serving as a consequence to a cause, and a cause to a consequence. According to White 1980: 14, the 'exigentia flow is the cyclical historical movement, or antecedents-events-consequences, that provides both the matrix for the speech and the speech itself. Thus the exigentia flow is at once the cause, context, and product of rhetorical action, as well as the potential provoker of further responding actions in a continuing cycle of antecedents and consequences'. This historical movement affords the orator the opportunity to construct his image in the public place and to modify (with the assistance of the audience) the construct with a view to establishing 'his form of oratorical hegemony' in the public place. On modifying exigences see Bitzer 1980: 27.

¹¹ The ways in which Cicero describes and uses an audience's response will be discussed where necessary, and occasions where textual evidence allows for reconstruction will be appropriately treated.

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regarding Cicero's contribution to an oratorical hegemony.¹² Nevertheless, the copious Ciceronian oratorical *corpus*, full of exceptionally detailed descriptions, can accommodate the direct application of the Ciceronian Improvisatory Model. Moreover, the availability of more than one speech in some instances makes possible a treatment of these speeches in a logical sequence.

In fact, the Ciceronian Improvisatory Model aptly sums up the developmental nature of the continuous interaction between the orator and the audience. The model represents the progression in an orator's career from the basic self (*persona non grata*) to an orator of note (*orator princeps*). The Ciceronian Improvisatory Model contains two different parts: the first rhetorical, consisting of the middle and right-hand columns; the second historical, consisting of the left-hand column (oratorical time line). The basic difference between the Anatomy of a Speech and the Ciceronian Improvisatory Model lies in the oratorical timeline. This timeline measures the activities of the orator in the public place and traces his performance as repeatable units of experience from his first delivery experience to the last; hence the box 'Repeat A₁B₁C'. Each unit of experience is unique in its features and an examination of each of these rhetorical acts will enable the critic to chart the orator's progress in the public place.

¹² Through Cicero's speeches, it is possible to reconstruct some of the responses made by Cicero's opponents. The only problem is that one may be dealing with Cicero's biases and prejudices, which may not allow for objective interpretation of evidence available in Ciceronian corpus.

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In the processes that comprise communication, the diagram of the Ciceronian Improvisatory Model presupposes that there are certain communicative overlaps in the interaction between the orator and the audience, for example, in the delivery/response process (B₁C). These overlaps suggest that rhetoric is an ongoing process in which the production of oratorical hegemony follows a logical progression, carefully packaged as a result of the collaboration that exists between the orator and his audience. The reaction of an audience informs the orator's preparation for his next speech, as indicated by the arrow that runs from C to A₁. Due to the dialectical nature of rhetorical communication, there may be before a delivery an air of excitement signifying the audience's readiness to grant full attention to the orator.¹³ This audience's readiness to listen to and be persuaded by the orator is suggestive of its power of consent in allowing the orator to lead it through a performance. This rhetoric of consent from the audience not only validates and reinforces an occasion of oratorical hegemony but also makes speech-making possible.

The physical presence of the orator and his audience at the site of the delivery is necessary for classical oratorical performance. The orator's delivery of his message embodies his entire performance. It is at this stage of the performance process that the orator improvises using the audience's cues and employs various rhetorical methods and strategies of rhetorical display to attempt to persuade his audience. The orator therefore tries at strategic moments to obtain cues from the audience that might suggest how to deliver the remaining

¹³ See the description of Cicero's audience in Chapter 2.

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parts of his speech (see Figure 1. p. 22). The orator's appropriate responses to the cues from the audience determine the success of the speech and may win social and political acclaim for him.

1.4. CONCEPTS OF HEGEMONY AND THE SUBORDINATE

Antonio Gramsci's socio-political term hegemony,¹⁴ which he used to describe the top echelon in Italy between 1926 and 1937, has now become a buzz word in discourses on masculinity, but it also has come to serve as the main discriminating qualifier of class difference in a social hierarchy. For Gramsci the notion of hegemony essentially involves power relations between the intellectual strata and the proletariat. Robert Connell, the author of *Gender and Power*,¹⁵ has borrowed this word hegemony, which has received much attention from scholars working in the area, and it has now been theorised and broadened beyond the Gramscian definition. This thesis provides the opportunity for me to make a contribution from a classical perspective to the dialogue on hegemony.

Hegemony is cognate with the Greek word ἡγεμών (transliterated *hegemon*, 'authority', 'power' and 'ruler'), which basically means leader, chief, emperor, general, or even a charioteer directing his horses. The emphasis is on the amount of influence that a person has on his subjects or subordinates. This

¹⁴ Gramsci 1983: 104 once defines the term hegemony as follows: 'Note that ethico-political history is an arbitrary and mechanical hypostasis of the movement of hegemony, of political leadership, of consent in the life and activities of state and civil society'.

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influence is signified in the original Greek δύναμις (transliterated *dunamis*, 'power'). This power ranges from the physical through the erotic to the spiritual.

In classical writings, the earliest occurrence of the word 'hegemony' is in Thucydides. (1.4), when King Minos, after colonising the Cyclades Islands and driving out the Carians, makes his sons their governors (ἡγεμόνας; transliterated *hegemonas*, Thuc. 1.4). Minos' hegemony is the earliest example of hegemony recorded in classical history and is an illustration of colonial and military hegemony meant to manage conquered territories. This presupposes that the context of hegemony is a ruler and ruled situation. Subsequent to the foregoing narrative, Thucydides gives the following three motives that drive men in the quest for hegemony: the pursuit of personal gain, the support of weaker citizens, and the expansion of territory by colonising other weaker and unprotected towns and cities (1.5.1).¹⁶ This concept of hegemony emanates from the context of brigandage.

The motives that Thucydides gives seem fundamental to the establishment of any form of hegemony, especially military hegemony. The focus of the argument in this dissertation is that any form of hegemony, including oratorical hegemony, seeks to dominate and to promote itself with all available means possible. From the ancient world up until the recent European colonial

¹⁵ Connell 1987.

¹⁶ These Thucydidean assumptions are compatible with the fundamental factors that motivate a young Roman man to want to engage in rhetorical practice; see Chapter 2.

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experience, colonisation has always been a masculine event, as demonstrated, for example, by King Minos' appointment of his sons (παῖδας, transliterated *paidas*) as governors. This incident illustrates that ancient imperialism and colonialism are inextricably linked to maleness.¹⁷

In the writings of Gramsci, hegemony is contrasted with the term 'subaltern', which is used to qualify those who are ruled and connotes some degree of oppression.¹⁸ The concept 'subaltern' has metamorphosed into 'subordinate' in discourses on gender, and this concept of 'subordinate' serves as the qualifier for other forms of masculinity besides hegemonic masculinity.¹⁹ Hegemonic masculinity is a form of masculinity that seeks to dominate other forms of masculinity.²⁰ Other forms of masculinity and femininity are constructed

¹⁷ In an unpublished paper entitled 'A Fresh Access of Dignity: Masculinity and Imperial Commitment in Britain, 1815-1914', John Tosh 1999 has argued that modern colonialism and imperialism are connected to masculinity. Although Tosh is not writing about ancient imperial masculinity, the principles and activities associated with colonial masculinities in both ancient times and recent colonial eras are similar.

¹⁸ For more on 'subaltern' see Guha 1989: 210-301, Das 1989: 311-324.

¹⁹ For a comprehensive treatment of the proposition of hegemonic masculinity, see Connell 1987: 183, 1995: 67-81, Carrigan, Connell and Lee 1987: 91-100.

²⁰ Hanke 1990: 232: 'Hegemonic masculinity refers to the social ascendancy of a particular version of model of masculinity that, operating on a terrain of "common sense" and conventional morality, defines "what it is to be a man"'.

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by and in relation to hegemonic masculinity, and all aspects of political life of a nation are subordinate to the patriarchal tendencies of this dominant type.

This thesis has been composed and structured to accommodate and treat different themes relating to how oratorical hegemony constructs itself and other forms of masculinity. Chapters 2 through to 6 deal with how oratorical hegemonic masculinity constructs itself in its quest for ascendancy and in its encounters with other forms of hegemonic masculinity. Chapter 6 deals particularly with how the Ciceronian form of oratorical hegemony asserts itself and how it co-operates and conflicts with other hegemonies. This chapter attempts to re-construct Cicero's three-dimensional character as a model of oratorical hegemonic masculinity. It also probes into Cicero's psychosocial fears in order to determine the extent to which his type of oratorical hegemony can perform within its jurisdiction in the face of stern opposition.

Chapter 7 deals with 'emphasised' femininity as it manifests in the activities of three notable women in some of Cicero's speeches.²¹ Although regarded as dominant among groups of femininity, 'emphasised femininity' is constructed and subordinated to hegemonic masculinity. This concept of femininity informs the composition of Chapter 7 where the profile of three

²¹ The concept of emphasised femininity has been furthered in its development by Jean Prinsloo 1999: 47, who asserts that: '[e]mphasised femininity is more varied and marked primarily by its subordination to masculinity. Emphasised femininity centres around features like appearance and sexual desirability, the domestic sphere, maternity and the role of nurturer'. See also Connell 1987: 183.

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prominent women in both the Roman public and private spheres is detailed. These women, Clodia, Sassia and Fulvia, project their femininity as 'emphasised', but because they had unequal access to and participation in the public space, they functioned in the public space as examples of subordinate femininity. Chapter 8 examines slaves as represented by Cicero in his oratory. The consideration that informs the writing of Chapter 8 is the ancillary role that slaves played in the Roman public place: while the hegemonic group (male elite) gave the orders, the subordinated group (other masculinities and women) served as activity assisting tool. The position taken is that the slaves who appear in Ciceronian oratory complement and at the same time challenge the ethical values of the elite.

1.5. THE PHALLIC MODEL OF HEGEMONIC MASCULINITY

Elements of this thesis describe the deconstruction of a model called the Phallic Model of Hegemonic Masculinity. This Model is not an adaptation of another person's work but an original development that was informed by the different literatures with which I was engaged at the preliminary stages of this enquiry.²²

²²Although the idea of class, *inter alia*, has informed the construction of this model, my main concern is how the first century BC gender regime played itself out in the hand of an orator like Cicero. Alföldy 1984: 140 has constructed a similar model that depicts the social order of the Empire. While Alföldy's model accommodates the entire society in the empire, the Phallic Model of Hegemonic Masculinity mainly focuses on the public/private dichotomy and the distribution of men and women in the Roman republic. I discovered Alföldy's model after I developed the Phallic Model of Hegemonic Masculinity.

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The body of literature pertinent to the Phallic Model of Hegemonic Masculinity ranges from the social history of Rome through political philosophy to literature on gender and psychoanalysis (specifically the writings of Freud and Jung on the construction of the personality). On a basic level this Model illustrates that the involvement of a young man in the Roman public place and his ability to climb the social ladder depends upon his possession of the metaphorical 'phallus'. In this context the 'phallus' becomes a metaphor for competition, aggression, fecundity and leadership.²³

The Phallic Model of Hegemonic Masculinity is a pyramidal construction of Roman society in the times of Cicero and divides the society into the pyramid peak (hegemonic) and the pyramid base (subordinate). The model depicts power relations in first century BC Rome between oratorical and military hegemony (ABI). It also represents gender relations between hegemonic masculinity and other masculinities (IGH) and between hegemonic masculinity and women (BCD). The triangle BDC in the Phallic Model of Hegemonic Masculinity represents the feminine group who belonged to the domestic sector and was politically underprivileged.

The Phallic Model of Hegemonic Masculinity is as follows:

²³ Connell 1994: 31 asserts that the 'phallus becomes a point of reference of semiotic system'.

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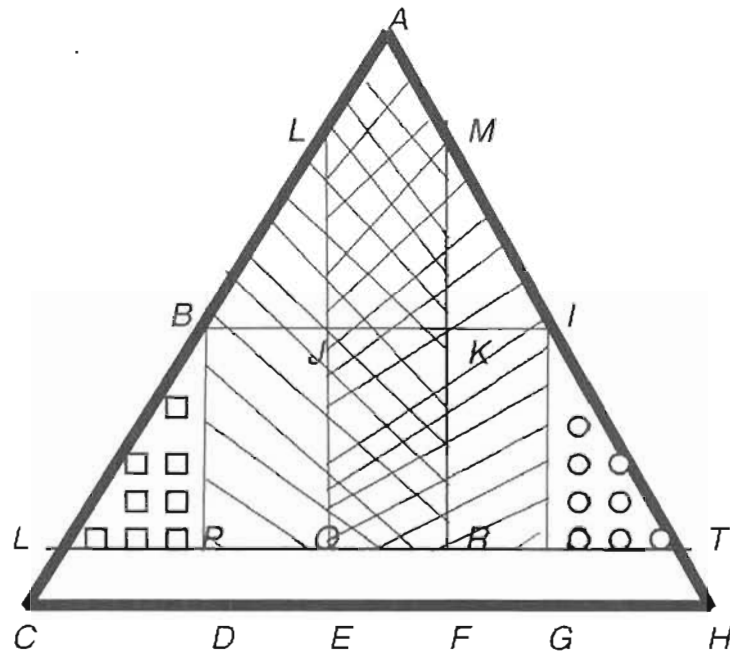


Figure 3. The Phallic Model of Hegemonic Masculinity

KEY	
	<i>Men who were purely soldiers</i>
	<i>Men who were purely orators</i>
	<i>Men who were both orators and soldiers</i>
	<i>Women in the private sector</i>
	<i>Men in the private sector</i>
<i>LTHC</i>	<i>Slaves in both the private and public sectors</i>

This model specifically depicts the first century BC gender regime as portrayed in Ciceronian oratory. The diagram has three basic substructures. The triangle BPL depicts the female group in society. The middle sector of the

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diagram, the towerlike shape AISPBA, which represents the phallogentric nature of the Roman public place or forum, portrays the emergence of public men and shows how and from where new hegemonies emerge. The triangle AIB shows the hegemonic group that has emerged from the larger group. The rectangle BIGD represents those other masculinities present in society.

This phallic sector AISPBA also shows the different strata contained in the hegemonic group and reveals the overlap in the two major institutions that will be looked at in this thesis, namely, the oratorical and the military. While the triangle LJB represents man in the oratorical profession and the triangle MIK depicts men who are purely involved in military activities, the space bounded by AMKJL shows men in the upper echelon who are involved in both the oratorical and the military sectors of forensic engagement.

The Roman forum was the nerve centre of all public activities and was a place where oratorical men developed. The Roman forensic space was a competitive arena; therefore, masculinity was an achieved state. The evolution of the hegemonic group is gradual and starts from stereotyping (social-cultural conditioning), then proceeds to the stages of construction, internalisation, personalisation and finally self-actualisation. The Roman socio-cultural ascent to manhood through oratory entailed a unique form of psychological conditioning that withstood all obstacles in the public place. The cultural constructs conditioned in a young man formed his ideals at a very young age; these constructs would later determine the kind of man the youth would become.

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Ultimately, this constructed public man is a product of several psychological processes that culminate in the final stage of self-actualisation.

1.6. THE TAGMEMIC THEORY OF INVENTION

I have borrowed Richard Young's Tagmemic Theory of Invention to help clarify the use of the word hegemony in the process of describing oratorical hegemony and addressing the question of how hegemonic masculinity constructs itself in an oratorical context.²⁴ Within the context of this thesis, the Tagmemic Theory of Invention is employed as a link between the models discussed in this chapter and the analyses of Cicero's achievement of oratorical hegemony in Chapters 3-8. This theory is particularly relevant since it consists of three levels of conception based on the organisation of human society. In understanding the performance of rhetoric as a social phenomenon, it is pertinent to examine the different elements of the concept of oratorical hegemony using a rhetorical theory that was developed having human behaviour as its basis. Young's theory is a synthesis of the concept of hierarchic systems (using elementary particles) in physics with tagmemes in linguistics²⁵. This theory is particularly useful in disassembling complex units or systems either as individual entities or parts of units consisting of multiple systems. The Tagmemic Theory of Invention emerged out of four maxims:

²⁴ For a detailed discussion of the Tagmemic Theory of Invention, see Young 1970.

²⁵ On Tagmemics see Bolinger 1975: 520-524.

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1. People conceive the world in terms of repeatable units.
2. Units of experience are hierarchically structured systems.
3. A unit, at any level of focus, can be adequately understood only if three aspects of the unit are known: (1) its contrastive features, (2) its range of variation, and (3) its distribution in larger contexts.
4. A unit of experience can be viewed as a particle, or as a wave, or as a field.

Each maxim serves as a conceptual element of the theory. As it applies to the production of oratorical hegemony, the first maxim—'People conceive the world in terms of repeatable units'—sums up the relationship that exists between the orator, his audience and the rhetorical critic. In this relationship the rhetorical critic gradually comes to understand an orator's intentions by studying his rhetorical performances over a period of time; such a critic pays particular attention to the strategies that the orator uses to establish his performance as a form of oratorical hegemony in the forensic space. Ultimately it is the individual forms of oratorical hegemony that help to make up the larger oratorical hegemonic system.

The second maxim—'Units of experience are hierarchically structured systems'—refers to the notion of an overarching concept that governs other concepts within a particular unit or units. In this thesis the overarching concept is that of oratorical hegemony, which influences the orator's deployment of

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oratorical strategies during different oratorical presentations. Invariably the various strategies within each speech situation constitute these subsystems. In the analyses of the speeches that occur in this thesis, the orator's strategies of role-playing and other rhetorical methods are the subsystems that exist within the system of the Ciceronian production of oratorical hegemony.

The third maxim is pertinent to understanding the relevance, appropriateness and extent of the operation of each subsystem within an oratorical system. One can assume that the effective orator deploys his strategies appropriately in the sense that he knows what kind of *persona* to adopt before a certain type of audience and how to use this and other rhetorical devices within the entire production of oratorical hegemony. The fourth maxim states the three perspectives from which one can conceive these units of experience, namely, particle, wave and field. The particle view holds that the object or idea can be isolated and treated as a complete entity. The wave perspective holds that the object should be considered in relation to the changes that occur over time. Finally, the field perspective holds that an object can be considered in relation to other similar (or dissimilar) objects, events, ideas and actions.²⁶

Particle: Conceiving a speech as an isolated unit, the 'particle' perspective facilitates an understanding of how Cicero seeks to gain ascendancy in a particular speech situation through oratory, a process that is depicted diagrammatically in Figure 1 (The Anatomy of a Speech). A systemic unravelling of a speech within its specific context entails an examination of the different

²⁶ Young 1970: 119-135.

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strategies that Cicero deploys in each situation and what positive and negative implications these strategies have on his production of oratorical hegemony. In this respect, resolving the contradictory character of Cicero as the hegemonic orator becomes less problematic. Since he has a knowledge of various individuals and character types in his community, he assumes the attributes of them in his speeches and makes use of their *personae* whenever necessary or expedient.²⁷ His role-playing techniques come under close scrutiny in this thesis since role-playing is an important part of his performance in the forensic space. Chapters 3-6 analyse his role-playing techniques in great detail.

Wave: Conceiving oratorical hegemony as a dynamic system, the wave theory helps to trace the development of Cicero's hegemony over a period of time, a process that is represented in Figure 2 (The Ciceronian Improvisatory Model). In the course of analysing Cicero's production of oratorical hegemony, this chronologically-based perspective shows how the inexperienced Cicero transforms into an *orator princeps* and a *pater patriae*. Similar to the Ciceronian Improvisatory Model, the wave perspective views communication as an adaptive process in which the orator engages in a series of communicative exercises with the audience from the time of his debut performance until he finally leaves the forensic space. Each speech context may contain elements and information from the orator's previous presentations with which he can manipulate the available

²⁷ Gleason 1994: xxii has argued the importance of role-playing in a setting such as the ancient world. On the training of the orator, see Bloomer 1997: 139-142.

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material for his own advantage in the course of a current performance. Furthermore, he also has the opportunity of using new themes and strategies. A synthesis of the perspectives offered by both the wave and the Ciceronian Improvisatory Model is useful for the analyses that appear in Chapters 3-6. I have avoided clustering my discussion of Cicero's cognate *personae* in Chapters 3, 4 and 5 in order to monitor the manifestation of Cicero's hegemonic tendencies prior to the discussion of a group of speeches he delivered as consul. The analyses of Chapters 3 -6 follow a chronological order and this is a reflection of the natural sequence of the speeches.

Field: Conceiving of oratorical hegemony as an abstract, multidimensional system, the field perspective helps to establish that the production of oratorical hegemony exists within a larger system of similar and dissimilar concepts; each rhetorical strategy is used and each unit of oratorical experience takes place within a broader oratorical system. Since Cicero's hegemony is not constructed in a vacuum, his hegemony can therefore be seen in relation to other (similar or dissimilar) hegemonies and to other male and female groupings on the social ladder, as reflected in Figure 3 (The Phallic Model of Hegemonic Masculinity). Chapter 6 examines Cicero's interaction with other hegemonic institutions (such as the military hegemony), how he role-plays using cognate *personae* and his relationships with other characters in the republic. Chapters 7 and 8 consider the relationship between different levels of Roman republican society by examining Cicero's representation of women and slaves in his speeches. The Phallic Model of Hegemonic Masculinity best illustrates the field perspective as it represents a

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field of different sectors in a society and the kinds of relationships that they have among themselves.

1.7. CONCLUSION

The different models and theory that have been outlined in this chapter help in understanding the metamorphosis of an orator and the different aspects of an orator's life; however, the day-to-day tribulations that may influence the normal life of an orator (and thus his oratory) in first century BC Rome are not addressed in this work. The models are particularly helpful in constructing the character of Cicero as a hegemonic orator and the world in which he operates.

2

Theorising About Ciceronian Oratorical Hegemony

2.1. INTRODUCTION

The previous chapter presents three models, namely, the Anatomy of a Speech, the Ciceronian Improvisatory Model and the Phallic Model of Hegemonic Masculinity. These models offer theoretical and semiotic formulations for conceptualising oratorical practice and an orator's development over a period of time. Included in the introductory chapter is Young's Tagmemic Theory of Invention, a theory employed particularly to explain the approach used to analyse the select works of Cicero in this thesis. Further to the theoretical framework discussed in the first chapter, Chapter 2 offers a macrocosmic perspective specifically on the construction of Ciceronian oratorical hegemony. Chapter 2 examines Cicero's theoretical construction of himself against the backdrop of the theme of oratorical hegemony that this thesis seeks to pursue.

This chapter is divided into five sections. In the immediate section that follows, I define hegemony; next, I show how the gender categories of masculine and feminine seem to be used as a way of thinking about hegemony in Cicero's time, place and social class. Then I discuss Cicero's self-portrayal within this nexus of masculinised hegemony and point out that this portrayal is reflected in his use of historical predecessors, especially Demosthenes, in a gender-coded way. In the

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section on 'presence/absence' I show that Cicero was aware of his position in the public eye and was 'performing' his appearance consciously.

2.2. DEFINING HEGEMONY AND THE HEGEMONIC ORATOR

In the ancient world, good oratory results in the production of a form of hegemony (*quanto quisque plus dicendo poterat, tanto facilius honores adsequebatur*: the more a man's speaking ability, so much easier it is for him to attain political positions, Tac. *Dial.* 36.4).¹ Rhetoric serves a socio-political function for the orator as an instrument for gaining political power and persuading audiences to his point of view in the public place.² A record of rhetorical excellence enhances the political image of

¹ Cicero *Quinct.* 1-2; *Rosc.* 1-2 asserts that *gratia* ('influence') and *eloquentia* ('excellent speaking') constitute the greatest obstacle to his pleading. *Gratia* and *eloquentia* of his opponents are the basic elements of the hegemonic orator's ethical appeal in the public place. *Eloquentia* without *gratia* simply seeks to dominate (as this work argues in Chapters 3.3 and 4.3). A complete ethical system of the hegemonic orator will also consist of the Roman concepts of *auctoritas* ('authority') and *potentia* ('power'). In Cicero's mature years a full demonstration of *eloquentia* and *gratia* are vivid in his presentations. These elements constituted an obstacle for young orators who were entering the forum as pleaders. More discussion on *gratia* and *eloquentia* occurs in Chapter 3.3.

² For Arendt 1958: 22-78, since violence is mute, speech was the only means by which men could become great in the ancient Greek and Roman societies. Although there were times when speech and violence were emphasised subjects in the education of young men, more emphasis was placed on speech. The young

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the orator. Historically, in both Greek and Roman public spheres, rhetoric was an instrument for wielding political power,³ which itself established rhetoric as an example of oratorical hegemony.⁴ By definition hegemony⁵ means a system of leadership or control by popular consent,⁶ in the context of this thesis a hegemony is established through good oratorical performance. A hegemonic orator has gained

Roman male aspired to be a general, a senator or an orator (Plin. *HN* 7.100, 140). These three public 'professional archetypes' constituted the fundamental elements that informed educational training in ancient Rome. Sallust, in his prefatory statements in *Cat.* 2.1, asserts that initially kings had both physical and intellectual training and that the latter even proved useful in warfare.

³ May 1988: 7, Ober 1993: 85-108.

⁴ Rhetoric was an elite affair. It constituted an integral part of elite education in ancient Greece and Rome (Gleason 1995: xii) and the public place was characterised by speech practitioners trained in this manner who competed for dominance (Gleason 1995: xxi). In Homeric times, a consummate orator who happened to also be of low Achaean birth, like Thersites (*Il.* 2. 212-214), and who lacked the 'elite' cachet, was silenced in the public place.

⁵ This definition ties in with Gramsci's use of the term, which can be described as the systemic production of the imperial through co-optation and assertiveness. For more on hegemonic masculinity, see Connell 1987: 183-188, 1995: 66-86. For works on ancient norms of oratorical masculinity, see Gleason 1995; see also Richlin 1997: 90-110, who applies this definition to contemporary discourse on masculinity.

⁶ Bates 1975: 352.

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ascendancy in the public place by superior oratory and is involved in the governance of the state. Cicero is a strong proponent of rhetorical education as he demonstrates in the *De Oratore*. For example, through the rhetorical construct of Crassus, Cicero stresses the importance of oratory to society and the state.⁷ Crassus describes oratory as a political instrument used to help suppliants, motivate the public, entrench constitutional protections, free the populace from peril and maintain civil rights (*De Or.* 1.32). Crassus is made to say by Cicero that a statesman achieves and holds his position of power in the state by devoting himself to these functions. Cicero concludes by saying:

Quam ob rem quis hoc non iure miretur, summeque in eo elaborandum esse arbitretur, ut, quo uno homines maxime bestiis praestent, in hoc hominibus ipsis antecellat? Ut vero iam ad illa summa veniamus, quae vis alia potuit aut dispersos homines unum in locum congregare aut a fera agrestique vita ad hunc humanum cultum civilemque deducere aut iam constitutis civitatibus leges iudicia iura describere? Ac ne plura, quae sunt paene innumerabilia, consector, comprehendam brevi; sic enim statuo, perfecti oratoris moderatione et sapientia non solum ipsius dignitatem, sed et privatorum plurimorum,

⁷ Cicero's *De Re Publica* gives us insight into his idea of the utopian state. For a discussion of the Ciceronian state, see Wood 1988.

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et universae reipublicae salutem maxime contineri. Quam ob rem pergite, ut facitis, adulescentes, atque in id studium, in quo estis, incumbite, ut et vobis honori et amicis utilitati et reipublicae emolumento esse possitis.

(De Oratore 1.33-34)

Therefore, who would not esteem this discipline highly and consider it necessary to strive for the ultimate in this practice and by so doing distinguish themselves from animals, and in this practise men triumph over each other? Shall we then address the most important question: what other power can have an attractive force so powerful that can gather dispersed men into one place? Or what power is there to guide men from savagery to civilisation and introduce politics into popular culture? And is there a force that when a state has been established helps in drafting the constitution, guide the judiciary, and protect civil rights? Let us not pursue further examples, innumerable as they may be, but rather conclude briefly. This is my proposition: that the perfect orator, in the spirit of meekness and wisdom, ensures his own dignity, the safety of numerous private individuals and potentially the entire nation. Therefore, young friends, continue in your calling and exert yourself in that discipline in which you are already engaged so that you

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might become a source of pride to yourselves, service to your friends and gain to the republic.

In this passage, the issues that emerge are competition, striving for excellence, leadership, establishment of civil rights, constitutional drafting, self-aggrandisement and usefulness to the state. In analysing Cicero's construct of Crassus' command to the young men, a construct that serves as Cicero's model of public speaking, a quest for ascendancy emerges as the sole factor for rhetorical exertions. Cicero uses the verb *antecellere* ('to surpass', 'to excel')⁸ to draw a distinction between humans and animals (*Xen. Mem.* 4.3.11, *Isoc. Antid.* 273, *Paneg.* 48, *Nicocles.* 6, *Sal. Cat.* 1.1). Cicero is aware that animals have their own ways of communicating and asserts that human rhetoric is more advanced than animal communication. Although modern linguists have established plausible parallels between animal and human communication, human communication is considerably more developed than animal communication.⁹

⁸ Tacitus uses the same word to describe Cicero as a better orator than his contemporaries (*Dial.* 25).

⁹ For more on animal communication see Kennedy 1998: 9-28, Morton and Page 1992, Griffin 1992.

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human communication, human communication is considerably more developed than animal communication.⁹

The use of rhetoric in a public vocation suggests that there is a difference between ordinary and oratorical use of the language.¹⁰ The orator ideally is a superior user of language; his facility with language generally should make the performance of oratory an intrinsically 'excelling' exercise. The verbs *congregare* ('to gather') and *deducere* ('to lead forth', or 'to found a colony') crystallise the role of the orator in civil society. Gathering and leading forth require a degree of inner strength (*vis*) in order to shift (*movere*) people from one particular viewpoint (*locus*) to another. The position of leadership is the ultimate hegemonic influence that the orator can seek to achieve by the power of the spoken word (*logos*). This socio-political function of the word is exemplified in Isocrates' *Nicoles* 5-9, which can be contrasted with Gorgias' *Encomium of Helen* 8-14. In Isocrates *logos* is portrayed as an ἡγεμῶν ('leader', 'commander', 'chief') while in Gorgias, it is personified as

⁹ For more on animal communication see Kennedy 1998: 9-28, Morton and Page 1992, Griffin 1992.

¹⁰ A forensic space is any public speech context within which the orator has to perform. Waters 193-211 offers a critique of patriarchy and produces a 'gender-masculine' quadrant that depicts variation in the operations of public men between the public place and the private place. See also Heam 1992: 51. The context of the delivery and the nature of the conversation determine the kind of language that is used. For more on linguistic spatial designation, see Chapter 6.2.

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δυνάστης ('lord', 'master', 'ruler').¹¹ The emphasis is on the kind of influence that the orator is able to effect on the audience. This influencing of the audience's viewpoint may engender stern opposition from the audience or another party. In the event that the orator experiences a hostile audience, the orator is required to apply his inner strength (*vis*, *Brut.* 25). Opposition generally engenders strife so that a good orator, when making a speech, can equate his role with that of a military leader (*dux*).¹²

¹¹ Poulakos 1995: 139 draws this comparison between δυνάστης and ἡγεμών: 'Both of these anthropomorphic characterisations acknowledge the authority of *logos*. But while Gorgias stresses its power to rule arbitrarily over people, Isocrates emphasises its ability to lead them to worthwhile ends. Both rhetoricians recognise people's susceptibility to and capacity for persuasion. But while Gorgias dwells on *logos*' psychological impact on the individual, Isocrates underscores its civilising influence on human communities. In short, the former highlights the dynastic power of language to impose, to undermine, to violate, to deceive, and to distort; the latter underlines its hegemonic capacity to collect, to unify, to lead and to facilitate.' The theoretical assumptions of both Gorgias and Isocrates are based on scholastic paradigms. In a pragmatic context, δυνάστης and ἡγεμών may not be mutually exclusive given some unfavourable overriding sociological factors. The militaristic and arbitrary force played out by *logos dynastes* might later characterise the performance of the so-called hegemonic orator, especially in crisis situations. For more details see Poulakos 1995: 139-143; for an example from Cicero see the discussion in Chapter 6.5.

¹² For more on the orator and general, see Chapter 6.8.

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political tool since it helps to create and to order a nation state. Invariably Cicero considers rhetoric as the ultimate socio-political instrument used by public men to found a state and to maintain peace and order within its borders.¹³

Cicero further establishes that the extent to which the orator is useful to the state depends on his self-knowledge. There are three levels of involvement that Cicero enumerates: the first is the orator's service to the state; the second is the fulfilment of his obligations to family members; and the third is the upholding of his personal pride (*De Or.* 1.34). There is thus a degree of self-interest, altruism and civic responsibility in the orator's striving for glory. Cicero acknowledges that the orator has the capacity to influence the governance of the state. The reward for the orator of his participation in political life is his attainment of honour and fame; hence the social concept of *cursus honorum* in the Roman republic. The possibility of becoming a benefit (*emolumentum*) to the republic also adds a nationalistic

¹³ The wider philosophical context in which this opinion is expressed makes a direct rendition of what Cicero has in mind rather contestable. Cicero rates the importance of orators in civil society very highly in response to the contrary view held by pre-Ciceronian Greek rhetoricians (*De Or.* 1.35-44). Cicero's opinion serves as a point of departure for a discussion that would later be published in two volumes. It is possible to say that Cicero overrates the importance and role of orators in the state since the Greek view of oratory (*De Or.* 1.45-57, *Pl. Grg.* 452e) undervalues it. The Greek held this narrow view of rhetoric because it was mainly confined to the law courts and the assemblies (Clark 1957: 28). See also the brief discussion of the citation in Clark 1996: 54-55.

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dimension to the role of the orator. The utilitarian value placed on an orator's rhetorical skills in the service of the state by the nation is what determines the degree of personal honour and fame (*emolumentum*) bestowed on him by the state. The success of an orator depends on his performances and how he manifests certain personal attributes required for competitive rhetorical performance in a typically male-controlled space. Since the Roman republic's sphere of oratorical performance was male-dominated, these attributes were considered masculine.

2.3. GENDER AND ORATORICAL HEGEMONY

Rhetorical performance in the Roman republic lacked female orators, who can be described in modern gender parlance as the 'feminine other'. The forensic space was essentially characterised by the appearance of male performers. Rhetoric was only a means to worldly success for men.¹⁴ For a freeborn young man to start a career as a public man, he had to perform the ritual of *toga virilis*. The ritual culminated in the young Roman male being allowed to wear the mark of a public man (a toga) for the first time. Some contemporary feminist classicists suggest that the ritual may have included the inspection of the male genital organ and therefore would have been phallogentric.¹⁵ As Richlin asserts, this *rite-de-passage* of a male child to manhood 'binds the young man to the public place' and provides an arena

¹⁴ For further information, see Gagarin 1994: 47.

¹⁵ Gleason 1995: 121, Richlin 1997: 90-110.

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for the making of public leaders for the future.¹⁶ Since Roman society placed so much importance on the career of a young man, the political life of Rome was fundamentally male.¹⁷

Masculinity (*virtus*) is associated with any impressive deed, appearance or performance that is construed as noble or virtuous.¹⁸ In the *Oxford Latin Dictionary* the following qualities are attributed to *virtus*: manliness, manly spirit, resolution, valour, steadfastness (Cato *Orat.* 66, Cic. *Ver.* 5.1, *Catil.* 1.3, Caes. *Civ.* 1.6.1, Sal. *Cat.* 53.1), excellence in character or mind, worth, merit and ability (Cic. *Ver.* 2.23, *Mur.* 17, *Balb.* 44, *Fam.* 10.12.5, Sal. *Cat.* 1.4). Other qualities included in the entries are moral excellence, virtue and goodness (Lucil. 1328, Cic. *Inv.* 2.159, *Phil.* 13.30, *Leg.* 1.44, *Tusc.* 2.30, 4.34, Hor. *Ep.* 1.16.52). For a Latin speaker, virtue always connotes an awareness of *vir*, which makes *virtus* an indicator of the male person. The word *virtus* is cognate with *vir*, which means 'man', 'person', 'a male person', 'husband', 'someone of courage' (possibly male when used metaphorically),

¹⁶ Richlin 1997: 92.

¹⁷ For the training of a young man in Rome, see Treble and King 1947: 54-65, Clark 1957: *passim*.

¹⁸ On masculinity see Connell 1987, 1994; see also above, Chapter 2.#n. 4.

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principle and honour and one who deserves to be called 'man'.¹⁹ In the second century BC, Lucilius offers a series of definitions about what virtue is:

Virtus, Albine, est pretium persolvere verum quis in versamur, quis vivimus rebus potesse; virtus est homini scire id quod quaeque hebeat res; virtus scire homini rectum utile quid sit honestum, quae bona quae mala item, quid inutile turpe inhonestum; virtus quaerendae finem re scire modumque; virtus divitiis pretium persolvere posse; virtus id dare quod re ipsa debetur honori, hostem esse atque inimicum hominum morumque malorum contra defensorem hominum morumque bonorum, hos magni facere, his bene velle, his vivere amicum, commoda praeterea patriae putare, deinde parentum, tertia iam postremaque nostra.

(Lucilius 1326-1338)

Albinus, virtue is the ability of a man to conduct business honestly and being knowledgeable in his trade. Virtue is instinctively knowing what is right, useful and dignifying for a man and the ability to differentiate

¹⁹ Forcellini 1940: 4.1002. In Von Pauly 1975: 1298 the word *virtus* appears as 'mannhaftigkeit' meaning masculinity. The etymological connection between *vis* and *vir* has been suggested in Van Omme's (1947: 109-113) semantic study of *Virtus*.

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good from evil. Virtue is knowing the useless, demeaning and dishonourable. Virtue is knowing the appropriate limit of pursuing a cause. Virtue is the ability to pay the price of wealth. Virtue is honouring those who deserve it, being an enemy of immoral men, defending, appreciating, desiring what is best for good men and being in good terms with them throughout their lifetime. Besides, virtue is thinking of the needs of our country first, then our parents', and thirdly our own.

This passage outlines the morality expected of a male person in public activities with no reference to the morality of the female.²⁰ The exclusion of females from the passage suggests the superiority of Roman masculinity over that of Roman

²⁰ A discussion of this passage already appears in Eisenhut 1973: 35-39. Note that Lucilius uses the word *homo* for his public 'man'. The life of a *homo* gives us a standard picture of what the life of a public man was in the republic; hence the concept of *novus homo* ('new man'). The term *novus homo* refers to someone who attained the office of curule without belonging to the nobility; see Gelzer 1912, Vogt 1926, Wiseman 1985b. On Cicero's political career as a *novus homo*, see Scullard 1965: 1-45. Santoro L'hoir 1992: 9-28 examines the masculine terms *homo* and *vir* in the Roman context and she discovers that *homo* is subordinate to *vir* and that *homo* is not normally used for a man that belongs to the upper stratum of society.

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femininity in the public place.²¹ The passage exemplifies the hegemonic ideology of the republic, as it is among only men in the public eye that a hegemony is created. Furthermore, one can deduce from the passage the chauvinistic nature of Lucilius' doctrine on masculinity since he assumes the practising of certain values to be exclusively male. This Roman masculinity is a model of the ideal male person. The young Roman male can consciously construct his own public image according to Lucilius' recipe, which depends on his 'knowing' (*scire*) the moral values in the

²¹ Richlin 1993b: 523-573 and Walters 1998: 29-43 draw the distinction between the Roman male person and Roman man. Walters 1998: 32 asserts: 'Not all males are men'. Craig 1999: 125-135 examines the gendered nature of *virtus* and asserts that *virtus* displays a significantly gendered equality. Craig 1999: 27 further asserts: '*Virtus* is the ideal of masculine behaviour that all men ought to embody, that some women have the good [fortune] of attaining, and that men derided as effeminate, conspicuously fail to achieve'. Ironically, an abstract quality like *virtus* is considered feminine when personified (Cic. *Fin.* 2.69, Hor. *Saec.* 58). Walters 1997: 32 defines what it meant to be *vir*. '*Vir*, therefore does not simply denote an adult male; it refers specifically to those adult males who are freeborn Roman citizens in good standing, those at the top of the Roman social hierarchy. A term that at first refers to biological sex in fact is a description of gender-as-social-status, and the gender term itself is intimately interwoven with other social status (birth and citizenship status, and respectability in general) that to the modern man might not seem relevant to gender.'

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passage.²² Lucilius expects a man to be aware of and to practise the attributes and qualities of an ideal male person, which range from financial solvency to patriotism. However, the application of these attributes and qualities is problematic. Lucilius puts the love of country first, then the love of parents, and lastly the love of self. In this order Lucilius emphasises patriotism, filial regard and self-interest. However, public ethics regarding patriotism in the republic had possibly changed by the time of Cicero. As we can see in *De Oratore* 33-34, the desire and rapacious lust for political 'fame and glory' (*laus et gloria*) is a key motivating factor for participation in politics.

Opposition or contestation in the case of defending one's *amicus* ('friend') is a strikingly common theme in the theories of Cicero and Lucilius examined so far, although there were two generations between Lucilius and Cicero. From the above passage Lucilius' good man consciously opposes bad men and defends men of good manners. In public life the desire for public glory and forensic defence creates room for polemical rhetoric. In his *De Officiis*, Cicero notes that two factions can engage in warfare only after prior negotiations and dialogue have failed. There are

²² For similar discussion on $\phi\eta\delta\rho\epsilon\iota\sigma\mu\acute{o}\varsigma$ see Sarsila 1982: 53-59. Eisenhut 1973: 36 contends that *scire* as an element of *virtus* suggests the intellect to manage affairs appropriately and economically, and that this *virtus* has no religious connotation nor is it externally given. Sarsila 1982: 58 submits that the moralisation of the concept *virtus* had been influenced by the concept of $\phi\rho\epsilon\tau\iota\kappa\acute{o}\varsigma$ of Greek philosophy.

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two kinds of war that Cicero mentions: the first one results from insult or humiliation; the other originates from the desire for supremacy, ascendancy or hegemony (*imperium*). Cicero writes:

Cum vero de imperio decertatur belloque quaeritur gloria, causas omnino subesse tamen oportet easdem, quas dixi paulo ante iustas causas esse bellorum. Sed ea bella, quibus imperii proposita gloria est, minus acerbe gerenda sunt. Ut enim cum civi aliter contendimus, si est inimicus, aliter, si competitor (cum altero certamen honoris et dignitatis est, cum altero capitis et famae).

(*De Officiis* 1.38)

But when a war is fought out for supremacy and when glory is the object of war, it must still not fail to start from the same motives which I said a moment ago were the only just grounds for going to war. But those wars that have glory for their end must be carried on with less bitterness. Nevertheless, citizens do contend one with the other; if they do, it is a result of either the partner in the duel being an enemy [*inimicus*] or his being a political rival [*competitor*]. On the one hand we struggle with the enemy for our life and honour, while on the other hand we struggle with a rival for political position.

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In Cicero's opinion the public place is a contested arena for a Roman public man since it involves both physical violence in the case of the military institution and verbal violence in the case of the oratorical institution. For Cicero the danger of indiscriminate or violent displays of masculinity exist within the framework of political transactions in the public place. Although he concedes that men engage in open confrontation to assert their position, Cicero stresses moderation (*minus acerbe*) in (verbal and/or physical) confrontations.²³ The superior contesting party should apply moderation during contests. The notion of moderation in this passage resonates with the concept of knowing the appropriate limits when seeking or pursuing a cause (Lucil. 1331) in the Lucilius passage above. In both Lucilius and Cicero's passages, moderation is a masculine quality displayed during the process of contestation. For Cicero hegemony is produced within a context of military or oratorical contest. On the macro (diplomatic and military) levels a superior nation engages an inferior nation in contestation with the aim of achieving national hegemony, for example, colonial supremacy, while on the micro (oratorical) level men compete with one another with the aim of achieving personal hegemony in the political and social arenas. From Cicero's point of view, the Roman notion of *imperium* ('hegemony') shows that the Roman public place and public activities were intrinsically hegemonic in nature in that they were aimed at dominance through competition via oratorical and/or physical violence.

²³ See Williams 1999: 132-137 for a discussion on *virtus* and *imperium*.

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2.4. POSITIONING CICERO IN A WORLD OF GENDERED RHETORIC

Consciousness of gender was pervasive in the classical world. Almost any object, idea or event could be gendered.²⁴ Quintilian, a first century AD professor of rhetoric, expresses the view that even rhetoric could be gendered and the mode of embellishment would indicate whether an orator's style of speaking consisted of elements of masculine or feminine rhetoric. In the *Institutio Oratoria* Quintilian believes that the accredited and approved style of speaking is that which demonstrates '*gravis et sancti viri*' ('gravity and unadulterated maleness', Quint. *Inst.* 5.12.19-20). The seductive, effeminate style of rhetoric with voluptuous charms was laudable if it accomplished its objectives (*Inst.* 5.12.20). Irrespective of how effective effeminate rhetoric was, it did not gain the approval of luminaries in the rhetorical field. Quintilian is of the opinion that any orator whose rhetoric is seductive is like a soldier who is armed with timbrels rather than weapons (*non arma sed tympana*,

²⁴ Latin and Greek have overt discriminatory features that signify the gender-type that the writer (or speaker) is mentioning. To the Romans gender was a linguistic construct, among other things. Gender in the classical period referred not only to 'sexual' (sexed) objects but also to 'a-sexual' (un-sexed) objects; hence the three gender forms in the basic grammar of masculine, feminine and neuter. This linguistic phenomenon is what Beardsley 1973: 285-293 has termed 'genderisation', which she defines as obligatory sex marking. Genderisation helps in constructing gender identity, in shaping the views of the speaker, and in the general structuring of social behaviour.

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Inst. 5.12.21). For this professor of rhetoric, who promoted the masculine rhetorical style and whose interest was purely to give young men strong oratorical grounding, the forensic space was a battle ground for the orator (*forensium certaminum pugnam*) on which he must fight and vanquish his enemies (*Inst.* 5.12.22). Success from these rhetorical encounters won fame for the orators concerned. The oratorical and military institutions paralleled one another in many respects and were often compared by the use of a simile or metaphor.²⁵

In the *Pro Quinctio*, for example, the earliest speech of Cicero that is still extant, the orator likens the position of an advocate to that of a warrior engaged in warfare. In defending Quinctius, the youthful Cicero saw his position thrown into jeopardy when he was asked to speak first in defence of Quinctius. Hortensius, one of the best orators of the day, then had the opportunity of speaking later as the prosecutor. In his speech Cicero likens rhetorical devices to weapons and allegations to missiles (*Quinct.* 1.8). The graphic picture of warfare painted in this segment of the speech demonstrates the polemic of the masculine style and the militant spirit with which orators operated. In other speeches Cicero also uses a simile to liken himself to a 'general' (*dux*) in a military engagement (*Cat.* 3.15, 17, 23, 26; 4.5, 21, 23, *Mur.* 84, *Sul.* 85).²⁶

²⁵ Gleason 1996: 123: 'Capitulation as triumph. Persuasion as violence. There is both an erotic and military dimension to this drama of self-assertion.'

²⁶ See Chapter 6.8 for a further discussion of Cicero likening himself to a *dux*.

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Ironically Cicero, who had no enthusiasm for military activities, often later portrays himself as a military general in his speeches in order to make an oratorical point.²⁷ Cicero's self-definition strategy suggests a degree of jealousy and admiration that the oratorical institution held for the military institution. This envy on the part of orators sometimes led to psychological conflicts between the two institutions; ultimately this polemic relationship resulted in a quest to usurp the military hegemony by the orators. When comparing military hegemony with oratorical hegemony, Cicero asserts:

Quis enim est qui, si clarorum hominum scientiam rerum gestarum vel utilitate vel magnitudine metiri velit, non anteponat oratori imperatorem? Quis autem dubitet quin belli duces ex hac una civitate praestantissimos paene innumerabilis, in dicendo autem excellentis vix paucos proferre possimus?

(De Oratore 1. 7)

In fact, who is there who if he wants to measure the knowledge of famous men either by the resourcefulness or greatness of their achievement would not place the general above the orator? On the one hand who would doubt that we are able to produce almost

²⁷ A discussion about Cicero's lack of military spirit occurs in Chapter 6:8 and 6.10.

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uncountable generals in this one country, but only a few excellent orators?

From this passage it is possible to conceive of the body of orators as a political institution in constant competition with the military. This competition is assessed on the performance of hegemonic masculinity, which enables the public to decide which institution is superior via a hegemonic 'scorecard'. Clearly the hegemony of the oratorical institution is threatened by the numerical strength and empirically quantifiable achievements of the military men.²⁸ However, these two institutions show common ground in areas where they co-operate. In the Ciceronian context Cicero's defence of Pompey's nomination in 66 BC to clamp down on the growing influence of Mithridates (*De Lege Manilia*) is a classic example. The opposite is also true. For example, the dislocation of an oratorical hegemony is demonstrated in Pompey's treatment of Cicero during the latter's defence of Milo.²⁹ Pompey had

²⁸ Cicero is somewhat ambivalent about who is more valuable to the integrity of the state between the orator and the general (*Brut.* 256-257). According to Cicero, a great orator is as important as the military general, but a mediocre general is simply worthless. Cicero's conclusion is somewhat subjective because he merely compares certain instances of military triumphs to forensic defence.

²⁹ For the background of the *Pro Milone*, see Poynton 1956: x-xxxiii, Kennedy 1972: 230-238, May 1988: 129. For a review of the speech by an ancient author see Ascon. *In Milon.* 36. For an analysis of Cicero's manipulation of the speech, see

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positioned soldiers all around the capitol and Cicero became very nervous that his rhetoric lost that force for which he was renown (*Mil.* 1-2).³⁰

The foregoing discussion has established that the ancients regarded a kind of rhetoric as masculine. Ancients regarded masculine rhetoric as Attic, which was viewed as the style of the best of orators (*Brut.* 291), while the Asiatic style was looked upon as the effeminate style with the touch of imperfection since it sounds more like singing rather than speaking (*Quint. Inst.* 11.3.57-60).³¹ Traditionally, the Atticist/Asiatic controversy has been of a geo-cultural nature. Simplicity and directness characterised the Attic style, whereas the Asiatic style was known for luxuriance and theatricality. The Hippocratic treatise *On Airs, Waters and Places* presents a psychological interpretation of the attitude and emotions of various peoples, including the Asiatics (12). Environment was considered a major factor that shaped their temperament.³² Hippocrates asserts that the flabbiness and cowardice of the inhabitants of Asia Minor emanates from their lack of exposure to extreme

Kirby 1997: 18-30. For more comments on the presentation and transcription of the speech see Gunderson 2000: 2.

³⁰ Grant 1969: 215-216 and May 1988: 129.

³¹ On Atticisim and Asianism, see Leeman 1963: 91-111, 133-167, Kennedy 1972: 97-100, 241-242, 1994: 64-80, 95-97, Gleason 1994 106-108, Connors 1997: 84-88, Richlin 1997: 90-108.

³² Discussions of the passage from the Hippocrates treatise occur in Thomas 1982, Ross 1987: 54-74, Vasaly 1993: 141-145, Connors 1997: 84-88.

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heat and cold weather. The Asiatics are less aggressive and 'tamer of spirit' because of the favourable constant climate (12). In contrast, the Attic style is associated with belligerence, roughness, ruggedness³³ and variety because of the unstable weather conditions in Attica and, according to the author, men's minds are roused so they cannot stagnate (14). Because of this kind of perception, the Attic style was regarded as the more creative and less boring oratory.

Cicero's comment in *Brutus* 51 indicates that he is most likely affected by this kind of perception. He is of the opinion that rhetoric lost its 'wholesomeness' (*salubritas*), 'health' (*sanitas*) and almost became completely dumb (*loqui paene dedisceret*) in Asia because it contracted a rhetorical virus (*oblineret moribus*). Cicero's position is subtle since he does not completely disapprove of the Asiatic style for its 'speed' (*celeritate*) and 'copiousness' (*copia*) but rather for its 'imprecision and redundancy' (*parum pressi et nimis redundantes*).³⁴ The robustness, excessive tone modulation, sing-song technique (*Orat.* 27) and theatricality (*Orat.* 57, *Sen. Ep.* 111.1, *Quint. Inst.* 11.3.13, 12.10.16, *Pliny Ep.*

³³ On paradigms of 'rough' and 'smooth' in rhetorical context and their gender interpretation, see Gleason 1994:74-76.

³⁴ For other scholarly opinions on Cicero's position on Asianism, see Gleason 1994: 105-108, Connors 1997: 84-85.

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2.14.13) of the Asiatic style distinguish it from the Attic style.³⁵ The context in which Cicero expresses this opinion is polemical.³⁶ He is trying to absolve himself from any possible perception that he is Asiatic.³⁷

One question remains: Is Cicero's style feminine, masculine or both?³⁸ Three chronological periods can be identified in Cicero's forensic career. During the early

³⁵ Connors 1997: 85 asserts: 'Thus the inappropriate mixing of acting and oratory is linked geographically to Asia'. Richlin 1997: 107 employs a peculiar methodology to draw the gendered line between the Attic and the Asiatic styles. She uses Edward Said's theory of Orientalism, 'otherness', to establish the gendered difference between the two rhetorical movements, the Attic style being masculine and the Asiatic feminine. In her pre-concluding statement, Richlin asserts: 'Yet the heroes of Roman oratory are not Brutus and Calvus but Cicero and Hortensius. Despite the problematic aspects of the Asiatic style, the experts agree that it is more beautiful, more noble, and more effective than the arid wastes of the Atticists.'

³⁶ Leeman 1963: 92.

³⁷ Cicero's polemics anticipate the view of Gramsci's 1985: 98 that hegemony is not absolute. When a new group emerges, it seeks to displace the already established hegemony. The 'reigning' hegemony can either give in to the pressures of the emerging group or strive to maintain its position. At the height of Cicero's challenge by the new Atticist group, he struggles to maintain his position not only by publishing his views on what it means to be Attic, but imitates Demosthenes, an oratorical icon who is indisputably Attic, as Cicero maintains in his *De Optimo Genere Oratorum* 13. See Wooten 1983 for a comparative study on Cicero and Demosthenes. For ancient comparisons see Plut. *Cic.*, *Dem.*, Quint. *Inst.* 10.1.106-107. Also Cicero's emulation of Demosthenes see Stroh 1981: 1-40.

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period Cicero operated under the influence of Asianism; the middle period was his moment of discovery and transformation; and the late period was characterised by his defence of his oratorical ideal against the spate of attacks from young Atticists.³⁹ Although the Atticists would have been aware of the origin of the Asiatic style (Quint. *Inst.* 12.10.18-20; Tac. *Dial.* 18.4-5), their primary concern was the employment of pure Latin diction (*Latinitas*) in a Roman orator's rhetoric.⁴⁰ Cicero's broad rhetorical influence and his adaptable nature made it possible for him to straddle the Attic and Asiatic styles. Even Quintilian finds Cicero's rhetoric eludes a simple classification (*Inst.* 12.10.18). This versatility in his oratorical style helped to win Cicero a hegemonic position in the Roman forensic space.

The attack upon Cicero by the Atticists represented a social challenge to Cicero's maintenance of his oratorical hegemony. Cicero responded to the virulent attacks of the new Atticists by seeking to position himself midway between the Attic and Asiatic styles. For Cicero's detractors Atticism was associated with masculinity, while Asianism was linked to femininity. For Cicero a style does not make a great

³⁸ Masculine and feminine are simply metaphors for the Attic and Asiatic styles respectively.

³⁹ Leeman 1963: 91.

⁴⁰ For more on Cicero and the Atticists, see Leeman 1963: 136-137 and Kennedy 1994: 151-158.

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orator; rather, it is a great orator that deserves to be called Attic (*Brut.* 291).⁴¹ So the appellation 'Attic' serves as a metaphor and laurel for an orator's excellence in practice. Cicero claims that Demosthenes is his role model, a statement that situates him among those orators who can be called Attic since Demosthenes is incontrovertibly an Attic orator (*Brut.* 289). However, Quintilian's assessment of Cicero's claim (*Inst.* 10.1.106-107) reveals some linguistic discrepancies in the overall character of the rhetoric of Demosthenes and Cicero.⁴² In addition to differences in the use of language by Demosthenes and Cicero, Quintilian recognises the role that the audience has to play in shaping the orator's rhetoric. Quintilian (*Inst.* 12.10.16) believes that the relationship between the audience and

⁴¹ Extrapolating from Cicero's stance, it is also possible to argue that a 'gendered' style does not particularly define the orator but that an orator's performance shapes his style and over a period of time it becomes recognisable as an oratorical form in relation to gender identification. Gleason 1994: xxvi claims: 'Similarly, gender identity is not a transhistorical constant but a social construct, a series of choices, of stressed and unstressed possibilities, of subterfuges perpetually in the making'. White 1980: 7-20 asserts that a rhetorical act is a historical configuration.

⁴² Leeman 1963: 166 asserts: 'In other words, Cicero has deviated from his model Demosthenes in this respect too; but here again it is the language rather than the man who is responsible for it, and though the Roman Atticists were right in stating that Cicero was different, they were wrong in blaming him for what was certainly not, in the eyes of Quintilian, a *compositio fracta, exultans et viro mollior* ["uneven composition, extravagant and effeminate", Quint. *Inst.* 12.14.12]'.

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the orator defines an orator's rhetoric.⁴³ Cicero discovered a rhetoric that was appropriate for his time and that established him as the best orator in the forum despite being the object of criticism by the Atticists. Despite his Attic detractors, Cicero's rhetoric possesses a hybrid character with an Attic (masculine) force (Tac. *Dial.* 25).⁴⁴

The following section examines through Cicero's eyes the immense contributions made to the institution of rhetoric by orators who used both the Attic and the Asiatic styles.

⁴³ On the functional change of rhetoric, see Black 1980: 71-85. Also see Figure 2.

⁴⁴ This kind of stylistic hybridity is what Connell 1987: 182, 291 dubs psychological hermaphroditism. In Cicero's situation, I would call this mix 'selective hermaphroditisation'. Selective hermaphroditisation is a process of carefully selecting the best elements of each style and co-opting them into the production of a new kind of rhetoric. Although Cicero is engaged in a survival-oriented polemic, it is clear that he understands the strengths, weaknesses and character of both styles and the impact that each style has on the audience. See Leeman 1986: 140, Clark 1996: 79-84.

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2.5. CICERO'S ORATORICAL PREDECESSORS⁴⁵

Cicero's oratorical and intellectual engagements define his character in both his private and public life. Each personality construct is exemplified in a different genre of writing. His public *persona* appears in his speeches, his private *persona* in his letters, and the ideal orator he aspired to be in the rhetorical treatises of his mature years (*Brutus*, *Orator*, *De Oratore*). Although he wrote the latter works partly for apologetic purposes, Cicero's description of his ideal orator is a strong statement of the ethos that he believed he had constructed in his oratorical practice. His ideal orator is a construct of his own imagination; in his attempt to offer an appraisal of his own achievements as an orator he exalts himself and seeks to legitimise his oratorical hegemony.⁴⁶ Differences exist between the theoretical and practical constructs of the hegemonic orator. On the practical level *Brutus* offers an account of individual orators and their contributions to the production of a larger system of oratorical hegemony. In the *Brutus* Cicero also stylistically compares himself to predecessors of high oratorical standing and to his friend Hortensius (who had

⁴⁵ This section considers only Cicero's predecessors and how his discussion of them affects his construction of the orator. A detailed prosopographical survey of the characters in the *Brutus* can be found in Sumner 1973: 1-40. Bringmann 1971 and others have demonstrated the connection between Cicero's later writings and his personal and political experience.

⁴⁶ At this period, younger orators than Cicero had started questioning the quality of Cicero's rhetoric (Hendrickson and Hubbell 1962: 3); see above, section 3.

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recently died prior to the composition of these treatises). On the theoretical level, however, Cicero's *Orator* provides a construct of the perfect orator (*Orat.* 2.7-8) that best represents the model of a hegemonic orator.

In this section of the chapter consideration is given to Cicero's form of oratorical hegemony within the body of outstanding orators. Cicero shapes the character of his oratorical hegemony by making use of his oratorical figures in the *Brutus*, his portrait of the ideal orator in the *Orator*, and the political nature of the orator's role in the *De Officiis*. In addition, Cicero's discussion of the techniques of rhetoric in the *De Oratore* enhances his construct of the ideal orator. This section contains a discussion of oratorical *exempla* in the *Brutus*. For the most part Cicero's order of discussion has been retained to demonstrate his intention to position himself alongside other orators of note. I focus mainly on the very important orators.⁴⁷ Cicero's treatment of his oratorical predecessors not only shows a chronology of their appearance in Greek and Roman fora, but it also ranks the orators in order of their excellent oratorical performance. Cicero's goal is twofold: first, to associate himself with Greek rhetoric and to establish parity of excellence between himself and his (masculine) model Demosthenes; secondly, to declare himself a better orator than Hortensius, who had been considered the best Roman orator before Cicero.

⁴⁷ Detailed historical discussion of these historical *exempla* occur in Kennedy 1994: 43-127 and Clark 1966: 1-22, 38-49.

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After introducing his characters in the *Brutus*, Cicero continues by acknowledging the difficulty in coping with an art that has five major divisions (*quinque artium concursus maximarum*, a union of five great arts) but acknowledges the power (*vis*) inherent in rhetoric (*Brut.* 25). He traces the history of the formalisation of rhetoric by outlining the Greek experience of the oratorical performance and by discussing the contribution and reception of individual orators in the fourth century BC. He establishes that following the discovery of the power inherent in a carefully composed speech, early Greek orators and teachers of rhetoric emerged who enjoyed great honours (*Brut.* 30). In consequence of rhetorical debates in Greece, a new group of intellectuals emerged. Generally the conscious exploitation of the power imbued in the spoken word resulted in the emergence of a new group of orators, many of whom in time won the respect and honour of the people.

Isocrates (436-338 BC) is first on the list of recognised Greek orators. He is reported by Cicero to have been an orator of renown and a great teacher of rhetoric (*magnus orator et perfectus magister*) whose house became a centre for oratorical learning (*Brut.* 32). A major contribution of Isocrates to rhetoric is the appropriation of prose rhythm in his oratory while avoiding poetic rhythm; another oratorical achievement of Isocrates is that he formalised the structure and the mechanics of a speech, whereas no conscious attempt had been made previously to structure

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speech composition (33). Earlier orators had relied on hearing to judge what seemed right (34).

Isocrates' contemporary, Lysias (459-380 BC), is also acknowledged and celebrated for his ingenuity in forensic oratory. Cicero believes 'one might almost dare to call' (*prope audeas dicere*) Lysias a 'complete orator' (*perfectum oratorem*) and 'one might without hesitation call' (*facile dixeris*) Demosthenes (384-322 BC) the perfect and flawless orator. By using *prope audeas dicere* to indicate some degree of hesitation about Lysias, Cicero places him in the second position to Demosthenes. He demonstrates for the reader that a hierarchical grading of orators may be possible. Using a qualitative approach, it is possible to determine the better orator through a critical appraisal of the orator's understanding of the theories that govern rhetoric and of their application in various speeches. Demosthenes, the most consummate of Greek orators, is described as an orator of stylistic excellence (*Brut.* 35). Cicero defines stylistic excellence as 'simplicity' (*subtilitas*) and 'sublimity' (*granditas*). The close positioning of this definition to the mentioning of Demosthenes' oratorical acclaim implies that these two oratorical techniques characterised Demosthenes' rhetoric. The mention of these qualities to Demosthenes' profile stresses his role as a leading orator (*Brut.* 35-36).

Following Demosthenes and Lysias in the hierarchy of proficient orators are Hyperides (389-332 BC), Aeschines (390-330 BC), Lycurgus (d. 324 BC), Dinarchus (b. c. 360 BC), Demades (fl. 350-319 BC) and a host of others. The fourth century

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BC was notable for its profusion of orators. No appreciable oratorical development is recorded to have taken place in the period between the fourth century BC in Greece and the first century BC in Rome. Demetrius of Phaleron (early first century BC), who is described as *eruditissimus* ('extremely accomplished'), is said to have entertained his audience rather than stirred their emotions (*Brut.* 9.37). Demetrius received his training from the great philosopher Theophrastus, a student of Aristotle. According to Cicero, Theophrastus (c. 370-285 BC) was the first orator to modulate oratory (*primus inflexit oratorem*) by adding *mollitia* ('suppleness'), by making it soft (*teneram*) and giving it sweetness (*suavitas*, *Brut.* 38). Theophrastus' oratory was charming and delightful, but lacked the acerbity and rigour required by Attic oratory (9.38).

Cicero jumps backward in the timeline to Homeric eloquence (about 800 BC) in his ranking of past orators and then forward again to treat the orators of the late fifth century BC (*Brut.* 13.49-52). He attempts to give a rhetorical ranking of excellence to past oratorical figures rather than simply to write history. His ranking is based upon the contributions of these orators to the study and performance of oratory.⁴⁸ Subsequently Cicero establishes that rhetoric was fundamentally

⁴⁸ Hendrickson and Hubbell 1962: 5 have complained that the *Brutus* lacks structure. The close reading approach that I have used in this section is in response to the judgement that Hendrickson and Hubbell have made about the structure of the *Brutus*. Kennedy 1994: 155 asserts: '*Brutus* is one of Cicero's more carefully

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Athenian, although different styles developed in Asia and Rhodes (*Brut.* 13.51). Of significance is that every Greek orator that Cicero treats in the *Brutus* became famous by his contribution to the development of rhetoric.

Cicero's list of Roman historical *exempla* is long and looks at orators from Cato the elder to himself (*Brut.* 13.52-66.233). His ranking of orators stops at his contemporary Hortensius (114-50 BC)⁴⁹ but he does not rank himself. Although he concedes that there were minor orators in both Greece and Rome before him, his focus is mainly on the major orators who have contributed to oratory or have won social acclaim through their oratorical skills.⁵⁰ Regardless of the accolades paid to an orator by his critics, the audience is the final judge.⁵¹ Invariably the orator who wins the approval of his audience receives the endorsement of rhetorical critics as

written works; he seems to have sought a prose style that would be approved by his opponent'.

⁴⁹ Hortensius was Cicero's major rival in the public place and was a proponent of the 'Asiatic' school. Key features of the Asiatic school are rapid speech, high-pitched voice and florid verbal ornamentation (Cic. *Brut.* 228-30, 301-29). Subsequently, the Asiatic school degenerated into bombast.

⁵⁰ See MacKendrick 1989: 80-86 for a detailed summary of the *Brutus*.

⁵¹ Aristotle had already categorised the functions of spectators as 'judge' for the performance of the orator. In his *Art of Rhetoric* 1.3.1-3 Aristotle's classification of the audience corresponds to the three kinds of rhetoric that exist: (1) a judge of the future (for deliberative oratory); (2) a judge of the past (for forensic oratory); and (3) a mere bystander, 'critic' (ἄκριτος) of the orator's skills.

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well. Thus gradually a rhetorical hegemony emerges. The 'rightness' or 'wrongness' of an orator's style according to the Asianic and the Attic stylistic categorisation is irrelevant. The degree of his competency is measured according to the effects achieved by his performance upon an audience. Cicero once disagreed with the audience when they deemed Gaius Visellius Varro a good orator. Cicero complained: *obscura quia peracuta, tum rapida et caecata oratio* ('his manner of speaking was abrupt and his language suffered in clearness from the rapidity of his speech', tr. Hendrickson and Hubbell, *Brut.* 264). Cicero writes here as a rhetorical critic and his judgement may not have reflected the general view of Varro's audience and other critics.⁵²

Cicero's final theme of discussion in the *Brutus* concerns why he has been accorded so much honour in the forum (93.321-96.328). He attributes his oratorical acclaim to the fact that he has an encyclopaedic education, is able to draw on rhetorical theory flawlessly in his presentations, and frequents the forum constantly. He praises himself for his activity in the forum, style of delivery and the unique elements of his performance that draw attention toward him. Although Cicero promises not to speak of himself, his exceptional treatment of Hortensius' style and performance and his comparison between himself and Hortensius afford him a place

⁵² What is more important is that the audiences acknowledge the orator's excellence and praise him for it. Even the best orators of the day, such as Demosthenes and Cicero, may later be accused of speaking incorrectly.

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of primacy in Roman oratory. He denigrates Hortensius' style by claiming that it befits a youth more than a mature orator and goes on to claim that the waning of Hortensius' fame was because he was using the Asiatic style and failed to develop himself further (93.321).⁵³ Cicero supports his claim by alluding to Demosthenes, who had become the Atticist model for accepted rhetorical discourse (*Brut.* 84.289). Demosthenes was certainly a powerful speaker and attracted enormous crowds to his deliveries. A command performance now became a necessary prerequisite for an orator to be called an ideal orator. Cicero offers a vivid description of his ideal orator when talking about Roscius the comedian:

⁵³ It is ironic that Cicero emulates Hortensius in some of his speeches (*Quinct.* 35). The Asiatic style is considered effeminate because of its floridity. In addition, Cicero suggests that he has developed himself further, thereby putting Hortensius in a subordinate position.

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

(*Brutus* 84.290)

I feel the ideal environment for the reception of an orator is as follows: when an announcement has been made that he is about to speak, let all the seats be filled, let all the judges be present, let the scribes assist in allocating and assigning seats. Let there be a multitude of listeners and let the judges be in rapt attention. When the orator rises and is about to speak, let there be a call for silence from the audience, then frequent assent and lots of admiration. Let there be laughter when he wills and laments when he desires so that if someone is watching from a distance, even if he does not understand what is going on, he knows that Roscius is on the stage and that his performance is successful.

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This description of Cicero's ideal oratorical environment gives us an understanding of the degree of influence and respect an orator should command.⁵⁴ The crowd response becomes an important measure in deciding on the superiority of an orator.⁵⁵ The previous reception of the orator together with the degree of suspense and expectation in the atmosphere for his forthcoming speech are clues to the potential reception of the speech and helps to determine the success of an orator.⁵⁶ Cicero's ideal orator is a crowd-puller as well as an influential speaker. It is expected that when the announcement is made that Cicero is about to speak, a throng of listeners will gather around expecting an excellent performance. Of course, Roscius is a thinly veiled analogy for Cicero himself, but the way the description is situated in the passage suggests that Demosthenes is the supposed ideal orator.⁵⁷ The name

⁵⁴ On the nature and categories of audiences, see Fogel 1994: 58-72.

⁵⁵ Rawson 1975: 45-46 has observed that many of the audiences largely consisted of listeners from different towns. The dramatic response of the audience must have encouraged Cicero to employ 'pathetic' finales. Surely a grandiose peroration would have glorified that position of the orator, especially since he was usually the last person in a team defence.

⁵⁶ Bell 1997: 13 notes that visual sights were important to understanding the nature of interaction between Cicero and his audience. Based on the knowledge of the orator that the people had, and his position as consul, it was possible that persuasion took place before Cicero presented his speeches. For a theoretical explanation of this continuity, see Figure 2.

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Roscius in the passage signifies perfection in the performance art in Rome (*De Or.* 1.130). Cicero clearly sees the captivating influence that a great orator such as Demosthenes has on his audience by his captivating rhetoric. From the foregoing discussion on the ideal orator in relation to both Greek and Roman models of oratorical excellence, Cicero suggests that Demosthenes is the Athenian model of the hegemonic orator and that he himself is the Roman model.

2.6. NOTIONS OF PRESENCE AND HEGEMONIC ATTITUDE⁵⁸

Following Cicero's portrayal of Roscius as a competent speaker, it helps to locate the role played by oratory in the production of hegemony by looking at how Cicero compares with his ideal model. The orator for whom Cicero has the most admiration is the orator with a record of outstanding performance in theory, practice, flexibility and versatility. Forensic performances at Rome are usually informed by political developments. As a result the manner in which an eloquent orator addresses political issues determines his reputation and image. Cicero, portraying the eloquent orator, says:

⁵⁷ A similar discussion already occurs in Rawson 1975: 21. See also Gunderson 2000: 119-120.

⁵⁸ Gramsci 1985: 98 asserts: 'A new group that enters history with a hegemonic attitude, with a self confidence which initially it did not have, cannot but stir up from within itself personalities who would not previously have found sufficient strength to express fully in a particular context'.

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quem hoc uno excellere, id est oratione, cetera in eo latere indicat nomen ipsum. Non enim inventor aut compositor aut actor qui haec complexus est omnia, sed in Graece ab eloquendo ἑλωτρ and Latine eloquens dictus est. Ceterarum enim rerum quae sunt quisquis vindicat, dicendi autem, id est eloquendi, maxima vis soli huic conceditur.

(*Orator* 19.61)

The word itself indicates that he is outstanding in this one thing, that is speech, while all other qualities are overshadowed by it. This all embracing designation is not inventor, a composer or an actor, but is derived from the Greek word ἑλωτρ and Latin *eloquent man*. Each man claims for himself a measure of the remaining qualities of speaking, but to the orator alone is given the greatest power of speaking, which is eloquence.

The portrait painted by Cicero of the perfect orator is the man whose rhetorical talent overshadows all his other qualities. The passage reveals that it is an understatement to simply consider the word 'orator' in an exclusive manner. An all inclusive definition of the word incorporates the productivity, fluency and the ability of the speaker to articulate perfectly all relevant points to support his stance. For

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Cicero, if an orator is called by the name of 'orator', then his greatest power is the power to speak well (*dicendi . . . eloquendi, maxima vis*, 19.61). The power of the orator is the product of his natural talent plus the training of those parts of his body used in rhetorical presentations (*Orat.* 16.59). In all cases it is outstanding eloquence that wins the audience's approbation.

In an environment where there is no sophisticated means of self-publicity, the onus lies on the orator to find out how to make himself accessible and recognised by an audience.⁵⁹ Recognition that results from constant presence and participation in political activities earns for the orator an identity as an orator (*rhetor*) and as a statesman (*politicus*, *Brut.* 76.265).⁶⁰ The use of rhetoric in politics presented the competent orator with the opportunity of gaining a prominent position in the republic. An example occurs in Cicero's *Pro Plancio*, which was delivered in 54 BC. Cicero tells his audience the reason for his constant presence in the Roman forum.⁶¹ In 75 BC Cicero was chosen by lot to serve as a *quaestor* in Sicily. His governorship in

⁵⁹ On technological transformation of the rhetorical space, see Jamieson 1988: 43-66.

⁶⁰ The multiple oratorical and political identities that the orator projects cause constant interaction with all classes of citizens. In his capacity as the *politicus*, he addresses mostly men in the upper classes and mostly small audiences, but as an orator, the audience might be larger (see Chapter 6.2).

⁶¹ Discussions on this passage appear in Strachan-Davidson 1906: 22, Rawson 1975: 35-36.

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Sicily coincided with a famine in Rome. In response to this famine, Cicero made an effort to send large consignments of grain to Rome. Cicero had done this with the hope of gaining recognition and political office in the Rome. However, to his surprise on his way back to Rome from Sicily, he discovered that the people of Rome had not noticed his efforts because the origin of the grain was not made clear to them.

He narrates:

Itaque hac spe decedebam, ut mihi populum Romanum ultro omnia delaturum putarem. At ego, cum casu diebus iis, itineris faciendi causa, decedens e provincia, Puteolos forte venissem, cum plurimi et lautissimi solent esse in iis locis. Concidi paene, iudices, cum ex me quidam quaesisset quo die Roma exissem et num quidnam esset novi. Cui cum respondissem, me e provincia decedere: 'etiam mehercule,' inquit, 'ut opinor, ex Africa.' Huic ego iam stomachans fastidiose, 'immo ex Sicilia,' inquam. Tum quidam, quasi qui omnia sciret: 'Quid? tu nescis,' inquit, 'hunc Syracusis quaestorem fuisse?' Quid multa? destiti stomachari, et me unum ex iis feci, qui ad aquas venissent. Sed ea res, iudices, haud scio an plus mihi profuerit, quam si mihi tum essent omnes congratulati. Nam posteaquam sensi populo Romano aures hebetiores, oculos autem esse acres atque acutos, destiti quid de me auditiri essent homines cogitare; feci, ut postea quotidie me

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praesentem viderent; habitavi in oculis; pressi forum; neminem a congressu meo, neque ianitor meus, neque somnus absterruit.

(*Pro Plancio* 65-66)

Therefore, I returned with the hope that the Roman people would lay the reins of power at my feet. However, on my way back from my province, what happened was that I accidentally arrived in Puteoli, hoping to travel down on land, at a time when the best men and nobles converged there. I was most surprised therefore, when someone asked me on which day I had left Rome and whether there was news. I replied that I was returning to Rome from my province. 'Goodness gracious', says he, 'from Africa, I think'. Slightly vexed, I responded, 'From Sicily'. My vexation was compounded by someone interjecting, 'What? Don't you know that this man has been a *quaestor* at Syracuse?' What more could I say? I dropped my vexation and pretended to be one of them who had come to take the waters. Gentlemen, I don't know if this experience has not been more useful to me than if everyone had congratulated me [on saving Rome from starvation]⁶². After this incident I came to the realisation that Roman people were hard of hearing, but had keen and perceptive eyes. I stopped worrying about what impressive news about me would filter

⁶² Addition mine.

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through to the people, but made myself physically accessible to them everyday. I practically lived in the forum; neither sleep nor my security guard disallowed anyone from seeing me.

This experience of Cicero helps put into context the necessity of public access to the speaker, a factor that enhances the position of the hegemonic orator in a civil society.⁶³ That the Roman people had deaf ears, but very keen and sharp eyes, may be common to other cultures as well. In modern times, electronic media help the orator to construct a public image. The rhetorical identity of the orator functions in conjunction with a network of other identities that allows him to utilise aspects of them to his advantage in his oratory.⁶⁴ The orator's desired hegemonic image is

⁶³ Although there were a number of factors that necessitated Cicero's presence in Rome and in the forum, as Rawson 1975: 35-36 suggests, the social consequence of this strategy is the large clientele that he must have won for himself. The power of presence cannot be overemphasised in the career of an ambitious orator. Presence helps him maintain and expand his sphere of influence he is constructing for himself in society. Bell 1997: 1-22 aptly captures Cicero's exploitation of the mobs generous response to the orator's overtures. The orator's unrestricted accessibility and visibility is what Bell 1997: 8 dubs 'conspicuousness'. The result is a power wielding popularity for the orator to obtain popular consent for or against a bill as he wills.

⁶⁴ As it has been explained in Chapter 1.6, Young's Tagmemic Theory of Invention will address the identity question in subsequent chapters.

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constructed by his constant presence and the information, rumours and stories circulated about him.⁶⁵ To achieve this the hegemonic attitude must be actively present within the orator and constantly projected by him, and Cicero exemplifies this model of an orator.

Ambition is a fundamental criterion for achieving success in the forensic space of any vocation, especially where competition is rife. This ambition can drive men, especially public men, into setting high personal standards. In the *De Officiis* Cicero postulates that citizens with a 'higher ambition' (*maior animus*) seek wealth to obtain power, influence and a reputation for generosity (*Off.* 1.8.26). This is, of course, for those who have political goals achievable through wealth. The example given is that of Crassus, who says that whoever desires the role of the 'first person' (*princeps*) in a state must be capable of financing an army (*Off.* 1.8.25). Luxury is another reason why people long endlessly for enormous wealth. Included in the categories of citizens who demonstrate a 'higher ambition' (*maior ambitio*) are military generals and civil politicians. The problem with generals and politicians is that they are too easily side-tracked by personal ambition at the expense of social 'justice' (*iustitia*). Julius Caesar is cited as an example of this, who because he

⁶⁵ This discovery supports his theory of *enargeia* (Quint. *Inst.* 4.2.63-65), which involves extensive vivid description that is intended enhance the understanding and persuasion of the audience. In most cases, this entails inductive reasoning. A discussion on *enargeia* appears in Vasaly 1993: 19-20.

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wanted to gain sovereignty, usurped the authority of both gods and men (*Off.* 1.8.26). Cicero's concern is that those who are geniuses, are excessively ambitious and hold high office have a greater impact—for good or bad:

Est autem in hoc genere molestum, quod in maximis animis splendidissimisque ingeniis plerumque existunt honoris, imperii, potentiae, gloriae cupiditates. Quo magis cavendum est, ne quid in eo genere peccetur.

(*De Officiis* 1.8.26)

But the trouble about this matter is that it is in the greatest souls and in the most brilliant geniuses that we usually find ambitions for civil and military authority, power and glory springing up; and therefore we must be more heedful not to go wrong in that direction.

In defining masculine hegemonic ambition Cicero suggests that its manifestation leads to the abuse of power, which is regarded in this context as 'injustice' (*iniustitia*, *Off.* 1.7.24). In extreme military instances the injustices perpetrated by generals eliminate or subordinate other masculinities.⁶⁶ What the military general achieves

⁶⁶ Connell 1987: 184 argues that hegemony 'does not mean total cultural dominance, the obliteration of alternatives'. Surely in a military context, although the space is characterised by a play of forces, the hegemony will first eliminate

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through arms is what the orator seeks to achieve through the power of speech. Citizens who possess *maior animus* ('higher ambition') and *gloriae cupiditates* ('ambitions for glory') fall within the hegemonic category where actions often culminate in abuse. As far as orators are concerned, they only deserve to be given a note of caution, according to Cicero. The kind of injustice that can be perpetrated by a great orator with a rapacious lust for power is not mentioned in this passage.⁶⁷ A major ethical dilemma encountered by the practising orator occurs when in a real life situation the circumstances surrounding the delivery do not favour the orator's maintenance of his ethical standards. Social events often influence the presentation of a speech, and when the orator has to oppose the will of his audience, skilful rhetoric becomes a key factor. In these instances the performance of oratory can become a tool for self-defence, for defending honour and justice, and for changing the perceptions of an audience. In other instances rhetoric can serve as a vehicle for

alternatives before considering others that should remain as its subordinates. Subordination involves the elimination of the primary force, which constitutes the most threat to the maintenance of the hegemony. However, for an orator, the presence of alternatives opens the forensic space for him to shape his rhetoric in a way that can foster his ascendancy over other orators.

⁶⁷ The Catilinarian experience was a test of Cicero's sense of justice. For more details on the interplay of power and the hegemonic orator's sense of justice, see Chapter 6.

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personal aggrandisement, ambition and self-interest. In the *De Oratore* Cicero asserts that his ideal orator needs to possess certain qualities:

Acuto homine nobis opus est, et natura usuque callido, qui sagaciter peruestiget, quid sui cives, eique homines, quibus aliquid persuadere velit, cogitent, sentiat, opinentur, expectent. Teneat oportet venas cuiusque generis, aetatis, ordinis, et eorum, apud quos aliqui aget, aut erit acturus, mentes sensusque degustet; philosophorum autem libros reservet sibi ad huiusmodi Tusculani requiem atque otium, ne si quando ei dicendum erit de iustitia fide, mutuetur a Platone . . .

(*De Oratore* 2.223)

We require a man of sharpness, ingenious by nature and experience alike, who with keen scent will track down the thoughts, feelings, beliefs and hopes of his fellow-citizens and of any men whom on any issue he would feign win over by his word. He ought to feel the pulses of every class, time of life and degree, and to taste the thoughts and feelings of those before whom he is pleading or intending to plead any cause; but his philosophical books he should keep for a restful day and relaxation at a place such as this Tusculan estate so as not to borrow from Plato if he has to speak of justice and righteousness . . .

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In this passage the orator is constructed as a sagacious, intelligent, sensitive and brilliant personality. These attributes are harnessed for pathetic reasons. The accurate interpretation of the emotions and mood of his audience is vital to the orator. The orator's ingenuity in shifting his audience's values to his value system can resolve a possible conflict in value systems between that of his audience and the value system adopted (possibly for expedient purposes) in his speech. In this passage Cicero reveals a conflict that the orator might encounter as a result of his sense of duty. A conflict may arise between the professional ethics of the orator and the practical result that he aims to achieve with his speech. According to Cicero, what complicates the issue are Plato's concepts of justice and fidelity, which are incompatible with the rhetoric of advocacy of a typically ambitious orator since they are not consonant with everyday practice (*De Orat.* 2.223). Thus emotionalism and polemics become the driving force for preserving the orator's reputation as a consummate speaker; whatever material the orator uses in the process of attempting to persuade his audience may be reduced to rhetorical expression that is not always relevant to the case at hand.⁶⁸

⁶⁸ A strong position held by the present writer is that Ciceronian oratory is not always 'moral'. Cicero as a person was predisposed to an ethical stance and his several treatises on ethics is evidence of this. However, the diverse *personae* that he assumes make morality inapplicable to his rhetorical practice. For Cicero rhetoric is a means to worldly success and truth is constructed for rhetorical purposes, not for necessarily for moral or religious purposes. Quintilian describes how Cicero

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Sallust, a contemporary of Cicero, comments on the moral paradox that is associated with being hegemonically 'ambitious' (*philotimos*, *ambitio*). In *Bellum Catilinae* Sallust remarks:

Ambitio multos moralis falsos fieri subegit, aliud in lingua promptum habere, amicitias inimicitiasque non ex re sed ex commodo aestumare magisque voltum quam ingenium bonum habere.

(Sallust, *Bellum Catilinae* 10.5)

'Ambition drove men to become false, to have one thought locked in the breast, another ready on the tongue; to value friendships and enmities not on merits, but by the standard of self interest, and to show a good front rather than a good heart'. (tr. J. C. Rolfe 1921)

Legal and political representation in the Roman republic is based on political affiliation (*necessarius*) and friendship (*amicitia*). For Sallust the appearance of a patron on behalf of his client depended on the patron's self-interest. According to

mesmerised an audience during his delivery of *Pro Cornelio*, a speech that is now lost (*Inst.* 8.3.3-4). Cicero's hypnotic rhetoric reduced the audience to listening puppets, the kind of audience response expected in *De Oratore* 2 223. Cicero's rhetoric did not only charm the popular masses. Plutarch's account (*Cic.* 39.6) of Cicero's presentation of *Pro Ligario* vividly demonstrates how powerful Cicero's rhetoric is in enchanting men of the upper echelon of society. For a discussion of the use of the Ciceronian ethos in the *Pro Ligario*, see May 1988: 140-148.

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Sallust self-interest is the driving force and moral dualism is the performance strategy that the patron uses to achieve his goals. However Cicero's philosophical position contradicts Sallust's point of view. Cicero claims that the interests of the client always take precedence (Cic. *Fin.* 3.70, *Clu.* 10). Cicero believes that the patron's ambitions should not jeopardise the interests of his clients in any situation.⁶⁹ Thus the patron's 'enlightened' self-interest ensures his success in handling his client's case and contributes in constructing his public image, since it is as a result of his oratorical accomplishments that attention is drawn towards him.

2.7. CONCLUSION

Masculine oratorical performance, power and gendered oratory are the central themes that serve as foundation to theorising about Ciceronian oratorical hegemony. The reign of the orator in the public place has emerged as a form of the orator's oratorical hegemony and more specifically, for instance, Ciceronian oratorical hegemony. Oratorical hegemony does not consist of a single orator but of

⁶⁹ After Mommsen 1877, one of the greatest detractors of Cicero remains Carcopino 1947: 89-140, 232-275, who portrays Cicero as an egocentric and dishonest public figure. Carcopino challenges the philosophical positions that Cicero maintains through a detailed examination of his letters. Carcopino's work suggests Cicero's personality is morally questionable, egocentric and dishonest. Carcopino's assertions have been challenged by Dorey 1965: 27-45 and in reviews by Balsdon 1950: 134-135, 1952: 178.

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a number of orators who have come to be seen as the better orators and who have held sway in the public place by their use of oratory. On a conceptual level, theorising about Cicero's form of oratorical hegemony has demonstrated that an orator can consciously ascend the social ladder by the manipulative use of oratory. Cicero understands the different rhetorical paradigms of self-articulation and assertiveness that could be displayed through rhetorical performance with a view to gaining oratorical dominance in the public place.

3

Contending for the Speaking Space: Cicero versus the King of the Forum

3.1. INTRODUCTION

The two previous chapters have sought to present as clearly as possible the theoretical framework for the following analyses. Chapter 1 presents abstract formulations of rhetorical theory and the social order of men (and women) as it particularly affected the orator's production of an oratorical hegemony in the Roman republic. Chapter 2 offers a macrocosmic perspective on oratorical hegemony, using Cicero as an example, by scrutinising his rhetorical paradigm, attitudes and ideological conflicts. The present chapter offers the first of several analyses of Cicero's speeches and considers themes that relate to his construction of oratorical hegemony. The speeches used in this dissertation have been carefully selected based on their importance to Cicero's career. Cicero's début performance, *Pro Quintio*, delivered in 81 BC, is the focus of attention in this chapter.

Very few rhetoricians have attempted to analyse the *Pro Quintio* extensively. The paucity of secondary material on this speech is probably due to the fact that Cicero himself had little or no regard for this performance, claiming that his defence of Roscius (*Pro Roscio*, 80 BC) was a milestone in his forensic practise (*Brut.* 312). Another reason why this case attracts so little attention might be because of its civil

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nature; it is not a criminal case that could have aroused public interest. Perhaps issues contained in the *Pro Quinctio* are not directly connected to researchers' themes of interest. Anyway, whatever the reason that the importance of this case has been dismissed, Cicero's claim of its insignificance remains indisputable. Kennedy, a classical rhetorician of renown, understates the importance of the speech to Cicero's career but concedes that 'rhetorically the case is remarkable mostly for the fact that the young advocate for Quinctius happened to become the greatest Roman orator'.¹

However, this chapter argues that although the *Pro Quinctio* did not earn Cicero many litigation cases, it is of equal importance with other cases not only in regard to his career but also to Roman political space, judicial advocacy in Rome, and the history of rhetoric. On a professional level the speech serves as a major turning point in the very early stage of Cicero's career as an orator. In the early stage of his career Cicero becomes an active participant in forensic endeavours and is no longer a mere spectator.² Cicero's first appearance as an orator in the public

¹ I have ascribed understatement to Kennedy's 1972: 138 statement because changing the direction of a public vocation and producing enduring knowledge surpasses merely personal greatness.

² Cicero's dual training in the public place had prepared him for a successful career. The list of renowned professors and mentors that groomed Cicero for public life is evidence of the quality of education that he had (Plut. *Cic.* 3.1-4.5). Griffin and Atkins 1991: xxxiv trace Cicero's intellectual heritage to all the influential

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space serves as the beginning of the spatial reconfiguration in respect of the great orators, Cotta and Hortensius, who had previously held sway in various oratorical contexts. Cicero's entry into the forensic space marks the birth of a new oratorical order. His overall impact on the public life of Rome reflects the redirection of Roman rhetoric and to this day there exists a category of rhetoric that has been dubbed Ciceronian oratory. The *Pro Quinctio* is important especially because it offers a portrait of a new and young orator in the public place. Cicero is able to evaluate his political standing in this speech (as in other speeches of the same period) and to compare himself with eminent contemporary oratorical figures.

Scholars generally refer to the *Pro Quinctio* as Cicero's earliest (or first) extant speech.³ I acknowledge that there were almost certainly other speeches that

Atkins 1991: xxxiv trace Cicero's intellectual heritage to all the influential philosophical schools in the ancient world. On Cicero's political heritage and apprenticeship, see Mitchell 1979: 1-92. Cicero's rhetorical potential can be appreciated through the appraisal that Plutarch says Apollonius once made on his visit to Rome: 'Σέ μὲν, ὦ Κικέρων, ἐπαινῶ καὶ θαυμάζω, τῆς δὲ Ἑλλάδος οἰκτεῖρω τὴν τύχην, ὁρῶν, ἃ μόνον τῶν καλῶν ἡμῖν ὑπελείπετο, καὶ ταῦτα Ῥωμαίοις διὰ σοῦ προσγεγόμενα, παιδείαν καὶ λόγον', 'You indeed, O Cicero, I commend and admire; but Greece I pity for her sad fortune, since I see that even the only glories which were left to us, culture and eloquence, are through you to belong to the Romans', *Cic.* 4-5).

³ Leeman 1963: 97, Freese 1967: 2, Kennedy 1972: 138, May 1988: 14.

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discussed in Chapter 1, I will treat the oration as Cicero's first extant speech and first available unit of experience in the forensic space. The *Pro Quintio* is especially appropriate for the present enquiry since it is the first evidence of Cicero's forensic encounters; it represents the kind of speech one would expect a 'struggling' young orator to deliver, and the peculiar nature of the case makes it even more interesting.⁴ Because the speech is in fact Cicero's first appearance before the senatorial courts,⁵ the *Pro Quintio* is a kind of 'a first speech'.

The speech demonstrates how Cicero, a potential Roman *vir*, contends for a speaking space within the social framework of first century BC Rome and how he

³ Leeman 1963: 97, Freese 1967: 2, Kennedy 1972: 138, May 1988: 14.

⁴ Leeman 1963: 97 believes that Cicero's real debut speech was the *Pro Roscio* since it established his fame as an orator. Orators do not always become famous through a debut performance. The consequence of the *Pro Roscio* should not override the importance of Cicero's other speeches. Certainly, Cicero's defence of Roscius 80 BC came after some speeches had been delivered in the court. If we consider the *Pro Roscio* to be Cicero's first speech, we are denying him his first oratorical experience. For a thorough understanding of Cicero's development in the forensic space, we need to regard his *Pro Quintio* as important as his other orations. One might legitimately discount the importance of the *Pro Quintio* if it were not extant. For me, the *Pro Quintio* represents very much his debut oration since it typifies a first delivery experience. Viewing the *Pro Quintio* in this light makes the Anatomy of a Speech (Figure 1) and the Ciceronian Improvisatory Model (Figure 2) appropriate tools to use for a chronological analysis of Cicero's speeches.

⁵ Richards 1964: 188.

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seeks to ascend into the hegemonic cadre in late republican Rome. In this and subsequent chapters, consideration will be given to his progression from a novice in the forensic arena (*persona non grata*) to an orator of note (*orator princeps*). This examination will show that Roman public masculinity was an achieved state, that is, it was earned and not given. The following analysis is divided into three segments: first, Cicero's personal disclosure and self-definition; secondly, Cicero's narrative strategy in the *Pro Quinctio*; and lastly, Cicero's manipulation of truth as an oratorical weapon.

3.2. BACKGROUND AND CONTEXT

The background and context of the *Pro Quinctio* is also pertinent to this study. The *narratio* (*Quinct.* 11-34) as contained in the speech describes a civil case involving property ownership. The case arose out of a business partnership that had failed because of the mismanagement and dishonesty of a junior partner, Naevius. Gaius Quinctius, the brother of Publius, Cicero's client, had invited Naevius to join his business and seemingly the latter had exploited his access to the company funds by embezzling some of them (*Quinct.* 12-13). Naevius' inability to render a proper account of the funds led Gaius to suspect him. Gaius Quinctius' sudden death left a huge gap in resolving questions relating to debts and property exchanges between Gaius and Naevius, which led to problems between Naevius and Publius Quinctius, whom Publius had made his heir. After several interventions by the judicial system,

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there emerged a court case that resolved the property fights between Naevius and Publius.⁶ Cicero's argument in the *Pro Quinctio* consists of three major points: first, that Naevius had no grounds for applying to the praetor to authorise him to take possession of the goods (*Quinct.* 37-48); secondly, that Naevius could not have possessed them in accordance with the Praetor's edict (*Quinct.* 30, 60); and thirdly, that Naevius did not possess them at all (*Quinct.* 35).

The profile of the case was a rather intimidating one for a young attorney, because of the calibre of established politicians and of the advocate in the opposition. Cicero was hired to appear in this case because a certain Marcus Junius, a senior fellow at the bar, was not available for the defence (*Quinct.* 3). A commission had forbidden Junius' appearance in defence of Quinctius, so Cicero had to be briefed for the defence on very short notice.⁷ Cicero, at 25 years of age, found himself set to speak against Quinctius Hortalus Hortensius (114-50 BC), widely regarded as the best orator in the forum. Although Hortensius was a man of great natural eloquence, he also had a strong political base among the nobility.

⁶ Background to the speech is provided in Freese 1967: 2-8, Kennedy 1972: 140.

⁷ By implication Marcus Junius should have appeared for the case since he is an experienced advocate at the bar. However, nothing is known of this Marcus Junius to help us appreciate what his likely input in the case would have been. Nothing is also known about the 'new commission' (*nova legatio*, 1.3). May 1988: 15 suggests that Junius started the case but was later distracted by state commitments.

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Cicero portrays Sextius Naevius, Hortensius' client, as a man of considerable political clout who was ready to use his influence against Cicero's client in whatever way possible. In contrast, Cicero describes his client as a man of meagre resources with few friends (*Quinct.* 1-2). The judge, Aquilius, is also a man of great influence among the Roman judiciary. Finally, the authorities had reversed the order of presentation in favour of Naevius by requiring the defence to speak first before hearing the prosecution's case.

Cicero's response to the judicial circumstances surrounding the *Pro Quinctio* has implications that influenced his career beyond the immediate case. The following analysis considers Cicero's strategies in dealing with these unfavourable circumstances, including a theoretical explanation based on the Anatomy of a Speech and the Ciceronian Improvisatory Model discussed in Chapter 1.

3.3. CICERO'S SELF DISCOVERY AND DEFINITION

Cicero presents his case in a manner that is designed to win the favour of the judge and audience by adopting the Aristotelian model of proem composition. Aristotle (*Rh. Al.* 1442a) recommends that an orator should compare the resources of the opponent with his own, emphasise his client's disadvantages, and should introduce

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issues of justice, law and expediency.⁸ For Cicero to convey his various messages effectively in the *exordium*, he resorts to the adoption of some relevant *personae*. Cicero's deployment of ethical devices, specifically, the use of *personae*, in the *Pro Quinctio* can be interpreted on two levels: first as stylistically consistent with his age and social status and secondly as a true reflection of the young advocate's emotional state.⁹ Theoretical positions that reduce the role of emotion to a purely performative aspect of rhetoric do not do justice to the place of the orator in the forensic space. An orator can draw on his emotions insofar as they coincide with his

⁸ Traditionally, rhetorical appeals are divided into three different categories: *ethos*, *logos*, and *pathos* (Arist. *Rh.* 1356a). *Ethos* concerns the orator's use of the various elements of the speech that reveal positively the character of the speaker; *logos* consists of the argumentative proofs that the orator deploys in order to establish the veracity or falsehood of the allegations; and *pathos* comprises the appeals that facilitate emotional arousal of the audience. Cicero reckons that the triadic duty of the orator is 'to seek the favour' (*conciliare*) of his audience, 'to prove' (*probare*) his case, and 'to incite' (*movere*) his audience (*De Or.* 2.27.115, 185). On Aristotelian *ethos* and on the Ciceronian notion of *conciliare*, see Fantham 1973: 262-75.

⁹ Ancient works are difficult to psychoanalyse and I do not claim to be an expert in psychoanalysis. The argument that I am trying to advance is that it is possible for the orator to use his true emotional state in his oration. The reader should note that this thesis contends from the beginning that the orator's identity and his emotions are oratorical resources that can be used in the process of

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ethical understanding of the case and use these to add to the rhetorical colour of his case. This combined emotional, ethical and rhetorical style creates a consistent background to the orator's narratives and his characters. Characters speak not only *for* the lawyer, but also *as* the lawyer but in lieu of *his* person, as they also do for the client.¹⁰

Central to Cicero's self-discovery, definition and performance strategy in the *Pro Quinctio*¹¹ were *gratia* ('political influence and popularity') and *eloquence* ('powerful oratory'), the principal hallmarks of the Roman masculinity in the forensic space (*Quinct.* 1-2, 59). The *Oxford Latin Dictionary's* definitions under *gratia*

persuasion. The problem is how to separate the 'real' from the 'constructed' when they are used as complementary oratorical tools.

¹⁰ Similar questions about the distance between the poet's autobiography and art that Anderson 1982: 13-72 and Freudenburg 1993: 3-51 have asked of satire can also be asked in rhetoric. When does the orator use his life experience as an oratorical device? Certainly for ethical appeals the orator needs to use those aspects of his life that are relevant to the case at hand and that convince his audience that he has taken the moral high ground. Although one can consider most of the devices of the orator as constructs, the reader should be reminded that the *loci* ('topics') that the orator chooses to use must have a resemblance of reality, which means that there must be some material evidence for his ethical inventions. Cicero dedicates the whole of Book 2 of his *De Inventione* to the different hands-on topics that the orator has at his disposal.

¹¹ Discussions of this speech also occur in Kennedy 1972: 138-148, May 1988: 11-21.

CONTENDING FOR THE SPEAKING SPACE

include 'the favour enjoyed by a person'; 'popularity'; 'esteem'; and 'one's favour put to practical use and influence'.¹² *Gratia* accrues to a *vir* over a period of time, especially at an advanced stage in his career after a series of tests in the forensic space. Naevius, an example of a Roman *vir*, is in the opposition and has some influential personalities on his side. According to Cicero, he has been empowered by the prestige of the influential Romans who are supporting him (*Quinct.* 7). Cicero's political achievements are set in a legal duel against the influential Naevius and the eloquent Hortensius. According to the *Brutus*, Hortensius was one of the orators that gave outstanding performances of rhetoric in Rome at the time. Cicero later chose as his rival the younger Hortensius, who happened to be Naevius' counsel in the present legal proceeding. Hortensius, prior to Cicero's presentation of the *Pro Quinctio*, flourished in the forum alongside Cotta; both Hortensius and Cotta deployed the Asiatic style (*Brut.* 92.319). At the time of the *Pro Quinctio*, Hortensius enjoyed an uncontested primacy as an orator (cf. *Quinct.* 72), and his powerful political profile and public recognition was probably unsurpassed. These are the circumstances surrounding Cicero's presentation of *Pro Quinctio*.¹³

¹² OLD 772-773.

¹³ May 1988:13 maintains that in Cicero's mature years young orators would have had to struggle with the same degree of influence and excellent eloquence that Cicero claims are obstacles for him in this present contest.

CONTENDING FOR THE SPEAKING SPACE

At the time that Cicero delivered the *Pro Quinctio* he had not adequately attained the levels of *gratia* and *eloquentia* expected of an attorney in a case of this nature (Gell. *NA* 15.28.3). The unconventional ordering of court proceedings raises some suspicions about the use of the *gratia* on the part of the opposition, as Cicero laments (*Quinct.* 2.7-8). The reversed order of presentation validates Cicero's insinuation that there has been a connivance between Naevius' team and some court officials, which is a type of enforcement of a male hegemonic code signalling the presence of a powerful opposition to the new entrant in the forensic space.¹⁴ To counter this kind of obstacle placed in his way by the established party, Cicero certainly needs courage, fortitude and a *persona* that is effective and appropriate for the occasion. The courage that Cicero displayed in dealing with this unusual beginning to his career is a testimony to the ambition that the young advocate possessed since his opponents were some of the power-brokers of the day.¹⁵ Given

¹⁴ The reversed order of presentation is indeed disturbing. Certainly, the defence naturally responds to the accusations made by the prosecutors. Unfortunately for Cicero, he has to speak first which means that he would have to 'read out' or assume the allegations to which he will respond. The role reversal would certainly not have been possible if the magistrates have not colluded with Cicero's opposition in this situation. For the new entrant to the forensic space, this is a misuse of power and not the court's adherence to litigation procedure (1.1-3).

¹⁵ Further discussion on *ambitio* in the forensic space already occurs in Chapter 1.6. Gilmore 1990: 9-29 has established that overcoming obstacles in the public place is an important part of a male person's socio-cultural training and

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the difficult circumstances surrounding his speech, the best the young orator could do was to seek to sway the judges with his power of oratory but without hegemony.¹⁶

In the introduction (*proem*) to his speech, Cicero assumes the *persona* of a fretful and incompetent orator. He expresses fear, apprehension and intimidation that the involvement of the opposing first rank personalities poses to him:

Quae res in civitate duae plurimum possunt, eae contra nos ambae faciunt in hoc tempore, summa gratia et eloquentia; quarum alteram, C. Aquili, vereor, alteram metuo. Eloquentia Q. Hortensi ne me in dicendo impediatur, non nihil commoveor, gratia Sex. Naevi ne P. Quinctio noceat, id vero non mediocriter pertimesco.

(*Pro Quinctio* 1.1)

Both great influence and eloquence, the two resources of greatest power in the citizenry are today working against us; Gaius Aquilius, I fear the one and I dread the other. I feel very nervous that the eloquence of Quintius Hortensius might impede my pleading, and truly,

development in most contemporary cultures. According to Gilmore (1990: 11), this process is foregrounded by the universal notion that 'boys must win against powerful odds' (Gilmore 1990: 11). In this situation, however, as in many others, obstacles are placed in a male's way to protect the interest of some other person or group.

¹⁶ On dominance without hegemony, see Guha 1989: 210-309, Guha 1997: 1-99.

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I am greatly disturbed that the influence of Sextius Naevius might injure the position of Publius Quintius.

The intimidated *persona* that Cicero projects gives the impression of incompetence on his part. This *persona* is, of course, intended to resonate with the actual public status of the opposing speakers. *Vereo* ('I fear'), *metuo* ('I dread'), *commoveor* ('I am nervous') and *pertimesco* ('I am greatly frightened') become distracting rhetorical tools for scoring rhetorical points. If these verbs are plausible within the context of the cultural framework of republican Rome, the audience can sympathise with the depth of 'mental torture' that Cicero implies, the imbalance in the juridical cast of characters (*persona non grata* versus *rex fori*, 'the king of the forum'), and the 'disadvantages' that acting as the defence counsel cause him. Indeed one may not regard Cicero's expression of fear as entirely a rhetorical construct. Under the actual circumstances of the case, it is clear that the reversal of procedure and the political prominence of the prosecuting parties would in all likelihood overwhelm the young lawyer, because he does not yet possess the proportion of both power and eloquence that might make up for his inexperience in relation to either of his opponents. Cicero's insufficient political influence in comparison with that of Naevius and his oratorical immaturity combine to present the reader with a young orator who is despondent about the possibility of the court ruling in his client's favour.

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Cicero uses the absence of Junius to emphasise his constructed character as being fearful and intimidated. Although little is known about Junius, it is likely, judging from Cicero's comments, that he had pleaded before Aquilius (*Quinct.* 1.3). It is also possible that Junius' status in and influence over the Roman courts would have addressed some of the problems that Cicero claims are causing him fear. Cicero makes the case that since Junius has not been granted permission to appear, Publius, his client, applied to him late. As a result, Cicero had insufficient time to acquaint himself with the case (1.3-4.) and was thus at a further disadvantage. Assuming the role of an incompetent orator is a justification for the fears that he expressed earlier. Cicero ascribes his nervousness to the shortage of time for sufficient preparation (1.3). Furthermore, he indicates that in other cases that he had handled,¹⁷ he took into cognisance his deficiencies in political power and oratorical excellence and spent more time in preparation (1.4). In his other speeches, as he claims, thorough preparation and his enterprising attitude won him success, but he claims that on this occasion insufficient time would prevent him from presenting an excellent oration (1.4). Cicero is attempting to incite the anger of the judge against the opposition for abuse of power and judicial misconduct.

¹⁷ Although Cicero claims to have handled some cases before this time (1.4), there is no information about how many there were and whom he actually represented.

CONTENDING FOR THE SPEAKING SPACE

As a follow up to the Aristotelian scheme of proem composition that I presented earlier in this section, Cicero introduces issues relating to justice and truth (1.5-6). Cicero pleads for the rapt attention of the judge, Aquilius, to his defence in order that he might be able to extract the truth from the case (1.5). Appeal to the truth will subsequently become one of Cicero's strongest ethical devices in the speech.

Gratia ('popularity'), *eloquentia* ('eloquence') and *veritas* ('truth') are the tripod upon which the *Pro Quinctio* rests. These three rhetorical elements have serious ethical implications for the rest of the proceedings for all the stakeholders. The most important person whose favour should be courted is Aquilius whose presence is a sign of justice, and whose *fides* ('conscientiousness') and *constantia* ('constancy') assure Cicero of justice (*Quinct.* 2.6). A paradox can be read into Cicero's triadic system. On the one hand, Cicero introduces an intimidated *persona*, using the *gratia* and *eloquentia* of the opposition as a means of winning the favour of the judge for himself, and the judge's anger against the opposition, who are allegedly misusing their political influence. On the other hand, Cicero's *veritas* will subsequently serve as the more potent weapon that he possesses, meaning that even though Cicero claims to lack an equal level of *gratia* and *eloquentia* that the opposition possesses, he is still able to draw rhetorical strength from his claim to possess the truth. Cicero here positions 'political truth' against 'moral truth'.

CONTENDING FOR THE SPEAKING SPACE

Cicero's situational reality in this context is that the abuse of politico-legal power has translated into an unprecedented change in the conventional order of judicial procedure. Cicero is seriously hampered by the unexpected demand that he speak first as defence counsel against the prosecution case that has been entrusted to a powerful and respected orator. The usual role of the defence attorney is to respond to the accusations imputed by the prosecutor, but in this case, the defence is called up to address the court first. Cicero, likening this disconcerting procedure to the reversal of action in typical warfare, censures the impropriety of proceedings that require him, the defence, to plead his case first; he is metaphorically appearing as a warrior defending against the shafts still to be cast by the *accusator* ('prosecutor'); later in *Pro Quinctio* 8 he uses the word *adversaries* ('enemy'). For Cicero the logic and tradition of court procedure, which dictate that the first prosecution court address is to be followed by the defence, has been altered, and he argues that his case has been seriously weakened because of this reversal:¹⁸

¹⁸ The use of power described in the excerpt conforms with the definition of power offered by Dahl 1957: 202: 'A has power over B to the extent that he can get B to do something that B would not normally do'. For more information on power and oratory, see Ober 1994: 85-108. The politicisation of the court case shows that some individuals possess the power to manipulate the court in order to impose their wishes on their opposition. In this context, as Cicero suggests, this is only made possible by the involvement of Dollabella (2.9, 9.33).

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Ita fit, ut ego, qui tela depellere et vulneribus mederi debeam, tum id facere cogar, cum etiam telum adversarius nullum iecerit, illis autem id tempus impugnandi detur, cum et vitandi illorum impetus potestas adempta nobis erit et, si qua in re, id quod parati sunt facere, falsum crimen quasi venenatum aliquod telum iecerint, medicinae faciendae locus non erit.

(*Pro Quinctio* 1.8)

Such is the nature of this case that I, who am supposed to avert the missile weapons [launched by the enemy] and soothe the injuries [caused by them], am now compelled to do my duty even when the enemy has not hurled anything. They have time to attack, while we have been deprived of the power of avoiding their assault, and when they make false allegations similar to poisoned weapons, which they are ready to do, we will not be able to apply any remedy.

The situation is aggravated by the praetor, who Cicero alleges is guilty of injustice and wrongdoing by having allowed the accusers to include 'contempt' (*infamia*) of court in the charges (*Quinct.* 2.9).¹⁹ For the young advocate this inconsistency is an unjust and unprecedented procedure of jurisprudence. Cicero attributes this sudden reversal in Roman legal practice to the blatant abuse of power and influence on the

¹⁹ Freese 1967: 16.

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part of a self-interested faction (*Quinct.* 2.9). Subsequently, Cicero's style of argumentation will be characterised by some elements of 'military' rhetoricism.

Cicero then changes his oratorical identity from that of being fearful to that of a more placating persona (2.10). This is a ploy to oppose the judge's integrity against the morality of the prosecution, thereby aligning the judgement of the court with his plea. Cicero's supplicant *persona* commits his client to the objectivity of the judges, pleading that his client, Publius Quinctius, be accepted into the refuge of their *fides* ('integrity'), *veritas* ('uprightness') and *misericordia* ('compassion', *Quinct.* 2.10). Cicero speaks as if it should be taken for granted that the judge possesses a kind of power to articulate those qualities. What is more important for Cicero is the question of the means by which that power will be put to use. For the moral values backing up the use or abuse of power in court is what will determine the direction that justice will take in this case. Cicero's appeal to the judge and his assessors to apply *fides*, *veritas*, and *misericordia* suggests that the opposition lacks these qualities, which has resulted in numerous violations of other people's rights.²⁰

In his *exordium*, Cicero has managed to establish his case in a manner that raises some legal concerns, such as the abuse of power on the part of a conspiracy of Roman citizens who are connected to the case, anomalies in the legal proceedings, and the imminent injustice that is about to be perpetrated. Although a mere youth, Cicero's competence in surmounting these judicial obstacles portray

²⁰ The names of the judge and his assessors appear in *Quinct.* 17.54.

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him as an orator of great potential. He exploits the situation in order to address the legal injustice and censures the activities of those who seek to gain a legal advantage over him. Cicero's addressing of Hortensius' social status and privileges and the way in which the opposition distorts the legal proceedings in this case is intended to strengthen his position. Cicero's attack is intended to neutralise as much as possible the advantages that Hortensius enjoys. Cicero further attempts to strengthen his position and to apply some pressure on the judges by mentioning some of the procedural inconsistencies relating to the case and his insecurity concerning the objectivity of the judges.²¹ This process of identifying the legal problems may have helped the young advocate to gain control of the situation, depending upon the judge's response to his appeal. If the feedback was positive, then the orator could pursue his already planned line of defence. If the response of the judge was otherwise, he would have to switch to using other rhetorical strategies

²¹ I disagree with Kennedy 1972: 140, who does not think that the *exordium* is cleverly designed to seek the attention of the judges. He thinks this *exordium* is flat and thereby not potent enough to achieve any result. Certainly Cicero would have conducted his audience analysis before starting this speech and would have considered how best he could ensure the attention of his audience. In this instance the best way to seek the judge's attention is by crying out against injustice and improper use of power that the supposedly 'just' judge should not collaborate in perpetrating. Presumably Kennedy has used Cicero's standard of command of language and deployment of rhetorical style in his mature years to judge the orator's *exordium*.

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designed to win the favour of the presiding judge. A positive response from the judge would have compensated Cicero for his limited forensic experience in comparison with that of Hortensius.

This *exordium* further introduces us to an extreme instance of misuse of power by the people who belong to the male hegemonic category in this context. At this time Cicero's emerging masculinity was being tested against the practices of a superior established masculinity.²² For the new entrant to the public space this practice was oppressive and unjust, even though 'justice' should be the defining characteristic of the judicial space. This case was a measure not only of Cicero's personal, rhetorical and political worth against the best orator of the day but also of his political standing against that of the powerful and unscrupulous Naevius.²³ Cicero's ability to survive this testing will show his preparedness to engage himself in any future legal duel against any opposition. The Romans, however, did not fully recognise his potential until a year later after the presentation of *Pro Roscio Amerino* in 80 BC (*Orat.* 30.107, *Brut.* 90.312, *Plut. Cic.* 3.3).

As Cicero proceeds in the *Pro Quinctio*, he demonstrates that he is capable of withstanding a major oratorical force like Hortensius. An example occurs in *Pro Quinctio* 10.34, when Cicero indicates that there is an objection raised by Hortensius

²² On masculine testing see Gilmore 1990: 12-20.

²³ See May 1988: 14 for the character scaling of the different parties involved in the legal proceeding.

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and insists that Aquilius should consult his assessors. The nature of Hortensius' objection is unclear. Since the primary role of the assessor is to verify the truth in the assertions of the advocates, is Hortensius asking Aquilius to confirm with the assessors as to whether Cicero's story is true? Since Hortensius has been an orator of note and has wielded some influence in court, is he trying to use his influence against Cicero? That is what Cicero wants the audience to believe. Is Hortensius shouting at Cicero in court or is Cicero putting words into his mouth? Cicero is projecting a 'bold self' that may be intended to compensate for any possible inadequacies. Since an orator would normally explore every rhetorical possibility to his advantage, the projection of this bold self serves as a means to elevate his position as defence attorney against Hortensius.

In his *partitio* (10.34-36) Cicero launches an attack that borders on the exploitation of Hortensius' oratorical style. Cicero indicates that he has studied Hortensius' style and that he will be applying it more flexibly on this occasion than Hortensius himself. Cicero believes that nature had given Hortensius the talent for oratory but that his natural talents were weakened by the oratorical formalism enshrined in the Asiatic style.²⁴ In other words, what Hortensius has always done is what Cicero will do in this present case because of the nature of the case:

²⁴ A discussion on Asiatic and Attic styles of oratory has already occurred in Chapter 2.

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faciam quod te saepe animadverti facere, Hortensi; totam causae meae dictionem certas in partes dividam. Tu id semper facis, quia semper potes, ego in hac videor posse facere; quod tibi natura dat ut semper possis, id mihi causa concedit ut hodie possim.

(*Pro Quinctio* 10.34-35)

What I have observed you always do Hortensius, I will do; and I will divide my speech clearly into parts. You always do this because you can do it, and in this case I seem to be up to the task; and what nature bestows on you always to accomplish today the nature of this case permits me.

In this passage, Cicero constructs Hortensius as a predictable orator with a limited repertoire of mainly Asiatic oratorical strategies. Cicero suggests that although Hortensius is a naturally gifted speaker, he has been constrained by the recognisable forms of the Asiatic style. Cicero, however, constructs himself as a more flexible speaker than Hortensius in response to the circumstances that inform forensic advocacy and audience feedback.²⁵ This attack on Hortensius' style undermines his oratorical hegemony and is doubly effective because Hortensius is the leader of the Asiatic movement in Rome. In Chapter 2, it was noted that the Asiatic style of oratory is in fact supposed to allow some space for robustness and

²⁵ For the feedback loop see above Chapter 1.2.

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flexibility. What Cicero is therefore insinuating is that Hortensius has sacrificed this latitude in the Asiatic style for a stagnant concentration on structure at the expense of content. Hortensius, in other words, has obtained his pre-eminence merely by embellishing a predictable rhetorical structure with flowery oratory to match any occasion.

The adversarial roles that Cicero constructs between himself and Hortensius indicate the contrasting personalities in a rhetorical event, and his biased portrayal of events is intended to show that he is the better orator even as he continues to say that he is intimidated by the opposition. Furthermore, it is possible to read a paradox into Cicero's deliberate attempt to use Hortensius' style of advocacy. Cicero is trying to sabotage Hortensius' presentation and to disorient him before the delivery of his court address by adopting Hortensius' method of speech partitioning. The actual adaptation of Hortensius' style and the vocalisation of Cicero's intent would have had an unsettling impact on Hortensius. If Cicero is simply using this style because it is the more appropriate style than others, then one might surmise that at this stage of his career Cicero might genuinely be accepting that he is politically subordinate to Hortensius in the Roman social structure.²⁶ If the *Pro Quinctio* was Cicero's first encounter with Hortensius, then it is not unlikely that he actually used the occasion to measure himself against the best orator. This experience would not only serve Cicero well on future occasions when speaking against Hortensius but would also

²⁶ See *Brut.* 317-321 for Cicero's comparison of Hortensius and himself.

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create a framework for collaborating with Hortensius when jointly defending cases in the future.²⁷

3.4. NARRATIVE STRATEGY AND CHARACTER DEFINITION IN THE *PRO QUINCTIO*

The *narratio* is one of the traditional parts of a speech that Cicero, when he used it, did so for a specific forensic reason. Traditionally the type and content of the *narratio* and the position of the orator in the order of presentation would determine how he managed the oratorical resources available to him in the argumentative sections of his speech. Cicero's discussion of the *narratio* (*Inv. rhet.* 1.27-30) reveals that there are three types: first, a story told to narrate the course of events leading to the dispute; secondly, a story told as diversionary tactic; and thirdly, one that is unconnected with the case in hand but used to bring out some socio-cultural values for the benefit of the audience. Ultimately, the nature of the *narratio* will establish its effectiveness. Out of the three characteristics of the *narratio*, namely, *brevitas* ('brevity'), *claritas* ('clarity') and *probabilitas* ('plausibility'), the third feature seems most relevant to this discussion.

In the process of constructing a plausible story for the audience, the orator can manipulate the characters in such a way that they simulate live characters (*Inv.*

²⁷ On the relationship that existed between Cicero and Hortensius in the Forum, see Chapter 2.

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rhet. 1.29). Constructing characters that fit the nature of the different participants in the case helps to animate the *narratio* so that the story is compelling and can be believed by an audience. An orator can also employ *topoi* ('commonplaces') to enhance the quality of his *narratio* (*Top.* 97). In this way he can compare characters between the powerful and the less powerful (cf. *Inv. rhet.* 1.27). In addition, the orator can conduct draw salient differences between the characters based upon the degree of their goodness or badness. Within the overall context of the *Pro Quinctio*, Cicero constructs his client and witnesses as powerless and good, while he represents the opposition as being powerful and evil.²⁸

In the character sketches that Cicero draws in the *Pro Quinctio*, it is clear that Cicero's *dramatis personae* are constructed in relation to one another and this represents his method of casting throughout the speech. Between Naevius and Quinctius there is an interdependency of character development; for instance, Naevius' activities enhance the good character attributed to Quinctius. In the *narratio* Cicero portrays his client in a way that is designed to win the favour of the judicial authorities even as he strives to diminish the standing of the other party. Furthermore, the orator develops a mutual character support between himself and

²⁸ May 1992: 14 observes that the 'unsuspecting reader perhaps will soon realise that Cicero's line of defence revolves chiefly around effective character portrayal of protagonist and antagonist in the hope of reducing the issue of the case to a simple conflict between two antipathetic ways of life'.

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his characters. His client's good character is meant to reflect positively on the integrity of **the orator** while the bad depiction of Naevius is designed to reflect negatively on the character of Hortensius. In the course of the narration Cicero manipulates the characters of the clients in the court drama and this interference is largely explained by Cicero's biased position toward his client. In his *narratio* (11-34) Cicero recounts what transpired between the primary characters in this case.²⁹ Cicero's version of the narrative offers several examples of Roman masculinity by the cast of characters involved in the case. The table below contains a list of the characters, their roles and a description of the attributes of some of the masculinities that can be identified in Cicero's *Pro Quinctio*. These personalities are characterised by the use of epithets, adjectives, descriptive verbs, reference to geographical location, and Cicero's authorial remarks.³⁰ Cicero deploys these elements primarily to construct two groups, namely the good and the evil.³¹ While Naevius and his supporters symbolise evil, Cicero and his men represent goodness.

²⁹ For a summary of the *narratio*, see Chapter 3.2.

³⁰ See also Kennedy 1972: 140, May 1992: 15-16.

³¹ Cicero discusses *effictio* ('portrayal'), *notatio* ('character delineation') and *sermocinatio* ('dialogue') the rhetorical devices for character definition in *Rhet. Her.* 4.49.63-66.

Definition of Characters in Cicero's *Pro Quinctio*

<p>Hortensius (<i>rex fori</i>) (bad character)</p> <ol style="list-style-type: none"> 1. influential orator 2. leader of a rhetorical movement (Asiatic) 3. very popular and having the Consul's support 4. leans towards the conservative party 5. influential client 	<div style="border: 2px solid black; padding: 5px; display: inline-block;"> <p>As contained in the introduction</p> </div>	<p>Cicero (<i>persona non grata</i>)</p> <ol style="list-style-type: none"> 1. <i>novus homo</i> 2. novice orator 3. zero popularity 4. just starting his career (young orator) 5. client unknown to the larger community
<p>Naevius (Hortensius' influential client)</p> <ol style="list-style-type: none"> 1. (an ironic) good man (11) 2. witty buffoon and a savage auctioneer (11) 3. possesses an excellent voice and a libertine (11) 4. a man of immutable character (12) 5. insatiable profiteer (12) 6. incompetent manager (14) 7. potential murderer (14) 8. imitator of honest men (16) 9. bad adviser (18) 10. a liar (18) 11. (irony and innuendo) excellent man (18) 12. assertive (20) 13. adamant (21) 14. contemptuous of court (22) 15. fraudulent (22) 16. opportunist (25) 17. greedy (26) 18. untrustworthy, perfidious and undutiful (26) 19. disrespectful of others' reputation and fortune (27) 20. lawbreaker (28) 21. gladiator (29) 22. a most violent fellow, rogue and thief (30) 	<div style="border: 2px solid black; padding: 5px; display: inline-block;"> <p>As defined in the <i>narratio</i></p> </div>	<p>Publius Quinctius (Cicero's client), Naevius' antithesis</p> <ol style="list-style-type: none"> 1. esteemed by Gaius (14) 2. crushed (when Naevius broke his promise) (20) 3. cautious and peace loving (20) 4. tolerant (21) 5. diffident (31) 6. troubled (32) 7. supporter of justice (32) (generally good) <p>Gaius Quinctius (Publius' brother), an altruist</p> <ol style="list-style-type: none"> 1. prudent (11) 2. attentive (11) 3. careless in inviting Naevius to join the partnership. (11) (His carelessness is however not presented as a fault, but a manifestation of his generosity.) <p>Alfenus (arbitrator appointed by Publius)</p> <ol style="list-style-type: none"> 1. relation of Naevius (21) 2. close friend of Publius (21) 3. civic rights activist (27) 4. hard line fighter (29) <p>Aquilius (judge) A just judge proposed by Quinctius (32)</p>
<p>Dollabela (consul), on Hortensius' and Naevius' side</p> <ol style="list-style-type: none"> 1. unjust (30) 2. 'most manfully preserved in evil' (31) 3. abuser of power (31) 		

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Cicero assumes the role of the narrator; Aquilius and the assessors are the narratees; and the rest of the characters highlighted above are the narrated. From the long list of abusive epithets and adjectives that Cicero deploys against the opposition he gives negative definition to the characters in contrast to the positive depiction of his own witnesses. Naevius suffers the most because of the long list abusive epithets with which Cicero characterises him. In a forensic space where morality plays a significant role, the 'characters' generally reflect the colour of the speech itself.³² The success of the portrayal in the *narratio* determines the subsequent pleading that follows. The argumentative (*probatio* and *refutatio*) aspects of the speech depends upon the basic understanding of the case that the orator assumes the narrative background fostered.

Cicero's characterisation in the *Pro Quinctio* has multiple implications, first for the immediate surrounding, which is the speech situation, and secondly, for the personality of each advocate. Cicero can be seen not only to be defending an *amicus* (political affiliate) in the Roman context, but also as a *novus homo* ('new man') who is trying to carve a niche for himself in the forensic space to establish credibility for himself. Since the characters in the narrative come from the broader society, the characterisation serves a sociocultural function given that they reflect the different gender categories that are present in Rome. Because the orator is

³² May 1988: 20 remarks, 'Cicero relies on the portrayals of characters of the litigants as premises upon which to build his arguments'.

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advised to employ appropriate *topoi* to shape his *narratio* (*Top.* 97-99), it is possible for him to play on the recognisable stereotypes of the day. Such play on common stereotypes lends definition and credibility to the orator's story. For instance, Naevius' masculinity conforms to a typical urban 'cheat', while Publius' and his brother's masculinities possess qualities of rural 'altruists'.³³ This stereotypical portrayal serves as a calculated play on the audience's conscience and is intended to convince the audience that the orator is speaking the truth. The possibility exists within a morality-based speech context for the orator to allege the truth as a basis for argumentation when the whole speech is perhaps based on *probabilitas* ('plausibility').

3.5. TRUTH AS ORATORICAL TOOL IN THE *PRO QUINCTIO*

The third effective strategy Cicero uses in this speech is *veritas* ('truth'). Alleged truth is the strongest weapon with which Cicero can induce belief and demonstrate his resource to counter the *gratia* and *eloquentia* of the opposition. Theoretically truth is a problematic concept in an oratorical context because of the semantic shift from the orator's use of *probabilitas* to his claim of *veritas*.³⁴ A forensic orator bases

³³ For a discussion on the urban/rural dichotomy see Vasaly 1993: 171-172.

³⁴ At this point in Cicero's career, *veritas* and *probabilitas* have not become complex concepts in Cicero. The earliest treatment of these concepts occurs in his *De Inv.* 1.29.46. The notion of *probabilitas* validates the claim of the existence of

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his argumentation on the interpretation of a real life occurrence, which the client must have related to him as clearly and honestly as possible. Subsequently, for the lawyer, truth means the believable narrative of the transactions between the different parties involved in the case. Expectedly, the narration that the orator presents in court has been embellished and constructed for persuasive purposes. In this section, the question is not about whether the narrative is true or not; but about the orator's insistence that the narrative is true. This semantic shift I call 'forensic truth'. This forensic truth becomes public truth when the court rules in its favour based on the facts presented to the judge.³⁵ Forensic advocacy is always a duel between two attorneys, namely the prosecutor and the defence, each representing different kinds of narrative truth. So in a court situation there are two kinds of

true and false statements (*De Inv.* 1.29.46). Forensic oratory seeks to make a semantic shifts of true and false statements to the point where they render an experience believable. For Reichenbach 1936: 23 in an uncertain situation, 'probability is a determinate-weight which takes the place of an unknown truth-value...the weight is a quantity in a continuous scale running from the utmost uncertainty through intermediate degrees of reliability to the highest certainty'. He 1936: 75 further asserts that probability 'is not an invention made for the sports of gamblers, or for the business of social statistics; it is the essential form of every judgement concerning the future and the representative of truth for any case where absolute truth cannot be obtained'. For a discussion on the related terms on *probabile*, *veri simile* and other related terms in Cicero see Gucker 1995: 115-143.

³⁵ On truth and verification see Russell 1936: 289-288.

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forensic truth, the prosecutorial truth and the defence truth. The orator clearly pleads from a subjective position and his rhetoric is characterised by the *probabilitas* ('plausibility') of his appeal.³⁶ The forensic truth can be further divided into two categories, which I call the intrinsic and the extrinsic. The intrinsic truth is the truth that is contained within the attorney's narrative itself, which could include the factual elements that the client may have presented to him, while the extrinsic truth is the orator's rhetorically imposed assertions for the purposes of persuasion.

The foregoing classification largely explains why plausibility is crucial to forensic advocacy due to the overlap between the actual truth and the alleged truth. Quintilian suggests that regardless of the actual truth of the case that the orator is arguing, what he utters before the court must be plausible (*Inst.* 2.17.30-40). In practical terms, Quintilian's truth is the way that the events unfold prior to the speech situation, and this truth the attorney must elicit from the witnesses, evidence, and the verbal (and non-verbal) transactions between the different participants in the case. The attorney adopts these ingredients as a means of enhancing the

³⁶ In Foucauldian terms, this will be the 'general politics' of truth in the forensic space. Foucault 1980: 131 submits, 'Each society has its régime of truth, and its 'general politics' of truth: that is, the types of discourse which it accepts and makes function as true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with what counts as true'. On probability and persuasion see Gagarin 1994: 46-68.

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plausibility of his case in court, because the ultimate truth will be the rhetorical utterances that the judge (along with his assessors) accepts as true in court.³⁷

The strategic instances of *veritas* in the *Pro Quinctio* demonstrate the importance and the power of the plausible in an oratorical presentation. In the course of the speech Cicero unravels the different definitions of truth as it relates to the event and the speech context. These contextual definitions are meant to make clear Cicero's case and to deal with as many accusations as possible before the opponent's speech.

Cicero seeks to prove to the court that by employing a rhetoric of truth he recognises its power to vindicate an unjustly accused citizen. Cicero's early appeal to truth opens up a number of interpretations as to what exactly the final truth might represent. Is it his testimony, his position as defence advocate, or himself, the example of moral rectitude? His first representation of truth depicts it as a potential victim:

³⁷ The role of the assessors is to decipher the truth from the orator's rhetorical utterance. In judicial oratory, the judge is usually the target of manipulative rhetoric, and he is assigned the great task of decoding the truth from the stream of polemic and defensive rhetoric that the orator deploys. Quite frequently the orator suppresses what is commonly regarded as moral truth; this suppression of moral truth forms the crux of Plato's argument (*Phdr.* 272-273) that the orator often sacrifices morality for the purposes of 'speaking well' (*bene dicendi*). On the orator's substitution of falsehood for the truth, see Quint. *Inst.* 2.7.16-40.

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Quae quo plura sunt, C. Aquili, eo te et hos, qui tibi in consilio sunt, meliore mente nostra verba audire oportebit, ut multis incommodis veritas debilitata tandem aequitate talium virorum recreetur

(*Pro Quinctio* 2.4)

Gaius Aquilius, the more disadvantaged we are in this proceeding, given this myriad of adverse conditions, the more you and your assessors should grant us your keen attention to our testimony. So that at last when the truth has been weakened, it may be revived by the sense of justice of such eminent men.

Already in his prefatory remarks, therefore, Cicero introduces a theme that will recur throughout his speech. He exploits his apparently uncertain position to gain the judge's attention, inferring that if a person is too disadvantaged in a case, then extracting the truth becomes impossible. This impossible task can be equated to reviving a sick person or committing an act of violence against the truth (2.4). Cicero's makes his personification of truth an important element of the proceedings, and he represents the truth as a 'person' present in court who can be victimised. In fact, he is making the assertion that as a result of procedural rigging the truth has already been victimised and that the present task is 'to resuscitate' (*recreare*, 2.4) it. Cicero further strengthens his personification of truth by asserting that if the judge were to allow himself to be intimidated by the influence of the opposition and

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thereby to rule against the truth, he would be making the truth a roving vagabond who has been driven out of his domain without a place to find rest (*Quinct.* 2.5).

In a court situation the judge (and the assessors) base their verification of the truth on the orator's mechanisms, namely the witnesses' testimony, the verbal (and non-verbal) presentation, and the material evidence that the attorney presents³⁸. These mechanisms are what one could call the vehicles of truth. To follow the established procedure, Cicero asserts that he will present reliable witnesses and material evidence in the form of letters that will further establish his case (*Quinct.* 17.58). Cicero promotes his evidence and witnesses in consonance with Aristotle's suggestion that the witnesses should be affirmed or otherwise the speaker should make use of probability more often than witnesses because probability cannot be corrupted (*Arist. Rh.* 1376a17-23).³⁹ The purpose of promoting his witnesses, Lucius Albius, Quinctius and their relations, may be because they are primary participants in this case (*Quinct.* 18.58). Cicero has already developed a character profile that presents Quinctius as a trustworthy person. On the other hand, the cast of characters that Cicero creates to signify the quality of Naevius' witness consists of corrupt and unprincipled persons who have been bought by the prosecution, as

³⁸ In Cicero the means of verifying the truth in Cicero is sense perception (*De Inv.* 1.29.46, *Acad.* 2.6.19-20).

³⁹ On probability and persuasion see Gagarin 1994: 46-68. Also see Kennedy 1972: 145.

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shown in the table above. His tactic for emphasising this is to rank the validity of their testimony according to their *auctoritas*, their right and power to claim possession of the disputed property:

Unum tamen hoc cogitent, ita se graves esse, ut, si veritatem volent retinere, gravitatem possint obtinere; si eam neglexerint, ita leves esse, ut omnes intellegant non ad obtinendum mendacium, sed ad verum probandum auctoritatem adiuvare.

(*Pro Quinctio* 23.75)

However let them bear one thing in mind, since they consider themselves serious men, that their testimony can carry weight if and only if they walk in the line of truth; but if they ignore the truth, thus they are they are so trivial, as everybody understands that power cannot be deployed with a view to sustaining a lie but rather to aiding the truth.

Here Cicero, posing as an ethical philosopher, introduces the social dimension of power to the matter of how the attorney manipulates the truth in the course of his argumentation. He claims that only the truth gives power a socially acceptable definition of influence. Then Cicero suggests that authority should be taken seriously if and only if it is used to support the truth and not to perpetuate a lie (*Quinct.* 23.75). Cicero does not elucidate what he means by the concepts of *veritas* ('truth') or

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mendacium ('a lie'). It is apparent, however, that his demand for ethical justification of the witnesses' authority is tantamount to manipulating the audience's reception of the prosecution address that is to follow.

To support his claim to veracity and to establish his position as trustworthy, Cicero relates his encounter with Roscius the comedian. As a matter of fact, Roscius is used as a source of authority in this respect since he is a well-known comedian and a popular actor (*Brut.* 290). Cicero's name dropping of Roscius serves as an ethical effect and counterweight to neutralise the psychological impact that the powerful individuals who are supporting Naevius seem to have on this occasion.⁴⁰ In *Pro Quinctio* 24.77 Cicero narrates his psychological state when he was made to understand the calibre of people against whom he was to plead. Cicero gives two reasons for the fear that gripped him at the outset of his preparations for the defence: first, that he might not be able to stand against the prosecution counsel in the case, and secondly, that he might not be able to handle the defence satisfactorily.⁴¹ However, Cicero's interaction with Roscius helped

⁴⁰ See also May 1988: 20.

⁴¹ Canter 1936: 464-465, Kennedy 1972: 148 and May 1988: 19 have debated Cicero's intention in *Quinct.* 24.77 when they question the ironic nature of this section. What these critics seem to miss in their arguments is Cicero's complete thought in this portion of the speech; in other words, one must read the passage up until *Quinct.* 25.79 to understand what Cicero is trying to accomplish. Cicero has started to argue about the truth, and he is about to introduce a character whose

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Cicero to establish some elements of the narrative that he would allege to be the truth in court. As Cicero reaches the advanced stages of his speech, truth and modesty emerge as powerful weapons:

profecto intellegitis illinc ab initio cupiditatem pugnasse et audaciam,
hinc veritatem et pudorem, quoad potuerit restitisse.

(*Pro Quinctio* 79)

Undoubtedly, you understand from the very beginning that from that side avarice and outrage launched the attack, while from this side truth and decency have resisted as much as they can.

Cicero employs heavy sarcasm and humour to present Naevius and his attorneys as objects of ridicule (*Quinct.* 24.77-25.79). In *Pro Quinctio* 25.79 it is not clear whether Cicero is taking note of Naevius' testimony or simulating the latter's

presence will serve as an inartistic proof (cf. Arist. *Rh.* 1355b) that is intended to validate the orator's assertion. The only logical way to introduce Roscius effectively is for Cicero to establish the context of his interaction with Roscius in order to remind the audience what points the opposition seems to be missing that Roscius has identified. Consequently, reference to Roscius' involvement is meant to lend some *auctoritas* to Cicero's presentation.

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responses to his questions, but Cicero uses *prosopopoeia* to depict Naevius as a liar.⁴²

At this moment Cicero's discourse on truth has come to such a climax that he can proclaim himself the potential winner of the case, which is indicative of his potential triumph as an advocate of truth. Cicero is confident of the success of his argumentation based on the truth that he proceeds to claim that several older generation Roman orators, renowned for their rhetoric, would be incompetent to oppose him by rhetoric alone:

Hic ego, si Crassi omnes cum Antoniis existant, si tu, L. Philippe, qui inter illos florebas, hanc causam voles cum Hortensio dicere, tamen superior sim necesse est; non enim, quem ad modum putatis, omnia sunt eloquentia; est quaedam tamen ita perspicua veritas, ut eam infirmare nulla res possit.

(*Pro Quinctio* 80)

On this occasion, if all the Crassi with all the Antonii were to appear in court, even you, Lucius Philipus, who flourished amidst these distinguished figures [of oratory], were to desire to plead this case with Hortensius, still I must emerge the winner. For you see, rhetoric does

⁴² Cicero debunks the assertion of the opposition that it is possible to travel 700 hundred miles in two days on foot. See May 1988: 19.

CONTENDING FOR THE SPEAKING SPACE

not decide everything; notwithstanding, there are truths so apparent that nothing can invalidate them.

Cicero's reliance on truth has a double implication: firstly, that he is attempting to make a shift of emphasis in the rhetoric of advocacy employed for this litigation, and secondly, to demean the influence of Hortensius' eloquence. Cicero's mobilisation of truth as the defending factor in his case already focuses the jury's attention on what will follow and appears to relieve the pressure placed on him by being required to speak first in a defending role. The name dropping in turn lends *auctoritas* ('political influence') to his stance and elevates the personality he has adopted as the advocate of truth. Cicero is certain that the truth is apparent and must prevail in this issue: *Omnia sunt, C. Aquili, eius modi, quibus ut perspicere possit in hac improbitatem et gratiam cum inopia et veritate contendere* ('Gaius Aquilius, these facts are the type that establish that dishonesty and excessive use of power contend with human frailty and truth', *Quinct.* 27.84).

3.6. CONCLUSION

The *Pro Quinctio* is an example of an unprecedented legal proceeding that is conducted in reverse order: the defence lawyer is required to speak first, to present the charges before the judge and his assessors, and to plead on behalf of his client. Clearly, this case is a personal challenge for Cicero, particularly because he is

CONTENDING FOR THE SPEAKING SPACE

facing an orator of note as his opposition. Cicero does not hide his political immaturity and his rhetorical incompetence in this speech, especially when he confesses openly that he is emulating Hortensius' partitioning (*Quinct.* 10.34-36). We see him converting a personal liability into a moral advantage since he himself seems to consider Hortensius' style useful under the present circumstances (10.35). The comparison between Cicero and Hortensius that occurs in the earlier stages of the speech (1.1-2.10) reveals Cicero as someone who is consciously building his political profile. Certainly, the *Pro Quinctio* is an opportunity for Cicero to exercise his rhetorical dexterity against the best men in the city, and the chance will enable him to assess his oratorical standing. Since this oration is considered Cicero's earliest extant speech, it would be possible to interpret as immature his overt display of knowledge of rhetorical theory. However, inasmuch as the speech conforms to the conventional oratorical arrangement, it would never the less be inappropriate to expect it to conform to the instructions contained in the oratorical handbooks. Since the *Pro Quinctio* was delivered at short notice in a rather awkward situation, one ought not to expect complete conformity to rhetorical theory. Cicero may have taken up the role of the defence in the case partly to enable him to issue a rhetorical challenge to Hortensius.

The case makes clear the adversarial role of the different characters. The opponents are as follows: Naevius versus Quinctius; Hortensius versus Cicero; Naevius versus Alfenus; and lastly, Cicero versus the host of oratorical figures in

CONTENDING FOR THE SPEAKING SPACE

Roman history (the last opposition serves as metaphor for truth versus eloquence). The opposition that Cicero establishes between the pairs of characters helps us to see how Cicero constructs, manipulates and interacts with the characters in this speech. Cicero constructs these characters and assumes each person's mask as appropriate in the course of pleading. The orator's *persona* is also constructed partly by the positive portrayal of his client. Through this reciprocal defining of characters a positive image may be created for him, especially if his argument is convincing enough or the court rules in his favour.

As insignificant as Cicero held the *Pro Quinctio* as an event in his oratorical career,⁴³ he still managed to engage opposition comprising Hortensius, a leading Roman orator and other powerful political figures of the his time. In the *Pro Quinctio* he displays more than an adequate understanding of rhetorical theory and he applies it appropriately to suit the occasion of the speech. As an orator claiming to lack *gratia* and *auctoritas*, Cicero augments his natural flair during the confrontation with Hortensius⁴⁴ with strategic appeals to ancient authorities (*Quinct.* 33, 51, 69-70, 80, 94) and a discursive exposition of the truth. Julius Severianus, a fifth-century

⁴³ Cicero in his later years asserted that the *Pro Roscio Amerino* was the first significant speech he delivered (*Brut.* 311-312).

⁴⁴ Cf. Dio Chrys. 64.17: τῶν μὲν γὰρ πρωτείων οὐκ ἄν ἄλλως τύχοιμεν μὴ τοῖς πρώτοις ἀμιλλώμενοι, 'for there is no other way for us to attain the first rank than by competing with those who are first'.

CONTENDING FOR THE SPEAKING SPACE

rhetorician, commends Cicero's effort in this speech to reinterpret the Roman law of possession (Halm 1863: 1.363).⁴⁵ Even if this oration did not immediately translate into a renown that established oratorical hegemony for Cicero, his performance at the presentation of the *Pro Quinctio* points toward a promising career in the forensic space.

⁴⁵ Freese 1967: 108.

4

Breaking Major Ground: Cicero in the *Pro Roscio Amerino*

4.1. INTRODUCTION

The preceding chapter has treated some practical strategies, which Cicero would have understood that he was using within the context of the first century BC Roman republic. Chapter 2 explored issues of self-presentation in the orator's age and his lack of social acclaim during the time he presented the *Pro Quinctio*. The chapter also examined the orator's narrative technique in portraying the individuals that were involved in the case. An important motif in this forensic speech is truth, which Cicero manipulates as an oratorical weapon. The present chapter introduces the reader to another of Cicero's early speeches.

Pro Roscio Amerino is important for three reasons. The first two reasons relate to Cicero, while the third one relates to the subject of this thesis. First, the case is important to Cicero because it actually publicised his oratorical talents, and its successful delivery convinced the Roman people that Cicero could manage any case (*Orat.* 30.107, *Brut.* 90.312, *Plut. Cic.* 3.3). Secondly, the speech is important to the Roman people because an 'innocent' person was acquitted of parricide (*Off.* 2.51). Thirdly, one can count the importance of the speech within the framework of this dissertation as establishing a progression in the career of Cicero as an orator. This speech helps the critic of Cicero's oratorical works to monitor the orator's development by applying the Ciceronian

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Improvisatory Model (Figure 2). The Model becomes effective as a monitoring tool as soon as the orator has presented his second speech. In contrast, the Anatomy of a Speech (Figure 1) only looks at a speech in isolation or when there is no subsequent presentation with which one can compare the orator's preceding speech. The Ciceronian Improvisatory Model helps us to establish the development of the orator, his adaptability to the forensic space, and the orator's advancement in society as a whole.¹

At this stage in Cicero's career as a practising orator, he belongs to the lower part of BJPQ segment of the Phallic Model of Hegemonic Masculinity (Figure 3).² Cicero's oratorical masculinity is tested against and by 'superior' political and oratorical masculinities. The series of tests that Ciceronian masculinity undergoes in the forensic space help to establish an oratorical form that can be qualified by his name. As Cicero continues to feature in the forensic space, his rhetorical sequences present a clear definition of his oratorical *persona*. He progressively climbs up the social ladder from *persona non grata* to *orator princeps*, a status depicted in the sector LJB of the Phallic Model of Hegemonic Masculinity.

There are certain noticeable similarities and differences between the *Pro Roscio* and the *Pro Quintio* that were discussed in Chapter 3. Both are examples of a first speech; the latter was a civil defence speech presented

¹ See Chapters 1.2 and 1.3.

² See Chapter 1.5.

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before a senatorial court, while the former was a criminal case drawing attention of the entire elite group. In the *Pro Quinctio* Cicero launches direct attacks on a senior orator and indirectly against the consul Dollabela as a move to assert himself in the public place; in the *Pro Roscio* Cicero's direct attacks are against Chrysogonus, a favourite of Sulla, the dictator in Rome. The general political features of the speech suggest that the cases in which Cicero were involved were not simply 'court cases' as such but had very strong political undertones.³ Given the position of the *Pro Roscio* in the chronology of Cicero's speeches, it can be conceived as a speech that he used to explore further and to exploit the forensic space to which he had recently been introduced.

This chapter may appear to be descriptive to the reader because of the narrative elements in it; this indeed is the case in many places, but I shall be using these narrative elements as material to corroborate my assertions. The *Pro Roscio* is certainly the most repetitive of Cicero's speeches.⁴ Cicero's failure to develop his thought about his characters and discussion about the characters as individual units of thought leaves some gaps between the time he introduces the characters and the time he fully treats the issues relating to them. Therefore, for

³ Some scholars are sceptical about the political significance of the speech; see Momigliano 1961: 781 and Rawson 1975: 23.

⁴ Rawson 1975: 23 commends Cicero's use of repetition along with some other devices in this speech as an exemplary tool for persuasion. Rawson implicitly appreciates Cicero's ability to deploy the 'plain and the rapid appropriately'.

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the purposes of this study, I have integrated my discussions of these characters in the sections where they are appropriate. The arrangement of the speech is as follows: *exordium* (1-14), *narratio* (15-29), *partitio* (35) and *probatio* (36-142).

This chapter has four major segments. First, I present the background and context of this speech. Secondly, I discuss Cicero's positioning of himself within the socio-political framework of the case; through this self-positioning Cicero is able to justify his appearance in a politically charged court case. Thirdly, I examine Cicero's character definition of the main personalities in the *Pro Roscio Amerino*, a technique that Cicero capitalised on in his early years. Finally, I discuss Cicero's attack on Erucius, the chief prosecutor, and Chrysogonus.

4.2. BACKGROUND AND CONTEXT

In a similar manner to the *Pro Quinctio*, the *narratio* (15-34) of the *Pro Roscio* sets out Cicero's version of the course of events that led to the court case. Sometime in 81 BC a prominent member of the Amerian clan,⁵ Sextus Roscius (hereafter referred to as Roscius sr) was murdered on his way back home from a dinner-party. Due to the greed and self-interest of Titus Roscius Capito and Titus Roscius Magnus, two key members in the deceased's family, and the involvement of other distinguished figures in Rome headed by Chrysogonus, Roscius' elder son, Sextius Roscius (hereafter referred to as Roscius jr) was

⁵ For a geographical location of Ameria in relation to Rome, see Thomson 1966: 29 and Freese 1957: 134. Background to the speech also occurs in Donkin 1911: ix-xxvii and Nicol 1970: vii-xxxi.

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charged in court with parricide.⁶ But since no attorney would undertake such risky litigation because of the political situation, Cicero agreed to handle the defence (Plut. *Cic.* 3.4).

The young orator had only been practising oratory for a little over a year. This was too short a time for him to have made any meaningful political achievements that would have endowed him with the necessary political clout to face the abusive powers and intimidating influences that would be encountered in the imminent legal contest. His rhetorical abilities might have improved but definitely not his political influence. Nevertheless, owing to the nature of the case, the trial attracted public attention, and it happened to be the first criminal case that Cicero handled. Just as in the case involving Sextius Quinctius the previous year, the opposition had better and more powerful political connections than Cicero and his client; hence his stress on the topic of power as his point of departure.⁷

The opposition in this case also consisted of a respectable orator at the bar and an influential politician. The chief prosecutor was Erucius, apparently a senior person on the bench, but he did not command the same level of respect

⁶ For the Roman perceptions of parricide see Grant 1975: 7-25.

⁷ The major forces at play here are Chrysogonus and Sulla himself. Afzelius 1942: 14 describes the men involved in this case as 'die Regierung Sullas selbst'. For further discussions on the characters of the opposition see Vasaly 1993: 156-172. See the summary of the speech in Leeman 1963: 97-98. Analyses of the speech appear in Kennedy 1972: 151-155, Stroh 1975: 55-79 and May 1988: 21-31.

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as Hortensius. Cicero's chance of winning this case depended on his ability to assert himself as he did during his case against Hortensius in the *Pro Quinctio*. As will be shown, Cicero clearly demonstrates that he is more experienced in the forum than his performance in the earlier case and that he is able to engage any orator in the courts. In relation to the use and abuse of power, Chrysogonus, one of Sulla's favourites, had used his position to gain control of Roscius' property. At the time of Cicero's presentation of the *Pro Roscio*, Sulla's support for Chrysogonus seemed to have lessened.⁸ However, Cicero maintains that Chrysogonus' influence constitutes one of the obstacles to Roscius' cause (35). Because Cicero still lacks political power on this occasion, he can dominate only with his rhetoric but he does so without hegemony.⁹

4.3. POSITIONING 'SELF' IN POLEMIC RHETORIC:

CICERO'S SELF-PRESENTATION IN THE *PRO ROSCIO AMERINO*

Cicero's earliest ideas about rhetoric, which appear in the *De Inventione*, are applicable to the presentation of this speech since the legal convention of advocacy was followed in which the prosecutor is asked to address the court before the defence. In his presentation of the *Pro Roscio*, Cicero again redefines his rhetorical identity to fit into the general socio-political milieu. In comparison with the *Pro Quinctio*, one can ascertain a more plausible construct of Cicero's

⁸ Badian 1996: 393.

⁹ See Chapter 3.3.

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early oratorical identity through his self-presentation strategies in the *exordium* and other relevant aspects of the speech. In his discussion of the nature and uses of the *exordium* (*Inv. rhet.* 1.14.20-1.18.25), Cicero suggests two kinds of *exordium*: *principium* ('plain introduction') and *insinuatio* (insinuation). The *principium* is a direct appeal from the orator to the audience, whereas the *insinuatio* is an indirect way of courting the favour of the audience (20). Cicero's approach in the present speech is an example of the latter through his introduction of the orators. Since Cicero's perspective on the case is the abuse of power on the part of the opposition, the orator seeks to arouse the indignation of the judge against the opposition by insinuating that they have used their political power, wealth and influence as a means of inflicting injury on others.

Cicero in his proem addresses his reasons for agreeing to handle the case as defence counsel. As a young and untried orator without any political clout, Cicero sees the need to make good use of the established orators who have declined to appear on behalf of Roscius jr. The reason for starting off by assuming the mantle of a novice orator who is in awe of the established orators presumably is to put the more experienced opposition off their guard:

Credo ego vos, iudices, mirari quid sit quod, cum tot summi oratores hominesque nobilissimi sedeant, ego potissimum surrexerim, is qui neque aetate neque ingenio neque auctoritate sim cum his qui sedeant comparandus. Omnes hi quos videtis adesse in hac causa iniuriam novo scelere conflatam putant

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oportere defendi, defendere ipsi propter iniquitatem temporum non audent. Ita fit ut adsint propterea quod officium sequuntur, taceant autem idcirco quia periculum vitant

(*Pro Roscio* 1)

Gentlemen judges, I believe you find it puzzling that, when so many of our most distinguished and most respected orators are in attendance, I should stand up and speak; I, who in age, resources and influence am outstandingly inferior to these men. All these eminent men you see present on this occasion think that in this case a false charge (of the charge of parricide) has been laid (against my client). This unprecedented outrage must be addressed, but these eminent men dare not venture to undertake the task because of the injustice of the present times. So they are acting according to their duty by gracing the occasion with their presence. However they keep quiet since they would like to avoid danger.

It is quite a telling point to make that there are better orators sitting and watching, but because of the political dangers that surround the case a novice in forensic advocacy has been briefed to represent the accused.¹⁰ By implication Cicero

¹⁰ Cicero understands the political context within which the case is situated. Cicero consciously makes an implied reference to Sulla's reference in the case, and how the senior members of the bench could be negatively affected

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suggests that although venturing to defend Roscius jr would jeopardise the career of any senior member of the bar, he has nothing to lose. Cicero employs irony to maintain that courage has not induced him to appear in this case. He remarks that senior orators have refused to defend Roscius jr because of the political nature of the case. A senior advocate might likely endanger his rhetorical practice if he mistakenly makes statements that are considered to be offensive to the Sullan government. Furthermore, he reckons that his youth and lack of political profile will work in his favour (*Ros. Am.* 3, 9, 31).

In the above passage (*Rosc. Am.* 1) the young orator portrays himself as preserving the integrity of the nobility. He does not seem to be mindful of the adverse consequences of what he does. Although the already established orators have better legal reputations to handle the case, the political complications that might develop would be too much for them to bear. Cicero strongly asserts that his juvenile forensic masculinity is appropriate for the defence since he has no political reputation at stake (*sed relictus ex omnibus qui minimo periculo possem dicere*, 'but I am the only one remaining who can speak with the least possible danger', 2.5). Consequently he suggests that any speech can only be to his benefit, as any slips from the renowned orators present would have severe consequences for them, whereas for him the same slips would be pardoned (3). The personal disclosures he makes here would have had a

if they pleaded against Chrysogonus in this case. Chrysogonus was considered to be Sulla's favourite, whose tyranny was a dread to most Roman citizens. For more on Sulla's reign see Keaveney 1982: 190-203, Habicht 1990: 20.

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profound effect on his audience. Cicero appears as someone trying to situate himself within the hierarchy of the court structure and by his self-assumed junior position he hopes to secure the favour of the judges. Because an effective proem must secure the audience's attention, reference to the presence of the senior orators and to their class in the introduction seems to be in consonance with the character of the rhetorical appeal of an ambitious young advocate. The speech has some political undertones. Although Cicero speaks with the voice of a young advocate, he does so with the courage of an experienced forensic speaker; hence his first attack on Sulla's government regarding the upsurge in criminal activities which is difficult for the judicial system to curtail (*verum etiam cognoscendi consuetudo iam de civitate sublata est*, 'but really the custom of investigation has been destroyed completely in the state', 1.3).

Cicero argues that an orator secures his position with the judges by accusing the opposition of abuse of their power and wealth (*Inv. rhet.* 1.22). Persuading the judge of inordinate use of power on the part of the opposition is potentially an effective double oratorical strategy for the orator since on the one hand it can render the opposition unpopular before the judge, while on the other hand it can earn the orator the judge's goodwill. The orator can define the terrain of power in court and demonstrate that he is unduly disadvantaged by the political stature of the opposing individuals. Cicero's attacks on the opposition and the presentation of himself as an incompetent orator construct the power relations which will serve as a basis for the performance of his oration.

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Cicero presents himself as lacking the rhetorical dexterity that can successfully manage this case; he claims that he is acting based on his commitment to some members of the community and therefore is only appearing on behalf of Roscius jr on principle (*Rosc. Am.* 1.1, 2.5, 4.9, 11.30, 21.59). While stressing the bad motives of Chrysogonus, Cicero hints at the main thrust of his suit and then becomes Chrysogonus' mouthpiece. According to Cicero, Chrysogonus' request is that the jury should aid him in destroying Roscius jr so that the latter might not squander the wealth he has criminally acquired (6). This ethical attack is potentially damaging to Chrysogonus' character, but since Chrysogonus has lent himself to the cause of the prosecution, his support will reflect negatively on the prosecution team.

Cicero directs his appeal to both the jury and to Chrysogonus. He pleads with Chrysogonus to be content with his illegally acquired wealth and to stop interfering with other people's lives. At the same time he appeals to the jury to resist the criminal activities of villainous rascals and to use the case of Roscius jr as an example to deter other criminally minded characters in society (7). Cicero portrays Chrysogonus as a sadist who is determined to eliminate Roscius jr in order to enjoy the latter's wealth that he has acquired without hindrance. Corruption becomes the associational motif with which Chrysogonus is introduced, and Cicero further incriminates Chrysogonus by saying that he aspires to laurels from the jury for his criminal acts (*verum etiam ut spoliis ex hoc iudicio ornati auctique discedant*, 'but also that they might leave this court graced

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and garnished with the spoils', 8). Cicero assumes that the jury will be antagonistic to a 'criminal' who wants to make it an accomplice in crime.¹¹

Assuming the role of a suppliant, youthful but dutiful orator, Cicero also pleads for the audience's attention based on the gravity of the offence. He further appeals to the jury for their support; however, if it is not forthcoming, he will summon enough courage with which to manage the case (10). The only request that Cicero wishes to make in order for the court to maintain its objectivity is that its chairman, M. Fannius, should display the same wisdom as he did in previous proceedings over which he had presided:

Te quoque magno opere, M. Fanni, quaeso ut, qualem te iam antea populo Romano praebuisti, cum huic eidem quaestioni iudex praeesses, talem te et *nobis et rei publicae* hoc tempore impertias.

(*Pro Roscio* 11; my emphasis)

I sincerely plead with you, O Marcus Fannius that as you have displayed justice previously before the Roman people, when you presided as judge over this same court, today, show the same *to us and to the republic*.

Cicero broadens the scope of the case by appealing to the audience's sense of patriotism. The public interest seems to be something of a concern to Cicero and

¹¹ More discussions on Cicero's construct of Chrysogonus appear below, Chapter 4.5.

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is strategically placed alongside his own concern, *nobis et rei publicae* ('for us and for the nation'). This 'nationalising' makes the judges the institution of justice and the defence and the state suppliants to justice. The appeal to Fannius to exercise sagacity is redundant. The orator uses the direct mode of address to stress to Fannius that the Roman people have high expectations of him in this present suit since he has proved to be an honest judge in previous cases. Technically speaking, Cicero uses a 'zigzag' technique in presenting his request. First, he appeals to the jury, then the jury and Chrysogonus, then the jury again, but he indicates to the jury that he possesses the oratorical competence to plead the case with some degree rhetorical success, and finally he appeals to Fannius as his last resort (3.7-5.11). In this way Cicero places all the responsibility relating to his client's acquittal on the jury and especially on Fannius, the chairman of court. This appeal indicates clearly that Cicero understands the dynamics of power in the court and constructs a hierarchy that will serve as an institutional framework for the rest of his speech-making.

Thereafter Cicero's appeal to the judge continues to a climax; he uses other rhetorical tools available to him: pointing to the crowd, raising their expectations and capitalising on feedback from the crowd (*Rosc. Am.* 11). He emphasises that the crowd desires *acria et severa iudicia* ('a severe and strict judgement', 11) and reminds the court that there has not been a parricide for a very long time although the state has consistently witnessed killings of different

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kinds.¹² Surprisingly, what Cicero was compelled to do in his defence of Quinctius he deliberately repeats in this case by employing a role-switching approach. He switches his role from being the defence to being that of the prosecutor. This is an early manifestation of eccentricity in his oratorical practice.¹³ Instead of the accusers pleading for a severe sentence for the accused, it is now the defence who earnestly appeals to the court to take a firm position against the atrocities of the 'gang' that appears as the prosecution team: thus Cicero intensifies the negative portrayal of the prosecution team:

Qua vociferatione in ceteris iudiciis accusatores uti consueverunt, ea nos hoc tempore utimur qui causam dicimus. Petimus abs te, M. Fanni, a vobisque, iudices, ut quam acerrime maleficia vindicetis, ut quam fortissime hominibus audacissimis resistatis, ut hoc cogitetis, nisi in hac causa qui vester animus sit ostendetis, eo prorumpere hominum cupiditatem et scelus et audaciam ut non modo clam

¹² Cicero seizes another opportunity to criticise Sulla's government for abetting criminal activities in the republic. For a discussion of Sulla's tyranny see Keaveney 1982: 148-168.

¹³ Occurrences of deliberate role-switching between Cicero the prosecutor and Cicero the defence indicates the potential that Cicero had as a young orator. Cicero assumes the role of prosecutor in his manner of speaking and his force of argumentation in *Rosc. Am.* 12. He reverts in *Rosc. Am.* 13 to the traditional role of the defence in the courtroom situation since his objective is to highlight the criminal character of the prosecution.

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verum etiam hic in foro ante tribunal tuum, M. Fanni, ante pedes vestros, iudices, inter ipsa subsellia caedes futurae sint.

(*Pro Roscio* 12)

The earnest solicitation that prosecutors normally employ in other cases, we hereby employ in this case today as the defence. We ask of you Marcus Fannius, and of you honourable gentlemen of the jury, that you punish most severely these atrocities, that you resist these most outrageous practices of mankind with utmost bravery, and remember, unless you display your humanity, masculine lusts, wickedness, and outrage will prevail, so that not only will murder be committed secretly, but also here in the forum, in your very presence, Marcus Fannius and at your feet, you judges, between those seats of yours.

This passage reflects the dramatic and emotional hyperbole that Cicero uses to load his speech. This climactic exaggeration, with its vivid illustration of the danger and atrocities that might be perpetrated in lieu of justice, is intended to compel the judges to act in favour of the client. The aggression (*vociferatione*, 'with vehemence'; *petimus*, 'we seek') and the gory illustration (and possibly the *notatio*, 'rhetorical interpretation') may have upset his audience and raised an urgent concern as he shares with the audience the crimes that those who are in the opposition have committed against the state. Cicero contextualises the

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nature of the case by using paradoxes and by constructing antitheses through a climactic progression.

Accusant ei qui fortunas huius invaserunt, causam dicit is cui praeter calamitatem nihil reliquerunt; accusant ei quibus occidi patrem Sex. Rosci bono fuit, causam dicit is cui non modo luctum mors patris attulit verum etiam egestatem; accusant ei, qui hunc ipsum iugulare summe cupierunt, causam dicit is qui etiam ad hoc ipsum iudicium cum praesidio venit ne hic ibidem ante oculos vestros trucidetur; denique accusant ei quos populos poscit, causam dicit is qui unus relictus ex illorum nefaria caede restat.

(Pro Roscio 13)

These are the accusers, who have ravaged the wealth of this man, and he is the defendant, to whom is left nothing but calamity. These are the accusers, who have benefited from the murder of Sextius Roscius, and he is the defendant, to whom his father's death has not only brought grief but also penury; they are the accusers who desire to kill him even while he is the defendant appearing before this court with personal security, fearing that he might be killed at this same place before your very eyes; and finally, they are the accusers whom the people desire to be tried, and he is the defendant, who alone survived their wicked killing.

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The salient dichotomies and character polarisations that Cicero constructs with his use of antitheses in this passage are intended to achieve ethical and pathetic effects. In this passage Cicero constructs a framework that is meant to inform the judge about the roles in the case of both the plaintiff and the defendant and at same time to incriminate his client's accusers further.¹⁴ The thrust of this argument is to broaden the scope of the case beyond the issue of a singular criminal act perpetrated against an individual, and to address issues of national concern. So Cicero is not just pleading for Roscius jr but *nobis et rei publicae* ('for us and for the republic', *Rosc. Am.* 5.11).¹⁵ Cicero reiterates his inability to describe the crimes vividly but promises to set before the judges the whole chain of events so they can fully appreciate both the distress of his client and the deplorable state of the republic (14). Cicero's review of the state of criminal activities in the state is designed to appeal to the jury's sense of patriotism.

Cicero through his nationalist appeal offers his reader the identity of a patriotic orator. His expression *nobis et rei publicae* ('for us and for the republic') strips the opposition, which consists of established public men, of any claim to patriotism in view of their intimidating presence and assault on justice that Cicero

¹⁴ *Proprietas* ('appropriateness') characterised Cicero's speech performance, with every speech based upon the orator's assessment of the situation. The use of proper diction and nuances was achieved as a result of his acquaintance with Greek rhetoric (*Orat.* 1.154-155).

¹⁵ See Taylor 1997: 29-30 for how a national 'self' is constructed in a materialist context.

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constructs. Furthermore, Cicero's appeal to the presence of non-participating senior orators scores points for him on two grounds: first, because he is simply undertaking a risky venture on behalf of a fellow citizen, and secondly, because they have failed to follow the line of justice for selfish reasons. Cicero's use of this ethical device on moral grounds is designed to earning him credibility and anticipates methods that he was to adapt for his use in subsequent rhetorical performances. Cicero's *nobis et rei publicae* appeal shows evidence of maturity in his approach to proem composition compared with his handling of the *exordium* in the *Pro Quinctio*.¹⁶ The rhetorical nuance of *nobis et rei publicae* projects the character of a professional orator who possesses the full rhetorical expression of the nation.

4.4. CICERO'S CHARACTER DEFINITION IN THE *PRO ROSCIO AMERINO*

Once again Cicero assumes the narrator's *persona* in order to historicise and to construct a narrative (*Rosc. Am.* 14-29) on which to base his subsequent mode of argumentation. Cicero exploits the relationships between individual characters in this case to develop more systematically a *narratio* than the one he employed in the *Pro Quinctio*. In this speech each character develops interdependently and

¹⁶ A comparison of the *exordia* in both the *Pro Quinctio* (*Quinct.* 1-10, Chapter 3.3) and the *Pro Roscio Amerino* (*Rosc. Am.* 1-13) will reveal that Cicero by 81 BC is beginning to master the art of using the state of the nation as an effective appeal. The appeal to the nation is very prominent in his political orations of subsequent years. For more on Cicero's appeal to the ideal of the republic as a rhetorical device, see Chapters 5 and 6.

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Cicero's use of epithets, verbs, and flashback techniques reminds the listeners of the personalities of the characters and the parts they played in the episodes he details. The orator's authority in this narrative shows how a character such as Sulla, who otherwise may be implicated, can deliberately be excluded from the general incrimination of the members of the prosecution. In this respect, the writer's authority jealously guards Sulla's character and does not allow dubious implications to be attached to him (*Rosc. Am.* 21, 25). The *narratio* is an invention set against the realities of the case; it establishes the way Sulla is to be treated and the way that other characters are sketched by adjectives, indirect references and explicit polarities. In principle the orator requires every available piece of information about a contestable incident and he can then reconstruct and interpret the story appropriately for his audience in the argumentative sections of his speech. In his *narratio* Cicero embarks on constructing the characters involved in the case for his own purposes and ends.

Definition of Characters in Cicero's *Pro Roscio*

Sextius Roscius sr

1. Father of Cicero's client (15)
2. Amerian (15)
3. Well respected at home and abroad (15)
4. Bequeathed his connections to his son (Roscius jr) (15)
5. Staunch supporter of the nobility (16)
6. Fought in order to uphold the respect of the nobility (16)
7. Exulted in the victory of the nobles (16)
8. Did not fear he might be destroyed by the same victory (16)
9. In a perpetual squabble with the Roscii brothers (17)
10. Wealthy (20)
11. Included on the proscription list after his death, although a most zealous supporter of the noble class (21)
12. Most cruelly murdered even though a flourishing, wealthy man (24)

Sextius Roscius jr

1. Diligent son of Roscius sr devoted to managing the estates and living his country life (17)
2. Helpless and destitute after the attentions of the Roscius brothers (20)
3. An unhappy man, naked and ejected from society (23)
4. Unbearably impoverished (24)
5. An excellent and honest man (24)
6. A threat to the conspiracy to defraud Roscius sr (26)
7. Sensitive (27)
8. Advice seeking (27)
9. Penniless and at the mercy of a woman's hospitality (27)
10. Handed over to be done to death by the jury (29)

Capito

1. Old and aristocratic gladiator (17)
2. Illegal possessor of three farms (21)

Magnus

1. An enthusiastic apprentice to Capito in gladiatorial practices who later surpassed the master (17)
2. Possibly the killer (18)
3. Formally frugal but later arrogant and spendthrift (23)
4. Seized other farms in Chrysogonus' name (23)

5. Chrysogonus' purchasing manager (23)
6. 'Excellent man' (23)
7. Stripped Roscius jr of his home and possessions (23)

Chrysogonus

1. Purchaser of property (21)
2. Met the delegates and attempted to influence them (25)
3. Afraid of Sulla (26)

Collectively (Chrysogonus, Capito and Magnus)

1. Formed a criminal club (21)
2. Took evil counsel (28)
3. Plotted to kill Roscius jr (26)

Sulla

1. Unaware of the developments (21, 25)
2. Dictator (22)

Glaucia

1. Poor, a freedman, client and close relation of Magnus Roscius and the courier (19)
2. Carried the weapon (19)
3. Amazingly swift runner (19).

Caecilia

1. (Political name-dropping) Nepo's sister (27)
2. (Political name-dropping) Daughter of Beliaricus (27)
3. Roscius' sr friend and believed to be a role model for ancient ideals of Roman femininity (27)
4. Hospitable (27)

Amerians

Witnessed the murder of Roscius sr and the victimisation of the son (Roscius jr) (23)

The Decurion

Threatens to report matters to Sulla (25)

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Cicero constructs a reality in which he plays no role but which he nevertheless owns. His narrative offers a description of power relations within a small group that reflects those that exist in the larger society. The entire story revolves around the murder of Sextius Roscius sr. The characters that make up the story are Roscius' relatives and their connections in the political arena. The role of some political participants would almost certainly have raised the profile of the case into one that would have aroused the interest of the public. In fact, the involvement of Chrysogonus and the Roscii brothers in Roscian family politics not only made defending Roscius jr a rigorous task for Cicero to accomplish, but it also added a strong political dimension to the case.

From the above chart, it is obvious that Roscius sr belongs to the hegemonic group by being a member and strong supporter of the nobility (*Rosc. Am.* 6). Roscius sr's squabbles with the Roscii brothers rendered the old man vulnerable to attacks (17). In the prime of his life he was then cruelly murdered (24) and posthumously included in the proscription list (21). Through the use of parallelism Cicero portrays Roscius jr as a victim of the Roscii brothers (20). The Roscii brothers are then connected to an influential man, Chrysogonus, whose name they could use to deprive Roscius' jr of his bequeathed estate unlawfully (21). In his narrative Cicero draws two ethical poles that reflect the tension that occurs between the morally good person and a morally bad person in a society. The masculinities of Capito and Magnus are constructed as the violent ones while the two Sextii are constructed as peace loving and easy going.

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Cicero develops the characters of Magnus and Capito much later in the speech (*Rosc. Am.* 83-88). This character development further enhances the character definition that we see in the *narratio* (14-29). Later on in sections 83-88, Cicero advances caustic arguments accusing Titus Roscius (Magnus) as the man responsible for the murder of Roscius sr. Cicero exploits the sudden change in Magnus' financial situation before and after Roscius sr's death to establish his claim. Magnus seems to have benefited by the death of Roscius sr, while the son of the deceased appears to be worse off (22). Cicero's proposition is that he who prospered from the murder was responsible for the crime (cf. 23, 84). For the purposes of oratory, the two characters, Magnus and Roscius jr, must be compared before the possible murderer can be identified. Based on the positive portrayal of Roscius jr and the insinuations against Magnus in his narrative (18) and the further negative explication of Magnus' character (22), Cicero's comparison of the two demonstrates the contradictions that exist in the case and thereby incriminate Magnus. Cicero believes the answer to the murder issue would be to know 'whether an enemy or the son' (*utrum inimicus . . . an filius*) was responsible for the killing (88). The *inimicus* ('enemy') versus *filius* ('son') polarity explains the nature of the relationship that Roscius sr had with Roscius jr and Capito as Cicero seeks to eliminate any doubts about the possibility that Roscius jr was responsible for the crime. An *inimicus* would certainly be more inclined to inflict harm on a person than the *filius*. The cultured and moral *filius*, as Cicero constructs Roscius jr, would not be the one to commit parricide. The vulnerability of the Roscii sr and jr masculinities consists in their lack of sufficient

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strength to manage crises that emanate in their interaction with other forms of masculinities whose mode of articulation are diametrically opposed.¹⁷ For instance, when the victimisation of Roscius jr by the Roscii brothers becomes rather intense, Roscius jr seeks refuge with Caecilia.

Although the Amerians and the decurions intervened (*Rosc. Am.* 23, 25 respectively), the involvement that has a more significant gender implication in the narrative is that of Caecilia. In a typically male environment, being feminine is awkward because there is no established standard for accommodating the 'other'. Cicero speaks of Caecilia in concessive terms, which may be due to his lack of the polite language or because he is trying to please his hegemonic male audience (*cum esset mulier, virtute perfecit*, 'although a woman, she performed a masculine virtue', 147). Freese has suggested that the *mulier* ('woman') and *virtute* ('with masculine excellence') are purposely contrasted: 'the etymology of the latter (*vir*, a man) is to be considered in reference to the sentence *cum esset*

¹⁷ Vasaly 1993: 161-172 has explored the rustic *persona* ascribed to Roscius jr as diametrically opposite to the personality capable of committing that kind of offence. The urban characters are Magnus, Capito and Chrysogonus who were unscrupulous elements. Cicero's treatment of the characters in the *Pro Roscio* bears resonance with the way he treats Quinctius and Naevius in the *Pro Quinctio* 59, 92-93. May's 1988: 26 words sum up what Cicero is likely asserting about Roscius jr's character, 'it is inconceivable that a man 'of rustic manners' would even contemplate a crime of the magnitude and atrocity of parricide; the word would not exist in his vocabulary, the thought could not be conceived by his intellect'.

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mulier ["although a woman"].¹⁸ Santoro L'hoir points out that the *mulier* in the passage 'refers to the ordinary woman, and the concessive clause *cum esset mulier* implies secondary status of the sex. Caecilia, however has surmounted her biological impediment, and *spectatissima femina* is a laudatory epithet, appropriate to a woman who has risen above the average in *virtus*.¹⁹ Cicero praises Caecilia for her courage because he knows the danger that might be associated with protecting a 'victim' of one of Sulla's men. In Ciceronian terms Caecilia has clearly transgressed the gender divide in the first century BC republican Rome and her courage is comparable with that of the male protagonists in the case.

Caecilia's involvement in the story challenges the notion of what it meant to be a hegemonic male in the first century BC Roman republic. The versions of hegemonic masculinity that Cicero attacks in the *Pro Roscio Amerino* are those engaged in the criminal use of power. On the scale of hierarchy regarding the involvement of the characters involved in the *narratio*, Cicero places Caecilia on the same level as her hegemonic male predecessors. Cicero exploits the notion of reciprocity of honour in that Caecilia derives certain privileges from the political profile of her father, Quintus Caecilius Metellus;²⁰ in addition she was the sister of Quintus Caecilius Nepos, who was consul in 98 BC. Contrary to the first

¹⁸ Freese 1967: 255.

¹⁹ Santoro L'hoir 1992: 35.

²⁰ Quintus Caecilius Metellus was nicknamed Baliaricus after conquering the Balearic Islands during his consulship in 123 BC.

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century BC notion of the subordinate role of women, Cicero attributes to Caecilia the same level of social standing as Chrysogonus or even higher. It is through this social standing that Cicero suggests that she reciprocates the same degree of honour that she enjoyed from the influence of these men through her meritorious achievements (*Rosc. Am.* 147).²¹ One could wonder how Cicero would have treated Caecilia if she had been in the opposition camp.²²

The apparent collaboration between the male participants in the narrative represents an expression of stereotypical hegemonic male dominance within the narrative framework. The Roscii brothers' masculinities play a subordinate role to that of Chrysogonus. Chrysogonus mainly serves as political support for the Roscii brothers to articulate themselves fully in the public place. Chrysogonus' masculinity also depends strongly on Sulla's hegemonic masculinity to function, which means in this rhetorical context a subordinate masculinity articulates itself well when connected to a superior masculinity who is in control. At the base of all the activities occurring in the narrative is Mallius Glaucia, a poor freedman, client

²¹ In gender parlance, the kind of femininity that Caecilia has performed in Connell's 1987: 183-188 terms is what is known as 'emphasised femininity' (see Chapter 1.4), while for Cicero this kind of femininity is the relic of the model of ancient femininity with a sense of duty (*exempli causa vestigia antiqui officii*, 'to serve as a model of remnants of ancient commitment, 27.6). More discussions on Cicero's portrayal of other kinds of feminine archetypes appear in Chapter 7.

²² See below Section 5.2 for further discussions on Caecilia's role, especially in comparison with Chrysogonus. More discussions on Cicero and the feminine character occurs in Chapter 7.

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and relation of Magnus Roscius. Glaucia falls into the narrative category that can be termed as 'activity-assisting tools'.²³ Cicero insinuates that Glaucia was instrumental to the murder of Roscius sr (98). The regime of power that Cicero constructs in this narrative is a top-down chain sequence. The individuals that feature only serve as elements of the articulation of power.²⁴ The legitimacy of the abusive use of power on the part of the Roscii brothers centres around domestic violence, and according to Cicero, the Roscii brothers are further encouraged because they think that Chrysogonus' influence would prevent all Roman advocates from defending Roscius jr. The foregoing implies that the court would technically endorse the crime that the opposition has committed; if this were the case, Roscius jr would be completely disadvantaged (*Rosc.* 28).

At the peak of Cicero's model of power in the narrative is Sulla, the consul and dictator in 80 BC when Cicero presented the *Pro Roscio Amerino*. Chrysogonus' involvement with Sulla's administration made it difficult for Cicero

²³ For more information on slave masculinity see Chapters 1.4 and 8.

²⁴ Foucault's 1980: 98 third methodological precaution defines human elements in relation to power in the terms that are relevant to its application in this dissertation: 'Power is employed and exercised through a net-like organisation. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power. They are not only its inert or consenting target, they are always also the elements of its articulation. In other words, individuals are the vehicles of power, not its points of application'. Thus power is a fluid and interactive dynamic within a group, especially when there are two factions at play.

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to make too strong a statement against Sulla. Plutarch's account of this episode reveals some reluctance on the part of Cicero to take up this case (*Cic.* 3.4-5). The danger in directly or indirectly attacking Sulla informs Cicero's careful protection of Sulla's character in the speech. This strategy enables Cicero to launch unrestrained attacks on the opposition, including Chrysogonus and Erucius, the chief prosecutor. In addition, the tactic makes room for authorial interference to the extent that Cicero can be protected afterwards.

Cicero takes adequate measures in alienating Sulla from the case and absolving him of all responsibility for the actions of Chrysogonus from the *narratio* (15-29) to the *probatio* (36-142). According to Cicero, Sulla's involvement with the affairs of the state prevented him from noticing the seizure of Roscius jr's property (21-22), and later Cicero ostensibly exonerates Sulla (131). On a general note Cicero asserts that due to Sulla's many pressing state assignments, Sulla was only *partim improbante, partim imprudente* ('partly disapproving and partly ignorant', 130) of the crimes that many of his men have committed. In the process of reception, the audience can interpret this double-talk to mean that Sulla granted Chrysogonus and his men an implied consent that encouraged them to continue in their abuse of Roscius' rights due to absence of firm disapproval from Sulla. Thus Cicero immediately affords an excuse regarding why one should pardon Sulla for such an oversight: one would certainly not expect Sulla to divert too much of his time and energy on the trivialities of his men, especially Chrysogonus, when managing the affairs of the republic and the world (*cum solus rem publicam regeret orbemque terrarum gubernaret imperique*

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maiestatem, 'when he alone ruled the republic and held sway of the command of the whole universe', 131). Straightforward speaking, which could be interpreted to mean a direct attack on Sulla, could result in political complications for Cicero in the immediate future. Cicero, in his *De Officiis* (published in 44 BC), confesses that he defended Roscius against Sulla's tyranny (*De Off.* 2.51).²⁵ In the present speech situation, Cicero attacks Chrysogonus as the abuser of power and, more importantly, Erucius in order to gain oratorical dominance in this speech situation.²⁶

4.5. CICERO VERSUS CHRYSOGONUS AND ERUCIUS

As his trump card in the *Pro Roscio*, Cicero directs his polemic at two key individuals, namely Chrysogonus and Erucius. Cicero challenges the social and political characters of both Erucius and Chrysogonus and the social categories they represent in a way that potentially elevates himself. The high moral ground that he establishes against Chrysogonus and Erucius technically belittles the opposition but subtly magnifies the young advocate's sense of 'moral' justice. Cicero's use of invectives, abusive epithets, subtle comparisons and direct speech help the young orator to establish a leverage between himself and the opposition. One can see this strategy as being principally twofold: firstly, he

²⁵ Keaveney 1982: 200 points out that what Cicero feared in this instance was the misconception that he was attacking Sulla's constitution.

²⁶ For discussion on Cicero's attack on Erucius and Chrysogonus see below Chapter 4.5.

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directs his polemic against a professional colleague, and secondly, he directs his attacks at a politician/administrator.

The *Pro Roscio* case stands out as a different kind of oratorical masculine test in Cicero's forensic practice. A 'hypermasculine' oratorical performance is required on his part against two forms of seemingly 'hegemonic masculinity'. The broader implication is that Cicero's juvenile oratorical identity straddles two overlapping realms, namely the political and the judicial, of first century BC Roman forensic space. These two public realms foretell the alternate Ciceronian identities that become visible in his later years, namely, his judicial and political *personae*. Cicero's double rhetorical identity therefore developed through oratorical polemic and contestation that helped to define him not only as an orator but also as a *vir* fit for the political realm.²⁷ The level of aggression required for this kind of performance is captured in the triad phrase *libenter, audacter libereque* ('willingly, courageously, fearlessly', 31). These masculine attitudes (*libenter, audacter libereque*) not only embody the virile force that projects Cicero's oratorical masculinity in this speech context but also anticipate the constant oratorical force that would subsequently distinguish Cicero in the forensic space.²⁸

The following discussion will look at Cicero's attacks first on Erucius as a performance confirming his oratorical masculinity and secondly on Chrysogonus

²⁷ On Public and Private realm see Arendt 1958: 22-78.

²⁸ For further discussion on Cicero's use of masculine oratorical force, see Chapter 2.4 and Gunderson 2000: 12.

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as a means of censuring certain social ills and defending his client. In the *Pro Roscio* Cicero programmatically dedicates appropriate portions of the speech to attacking each of these characters. Cicero focuses more on Erucius in the early stages of the *probatio* (*Rosc. Am.* 35-79) and thereafter concentrates on attacking Chrysogonus (*Rosc. Am.* 109-125). The reason could be that his polemic against Chrysogonus would carry more weight with the judges if Erucius' position were thoroughly undermined beforehand because of his position as the advocate of the case.

4.5.1 Cicero's Portrayal of Erucius as an Incompetent Advocate

Cicero's position in this case is enhanced by the ethical 'self' of himself that he constructs against the opposition. For this construct to gain the required ethical potency, he must spend some time preparing his 'oratorical self' for the duel. Starting from the *exordium* (*Rosc. Am.* 1-14²⁹) right through to the earlier part of the *probatio* (35-83), Cicero develops Erucius' character by drawing upon certain elements of public *virtus* in the first century BC Roman public place.³⁰ Cicero's approach to undermining the charge of parricide levied against his client ranges from invalidating it to engaging in personal attacks upon Erucius. In his attack on Erucius, Cicero moves from belittling the charge, which suggests that what Erucius thinks he knows is incorrect, to the latter's inability to answer what he

²⁹ See above Chapter 4.3.

³⁰ For more information on *virtus* see Chapter 2.3.

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does not know, which would prove that the prosecution is incompetent. In the psychological scheme of events in a speech situation, one would expect that if the orator were able to undermine his opposition then he would strengthen his own stance. Cicero's successful deployment of invectives against Erucius, therefore, would have proved to the audience that Roscius jr should not have been charged with parricide since the prosecution either lacks the oratorical skills required for pleading this case or is accusing Roscius on flimsy grounds.

For Cicero to justify his appearance in the case he wears the *persona* of a loyal advocate who is dedicated to his client's cause. Cicero implants the belief that the Roscii brothers would have been succeeded in deterring all attorneys from handling his case because of its political ramifications if it were not for the fact that he himself had offered to appear on Roscius' behalf:

Patronos huic defuturos putaverunt; desunt; qui libere dicat, qui cum fide defendat, id quod in hac causa satis est, non deest profecto, iudices.

(*Pro Roscio* 30)

They thought that attorneys would desert him; yes, they did desert him; but the one man who will speak freely, who will faithfully defend him—which is all that is needed in this case—undoubtedly, gentlemen judges, will not abandon him.

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In this passage Cicero tries to score some points on ethical grounds. Loyalty serves as a key ethical concern since the kind of advocate that Roscius jr seems to need in this period of turbulence is a loyal advocate, not necessarily the best advocate. Cicero makes a subtle comparison in this passage. This subtle comparison privileges the ethics governing Cicero's legal practice above those of other advocates who declined the case when they realised the potential danger associated with it. This strategy is meant to create a competitive moral context for the performance and to establish a rivalry between Cicero and Erucius. Here we see the beginning of his attempt to gain dominance in the course of the case. Within the context of his presentation this ethical appeal may have impressed his audience somewhat but certainly not enough to 'hyper-accelerate' him to the oratorical dominance that he desired in the public place.

Cicero continues the construction of his competitiveness by insisting on giving Roscius the maximum assistance needed:

Et forsitan in suscipienda causa temere impulsus adulescentia fecerim; quoniam quidem semel suscepti, licet hercules undique omnes minae terrores periculaque impedeant omnia, succurram ac subibo. Certum est deliberatumque quae ad causam pertinere arbitror, omnia non modo dicere verum libenter audacter libereque dicere; nulla res tanta existet iudices, ut possit vim mihi maiorem adhibere metus quam fides. Etenim quis tam dissoluto animo est qui haec cum videat tacere ac neglegere possit? Patrem meum, cum proscriptus non esset, iugulastis, occisum in proscriptorum

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numerum rettulistis, me domo mea per vim expulistis, patrimonium meum possidetis. Quid vultis amplius? etiamne ad subsellia cum ferro atque telis venistis ut hic aut iuguletis aut condemnetis.

(Pro Roscio 31-32)

And perhaps in accepting this case, I have behaved rashly due to youthful impulse, since indeed I accepted the briefing although there were imminent dangers and perils in all directions. All these constitute obstacles but I undertook this case and assisted him [Roscius jr] all the same. I am resolved and this decision is deliberate not only to speak on what concerns the case but also to talk on issues frankly, boldly and freely. Nothing as important will arise, judges, that can impose a greater fear on me than loyalty. And indeed, is there a person who is so nonchalant that when these crimes were witnessed can keep quiet and feel unconcerned? You [Chrysogonus] killed my father [in cold blooded murder], although not proscribed; you included his name posthumously on the proscription list; you forcefully ejected me from my house; and you have stolen my patrimony. What more do you want? Have you come to these prosecutors' benches today armed with a dagger and weapons that you can either kill or secure the condemnation of [Sextius Roscius]?

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The dramatic impact of this passage is profound because of the distinctive projection of each of the *personae*. The lines are vivid enough to enable the mind of the contemporary reader to visualise Cicero's performance and its possible interpretation by the Roman audience. In this passage, Cicero alternates between two distinct characters, namely, that of himself as a young advocate and that of a bold, aggressive and an aggrieved Roscius jr, and uses *prosopopoeia* as the rhetorical device with which he presents his client's agitation (31-32).

Fides (honour, loyalty, faithfulness) is the key motivating factor behind Cicero endangering his life for his client.³¹ Since *fides* is an essential ingredient of *virtus*, Cicero makes a profoundly ethical appeal to the audience's sense of cultural and religious values in the hope they will consider his role as defence counsel as laudable.³² According to Cicero, one should seek prominence by being faithful to one's client and wilfully charging deserving criminals (*Rosc. Am.* 83). *Fides* in Ciceronian terms is an element in the deployment of alliances and a means of protecting the interest of a client (*Rosc. Am.* 116). The appeal to *fides* has a double effect in this case: first, Cicero is construed as possessing practical wisdom and a sense of justice; and secondly, it establishes his integrity as *iustus et bonus vir* ('a just and good man', *De Off.* 33).

³¹ Earl 1969: 33 argues that Roman public life was organised around a social value like *fides*, which guided the patron-client relationship.

³² On Cicero's usage of *Fides* see MacKendrick 1989: 19, Heinze 1929: 140-66 and Vasaly 1993: 196-197.

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The explicit statement containing Cicero's triadic attitudes (*libenter, audacter libereque*, 31) toward the case confirms the impression of someone who is conscious of the obstacles that confront him and who is prepared to manage the situation with the right attitudes. These attitudes promote freedom of expression, frankness and audacity in performance that not only enhance the establishment of an immediate rhetorical dominance but also act as the necessary psychological counterweight that can neutralise the dominant impression that the opposing oratorical and political heavyweights exert upon the audience. The resultant bold rhetoric fulfils the customarily accepted requirements that can win an advocate the desired credibility with the jury.

From this passage (*Rosc. Am.* 31-32) Cicero's change of personality also shows the depth of his emotional involvement. He constructs a realistic first person character as Roscius jr, addresses the prosecutors directly and laments his fate at the hands of his 'oppressors'. This protesting *persona* confronts his accusers with the gross atrocities that they have committed: first, 'you killed my father' (a criminal charge), secondly, 'you included his name posthumously on the proscription list' (a criminal offence against the state) and thirdly, 'you have forcefully and illegally, ejected me from my house' (a civil charge). This agony-by-proxy is designed to impact directly on the audience's emotions and to outline for the judges the series of abuse that Chrysogonus and his men have perpetrated against Roscius sr, against the state, and against Roscius jr himself. With this mode of expression Cicero seeks to establish a testimony of his emotional involvement in the case.

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A strong closure to this showpiece is noticeable when Cicero with the voice of his client agonisingly asks the question, *Quid vultis amplius?* ('What more do you want?', 32). At the same time it is possible that Cicero's character as advocate reinforces the *persona* of Roscius jr by asking the question that any sympathiser would ask after hearing about such unrestrained abuse and violations of civic and natural rights.³³

Cicero uses the *partitio* to divide his speech and to allocate portions of the speech in the order that he will launch his attacks on the opposition. Cicero retains his triadic format in the partition (*partitio*)³⁴ and this three-fold argumentation among the opposition: first, that Erucius (the leading advocate of the prosecution) has accused Cicero's client of having committed the crime; secondly, that the Roscii brothers have claimed the role of audacious villains by masterminding the fraud;³⁵ and thirdly, that Chrysogonus has attacked Cicero's client with his power (35). Cicero then distributes the responsibility of dealing with these three divisions between himself and the judges:

³³ See May 1988: 24 for his comment on how Cicero breaks convention in acting in the first person. For Cicero on human rights see *Partitiones Oratoriae* 37.129-131. For a discussion of Cicero's idea of human rights see Bauman 2000: 36-50.

³⁴ This is similar to his partitioning in *Quinct.* 35, which is also in the Hortensian (Asiatic) tradition.

³⁵ Cicero's treatment of the Roscii brothers has already been discussed above in Chapter 4.4.

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Non eodem modo de omnibus, ideo quod prima illa res ad meum officium pertinet, duas autem reliquas vobis populus Romanus imposuit; ego crimen oportet diluam, vos et audaciae resistere et hominum eius modi perniciosam atque intolerandam potentiam primo quoque tempore exstinguere atque opprimere debetis.

(*Pro Roscio* 36)

I shall not address all these points in the same way; the first is my responsibility. The citizens of Rome represented by you [the judges] have reserved the other two crimes for your judgement. The onus lies on me to fight the charges, but you [the judges] should resist the audacity and crush the pernicious and intolerable power of these men at the first excuse given.

Cicero uses *populus Romanus* ('Roman people', 36) as an ethical invention to appeal to the judges since he knows that this will affect favourably their sense of patriotism. Cicero's responsibility in this case is of no national import; his main responsibility is to state the facts, especially since he has already attempted to undermine the opposition by the high standard of his eloquence (*qui locus ingenium patroni requirit aut oratoris eloquentiam magno opere desiderat?*, 'What argument demands the ingenuity of a patron or greatly requires the eloquence of an orator', 34). Due to the socio-political importance of the possible outcome of the case, however, its high political profile ensures public interest and attention, and the *Romanus populus*, suggests Cicero, are waiting to see justice prevail. An

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appeal for justice seems reasonable since the Roman people have previously witnessed a more devastating and disgraceful incident when a distinguished Roman, Q Mucius Scaevola, was stabbed by Gaius Fimbria in public in 82 BC, and the violence that resulted from the incidence later culminated in Scaevola's death (*Rosc. Am.* 33). Cicero therefore calls on the judges to employ drastic action against those portrayed as the enemies of the state in the present case.

As a means to establishing his oratorical duel against Erucius, Cicero starts his *probatio* by stating the charge levelled against his client by the accusers: *Occidisse patrem Sex. Roscius arguitur* ('the allegation is that Sextius Roscius killed his father', 37). The use of passive voice, *arguitur*, suggests that Cicero considers the charge as flimsy and has been invented by the prosecution. Cicero belittles the charge against Roscius by producing a rhapsody with the use of rhetorical questions and irony, but he also promotes his client's character indirectly (37-38). Cicero later repeats the allegation in a reported speech: *Patrem occidit Sex. Roscius* ('Roscius killed his father', 39). Between the first (reported) speech and the second (direct) speech, Cicero attacks Erucius for failing to prove the guilt of his client: *Quorum tu nihil in Sex. Roscium ne obiciendi quidem causa contulisti* ('You have not proved any reasonable case against my client, not even to constitute an obstacle to our pleading', 38). From the outset of his argument Cicero establishes his line of attack against Erucius—that the prosecutor has not instituted a valid case against Roscius jr.

Consequently Cicero conducts a critique of Erucius' treatment of the accusations levelled against Roscius jr and claims that the allegations are

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unprofessional and banal (*Rosc. Am.* 39-45). Erucius, according to Cicero, failed in his earlier presentation to prove Roscius' guilt convincingly. Cicero reveals the flaws in Erucius' arguments by asserting that the latter's vain attempt to make use of necessary rhetorical *topoi* in establishing his client's guilt actually highlights the fact that Roscius' saintly character is beyond fabricated imputations.³⁶ Cicero technically debunks Erucius' allegation by establishing that the character of Roscius jr does not match that of a criminal (41). Cicero then refutes the allegation that the deceased hated Roscius jr by arguing that it is illogical to allege that the father hated the son, and since there really was no reason for the father to hate the son, therefore there would have been no reason for the son to kill the father (40-41).

Cicero continues:

'Nescio' inquit 'quae causa odi fuerit; fuisse odium intellego quia antea, cum duos filios haberet, illum alterum qui mortuus est secum omni tempore volebat esse, hunc in praedia rustica relegarat.' Quod Erucio accidebat in mala nugatoriaque accusatione, idem mihi usu venit in causa optima. Ille quo modo crimen commenticium confirmaret non inveniebat, ego res tam levis qua ratione infirmem ac diluam reperire non possum.

(*Pro Roscio* 42)

³⁶ See also the comment of May 1988: 33 on this passage (*Rosc. Am.* 37-39).

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'I do not know', says the accuser, 'what the reason for the hatred was. I understand that there was hatred, since formerly, when he had two sons, he desired that the other son, who is now dead, to be by his side all the time. However, this son [Roscius jr] he banished to his estates in the countryside.' What Erucius encountered in inventing these baseless and injurious accusations is the same experience I have in defending this excellent cause. He, on the one hand, could not discover any proofs with which to establish his worthless accusations, and I, on the other hand cannot figure out the appropriate response to such baseless allegations.

Here Cicero asserts his right to the rhetorical high ground by juxtaposing the weakness of the prosecution's rhetoric against the poverty of supporting evidence. Subsequently Cicero redirects his polemic from antagonism between the Roscii brothers and Roscius jr to a legal duel between himself and Erucius. The basis of Cicero's attack is to claim that the prosecutor's stance of *nescio* ('I do not know') and his telling the court vague conjectures (cf. *intellego*, 'I understand that') demands no response (*reperire non possum*, 'I cannot figure out', 42) from the defence. Later in the speech Cicero stresses that Erucius' main strength lies in Chrysogonus' influence rather than the actual strength of the case (58). Erucius knows what he has been briefed but does not know what to say in court: *Ego quid acceperim scio, quid dicam nescio* ('I know what are the instructions that I have taken, but I do not know what to say', 58). By suggesting that Erucius is therefore either forgetful or incompetent, Cicero asserts his

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hegemony and progressively erodes the prosecution's credibility by proving that Erucius' stance is based on mere fabrication. Cicero's hegemony is indirectly promoted because Erucius' credibility as a competent advocate has been eroded for failing to demonstrate his mastery of forensic rhetoric in order to persuade the court of the truth. Although invective was allowed in the courts in the first century BC Roman republic, Erucius' reputation as a senior advocate would have suffered if he had used this kind of rhetoric. Cicero further reduces Erucius to the level of an amateur while projecting himself as quite the opposite:

Vides, Eruci, quantum distet argumentatio tua ab re ipsa atque a veritate. Quod consuetudine patres faciunt, id quasi novum reprehendis ; quod benivolentia fit, id odio factum criminaris; quod honoris causa pater filio suo concessit, id eum supplicii causa fecisse dicis. Neque haec tu non intellegis, sed usque eo quid arguas non habes, ut non modo tibi contra nos dicendum putes verum etiam contra rerum naturam contraque consuetudinem hominum contraque opiniones omnium.

(Pro Roscio 44-45)

Erucius, you see how distant your argumentation is from the actual case and from the truth. What fathers customarily do for their sons you censure as a novel practice. What should be seen as benevolence you denounce as an act of hatred, and what a father bestows on his son as a mark of honour you claim that he did it as

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a form of punishment. You probably understand all this, but so far you have not put forward any coherent support for your accusations. You do not only think to speak against us but also against the very nature of things, common human practices and the opinions of all.

This appeal to tradition serves to consolidate Cicero's position in the sense that he now situates his opposition's argument against general norms. Since some of the judges might be estate owners themselves who also engaged in such practices, this opens the way to claiming that the stance of the prosecutor ought to be offensive.³⁷ In other words, the prosecutor's appeal to traditional values actually undermines his own case. Slowly but surely Cicero is cementing his defence strategy.

Cicero further examines Erucius' argument that Roscius sr banished Roscius jr to the farm as punishment and concludes that this claim is inconsistent with tradition. Cicero prefers to use literary allusion (from a play of Caecilius) instead of practical examples (of father-son relationships) in order not to offend some persons in the community. Cicero attempts to reply to Erucius through literary allusions because the later does not seem to understand tradition, and his ignorance, according to the orator, is a reflection of his lack of proper

³⁷ For more discussion see Vasaly 1993: 159.

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upbringing.³⁸ Through this literary allusion Cicero draws parallels between the plot in Caecilius' play and the attitude of the accusers that best exemplifies their character, criminality and stupidity.³⁹ Cicero then claims that what Erucius has imputed to be crime ought to be construed as a credit to Roscius (48).⁴⁰ Cicero

³⁸ Grant 1986: 52 suggests that this strategy is effective since Erucius was a slave and could not have had a father legally.

³⁹ The key elements of Cicero's attack on Erucius consists of the paternity question; an indirect reference to the site of Veii, where Chrysogonus may have kept the stolen goods; and his failure to apply literary allusion to real-life situations, respectively: *Si tibi fortuna non dedit, ut patre certo nascerere* ('If fortune has not ordained that there is no question surrounding your father's identity', 46); *utrum hunc ego comicum adolescentem an aliquem ex agro Veiente nominem* ('whether I should name a young comedian or another person from the estates of Veii', 47); *Etenim haec conficta arbitror esse a poetis, ut effictos nostros mores in alienis personis expressamque imaginem nostrae vitae cotidianae videremus* ('I think that through the finished pieces of the poets, we see a picture of our attitude toward other people, and representation of our everyday life' 47). Through these excerpts Cicero suggests that despite Erucius' good education he has failed to yield to literary guidance, which is tantamount to ignorance. Donkin's 1911: 93 further suggests that Cicero's personal attack on Erucius works on two levels. First, Erucius would have appreciated his opponent's play on the feeling of the deceased since Erucius himself is a father, and secondly, Cicero's questioning of Erucius' paternity, although underhanded by our standards, would have been effective oratorically.

⁴⁰ See Donkin 1911: 94 for the Ciceronian usage *age nunc*. However, the transition between *Rosc. Am.* 47 and 48 seems to emphasise the imperatives *refer* and *considera* that follow, which make the accentuation conveyed by *age nunc* stronger than in other instances where the expression occurs (93, 105,

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thus lectures Erucius on the common perception of agricultural pursuits in earlier times. According to Cicero, Romans generally had high regard for their sons who chose to live in the country. He convinces the court about the interest of some respectable young men in agricultural pursuits and in particular Roscius jr (48). Cicero plays on ancestral sentiments to strengthen his argument and points out that if Erucius had been a prosecutor in earlier times, when men used to be summoned from the farm to be consuls, he would have been a bad prosecutor.⁴¹

Cicero exploits the idea that despite the good education of Erucius the latter has failed to appreciate the import of the lessons of the poets since their creative works are meant to represent the real world.⁴² Thus Cicero establishes himself as a better literary critic, particularly in the application of these literary allusions to real life. With his recourse to literary sources Cicero reminds Erucius that an orator's opposing speaker will pounce on any apparent shortcomings in his allusions as an integral part of the method of legal polemic.

Cicero progressively advances his focus from the microcosm to macrocosm, from the cultivation of the farm to the administration of the state, and

108). The actual delivery of the passage cannot be fully conjectured because of the dramatic interpretation (*notatio*) that is missing in a text.

⁴¹ For more discussion on *maiores nostrum*, see Fogel 1994: 1-55.

⁴² For information on the education of young men in Rome, see Fowler 1964: 168-203 and Gleason 1995: xxiii-xxiv.

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thus to imperial expansion.⁴³ Cicero reckons that because of Erucius' oratorical stance he probably sympathises with the bad example of Attilius, who considered it undignified to be a farmer (50). Cicero uses *paraleipsis* to summarise his position: *Neque ego haec eo profero quo conferenda sint cum hisce de quibus nunc quaerimus* ('My objective in presenting these facts is not to compare between the culture of the ancients and the empty judgements of these people whom we are presently cross-examining', 51). Cicero concludes his argument without making any clear-cut distinction between old and new perceptions of agriculturists, but instead imposes the old on the new.⁴⁴ In effect, Cicero plays the part of a cultural anthropologist here in order to refute the claim that Roscius sr had an unreasonable hatred for his son. Cicero then offers two points that Erucius could have used with better effect: *nam istum exheredare in animo habebat* ('surely he did not have it in mind to make him his heir', 52) and *convivia cum patre non inibat* ('he did not go to parties with his father', 52). Cicero deals with these allegations in addressing the supposed tension between the father and the son and concludes that Erucius is poised to capitalise on the misfortunes of Roscius jr and to insult the dignity of the judges. Cicero declares that the arguments that Erucius is trying to advance are ostensibly nugatory: *Verum haec*

⁴³ On Roman colonial *imperialism* see Kennedy and White 1950: 81-124, Badian 1958, Badian 1968: 1-40 and Gruen 1970.

⁴⁴ See Vasaly 1993: 162. Connors 1997: 71-81 shows that the dichotomy that existed between the concepts rustic and the urbane in the ancient world was already established long before the time of Cicero.

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tu quoque intellegis esse nugatoria ('truly, you also understand that this point is worthless', 52). The orator suggests that the antagonism between Roscius jr and Erucius originates from Erucius' desire to acquire Roscius jr's money, a desire that is now influencing and propelling Erucius to bring worthless accusations against Roscius jr.⁴⁵

Cicero further employs *reductio ad absurdum* to undermine the case of Erucius and his inability to argue his case professionally. In order to depict Erucius' proceeding as unprofessional, Cicero assumes the *persona* of a proverbial sage by comparing the prosecution unfavourably to the geese and dogs assigned to guard the capitol. Cicero's conclusion is what gives him the edge over the prosecutor (*Rosc. Am.* 57):

Alii vestrum anseres sunt qui tantum modo clamant, nocere non possunt, alii canes, qui et latrare et mordere possunt. Cibaria vobis praeberi videmus; vos autem maxime debetis in eos impetum facere qui merentur. Hoc populo gratissimum est. Deinde, si voletis etiam tum cum veri simile erit aliquem commisse, in suspicione latratote; id quoque concedi potest. Sin autem sic agetis ut arguatis

⁴⁵ What Cicero is trying to suggest here about the money is not very clear. However, one can surmise that the since Erucius is one of Chrysogonus' connections, he is actually hoping for some gains, hence, *sciunt huiusce pecunia te adductum esse*, ('the people know that you have been induced by this man's money', 55).

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aliquem patrem occidisse neque dicere possitis aut qua re aut quo modo, ac tantum modo sine suspicione latrabitis, crura quidem vobis nemo suffringet, sed, si ego hos bene novi, litteram illam, cui vos usque eo inimici estis, ut etiam Kal. omnis oderitis ita vehementer ad caput adfigent ut postea neminem alium nisi fortunas vestras accusare possitis.

(Pro Roscio 57)

Some of you are geese, who can only make so much noise but cannot inflict any harm, while others are dogs who can both bark and bite. We ensure that you are supplied with food. However, you should only launch your attacks on those who warrant it. This is most pleasing to the people. Then, if there is the slightest trace of a crime committed, if you so wish, you may bark; that is also allowed. If you assert that someone has killed his father and you cannot establish how the incident came about, and you then bark without any evidence, nobody will break your legs for it, but if I know these men well, the letter to which you are all so averse, as you all hate the kalends, will be branded on your head. Afterward you will not be able to blame anyone else but your fate.

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The Ciceronian adaptation and metaphorical representation of the geese and dogs designated to guard the capitol are rather obfuscating.⁴⁶ A possible way to interpret this allusion is to assume the symbolic nature of the images, which can be manipulated with a sense of novelty and not necessarily with accuracy. These are sacred geese and naturally they are not meant to keep watch over the city; they are meant for decoration and if they keep surveillance at all there is no degree of professionalism expected in their service. However, these geese are reported to have saved the capitol from the Gaul invasion in 390 (or 378) BC (Columella, *Rust.* 8.13.2). Geese alert their owners by cackling when an intruder is in sight, and under the same circumstances dogs possess the capability to detract the intruder by barking and biting. However, according to Cicero, dogs that bark or bite indiscriminately deserve to be disciplined.⁴⁷

Cicero likewise compares Erucius' role on behalf of the state to that of the dogs requiring a high degree of professionalism based on public expectation. If a prosecutor wrongly and incorrectly prosecutes a Roman citizen, then the

⁴⁶ The purely economic consideration with which both Donkin 1911: 98 and Freese 1967: 170 have interpreted this passage does not give room for an interpretation based on the professional standing of the prosecutor involved in this case.

⁴⁷ From the Homeric tradition right down to Ciceronian times, there is evidence that dogs were mainly used for security purposes. For uses of animals in the ancient world see Toynbee 1973; for a discussion on the life and behaviour of geese see Toynbee 1973: 261-264. For a brief description of the use of dogs in ancient times, see Anderson 1996: 490.

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prosecutor deserves to be punished since prosecutors are held accountable to society.⁴⁸ Further since Erucius is arguing for false assertions, especially in a capital case, Cicero expresses his confidence (*si ego hos bene novi*, 'If I know these men well') that any judge who rules in favour of the prosecution will suffer the opprobrium of the citizenry. Thus, Cicero concludes, the only factor motivating Erucius to accept the brief for this criminal proceeding is his inaccurate impression that Chrysogonus' influence would deprive Roscius of any substantive defence at all (58).

Assuming the role of a jurisconsult, Cicero formulates a theoretical framework by setting stringent parameters for an ideal and firm legal trial with the purpose of finding fault in the prosecutor's proceeding (62). He further assumes the role of a natural philosopher as he links this legal theory (62) to natural philosophy by suggesting that Erucius has strayed from the law of nature (63; cf. *De Fin.* 3. 62). The comparison between the savagery of man and that of beasts in section *Rosc. Am.* 63 seems appropriate because it is used to corroborate his metaphorical allusion to the geese and dogs that are stationed at the capitol (57). Through the man / beast comparison (63), Cicero is suggesting that state prosecutors must be more discreet and humane than animals in their

⁴⁸ The present writer thinks that *cibaria vobis praeberi videmus* ('We ensure that you are fed', 57) should not be interpreted to mean that these prosecutors are either employed or paid by the state, as Donkin 1911: 84 and Freese 1967: 150 contend. The allegiance that the prosecutors owe the *populus Romanus* certainly takes precedence over personal gain or vendettas.

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surveillance over and service to the state. In a strong attack, Cicero suggests that the beasts are less bestial than the prosecution team in their disposition:

Magnus est enim vis humanitatis; multum valet communio sanguinis; reclamitat istius modi suspicionibus ipsa natura; portentum atque monstrum certissimum est esse aliquem humana specie et figura qui tantum immanitate bestias vicerit ut, propter quos hanc suavissimam lucem aspexerit, eos indignissime lucē privarit, cum etiam feras inter sese partus atque educatio et natura ipsa conciliet.

(Pro Roscio 63)

The power of human feelings is great and the bond of blood is very strong. Nature herself decries this abominable kind of suspicion such as yours, and it most certainly is frightening and monstrous that a creature in the form and likeness of man should greatly outdo wild beasts in bestiality. Erucius has chosen to destroy most ignominiously those who preserved him from destruction, when even beasts cohabit harmoniously among themselves in giving birth, nurturing and in enjoying nature herself.

This passage completes the ethical demolition of the prosecutors' character, especially that of Erucius. The graphic nature of the images reduces the

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prosecution team to a lower category of species than wild animals. Cicero plays upon the general idea that man should be above animals in every respect.⁴⁹

The dramatic opening of *Pro Roscio* 79 is very important to the way Cicero handles Erucius. Despite the extensive treatment of the allegations raised by Erucius, Cicero continues to address Erucius directly by saying: *Nunc, Eruci, ad te venio* ('Now Erucius, I come to you', 79). One can interpret this opening to mean that Cicero has started celebrating his imminent victory, and it further shows seriousness and unabated aggression in the ongoing defence of his client. Cicero demonstrates that his client is not guilty of the crime and furthermore that he could not possibly have committed it (79). Cicero concludes that Erucius does not really have sufficient evidence to establish any allegations, as he suggests that Erucius is probably reciting a speech meant for another case (80-82).

Cicero and Erucius are certainly not equals at the bar, but the apparent oratorical aggression with which Cicero analyses Erucius' earlier presentation indicates that Cicero is now gradually becoming a recognisable force in the first century BC Roman republican oratorical space. His approach in treating Erucius in this speech shows that he has mastered the art of not only deploying invective but also discovering faults in his opponent's argumentation. This oratorical capability has also helped him to assert himself in this speech situation. His

⁴⁹ Cicero believes that man is fundamentally superior to animals but that the superiority is more profound in the use of language: *quo uno homines maxime bestiis praestent* ('with the ability to speak, human beings are superior to animals', *De Or.* 1.33).

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competition with Erucius does not really extend beyond this isolated case of the *Pro Roscio*, but within the larger distribution Cicero's numerous presentations the experience helped Cícero to come into the limelight of oratory in the Roman republic.

4.5.2 Chrysogonus, the Abuser of Power

Cicero's treatment of power in this speech relates to Chrysogonus' violation of other people's rights, especially those of Roscius jr. There are three kinds of power at work, namely, the oratorical, the judicial and the political. Given the circumstances surrounding the delivery of the *Pro Roscio Amerino*, Cicero understands that the only active power is the oratorical, supported by the judicial, which renders other forms of power passive in the course of a judicial proceeding.⁵⁰ In contrast Chrysogonus deploys his political power to subordinate publicly and possibly to obliterate others. So Cicero scrutinises Chrysogonus' power relations with first the Roscii brothers and then Roscius jr. The result of the alliance that existed between Chrysogonus and the Roscii brothers was the death of Roscius sr and the illegal acquisition of the deceased's property. Cicero

⁵⁰ Ober's 1994: 86 coercion paradigm locates power in the state and establishes it as the sovereign authority. Ober asserts that the state can reprimand offenders through its law enforcement agencies, including the judiciary. Under the present circumstances, Chrysogonus' deployment of power, although suspended during the legal proceeding, can only be halted completely after the proceeding.

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argues that Chrysogonus is guilty of the violation of rights and the harassment of citizens, and this abuse of power can only be halted and penalised by the judges:

Nimiam gratiam potentiamque Chrysogoni dicimus et nobis obstare et perferri nullo modo posse et a vobis, quoniam potestas data est, non modo infirmari verum etiam vindicari oportere.

(*Pro Roscio* 122)

We affirm that Chrysogonus' extreme influence and power that stand in our way can no longer be tolerated, and since you have the mandate not only to disempower him but also to punish him, now do so.

Among other things, Cicero claims that Chrysogonus is using his power to obstruct justice, that is, by way of keeping the slaves away from cross-examination (122). Cicero then is inciting the *indignatio* of the court against Chrysogonus given that one of the allegations Cicero is levelling against Chrysogonus is that his purchase of the property was illegal (125). Cicero concedes that the sale of the deceased's property was legal but that the murder of the owner makes the whole process illegal (126-128). Cicero describes Chrysogonus as a pompous person who believes that he is the wealthiest man in the whole world (135). He constructs the glory and pride of Chrysogonus in such a way that it offends the Roman stereotype of what a responsible public masculinity should embody:

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Ipso vero quem ad modum composito et dilibuto capillo passim per forum volitet cum magna caterva togatorum videtis, iudices, videtis ut omnis despiciat, ut hominem prae se neminem putet, ut se solum beatum, solum potentem putet.

(*Pro Roscio* 135)

Look, gentlemen judges, look at the very manner in which the hair is permed and perfumed and how he makes delicate strides all over the forum accompanied by those wearing tunics, how he despises everyone, how he thinks that no one is comparable to himself, and that he alone is blessed and altogether mighty.

From the passage it is possible to see a 'de-masculinisation' of Chrysogonus. Citizens were perceived to be dishonouring their toga if they appeared in the company of freedmen. Whatever excuses Chrysogonus has for misusing his power and for being pompous, Cicero has brought up evidence against him with cultural implications. Since this is offensive to the Roman concept of induction to manhood (*toga virilis*), Chrysogonus' offence touches the root of all Roman masculinities and would have affected the panel of judges, who most probably would have shared these cultural masculinities.⁵¹ The offence imputed to

⁵¹ For more on the *toga virilis* in relation to how public masculinity is constructed, see Richlin 1997: 92.

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Chrysogonus for dishonouring his toga automatically calls for general indignation.⁵²

Cicero furthermore switches between the roles of a public commentator, a senator and a judge. Cicero seizes this opportunity to comment on socio-political developments in the republic. He also seeks to appeal to the constituted authorities and to appease whatever party he may have offended in his defence, especially since he is attacking Chrysogonus, who happens to be one of Sulla's lieutenants. Surely this indirect entreaty is a technical move to neutralise the impact of his polemic (136).⁵³ He also uses the opportunity to prime the nobility to censure any construed misdemeanour in a man like Chrysogonus because by so doing they will win more respect from the populace (135-138). Cicero modulates

⁵² Cicero's de-masculinisation of Chrysogonus has a more far-reaching effect than the immediate ethical implication that Cicero probably targets. Corbeill 1997: 118-120 has proved that gendered clothing can also serve as an index for the true character of the subject. The fact that Chrysogonus' dressing looks rather effeminate within the Roman republican context could also mean that he himself was to some degree effeminate. Corbeill 1997: 120 asserts, 'A man's taking on effeminate dress does more than provide an indication of sexual character; it can also, when the occasion demands, create that character'. Round 1994: 96 also indicates that any male appearance that had a feminine characteristic, either through the curls or in any other way, was frowned upon openly.

⁵³ If Plutarch's claim is correct that Cicero left Rome for Greece after the presentation of the *Pro Roscio* because of the aftermath of this speech (*Cic.* 3.4), then his attempt to pacify the Sullan government was unsuccessful.

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his character by assuming different *personae*, which enables him to query Chrysogonus' masculinity by portraying him as an example of a public man whose action may have adverse effect on the authority of the nobles if the court failed to take appropriate measures (138-139).⁵⁴ The passage is carefully crafted so that the attack on Chrysogonus does not have any relevance to the position of Sulla even as it indirectly censures Sulla for not being alert enough in his administrative capacity. Cicero counsels the nobility to stop abetting Chrysogonus unduly, and he generally polarises Chrysogonus and the nobility (140-141).

As has already been discussed under Cicero's character definition, Cicero uses Caecilia's social, political and personal profile as a rhetorical weapon against Chrysogonus (147). Earlier in section 27, there is an interesting comparison between the role that Caecilia played and the role that the Roscii brothers played in this whole incident.⁵⁵ The intrusion of emphasised femininity into a predominantly masculine discourse receives a concessive (*cum esset mulier*, 'although a woman', 147) qualification but grants her a privileged position against the masculinities that constitute the opposition. Cicero is sympathetic to Caecilia in this case because Caecilia is considered virtue incarnate (*virtute perfecit*, 'she performed impressively like a man', 147). *Mulier* ('woman') and *virtus* (masculine performance) offer a very interesting contrast in this instance.

⁵⁴ See Chapter 4.4.

⁵⁵ Discussion on earlier comparison already occurs above in Chapter 4.4.

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This comparison between a debased man (Chrysogonus) and a virtuous woman (Caecilia) completely demasculinises Chrysogonus. Furthermore, Cicero intertwines this gendered theme with Roscius jr's political heritage and connections in order to undermine further the political influence of Chrysogonus (147-149). Clearly through comparison and invective Cicero not only belittles and undermines Chrysogonus' influence in society but also and renders the latter's activities punishable by the court.

Cicero achieves an oratorical feat in his proof and refutation by magnifying the negative aspects of the opposition within his argumentation that crystallises the characterisation of the personalities involved in the case. As promised in his *partitio*, Cicero deals with the crimes in a triadic format in relation to the roles that each member of the opposition played and represented. Once again Cicero adopts a comparative approach in his treatment of the different aspects of his proof: first, the charge (the refutation of Erucius' claims: Cicero versus Erucius); secondly, the audacity of the prosecution (Roscius jr versus the Roscii brothers); and thirdly, the abuse of power (Chrysogonus versus the ethics of the nobility).⁵⁶ Cicero employs several *topoi* extensively to deal with each role (good or bad)

⁵⁶ Vasaly 1996: 132 has rightly observed that Cicero chooses to use *ethos* and *locus* as key determinants in his arguments. Vasaly 1996: 160-166 asserts that Cicero promotes rustic values over and above city norms. She (1996: 170) also suggests that most of Cicero's scoundrels share a lower class morality. For her most illuminating discussion on country and city, see Vasaly 1996: 156-172.

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ascribed to each person. In this comparative mode, we see both urban and public masculinities called into question.

4.6. CONCLUSION

This chapter has attempted to discuss Cicero's use of *persona* and his construction of other representatives and individuals in the *Pro Roscio*. Basically character portrayal was an important element of Roman rhetoric and certainly of Ciceronian rhetoric.

The main question still remains to be asked and that is: after a remarkable attempt at manipulating all topics and figures in this case to his advantage, how does Cicero, and with what rhetorical device, does he elevate his *gratia* ('influence') in the *Pro Roscio*? Leeman, who is more concerned with the structural analysis than the sociological function of the speech, claims that the speech reflects a degree of puerility, as he asserts: 'There is little *dignitas* in it, and little of the harmonious sentence structure of Cicero at his best. The rhythm is pretentious and restless. It is a torrent without power.'⁵⁷ Leeman's position is contested by Rawson when she writes, 'The passage reminds us how far ancient rhetoric relied, in its utmost studied parts, on effects of repetition, balance and rhythm, here admittedly employed in a somewhat forced and mechanical way; but already in this speech Cicero shows that he could be plain and rapid where

⁵⁷ Leeman 1963:98.

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necessary.⁵⁸ It appears if that is what the situation demanded; it would then not be forced but deliberately appropriated.

May, overwhelmed with ethical concerns in his *Trials of Character*, concludes his treatment of the *Pro Roscio* as revealing 'a more sophisticated and artistic use of rhetorical ethos than is evident in any Greek oration or, as far as our scanty knowledge allows us to conclude, in any earlier oratory'. Furthermore, May commends the boldness of the young orator in challenging the excesses of the tyranny that had held the Roman civic society in bondage under the Sullan regime.⁵⁹ In Vasaly one observes a more convincing and likely argument for the sophistication of the speech, which concerns Cicero's use of *topoi*. The answer to the main question concerning what rhetorical device Cicero uses in the speech to elevate his *gratia* is his careful use of *mos maiorum* and his appeal to ancient tradition. According to Cicero, *primus locus sumitur ab auctoritate . . . item maioris nostris* ('The first topic is derived from authority . . . also from the ancestors', *Inv. rhet.* 1.53.101; cf. *Top.* 4.24-28). Fogel deals extensively with this issue in her dissertation. She says, '*Mos maiorum* is itself a metaphorical term in a sense, since it means literally 'way-of-life of the ancestors,' but stands metaphorically for the authority of tradition, and even comes to mean 'customary law' in later periods. The idea expressed in the word *maiores* means literally 'greater ones,' and is obviously wholly laudatory, hence the rhetorical color of the

⁵⁸ Rawson 1975: 23.

⁵⁹ May 1988: 31.

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phrase.⁶⁰ Cicero's employment of appeal to tradition and at times specifically identifying ancient authorities by name boosts his own authority. These appeals to tradition occur in *Pro Roscio* 14-15, 16, 33-34, 46-47, 50, 55-57, 64-65, 66, 70, 84-85, 89-91, 103, 125-126 and 153. These appeals are convenient for corroboration, enhancement of authority, authentication of assertions and for gaining an idea of the rhetorical colours in Ciceronian oratory.

A crucial question can also be asked, 'how did the audience receive the speech?'. The answer to this question is almost indeterminable except for evidence of good reception that occurs in historical and oratorical treatises. If Cicero's deployment of oratorical strategies earned his audience's approbation and faith in his ability to be able to manage any litigation (*Pl. Cic.* 3.4), then it follows that the oration was appropriate for its milieu. The oration gave Cicero a boost on two levels of his career—political and oratorical. In fact, as tactical as Cicero thought he was being in *Pro Roscio*, Plutarch remarks (as mentioned earlier) that Cicero went to Greece partly for the fear that Sulla might take vengeance on him for his comments in the speech. A modern reader could only evaluate the impact that the speech had on the society based on the response that it generated from the upper echelons of society. The case would later serve as a point of reference for Romans and Cicero in his subsequent oratorical performances.

⁶⁰ For more on *mos maiorum*, especially in the *contio* orations, see Fogel 1994: 1-56.

5

Oratorical Hegemony in the Making

Men and gender are produced in the conflicts and struggles of history and politics.

(Heam 1997: 13)

5.1. INTRODUCTION

Following Cicero's success, especially with his presentation of *Pro Roscio Amerino*, and given the pro-oligarchic dimension that was applied in the speech, he became a favourite with the Roman *boni* ('aristocrats'). The fame and dignity that accrued to him after the defence of Roscius in 81 BC encouraged political notables to demand his service in advocacy. This advocacy may have included his defence of a woman from Arezzium in 79 BC when he challenged Sulla's excesses. The speech that Cicero presented in defence of this woman is now lost. In this lost speech, as Cicero himself recounts, he called into question the authenticity of Sulla's ploy to disenfranchise two *municipia*; after rigorous proceedings and in spite of Sulla still being alive, their franchise was reinstated (*Caec.* 97).¹ The overwhelming amount of work compelled him to retire to Athens

¹ In fact, the Arezzium experience made Cicero's quest for supremacy in the forensic space a legitimate venture. Cicero's major opposition in this case was Cotta, another excellent speaker in the courts at the time. His triumph over

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to develop his oratorical skills further and to give him respite as his health was deteriorating (Plut. *Cic.* 3.4). Cicero travelled out of the Roman republic and visited Greece, Rhodes and Asia Minor,² where he studied with the best rhetors and philosophers of the day with a view to improving his oratorical skills. Although it is common knowledge that Cicero left for Greece and lived there for two years because of his failing health, Plutarch (*Cic.* 3.4) claims that it was due to political reasons.³ Whatever the reason was, Cicero seized the opportunity to develop his oratorical skills (Quint. *Inst. Orat.* 12.6.6-7, Plut. *Cic.* 4).⁴

On his return to Rome Cicero, having improved his art of delivery considerably, was recognised as one of the leading members of the bench. Along with two other distinguished orators, Cotta and Hortensius, Cicero was appointed to a key political position in 75 BC: Cotta became consul, Hortensius *curule aedile*, and Cicero the Sicilian *quaestor* (*Brut.* 318). For Cicero it was an opportunity to demonstrate his mettle in respect of administrative acumen and to

Cotta at this time presumably must have encouraged Cicero immensely (on Cotta cf. *Brut.* 92.319; Chapter 3.3). Since the case against Verres had imperial and international overtones, it seemed a more crucial case to Cicero in gaining full recognition in the Roman republic's oratorical hall of fame.

² Plut. *Cic.* 4.4 lists the Greek rhetors and philosophers under whom Cicero studied.

³ Cf. Rawson 1975: 26.

⁴ Strachan-Davidson 1906: 19-22, Bailey 1971: 11-12, Stockton 1971: 11-12, Rawson 1975: 23-24, Mitchell 1979: 91-92, Conte 1994: 178-179, Habicht 1990: 20-21, Scullard 1965: 6-7, Kennedy 1972: 154-155.

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gain some degree of oratorical fame. His account of the period in later years shows that he was disappointed that Romans had not given him due recognition for the rice that he had imported into the republic (*Pro Planc.* 65-66). This experience demonstrated that he should make himself more readily available to the Romans rather than relying on his gestures to the Roman people from outside the republic.⁵ Thereafter Cicero made accessibility and visibility his conscious policy (*Planc.* 65-66, *Plut. Cic.* 4.1).⁶

However, as a *novus homo* with no strong political base, Cicero encountered difficulties in ascending the professional ladder, although with tenacity and self-determination he surmounted these problems.⁷ Fortunately Cicero made his way into the senate in 74 BC while continuing to retain his identity of a *novus homo*.⁸ Cicero's policy of making public appearances and his meticulous application of self to duty on behalf of friends won him acclaim and a

⁵ For more on Cicero's availability see Bailey 1971: 14, Stockton 1971: 15. See also Chapter 3.6.

⁶ Discussions on Cicero's deliberate availability to the public already occur in Chapter 2.6. For more on Cicero performance of visibility and conspicuousness see Bell 1997: 1-22.

⁷ For some of the political obstacles that he Cicero encountered see Mitchell 1979: 94-98. For more information on Cicero's political career as a *novus homo* see Scullard 1965: 1-25.

⁸ Strachan-Davidson 1906: 38, Smith 1966: 33, Kennedy 1972: 155, Habicht 1990: 21. For more on *novus homo* see Scullard 1965: 1-25, Wiseman 1971: 100.

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nexus of new friends, who would later constitute his *clientela*.⁹ As a result of his self-promotion Cicero enjoyed the strong support of the *municipium* surrounding Arpinum and beyond. By 70 BC, when Cicero was to prosecute Verres, he had become a notable politician and had influence with some members of the aristocracy. As the Verrine orations show, the enormous amount of evidence made available to him by the Sicilians helped him to prosecute Verres successfully.

In 70 BC when the Verrine orations were delivered, it was clear that he had gained some social recognition and that he had increased in *gratia* ('esteem') and *auctoritas* ('power'). Since Cicero's defence of Roscius jr, the Verrine orations were the major set of speeches that strengthened his status as a politician and gave better definition to his identity as a developing hegemonic orator. Given this redefinition and elevation of oratorical identity, it is possible to locate Cicero in the Phallic Model of Hegemonic Masculinity (Figure 3) in the sector LJB, which comprises men who are in the upper echelon but cannot do not hold the ultimate magistracy in the Rome. In other words, Cicero's attempt to gain dominance in this instance is strongly connected to the political positions that he had held previously. The speeches that Cicero delivered in the period around 70 BC have profound resonances of political power and the *persona* of

⁹ Mitchell's 1979: 97 narratives explicitly show that Cicero's success in the forum is dependent on a number of factors, one of which is his personal publicity. Plut. *Cic.* 7.1-2 even records that he knew the name of every person in his area by heart.

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an *ex-quaestor* is prevalent in the Verrine orations. Cicero's experience as a Sicilian *quaestor* in 75 BC gave him authority and a comparative edge against Verres in 70 BC when he prosecuted him. The Verrine orations were important to Cicero because not only did he meet Hortensius again as his opponent, but he also aimed at surpassing and even at excelling the Hortensian hegemony.¹⁰ Cicero's hegemony is further confirmed by Verres' unannounced withdrawal from Rome after the *Actio Prima* (Cicero's first court address in the series). The preliminary struggle between Cicero and Caecilius for the prosecutorship further enhanced a contestatory ambience within which the Verrine proceedings were situated and Cicero's hegemony was to emerge.

In applying the Ciceronian Improvisatory Model (Figure 2), one sees a unique form of continuity in the Verrine orations. The proceedings commenced with a competition between Cicero and Caecilius from which Cicero emerged as the attorney to prosecute Verres. Secondly, Verres left Rome in consequence of Cicero's first address. Lastly, Cicero composed a set of speeches meant for publication by simulating a court address. Cicero titled this collection of speeches *Actio Secunda*. This publication was meant for public consumption. In modern times, this collection would be conceived as a series of speeches published by a daily newspaper or a magazine. These different forms and media of disseminating rhetoric help the orator to package differently the messages

¹⁰ On dislocating masculinity see Cornwall and Lindisfarne 1994: 11-47.

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contained in each of the speeches¹¹. In the Ciceronian context, a continuation of the address helps the orator first to consolidate his hegemony and secondly to propagate his dominance. The publication is expected to have a wider audience (readership) than the court address. Reaching a wider audience and having the same kind of response that was generated by the *Actio Prima* means that there is an instantly skewed legitimation of the Cicero's hegemony since there are no speeches composed for or by the opposition with which a modern reader can judge Cicero's assertions.

In the sections below I will present briefly the background and context of the events that led to the presentation of the Verrine orations; then I shall present Cicero's self definition in *In Caeciliam*; next I will discuss his presentation of self as a national icon; finally I shall present Cicero's strategy of sustaining his rhetorical identity. The discussions in this chapter are arranged in order of Cicero's arguments in the Verrine speeches.

5.2. BACKGROUND AND CONTEXT

Verres was *propraetor* in Sicily between 73 and 72 BC. From Cicero's speeches it is alleged that Verres' rule was characterised by all sorts of fraudulent practises ranging from pillaging and sacrilege to intolerable administrative behaviour. The Sicilians decided to prosecute him for extortion (*quaestio de pecuniis repetundis*)

¹¹ The notion of space informs an orator's careful selection of speech content; on this see Chapter 6.2.

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demanding 100,000,000 sesterces. The Sicilians chose Cicero to represent them in his capacity as prosecutor (*Div. Caec.* 3), while Verres chose Caecilius, his ex-*quaestor* (*Div. Caec.* 64). The person that the judges considered to be the better candidate from the contest would later face Hortensius in the course of litigation proceedings.

5.3. SELF-ACCREDITATION AND FASHIONING:

CICERO IN *DIVINATIO IN CAECILIUM*

The preliminary speech that Cicero delivered in the prosecution of Verres is *Divinatio In Q. Caecilium*.¹² This speech does not appear to have been difficult for Cicero to deliver; nor does it appear to have put Cicero under a lot of pressure since it is not a legal suit *per se* but a prosecutorial contest, a means of selection, from which the person that emerges victorious was to become the actual prosecutor of the case.¹³ In this instance the advocate has to recommend himself to the state and prove himself to be the better candidate by participating in a prosecutorial duel in order to conduct legal proceedings against the accused. On this occasion Cicero finds ample opportunity for ostentatious personal portrayal, self-aggrandisement, construction of self and self-accreditation in preparation for

¹² Discussion on this speech already occurs in Leeman 1963: 105-108, Kennedy 1972: 156-165.

¹³ What modern scholarship lacks is an account of the defence of Caecilius in order to ascertain the latter's response.

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the duel against one of the leading oratorical figures in Rome, Hortensius.¹⁴ This speech aids Cicero in his production of Ciceronian oratorical hegemony, and he attempts to establish himself not only as an orator but also as an administrator. The ethical impact of this speech establishes Cicero in a place of honour and respect and makes him the obvious choice to handle the entire litigation proceedings.

In Cicero's attempt to establish himself in an advantageous position as quickly as possible, he connects his appearance as a prosecuting aspirant to his suitability for the job in his opening remarks. The subject of his *exordium* is his suitability for playing the role of prosecutor in the present case. Cicero believes that the audience would agree with him that in this present case the appropriate role to play is that of the prosecutor given the nature of the offences that are being levelled against Verres; hence his first statement:

Si quis vestrum, iudices, aut eorum qui adsunt, forte miratur me, qui tot annos in causis iudiciisque publicis ita sim versatus ut defenderim multos, laeserim neminem, subito nunc mutata voluntate ad accusandum descendere.

(*Divinatio in Caecilium* 1.1)

¹⁴ Habicht 1990: 25 describes Hortensius as *Rex Fori* ('the King of the Forum'; cf. Chapter 3); in *Div. Caec.* 7.23 Cicero describes him as *magnus ille defensor* ('that great defender').

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Perhaps, someone among you, gentlemen judges, or someone from the audience, may be wondering why I, who for so many years and in many cases have defended many people and hurt nobody, have now suddenly deviated from my consistent policy. Suddenly, now, my position has changed and I have become a prosecutor.

The *persona* of the hypothetical observer signalled by *quis miratur* ('someone may wonder') is a ploy intended to engage the minds of the audience from the very beginning, thus diverting their attention while he insinuates himself into the favour of the audience as a prosecutor. The seemingly paramount need to justify his role as a prospective prosecutor to the audience is to prepare them for his transformation from defence to prosecution. This is an appropriate ethical step to take since Cicero's audience in the previous cases when he may have acted as defence counsel is the same audience that he is addressing on this occasion. The audience would have observed his consistent appearance in court as defence attorney and may have been surprised to see him act as prosecutor. In addition, Cicero may want the audience to be aware of the reason for his consistent appearance as defence. This is an ethical invention aimed at winning a high moral ground. Obviously Cicero is trying to invoke an ethical reason for his role switch from defence to prosecution. He wants the audience to accept his candidacy for the prosecutorship on merit. The use of the verb *laedo* ('I hurt') suggests the harmful nature of the role of the prosecutor, and consistent appearances in court as the prosecutor, in Cicero's opinion, generates enemies

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for the person who continually acts as a prosecutor.¹⁵ Comparing this opening statement with his strategies in the *Pro Quinctio* and the *Pro Roscio*, when he actually appeared for the defence, one observes that Cicero's rhetorical strategy is effective even for prosecutorial purposes. In fact, in both cases, as Chapters 3 and 4 demonstrate, Cicero employs arguments that portray him as prosecutor. In the *Pro Quinctio* Cicero assumes the role of prosecutor because of what he claimed to be an abuse of power on the part of the opposition, while in the *Pro Roscio* he deliberately acts as prosecutor in order to attack the forces that he claimed were influencing the proceedings.

Cicero claims that he does not really see himself as prosecuting Verres but as defending Sicily. The redefinition of his role in the current proceeding restores his ethos as being consistent in his policy of acting as defence attorney. Cicero consolidates his stance by claiming that his virtuous principles, namely, his *officium* ('sense of duty'), *fides* ('honour'), *misericordia* ('compassion') and the fact that he is a role model (*multorum bonorum exemplo*, 'being the noble role models of many others') and has a commitment toward tradition (*vetere consuetudine institutoque maiorum*, 'together with ancestral practices'), compelled him to undertake this defence (*Div. Caec.* 2.5). Cicero assures the audience that he is functioning within the framework of his juridical policy since he is actually defending Sicily by wanting to prosecute a single man. The orator

¹⁵ Cicero would normally not act as a prosecutor in many cases because of the fear that he might fall into disrepute. People might consider him as the enemy rather than see him as doing a service or duty (*Cic. Off.* 2.49-50).

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wants the audience to see him as defending (*defendere*, 'to defend') the Sicilians and alleviating (*sublevare*, 'to alleviate') their problems (*Div. Caec.* 2.5).

According to Cicero, his performance in Sicily as governor is also a factor that motivated the Sicilians to approach him. Cicero relates elements of his governorship of Sicily and claims that his performance in Sicily was so pleasing to all the Sicilians (*Div. Caec.* 1.2) that before the expiration of his tenure they had started paying him the respect due to an ancestor:¹⁶

factum est uti cum summum in veteribus patronis multis, tum non nullum etiam in me praesidium suis fortunis constitutum esse arbitrarentur.

(*Divinatio in Caecilium* 1.2)

It emerged that they believed that they have obtained for themselves the highest security of their fortunes not only in many of their old patrons but also a reasonable amount in me.

Cicero is not only respected as an excellent governor but also has been assimilated into an elevated realm of Sicilian ancestry. This opening is the ostensible justification why Cicero was chosen in preference to Caecilius. It

¹⁶ King 1912: 1 thinks this *Siculis omnibus* ('for all of Sicily') is an oratorical exaggeration. Considering that there is an overlap of use of rhetorical devices, Cicero is using the rhetorical device of synecdoche to depict the delegation and the request made to Cicero as a representation of Sicily.

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therefore seems logical to Cicero that he should act as the judicial representative of the Sicilians. Cicero cites his administrative experience in Sicily to create a further justification for his selection as prosecutor. According to the passage, Cicero states that he intimately identifies with the cause of the Sicilians given that the Sicilians developed respect for and trust in him during his quaestorship. Cicero's sense of duty is informed by the faith that the Sicilians have in him. On moral grounds Cicero feels compelled to respond to the trust that the Sicilians have in him (cf. *Rosc. Am.* 114). Cicero's reference to his efficient administration of Sicily remains a valid *topos* so long as nobody has accused him of wrongdoing and the Sicilians themselves have no case against him.

Appeal to the gods is another ethical device that Cicero uses to elevate his position. Cicero equates his position with that of the Sicilian gods and exploits the fact that the Sicilians are in desperate need of 'divine' intervention to prosecute the immediate past governor, Verres, for past abuses (*sese iam ne deos quidem in suis urbibus ad quos confugerent habere*, 'already they have no gods in their cities to whom they can run to for help', *Div. Caec.* 1.3). Cicero portrays himself as god-sent in playing the role of protector to Sicily (*Div. Caec.* 1.3). Here Cicero exploits religious sentiments to appeal to his audience. Cicero emphasises that the Sicilians are importuning him to defend them in spite of the fact that he asked the Sicilians initially to consider asking Caecilius to be their prosecutor (*Div. Caec.* 1.3). That the Sicilians still preferred Cicero raises some ethical questions here that negate any positive response to this suggestion that

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the Sicilians should consider Caecilius as their representative (*Div. Caec.*1.4).¹⁷

The Sicilians have recently encountered Caecilius in his capacity as their *quaestor* (73 BC) and they would prefer Cicero to defend them (*Div. Caec.* 1.4).

So Cicero suggests that Caecilius is not in favour with the Sicilians.

Cicero poses a series of arguments intended to allay any doubts that his audience may be having about his reason for wanting to defend the Sicilians. Cicero's portrayal of Verres and his criminal acts and Caecilius' sympathy for Verres delineate the characters of the two advocates to the former's advantage (*Div. Caec.* 3.6). For Cicero the Verrine case does not need extensive legal adjudication since the Roman people have also witnessed Verres' atrocities:

Romae denique ante oculos omnium maxima turpissimaque
nossemus.

(*Divinatio in Caecilium* 2.6)

In short, we know of all his enormous robberies and outrages even
in Rome before the eyes of us all.

Cicero thus implies that the judges are aware of the nefarious activities of Verres both abroad and at home by pointing out to the audience their awareness of Verres' unsuitable behaviour. Cicero makes an inartistic proof of the case: his reference to Verres' outrages will result in his deployment of less argumentation,

¹⁷ May 1988: 32 expresses a similar view.

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especially as he can easily capitalise on the audience's knowledge of the previous nefarious activities of Verres. Cicero strengthens his case by employing rhetorical questions:

me agente in iudicium vocaretur—quis tandem esset qui meum factum aut consilium posset reprehendere? Quid est, pro deum hominumque fidem, in quo ego rei publicae plus hoc tempore prodesse possim? Quid est quod aut populo Romano gratius esse debeat, aut sociis exterisque nationibus optatius esse possit, aut saluti fortunisque omnium magis accommodatum sit?

(*Divinatio in Caeciliam* 2.6-3.7)

After I have obtained a sentence against this man in the court of law, who will then invalidate my action or motivation for doing so? Before God and man, what is that noble service that I can render to the republic at this crucial time? What will be more pleasing to the Roman people? Or what will be more desirable to our foreign national allies? Or what will serve more the general safety and prosperity of all of us?

Thus Cicero justifies his actions before the audience in view of Verres' atrocities. According to Cicero, his present action is of unique benefit to the republic, ally states and foreign nations (*Div. Caec.* 3.7). He suggests that he is championing the cause of Rome and its allies by wanting to prosecute Verres since this is

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what can be desired for the safety of Rome after the heavy plundering of Sicily by Verres (*Div. Caec.* 3.7). The available evidence shows that Verres has mismanaged the provinces over which he has been appointed governor and has also abused the powers conferred on him (*Div. Caec.* 3.8). Here Cicero tries to construct an international image for himself and subtly compares his governorship with that of Verres. In his exposition of Sicily's historical experience of Roman governors, Cicero seems to demonstrate an understanding of Sicily's plight and, since he alleges that the entire judiciary has may have degenerated, he finds plenty of opportunity to portray himself as an honest prosecutor (*Div. Caec.* 3.9). With an attitude of moral rectitude and a self-assuming patriotism, Cicero indicates that the main factor that has informed his appearance in court is the stability of the state given lack of honest prosecutors in Rome, which has culminated in people making bitter complaints about the gross injustices that have been perpetrated by the judicial system (*Div. Caec.* 3.9). Cicero asserts that his concern for the state and the reputation of the judiciary are of more significance to him, among other things, since he has connected them to the declining respect for the senatorial order; all efforts made by the state to regain the lost respect for the senatorial order have proved futile (*Div. Caec.* 3.8-9).¹⁸

¹⁸ Cicero is fond of propounding and attaching global implications to specific and highly localised issues to promote his justification for undertaking an action or for inflating the importance of an event using hyperbole. His doing so serves as a way of stressing the socio-political importance of the integrity of a valid justice system to the continual survival of the republic. Later he

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After the motives that led Cicero to appear have been justified before the audience, he handles the *contentio* ('contest') as he discusses issues relating to who is the more competent person to prosecute Verres between Caecilius and himself. According to Cicero, the most important concern to discuss in the *contentio* is to identify the appropriate person to defend the interests of the Sicilians:

Ego sic intellego, iudices: cum de pecuniis repetundis nomen cuiuspiam deferatur, si certamen inter aliquos sit cui potissimum delatio detur, haec duo in primis spectari oportere: quem *maxime* velint actorem esse ii quibus factae esse dicantur iniuriae, et quem *minime* velit is qui eas iniurias fecisse arguatur.

(*Divinatio in Caecilium* 4.10; emphasis mine)

This is how I understand it works, judges: when a person has been charged in the courts for extortion, and if there is a duel between two attorneys about who is the more competent person to act, there are these two issues that ought to be examined: firstly, who should be the person whom the victims of the alleged injustice *most* desire to appear on their behalf, and secondly, who is the person whom the alleged wrongdoer desires *least*.

demonstrably will construct a national identity for himself by appealing to the 'best interest of the republic'; see *Caec.* 1.1, *Att.* 1.16. 4.

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The issues that Cicero raises in this extract relate extensively to credibility, merit and preference. As Cicero suggests, after the contest has been resolved, the man with the more eminent 'ethico-political' clout will emerge as the winner and the victory will further reveal the better speaker of the two contestants. Cicero claims that he is poised to address these issues successfully since he has posed them himself (*Div. Caec.* 4.11). On the one hand, one could reasonably extrapolate from the extract that the Sicilians would want Cicero to defend them because of their trust in him that was developed over the period that he served as the governor of Sicily. On the other hand, given Cicero's emerging oratorical stature and his relationship with the Sicilians, Verres would not want Cicero to represent them. From an ethical point of view, this clash of interests, underscored by *maxime* ('the most') and *minime* ('the least'), gives Cicero an assumed legitimate claim to the prosecutorial role that he presently contests.

Cicero claims that the Sicilians approached him to be their defence following their victimisation by Verres through the latter's mismanagement and misgovernment in his role as governor of Sicily (*Div. Caec.* 4.11). In the same passage Cicero locates himself in the center of this appeal by the prominent and repetitious use of *me*, which supports his earlier contention about his influence among the Sicilians:

Adsunt, queruntur Siculi universi; ad meam fidem, quam habent
spectatam iam et cognitam, confugiunt; auxilium sibi per *me* a vobis

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atque a populi Romani legibus petunt; *me* defensorem calamitatum suarum, *me* ultorem iniuriarum, *me* cognitorem iuris sui, *me* actorem causa totius esse voluerunt.

(*Divinatio in Caecilium* 4.11; emphasis mine)

The entire nation of Sicily is present in court today, and they lament their fate. They flee to take refuge in my honour, which they have already proved and affirmed. They seek from you and from the constitution of Rome help, and that through me. They want me to be their defence in the face of these calamities, seek redress for the wrongs that have been done to them, protect their rights, and appear for them throughout the present proceedings.

Cicero utilises the presence of the Sicilians in court to focus attention on himself. In this passage he situates his appearance between the third person plural *ii* (*adsunt, confugiunt, petunt, voluerunt*, 'they are present, they flee, they seek, they desire') and the first person singular *ego* ('I' indicated by *me*: five times in citation). Cicero considers his role in this proceeding as primarily securing justice for the Sicilians. Seeing himself as the vehicle of justice, Cicero emphasises 'himself' as being the preferred candidate. He seems to be suggesting that the preference of the Sicilians must take precedence in deciding who the prosecutor should be, especially since the prosecutor will on this occasion be defending the Sicilians and not prosecuting as such.

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Cicero exploits the presence of the Sicilian representatives as a validation of and justification for his quest to prosecute Verres (*Div. Caec.* 4.11). Cicero has a special claim to this prosecutorial role since the concerned Sicilian community of people has chosen him as their defence counsel. Although Cicero would be prepared to concede the position of defence counsel to any suitable person, he would rather handle the case himself than nobody do so at all. Cicero paints the Sicilians as supplicants who have come to beseech him for his protection:

At enim cur a me potissimum hoc praesidium petiverunt?

(*Divinatio in Caecilius* 4.15)

Why then have they besought me for this most powerful protection?

One can notice the seriousness of this case is apparent in the phrase *potissimum praesidium* ('the most powerful protection'). The concept of patronage becomes crucial to his appointment, especially since he has already indicated that the Sicilians currently esteem him as one of their leaders. Cicero proceeds in his bid for the prosecutorship by dealing with the circumstances surrounding his previous appeal to the Sicilians to employ Caecilius as their solicitor (*Div. Caec.* 4.16). This explanation reinforces the confidence that the Sicilians have in Cicero to offer them the protection they need.¹⁹

¹⁹ At this stage of the oration it is becoming apparent that Cicero is extending his area of influence to include the prosecutorial side of the practice. He has argued largely that the success of his tenure of office as *quaestor* in

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Cicero continues by offering a critique of extortion law and civil law. Extortion law is instituted to protect the interests of Roman allies, while civil law is instituted to protect the interest of Roman citizens (*Div. Caec.* 5.18). Cicero contends that the rights of the ally nations contained in extortion law establishes the legality of the Sicilians in seeking redress in court and therefore justifies the litigation. Cicero consolidates his arguments by personifying Sicily and making it 'one' person, then constructing an accusation against Verres (*Div. Caec.* 5.19). Cicero, on behalf of the Sicilians, charges Verres in the name of the law. The gravity of the offence is reflected in the amount he is seeking to claim as damages: *sestercium milliens* ('100,000,000 sesterces'). Cicero presents himself as speaking for Sicily in a capacity more than that of an advocate: an alternative to Sicily 'herself':

Sicilia tota si una voce loqueretur, hoc diceret: 'Quod auri, quod argenti, quod ornamentorum in meis urbibus, sedibus, delubris fuit, quod in una quaque re beneficio senatus populi que Romani iuris habui, id mihi tu, C. Verres, eripuisti atque abstulisti; quo nomine abs te sestertium milliens ex lege repeto.' Si universa, ut dixi, provincia loqui posset, hac voce uteretur: quoniam id non poterat,

Sicily enhances his position as a more credible candidate than Caecilius. At this moment Cicero's hegemony is gradually being constructed not only as a patron but also as a juriconsult.

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harum rerum actorem quem idoneum esse arbitrata est ipsa delegit.

(Divinatio in Caecilium 5.19)

If all Sicily were to make a unanimous declaration, she would speak thus, 'Goods made of gold, objects of silver, and expensive adornments that were in my cities, my homes and shrines, all that I obtained by the generosity of the senate and the people of Rome, Gaius Verres, all my belongings you have looted and pillaged. In respect of these things and in accordance with the law, I demand from you a thousand sesterces'.²⁰ As I said, if the entire Sicily could speak, she would speak in this voice. Since she cannot, she has delegated the person whom she considers suitable to act on her behalf.

In this passage Cicero personifies Sicily, charges Verres and makes Sicily's claim for theft and damages. As constructed by Cicero, this is how Sicily would speak, but because Sicily is not an animate object with a voice to speak, 'she' has chosen Cicero to speak for her. Since Sicily cannot speak as a person and since Sicily is a collection of individuals who share the same concerns, Cicero changes his personage from third person singular to the third person plural:

²⁰ Estimated by Greenwood 1966: 17 to be a million pounds.

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Si tibi, Q. Caecili. hoc Siculi dicerent: 'Te non novimus, nescimus qui sis, numquam te antea vidimus; sine nos per eum nostras fortunas defendere cuius fides est nobis cogita.'

(*Divinatio in Caecilium* 5.20)

If the Sicilians, Quintus Caecilius, say this to you: 'We do not know you, we do not know who you are and we have never even seen you before. Let us defend our fortunes through him whose good faith we have proved.'

This segment of the speech is very important since Cicero injects a supposition in form of a set speech: *Si tibi, Q. Caecili, hoc Siculi dicerent*, 'Quintus Caecilius (if Sicily should say this to you', *Div. Caec.* 5.20). In the foregoing two passages, Cicero invokes the Sicilian preference for himself as the basis for his appearance. He institutes a dialogue between the concerned parties and Sicily, which leaves the country to choose whoever suits it most as the prosecutor. Cicero tries to suggest the Sicilians' acceptance of himself against the rejection and renunciation of Caecilius. Cicero maintains that they know about Caecilius and cannot trust him since they are aware of his criminal relationship with Verres. The moral credence Cicero claims in this part of the speech privileges him over and above Caecilius, so there should be no need for Caecilius to impose himself on the Sicilians (*Div. Caec.* 5.20-22). In addition, Cicero's moral ground for wanting to prosecute Verres extends beyond the situation of the Sicilians, who request the former to act on their behalf. What Cicero covers up in his

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personification is the relationship that has existed between Caecilius and the Sicilians. The lack of a cordial relationship means there is no possibility that the Sicilians can be represented by Caecilius.

5.3.1. Cicero's Challenge to Hortensian Hegemony

The forensic rivalry between Cicero and Hortensius dates back to his very first speech, the *Pro Quinctio*.²¹ One can assume that any occasion that Cicero had to plead against Hortensius was another opportunity to attempt to challenge Hortensius' primacy in the forensic space. According to Cicero, his involvement in this case is also a way of contesting Hortensius' hegemony in court as a great prosecutor (*Div. Caec.* 6.22-7.24). As a way of positioning himself against Hortensius, Cicero makes the following claims: firstly, that Sicily has chosen him (*Div. Caec.* 5.19), secondly that the Sicilians prefer Cicero to Caecilius (*Div. Caec.* 5.20), and thirdly, that Hortensius only wishes the court to allow one of the contesting prosecutors to try Verres, especially since his own hegemony will be tested (*Div. Caec.* 7.23-8.25). In 70 BC, when the Verrine trials were held, Hortensius and Cicero arguably were equal in oratorical status. After making his three claims, Cicero constructs a speech for Hortensius:

'Non enim' inquit, 'illud peto quod soleo, cum vehementius contendere, impetrare: reus ut absolvatur non peto, sed ut potius ab

²¹ The *Pro Quinctio* has already been discussed in Chapter 3.

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hoc quam ab illo accusetur, id peto. Da mihi hoc; concede quod facile est, quod honestum, quod non invidiosum; quod cum dederis, sine ullo tuo periculo, sine infamia illud dederis, ut is absolvatur cuius ego causa laboro’.

(*Divinatio in Caecilium* 7.23)

He says, ‘I request that which I usually obtain when I contend vigorously: I do not seek the acquittal of the accused, but that one and not the other should prosecute him. Grant me this one thing: make me an honest and simple deal that will not attract any hostility. When you have made this concession without bringing upon yourself any danger or contempt, this deal will lead to the acquittal of my client on whose behalf I will plead.

As Cicero suggests in *Div. Caec.* 7.24, this entreaty constitutes a two-dimensional appeal, first, to the judges’ fears (*metus*), and secondly, to their kindness. This speech is intended as a blow against the personality of Hortensius. It also puts Cicero on the same pedestal as Hortensius and gives him an ample chance to respond with an equal degree of oratorical ethos.²² The Hortensian primacy seems to have been sustained as a result of a lack of stiff competition in the forensic space. Presumably the prosecutors who brought charges against Hortensius’ clients in court generally were not seasoned enough

²² See May 1988: 34.

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as prosecutors to challenge him seriously (cf. 7.24). The lack of a competent orator in the forensic space that was capable of ousting Hortensius, Cicero suggests, discredits Hortensius and depicts him as maintaining a cheap ascendancy in court. This portrayal of the unchallenged hegemony of Hortensius underscores the legitimacy of Cicero's claim to oratorical hegemony in this case. The suggestion is that Cicero is better than other prosecutors who have pleaded against Hortensius. Cicero asserts his competence to plead against Hortensius with the hope of winning (cf. 7.24). He believes that Hortensius is not particularly concerned about the acquittal of Verres but rather in finding a cheap path to victory. So Hortensius is portrayed as apprehensive because he now sees established attorneys indicating their interest to prosecute:

Videt . . . accusandi voluntas ad viros fortis spectatosque homines translata sit, sese in iudiciis diutius dominari non posse.

(Divinatio in Caecilium 7.24)

He sees . . . bold personalities and prominent orators ready to prosecute, and he knows if this happens that he cannot retain his oratorical primacy in the forensic space.

Cicero suggests that, in addition to his reasons for wanting to prosecute Verres, namely, to extirpate all forms of rascality in government and to protect the interest of the state (8.26), he is also interested in replacing the Hortensian

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hegemony.²³ Unlike his employment of ethical devices in the *Pro Quinctio* (1-2) in order to solicit the attention of the presiding judge because of the formidable opposition that Hortensius constitutes, Cicero attributes some degree of reputation to himself in the above passage. Thus Cicero perhaps sees no need to make an elaborate solicitation to the judges for a fair hearing and to express any feeling of intimidation of Hortensius. The veteran orator Hortensius is constructed as being ethically inadequate in handling any serious change in legal proceedings, and if he were to do so in this instance, Cicero advises him to borrow ethical practices from the ancient oratorical figures L. Crassus and M. Antonius (*Div. Caec.* 8.25; cf. *Quinct.* 26.80).²⁴ These men were known to have regarded their 'honesty' (*fides*) and 'talent' (*ingenium*) as their weapons. Using these oratorical personalities he asserts that there would be no room for Hortensius to corrupt the judges if he were to be appointed as the prosecutor (*Div. Caec.* 8.25). Cicero's subtle comparison of Hortensius with these eminent figures completely destroys Hortensius' character as a competent and morally

²³ Cicero *Off.* 1.38 asserts that rivalry or warfare is aimed at gaining a higher position in the forensic space and on the battlefield.

²⁴ Cicero will later use these admirable Roman figures as characters in the *De Oratore*. One can say that this rhetorical use of ancient authorities has a political connotation since the name dropping lends *auctoritas* ('authority') to his claim in that part of the speech. Cicero's admiration for these figures might have enhanced his *notatio* ('light dramatisation'), which would have added more force to his use of authority. Perhaps he is suggesting that he possesses an equal level of oratorical excellence and moral rectitude as these authorities.

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sound orator. Thus Cicero firmly establishes himself as an example of moral rectitude in judicial practice. Cicero asserts that both Caecilius and Hortensius do not have enough ethical ground to withstand him in a legal duel such as the current one. However, he suggests that Hortensius' capability as potential defence attorney should be taken into consideration before appointing the person who will prosecute Verres.

5.3.2. Cicero's Portrayal of Caecilius as an Incompetent Advocate

Since the present duel is between Cicero and Caecilius, Cicero deems it crucial for him to undermine Caecilius' competence even further. Cicero's attempt to undercut Caecilius' oratorical competence will indirectly elevate his own ethos, and presents him as the more competent orator. Cicero's success in gaining ascendancy in the present contest against Caecilius will qualify him to conduct the proceeding against Verres, meaning he will have to engage Hortensius in an oratorical duel.

Fundamental to Cicero's claim is his preparedness to wage a war against crime in Rome, which supposedly gives him the *locus standi* to undertake the imminent prosecution of Verres and to defend other allied nations against any form of injustice (*Div. Caec.* 8.26). In Cicero's opinion, Caecilius's record as does not qualify him for prosecutorship, because available evidence shows that Caecilius lacks the *ethos* of a prosecutor (*Div. Caec.* 9.28-29). In trying to enumerate the qualities of a prosecutor, Cicero sees reason to highlight the political malpractices of Verres and Caecilius (*Div. Caec.* 9.29). On the scale of

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priorities, *integritas* ('integrity') and *innocentia* ('innocence') count first. In order to discredit Caecilius, Cicero suggests that there are certain compulsions driving the former to want to involve himself in the legal duel:

Illi quidem, ut est hominum genus nimis acutum et suspiciosum, non te ex Sicilia litteras in Verrem deportare velle arbitrantur, sed, quod isdem litteris illius praetura et tua quaestura consignata sit, asportare te velle ex Sicilia litteras suspicantur.

(*Divinatio in Caecilium* 9.28)

They [the Sicilians] are an excessively acute and suspicious ethnic group, and they feel you want to take out of Sicily material evidence not against Verres as such, but that this same body of evidence, having the same seal, contains memos of his praetorship and your quaestorship, and this they think you want to export from Sicily.

Cicero's attempted disqualification of Caecilius is based on rumours whose veracity is indeterminable, but because Cicero claims to have access to information about his rival's maladministration the audience might be inclined to believe him. This implicating evidence serves as a rhetorical weapon for discrediting his opponent. Secondly, Cicero thinks that the prosecutor must possess *firmitas* ('constancy') and *veritas* ('candour'). In his opinion, Caecilius has lost these qualities because of involvement in the corn scandals (*Div. Caec.*

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9.30-11.35) and if he should continue with the proceedings, he would leave room for his own misdeeds to be prosecuted.

Lastly, Cicero discusses professional primacy, which hinges strongly on oratorical proficiency and the forensic competence of a prosecutor. Cicero is careful here not to promote himself crudely. He employs some rhetorical devices such as *paraleipsis*, irony, enumeration and syllogism, for the purpose of self-promotion. With the use of the aforementioned rhetorical devices, Cicero achieves indirect self-promotion claiming that he would not make a boast of his oratorical talent, but in the process doing exactly that. In addition, Cicero stresses the importance of oratorical training and experience in the lawcourts and as an accomplished orator he should refrain from boasting about his oratorical excellence (*Div. Caec.* 11.35-36). Self-praise certainly has the potential to cause offence and Cicero is aware that his presentation could be jeopardised if he were to make any undue assertions about his oratorical ingenuity that might arouse the indignation of the judges.²⁵ For this reason Cicero cautiously avoids overt self-praise; however, he is aware of his oratorical potential and that what would help him to achieve success is not an exaltation of that oratorical potential but the actual demonstration of his talent. It is possible that Cicero shifts the attention of the audience to his oratorical excellence with this display of humility.

Cicero exhibits his oratorical hegemony by ascribing to himself the legal expertise and oratorical ingenuity necessary for prosecuting Verres (*Div. Caec.*

²⁵ On the morality of self-exaltation see Plut. *Mor.* 546.

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11.36-37). As he reaches the climax of his talk on advocacy, Cicero uses comparison to resolve the professional difference that exists between himself and his rival:

In quo si te multum natura adiuuaret, si optimis a pueritia disciplinis atque artibus studuisses et in his elaborasses, si litteras Graecas Athenis non Lilybaei, Latinas Romae non in Sicilia didicisses, tamen esset magnum tantam causam, tam exspectatam, et diligentia consequi et memoria complecti et oratione expromere et voce ac viribus sustinere.

(Divinatio in Caecilium 12.39)

If only nature had endowed you with many talents, if as a boy you had the best tuition and systems of learning, and if you had studied Greek literature at Athens and not at Lilybaeum, and Latin in Rome and not in Sicily—even then, with a case of such magnitude that has drawn unprecedented public attention, you do not possess the diligence to master it, the memory to retain it, the appropriate rhetoric to lay it out, the voice and virile character to sustain it.

Cicero is sure of his capability as an orator and as a rhetorician, and referring indirectly to his privileged academic background and his ethos as a distinguished speaker, he enumerates the qualities of an orator. Cicero then uses the rhetorical qualities as a technical basis for disqualifying Caecilius. Cicero presents his

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background, profile and standing in subtle comparison with those of Caecilius, vis-à-vis training, teachers, attitude to work and practice, love for and support of friends, Rome's accreditation of his ingenuity and the need to please the expectant Roman audience.²⁶ Cicero claims that Caecilius lacks the mental and emotional composure and oratorical aptitude with which to handle the case and then he injects comic relief about how little of rhetoric Caecilius knows (*Div. Caec.* 14.43). By so doing, Cicero gains ascendancy through the picture he paints (*Div. Caec.* 12.37-16.51). From *Divinatio in Caecilius* 11.37-51 it is clear how oppressive rhetoric sometimes can be. Contrary to the warning that Cicero raises in *Divinatio in Caecilius* 11.36-37 about the inappropriateness of self-praise in rhetorical performance, he praises himself directly by suppressing Caecilius' oratorical talent. Cicero discredits the --performative style and prosecutorial competency of those who would assist Caecilius if the latter were to win the contest. Cicero concludes that all of Caecilius' men put together would not be able to match Hortensius as the defence attorney in a legal duel.

Cicero depicts the other orators who would assist the leading prosecutor as possessing an inferior quality of oratorical performance. Thus Cicero subtly lays claim to oratorical hegemony since he asserts that the contribution from any

²⁶ To further disgrace Caecilius, Cicero hints at Caecilius' quaestorship and mismanagement in Lilybaeum. King 1912: 14 suggests that Caecilius was born there, and that this implies inferiority in relation to his upbringing, origin and language. Sicilian Greek was probably different from Attic Greek, which was the *lingua franca* in the mid-Mediterranean.

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supporting advocate will be insubstantial (*Div. Caec.* 15.49-16.50). Cicero continues his discourse by saying that it would be better for him alone to handle the legal proceedings against Verres given that Caecilius and his men are incapable to manage the proceedings (*Div. Caec.* 15.49-16.50). What makes this section of the speech profound is the direct style of speech that Cicero employs to diminish Caecilius' capabilities in forensic practice, especially since Hortensius is likely to prove to be difficult opposition for the prosecution. By default Cicero poses questions to and makes personal attacks on Caecilius because there is no time for the other party actually to respond (*Div. Caec.* 16.52-54).

Cicero assumes the narrator's mask as he tells the story about how Verres has investigated a case of fraudulent protection under the name of the goddess Venus and how later Verres, who has been a saviour of Agonis, has come to be a cheat and an oppressor of the same woman (*Div. Caec.* 17.55). Cicero's play on Verres' name and position is very significant (*Div. Caec.* 17.58). The meaning of the name Verres, 'uncastrated male pig', and the shift from being a good person to being a vicious boar blackens Verres to the extreme (*sed repente e vestigio ex homine tanquam aliquo Circaeo poculo factus est Verres; redit ad se atque ad mores suos*, 'but just as if he has drunken from the cup of Circe, he turned into a relic of man that the name Verres suggests, and he became a perfect symbol of that name in person and in morals', *Div. Caec.* 18.58).

Thereafter Cicero argues that Caecilius has no *locum standi* to prosecute Verres since the sort of connection Caecilius has with Verres has invalidated Caecilius' claim of wrongdoing (*Div. Caec.* 18.60). Cicero does not mention how

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Verres has offended Caecilius, but it seems as if there had been some problems between Verres and Caecilius that Cicero is capitalising on in the portion of the speech (18.60). Cicero subsequently sustains his discourse by openly declaring himself as the better candidate to handle the legal proceedings:

Ac vide quid differat inter meam opinionem ac tuam. Tu cum omnibus rebus inferior sis, hac una in re te mihi anteferri putas oportere, quod quaestor illius fueris: ego, si superior omnibus rebus esses, hanc unam ob causam te accusatorem repudiari putarem oportere. Sic enim a maioribus nostris accepimus, praetorem quaestori suo parentis loco esse oportere. . . .

(Divinatio in Caecilium 19.61)

You can see what difference there is between your opinion and mine. Although you are less qualified in all respects than I am, you think you are more qualified in one thing because you once were Verres' quaestor. If you are really superior on other grounds, I think your claim should be cast overboard on this one count alone. The practice that was handed down to us by our ancestors is such that the quaestor and the praetor should have a father/son relationship. . . .

In this passage Cicero seeks to establish the legality of his arguments that Caecilius should be disqualified from prosecuting Verres. Following this Cicero

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proffers legal precedents to back up his case (*Div. Caec.* 19.63-21.71). In his conclusion Cicero asserts that Caecilius has nothing to lose if he fails in the present duel, simultaneously pleading that the judges should consider his own continual service to Rome as sign of goodwill and should view his prosecution of Verres as another service to Rome (*Div. Caec.* 22.72).

The *Divinatio In Caecilium* is, as noted above, Cicero's preliminary address as an aspiring prosecutor in the Verrine proceedings. After ten years of forensic practice and proper acclimatisation to the forensic space, Cicero has mastered the art of performance in a court situation, and self-presentation does not seem to be a major problem to him. Cicero presents himself in this speech as a mature pleader—enterprising, assertive, well prepared and self-assured. The real battle in this speech is between Cicero and Caecilius on the one hand, and between Cicero and Hortensius on the other. Cicero presents himself as a better candidate than Caecilius by claiming that the latter could not defeat Hortensius in an oratorical duel. Cicero then presents himself as the suitable candidate to engage Hortensius in a forensic duel. Hortensius, of course, is no mean name in Roman oratorical circles since he currently holds a position of hegemony in Roman forensic space. Cicero's depiction of himself as a match for Hortensius suggests that they both command equal respect in the forensic space.

**5.4. PLEADING FOR THE NATION: CICERO'S ETHICO-POLITICAL
ADVOCACY IN THE *ACTIO PRIMA***

Cicero emerged as the designated prosecutor following the preliminary contest between Cicero and Caecilius for the right to prosecute Verres. Cicero's first main speech in the proceedings is called *Actio Prima*. On this occasion, it is clear that the court is packed with people wanting to witness the proceedings (*Verr.* 1.1.4, 15). The themes that Cicero develops in the Verrine orations bear relevance to the different roles and public offices that he had held prior to 70 BC. Similar to his self-presentation in the *Divinatio In Caecilium*, Cicero projects an image of an orator of reputation and a politician of note. Cicero invents a 'national self'²⁷ to construct a speech that focuses chiefly on himself. In addition, his speech does not conform to the conventional opening of extortion proceedings.²⁸ This might be attributable to the fact that Cicero edited the speech for publication. Cicero also may have presented the speech on the assumption that the *Divinatio* had accomplished all the results of a conventional anti-extortion opening speech since in that speech Cicero had already presented some of the evidence that he collected from the Sicilians.

²⁷ To my mind, Benedict Anderson's 1983: 143 'passionate patriotism' best describes Cicero's ideological basis for composing a speech with a nationalist flair. The Romans generally upheld patriotic ideals, although there were some of them whose activities furthered the history of crime in Rome.

²⁸ Kennedy 1972: 156, May 1988: 38.

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In his *exordium* Cicero assumes the *persona* of a judicial critic and insinuates that the court has fallen into disrepute among both Romans and foreigners for misconduct in legal proceedings.²⁹ For Cicero the opportunity has arisen for the jury to restore the bad image of the court. No sooner has Cicero commenced his speech than he alludes to the rumour that is being spread among the people, both Romans and foreigners, that the jury is corrupt (*Verr.* 1.1.1). In his opening, Cicero employs public knowledge to suggest that the extortion court is corrupt and that it peddles justice for money (*Verr.* 1.1.1). In addition, he believes that such a rumour can undermine the integrity of the republic and the credibility of the members of the jury (*opinio perniciose reipublicae nobisque periculosa*, 'a rumour dangerous to the integrity of the state and to your reputation', *Verr.* 1.1.1). Cicero suggests that if the verdict did not go in accordance with the people's judgment of Verres, then the jury might fall into more disrepute, which might jeopardise some of their judicial privileges as judges (*Verr.* 1.1.2). In contrast to popular feeling, however, Cicero claims that Verres considers himself absolved of all charges because of his affluence:

homo vita atque factis omnium iam opinione damnatus, pecuniae
magnitudine sua spe et praedicatione absolutus.

(*In Verrem* 1.1.2)

²⁹ Cicero's *exordium* in the *Actio Prima* is a blend of traditional proem and the *narratio*. May 1988: 39 has also made a similar remark.

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Everybody sees him as a man, condemned by his life and deeds, but in his overbearing arrogance he declares himself acquitted by the enormity of his wealth.

Although affluence was a mark of honour in the Roman republic, Cicero intends to incite the anger of the judges against Verres since they would not want their role tainted with corruption. Cicero continues by portraying himself as the chosen advocate and reminds the judges that he has the backing of the nation in his role as the prosecutor; nevertheless, he seizes the opportunity to link this reminder to his intention to help the jury redeem the image of the court (*Verr.* 1.1.2). Assuming the role of a perceptive legal analyst, Cicero points out to the jury the latent opportunity that they themselves have to redeem the image of the court through Verres' appearance. He suggests to the jury that Verres, being a depraved character, is a tool they might use in redeeming the lost reputation of the court:³⁰

³⁰ May 1988: 39 suggests that this occasion is a golden opportunity for Cicero to mitigate the unpopularity of the senatorial order and restore the integrity of the republic. In addition, this occasion provides another opportunity for Cicero to construct his own hegemony through his concern for the court and republic. Presumably, given his current standing in the forensic space, he might succeed in leading the jury to believe that any verdict against Verres might help to restore of the image of the court.

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Huic ego causae, iudices, cum summa voluntate et expectatione populi Romani actor accessi, non ut augerem invidiam ordinis, sed ut infamiae communi succurrerem. Adduxi enim hominem in quo reconciliare existimationem iudicorum amissam, redire in gratiam cum populo Romano, satis facere exteris nationibus possetis.

(*In Verrem* 1.1.2)

In this case, gentlemen, I appear as prosecutor backed by the strong approval and keen interest of the nation, not to increase the unpopularity of your order but to help in allaying the discredit, which is mine as well as yours. The character of the man is such that you may use him to restore the lost good name of these courts, to regain favour at home, and to give satisfaction abroad.

Cicero's opening assertion presents himself as appearing in accordance with the will of the Roman people. The legal mandate that he alleges is designed to lend authority to his presence in court. This magisterial presence presupposes that his private *persona* has been neutralised and that his role has taken on a degree of political significance, which is in the best interest of the republic. It is apparent that Cicero is beginning to construct his hegemony on a strong footing by ascribing to himself the qualities of a jurisconsult and by portraying himself as a competent person to advise the court. Cicero's claim that he has the backing of the nation adds a 'republican' dimension to the presentation. This republican *persona* is constructed against the background of the jury recognising him as

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being the previous governor in Sicily, a member of the senate, and an eminent advocate at the bar. Cicero carefully defines his position in this present case in a *clausula* by making use of *correctio*: *non ut augerem invidiam ordinis, sed ut infamiae communi succurrerem* ('I would not aggravate the indignity of your order, but rather dispel the reproach to the community', *Verr.* 1.1.2). Given the above rumour that Cicero has promised to dispel, he looks for a way to break the sense of exclusiveness with the use of the words *ordinis* ('of the order) and *communi* ('to the community). *Ordo* ('order') in this passage suggests exclusivity,³¹ and he uses *communio* ('community') to demonstrate his solidarity in the present circumstances. The hegemony that Cicero is attempting to construct here potentially 'subordinates' the role of the members of the senate, who are acting as judges, to Cicero's present role as the prosecutor.³²

³¹ This word *ordo* ('order') reinforces the sense of exclusiveness that he suggested earlier in *Verr.* 1.1 (*et quod unum ad invidiam vestri ordinis infamiamque . . . pertinebat*, 'and that which touched the bad reputation and discredit of your order') and 1.2 (*Nunc in ipso discrimine ordinis iudiciorumque vestrorum*, 'Now when your order and your judicial rights are in great jeopardy').

³² From the time that the *Lex Cornelia* had been passed in 81 BC, the body of judges that presided over cases in court had been exclusively chosen from senate, and even Cotta's proposal to divide this privilege between the Senate, the *equites* ('knights') and the *tribuni* ('tribunes') could not take away these exclusive rights from the senate. For further comments on the rights of the judges, see King 1912: 25.

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Cicero continues by enumerating Verres' crimes (*Verr.* 1.2-3). Then he urges the jury to employ the attitude of *severitas et religio* ('severity and religious awe') in adjudicating the case since this might help to retain the *auctoritas* that they should show. He concludes these preliminary remarks by placing a tremendous responsibility on the jury. He is of the opinion that if he lost the case it would mean that Rome lacked good enough judges to oversee the proceedings and not that Rome lacks a competent prosecutor or the culprit the right attorney to prosecute him:

De quo si vos severe ac religiose iudicaveritis, auctoritas ea quae in vobis remanere debet haerebit; sin istius ingentes divitiae iudiciorum religionem veritatemque perfregerint, ego hoc tamen adsequar, ut iudicium potius rei publicae quam aut reus iudicibus aut accusator reo defuisse videatur.

(*In Verrem* 1.1.3)

If you impose on this man heavy punishment solemnly and severely, you are bound to retain that respect that you should have under normal circumstances. But if the magnitude of his affluence destroys the judges' piety and sense of truth, I will pursue this one thing, and that is to show that the state lacks competent judges, and not that the judges lack a competent prosecutor or that the culprit lacks the right attorney to charge him in court.

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This initial opening is profound considering his choice of words (*severe ac religiose . . . auctoritas . . . remanere debet haerebit . . . assequar . . . defuisse*, 'with awe and piety . . . authority . . . should retain your rights . . . I shall pursue . . . to be lacking')³³ indicates the opportunity he is exploiting in putting the jury under heavy pressure to favour him. Certainly Cicero indirectly reminds the judges of their oath that they have taken and also uses that as an opportunity to show his solidarity with members of the jury in the present circumstances. Cicero implies that the jury lacks moral integrity by suggesting that it might be intimidated by Verres' wealth, which could result in the perversion of justice. Cicero's connection of the likely just verdict to the re-establishment of the *auctoritas* of the court offers another dimension to the setting. Cicero presents himself not only as a prosecutor but also as the special adviser to the court and an all-seeing manipulative statesman. Basically he presents himself as what we know in the modern world as a 'friend of the court'. Cicero dissociates himself from any wrong decision on the part of the jury, which according to him would result in the failure of the proceedings. However, since Cicero is only acting as prosecutor in this case, his position in this case should not be prescriptive. In effect, Cicero is invading the judicial territory of the jury.

³³ Because the service of the jury is based on oath and a religious sense of duty, this chain of words appears to be heavily packed with deep cultural meanings. Such words with cultural and religious undertones impose a deep sense of obligation on the listener. Cicero perhaps is using a psychological fallacy that Horner 1988: 214 calls a 'subtle appeal to force'.

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Cicero presents himself as a plaintiff and victim in this case by demonstrating how Verres has victimised him in the process of gathering evidence in Sicily (*Verr.* 1.1.3).³⁴ Cicero has started to denigrate Verres and to show that the litigation does not only concern Verres' abuse of Sicily but also the harassment that he personally has suffered at the hands of Verres. Included in the list of Verres' crimes that Cicero enumerates are: his dreadful ploy to use his money to thwart the course of justice; his assault on the nation and its allies, especially Sicily (*Verr.* 1.1.3, 5); and his disregard for sacred institutions, which means sacrilege on his part (*nihil esse tam sanctum quod non violari, nihil tam munitum quod non expugnari pecunia possit*, 'nothing is so sacred that it could not be corrupted, and nothing was so fortified that it could not be demolished with money', *Verr.* 1.1.4). The foregoing allegations would have been offensive to the Roman sense of patriotism and religiosity. The Romans were renowned for their commitment to the nation and to the gods.

Cicero raises doubt as to whether there can be any person competent enough to secure Verres' acquittal by his eloquence or intelligence given the magnitude of Verres' offence (*Verr.* 1.3.10). Then Cicero enumerates some of the events and offences that took place during Verres' quaestorship: the robbery of Gnaeus Carbo, the decline of Sicily, the disastrous effect upon the provinces

³⁴ Similarly in the *Pro Caelio* 20.50 Cicero finds a personal position from which to speak. I think Cicero himself finds it easy sometimes to look for grudges against the accused, especially if he has a personal involvement in a case, whereupon he is likely to be more aggressive than normal.

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of Asia and Pamphilia, the setback he caused Gnaeus Dolabella, and his attacks on Dolabella when the latter most needed Verres' assistance (*Verr.* 1.4.11). Also included in the list are: the irreparable ravaging of the sanctuaries and public buildings beyond restoration (*Verr.* 1.4.12), Sicily's exposure to insecurity; the breakdown of law and order; his autocratic way of governance; various other consular crimes; and the defeat of the army (*Verr.* 1.4.13). This long list shows the kind of research that Cicero conducted in the process of prosecuting Verres. The list also emphasises the irredeemable guilt of Verres that Cicero intends to prove, which will make it difficult for any orator of note to secure his acquittal since the offences have been mostly committed against the state and religion.

Assuming the *persona* of a logician, Cicero considers himself reprehensible if he ignored the crimes of Verres, and then has 'to invent' (*fingere*) charges which would foster the latter's easy acquittal (*Verr.* 1.5.15). This ironic *in uteramque partem* argument opposes any thought that the judges might have about the possible acquittal of Verres or any claim to innocence that the defence might make. Cicero then attempts to consolidate his position by establishing an audience/orator conspiracy:

Neque enim mihi videtur haec multitudo, quae ad audiendum
convenit, cognoscere ex me causam voluisse, sed ea quae scit
mecum recognoscere.

(*In Verrem* 1.5.15)

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Indeed, it does not appear to me that this multitude has converged here today with a view to listening, and that it wants to learn from me what the nature of the case is, but it wants to examine with me what it [already] knows.

Cicero capitalises on the presence and silence of the audience to inform the jury about the audience's mission in court. Cicero here uses public knowledge (*multitudo . . . scit.* 'the audience . . . knows') to emphasise the socio-political nature of the case, and at the same time he further projects the 'national self' that he is constructing. The orator here serves as the mouthpiece for the general assembly of prosecutors, that is, the 'audience' (*multitudo*).

Cicero returns to his self-promotion as he commends his own diligence and preparedness relating to the prosecution (cf. *Div. Caec.* 37-54). He compares himself with every other advocate and draws an exaggerated picture of himself as the most vigilant prosecutor on earth:

Si utar ad dicendum meo legitimo tempore, mei laboris industriae diligentiaeque capiam fructum, et hac accusatione perficiam ut nemo umquam post hominum memoriam paratior, vigilantior, compositor ad iudicium venisse videatur. sed in hac laude industriae meae reus ne elabatur summum periculum est. Quid est igitur quod fieri possit? Non obscurum, opinor, neque absconditum. Fructum istum laudis, qui ex perpetua oratione percipi potuit, in alia

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tempora reservemus: nunc hominem tabulis, testibus, privatis publicisque litteris auctoritatibusque accusemus. Res omnis mihi tecum erit, Hortensi. Dicam aperte.

(In Verrem 1.11.32-33)

If I exhaust in speaking the entire time apportioned to me by the law, I shall surely reap the fruit of my hard work and industry. It shall appear that nobody ever in the history of man has come to the court more prepared, more watchful and more composed than I am. But there is the greatest danger in this laudation of my hard work—that the accused might disappear stealthily. What therefore is it that must be done? I believe that it is ostensible and within reach. Let us defer till another day a set speech that might gain for us fame. For now we shall prosecute this man with available evidence, witnesses, private correspondence and official documents bearing the state's seal. Hortensius, it is you I shall have to contend with in this case. I shall speak without mincing words.

In this passage Cicero's boast about his industry in collecting evidence with which he will prosecute Verres reaches an anticlimax with his expression of fear that the accused might suddenly abscond into exile (*Verr.* 1.11.33). This anticipation raises some doubt as to whether the passage was actually part of the original speech that Cicero presented. The suggestion is that Cicero may have included the line as a justification for the published but undelivered

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speeches. Another plausible argument is that Verres' flight has long been anticipated or that it is the normal practice for those found guilty of extortion to go into exile.³⁵ That Verres quietly went into exile is in fact definitely a mark of success for Cicero.

From the above passage (*Verr.* 1.11.32-33), it can be deduced that Cicero is beginning to see an indication of success in his proceedings, and the best thing for him to do is to express it in order to establish a ground for challenging Hortensius' legal and oratorical ingenuity. Cicero ironically expresses the possible outcome of the delivery when he says: *sed in hac laude industriae meae reus ne elabatur summum periculum est* ('but the greatest danger is that in the process of praising my diligent attitude, the accused might slip away', *Verr.* 1.11.33). This statement is soon followed by the phrase *[f]ructum istum laudis* ('the harvest of fame', *Verr.* 1.11.33), which suggests that Cicero is already expecting to win some honours at the end of the prosecution.³⁶ Cicero's cheap success in the case depended upon Verres to disappear stealthily into exile.

Loyalty to the nation constitutes another motivation for Cicero to have embarked on a dogged preparation for the case. Cicero alludes to his

³⁵ Those found guilty of extortion were asked to retribute rather than asked to leave the country. See Mitchell 1986: 1-13 for a brief history of the extortion court.

³⁶ Cicero presents the reader with a paradox, as he states his hopes of gain more political recognition by winning the Verrine case, but at the same time

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painstaking preparation in order to slight Hortensius' position as consul and as defence attorney. He insinuates that Hortensius is using his *intolerabilis potentia* ('insufferable power', *Verr.* 1.12.35) to defend *istius hominis desperati* ('that desperate scoundrel', *Verr.* 1.12.35). It is noticeable that Hortensius' involvement in this case seems to make the proceedings somewhat rigorous for Cicero, and since Cicero considers himself and Hortensius as rivals, he needs to assert his hegemony continually in order to sustain it. The legal duel does not really seem to be between the Sicilians and Verres but rather between Cicero and Hortensius, which will help them to resolve the implicit question: who is the better orator? It could be argued on the one hand that Cicero is experimenting with another method of manipulating Hortensius' character to his own advantage in order to prevent the latter from performing well in the case. On the other hand, however, Cicero remarks that Hortensius' presence intimidates him (*Verr.* 1.12.35). This Ciceronian paradox seems rather problematic. The rhetorical exchange between Cicero's expression of intimidation and his subtle appeal to force lends a persuasive balance and ambivalence to the construction of his forensic *persona*.

Assuming the role of a jurisconsult, Cicero advises the court to devise a plan that they can implement that would revive the confidence of the Roman people in the judiciary (*Verr.* 1.15.43). He indicates that the Roman people are aware of the present collapse of the justice system in Rome, and in fact, two

he anticipates the danger of losing the accused midway through the proceedings;

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eminent Romans, Quintus Catulus and Gnaeus Pompeius, have remarked on its current state. Cicero alludes to the response of Romans present at Pompeius' speech to justify this claim (*Verr.* 1.44-45) and mentions that the *Romanus populus* ('Roman people') will respond to this judgement: *Hoc in iudicium in quo vos de reo, populus Romanus de vobis iudicabit* ('The whole world is watching, and as you judges pass your verdict today, so the people will pass their verdict on you', *Verr.* 1.16.47). Cicero's constant reference to *populus Romanus* shows the national intent with which he seeks to drive the case. Cicero's use of the observer role that the nation is playing lends authority to his speech because of the democratic dimension that he applies and that he identifies with *Romanus populus*. For Cicero, the Roman people are more important, and their importance allows him to boost his ethos in his advocacy by including them as a deciding factor in the adjudication of that case. Cicero's position seems to be well consolidated because he now constructs a *persona* that seeks to uphold both the interest of the senatorial order and the Roman populace.

In this speech there seems to be an eccentric application of Cicero's concept of *regere* ('to rule'). Contrary to the traditional notion of hegemony, Cicero constructs a reversal of political hegemony by promoting the authority of a larger number of people. Cicero frequently uses the phrase *populus Romanus* as a rhetorical tool to emphasise the need for the judges to address the waning influence of the Roman senatorial order upon the Roman people. His concept of

see May 1988: 44. For a discussion on Cicero's self-praise, see Chapter 3.1.

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societas hominum ('body of men') in his *De Re Publica* aptly crystallises the importance of *Romanus populus* in decision making processes that affect Rome. Cicero believes that the government (*gubernaculum*) is accountable to this comprehensive society (*societas hominum*).³⁷ Since the judiciary is an arm of government, Cicero seeks to emphasise the obligation of the jury to *societas hominum* in order to achieve his oratorical ends in the present case.

Cicero depicts himself as the supreme advocate in order to maintain his rhetorical hegemony. He highlights the strength of his presentation and presents a peroration in order to incite the jury to condemn the accused since the evidence presented will be sufficient to ensure a guilty verdict:

Postremo ego causam sic agam, iudices, eius modi res, ita notas, ita testatas, ita magnas, ita manifestas proferam, ut nemo a vobis ut istum absolvatis per gratiam conetur contendere.

(*In Verrem*. 1.16.48)

Gentlemen judges, last but not least, I shall present my case in such a manner, so infamous, so revealing, so great and so realistic, that nobody would try to persuade you to acquit this felon as an act of favour.

³⁷ For a discussion on Cicero's idea of a republic, see Wood 1988: 120-142.

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From the passage Cicero overtly expresses conviction about the strength of his case and the evidence that he has gathered against Verres. For Cicero the jury can only show its loyalty to the Roman people by ruling against Verres. Cicero maintains that the jury has the power to absolve the court of any condemnation by the populace and that a just verdict in Cicero's terms would restore the people's confidence in the extortion court (*Verr.* 1.16.49). Cicero urges the jury to champion the course of justice and other noble virtues relating to justice in order to restore people's trust in the judiciary (*Verr.* 1.17.51). He later uses name-dropping to make reference to their predecessors who have proved trustworthy in the adjudication of law and justice (*Verr.* 1.18.53).

The political nature of the case gives room for a wider and 'nationalist' approach on Cicero's part in pleading the case. The recent events in the court, which has culminated in people's distrust for the institution of justice, becomes a key commonplace for him in his speech. He, Cicero, privileges the restoration of people's trust in the court of law as a national concern. Since the court does not really exist in isolation but serves as a vehicle of justice to the people, one may think that Cicero finds a good opportunity to utilise and apply his knowledge of current affairs in presenting a sound case to the jury. For Cicero substantially to construct his hegemony, the frequent reference to *Romanus populus* and its interests boost his appeal to the jury to consider the broader political and national implications of the case. For Cicero to emerge as the champion and representative of the nation, his rhetoric will have to subordinate the jury, the

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equestrian order and the opposition. Thus, he might be said to be applying the concept of *regere*.

The *Actio Prima* really is partly about Cicero's determination to prove Verres' guilt beyond any reasonable doubt apparently because of the personal commitment of Cicero to justice. More importantly, however, the speech serves as Cicero's ploy to gain ascendancy in his contest with Hortensius³⁸ and to project a 'self' that has an enormous concern for the commonwealth. From the outset Cicero makes clear by his attitude and diction that he will plead the case to the best of his ability since his opposition happens to be a distinguished orator. Cicero's attacks on Hortensius and several other men in Rome who were connected with Verres were meant to discredit the position of the defence and to 'subordinate' them on moral grounds. His frequent repetitive reference to the waning trust of the people in the Roman judiciary is an attempt to win over and to intimidate the jury. Cicero's position in court is not merely to prosecute but 'to rule' (*regere*) in the situation.³⁹ There was certainly no reason for the court to continue the proceedings or for Cicero to continue his presentations in court

³⁸ Dio Chrysostom's idea of contesting with the best man (64.17) resonates in this context since contending with the best orator helps the public to rate the challenging orator.

³⁹ For a discussion on the possible implications of reigning in an oratorical context see, Chapter 6.5.

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because the accused had disappeared prematurely.⁴⁰ However, Cicero had a reason for publishing his potential speeches.

There is a constant eagerness for power in Cicero and his every action, whether a speech presentation or book publication, is directed toward earning him public recognition. Most scholars who work on Cicero avoid treating the second half of the Verrine collection, excluding the *Divinatio* and the *Actio Prima*, perhaps because they do not see much relevance to a real life situation in an undelivered speech.⁴¹ Knowing that Cicero would hardly have done anything without a cogent reason, I believe that an equal amount of attention should be devoted to his undelivered speeches as to his delivered speeches. For the modern student of rhetoric, Cicero's published speeches may have been part of his attempt to sustain his ascendancy in the forensic practice, but they also constitute a genre of creative speech writing. In addition, Cicero's construction of himself as seeking to gain ascendancy, especially against his rival, and to sustain it, becomes complete through his publications. In these speeches we see a

⁴⁰ Verres' premature flight into exile was a further advantage to Cicero. Since the case extended to 69 BC, if Verres still remained in Rome, it would have had to start all over again and Quintus' brother, Metellus would have presided over the case. *Verr* I.21, 30. Ps. Asc. 185, 205, 212, 223. See also Mitchell 1979: 108.

⁴¹ For example, MacKendrick 1995: vii does not treat the published speeches because he feels they did not have much of a bearing on Cicero's oratorical performance.

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striving for and the legitimisation of his form of oratorical hegemony.⁴² For the purposes of the present chapter, just one of these published but undelivered speeches will be examined to see how he builds upon the achievement of public recognition as a prosecutor in the *Actio Prima*. His goal is to communicate to the public what he would have delivered if the opportunity had been given.⁴³

5.5. SUSTAINING THE 'RHETORICAL' IDENTITY:

CICERO'S SELF-PRESENTATION IN *ACTIONIS SECUNDAE IN C. VERREM*⁴⁴

Cicero opens his *Actionis in C. Verrem Secundae Liber Primus* by making reference to the people's suspicion that Verres would not appear in court for his

⁴² Both Strachan-Davidson 1906: 62 and May 1988: 47-48 have observed that the other speeches were published to enhance his political power.

⁴³ Mitchell 1979: 109 vigorously contends that the Verrine orations do not have any political importance. This claim is rather unconvincing since the case essentially deals with political problems and current international crises. The issues that Cicero handles in this set of speeches would have added a political dimension to the case for his listeners. For the debate about the political importance of the speech, see Badian 1958: 283-284, Mitchell 1979: 107-149 and Kennedy 1972: 160.

⁴⁴ This speech is not examined in relation to its rhetoricity but the sociological function it serves for the orator in disseminating information and sustaining his hegemony. Craig 1992: 1 submits that a published judicial speech may serve not only as a political pamphlet or manifesto of ideals but also as the orator's means of directing information to a target audience. For a discussion on the structural problem that Cicero has in composing the *Actio Secunda*, see Vasaly 1993: 124-128.

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defence. Cicero thinks that this suspicion is justified because Verres himself is allegedly guilty of all the accusations brought against him (*Verr.* 2.1.1). Contrary to the speculation that Verres has disappeared, Cicero suggests that Verres is present in court since he wants to end his shameful career honourably. Because Cicero wants to justify his reason for continuing to write the Verrine speeches, he invents a Verrine character and a court situation. First, Cicero constructs Verres as a 'daring man' (*audax*) who would disregard the common belief and national opinion (*sermonem vulgi atque hanc opinionem populi Romani fuisse*, 'this has been common knowledge and the general impression of the Roman people', *Verr.* 2.1.1)⁴⁵ that he would disappear stealthily and then reappear for the continuation of his trial. Cicero's insinuation has several implications: first, the public has recognised that the presentation of the *Actio Prima* was powerful enough to ostracise Verres; secondly, Verres may seek to prove the public wrong by appearing for the rest of the trial; and thirdly, if Verres was bold enough to stand for trial, then he, Cicero, would be prepared to prosecute him. Cicero thus

⁴⁵ Mitchell 1986: 159 thinks that Cicero's dualism in this sentence is redundant since *opinionem Romani populi* ('the belief of the Roman people') repeats *sermo vulgi* ('common knowledge'). His remark that Molon of Rhodes checked Cicero's 'tendencies toward redundancy' but did not eliminate them does not seem completely appropriate, since this dualism has both political connotations. The word *Romani* lends a political dimension to the rumour regarding his prediction that Verres would withdraw into exile after the *Actio Prima*.

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reiterates his formidable prosecutorial *persona* that he has already constructed in the *Actio Prima* and carries it along into the *Actio Secunda*:

Est idem Verres qui fuit semper, ut ad audendum proiectus, sic paratus ad audiendum. Praesto est, respondet, defenditur; ne hoc quidem sibi reliqui facit ut, in rebus turpissimis cum manifesto teneatur, si reticeat et absit, tamen impudentiae suae pudentem exitum quaesisse videatur.

(*In Verrem* 2.1.2)

Here is the one and only immutable Verres, ever projecting his daring looks and ever ready to hear anything. Here is he: he responds and he has representation. Indeed he is a completely abandoned person, not taking into account that when his most disgraceful acts have been discovered, he should hold his peace and disappear stealthily to put an honourable end to a dishonourable style of life.

Cicero employs irony and vivid illustration in the opening to construct a fictitious court proceeding and to convince the reader of the genuineness of the case (*Verr.* 2.1.2). It should be noted that Cicero is trying to sustain a dialogue with a political group that is aware of Verres' flight into exile. It is not unlikely that some members of the elite group, including those who supported Verres, would later

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read the speech and would be critical of Cicero's attempt to publish a speech or set of speeches that has not been delivered. In anticipation of any form of hostility in a constructed dialogue between the writer / orator and reader / audience, the appropriate method would be to address the imaginary situation and present it as factual for the sake of credibility. For the orator to be able to achieve this, one could assume that there is a tacit conspiracy between the writer and the reader, since Verres' flight would definitely have been known to all and the readers would have had to construct an imaginary context for the speech. But for Cicero, the reward of his labour is inevitable in this situation:

Pator, iudices, et non moleste fero me laboris mei, vos virtutis vestrae fructum esse laturos. Nam si iste id fecisset quod prius statuerat, ut non adesset, minus aliquanto quam mihi opus esset cognosceretur quid ego in hac accusatione comparanda constituendaque elaborassem; vestra vero laus tenuis plane atque obscura, iudices, esset.

(In Verrem 2.1.2)

Gentlemen judges, without sounding apologetic and feeling embarrassed, I shall reap the reward of my hard work and you the reward of your courage. For if he [Verres] had implemented his original plan of playing truancy in these proceedings, nobody would realise the enormous amount of dedication that I have put into my preparation and into formulating and strengthening my arguments

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for prosecution purposes: in actual fact due recognition for your courage would be grossly undermined and unappreciated.

Cicero cannot but imagine himself as a laureate after such a meticulous preparation for the trial. He is trying to help the reader to imagine the denial of praise that he might have to suffer if the accused had disappeared unannounced. He may also be telling the reader that Verres has gone into exile. Furthermore, he tries to suggest to the reader that the commendation of the judges is incomplete because of Verres' departure. Here Cicero stresses the idea that the Romans have a penchant for 'praise' (*laus*) and 'glory' (*gloria*), and he further suggests to the reader the very reason for publishing these subsequent speeches. Cicero's twofold aim for publishing these speeches could be: first, to complete the trial of Verres regardless of whether it is presented before the jury or not, and secondly, to earn more oratorical and political acclaim through his published orations.⁴⁶

Cicero once again invokes the nationalist spirit as he mentions the expectation of the Roman people regarding the disposition of the jury toward the case (*Verr.* 2.1.3).⁴⁷ In addition to the safety of the republic, which is of

⁴⁶ Mitchell 1986: 7, 160 notes that Cicero publicly declares the possible political gains that he might accrue to him as a result of his outstanding performance in the Verrine proceedings (*Verr.* 2.1.2).

⁴⁷ For discussions on Cicero's use of the interest of the nation as a rhetorical appeal, see Chapter 5.3.

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paramount concern to the Roman people, they expect the jury to condemn Verres (*Verr.* 2.1.3). Cicero believes that the jurors must fulfil all moral obligations regarding the proceedings in order to meet the expectations of the Roman people. For him, the allied nations, the state and the prosecution should be able to challenge the professional conduct of the jurors, and by so doing the lost credibility of the senatorial order will be reinstated (*Verr.* 2.1.4). The openness of the jury to such a challenge from the public could suggest transparency in the adjudication of the law, which is a way of presenting demonstrable proof to the public that integrity, truth and sincerity are still an integral part of the judicial system. In connection with the foregoing, Cicero assumes the *persona* of a courageous politician who possess an equal level of influence with Hortensius. By assuming the *persona* of an influential jurisconsult, Cicero employs a subtle appeal to force and attempts to intimidate Verres and his supporters in order to demonstrate his ability to engage them in legal proceedings:

certet mea diligentia cum illorum omnium cupiditate, vestra integritas cum istius pecunia, testium constantia cum illius patronorum minis atque potentia. Tum demum illa victa videbuntur, cum in contentionem certamenque venerint.

(*In Verrem* 2.1.3)

The situation is such that my diligence contends with the hostile feelings of all these men, your integrity with the money of this felon, reliable testimony against the threats and influence of his

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advocates. The opposition will be seen to be defeated, if only they come against us in a duel and open legal confrontation.

The confidence expressed in this extract implies Cicero's preparedness to face the opposition with all possible resources.⁴⁸ Thus Cicero projects himself as having more resources besides his oratorical skills. Cicero realises that he is monopolising his self-constructed forensic space when in real life the accused has gone into a self-imposed exile.

Cicero then assumes the *persona* of the defender of the state. Cicero is convinced that the integrity of the state will be maintained because of the composition of the jury. At the same time, he submits that there is an imminent danger hovering over the senatorial order as a whole if the jurors should be found to have abandoned the values that are associated with juridical duties (*Verr.* 2.1.4). In taking a firm stand in the case, Cicero considers himself successful in saving a reasonable number of the Roman body politic since he has worked toward redeeming the bad image of the court (*Verr.* 2.1.5). He believes that the only means through which this could be achieved is to find Verres guilty of the charges. He further thinks that the republic would hesitate in appointing other persons to juridical positions in the future if Verres be acquitted (*Verr.* 2.1.6). The *in utramque partem* that Cicero uses to sustain his appeal for

⁴⁸ For a contextual discussion of this passage, see Mitchell 1986: 160-161.

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Verres' conviction in this speech is profound. Cicero's main goal is to ensure that the jury finds every reason to give a judgement against Verres.

Cicero is quite pessimistic about the hope that the opposition might have that Verres should be absolved of the crimes that have been levelled against him (*Verr.* 2.1.9). Verres' criminality demands seriousness on everybody's part and Cicero feels he is prepared to manage the case accordingly. He expresses determination to accomplish for the Romans their desire to obtain the sentence that Verres deserves, but if events turned otherwise, he hopes to appeal and to have a fair hearing from the jury that would hear his case subsequently and to obtain a just verdict (*Verr.* 2.1.12-14). He is optimistic, however, that the Roman people would believe the testimonies of his witnesses; as for himself no violence can deter him from prosecuting Verres:

Hanc ego causam cum agam beneficio populi Romani de loco superiore, non vereor ne aut istum vis ulla ex populi Romani suffragiis eripere, aut a me ullum munus aedilitatis amplius aut gratius Romano populo esse possit.

(In Verrem 2.1.14)

Since I present this case having the advantage of the support of the Roman people, I do not fear that any form of force would subvert the decision of the Roman people or that any other shows that I organised as aedile would be more pleasing and delightful to Roman people.

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The vantage point from which Cicero stands in this case gives him the room to manipulate the case to his advantage, as he mentions that it is the role of the jury to give a guilty verdict. What might undermine this advantageous position is if the court ruled otherwise. Cicero believes that the Roman people would be very pleased if he succeeded in getting the jury to condemn Verres. A severe sentence would make Cicero's performance in the political life of Rome more satisfactory to them than all the outstanding feats that he accomplished as aedile (*Verr.* 2.1.14).⁴⁹

Cicero continues by reiterating his love for Rome and claims that when he returned from being *quaestor*, he was asked by his friends to return to legal practice. Following a brief narrative of his journey to Sicily, where he went to collect evidence against Verres, is a personal *encomium* depicting himself as a protector of his own reputation (*Verr.* 2.1.15-16). On his return to Rome from Sicily, Cicero discovered that Verres and his associates had invented a rumour alleging that the Cicero had accepted a bribe and that the case therefore was a sham (*Verr.* 2.1.17). According to Cicero, this rumour was invented to deter his witnesses from fully participating in the proceedings (*Verr.* 2.1.17). Although the

⁴⁹ Cicero was appointed as the aedile in 69 BC. Although he was well favoured in the elections by the Roman people, there are no indications that he performed extraordinarily. In fact, Cicero was not rich enough to supplement the games from his purse, which was the typical practice of aediles in the Roman republic. On Cicero's aedileship see Bailey 1971: 15, Rawson 1975: 44.

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witnesses from Sicily had known him as a trustworthy fellow, he feared his name being dragged into disrepute (*Verr.* 2.1.17). Prior to the elections, Cicero claims, Verres had spent an enormous amount of money to discredit him (*Verr.* 2.1.19). The following is Cicero's testimony of what he considers to be a generous response from the Roman people:

Nam comitiis meis, cum iste infinita largitione contra uteretur, Populus Romanus iudicavit istius pecuniam, quae apud me contra fidem meam nihil potuisset, apud se contra honorem meum nihil posse debere.

(In Verrem 2.1.19)

During my elections, when this unreasonable fellow spent a huge amount of money against me, the Roman people held that if his money could not hurt my honour, it should not then hurt my progress in public life.

The Verres / Roman people dichotomy in this passage depicts the quality of support that he enjoys from the Roman people. Cicero stands in the middle of an attitudinal conflict between the people of Rome, who are allegedly supporting him against Verres, and the accused, who is in the opposition alone. Cicero subtly compares the integrity and the discretion of the Roman people against the corruption of Verres and, expatiating on this, he asserts that Verres hopes to win over the judges by offering them bribes. However, the involvement of the people

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of Rome would prove to Verres that his attempt to thwart the course of justice in court would fail. Thus Cicero finds the right opportunity to proclaim himself the winner of the case, and he sees his triumph in the duel not as one won against Verres but as the vindication of the honour of the nation:

Quapropter ego quod ad me attinet, iudices, vici; non enim spolia
C. Verris, sed existimationem populi Romani concupivi.

(In Verrem 2.1.21)

Thereafter, gentlemen judges, I felt convinced that I had won. I did not see it as Verres' defeat as such but as a justification of the people of Rome.

From the passage Cicero's hegemonic position no longer is merely self-constructed but is enhanced by the participation of Roman citizens and their preparedness to support Cicero. As far as Cicero is concerned, both the jury and other courtroom players must consider the interests of the Roman people first (*Verr.* 1.2.21). In other words, Cicero's vanquishing of Verres is a secondary matter; the primary issue involves the rebuilding of the image of the country, which has been tarnished due to damaging rumours emanating from Verres' devious activities. Cicero uses the state of the nation's international reputation as a means of appealing to the audience's sense of patriotism in order to further secure the jury's favour for himself and its indignation against Verres.

Cicero later projects the character of a competitive orator in an attempt to position himself against Hortensius (*Verr.* 2.1.24-26). He anticipates stern

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opposition from Hortensius, so he wants to ensure that there is no room within which the latter can manoeuvre. Cicero considers the occasion given for double pleading as more beneficial for him than for Hortensius (*Verr.* 2.1.24-25). The occasion favours Cicero in the sense that he is the first person to speak (*Verr.* 2.1.26). Cicero seeks to undermine Hortensius' position by encouraging the jury to pay more attention to facts than eloquence in court. Cicero belabours this issue to achieve two effects: first, to discourage the jury from listening too carefully to Hortensius and from being swayed by him, and secondly to unnerve Hortensius in his move to raise firm objections to possible submissions from Cicero. In *In Verrem* 2.1.24-26 Cicero engages himself strictly in addressing and subverting the stance of the defence. Cicero, in the manner of a victimised attorney, begrudges Hortensius for raising opposition against him when the former went to Sicily to collect evidence. Cicero in retrospect thinks that, if he allowed himself to be intimidated by the Hortensius' possible objections to his claims, he would not have been able to gather his information for the case. In other words, he would not be able to prosecute Verres within the period of time allotted to him by the law. However, he has succeeded in persuading the people of Rome and the jury of Verres' guilt (*Verr.* 2.12.32).

Cicero also manipulates Verres' life-style and administrative flaws to his advantage in this speech. He lists Verres' abuses as a *quaestor*. Verres is portrayed as a person who abuses his manhood (*Verr.* 2.1.33). However, Cicero prefers to concentrate on Verres' later life (2.1.33). To further denigrate Verres, Cicero demonstrates Verres' inability to keep proper records. Verres' inability to

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keep accounts is designed to suggest that he embezzled government funds as *quaestor* (*Verr.* 2.1.36).⁵⁰ Cicero then follows up with an analysis of Verres' record (*Verr.* 2.1.37) and after a full analytical narration of Verres' misdeeds uses *exclamatio* (exclamation) as a means of suggesting the punishment that the court should impose on the accused:

O scelus, o portentum in ultimas terras exportandum!

(*In Verrem* 2.1.40)

O wicked soul, I wish that you were exiled to the furthestmost jungle of the earth!

Cicero here usurps the position of the jury by pre-empting the kind of sentence that it should pronounce against Verres (*Verr.* 2.1.40). Subsequent to the above exclamation, Cicero recounts the shameful events that took place during Verres' tenure as assistant governor. Verres is accused of having punished a magistrate to death and to have led a raid on Minerva's temple (*Verr.* 2.1.41-46). Then follows a catalogue of religious offences that Verres committed and an account of his theft of statues from Aspendus, an old city in Pamphylia, and of a statue of

⁵⁰ It is noticeable that this is the first concrete evidence that Cicero brings before the jury. Cicero most likely published the remaining speeches to convince the public of his claims that he had sufficient evidence to establish Verres' guilt. In the subsequent portions of the *Actio Secunda In Verrem: Liber Primus*, Cicero is very painstaking and meticulous regarding his presentation of evidence. Cicero later wears the mask of a financial auditor in *Verr.* 2.1.99-102, where he vents his anger on Verres for fraudulent bookkeeping.

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Diana at Perga (*Verr.* 2.1.49-51). Cicero goes on to narrate Verres' attempt to violate the daughter of Philodemus, a respectable gentleman at Lampsacum (*Verr.* 2.1.64-71). Cicero then concludes thus:

potestis dubitare quin istum fortuna non tam ex illo periculo eripere
voluerit quam ad vestrum iudicium reservare?

(In Verrem 2.1.71)

You surely would not doubt that fortune delivered this man so much
from the danger as much as he reserved him for your
condemnation?

Cicero follows with the story of homicide involving Verres' lictor Cornelius
Dolabella who made the mistake of trusting such a dubious character as Verres
(*Verr.* 2.1.77-78). Cicero then reprimands Verres for his excesses:

Tantaene tuae, Verres, libidines erunt ut eas capere ac sustinere
non provinciae populi Romani, non nationes exterae possint?

(In Verrem 2.1.78)

How abominably extreme are your lusts that the provinces of the
Roman people and their foreign allies could not contain and tame
them?

In this passage Cicero suggests that Verres' indomitable passions for other
people's wealth are of great concern to the whole world. Assuming the role of a

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logician, he mentions that Verres besieged a house in Lampsacum with a mob and then appeals to the jury to punish Verres accordingly (*Verr.* 2.1.81-82). Cicero also makes reference to another house that Verres plundered in Lampsacum and how he demanded that the people of Miletus should accompany and protect him from attack on his journey to Myndus (*Verr.* 2.1.83-86). On reaching Myndus, Verres relieved the Miletian captains of their cruiser and sold it to two enemies of the state, Lucius Fannius and Lucius Magius (*Verr.* 2.1.86-90). Cicero also accuses Verres of legacy hunting (*Verr.* 2.1.91-94).

Cicero's approach in this prosecution is not only to put Verres on trial but also to win some praise for being a good defence attorney:

sed ego defensorem in mea persona, non accusatorem, maxime
laudari volo.

(*In Verrem* 2.1.98)

I desire to be greatly recognised for my role as defence and not that
of a prosecutor.

As Cicero indicated in his preliminary speech, *Divinatio In Caecilium*, Cicero seeks to improve the recognition accorded to the role of a defence attorney (cf. *Div. Caec.* 1.1). Cicero would not normally act as the prosecution in cases because of the fear that people might see him as attacking people rather than pleading a cause.⁵¹ For Cicero, appearing as the defence attorney gives the

⁵¹ See above Chapter 5.3.

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public the impression that he rescues citizens from the attacks of prosecutors. So he does not want the reader to see him as a prosecutor in this case but rather as a defence attorney who is attempting to maintain the integrity of the character of the defence in the Roman court.⁵²

Subsequently Cicero assumes the *persona* of a natural philosopher with the greatest concern for human rights. As his point of departure Cicero undermines Verres' character by showing that Verres abandoned his designated office and moved to the *quaestor's* office to the house of a woman named Chelidon, his mistress:

Nam ut praetor factus est, qui auspicato a Chelidone surrexisset, sortem nactus est urbanae provinciae magis ex sua Chelidonisque, quam ex populi Romani voluntate.

(*In Verrem* 2.1.104)

The moment he became praetor, and finding his good omens in Chelidon, he obtained the mandate over the city provincial department in accordance with the will of Chelidon rather than with the will of the Roman people.

The public expectation in the Roman republic was that a public person is elected or appointed to serve the interests of the Roman people and not his own personal interests or the sentiments of a person portrayed as courtesan. Cicero

⁵² Subsequent to the Verrine episode, Cicero acted as prosecutor in two

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therefore exploits the indignation that might be aroused against a Roman public officer who abandons the religious institution that administers auspices to newly appointed *praetors* and seeks to perform his religious observances at the house of a person construed to be *meretrix*. The injection of the meretricious character into this speech especially along with the critical evidence perhaps is expected to infuriate the jury against Verres (*Verr.* 2.1.103). Chelidon's alleged lifestyle as a harlot in the passage is compared with the strictures of religion and seriousness that should accompany the commissioning of a *praetor*.⁵³ The fact that Verres' election as *quaestor* is suggested to be more gratifying not only to Verres but also Chelidon, supposedly a *meretrix* ('courtesan'), than to the Roman people raises more concern. The injection of a feminine character constitutes an ethical attack on Verres. Cicero's invective in this situation may be offensive to some modern feminists since it was Verres who actually allowed himself to be distracted by Chelidon, thereby implicating her in his indiscretion. What could generate indignation against Verres is his inability to separate business from love and his failure to conduct state matters in the building provided. Cicero stresses the idea that the public place is exclusively a male preserve with a sense of 'conservative' morality and religious awe. The meretricious character that Cicero ascribes to Chelidon further damages Verres' reputation by virtue of association. A complication arises when Cicero suggests that as *praetor* Verres had

other cases, namely, *In Vatinius* (56 BC) and *In Pisonem* (55 BC).

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promulgated an edict against the interests of women (*Verr.* 2.1.106). Cicero further questions Verres' praetorship as a whole, especially relating to the rights of women to own property (*Verr.* 2.1.106). Cicero accuses Verres of antagonising women:

Quis umquam crederet mulierum adversarium Verrem futurum? an ideo aliquid contra mulieres fecit ne totum edictum ad Chelidonis arbitrium scriptum videretur?

(*In Verrem* 2.1.106)

Who ever would have believed that Verres would turn out to be a misogynist? Or is this just a pretentious onslaught against women that it should not appear that the whole edict was written to favour Chelidon's will?

Although the ancients' understanding of human rights might seem crude, unsophisticated and incomplete to the modern expert on human rights, Cicero's theory of natural law includes rights to own property.⁵⁴ In this passage, Cicero

⁵³ For further discussion on Cicero's portrayal of the feminine character as a *meretrix*, see n Chapter 7.3.

⁵⁴ In *Cic. Off.* 2.21.73 one of the fundamental human rights is the right to own a property that must be ensured by the administrator. One is not sure if Cicero is gender biased in his philosophical treatise or not. However, the pro-feminist slant that Cicero employs against Verres is very effective since he has already positioned Chelidon as a socially unacceptable within the patriarchal

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does not seek to demonstrate to the reader that he has a special concern for women's rights to property acquisition but that Verres' laws are written to please Chelidon. Certainly this would have been very offensive to the ruling class in Rome because Verres has broken the social code of allowing a woman to influence him in his public duties.

Cicero thereafter introduces his own concept of justice. He questions Verres' failure to transfer the right edict to his province that would have given room for equitable administration of justice in all provinces (*Verr.* 2.1.118). Appeal to justice is an integral part of legal adjudication, especially when it involves human rights. Cicero's performance in this portion of the speech shows him to be an expert in civil law. Subsequently Cicero presents himself as a constitutional lawyer.

Cicero censures Chelidon's role during Verres' praetorship. Cicero's portrayal and involvement of Chelidon become more intense as he attempts to demonstrate that she exercises an enormous amount of influence in Verres' administration by hosting the praetorian court (*Verr.* 2.1.136-137). Cicero finds another occasion to use the fact that Chelidon is a woman as his ethical tool for discrediting Verres. Chelidon is referred to as a harlot whose house now serves as the court:

context that the speech is being delivered. For more discussion see Mitchell 1986: 206.

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Ut omittam cetera, quo tandem pudore talis viros, quo dolore, meretricis domum venisse arbitramini? . . . domus erat non meretricio conventu sed praetoria turba referta.

(*In Verrem* 2.1.137-141)

As I spare you the remaining details, can you imagine with the sense of shame and feeling of agony that these gentlemen entered the house of a whore? . . . [T]his crowd of eminent Romans was not meant for a brothel but for the praetorian court.

In this passage Cicero makes another attack of indecent treatment of eminent Romans against Verres. In order to further denigrate Verres, Cicero accuses him of being a paedophile, since he allegedly abused a young Julius (*Verr.* 2.1.151-153).⁵⁵ Verres had also deprived this young man the right to inherit the legacy bequeathed to him by his late father (*Verr.* 2.1.152). Cicero uses this opportunity to answer some of the objections Hortensius presumably has raised. Cicero points out that Verres' alleged pederasty is distressing not only to the family of the boy but also to the entire republic. When closing this speech, Cicero hints of the issues he will be dealing with in his prosecution speeches (*Verr.* 2.1.155-158).

5.6. CONCLUSION

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One can justify the evasive attitude among some scholars by not treating subsequent Verrine speeches partly because they are rather too detailed and perhaps not as interesting as the speeches he delivered after his return from exile. However, the reading of these orations helps the student of Ciceronian oratory to appreciate how encyclopaedic Cicero was in his advocacy.⁵⁵ In other words, Cicero has demonstrated that he can act as both the prosecutor and the defence. Cicero's ability to sustain his imaginary court setting, address his characters and invent the likely responses of the audience to his rhetoric show his rhetorical ingenuity. One might suggest that the undelivered speeches should be considered as another form of or possibly a sub-genre of logography since they have a different character of their own. These speeches are an example of how the orator can present facts of history and office-report. As noted in the introduction, these undelivered speeches were published in order to maintain the identity of an orator with a national interest that he constructed in the *Actio Prima*. This identity will be used later to naturalise the Ciceronian discourse of oratorical hegemony. By 'naturalisation' I mean a process of sustaining a particular discourse so that it becomes acceptable to the public over a period of time. The dominant *persona* in the speech is that of a competent prosecutor.

⁵⁵ Cicero has already suggested in *Verr.* 2.1.131 that Verres considers boys and girls as ready prey for the *praetor*.

⁵⁶ For an interesting discussion about Cicero's knowledge of art, see Vasaly 1993: 104-124.

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The key issue that emerges from this speech and the rest of the Verrine orations is about Verres' deployment of power. There are two distinct hegemonies that are prominent in the speeches, namely, Ciceronian and Verrine. In the course of pleading, Cicero sidelines the Hortensian hegemony and concentrates on the crimes that Verres has committed in order to promote his own hegemony. Cicero portrays Verres as a man who gloats and thrives in the abuse of power and office. Cicero's Verrine orations can be seen as a historical and judicial description of Verres' activities in public service, and Cicero's interpretation of his actions to the stability on the state.

Cicero is not just an advocate in this speech but also a historiographer. In fact, Verres' regime would not have been known and detailed if Cicero had not written these speeches for posterity. The exact veracity of Cicero's claims is indeterminable, but the Verrine orations furnish the reader with evidence of practices that seem to have characterised public administration in first century BC Rome. Some of the fraudulent practices that characterise the public service sector in both the ancient and modern worlds feature in the Verrine orations.⁵⁷

⁵⁷ The English popular case between Hastings and Burke has been compared with the Verrine episode: see Grierson 1932: 16; *contra* Nisbet 1965: 57-58, Kennedy 1972: 162 n. 11.

6

Self-Fashioning in Political Turmoil: Power, Rhetoric and Masculinity in Cicero

6.1. INTRODUCTION

After the Verrine orations, Cicero delivered a number of other major speeches that enhanced his public *persona* as a great orator. However, in 63 BC, the year that Cicero served as consul, there occurred a political upheaval that destabilised the republic. This upheaval was Catiline's revolt. Throughout history the ability to manage political crises is a crucial factor that has determined the success or failure of most public figures. Political opposition helps to determine the political stature of public men because it provides a basis for comparison between these figures. In the context of this thesis, comparison makes possible a critical evaluation of hegemony in relation to the opposition and their feminine and masculine values. The first century BC Roman public space mainly consisted of men; therefore, the first part of this chapter will focus mainly on the two masculine archetypes that feature in Cicero's *Catilinarian* speeches of 63 BC, namely, Catilinarian and Ciceronian. Afterward I will consider some of Cicero's letters of approximately the same period to examine the psychosocial nature of Ciceronian hegemonic masculinity.

The speeches contained in this chapter are important on two levels. First, they show how the Ciceronian Improvisatory Model (Figure 2) applies differently

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from the kind of oratorical development that is examined in Chapter 5. While the Verrine orations offer linearity within the forensic context of space, purpose and performance, the *Catilinarians* present a bilateral model, that is, they address two kinds of audience to generate the same kind of response. Secondly, the Catilinarian orations typify the kind of rhetoric that one expects a civilian leader to employ in response to the military attempt to usurp power. Cicero's reaction to this attempted coup can bear parallels with some possible responses of beleaguered civilian leaders in modern states that have been riddled with incidents of *coup d'etat*.

The main thrust of the argument in this chapter is that there is a no clear-cut demarcation between the political *persona* and the rhetorical *persona* that the orator has constructed that renders the regime of power indeterminable. For Cicero to fit into the framework of the prevailing hegemonic masculinity of the first century BC, it seems that in publishing the speeches he merely adopted a style of writing that was consistent with the position of power that he held. For the modern philosopher, Michel Foucault, the basic assumptions of both liberalism and Marxism in respect of power are: (1) power is possessed by a social individual; (2) power is characterised in the law, the economy and the state; and (3) power is primarily repressive. However, Foucault maintains a mild stance on the possession and deployment of power.¹ He recommends that power should be exercised rather than possessed, decentralised rather than exercised from top

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to down, and productive rather than repressive. Foucault's position is compatible with Cicero's belief that power is everywhere and that hegemony is gradually produced through a nexus of relationships (*Inv. rhet.* 1.34-36, 2.32-34, 2.163-178). All the dichotomies imaginable within the Foucauldian framework are accommodated in Ciceronian rhetoric, which functions not by seeking to be oppressive but by attempting to achieve an oratorical end. Power in rhetoric is fluid, dynamic and serves as a tool for not only constructing, legitimising and entrenching but also dislocating and replacing the hegemony of an orator in a speech event. Because of the psychological nature of the performance of rhetoric and the deployment of power in rhetoric, the orator harnesses every rhetorical device and manipulates all means and agents of power to generate audience response during delivery.

Among a number of paradigms on power that exist, there is one that locates power in the state. This paradigm holds that the power possessed by the state is judicial and repressive.² The power to punish an offender solely rests on the state. When the life or reputation of a leader with a hegemonic attitude is at stake, power is no longer located in the state or the law but in the means (oratorical and others) that he employs to sustain his hegemony.³ This

¹ See Foucault 1977: 75-102 for some paradigms of power and Foucault for his discussion on the assumptions and precautionary methodology of power.

² For further discussion on power and rhetoric, see Ober 1994: 85-108.

³ Arendt's 1970: 44 definition of power embraces both the individual that is playing the hegemonic role and his supporters. Arendt 1970: 44 states: '*Power*

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description represents the method employed by Cicero in dealing with the Catilinarian conspiracy of 63 BC.⁴

6.2. THE ORATOR, *POLITICUS* AND THE DIVISION OF THE FORENSIC SPACE

There are two categories of public speakers identifiable in Cicero, first, the orator (*orator*), and secondly, the statesman (*politicus*, *Brut.* 265, *De Or.* 3.109). According to Cicero, the orator is that speaker who addresses a small audience in a sophisticated performance, while the *politicus* is a speaker who addresses a larger audience. These two I locate in the H (High) and L (Low spaces) of

corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together. When we say of somebody that he is "in power" we actually refer to his being empowered by a certain number of people to act in their name.' In other words, hegemony is what it is because of the people over whom it rules. Kimmel 1994: 137-138 has also discussed this passage in a homophobic context.

⁴ Bell 1997: 1 says that an oratorical text is 'a partial record of a complex dynamic between actor and audience, neither of whom had the power to take action independently of the other. Each needed the other, simply to have dignity.' Bell takes for granted that Ciceronian oratory seeks to subordinate other institutions in a speech situation. The dominant role that an orator attempts to assume in such a situation sometimes does not leave a lot of room for a response or action on the part of the audience.

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Waters' Masculine Gender Systems (MGS).⁵ The H space is characterised by the orator's word choice representative of the elite senatorial class and the L (low) space signifies the environment in which the speaker addresses the masses. The High space (H) is privileged above the Low space (L) in current gender discourse formation because not only does the H space reflect power but it also subordinates the L space.⁶ The H-L divide does not only mean public-private but also public-public spaces. The type of audience will determine the label that is given to the space and the orator's performance. The circumstances of Cicero's Catilinarian speeches involve an alternation or movement between these High and Low spaces. The first and fourth Catilinarians were presented before the senate, while the second and third Catilinarians were presented before a general assembly (*contio*); hence, this is an H-L-L-H arrangement. This chapter will not only consider how Cicero moves between these two spaces and explore the kinds of themes that he develops in each space in the public domain, but it will also examine briefly his private life through his letters. In the light of the

⁵ This discussion on the division of the public space follows after Waters' 1989: 193-211 schema of Masculine Gender Systems. The relationship between the private and the public domains is considered to be relative rather than dichotomous; therefore, public patriarchy ('direct patriarchy') is an extension of the private patriarchy ('extended patriarchy'); see Waters 1989: 204. For more discussions on H (High) and L (Low) situations under patriarchy', see Hearn 1992: 52-64.

⁶ A vivid description of these two spaces used for the Catilinarians in geographical terms is contained in Vasaly 1993: 41-49.

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distinction drawn above between the *orator* and the *politicus*, the senate will be seen as H (High), while the *contio* will be seen as L (Low). An important *caveat* to be issued here is that the ways in which the H-L speech situation functions should not be mistaken for the three styles of speaking in rhetoric.⁷

In the Phallic Model Model of Hegemonic Masculinity (Figure 3), it is possible to locate Cicero at the peak of the triangle (point A) at the time of his consulship in his public career. Cicero's position as consul gives him control over all the systems and government apparatuses in the Roman republic after due consultation with the senate. In the conflict with Catiline, the only advantage that Cicero has above Catiline is that he is the consul. Cicero is locatable in point A only for temporarily since he will only be consul for a year. When he returns to normal public life, he would then be relocated in LBJ alongside other eminent orators and politicians.

6.3. CICERO AND CATILINE

Cicero had witnessed some turbulence in Roman politics before 63 BC. The events of the preceding years had foreshadowed conflict between Cicero and some members of the senate. Cicero had made appreciable advancements as a

⁷ It has already been pointed out in Chapter 1 that this thesis is not really about content or form but rather the performance of content to suit the context of delivery. In other words, the present writer is more concerned about the sociology of rhetoric rather than its structure. For a concise discussion of the three kinds of style, see Adamik 1996: 3-9.

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novus homo during these years and in 63 BC he rose to the position of consul. Cicero was already on good terms with some influential Roman politicians in the equestrian class. His powers of oratory had won for him the favour of the nobles and the Roman people, respectively. However, in spite of these achievements, Catiline saw fit to contest Cicero's election of 63 BC (Sall. *Cat.* 26).⁸

Catiline, an active politician in the first century BC, a member of the senate, a patrician, was according to Cicero intelligent and admirable but also a debauchee who also desired the ultimate magistracy in the Roman republic (Cic. *Att.* 1.2, *Sull.* 81, *Cat.* 2.8, *Cael.* 4.10-7.15; Sal. *Cat.* 5).⁹ Catiline had held both military and political appointments, but because of his further ambitions to hold a prominent office in Rome, Catiline contested the consulship of 63 BC but was defeated by Cicero. This defeat enraged him and he resorted to unconstitutional means to challenge Cicero. Catiline planned an elaborate conspiracy against Cicero with a view to undermining the latter's position. Supposedly representing

⁸ Smith 1966: 107, Mitchell 1979: 219.

⁹ Cf. Seager 1973: 240-248, Yavetz: 1963: 485-499. Mackendrick 1995: 63 does not think Catiline deserves the negative description that Cicero and Sallust have given him. Mitchell 1979: 220 is suspicious of the evidence that Cicero presented to the senate and about Sallust's portrayal of Catiline since Sallust aimed at depicting Catiline as an example of the degenerate Roman public man. Even an ancient writer has noted Cicero's overbearing attitude that earned him hatred among senators, especially with Catiline who was one of the most vocal (Plut. *Cic.* 24.1-2). For a discussion on the accuracy of Sallust's narrative, see McGushin 1977: 296-307.

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the best interests of the state in his capacity as consul, Cicero put up severe opposition to Catiline, which resulted in the latter's flight into voluntary exile and eventual demise. On 8 November when he presented the first speech against Catiline, Cicero attacked him in the senate.¹⁰

Sallust's (*Cat.* 31) report of Catiline's response to Cicero's speech indicates that Catiline's believed he would have had some social privileges above Cicero, had the latter not been a consul.¹¹ Catiline's social standing, namely his noble birth, patrician status, and position as a senator almost equalled Cicero's profile. Cicero thus is fighting against an almost equal hegemony.¹² This conflict is exhibited through his role-playing strategies in his orations against Catiline. The Catilinarian speeches do not contain the exact words that Cicero used but they constitute a rhetorical monument indicating what he said and how he said it.¹³

¹⁰ Smith 1966 gives a full account of the Catilinarian conspiracy; see also Boissier 1905, Bornecque 1936: 12-74, Seager 1964: 338-347, Waters 1970: 195-215, Rawson 1975: 60-87, Mitchell 1979: 219-242, March 1982: 225-234, Macdonald 1989: xv-30, Batstone 1994: 211-266, Cape 1995: 255-277.

¹¹ Cf. Balsdon 1965: 177.

¹² Within the context of the struggle between Cicero and Catiline, the main weapon that Catiline lacks is the consular position.

¹³ This view is in agreement with Rawson 1975: 75 and Cape 1995: 255-277.

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6.4. CICERO'S SELF-DEFINITION

Due to anticipated danger in his role as the consul prosecutor in the Catilinarian proceedings, Cicero needs to define his personality effectively in order to assert his authority. The three categories of audiences that Cicero needs to convince are: first, members of the senate, secondly, the entire Roman populace, and thirdly, Catiline himself insofar as he must acknowledge the authority of Cicero. In these speech situations, what Cicero's hegemony needs the most is self-definition¹⁴ mainly because he is speaking for himself, but given his position as consul he must stress his public role of safeguarding the state. Self-definition consists in what and who one is and in this case the self-definition of Ciceronian oratorical hegemony involves the naming of all the powers that have been invested in him as the custodian of the Roman republic.¹⁵ This method of self-definition helps Cicero to assert his authority, which also lends definition to his status as consul and his public masculinity against the military masculinity exemplified in the figure of Catiline.

In the *exordium* of the first Catilinarian oration, Cicero depicts himself as the authoritarian disciplinarian, social commentator and judge (*Cat.* 1.1-3). He uses rhetorical questions in the opening to censure the actions of Catiline, to rebuke him for having abused the patience of the senate for a long time, and to indicate to Catiline that the senate is aware of all the atrocities he has committed

¹⁴ For an example of the application of self-definition in a modern rhetorical context, see Jamieson 1988: 33.

¹⁵ For more discussion on self-definition, see Benhabib 1992: 104.

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against the state (1.1). According to Cicero, the senate also shares considerably in the blame for condoning Catiline's harassment of the whole republic. He blames the senate for its negligence in dealing with what he describes as Catiline's outrages (*Cat.* 1.2). In Cicero's opinion, since there is already a precedent, execution would be the most appropriate action for what he considers to be Catiline's conspiracy. The historical precedent cited by Cicero is the execution of Tiberius Gracchus as a punishment for undermining the constitution of the state.¹⁶ This example evokes a parallel that suggests that there are grounds for a charge of treasonable felony against Catiline. Cicero asserts his position as the consul in the opening of his speech and declares his intolerance as consul for any activities that might destabilise the public peace. Although he suggests it is possible for the senate to condone Catiline's criminal acts, he declares he is not favourably disposed as consul to the perpetrators of crime. Cicero's consideration for the state, the senate and the position of the consuls establishes the foundation from which he pleads:

Habemus senatus consultum in te, Catilina, vehemens et grave;
non deest rei publicae consilium neque auctoritas huius ordinis:
nos, nos, dico aperte, consules desumus.

(*In Catilinam* 1.3)

¹⁶ On the life and public activities of Tiberius Gracchus, see Scullard 1959: 23-41, Mommsen 1931: 3-67, Stockton 1979: 61-86.

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We have obtained a resolute and earnest decree of the senate against you, Catiline. This republic does not lack the resourcefulness and the authority of this exalted community of people; it is we, I mean we, the consuls, who suffer from this lack of power and discretion.

This passage states the three functional institutions of power in the Roman republic, namely the state, the senate and the consuls. The senate reserves the power to act, but has not acted; the public could act, although it has but insignificantly; while the consuls, who should act and are prepared to act, lack the required mandate to do so. Cicero suggests that both the public and the senate have responded passively to the Catilinarian conspiracy. Cicero's ironic reference to the lack of power by the consuls, especially after the senate has granted the *senatus consultum ultimum* (emergency decree) with which to act, constitutes an act of bravado.¹⁷ Cicero seems to be vaunting his hegemonic and superior position against Catiline. The use of *nos* ('we') and its repetition for the sake of emphasis shows the attitude of excitement, severity, and aggression with which Cicero is handling the proceedings. *Nos* is used to state categorically from which vantage point he is prosecuting Catiline and also to establish his hegemony.¹⁸

¹⁷ Mitchell 1979: 205-219 gives a history of the *senatus consultum ultimum* and how Cicero was affected by it.

¹⁸ For further discussion on Cicero's use of *nos* see Mackendrick 1995: 65-66. Cicero seeks legitimacy of his power through his self-definition. Arendt

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Cicero uses *nos* in different ways and the specific context suggests its meaning. First is the philosophical *nos*, which is mostly used at the end of an argument and as a manipulative tool to foster the audience's agreement with the orator. The other *nos* is the loose and rhetorical; it is used as the 'royal we' that lends authority to the voice of the speaker. This is what Mackendrick terms as the *l'état c'est moi* syndrome.¹⁹ This third *nos* is neither philosophical nor rhetorical; with this last category Cicero is exploiting the *auctoritas* ('authority') that he possesses as consul and making a hegemonic claim to act in his official capacity. As suggested above, the extra weapon that Cicero possesses in this situation is the consular authority; otherwise, he and Catiline are two equal hegemonies. This consular authority can be seen as global because it is representative of all other institutions of power. Cicero's use of name-calling identifies and isolates Catiline and is designed to win the support of the members of senate.

For Cicero's self-definition to have a profound effect on the hearer, he assumes the *persona* of an omniscient consul (*Cat.* 1.6-8, 1.24). The consular power includes the control of information in the state, which also entails the policing of seditious elements. In his capacity as consul, Cicero has some couriers who work for him as informants. Before the period in question Cicero had a long-standing history of the use of informants in his legal practice and he

1970: 52 asserts: 'Power needs no justification, being inherent in the very existence of political communities; what it does need is legitimacy'.

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himself is a proven detective.²⁰ Cicero's conscious policy of being well informed about political developments helped him to keep an 'eye-of-God' perspective on Rome. Despite the attempts to conceal the plot of Catiline, Cicero asserts that his schemes are well known to the senate and to the public. Cicero claims that he has surrounded Catiline with men who keep surveillance of all Catiline's activities (*Cat.* 1.6):

Etenim quid est, Catilina, quod iam amplius expectes, si neque nox tenebris obscurare coetus nefarios nec privata domus parietibus continere voces coniurationis tuae potest, si inlustrantur, si erumpunt omnia? Muta iam istam mentem, mihi crede, obliviscere caedis atque incendiorum. Teneris undique; luce sunt clariora nobis tua consilia omnia, quae iam mecum licet recognoscas.

(In Catilinam 1.6)

But really, what is there further, Catiline, that you want, if the night with its darkness could not cover up your clandestine gatherings, nor your private house could conceal the voices of your conspiracy with its walls, if all come out into the open, if all your plots are

¹⁹ Mackendrick 1995: 65-66.

²⁰ In the Verrine episode of 70 BC, Cicero proved to be an efficient detective in collecting an enormous amount of information from the Sicilians with which he prosecuted Verres. Discussions of some of the Verrine orations occurs in Chapter 5.

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exposed? Trust me, change your mind and desist from murder and arson. You are enclosed on all sides and all your plans are clearer to us than the shining light. If you please, go over the list with me.

Cicero's description of *nox tenebris* ('night with its darkness') and *privata domus* ('private house') gives a vivid impression of the extent of invasiveness of Cicero's group of informants. Cicero's control of intelligence and information is suggestive of the efficiency of his private security system that he has established to keep surveillance over Catiline's activities. Cicero's goal in this passage is to intimidate Catiline and to make him feel exposed. According to Cicero, all his plans are clearer than the light of day (*Cat.* 1.6).

The effectiveness of Cicero's group of informants is highlighted when he cites an instance of how his guards have prevented Catiline's attempt to murder some influential Roman citizens (*Cat.* 1.8). The credit for this success does not go to the guards as much as to Cicero himself by whose carefulness and 'diligence' (*diligentia*) the operation was carried out successfully. The use of *mea diligentia* ('my foresight') portrays an attitude of dogged determination to uncover Catiline's plans, purposes and activities. Ironically, a disgruntled Fulvia, whose lover had been a member of Catiline's conspiracy, reported the plot to Cicero, thereby enhancing Cicero's so-called diligence in obtaining information about the Catilinarian conspiracy (*Sall. Cat.* 23.3). Fulvia's lover could not keep up financially in his lavish spending over her, and startled by the unjust means by which he hoped to acquire wealth, she served as Cicero's informant throughout

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63 BC (Sall. *Cat.* 26.3). Cicero further attempts to strengthen his position by asserting:

Nihil agis, nihil moliris, nihil cogitas quod non ego non modo audiam
sed etiam videam planeque sentiam.

(*In Catilinam* 1.8)

You do nothing, you attempt nothing, you think of nothing that I do
not only hear but also see and understand plainly.

Cicero's *nos* in the previous passage has metamorphosed into the first person singular: *ego . . . videam . . . sentiam* ('I see . . . I understand', 1.8) in this passage.²¹ Later in this speech Cicero uses the word *sciam* ('I know') to reiterate to Catiline the amount of information that he has gathered in connection with the latter's plans (1.24). The purpose behind the use of the first person plural by Cicero is perhaps to gain some authority as he commences his speech since first person singular gives a more personal touch to one's testimony. This passage also juxtaposes Catiline and Cicero as the pursued and the pursuer, respectively. The pursuer knows all the information about the pursued while the pursued is not aware that he is being watched. The change in the person is an egoistic feature of Ciceronian rhetoric that comes to the fore when he is seeking to aggrandise himself. The use of *ego* positions Cicero at the centre of power as a result of his

²¹ For further discussion on the use of *ego* in Cicero's *Cat.* 1 and 2, see Mackendrick 1995: 65.

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responsibility as the main watchman for the state. This thorough policing of someone like Catiline stresses how extensive Cicero's influence is within the context of the Catilinarian discourse.²² The republic's reaction to Catiline's outrages is simulated in *In Catilinam* 1.18 when Cicero employs *prosopopoeia* assuming the *persona* of the heraldic voice of the state and addressing Catiline directly as he personifies the republic with the following speech:

Nunc te patria, quae communis est parens omnium nostrum, odit ac metuit et iam diu nihil te iudicat nisi de parricidio suo cogitare: huius tu neque auctoritatem verebere nec iudicium sequere nec vim pertimesces? Quae tecum, Catilina, sic agit et quodam modo tacita loquitur: 'Nullum iam aliquot annis facinus exstitit nisi per te, nullum flagitium sine te . . .'

(*In Catilinam* 17-18)

Now your country, the foster parent of our larger community, hates you and fears you and has condemned you for scheming nothing else except about how you will terminate its existence. Would you not respect its authority nor follow its verdict nor fear its power?

²² Historically policing is an essential feature of the domain of men. Hearn 1992: 133 states: 'In the policing of crime, one set of men work against, and sometimes with, another set of men'. Although policing is a way of keeping public order, it also serves as a means of exerting and maintaining control over other masculinities.

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Thus it gives you this counsel and in this manner admonishes you silently, 'All these years, there has been no crime without you, and there has been no outrage without you . . . '.

In this passage, Cicero advises Catiline to withdraw from the people's gaze since the whole country now hates him (*Cat.* 1.17). Cicero uses direct speech here in order to give voice to the feeling of the state, of which he is the mouthpiece. This *persona* of the 'voice of the state' that Cicero assumes is an expression of power because it not only stresses Cicero's hegemony but also empowers him as consul to extirpate Catilinarian terrorism from Rome.

Oratorical hegemony seeks not only to maintain the *locus* of power that it holds but also to monitor other forms of (hegemonic) masculinities that threaten its existence. The Catilinarian conspiracy generated a struggle for survival among competing hegemonies and the more masculine form of oratorical hegemony was likely to emerge victorious. Cicero's reference to the state in the above passage enhances his self-definition and lends vibrancy to his performance. In order that Ciceronian hegemony subordinate other masculinities, other respectable institutions of power must be named. This naming is very important because it helps Cicero to maintain his position by subordinating other oratorical masculinities and enhances his authority in the course of delivery. Naming as an oratorical device also helps an oratorical hegemonic masculinity to define its

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locus ('territory'). Territoriality and area of jurisdiction²³ are important factors to consider in Ciceronian oratorical hegemonic masculinity since this masculinity defines its scope of operation and establishes itself as the governing authority within the territory of Rome and her empire.

6.5. HEGEMONIC ORATORICAL PERFORMANCE AND AGGRESSION

The explicit declaration of the possession of power or the mandate to act on behalf of the state is not the only way in which oratorical hegemony asserts itself. The actual exercise of power in a forensic context translates power from a mere theoretical definition to the actual exertion of force. This is exemplified in Cicero's approach in asking Catiline to withdraw into exile. Verbal force in oratorical performance and physical violence are two distinguishable concepts. Ultimately the response of the person to whom the force is directed will determine what kind of violence is elicited by the subject's verbal or non-verbal action. For Cicero the force that affects the human psyche constitutes more of a threat to life than that which only affects the human body. In the *Pro Caecina*, a speech delivered in 69 BC, he clarifies his concept of force:

Etenim, recuperatores, non ea sola vis est quae ad corpus nostrum vitamque pervenit, sed etiam multo maior ea, quae periculo mortis iniecto formidine animum perterritum loco saepe et certo de statu

²³ For the idea of territoriality, see Brown and Levinson 1990: 61-62,

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demovet. Itaque saucii saepe corpore debilitantur, animo tamen non cedunt neque eum relinquunt locum quem statuerint defendere: at alii pelluntur integri; ut non dubium sit quin maior adhibita vis ei sit, cuius animus sit perterritus, quam illi cuius corpus vulneratum sit.

(*Pro Caecina* 42)

Dear arbitrators, force is not only the physical attack that we suffer on our bodies, but also and much greater is the force that threatens a person with the danger of death by undue exposure and psychological instability. Often when the body is weakened and the mind does not cave in, the victim neither abandons his post nor flees his place of defence, while others flee although unhurt. It follows therefore that a greater force has been applied to him who is terrified than to him whose body has been wounded.

Cicero understands how force works and that physical violence is distinguishable from psychic violence, which may also emanate from verbal assault or other means.²⁴ Cicero's concept of violence contained in this passage typifies the kind

Goffman 1967: 1-47.

²⁴ In Chapters 2.2 and 2.6 the kind of oratorical force that the orator can use to lead or gather people together is noted. The centrifugal force, that is, the force that causes someone to flee from a particular location for refuge outside his

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of force that can be applied on the opposition in an oratorical context, which has a much greater effect on one's opposition than the physical violence that is applied through the use of a weapon. His recognition that verbal violence is more potent than physical violence may have propelled him to employ such force in order to attempt to unnerve Catiline and to drive him from Rome. In modern rhetorical terms this is what Winyfred Horner calls the 'subtle appeal to force'.²⁵ Neal Wood terms it 'psychic violence'.²⁶ Jeff Hearn calls it 'verbal, emotional, mental and psychological violence'.²⁷ In regard to this passage, Wood rightly maintains that Cicero considers 'psychic violence a more potent means of control and manipulation than physical violence'.²⁸ Wood further asserts, 'We recognise it as one of the chief traits of the Roman political arena and the stuff of tyranny'.²⁹ Throughout history psychic violence is most prevalent among tyrannical regimes. However, Bertrand Russell argues that violence does not constitute the power that rulers employ to dominate their subjects; rather, he believes that leaders maintain their dominance by appealing directly or indirectly to peace through

natural domain, can also be applied by an orator. In crisis situations hegemonic orators can use this force against someone who is considered to be an enemy.

²⁵ For further discussion on this 'subtle appeal to force', see Horner 1988: 214.

²⁶ For a discussion on violence and *Pro Caecina* 42, see Wood 1988: 187.

²⁷ On different categories of violence see Hearn 1998: 88.

²⁸ Wood 1988: 187.

²⁹ Wood 1988: 187.

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persuasive means.³⁰ The effectiveness of the Catilinarian speeches rests partly on the promise of peace for the Romans, an assurance, however, that lasted only for a short time before.

In the first *Catilinarian* speech, Cicero exhibits the aggressive side of his oratorical hegemony. Cicero is using his power of oratory together with his official mandates, which enhances an ethos befitting a speaker with considerable influence. Cicero displays oratorical aggression not only by pleading and reasoning with Catiline as to why he should leave the country but also by attempting to drive him out of Rome:

Haec si tecum, ut dixi, patria loquatur, nonne impetrare debeat, etiam si vim adhibere non possit? . . . Egrederere ex urbe, Catilina, libera rem publicam metu, in exsilium, si hanc vocem expectas, proficiscere. Quid est? ecquid attendis, ecquid animadvertis horum silentium? Patiuntur, tacent. Quid expectas auctoritatem loquentium, quorum voluntatem tacitorum perspicis?

(*In Catilinam* 1.19-21)

As I have said, if the nation pleads with you, surely, you should listen, even if she cannot apply force? Depart from the city into exile, Catiline, and free the city from fear. If you are waiting to hear

³⁰ On power and violence see Russell 1936: 185.

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a shout, leave! What is it? Don't you get it? Don't you observe the silence of these men? They are in agreement; they are quiet. Why do you wait for their spoken authority when the will of their silence is discernible?

In this passage Cicero tells Catiline to construe the silence of the senate as a command for him to leave Rome. Cicero further makes an explicit mention of the *auctoritas* he possesses to ostracise Catiline:

De te autem, Catilina, cum quiescunt, probant, cum patiuntur, decernunt, cum tacent, clamant, neque hi solum quorum tibi auctoritas est videlicet cara, vita vilissima, sed etiam illi equites Romani, honestissimi atque optimi viri, ceterique fortissimi cives qui circumstant senatum, quorum tu et frequentiam videre et studia perspicere et voces paulo ante exaudire potuisti.

(*In Catilinam* 1.21)

Yours is a special situation; Catiline, when they are mute, they give their consent. When they give their approval, it is a decree. When they are silent, they utter a shout. [I mean] not only these men whose influence you truly care about and whose lives are of no value, but also Roman knights, most loyal and excellent men, and last but not least, the most courageous citizens of Rome who stand around the senate, whose gathering you could see, whose

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enthusiasm you could perceive and whose shout you could hear a short while ago.

Cicero makes the first Catilinarian oration seem like a political deliverance of the republic from Catiline, whom he depicts as a menace to the security of the state. Cicero uses his position as consular orator to manipulate the silence of the senate for persuasive ends. For Cicero the tacit decree of the senate translates into his verbal aggression against Catiline. He explains that he has kept Catiline away from the fury of the senators, but for the moment he would persuade them to accompany Catiline to the city gates (*Cat.* 1.21). Here Cicero demonstrates how manipulative, hegemonic and extensive his oratorical influence is as consul. He leads the observer to think that he has complete sway over both the senate and Catiline himself. It is apparent that Cicero is operating with the full confidence that everybody under his oratorical influence can be persuaded and be made to respond in accordance with his rhetoric. Cicero's stance in the passage is also an indication to Catiline to recognise the former's control of the forensic space and his *l'état c'est moi* position. In addition, Cicero's use of the presence and consent of the senators is designed to strengthen his case. From the above passage the common silence of the members of senate mentioned by Cicero implies that the senate supports him; earlier in this speech, however, Cicero has indicated that some members of the senate disbelieve him (*Cat.* 1.6).

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This kind of manipulation of material to corroborate his argument is another hegemonic move of Cicero against Catiline.³¹

Cicero constructs his own response to the earlier version of his appeal on behalf of the nation (*Cat* 1.30). Cicero claims that he would have killed Catiline if he had an opportunity to so, but since there were still some senators who were blind to the conspiracy, his action would have been considered unnecessarily harsh. Therefore he would prefer that Catiline left Rome:

quorum auctoritate multi non solum improbi verum etiam imperiti, si in hunc animadvertissem, crudeliter et regie factum esse dicerent.

(*In Catilinam* 1.30)

Some senators' influence would affect many, not only the wrongdoers but also the inexperienced. If I had dealt with the situation decisively, they would have complained that I had acted cruelly and tyrannically.

Cicero's concern that some men would not be favourably disposed to his action leads to the use of *paraleipsis* that brings to light Cicero's true intentions. In this

³¹ Asking the senate to vote for Catiline's exclusion would have been another unjust move because that would be very intimidating to some members of senate who would not want to be seen as associating with Catiline. The attitude of the members of senate cited in *Cat.* 1.16 shows how ambivalent the

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excerpt Cicero uses the word *regie*, meaning 'tyrannically', which is an indication of a reigning hegemony. Although he promises to use it sympathetically, the abuse of power that is inherent in hegemony cannot be divorced from its use in the present context.³² For Cicero the veracity of his claims will be proven when Catiline joins his accomplices at Manlius' camp.

As noted earlier, Cicero's notion of force as a means of displacing a person or a group of persons from a particular location is an important weapon that Cicero himself has used to drive Catiline into exile. Cicero applies force as a means of maintaining his ascendancy and a way of eliminating potential rivals and competition in the forensic place. This displacement of Catilinarian (military) masculinity from the city might seem to validate Cicero's idea of force but only up to a point. Through Cicero's speeches against Catiline, it is possible to see that Ciceronian oratorical hegemony is not absolute in all socio-political contexts. While some of these *personae* that Cicero wears are inconsistent with the behaviour that would have been expected of a consul, others probably reflect the feeling of Cicero that he was a victim.

senators were. Their reluctance to act against Catiline could have been due to lingering doubt about some of Cicero's allegations against Catiline.

³² Earl 1969: 59 believes that *regere* ('to rule') connotes some degree of abuse. Cicero's performance in the first *Catilinarian* shows an extreme instance of aggression in an oratorical context. An aggressive performance has the potential of being oppressive.

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6.6. CICERO AS VICTIM

A contrast to the hegemonic position held by Cicero is the depiction of himself, the senate, and the republic as victims of Catiline's outrages (*Cat.* 1.2. 8, 16). In his portrayal as a victim, Cicero employs a rhetorical *topos* (*Rhet. Her.* 2.48) with which he romanticises Catiline's adversarial activities in order to win the sympathy of the senate and to provide justifiable grounds for Catiline's exclusion. The common concern in the Catilinarian episode is the security of the state and its protection against Catiline's onslaught. In *In Catilinam* 1.2, Cicero makes it clear to the senate that the purpose of Catiline's presence in the senate is to mark members of the senate down for murder:

Immo vero etiam in senatum venit, fit publici consili particeps, notat et designat oculis ad caedem unum quemque nostrum.

(*In Catilinam* 1.2)

Indeed, he comes in the senate, he partakes in the deliberations concerning public matters, and he notes and mark down with his eyes those of us whom he intends to assassinate.

This passage locates the enemy within the sphere of political influence and makes the senate look vulnerable.³³ Every member of the senate becomes a potential victim of Catiline's plans; however, the senate itself has been passive

³³ Vasaly 1993: 52 has expressed a similar view.

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about taking possible steps to stem his activities despite their knowledge of him wanting to embark on massive political murder (*Cat.* 1.2). Presumably if members of senate were to feel uneasy about Catiline's presence, they might support his proposal to expel Catiline from Rome. Cicero then recounts a recent activity of Catiline, who came to the house of Marcus Laeca with the plan to execute all the members of the senate (*Cat.* 1.8-10). Cicero tells how Catiline has mapped out the city and has designated which areas to be burned; in addition, he has assigned two Roman knights to assassinate Cicero (1.8-10). Even before the close of the meeting of the Catilinarian conspirators, however, Cicero has heard about the plans and has assigned armed guards to protect his house and before dawn he has briefed some eminent men in the city (*Cat.* 1.10). Cicero's harangue about Catiline's victimisation of the republic reaches its climax when Cicero claims that Catiline made assassination attempts on his life when he was consul-elect and after he became consul (*Cat.* 1.15-16). In Cicero's opinion, Catiline's presence in the state threatens its stability; he should therefore leave and go into exile (*Cat.* 1.10, 1.18, 1.21, 1.22, 1.23). Cicero asserts that he prevented Catiline from becoming consul in the past because he would not want the latter to besiege the republic from inside (1.27).

The foregoing construct of Catiline is that of military masculinity.³⁴ Cicero thinks that Catiline should save his military discipline for the hardship he might encounter in the bush (1.27). Cicero's military construct of Catiline suggests that

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a *coup d'etat* is inevitable. Whether this is a true assertion or whether Cicero is trying to pre-empt such an event is uncertain. The adversarial juxtaposing of Catilinarian and Ciceronian masculinities in this speech typifies the contestation and rivalry that ensue between the military and civilian masculinities in countries where the military is powerful but is involved in factional politics.³⁵ Conflict between military generals and the civilian government often arises during political upheavals.

The subject of victimisation, which Cicero develops most eloquently in this speech, is in no way to portray Cicero as the weakling. Since Cicero believes that the emotion is the seat of power (*De Or.* 1.223), he makes an emotional appeal to the senate in order to win their support. Although the picture of Cicero's consular *persona* shows that he has been partly harassed by Catiline following assassination attempts that have been made on him, it is possible to see that Cicero's performance is strengthened by the *senatus consultum ultimum*.

³⁴ For a discussion on the construct of military (Rambo) masculinity, see Connell 1995: 84.

³⁵ In the modern world the military are regarded as the security arm of the government whose primary duty is to protect the state from external aggression. It is considered an aberration for the military to rule, even though they do. Cicero also believes that the sword should give way to the toga: *cedant arma togae, concedat laurea laudi* ('Let arms give way to the toga and medals of war to the applause, *Off.* 1.22.77). See Chapter 6.8 for the comparison between the civilian general and the military general. Chapter 6.8 gives further insight into the

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6.7. ORATORICAL HEGEMONY AS DIVINE

Religious appeal serves as a powerful factor that motivates the populace to accept oratorical hegemony more easily, which thereby fosters the legitimisation of the orator's authority as divine. Religious sentiments can preclude audiences from being objective and make them vulnerable to accepting impressions uncritically that might be generated in the course of a captivating speech. Since the first speech against Catiline is presented in the temple of Jupiter, Cicero's appeal to religion is strengthened because of the religious sentiments it stirs up in the audience.³⁶ At strategic moments in the first *Catilinarian*, Cicero makes strong references to Jupiter (*Cat.* 1.11, 33). Vasaly, who deals extensively with the notion of religiosity in this speech, asserts: 'Cicero could be sure the these references to the god would call up a number of associations in the minds of his listeners, especially when we note that these references are embedded in a text that makes constant use of metaphors drawn from war and personal combat'.³⁷

psychological tension that exists between the civilian politician and the military general.

³⁶ The importance of space and religious or cultural objects as points of reference cannot be overemphasised in their usefulness to the orator. Vasaly 1994: 40 compares Cicero's situation to the circumstances surrounding Martin Luther King's speech at Gettysburg in August 1963. In the opening of the speech King makes reference to the statue of Abraham Lincoln, who championed the course of abolition of slavery in America.

³⁷ See Vasaly 1994: 51.

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The polemical metaphors invoked by this 'naming' would have created a belligerent *persona* for the orator. Although Vasaly's discussion of this theme remains the most comprehensive treatment so far, she does not examine this theme in relation to Cicero's constructs of himself as Jupiter.

In order to create a religious ambience around the speech Cicero assumes the *persona* of a theologian and political consultant (1.11). He expresses his gratitude to Jupiter for preserving the state from Catiline's attempts to destroy the republic. Cicero compares his personal safety to that of the state and describes how he has defended himself against Catiline's death threats on several occasions. On a personal level Cicero would take adequate measures to protect himself if Catiline should make further threats, but on the state level he would respond by pursuing the conviction and sentencing of Catiline. Cicero claims Catiline's attacks upon him are similar to those that Catiline is making upon on the state (1.11-1.12). The difference is that Catiline threatened Cicero privately whereas the attack on the state is a public event. Cicero remarks:

Non est saepius in uno homine summa salus periclitanda rei publicae. Quam diu mihi consuli designato, Catilina, insidiatus es, non publico me praesidio sed privata diligentia defendi.

(*In Catilinam* 1.11)

The stability of the commonwealth must least frequently be in great danger under the command of just one man. When I was still

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consul-designate, Catiline, you plotted against me, and I defended myself not with the state police but with my foresight.

In this passage Cicero seems wary of incessant attacks on the state by Catiline. One can infer that Cicero's policy is to employ appropriate means in combating his enemies. When Catiline attacked him as consul-elect, he used *privata diligentia* ('personal diligence'), but now that Cicero alleges that Catiline is attacking the state he is employing a different weapon. The *diligentia* used by Cicero to save the state from destruction is the same weapon, however, that he used to save himself from Catiline's recent onslaught (*Cat.* 1.7). Cicero's position and role in respect of the crisis appears to transcend his official designation as consul. He sees himself as assuming some divine role, which he wants to make clear to the audience by his appeal to Jupiter (1.11).³⁸ In his peroration Cicero addresses three categories of audience: first, the senators, secondly, Catiline, and lastly Jupiter (1.31-33). Cicero makes the senators understand the kind of fear that would result from Catiline's assassination, asks Catiline to leave the city, and then prays to Jupiter to execute the deportation of Catiline (1.33).

Cicero's construction of himself as Jupiter's equal in the first *Catilinarian* is not as explicit as in the *exordium* of the second *Catilinarian*, a speech that he presented to the Roman populace. In the opening of the speech the second

³⁸ For more details on the representation of Jupiter in *Cat.* 1, see Vasaly 1993: 51-59.

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Catiliinarian, Cicero assumes the *persona* of a jubilant conqueror (*Cat.* 2.1). The orator opens the second *Catiliinarian* by expressing excitement about his success in the first speech, which he presented to the senate and led to the expulsion of Catiline. Although Cicero's opening is intended to seek the favour of the people, and to neutralise any ill feeling that may have been generated against him as a result of Catiline's exclusion, Cicero uses this occasion to celebrate his victory over Catiline. This victory is not attributed to Jupiter but to himself (*Cat.* 2.1). The Jupiter construct helps Cicero in developing his *persona* of a civilian general (*dux*).

In the first *Catiliinarian*, Cicero claims that the senate has given him the *senatus consultum ultimum* to intervene in the *Catiliinarian* crisis (*Cat.* 1.3). Cicero possesses a representative command because there are other systems of government that are also connected to the solving of the current crisis. Cicero is just the spokesperson. According to him the senate has granted the decree in order to punish Catiline and he promises to be lenient by not considering execution as an option, especially since some of Catiline's associates still remain in Rome (*Cat.* 1.4-5). Cicero's leniency cannot be taken for generosity since his primary aim is to ostracise Catiline and his accomplices; later he will decide how to deal with them once and for all.³⁹ It is clear that the fear of possible social upheaval is leading Cicero to consider ostracism as the first solution. Such a move might result in Catiline's attempt to victimise Cicero and the latter is

³⁹ For Cicero's aggressive use of the senatorial mandate, see Chapter 6.5.

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prepared for any of the former's attacks. The consular *persona* that emerges in this speech is strongly tied to the authority and the senatorial mandate that Cicero has secured prior to the delivery of the speech, which informs the masculinity that is generally projected in it. In his closing remarks Cicero's realisation that the execution of Catiline will not solve the problem at hand is a deliberate attempt to construct a merciful *persona* to convey the impression of a reasonable and cautious consul (*Cat.* 1.32-33).⁴⁰

6.8. ORATORICAL HEGEMONY VERSUS MILITARY *DUX*

Cicero displays rhetorical aggression and verbal violence in his oratorical performances. The H space in which Cicero delivered his first *Catilinarian* necessitated the actual exertion of oratorical force that resulted in Catiline withdrawal into exile.⁴¹ In the second *Catilinarian*, since the orator is operating in the L space as a *politicus*, he finds a polemic construct useful. The central motif in the second *Catilinarian* is Cicero's political role, which is designated as that of a *dux*, and this role is connected to his allusive references to Jupiter in the first

⁴⁰ The question here is whether Cicero could not Cicero have advocated the elimination of Catiline and all his other friends since he knows all of them by name. All he could have done was to bring charges against them of having leanings toward Catiline, which would mean that at least the state could contain their growing influence.

⁴¹ For discussions on the orator's use of force, see Chapter 6.5.

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Catilinarian. In the second *Catilinarian* Cicero assumes the character of the civilian leader and this is in contrast to the actual character of Catiline's military masculinity. As has been discussed above,⁴² Cicero juxtaposes two antagonistic masculinities and presents to the audience a view that the position of a civilian political leader is equal to that of a military general. Cicero's construct of the military *persona* is probably in response to the utterance ascribed to Rome in the first *Catilinarian* (*Cat.* 1.27-29). Cicero uses *prosopopoeia* in the first *Catilinarian* to stress the need for him to respond in a military manner to the threat that Catiline poses to Rome. He maintains that the 'safety of the citizens' (*salutem civium*, 1.28) takes precedence over his personal safety. A move on Cicero's part to undertake war against Catiline may have been precluded by sentiment in the senate that Cicero may have fabricated some of his accusations. Many of the senators were men of distinguished military records who had substantial knowledge about warfare and probably had an insight into the conspiracy.

Cicero's knowledge of the Roman people as having a passion for military victories appears to help him to develop his self-construct of *dux / imperator*. In the opening part of the second *Catilinarian* speech, Cicero celebrates the victory he recently won following his presentation of the first *Catilinarian*. Cicero opens the speech by expressing excitement about his success in the last speech that he delivered in the senate, which led to the expulsion of Catiline (*Cat.* 2.1). Cicero encourages the people to rejoice since Catiline will no longer plot against

⁴² Chapter 6.6.

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them from within Rome and he assures the people that Catiline poses less danger to the stability of the state being outside than inside the republic (*Cat.* 2.1). Cicero believes that since Catiline no longer has the advantage of living within the city, it would be more effective for the people to launch an attack upon him:

Palam iam cum hoste nullo impediante bellum iustum geremus.
Sine dubio perdidimus hominem magnificeque vicimus, cum illum
ex occultis insidiis in apertum latrocinium coniecimus.

(*In Catilinam* 2.1)

We wage a just war openly without any impediment against an enemy. Without a doubt, we have completely vanquished and conquered him with unsurpassed glory. When we ejected him from his hidden ambushments, and threw him into daylight robbery.

Cicero recounts the victory of the state in disarming Catiline, which is now responsible for Catiline's depression (2.2). Cicero then contrasts the secure state of Rome and the exultant attitude of her citizens to the agony and despair felt by Catiline over his defeat.

The ascription of the name *hostis* ('enemy') to Catiline is part of Cicero's ploy to incite the people to war early in the second *Catilinarian* (2.1). In fact, this is a declaration of war. Cicero must have found it to be an effective method of maintaining his oratorical hegemony by presenting the second *Catilinarian* before

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the *contio* ('popular assembly'). In the course of his presentation, Cicero not only defends his previous action of sending Catiline into exile but also prepares the people for war. Cicero's primary goal is to win the support of the people and to constitute them as his own army. Cicero probably anticipates resistance from the people in response to Catiline's expulsion when he justifies his action in driving Catiline out of Rome by maintaining that the people could no longer condone his continued existence in Rome (*Cat.* 2.3).

Cicero could have moved for the elimination of Catiline before events deteriorated to the extent that they would necessitate public attention. He states that although eliminating Catiline from civil society is overdue, the recent crisis did not justify his execution. This rationale for the delay and his reluctance to kill Catiline is twofold: first, there are some eminent figures in Rome who would not have seen the reason for Catiline's execution, and secondly, the people themselves are not unanimous about getting rid of him (*Cat.* 2.4). Cicero's ploy in this situation is to suggest that he has the favour of the citizens and to try to motivate them to fight Catiline themselves. Since Catiline's men still remain in Rome, there is a need for Cicero to constitute his own army (2.4). Cicero volunteers to assume the role of the general that the people's army needs.

Cicero deems it fit to describe the different character types that comprise Catiline's men and these definitions consist of non-Roman masculinities. Cicero contemptuously describes the kinds of people that Catiline has recruited into his army. These men are morally bankrupt, are either vulgar or effeminate, and pose a threat to the stability of the state although they know that Cicero is aware of

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their plans (*Cat.* 2.5-7). In Cicero's view these men have every reason to desire a change of government because of their social and financial circumstances.

According to Cicero's categorisation, the first class consists of Romans who are wealthy but have financial debts and depraved passions (*Cat.* 2.18). This class of people does not pose much threat to the state since they can be persuaded to be reasonable in their actions and would not employ military weapons against the state (*Cat.* 2.18). The second category consists of those who are hard-pressed with debts but have high political ambitions, which they intend to achieve by driving the republic into turmoil (*Cat.* 2.19). Cicero for his part is ready to fight them as the defender of the state (*primum omnium me ipsum vigilare, adesse, providere rei publicae*, 'first, I am vigilant, I am present and I look after the interest of the republic', *Cat.* 2. 19). Cicero is counting on the support of some honest citizens who possess great courage and who have large military forces to counter enemy's forces (2.19).

The third class of Catiline's men consists of old but vigorous settlers in Sulla's colonies who are in debt (*Cat.* 2.19). They are potentially dangerous and Cicero warns them to abandon their plans not to repeat their criminal acts that they freely engaged in during the Sullan regime (*Cat.* 2.20). The fourth group consists of the unruly who are debt ridden (*Cat.* 2.21). Although they are coming together for a malicious intent, they do not post much threat to the nation (2.21). The fifth class involve criminals who desire to perish along with others (*Cat.* 2.22). The last class is the lowest in age, rank, morals and endurance (2.22). Cicero asserts that they lack self-control, sexual restraint and that they are too

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feeble to survive the winter without their wives (2.22).⁴³ Catiline's force clearly consists of all classes of men in the Roman republic and Cicero's portrayal suggests that they are capable of executing a major revolution successfully.

Cicero's view of each of the above masculine categories differs in the kinds of methods they can employ to attack the republic. The first category consists of men who have economic problems, which can be solved through economic solutions and Cicero is prepared to offer that solution. These men clearly have self-respect because of their social standing; even though Cicero claims that they have political ambition, they will tread cautiously (*Cat.* 2.18). According to Cicero, their situation is typical of a political masculinity in Rome that enters into massive debts in order to maintain a high political profile (cf. *Cic. Sull.* 56). One can suggest, however, that this category does not pose so much of a threat to Cicero because they are practising politicians, not military men, and they do not possess the means to raise independent armies. Subsequent categories consisted of ambitious military men and hoodlums who were excited about political change, but their reason for participating in the disturbance was to invent a means of servicing and repaying their debts. These stereotypes are a reflection of the social composition of the republic and it is not impossible that

⁴³ A similar description of Catiline's men appears in *Cael.* 10-12, where Cicero presents Catiline as an enigma and a person who has antithetical character traits. Cicero thus constructs Catiline as a person whose character appeals to men in all categories in society.

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some members of the audience actually identified with each or some of these categories.

Cicero's analysis of Catiline's men is designed to arouse the anger of the audience against them and to win the support of the assembly. The configuration of battle formation that would emerge after a successful delivery of the second *Catilinarian* would be Romans versus a group of de-Romanised citizens.⁴⁴ The description of the last group in particular shows that some of them were men who dressed and behaved like women in erotic terms (*amare et amari*, 'they love and they are loved') and were naturally reckless (*Cat.* 2.23), which would have meant that they were not to be considered to be real men in the first century BC Roman context.⁴⁵ Cicero's primary purpose for delivering the second *Catilinarian* was to turn the audience against Catiline and to enlist its support in his 'military' struggle against the conspiracy.

In order that Cicero might arouse the audience's militaristic instincts, Cicero constructs a different *dux persona* for himself against the *hostis* ('enemy') (*Cat.* 2.1, 2.11). According to Cicero, war is at hand already, but the future is

⁴⁴ Discussions on these categories of Catiline's supporters already occur in Waters 1970: 203-208, Rawson 1975: 76, Williams 1999: 149-150. Mackendrick 1995: 73 believes Cicero's categories are ironic. Due to Cicero's numerous allegations levelled against Catiline, Waters 1970: 208 believes that Cicero is 'guilty of fabrication on an impressive scale'.

⁴⁵ Williams 1999: 150 suggests that this attack upon Catiline's men is based on their dependence upon women even in war situations. For paradigms of effeminacy see Gleason 1994: 74-76, Walters 1998: 40-41.

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promising since Rome has already started winning victories following the shameful expulsion of Catiline. Cicero does foresee the end of Catiline during his consulship (2.11). He identifies the qualities of the enemy against whom the state has to wage war:

Cum luxuria nobis, cum amentia, cum scelere certandum est.

(In Catilinam 2.11)

We must wage this war against indulgence, madness and wickedness.

Cicero offers himself as the leader in waging this war:

Huic ego me bello ducem profiteor, Quirites; suscipio inimicitias hominum perditorum; quae sanari poterunt quacumque ratione sanabo, quae resecanda erunt non patiar ad perniciem civitatis manere. Proinde aut exeant aut quiescant aut, si et in urbe et in eadem mente permanent, ea quae merentur exspectent.

(In Catilinam 2.11)

I declare myself the general in this war, Roman citizens, I accept the hatred of these sons of perdition. What things can be mended, that I shall do within reason. What can be cut back, I will not allow them to remain for the destruction of the citizenry. Henceforth, let them either leave or be quiet, or if they choose to remain either in

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the city or in the same mind with the same mind frame, they should expect whatever they deserve.

In this passage Cicero assumes the *persona* of *dux* ('general'). The military dimension that Cicero applies here shows the overlap in the character of the orator and that of the military general. Cicero's use of *dux* is an indication of the role that he has adopted in opposing the Catilinarian conspiracy. The image of the orator as a *dux* would have had military overtones for the audience. The reader should not interpret Cicero's construction of a *dux persona* to be associated with a physical confrontation between Cicero and Catiline. This war for Cicero was psychological and metaphorical. Within the context of the Catilinarian conspiracy, the preparation of both the orator and his audience for this war would only translate to an actual physical or military confrontation if Catiline's men were to insist on remaining much longer in the city. Later in *In Catilinam* 4.22, Cicero differentiates between military warfare and civil strife. For a civilian general his battle continues for as long as his opposition is still alive. A military portrait of self would have been valuable for Cicero, especially in his capacity as *politicus*, in order to gain the full attention of the audience, since he lacked military experience.⁴⁶

In *In Catilinam* 2.24 Cicero attempts to marshal his civilian 'troops' into battle against Catiline's army by employing military rhetoric and he issues

⁴⁶ On Cicero's militaristic tendencies see Chapter 6.9.1.

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commands that will incite them to take up arms. This 'orator-general' then instructs the citizens on what steps to take in fighting the common enemy. Cicero wants the people to meet Catiline force for force:

Instruite nunc, Quirites, contra has tam praeclaras Catilinae copias vestra praesidia vestrosque exercitus. Et primum gladiator illi confecto et saucio consules imperatoresque vestros opponite; deinde contra illam naufragorum eiectam ac debilitatam manum florem totius Italiae ac robur educite.

(In Catilinam 2.24)

Draw up, citizens, your garrison and your forces against these renowned forces of Catiline. And first, oppose your consuls and generals, resist this gladiator, then lead out the pride and the strength of Italy against the condemned and hopeless group of men.

Cicero's employment of the imperatives *instruite*, *opponite* and *educite* ('draw up, oppose and lead out') demonstrates not only his preparedness to assume his 'military-general' role but also his readiness for the war against Catiline's men. He continues to motivate the people by stressing to them how much better equipped they are than Catiline's troops (*Cat.* 3.24-25). Cicero then constructs himself as a careful commander (*Cat.* 2.24-25). On the one hand he urges the people to follow his instructions strictly, while on the other hand he warns the

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remnants of Catiline's men that appropriate action will be taken against them if they attempt to destroy the city (*Cat.* 2.25, 2.27). He urges the people to protect their homes while he protects the city (2.26). Finally, Cicero promises to deter gladiators who might wish to join forces with Catiline (*Cat.* 2.27).

Cicero's prominent *persona* in the second *Catilinarian* is his construct of 'self' as *dux*. It is noticeable that Cicero often constructs himself as a general in the senate. The military *status quo* of the senate would have challenged this kind of elaborate military rhetoric since most of the members of the senate were men with impressive military profiles. As noted already, he makes a subtle appeal to force only in his first speech (*Cat.* 1, 27-29), but before the people he develops the theme so eloquently that a careless listener might mistake him for a 'real' general. Cicero capitalises on his position as a *politicus* whose primary purpose is to secure the support of the mob.

Cicero does not often employ military appeals in *In Catilinam* 3 and 4. In *In Catilinam* 3.23 and 4.21, he locates himself alongside great generals presumably in an attempt to secure the immortalisation of his name in the minds of the audience (cf. *De Or.* 1.7) since in *In Catilinam* 3.23 he explicitly pleads with the masses to immortalise his name and deeds. Cicero suggests that he does not want tangible honours in exchange for all he has done for the republic but rather that the people should keep the memory of the events. In *In Catilinam* 3.23 Cicero juxtaposes his deeds with those of Pompey. Here again he uses military terminology to suggest that he has the military experience that he actually does not possess. Cicero rates himself alongside military generals who have either

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saved or expanded Rome's territories (*Cat.* 4.21). Cicero believes that his name will be praised as much as those of Roman generals of renown in the annals of history. The main dilemma of a civilian *dux* such as Cicero is that he subsequently lives in the same socio-political environment with those whom he has conquered, a context that is different from that of a military general (*Cat.* 3.27-28). Because of this the civilian general is vulnerable to being victimised by his political rivals. This situation leads Cicero to ask the people to protect him during times of political upheaval (*Cat.* 3.27). One can observe that Cicero believes that a downturn in his political career is imminent (*Cat.* 3.28-29). The main point in terms of this section is that Cicero has drawn a connection between political and military forms of leadership and presents them as two of a kind but with two different value systems. Cicero has demonstrated that oratorical hegemonic masculinity can sometimes successfully role-play military hegemonic masculinity with its use of appeal to force.

Cicero does not have much regard for military generals, since they engage in much bitterness in shedding innocent blood (*Off.* 1.38), except for Pompey, whom he admires greatly (*Cat.* 4.21).⁴⁷ Cicero's maxim *cedant arma togae* ('let weapons give way to the toga', *Pis.* 72, 73, *Phil.* 2.20, *Off.* 1.77, *Car. Frag.* 11.1, *Sull.* 7) indicates how much he is sceptical about the civilian role military generals, and he believes that they must give civilian politicians room to manage

⁴⁷ For a discussion on the relationship between Cicero and Pompey see Chapter 2.7, Scullard 1965: 1-25, Seager 1979: 56-113.

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the affairs of the republic. He also believes that people generally esteem military generals above civilians because of the laurels they acquire from warfare (*De Or.* 1.33-34). One can surmise that he is trying to produce and promote a hegemonic discourse that will survive the memory of him and his opposition. Ciceronian hegemonic discourse is further reiterated in the sense that the Ciceronian *corpus* is the largest source of information for most of the figures with whom he interacted in the first century BC and it is Cicero's voice only that we hear and not those of his adversaries. The military hegemonic masculinity that he ascribes to himself may have emanated from a fear that his achievements might be obliterated from memory and that his fame would wane immediately after he left office as consul or if he were to be assassinated.

6.9. ORATORICAL HEGEMONY AND FEAR:

THE DYNAMICS OF CICERONIAN MASCULINITY

So far in this chapter I have discussed elements of Cicero's rhetorical self-fashioning during periods of political turmoil and the rhetorical strategies that he employs to maintain his political authority as consul. I have also shown how Cicero assumes different masks in his attempts to maintain his oratorical hegemony. Although Cicero enacts performances of hegemonic masculinity in his speeches against Catiline, some underlying fears are detectable. In this thesis I have mentioned some of the fears that are evident in his earlier speeches in which he attempts to establish his oratorical hegemony in different

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contexts.⁴⁸ In this section my contention is that Cicero's expression of fear in the speeches dealing with the Catilinarian conspiracy is genuine.

The entire Catilinarian episode, in fact, was based upon fear. I will first discuss the fears that are apparent in the third and fourth *Catilinarians* and then examine his letters of around 63 BC) to help ascertain and possibly to reconstruct part of Cicero's 'real person' in his mature years. The present writer admits that the representations of Cicero in both his speeches and letters are deliberate constructs of different *personae* for both the private and the public spheres. However, these public and private constructs enhance our understanding of the 'imagined' Cicero in the public and private spheres, and a two-dimensional application of these *personae* will help to reconstruct the Ciceronian character. The private space represents an L space in Waters' Masculine Gender Systems, and the kind of discourse that is produced there is expected to contain less performance and distance from the real self than that which is presented in an H space.⁴⁹

The major shortfall of the Ciceronian oratorical masculinity is that it lacks the real military experience and attributes with which to subdue the kind of

⁴⁸ For discussions on Cicero's expression of fear in his early speeches, see Chapter 3.3 and Chapter 4.4.

⁴⁹ In a review of Shackleton-Bailey's (1999) translation of Cicero's letters, Stem 1999 remarks upon the loss of artificiality in Cicero's private letters, which afford us insight into to the personal and intellectual life of Cicero. On these division of space see Chapter 6.2.

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opposition that Catilinarian masculinity poses. As observed earlier, Cicero and Catiline represent almost equal hegemonies but they are of a different type.⁵⁰ Catiline represents a type of military hegemonic masculinity, whereas Cicero exemplifies an oratorical hegemonic masculinity.

When Catiline was becoming a threat to Cicero's consular hegemony during the period around 63 BC, Cicero promptly reacted by making political moves to curtail the former's growing influence. Cicero as consul had a legitimate reason to be concerned about Catiline's activities and political instability. Although Cicero seems to have made the right move against Catiline, he may have acted too soon and without sufficient evidence to prosecute him.⁵¹ Since Cicero had not been properly informed about Catiline's itinerary on the occasion of the first *Catilinarian*, Catiline's presence must have upset Cicero. The best thing in Cicero's view was to advocate Catiline's exclusion and to attempt to make him an object of public scorn. Since he was aware of the scepticism of some members of the senate and citizenry about his claims against Catiline in the first *Catilinarian* oration, he decided to address the *contio* ('general assembly') for his second *Catilinarian*.

It is possible to argue that Cicero's portrayal of himself as victim in the first two *Catilinarians* is overstated and designed mainly to win the favour of the

⁵⁰ See Chapter 6.3.

⁵¹ Smith 1966: 111.

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audience.⁵² At the time, however, when Cicero presented the third *Catilinarian*, the political situation had deteriorated to the extent that Cicero's fears are quite apparent in his speeches. Cicero had obtained some evidence against Catiline but it was not compelling enough for the case he was trying to prove. In anticipation that his moves might anger some members of senate, especially the conservatives, Cicero decided to address the public in his third *Catilinarian*.

6.9.1. Ciceronian Fears: The Private *Persona* in The Public Sphere

Cicero opens the third *Catilinarian* by acknowledging the intervention of the gods in saving and preserving the republic from destruction through Catiline (3.1). This opening is a dramatic departure from his previous approaches to proem composition in the first and second *Catilinarians*, where he wears a rather aggressive mask in his delivery against Catiline. In the *exordia* of the first and second *Catilinarians* Cicero projects a masculinity that confronts dangers head-on (*Cat.* 1.1, 2.1). At the outset of the third speech, Cicero remarks that the survival of the republic is due to the love of the gods for the citizens, his own plans, and the dangers he has endured:

hoc domicilium clarissimi imperi, fortunatissimam pulcherrimamque
urbem, hodierno die deorum immortalium summo erga vos amore,

⁵² On Cicero as a victim see Chapter 6.6.

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laboribus, consiliis, periculis meis e flamma atque ferro ac paene ex
faucibus fati ereptam et vobis conservatam ac restitutam videtis

(In Catilinam 3.1)

You see the abode of the most splendid city, most fortunate and most beautiful, today is a day of divine intervention, when the city has been delivered from arson and destruction and almost total devastation and preserved and restored to you with the greatest love ever, through my labour, resourcefulness and the dangers that I have encountered.

The shift from the use of verbal aggression (*Cat.* 1.1) and triumphal rhetoric (*Cat.* 2.1) to an expression of thanksgiving to the gods suggests a decline in Cicero's emotional state. This decline reflects the intensity of the crisis that has been generated by recent political developments. He recalls that in the past few weeks since Catiline has left the city he has been watching the latter's secret plots and he has been devising means of preventing them from being carried out (*Cat.* 3.3). Cicero seems to have overcome the embarrassment that he has been experiencing after he has admitted that he drove out Catiline from the city:

Nam tum cum ex urbe Catilinam eiciebam—non enim iam vereor
huius verbi invidiam, cum illa magis sit timenda, quod vivus exierit.

(In Catilinam 3.3)

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Then when I kicked Catiline out of the city, for I did not fear already the odium of this statement, although it is more to be feared that he left this city alive.

Four weeks earlier Cicero persuaded the senate that Catiline's exclusion would liberate the senate from the menace of Catiline's seditious activities (*Cat.* 1); however, he refused to admit that he was solely responsible for the expulsion of Catiline (*Cat.* 2.1). This current admission anticipates the method that he will employ in advancing his propositions and pleas in the third *Catilinarian*, in which he expresses some of his personal anxieties and fears in the forensic space. Cicero suggests in this passage that a dead Catiline is better than the ostracised one (3.3). The political situation has been worsened by the fact that some of Catiline's men still remain in the city (*Cat.* 3.4). Cicero admits that he is more afraid of Catiline alive than dead.⁵³ The passage reveals the danger in opposing military masculinity with oratorical masculinity. It appears that Cicero is anticipating an unfavourable reaction from the conservatives as result of his plan to execute Catiline and his men.

⁵³ This is contrary to what he expressed in the first *Catilinarian*, in which he argues vehemently that Catiline should be expelled from the city (see Chapter 6.5); in the second *Catilinarian* he celebrates his victory in ostracising Catiline. Now Cicero is afraid that he might lose his position as consul because of the danger that looms in regard to what Catiline might do.

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Catiline's fellow conspirators Publius Lentulus, Lucius Cassius and Gaius Cethegus did not constitute the same danger to the state that Catiline did in 63 BC. According to Cicero, the only reason for fear would be if Catiline were to still remain in the city. Catilinarian military masculinity would pose a major threat to Ciceronian oratorical (hegemonic) masculinity if they were to exist within the same space. It is possible that in such a situation Catilinarian hegemonic masculinity might displace Ciceronian hegemonic masculinity. It is possible that Catiline's intention actually was to stage a coup (cf. Sall. *Cat.* 22, Asc. *Tog.* 82). An imminent *coup d'état* is Cicero's concern when he reveals his fearful *persona* and paints a picture of the determination of the Catilinarians to destroy the state (*Cat.* 3.25). Quest for power, the orator says, is the reason for previous coups, not the destruction of the state; however, there would be nobody to be governed if Catiline and his co-conspirators were to destroy the state (3.25). The previous wars in the state only arose out of desire to rule and were not intended to destroy Rome and her citizens (3.25). Cicero constructs a role for himself in which he not only opposes the coup but is the saviour of the state (*Cat.* 3.25).

Cicero shifts between different *personae* before reaching the climax of his speech. Although the senate has voted a *supplicatio* (*Cat.* 3.15) and declared a day of thanksgiving in his honour (3.23), Cicero asks for a gift of immortality (3.26). Cicero does not want any physical honours in exchange for all he has achieved for the state, but desires a memorial of all his deeds in the hearts and minds of the people. Cicero seems to be nostalgic about his hegemonic position in the state (3.27). At the end of the third *Catilinarian* he states:

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Illud perficiam profecto, Quirites, ut ea quae gessi in consulatu privatus tuear atque omem, ut, si qua est invidia in conservanda re publica suscepta, laedat invidios, mihi valeat ad gloriam. Denique ita me in re publica tractabo ut meminerim semper quae gesserim, curemque ut ea virtute, non casu gesta esse videantur.

(*In Catilinam* 3.29)

Definitely, citizens, I will make sure that I protect and garnish my achievements during this consulship for posterity, so that if I have incurred any hatred on account of my achievements for the republic, then that would be an object of harm to my detractors, while it will strengthen my path to glory. I will comport myself in the republic in such a way that I will be remembered for the things that I achieved, and my success will be seen to have been the result of excellence and not sheer chance.

As Arendt has argued, the classical forensic space is an arena for presenting contestatory speeches and for seeking immortality.⁵⁴ Immortality is a precondition for pursuing a public life of *cursus honorum* ('path of honour'). The fear that any usurpation of his power might jeopardise his chances of immortality leads Cicero to make a special request to the people that they cherish and convey the

⁵⁴ Arendt 1958: 17-21.

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memories of his deeds to posterity. Cicero's request for immortality is to institute a perpetual hegemony throughout the ages in which people would appreciate his achievement.

The theme of fear is apparent in the fourth *Catilinarian*. On 5 December 63 BC Cicero secured the support of the senate to punish the key members of the Catilinarian conspiracy who had been arrested. In such a situation Cicero would have needed protection. Cicero seems to support capital punishment for the members of the conspiracy (4.7). Gaius Julius Caesar does not because the conspirators are citizens of Rome (4.7).

In the fourth *Catilinarian* Cicero proceeds to push for the death penalty. He opens this speech by acknowledging the concern that the senators have for the state in general, especially for himself; but says that he would rather they gave more thought to their own safety and that of their children (*Cat.* 4.1). Cicero maintains that if the safety of the state were to be ensured, he would gladly endure whatever bitterness that might be held against him in his position as consul (4.1). He asserts:

mihi si haec condicio consulatus data est ut omnis acerbitates,
omnis dolores cruciatusque perferrem, feram non solum fortiter
verum etiam libenter, dum modo meis laboribus vobis populoque
Romano dignitas salusque pariatur

(*In Catilinam* 4.1)

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If the consulship was accorded to me on condition that I should bear all the misery, pain and agony, I shall bear it courageously and willingly provided that through my labours the dignity and the safety are procured for you and the Roman people.

Following this expression of the suffering that he is willing to endure in his service to the state, Cicero singles himself out as a victim by virtue of his position as consul:

Ego sum ille consul, patres conscripti, cui non forum in quo omnis, aequitas continetur, non campus consularibus auspiciis consecratus, non curia, summum auxilium omnium gentium, non domus, commune perugium, non lectus ad quietem datus, non denique haec sella curulis, sedes honoris, umquam vacua mortis periculo atque insidiis fuit.

(In Catilinam 4.2)

Senators, I am that consul who has never been free from the danger of death or plots either in the forum, the designated place of equitable practice, or in the campus, a place consecrated for the auspices of the consuls, or the senate-house, the pinnacle of help for all nations, or my house, the commonwealth's ideal place for safety, not even my bed, which I have obtained for rest.

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This passage gives a clear idea about the desperate situation of insecurity in which Cicero has found himself in the Catilinarian crisis. This may be an exaggeration intended to move the senate to some sympathy and to vote in his favour. The statement *non sedes honoris, umquam vacua mortis periculo atque insidiis fuit* ('this seat of honour has never been free from plots and the risk of death', *Cat.* 4.2) is employed to convey his fears about the places he could previously access but which have become inaccessible to him because of the danger to his life⁵⁵. This paralysis of movement is an example of what Jamieson calls political immobilisation⁵⁶ and can be applied to the inability of the orator to access public places freely. This kind of political immobilisation has a crippling effect upon oratorical hegemonic masculinity. Since the primary hallmarks of oratorical masculinity are self-presentation and frequent public appearances, this political immobilisation results in oratorical hegemony losing its sway over other masculinities.⁵⁷ The main reason for frequent public appearances is that hegemonic masculinity always wants to exercise its dominance and if it is

⁵⁵ Cicero's expression of fear of death and insecurity is symptomatic of what modern psychiatry calls *agoraphobia*. For discussions on agoraphobia, including fear exuded in both public and the private spheres, see Chambless and Goldstein 1981, Mathews, Gelder and Johnston 1981.

⁵⁶ Immobilisation is a term used for orators when they are unable to manipulate the audience or to respond adequately to the opposition in a rhetorical contest. On immobilisation see Jamieson 1988: 35.

⁵⁷ Discussions on notions of presence and hegemonic attitude occur in Chapter 2.6.

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immobilised for a long time a new hegemonic masculinity may dislocate or completely replace it. This may have been Cicero's major concern in wanting to make the move to eliminate every element of threat that Catilinarian masculinity poses.

Cicero finds a reason to take pride in his predicament, however, when he suggests that the salvation of Rome is the cause of his suffering. He compares himself with Publius Lentulus:

Etenim si P. Lentulus suum nomen inductus a vatibus fatale ad
perniciem rei publicae fore putavit, cur ego non laeter meum
consulatum ad salutem populi Romani prope fatalem exstitisse?

(In Catilinam 4.2)

If Publius Lentulus was made to believe by the augurs that his name would be fatal for the destruction of the republic, why should I not be full of joy that my consulship had been instituted by fate for the salvation of the Roman people?

Cicero attempts to show to the reader that he has every reason not to be extremely depressed about the occasion. He may have used the salvation of Rome to compensate for his fears about his life and the position he stands to lose.

Cicero's concern for his personal life and position gave rise to the delivery of the fourth *Catilinarian*. Cicero's name-dropping is designed to blacken Publius

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Lentulus, one of the conspirators who has been arrested.⁵⁸ One of Lentulus' ancestors of the same name had been *senatus princeps* ('chief senator') in 122 BC when he resisted Gaius Gracchus in a riot that led to the latter's death. Publius Lentulus and his ancestor suggest opposing masculinities. The old Lentulus worked for the preservation of the state, while Publius Lentulus allegedly works for the destruction of the state. The political character of Publius Lentulus is compared with Ciceronian oratorical masculinity: while one is destined to destroy the state, the other is destined to save it.

Cicero expresses fear for the safety of his family in the fourth *Catilinarian* oration. He urges the state to exercise *prospicientia* ('foresight') (*Cat.* 4.3). The major concern is not about the families of members of senate but about the family of Cicero. Before the senate Cicero mentions each member of his family present by name. Cicero's private *persona* here comes to the fore. Although it is difficult to ascertain Cicero's true feelings, this reference to his family appears to be a genuine plea for its protection. If this is indeed the case, then Cicero for once is removing his oratorical mask in the public place to express genuine concern about the fate of his family. This private *persona* adds another dimension to the oratorical hegemonic masculinity of Cicero. His letters reveal his concern and affection for his family and friends. There is a blend of bravery, aggression and humanity in Cicero's type of oratorical hegemonic masculinity.

⁵⁸ For a discussion of the role of Publius Lentulus in the Catilinarian conspiracy, see March 1989: 225-234.

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In *In Catilinam* 4.19 Cicero portrays himself as a model consul who has survived many plots and whose voice must be heard. Cicero calls upon the senate to face up to its task:

Atque haec, non ut vos qui mihi studio paene praecurritis excitarem, locutus sum, sed ut mea vox quae debet esse in re publica princeps officio functa consulari videretur.

(*In Catilinam* 4.19)

I told myself not to incite you to action because your zeal exceeds mine considerably. Since I should take the lead in decision-making processes in the republic, let me then assume my office as an able consul.

Here Cicero assumes the *persona* of a consul. In this passage one can see the hegemonic reality within which Cicero locates himself even though he gives the appearance of being modest in his talk. The role of Ciceronian hegemonic masculinity is to gain political ascendancy and to dominate other masculinities.

In the third and fourth *Catilinarians* Cicero's position is in jeopardy and he moves between the public and private *personae* of his masculinity. Cicero expresses some fear in the public place in the Catilinarian crisis, which I have maintained is genuine. This is apparent in some of his private letters in which he exhibits hegemonic masculinity, then shows fear and dependency upon other people for the maintenance of this masculinity.

6.10. A PEEP INTO CICERO'S PRIVATE PERSONA

The fears that Cicero expresses in the third and the fourth *Catilinarians* are most likely genuine or they are closer to the private *persona* of Cicero than to the public *persona* that he assumes in these speeches. An examination of Cicero's letters reveals that the same kinds of fear pervade Cicero's letters written after 63 BC. Although Cicero's letters can be seen as a construct of his private self, they reveal a more personal and relaxed attitude than is characteristic of his public self.⁵⁹ Although Cicero may have edited the parts that he did not want readers to access, the letters that remain can be used to reconstruct the Cicero of later years. Through this letters one can understand his form of hegemonic masculinity, which is not limited by public/private boundaries. The focus of attention will not simply be on his fears and concern about his waning political influence but also on moments when he makes progress in his public career. The letters selected for this examination were written around the time of his consulship.

⁵⁹ In a letter written by Quintus (Cicero's brother) he says, *te totum in litteris vidi* ('I saw you completely in your letter', *Ad Fam.* 16.16.2). Carcopino 1951: 2, 4 maintains that Cicero's letters are the most complete and vital expression of self and remarks (Carcopino 1951: 2): 'From beginning to end the *Letters* arouse and sustain an interest worthy of the great drama whose incidents they record. There are no secrets schemes which they do not reveal to us, no dark and complex souls which they fail to interpret, no *dramatis personae* whom they do not endow with the colour and movement of real life.'

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Cicero's political life was full of excitement and he shows confidence in his letters that he would achieve success in his political engagements. Cicero desired to obtain the ultimate magistracy, but aspiring to and attaining the consulship involved rivalry, which was a test of his political skills. His letter of July 65 BC to Atticus reflects the hope and anxiety that he has about the imminent political elections. In this letter Cicero is concerned about whether he will win and expresses confidence in auspicious events that portend victory for him. Cicero discusses his rival's ineptitude in campaigning and how when the news of his flaws spreads it would mean that he had more supporters on his side (Cic. *Att.* 1.1). Cicero is pleased since his rival's plea for support has met with a negative response (*Att.* 1.1). The only threat to Cicero in 65 BC was Lucius Caesar, with whom he would not want to enter into any form of competition. He considered Caesar *firmior candidatus* ('a stronger political rival', *Att.* 1.1).

Cicero's reference to Lucius Caesar as a stiffer political rival shows that Cicero has certain parameters that he uses to measure his political strength. He is already seeking a way to establish his type of oratorical hegemony and is sensitive to those individuals who are stronger and weaker politically than himself. In his own judgement Cicero's aptitude for political engagements makes him a better political rival than Publius Galba (*Att.* 1.1). Ciceronian masculinity in the private space seems to involve self-scrutiny and foresight. In another letter of 65 BC, Cicero is thinking of defending Catiline in litigation; success in this suit would favour his election and that of Catiline. He maintains that if the defence did

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not go well he would bear it philosophically (*Att.* 1.2).⁶⁰ Cicero reveals a personality that is concerned to exploit every opportunity that he has to further his political ambition.

In the intervening time after this letter was written, Cicero busied himself with advocacy and building his political career until he became consul in 63 BC. In a letter to Atticus of 13 February 61 BC, Cicero gives the picture of someone who masterminds events and consciously manipulates the construction of his public image and reputation. Cicero writes:

Proximus Pompeio sedebam. Intellexi hominem moveri, utrum Crassum inire eam gratiam quam ipse praetermisisset, an esse tanta res nostras, quae tam libenti senatu laudarentur, ab eo praesertim, qui mihi laudem illam eo minus deberet quod meis omnibus litteris in Pompeiana laude perstrictus esset.

(Ad Atticum 1.14.3).

I was sitting very close to Pompey and I noticed that the man was moved either because Crassus was beginning to give me the credit which he himself had omitted or because he recognised how great my achievements were, which were commended so freely in the senate especially by a man who had had no reason to offer such a

⁶⁰ Carcopino 1951: 194 sees no reason why Cicero should consider defending Catiline. Because of conflicting evidence it is not clear if Cicero actually defended Catiline.

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citation since he had been highly censored in all my books in my praise of Pompey.

Crassus' laudation seems to have had a considerable effect upon Cicero in the above passage. Cicero appears to be very conscious of his public image:

Me vero teste producto credo te acclamatione Clodi advocatorum audisse quae consurrectio iudicium facta sit, ut me circumsteterint, ut aperte iugula sua pro meo capite P. Clodio ostentarint. Quae mihi res multo honorificentior visa est quam aut illa, cum iurare tui cives Xenocratem testimonium dicentem prohibuerunt, aut tabulas Metelli Numidici, cum eae, ut mos est, circumferrentur, nostri iudices aspicere noluerunt. Multo haec, inquam, nostra res maior. Itaque iudicium vocibus, cum ego sic ab iis ut salus patriae defenderer, fractus reus et una patroni omnes conciderunt, ad me autem eadem frequentia postridie convenit, quacum abiens consulatu sum domum reductus

(*Ad Atticum* 1.16.4)

Indeed, when I was brought forward as a witness, I believe you've heard what happened when I stepped out to give evidence. Clodius' men made an uproar and the judges stood up in unison as they surrounded me; they literally offered their lives for mine to Clodius. This strikes me as a much greater honour than when Athenian

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citizens did not require Xenocrates to take an oath when he gave evidence or when they were taken around to examine Metellus Numidicus' accounts, as is the norm. I say this is by far a greater event. Therefore when they heard the judges shouting in my favour as though proclaiming me the saviour of Rome, all of them, the accused and counsel, collapsed as though shattered. On the next morning a crowd gathered at my house as large as the one that followed me home on the day I stopped being consul.

The above letter, written in June 61 BC, shows how Cicero feels about his achievements. He compares himself with some other great men by relating how they have been honoured and boasts that his honours are greater. He presents himself as a man loved, respected and highly esteemed above these political figures. In another letter of 5 December 61 BC Cicero compares himself with Atticus:

. . . quod me ambitio quaedam ad honorum studium, te autem alia minime reprehenda ratio ad honestum otium duxit

(Ad Atticum 1.17.5)

. . . since ambition led me [Cicero] to pursuit of political glories, and another legitimate motivation led you [Atticus] to a genuine pleasurable life.

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Cicero's usual technique of comparison is employed to position himself above others. He asserts that ambition is the propelling force of his political pursuits and in his letters of 15 March 60 BC Cicero speaks of his enduring *animi magnitudine* ('high-minded policy', *Ad Att.* 1.19.6) and his ability to protect his political positions and honours that he has won (*illam institutam ac susceptam dignitatem tueri*, 'to protect the office and dignity that I have acquired', *Att.* 1.19.6).

The passion with which Cicero writes of his achievements in good times is proportionate to the emotional articulation of his fears when things are going badly. In his speeches initial fears are expressed merely to register their existence but not as though they constitute any major threat to the functioning of Ciceronian masculinity. At the preliminary stage of his period of political turmoil, especially during his confrontation with Clodius, the orator's expression of fear can be understood to constitute a rhetorical effect in his speeches or as embellishments in his letters, but when these fears mature and there is sustained emphasis they can be construed as depicting Cicero's true psychological state.

The late 60's served as a peak of achievement in Cicero's career but a downward trend can be observed. Cicero's major activities as consul in 63 BC involved his opposition to the agrarian bill proposed by Publius Servilius Rullius, which favoured Caesar and Crassus but which was also meant to put a limit to the growing influence of Pompey, and his presentation of a *supplicatio* to Pompey in commemoration of the latter's triumphs in the east. In the same year friction became apparent between Cicero and Catiline, whom Cicero would oppose the following year. Following Catiline's growing influence, Cicero was

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asked to supervise the execution of the five Allobroges who had supported Catiline in his treason (Sall. *Cat.* 33). After Quintus Metellus Nepos had accused him of murder, Cicero believed that he had saved his country.⁶¹

In 61 BC Clodius was formally brought before the court for trial because he had been discovered in the previous year at the Bona Dea festival, a religious festival that was reserved exclusively for women (*Att.* 2.4). Clodius' appearance was sacrilegious and Cicero's dismissal of his alibi in court infuriated him and he promised to take revenge. This is the origin of Cicero's fears in his relationship with Clodius. Cicero's involvement in this case concerning Clodius put his life in great jeopardy. In a number of Cicero's letters to Atticus, Cicero indicates that he is afraid of Clodius. Despite Pompey's assurance of protection, the fears were not allayed (*Att.* 2.20.2). After Cicero had insulted the triumvirate, which annoyed Caesar greatly, the latter made Clodius eligible in March 59 BC for the tribunate through which Clodius could seek vengeance against Cicero. In a letter to Atticus in July 59 BC Cicero says:

Clodius adhuc mihi denuntiat periculum. Pompeius adfirmat non esse periculum, adiurat; addit etiam se prius occisum iri ab eo quam me violatum iri.

(*Ad Att.* 2.20.2)

⁶¹ There are no letters in 63 BC to Atticus because he was with Cicero during this period of the Catilinarian crisis.

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Clodius is still going around threatening me. Pompey assures me on oath that there is no danger and he adds that he would be killed before I would be attacked.

This passage locates Ciceronian masculinity amidst other hostile masculinities in Rome. Caesarian hegemony as the reigning hegemony sought to discipline Cicero and then appointed Clodius to deal with him. In turn Cicero relied on Pompey for support. The Roman construct of *amicitia* is depicted as functional and polemic. The question arises to what extent can a military masculinity, in this case that of Pompey, protect a purely oratorical masculinity in the figure of Cicero in the face of stern and persistent opposition? Again in July 59 BC, Cicero sends another letter to Atticus toward the end of which he writes:

Clodius inimicus est nobis. Pompeius confirmat eum nihil esse facturum contra me. mihi periculosum est credere, ad resistendum me paro. studia spero me summa habiturum omnium ordinem.

(*Ad Atticum* 2.21.6.)

Clodius is hostile to me. Pompey assures me that there is no danger, but it is dangerous for me to believe this and I am preparing to fight back. I hope to win the support of all orders in society.

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Despite Pompey's intervention, Cicero's fear for his life still persisted. In fact, Pompey had become weary of the situation by 59 BC. In another letter Cicero foresees doom:

De re publica nihil habeo ad te scribere nisi summum odium omnium in eos, qui tenent omnia. mutationis tamen spes nulla. sed, quod facile sentias, taedet ipsum Pompeium vehementerque paenitet. non provideo satis, quem exitum futurum putem; sed certe videntur haec aliquo eruptura.

(Ad Atticum 2.22.6)

Concerning the state of political affairs, I have nothing to write to you apart from the animosity that exists among those who control everything. I see no prospect of change. But as you easily imagine, Pompey himself is weary and extremely sorry. I do not have any clear foresight of how it is likely to end, but I certainly think that some political outbreak is imminent.

The above passage shows a progressive deterioration in the political life of Rome and this now puts Cicero in a more precarious situation. Cicero's source of support, Pompey, has grown tired of the unwholesome relationship that exists between different political factions and this has resulted in a potential risk to Cicero's safety. Cicero's subsequent letters give a list of the prominent Roman great men who have been earmarked for assassination. Cicero is among them,

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but because the conspirators would not call him by his name, they referred to him as *consularem disertum vicinum consulis* ('an eloquent ex-consul, a neighbour of the consul', 2.24) although there is another reference to Pompey's promise to protect him (2. 24). Cicero's dependence upon other men for protection seems to be threatened by the political developments and he now reckons that the best person to protect him is Atticus.⁶² Cicero could have resisted the opposition with the use of military weapons if he had been employing a military masculinity. When he was consul in 63 BC, he had the *senatus consultum ultimum* ('the emergency decree') with which to ostracise Catiline and his co-conspirators, and he occupied a position which was substantially hegemonic and which enhanced the performance of his masculinity. After he had been divested of consular privileges at the end of his consulship, Ciceronian masculinity had to contend within the public space as a dependent masculinity.

In 58 BC Clodius' bill, which forbade Roman citizens from giving fire and water to anyone who had put an uncondemned Roman to death, drove Cicero into exile (*Att.* 1.2). This year marked the lowest point for Cicero in his public life during the late 60's and early 50's. In a letter of 29 May 58 BC written in Thessalonica, Cicero narrates his experience while leaving Rome (*Att.* 3.8). He commences his letter by expressing the confusion he encountered at the outset of his journey, the insecurity that he had, and the problem of choosing in which

⁶² Cicero's pleas for Atticus' support are innumerable, but one seems to suggest that Atticus was the only person who could achieve Cicero's psychological upliftment (*Cic. Att.* 2. 25).

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town he would spend his period in exile. In his conclusion to this letter, Cicero bemoans his future:

reliqua quam mihi timenda sint video, nec quid scribam habeo et omnia timeo, nec tam miserum est quicquam, quod non in nostram fortunam cadere videantur.

(Ad Atticum 3.8.2)

For the rest I have every justification to fear; I have nothing to write and I'm afraid of everything, and nothing appears too dismal to have befallen me.

After his lament regarding his loss of property, fame and friends he contemplates suicide:

hoc adfirmo, neminem umquam tanta calamitate esse adfectum, nemini mortem magis optandam fuisse. cuius oppetendae tempus honestissimum praetermissum est; reliqua tempora sunt non iam ad medicinam, sed ad finem doloris.

(Ad Atticum 3.7.2)

This I say frankly, that no one has ever experienced such a great calamity and no one has more justifiable reason to desire death. The time when I can honourably die is past; in the time that is left I do not seek a panacea but the end to my misery.

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6.11. CONCLUSION

Cicero begins by expressing oratorical hegemonic masculinity in his public endeavours and building his career upon it. It is apparent that he constructed this masculinity to further his political ambitions and to gain prominence in the public space. As a series of political setbacks took its toll upon him, he was reduced to an unhegemonic position of seeking protection from Pompey, a model of military masculinity, and then Atticus, an embodiment of a type of masculinity that was far from hegemonic. This more subservient *persona* of Cicero is a construct in the letters, but it also reflects the effect upon his emotional state wrought by his change in public fortunes. Cicero's positive outlook and hegemonic stance in 65 BC had been transformed into suicidal despair and a dependence upon others only seven years later.

7

Three Women in Cicero: Representations of Sassia, Clodia and Fulvia

7.1. INTRODUCTION

Up to this point this thesis has examined Cicero's rhetorical development and his quest for oratorical ascendancy in the first century BC Rome's forensic space. The speeches that have been considered range from the *Pro Quinctio*, his earliest extant oration of 81 BC, to the collection of speeches that he delivered as Consul against Catiline in 63 BC. This study has focussed mainly on Cicero's role-playing techniques and his appropriation of different *personae* as a means of producing his rhetorical 'truth' and of affirming and sustaining his oratorical hegemony. It is apparent from the preceding chapters that self-definition enhances the orator's persuasive potency and helps to reveal the orator's perception of himself through which the student of Ciceronian oratory can chart Cicero's development in the forensic space. In most rhetorical situations, the orator's self-definition is set against the character definition of individuals that are connected to the legal cases he manages.

Although the public domain in the Ciceronian age principally consisted of male participants, there were some important women in Roman history whose connection to certain activities in the public space placed them in the annals of history that were written by male historians. Three of these women who feature

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prominently in the Ciceronian *corpus* will be looked at in this chapter.¹ These three women, Sassia, Clodia and Fulvia, are select archetypes of Roman women whose activities had direct influence on both the public and private life of Rome; eventually these activities led to Cicero's involvement in judicial proceedings that concerned these women. By Cicero's time Roman women had been emancipated to a reasonable extent and some women took particular interest in the politics.² While some of these women supported their sons' careers in politics, others indulged in the pleasures of the public place. There were those women, however, who actually conformed to the patriarchal stereotypes of the Roman republic. Such women receive praises of the historians, literary writers and orators. In contrast the three women who will be looked at in this chapter are depicted negatively by Cicero: Sassia represents the villainous mother, Clodia a notorious profligate and society woman, and Fulvia a woman of great political influence whose appearance in the public place Cicero is considered to be offensive to society.

While the discussions in the previous chapters have centred around Cicero's production of hegemony and his encounters primarily with men, this chapter examines Cicero's treatment of women attempts to determine if Cicero manipulates their identities differently from those of men. As it has been

¹ A list of all the women who are depicted negatively in Cicero appears in Richlin 1983: 97.

² On the emancipation of women in ancient Rome, see Kiefer 1935: 43-57, Balsdon 1968: 45-62, Gardner 1986: 257-266, Bauman 1992.

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suggested in the introductory chapter, gender identity is simply an oratorical tool, and Cicero's role as orator is to harness every available means (including gender typecasting) for persuasive purposes. Cicero's treatment of the feminine identity cannot be divorced from the Roman cultural stereotypes of women in the first century BC. Certainly there are categories of women other than those that feature in the Ciceronian *corpus* which are representative of Roman women in the first century BC.

In the Phallic Model of Hegemonic Masculinity (Figure 3), women are depicted in the BCD sector that shows their involvement in the private space. So far the two women—Caecilia and Chelidon—that have been encountered in this thesis have afforded us insight into the unconventional practices of some women that can be categorised as 'emphasised femininity'.³ Chapter 4.4 examines Cicero's profiling of Caecilia against the power and the undue harassment of Roscius jr by Chrysogonus and the Roscii brothers. Although Caecilia is presented as an appropriate model of a virtuous woman under patriarchy, Cicero reinvents her virtue to subordinate Chrysogonus' masculinity as reflected in his abuse of power. In contrast to the female character that Caecilia represents, Cicero depicts Chelidon in the Verrine orations as a woman whose activities are

³ For discussions on emphasised femininity, see Prinsloo 1999: 47, Connell 1987: 183 and Chapter 1.4.

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essentially subversive of constituted religious and judicial authorities.⁴ The present chapter also explores emphasised femininity as represented in Cicero.

Scholars like Amy Richlin, Susan Pomeroy, Elaine Fantham, Marilyn Skinner, Judith Hallet, Susan Dixon and J. P. V. D. Balsdon have written extensively on women in the ancient world. Richlin particularly has written on how women suffered in the public place from men whose preferred rhetorical device was invective.⁵ Katherine Geffcken has written specifically on the comic dramaturgy that is enacted by Cicero in the *Pro Caelio* against Clodia.⁶ Geffcken suggests that a prominent technique that Cicero deploys in the *Pro Caelio* is that of comedy. In contrast to the *Pro Caelio* and consonant with the Aristotelian prerequisite for tragedy (Arist. *Poet.* 1425b), it can be suggested that in the *Pro Cluentio* Cicero uses the technique of tragedy. In the *Pro Cluentio* Cicero's purpose is to arouse pity and empathy for Cluentius, whom he portrays as a silent hero instead of an actively courageous personality such as Caelius Rufus in the *Pro Caelio*. In the *Philippics* Cicero involves Fulvia at strategic moments for both comic and ethical effects and as a way of diminishing Antony's personality. One can consider Fulvia's involvement as a sideshow 'but important as such. Side-shows are small shows that run with the main show, attraction or delivery, as in a circus or an arena, or something of minor importance or secondary

⁴ For more on Caecilia see Chapters 4.4 and 4.5.2; on Chelidon see Chapter 5.5 and Bauman 1992: 66-67.

⁵ Richlin 1983: 96-103.

⁶ Geffcken 1995: 1-2.

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meaning'.⁷ Since the main thrust of this chapter relates to Cicero's treatment of the women, Fulvia's role will be regarded as having secondary meaning with a primary significance, since she is another example of the feminine character that constructs in his speeches.⁸

Common to these women and what he characterises as part of their femininity is their notoriety, their anti-cultural and barbarous activities, and unnatural behaviour, which automatically depict them as abnormal in society.⁹ Cicero would perhaps want the reader to see their femaleness in these speeches as oppressive and villainous, yet clever, influential and passionate. In some of these speeches, Cicero subtly compares these so-called 'notorious' women with other women, ancient and contemporary, who were considered to be virtuous by the standards of the day. But in each speech situation, Cicero's representation of women, whether positive or negative, is consistent with the position that he holds in the case either as the prosecutor or defender, and this representation is set against the expectations of Roman tradition and convention. As Chapters 3.4 and 4.3 show, Cicero uses common Roman stereotypes in his narratives as a means of constructing the identities of individuals who are involved in his cases. How does Cicero achieve this? How important is the female identity to the

⁷ Burke 1996.

⁸ In the Verrine orations another character that falls into this same category is Chelidon.

⁹ Richlin 1983: 97 remarks that Cicero's main weapon was invective against the women who appeared as witnesses for the opposition.

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Ciceronian production of oratorical hegemony? What use does Cicero make of various stereotypes of feminine identity in attempting to secure the acquittal of his clients?

The key question in this chapter is: Does Cicero treat women differently from men in his speeches? This question is rather difficult to answer. Cicero can be seen to discount morality from his rhetorical performances and this amoral stance gives him room to represent women in a manner that gives credence to his arguments. He may have capitalised on the silence of women, however, who were associated with his cases by attacking them.

To view Cicero's portrayal of some women as guilty of misconduct is rather simplistic since Cicero consistently attacks the morality of whoever represented the opposition regardless whether it was male or female. It has been mentioned in Chapter 5.1 that Cicero once defended a woman of Arrezzium, but unfortunately, the speech is lost and practically nothing has been recovered in respect of that defence. It would have been very interesting to see how he defended this woman of Arezzium against Sulla's offensive political bills and how he constructed Sulla. Cicero (*Caec.* 97) claims that he advocated for the restoration of the franchise of the people of Arezzium. It has been demonstrated in earlier chapters how men like Hortensius, Erucius, Verres, Chrysogonus and Catiline suffered from Cicero's invective. These men were accused of effeminacy and incompetence, qualities that were opposed to the Roman conception of

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virtus.¹⁰ For women masculine daring was a grievous offence to Roman patriarchy.

Cicero uses invective as a means of constructing his reality.¹¹ The powerful metaphors he uses against his opponents serves as a tool for bridging the gap between reality and fiction in his oratory. The epithets and similes used to create his invective can be construed to be part of the general exchange of communication in Roman culture, and, more specifically, the emotional and imaginative effects that they generate help the audience to understand what sort of character Cicero is attempting to construct for his opponent. According to Richlin, Cicero's characterisation and definition of the characters in his speeches reflected the reality of Roman society.¹²

Cicero's paradigm in constructing his oratorical models can be considered to be amoral in the sense that he speaks in a professional capacity both as an advocate and as a persuasive orator.¹³ Since it is part of the practice of the

¹⁰ See Chapter 3.7 for a discussion on *virtus*.

¹¹ The parallelism that rhetorical constructs bore with reality remains a disturbing phenomenon for Richlin 1983: 102. Since Cicero's constructs appear to reflect common social behaviour, Cicero's representations of the feminine character afford an unfavourable impression of female values in the Roman republic.

¹² Richlin 1983: 96 compares the role of an orator with that of a satirist in her discussion on representation and the use of invective in public performances.

¹³ In *Pro Cluentio* 10 Cicero asserts that the interest of his client is paramount. On Cicero's morality see Chapter 2.6 n. 68.

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orator to argue *in uteramque partem* ('in contrary directions'), the orator manipulates both sides of his arguments in the forensic space that helps him successfully to attack his opponent and consequently to gain dominance. In cases where it is apparent that Cicero is involved directly or indirectly, his rhetoric gains *venustas* ('charm') and *auctoritas* ('authority') by the first-hand information that he offers.¹⁴ For the three women in question, Cicero constructs their social activities against the backdrop of the Roman conception of virtue and the construct of a virtuous woman, mother and wife.

7.2. SASSIA AS MOTHER

Cicero's portrayal of Sassia in the *Pro Cluentio* of 66 BC is that of a cruel mother, which runs contrary to the Roman cultural conception of a mother.¹⁵ The Romans generally saw a mother as soft-hearted, compassionate, and the ally of her children.¹⁶ For Cicero the model of a deviant mother that Sassia represents in contradiction to the Roman expectation serves as a rhetorical tool to strengthen his argument in favour of his client, Aulus Cluentius Habitus. Cicero's words in constructing a maternal *persona* for Sassia mostly carry abusive and derogatory

¹⁴ Cicero's *In Verrem* and the *Pro Caelio* are examples of the orator's personal involvement in cases.

¹⁵ The *Pro Cluentio* is not a political speech as much as it is a speech that treats relationships in the private space and reflects the social life of Rome during the time of Cicero.

¹⁶ Dixon 1988: 1.

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connotations (*Clu.* 12, 14-15, 18). Cicero seems to anticipate a hostile reaction from the jury to the cultural *persona* of Sassia that he invents since he refers to her as *mater* ('a mother') rather than *mulier* ('a woman', *Clu.* 12). Given the formal situation in which the *Pro Cluentio* was presented, the use of *mulier* in referring to Sassia probably would have been more appropriate, but Cicero presumably wanted to play on some cultural sentiments in presenting his case. If he were to have used another word, for example, *femina* ('female person') or *matrona* ('lady of the house'), the image of a mother would have been suggested even if Sassia did not conform to the cultural 'symbol' evoked.¹⁷ Cicero explicitly states the terms with which he will refer to Sassia and how he wants the audience to see her:

Nam Sassia, mater huius Habiti—mater enim a me in omni causa, tametsi in hunc hostili odio et crudelitate est, mater, inquam, appellabitur, neque umquam illa ita de suo scelere et immanitate audiet, ut naturae nomen amittat: quo enim est ipsum nomen

¹⁷ Santoro L'hoir 1992: 29-46 discusses the female categories of *mulier* and *femina* but seems not to note that *mulier* comes to mean 'mother' after *Pro Cluentio* 12 and not simply 'woman' since Cicero specifically sets a boundary to the character of Sassia and the *persona* that will be ascribed to her. After the elaborate definition of Sassia in *Pro Cluentio* 12, it is apparent not only that she has lost her identity as a woman or as any other designation but also that the only representation of her that Cicero is attempting to maintain is that of a 'bad mother'.

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amantius indulgentiusque maternum, hoc illius matris, quae multos iam annos et nunc cum maxime filium interfectum cupit, singulare scelus maiore odio dignum esse ducetis—ea igitur mater Habiti, Melini illius adolescentius, generi sui, contra quam fas erat, amore capta, primo, neque id ipsum diu, quoquo modo poterat, in illa cupiditate se continebat: deinde ita flagrare coepit amentia, sic inflammata ferri libidine, ut eam non pudor, non pudicitia, non pietas, non macula familiae, non hominum fama, non filii dolor, non filiae maeror a cupiditate revocaret.

(Pro Cluentio 12)

For Sassia, the mother of this gentleman Habitus—even if in this instance she is molesting him with the hatred and cruelty typical of a foe, gentlemen, I maintain my stance; I shall call her mother. May the exposition of her horrific deeds never let her lose the title conferred on her by nature. This appellation suggests that a mother should be rather full of love and care, but for this mother, who for many years up till this present moment has greatly desired to eliminate her son, for her I am sure you will hold it that she deserves your utmost indignation. So this mother of Habitus became passionately desirous of that young man, her very son-in-law. Initially she struggled with the feeling for a while but to know avail. Sooner than later a whimsical lust started to burn and she fell strongly in love by her passion for Melinus so that she could no

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longer appreciate honour, modesty, human feeling, godliness, family shame, public disgrace, her son's grief and her daughter's sobs.

From this passage it is apparent that Cicero's insistence upon calling Sassia mother locates her in the private space and evokes a mother figure that fails to meet the societal standard of a mother. The private space is implied by the appellation of 'mother' (*mater*) that Cicero chooses to call Sassia. Nevertheless, in this situation, the essence of motherhood, is lost to a rapacious desire that results in murder and marital deprivation. Cicero attempts to incite the indignation of the jury against Sassia through the character that he constructs for her. During the time of the first century Roman republic the concept of *natura* ('nature') suggested convention, revered traditions and institutions.¹⁸ Thus it is suggested *natura* has ascribed to Sassia certain roles that are informed by her social and reproductive responsibilities. Cicero uses the concept of *natura* as a rhetorical tool to appeal to the emotions of the presumably conservative fathers who were acting as the jury. The use of the word *mater* by Cicero seems intended to evoke severe indignation against Sassia since she appears to have no regard for important societal values associated with this word.

If Cicero's account is to be believed, Sassia's involvement in the lives of her children places Cicero at a vantage point to construct a credible narrative

¹⁸ For discussions on nature and the role of woman as mother see Ortner 1996: 21-42, Weininger 1906: 214-235, Sydie 1987:148-156.

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around her 'mothering'. Sassia is positioned as an adversary of both her children. Sassia had possibly organised a marriage between her nephew, Aulus Aurius Melinus, and her daughter, Cluentia (*Clu.* 12).¹⁹ The marriage was successful for a while, after which Sassia developed an affection for her son-in-law (12-14). She was deterred for a while from pursuing the relationship but she finally seduced Melinus. When the daughter, Cluentia, realised what had happened, she eventually sought a divorce. After the divorce had been approved, Sassia married Melinus (12-14). In *Pro Cluentio* 14 Cicero alleges that Sassia viewed this marriage as a victory:

Tum vero illa egregia et praeclara mater palam exsultare laetitia,
triumphare gaudio coepit, vitrix filiae, non libidinis:

(*Pro Cluentio* 14)

Indeed, this excellent and honourable mother began openly to gambol about, rejoicing and basking in her triumph, as conqueror of her daughter, not of her lasciviousness.

The result of Sassia's marriage to Melinus was the children's aloofness from their mother (16). The narrative in *Pro Cluentio* 12-14 largely explains the origin of the animosity between mother and son that culminated in the present legal duel. The

¹⁹ Dixon 1988: 215 argues that a mother had the power to arrange the first marriage for her daughter, but subsequent marriages were supposed to be arranged in conjunction with the daughter concerned.

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enmity originated from the implied disagreement that emanated from the children's attitude to their mother's behaviour. Cicero's juxtaposition of the son and the mother emphasises the personality conflict that Cicero is attempting to create. Sassia and Cluentius are made to assume antithetical *personae*. According to Cicero, Sassia is a mother who victimises her daughter by snatching her husband (*Clu.* 10-12), seeks the end of her son (17-18, 44, 175, 178), is a tragic character (18), is encouraged by the death of Oppianicus' children to marry him (28), is savage (177) and daring (184), is a murderess (185) and unremorseful about her first husband's death (188), seeks the destruction of her children (18, 188, 190, 191), and incites Oppianicus against Cluentius (44, 169). All those who are closely connected to Sassia are constructed as her accomplices in crime: Melinus conceived a passion for his mother-in-law and was insensitive (16); Oppianicus is a legacy hunter (27, 44), a murderer (27, 28, 30, 35, 125), is ungovernable and violent (44), and is guilty of bribery (62-65).

Cicero places the picture of an oppressive mother against the representations of Cluentius and Cluentia as Sassia's victims. Cicero portrays Cluentius as quiet and persevering and as a person who would not resort to legal action until his life was in danger (*Clu.* 11). Cicero rejects the charge of bribery that has been instituted against Cluentius because he maintains not only that his client does not have the character of a person that would accept a bribe but also there was no reason for him to accept it (9-10). Cicero further exonerates Cluentio from the charge of poisoning Scamander (52) and he completely

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absolves him from the charge relating to the poisoning of Oppianicus (169). While Cicero considers Cluentio to be tolerant of a vicious mother (17-18), Cluentia is portrayed as a victimised but respectful daughter (11-13).

Although Sassia's activities and involvement in the events that led to the presentation of the *Pro Cluentio* do not portray her as an exemplary maternal figure, the character portrayed by Cicero is shown to exercise certain powers that women possessed in the first century BC Rome.²⁰ Sassia represents for the audience an abnormal kind of mother whose activities contradict tradition. According to Cicero in the *Pro Cluentio*, Sassia's proclivities as a mother are at odds with societal expectations. The kind of maternal character that Cicero constructs for Sassia contrasts with the character that a good mother should possess. Cicero could certainly have based his rhetoric on the available facts but he was concerned to represent Sassia as the worst type of mother. By first century BC standards it would have been difficult for the jury to acquit Sassia based upon the murders and infanticides that Cicero attributed to her.²¹

²⁰ For more on the powers that the mother could exercise in regard to a daughter's marriage, see Dixon 1988: 215 and Phillips 1978: 79.

²¹ Further discussions on Sassia occurs in Chapter 7.4 further below.

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7.3. CLODIA, THE ABOMINABLE WHORE

Cicero's *Pro Caelio* has received most of the attention by scholars who have written on comedy in Cicero in the last two decades.²² What makes the speech appealing to scholars is the peculiar circumstances that surrounded the delivery.²³ Cicero's performance entailed dexterous comic enactment to gain the attention of the audience and to sustain their interest in view of other activities that may have been taking place in the theatres and the circuses.²⁴ Cicero first finds a means to belittle the gravity of Caelius' offences, then turns the attention of the audience from his client to some other characters, particularly Clodia. Cicero attempts to maintain the interest of the audience in his speech with the use of his wit.

Cicero's personal grudges can be adduced as a reason for treating Clodia in a spiteful manner in the *Pro Caelio*. In Cicero's letters it is apparent that Clodia's brother, Clodius, had been victimising Cicero for quite a while, and he promulgated a decree that resulted in Cicero's flight into exile.²⁵ Although Cicero states that his attacks on Clodia are not based upon a personal grudge, his use

²² For scholarly discussions on Cicero's portrayal of Clodia see Boissier 1946: 166-176, Baldson 1962: 54-55, Stroh 1975: 243-295, Wiseman 1985a: 15-53, May 1988: 110-115, Bauman 1992: 69-73, Geffcken 1995.

²³ See Austin 1960: 151 for the details of the speech.

²⁴ For further discussion on the social context of the speech, see Geffcken 1995: 3.

²⁵ On Clodius' alleged victimisation of Cicero, see Chapter 6.10.

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of *paraleipsis*, a rhetorical device used by the orator to say what he professes not to be saying, suggests otherwise (*Cael.* 50). Earlier in the speech Cicero does not want the world to think that is fighting with a woman (32); however, his non-vindictive stance is difficult to accept as being genuine. Although one may concede that Cicero's personal grudges helped him to locate himself within the context of the entire case, the representation of Clodia as a *meretrix* ('courtesan') would also have helped him to entertain the audience. While Quintilian suggests that Cicero capitalised on the ignorance of his audience (*Inst.* 9.139), presumably Cicero's use of sexual imagery in the *Pro Caelio* was designed to maintain the interest of the male-dominated audience.

Cicero's primary mission as an advocate is to absolve his client at the expense of his opposition. From the beginning of the *Pro Caelio* Cicero starts to imply that a woman has sponsored the prosecution (*Cael.* 1). The question is: what kind of woman? The answer: a *meretrix* ('whore').²⁶ The kind of woman involved in the case undermines the gravity of the allegations brought against his client. Moreover, it throws the credibility of the male prosecutors into jeopardy. Cicero, assuming the *persona* of a respectable senior advocate, attempts to intimidate Attratinus, the young prosecutor, by saying that he excuses his childish obligation to a woman. The earlier metaphor of the prosecution as the force of a whore (*opibus meretricis*, 1) subordinates the character of the male prosecution

²⁶ For a discussion of *meretrix* see Geffcken 1995: 34, 37; see also Wiseman 1985a: 15-53.

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team to that of a disreputable woman. Cicero's construction of the feminine body appears in *Pro Caelio* 18 when he alludes to the character of Medea. Cicero introduces a tragic stage with a strong comic feeling by quoting a line of Ennius used by Crassus, one of the prosecutors:

Unitnam ne in nemore . . .

(*Pro Caelio* 18)

Would that in Pelion's forest the ship had not . . .

then immediately hints at the character of this Medea:

Nam numquam era errans . . .

(*Pro Caelio* 18)

For never would a deluded mistress . . .

The introduction of the character of *era errans* ('a deluded mistress') resituates the thrust of the discourse from a logical argumentation in a judicial defence to the construction of a female character based on *pathos*. The character of *era errans* becomes clearer when Cicero mentions the name of the mistress:

Medea, animo aegra, amore saevo saucia . . .

(*Pro Caelio* 18)

Medea, sick in her spirit, wounded by savage love . . .

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The *Medea persona* becomes a semantic representation of a Roman woman who is close in character to the Greek tragic character. This *Medea*, then, is relocated from Greece to the Palatine in Rome.²⁷ The audience presumably would have understood the change in the theme and perhaps would have become curious as to how Cicero would manipulate the character he was about to portray (*Cael.* 17-18).²⁸ The *Medea persona* invokes several suspicions about the character Cicero is about to construct. This *persona* anticipates the impetuosity that Cicero will later associate with Clodia's character.²⁹ Cicero argues that the morality of his client towers above that of the common youth and thereby adds a moral dimension to the case (29-30).

Subsequently Cicero introduces the two accusations with which he will deal: the first charge concerns Caelius's alleged murder of Dio, an Alexandrian diplomat; the second deals with Caelius' alleged attempt to poison Clodia. Since

²⁷ In *Pro Cluentio* 39 Cicero cites Terence, *Adelphoe* 120-121, where a strange woman is mentioned. *Medea* is strange to Greece and so is her impetuosity. In *Proverbs* 7 Solomon's construct of the strange woman helps to understand what the perception of a strange woman was in antiquity. For a discussion on *Medea* and the changes in her representation throughout history, see Clauss and Johnston 1997.

²⁸ The reader of the *Pro Caelio* is left to imagine the degree of dramatisation that would have accompanied the quotations in Cicero's comic introduction of *Medea*. For a discussion on how Cicero may have dramatised the passages in the *Pro Caelio*, see Austin 1956: 141-143.

²⁹ On the character of *Medea*, see Clauss and Johnston 1997: *passim*.

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Clodia is associated with both allegations, it is possible for Cicero to direct all his rhetorical aggression against her (*Cael.* 30). Cicero capitalises on the relationship that exists between Caelius and Clodia and he insinuates that Clodia is sexually harassing Caelius. Cicero pleads that his client is not guilty but focuses on Clodia who gave the gold in question to Caelius. In *Pro Caelio* 32, Cicero stresses the kind of woman he is addressing:

Neque enim mulieres umquam inimicitias mihi gerendas putavi,
praesertim cum ea quam omnes semper amicam omnium potius
quam cuiusquam inimicam putaverunt.

(*Pro Caelio* 32)

I never thought that I would have altercations with women, much less with a woman whom everybody has regarded as a friend of all and nobody's enemy.

Gardner suggests that the word *amicam* means 'a friend' or 'mistress', but perhaps a better term would be 'sugar-mummy' given the nature of the relationship between Clodia and Caelius.³⁰ Cicero is cautious about his position and would not want to offend other women in the audience. For Cicero the character of Clodia character is a slippery paradox (*mulier nobilis sed nota*, 'noble woman but notorious', *Cael.* 31). Cicero considers it wrong to refer to a

³⁰ Gardner 1965: 445.

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woman as *matrona* who betrays the cultural perception of the title (32). He manipulates the character of Clodia in such a way as to censure the common morality of a Roman *matrona* (32); furthermore, he combines the image of a *meretrix* and the *persona* of Medea in the character of Clodia. To further denigrate Clodia, Cicero suggests that she has committed incest with her brother (32). Progressively Cicero unfolds a female character that is by all means un-Roman and by any standard non-noble.

Cicero further assumes the *persona* of a comic actor, to dramatise his construction of Clodia in order to animate his performance. Cicero prefers to use the *familia* ('family', *Cael.* 33) as his setting. The orator calls up a grim and grumpy old man, who severely rebukes Clodia (33-34). The purpose is to convince the audience that Clodia's family has a tradition of sound morality and discipline but that Clodia herself has deviated from her family values. To reproach Clodia further on account of her indecent relationship with Caelius, Cicero impersonates Appius Claudius (consul 307-296 BC), one of Clodia's late grandfathers, while questioning her reasons for associating with a male person younger in age than herself and of not being mindful of the enduring reputation of the family for high moral standing and political achievements. In addition, her deceased husband's reputation should have deterred her from having a physical relationship with Caelius. Moreover, she has examples to follow from the family tradition about the two valiant women in her family history, Quinta Claudia and Vestal Claudia, who were known for their feminine virtues and masculine courage, respectively (Liv. 29. 14, Ov. *Fast.* 4. 305, Cic. *Har. Resp.* 13. 27).

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While still impersonating Appius Claudius, Cicero suggests that Clodia has been under the harmful influence of her brother Clodius (*Cael.* 33-34).

Before proceeding to call up her brother to rebuke her in the same fashion, Cicero addresses her directly in a violent and acrid tone:

Tu vero, mulier (iam enim ipse tecum nulla persona introducta loquor) . . .

(*Pro Caelio* 35).

As for you, woman (for now, I am addressing you personally, and not an invoked character) . . .

Cicero addresses Clodia in a manner that shows she could not have responded, but demands, if she should be keen to respond, a full explanation for such an extraordinary intimacy between herself and the young man. Cicero then impersonates Clodius, who is made to rebuke Clodia in a manner that is suggestive of 'sexual harassment' (*Cael.* 36).

In order that he appear to be impartial in rebuking Clodia, Cicero calls forth various characters who rebuke Caelius but which are not chosen from the latter's lineage.³¹ This approach may have neutralised the anger that Cicero invents against Caelius since the audience may have felt that it did not really have a fair chance to assess the morality of Clodia and Caelius. Cicero absolves

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Caelius Rufus by arguing that the moral fault that the prosecutor has imputed to Caelius is common to most men of his age in the republic (*Cael.* 38). Cicero offers a critique of various philosophical schools on pleasure, then describes Clodia's moves as sneaky and seductive and leaving anybody who patronises her unable to escape from her machinations (39). Cicero tries to convince the audience that Clodia's sweetness is a snare to entrap both the young and old (41). Unavoidably Caelius slipped into the seductive traps that Clodia set for him. In his treatment of the morality of Caelius and Clodius, Cicero pleads with Romans to be more indulgent towards youthful lusts: *vincat aliquando cupiditas voluptasque rationem* ('let desire and pleasure sometimes prevail over reason', 42) thereby implying that Caelius' involvement with Clodia is excusable, while Clodia should be reprimanded for having an affair with a young man (42). Cicero then makes a general reference to some eminent men of old and of Cicero's days who have committed similar moral mistakes but were absolved by their other (masculine) virtues (43). In addition, Cicero uses his own credibility to create a profile of Caelius as his former student (44-47).

In *Pro Caelio* 49 Cicero intimidates Lucius Herrenius, one of the prosecutors who believes that Caelius should suffer for his alleged immorality. Since the 'lady' around whom the whole case revolves is said to be a 'whore', Cicero pleads that Caelius should be excused for wanting to gratify his sexual desires (*Cael.* 48-50). Cicero addresses Clodia directly and poses numerous

³¹ For further discussion on the representation of the characters, see

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questions to her, to which he knows very well that she cannot possibly answer. Cicero questions the rationale behind Caelius' alleged intention to kill Clodia and argues that the opposition has fabricated the allegation against him (54-57). Cicero relates the origin of the poisoning 'incident' (58-60) and continues to rationalise about the 'whys' and 'hows' of the intended poisoning.

Cicero narrates the scene at the bath with a number of rhetorical questions. By his questioning he renders the narrative of the Senian bath scene unconvincing. Cicero's use of the Trojan horse as a metaphor for the bath is a deliberate attempt to make the whole bath episode farcical since he compares an epic event to an alleged real-life situation (*Cael.* 67). In comparing Trojan horse to the bath Cicero makes a sexist remark by alluding to the men under the command of an *imperatrix* ('female general'). This kind of sexist remark is common in patriarchal cultures where women are regarded as inferior and in places where men are not expected to assume a subordinate role. Cicero is subordinating the members of the prosecution team under the hegemony of a woman, which one can interpret as a form of emasculation or unmanning.³² In addition, Cicero attempts to create some problems of credibility for Clodia, who

Vasaly 1984: 174-176.

³² For a discussion on sexual unmanning, see Walters 1997: 39. What Cicero suggests by subordinating these men under the command of a woman is compatible with the idea of social degradation that Walters discusses.

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has recently manumitted slaves, and this act was not to be carried out by a widow in *tutela* ('guardianship', *Cael.* 68).³³

The success of this speech lies in the fact that Cicero is able to make use of some recent events, which are supposedly known to the audience and whose severity therefore can be judged by it. Cicero works on the imagination and common knowledge of the audience since Clodia is from a noble family and everybody present in the audience is probably aware of her family history.

7.4. FULVIA, WOMAN IN POLITICS

I will limit my discussion of Fulvia to the sections where she features in the *Philippics*. Fulvia's situation is slightly different from those of Clodia and Sassia. Sassia is represented as a woman who has full control in the domestic space, while Clodia is depicted as having influence in the public place but not in a way as to affect state policies.³⁴ Cicero's portrayal of Fulvia is similar to that of Chelidon, who is said to influence politicians directly who were her husbands or lovers. Fulvia is said to have had a strong political character and conjugal relationships with Clodius, Curio and Antony (*Phil.* 2.11). What makes Fulvia peculiar is she is mostly found in historical accounts in those arenas exclusively meant for men. Plutarch asserts that Fulvia had already domesticated and tamed Antony by the time he met Cleopatra and that made it easy for Cleopatra to

³³ See Gardner 1958: 492.

³⁴ On Fulvia see Bauman 1992: 83-89.

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control Antony (*Ant.* 10.3). Sallust suggests that Fulvia inherited her ‘femino-masculinity’ from her mother Sempronia, whom he describes as having masculine daring (*audax virilis*, Sall. *Cat.* 25.1).³⁵

Fulvia does not feature in the *Philippics* except when it becomes necessary for Cicero to mention her. He does not cast Fulvia as a minor character, but makes her appear in any scene in which he questions the morality of Antony's actions in implementing policies that concern the interests of the state. Cicero thus exploits the cultural bias of Romans against the presence of women in the public place and their influence upon political figures. In the process of attempting politically to emasculate Antony, Cicero constructs a bloodthirsty Fulvia. In *Philippics* 1.33 we see Fulvia represented as having a corrupting influence upon Antony:

num te, cum haec pro salute rei publicae tanta gessisses, fortunae tuae, num amplitudinis, num claritatis, num gloriae paenitebat? unde igitur subito tanta ista mutatio? non possum adduci ut suspicer te pecunia captum. licet quod cuique libet loquatur, credere non est necesse. nihil enim unquam in te sordidum, nihil humile cognovi. quamquam solent domestici depravare non numquam; sed novi firmitatem tuam. atque utinam culpam ut culpam, sic etiam suspicionem vitare potuisses!

³⁵ On Sempronia see Pomeroy 1975: 185.

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(*Philippicae* 1.33)

After these magnificent contributions to the welfare of the Commonwealth, were you [Antony] not satisfied with your success? Were you not great enough, famous enough, glorious enough? If you were, why this sudden reversal? I cannot bring myself to suspect that you yielded to pecuniary temptation. People may say what they please; one does not have to believe them. I have never seen anything mean or sordid in your character. True men are sometimes corrupted by those [e.g., Fulvia] close to them. But I know your sturdy character. It is a pity that you could not avoid the suspicion as you avoided the guilt.

Cicero's subtle reference to Fulvia in this passage gives the impression that the audience would have known her already, but Cicero constructs her as being incompatible with the true personality of Antony. Cicero in this passage refers to Antony as a man of integrity, but immediately discredits him by alluding to his relationship with Fulvia and suggests that the former has been under Fulvia's corrupting influence: *quamquam solent domestici depravare non umquam . . .* 'although men are sometimes corrupted by those who are closest to them . . . *Phil.* 1.33). Cicero acknowledges the strong-mindedness and *firmitas* ('steadfastness') for which Antony was known. Nevertheless, it does not seem that Antony could sustain his moral rectitude when he came under the power of Fulvia. Cicero alleges that Antony has misappropriated public funds and that this

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misdemeanour is traceable to the influence that Fulvia has had upon him (*Phil.* 5.11).

Fulvia's appearance in the *Philippics* is rather disturbing and somewhat sinister when she is said to have been present at death scenes, especially when Roman soldiers are involved (*Phil.* 2.11, 2.113, 3.4, 5.22, 13.18). It would have been generally inappropriate for a Roman woman to be present at an event that was generally associated with military men. Cicero records Fulvia's presence at a massacre scene at Brundisium when the blood of Roman soldiers is said to have been spattered on her face (3.4). Cicero's strategy is to suggest that Antony has been influenced by a woman and he implies that the strength of Rome is being diminished from within by the involvement of a woman in the public sphere.

7.5. CONCLUSION

From these studies it is apparent that femininity does not function as more than a rhetorical tool in Ciceronian oratory. Cicero's construction of the female identity is principally informed by the role that the woman in question is said to have played in the events that led to the legal proceedings. The extent to which Cicero persuades his audience is dependent upon the degree of speaker/audience conspiracy that he is able to achieve. Like the male identity, Cicero constructs the female identity to his advantage in pursuing his oratorical ends and in attempting to persuade his audience and readers. The negative Roman perception of the presence of women in the public place also helped Cicero to manipulate feminine characters that were involved in his orations.

8

Constructing 'Others': Slaves in Cicero

8.1. INTRODUCTION

The subject of oratorical hegemony that this thesis discusses would be incomplete without giving attention to how Cicero represents slaves and manipulates slave identity to his advantage. In the ancient world, as believed by some ancient and modern scholars, slaves represented an 'activity' group that had no political power.¹ Despite their subservient role in the practical world, however, the presence of slaves was significant. There could be no discussion of first-century Rome without a consideration of the role of slaves in the social structure. In actual fact, the upper class and the elite shared the public place with the slaves, which in some instances involved the sharing of power.

The dominance and political clout of the elite would have been reduced and its power less effectual if the slaves had been absent from the public place. Consequently it was possible for Cicero to represent the activities of slaves as complementary to the power of slave owners. Since rhetoric in ancient Rome was a language of power, however, the forensic space did not accommodate the voice of the slave even though his activities are mentioned and sometimes discussed in the Ciceronian orations. The extant body of Roman literature dealing with slaves and slavery provides evidence of the different social

¹ For discussions on slaves as tools, see Vogt 1975: 3, Gamsey 1999: 1.

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constructs of slavery, which range from the oppression of slaves to the commendation and remuneration of talented and well-behaved slaves.

Most scholars who have studied slavery in the Roman world have employed historical and sociological perspectives of social control and rebellion and different philosophical perceptions of slavery and gender. These themes, of course, are plausible and legitimate; however, it remains for someone to examine and establish the persuasiveness of the work, activities and character of the slave when subjected to rhetorical interpretation. Scholars who provide resource material for research on slavery often catalogue incidences of slave and slavery engagements both in the public and private spheres as they appear in classical writings. Scholars like Joseph Vogt, Thomas Wiedemann, K. R. Bradley and Peter Garnsey have written on slavery and related topics and have contributed much to the understanding of slavery and its role in the ancient world. But there exists no exclusive or systematic discussion of the references to slaves in Greek and Roman rhetorical texts, including the works of Cicero.

A *caveat* that needs to be issued at this point is that this chapter does not intend to make an elaborate treatment of slavery in the Roman world. It intends only to examine briefly the slaves that feature in Ciceronian oratory, the roles that they played in the events that led to their inclusion in Cicero's orations, and Cicero's use of their roles and activities in the events that culminated in the legal suits discussed in this thesis. In the Phallic Model of Hegemonic Masculinity (Figure 3), slaves are depicted in the sector LTHC. LTHC includes both female and male slaves in the public and private sectors. The slave categories examined

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below straddle both the public and the private sectors. This chapter, however, does not take into consideration the activities of female slaves in either the public or the private space; this is because there is no significant example of the activity of a female slave among the speeches that have been selected for this study.

This chapter is important in terms of the broad framework of the construction of Cicero's oratorical hegemony because it fills out the discussion of the Phallic Model of Hegemonic Masculinity (Figure 3). In other words, the identity of slavery gives a holistic ambience to the representation of men in the Ciceronian rhetoric. Although Cicero mainly addressed the men of the upper echelon in Roman society, the characters that feature in his advocacy and the dexterity with which he defined the personalities of these characters demonstrates that his rhetoric depicts and is representative of the different levels of society in first century BC Rome.

The purpose of this chapter is to consider the different constructs of slaves that Cicero creates in his speeches and how he converts their identities into a useful tool for persuasion. As has been established in the preceding chapters, identity for Cicero is a manipulative oratorical tool. The slave identity is constructed in relation to the activity that the slave has been delegated to carry out, the way he has accomplished the task, and in relation to how the attitude and the character of the individual slave favour Cicero's stance in his advocacy. Sometimes the orator dichotomises the characters of the master and the slave, while at other times the character of the slave is seen to be compatible with that of the master. In situations of compatibility between master and slave, the slave

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may remain anonymous, whereas if the slave's character complements that of the master, then the name of the slave might be mentioned. Naming in rhetoric adds authority to the orator's claim. In cases where the slave plays a leading role in an event and his actions facilitate persuasion, for example, Cicero will name the slave to prove the factual nature of the event.

Below I discuss the master/slave concept, which is based on Aristotle's conception of slavery and Cicero's ideas about this social institution. Secondly, I examine the role of slaves and their involvement in crimes based on Cicero's interpretations. Thirdly, I discuss the notion of slaves as instruments of violence. Finally, I discuss the role of slaves as agents of death in Ciceronian advocacy.

8.2. THE MASTER/SLAVE CONCEPT

In the early passages of his *Politics* Aristotle introduces the reader to ancient debates surrounding slavery. Aristotle's position is informed by his bias for the superiority of the soul. In his discussion, he proposes a natural construct of social control by privileging the performance of the soul over and above the activity of the body. He asserts that the person who exercises his mind in making projections and creative imagination is the 'natural' master and owner of the person who is engaged in the mundane and menial aspects of a project (1252a-c). The doer is assumed to be an 'assisting tool' of the person who designs a project and who is presumably the thinker. Tools generally are drawn into two categories: the animate and the inanimate tool. The person operating a machine is the animate tool while the machine or any non-living object that is being

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operated is the inanimate tool. Aristotle considers the individual slave to be an active tool that indicates that the tool is a living person. According to Aristotle, there are two preconditions for becoming a slave: one involves losing one's citizenship and the other concerns a person's involvement in war (1252b). This view is informed by the reasoning that the larger body known as the state defines an individual's political status (1253a). Anyone who loses this connection to the state therefore potentially becomes a slave. Invariably statelessness, that is, a person's situation of not belonging to a sovereign state, is a necessary precondition for being taken as a slave. This judgement probably arises from the tendencies of some philosophers to promote their respective nations above others (Eur. *IA* 1.1400, Arist. *Pol.* 1.1.5). Isolation makes a human being vulnerable and this can subject him to being taken as slave and becoming another person's property.

The reductionist perspective of Aristotle, that is, slave as property, subjects the slave to the absolute control of the master. The master assumes the dominant role because of his financial commitment and the legal responsibility that he has for the slave. The owner of the slave operates independently of the slave, while the slave is obligated to respond positively to the wishes of the master. Aristotle's master/slave relationship is constructed around 'to rule and to be ruled' concept ($\tau\tilde{\omicron}$ ψ rceln kai ψ rcesqai, *Pol.* 1254a). H. Rackham translates the phrase as 'authority and subordination'.² Theoretically this is the kind of dichotomous relationship that one expects to find in the ancient public and

² Rackham 1967:19.

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private sphere between the master and his slave. Although Aristotle himself acknowledges the position of dissenting philosophers of the day that no man reserves the right to dominate another, he considers authority and subordination to be natural (1253b). This position stemmed from the presupposition that men were created equally. The naturalness of this relationship eliminates the possibility of questioning the rationale behind such an unequal social construct. The property status of the slave denies him the basic freedom that other men possess since the slave lives in total subjection to his master. Therefore a slave assists his master in all activities of life and replaces several other tools in his master's operations (1253b).

Cicero must have agreed with Aristotle and several other philosophers of the day on the general mindset about slave-keeping. His philosophical works lack theories on slavery except for where he advocates for just treatment of slaves in his *De Officiis*, a position held by Stoic philosophers.³ Cicero is sympathetic to the status of a slave. He makes the point clearly that slaves should be adequately remunerated and should not be cheated under any circumstance (*Off.* 1.13).⁴ A man certainly loses some legal rights and freedom when he becomes a slave. But by the time of Cicero slavery had taken a new turn. Some parts of the Roman intelligentsia consisted of slaves.⁵ Although the society did

³ See Wiedemann 1981: 187.

⁴ There are discussions about slaves in *Pro Caecina* 56-63 and *In Verrem* 2.5, which are examined below.

⁵ See Vogt 1975:123.

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not esteem highly the social role of the slave, Cicero for his part found every involvement of a slave in a case important to his advocacy and to the interests of his client.

Cicero's major contribution to the discussion on slavery occurs in the *Pro Caecina* (52). Cicero speaks philosophically about who and what a man's slave can be. A slave can be a human being, an object or an expression. Slavery consists in every object that a man has in his possession that can be subservient to his intention and purposes. To Cicero agency is very important in slavery. A master is the one with the authority and this authority is established through clarity of expression and the slave's due attention to the meaning of the master's diction. As soon as there is a communication breakdown or there is a miscommunication, the authority of the master will gradually be eroded (*Caec.* 52). What enhances the authority of the master is the clarity of his purpose as expressed through words that enable the slave to obey the master's commands absolutely.

The validity of a master's expression of authority does not extend to commanding someone to be another person's slave (*Caec.* 96). The status of a slave is more or less a temporal legal construct. A man stopped being a slave the moment his name is included in the census, whereas a person might lose his freedom if he evaded a census since it would then put him at risk of being sold (*Caec.* 99). A citizen who has surrendered himself to slavery, however, retains his citizenship (*Caec.* 98). Most citizens who went into slavery did so either to avoid being punished by the law or of their own volition. According to Cicero, a

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typical way for a Roman citizen to become a slave is through war (*Cluent.* 21-25). A case in hand is the son Dinea, Marcus Aurius, who was nobly born but was captured during the social war. He was later sold to slavery in Ager Gallicus.⁶ When the mother was drawing up her will, the fact that her son was a slave did not deter the woman from including him in her will (*Cluent.* 21-25) since she hoped that he might one day be free again to continue with his normal life; unfortunately, however, he met with an untimely death.

It is apparent from Cicero's handling of the identity of a slave in his rhetorical treatises that the nature of the master-slave relationship and the sociological assumptions behind this relationship are constant in his mind, while the use of certain ethical and pathetic elements to persuade his audience varies. Nevertheless the *rhetorical* function of a slave transcends this simplistic social construct. The moment a slave is mentioned in a rhetorical narrative or his activity is considered to have some social or sociological importance he becomes a crucial participant in the activities of the public sphere.⁷ The slave is made to assume a rhetorical *persona* that enables Cicero to interpret his activities in whatever way he deems will be useful in persuading his audience. Since slaves

⁶ Ager Gallicus is sandwiched between the Ariminum and Ancona along the coast of the Adriatic.

⁷ This same point has been expressed by Vogt 1975:10: 'It is no coincidence that slaves now play more important roles, roles essential to the plot. In this way the poet seeks to express the fact that citizens who do not participate in the life of the *polis* lose an important part of their being, and consequently fall to the level of slaves'.

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are not usually the principal character in a legal case, the relevance and persuasiveness of their activities is dependent upon four factors: the position the orator holds; the character of the principal person, usually a member of the elite; the degree and nature of co-operation between the principal character (usually the master) and the slave; and the orator's interpretation of the slave's involvement in the case. For the orator to achieve the desired level of persuasion, he must reduce the character of a slave to a concept whose activities are amenable to an interpretation that is consistent with the subject of discussion. While naming serves as a strategy of adducing primary importance to the involvement of a slave in a criminal event, anonymity serves as a device of attributing either secondary importance to a slave's involvement in a case or as having no importance and no identity at all.⁸ Slavery in the Roman world was gendered and this determined the nature of the activities that were performed by slaves.⁹ The category of slaves that will be mainly treated in this chapter will be male. This is because they were directly involved in public activities and were witnesses to and participants in most of the activities that took place in the public life as evident in the Ciceronian treatises.

⁸ 'Primary importance' in this context means that the orator gives a real identity to the slave and recognises him as another key player in the narrative, while 'secondary importance' either completely subordinates the slave or regards his participation in an event as inconsequential.

⁹ See Pomeroy 1975:191.

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8.3. SLAVES, CRIMES AND THE

INTERPRETATION OF SLAVE INVOLVEMENT IN CRIMES

Male slaves often became involved in crimes mainly because of their vulnerable position. A slave's life did not belong to him, so the achievements of slave were dependent upon the kind of assignments his master gave him and the form of treatment he received from his master. In the speeches of Cicero discussed in this thesis, which are representative of Cicero's writings at certain points of his career, slaves are not referred to in isolation. On most occasions a slave is mentioned it is usually in connection with an assignment carried out for his master. Although the orator's description of the activities or actions of the slave may be important in many cases, what seems especially significant is the attitude with which such assignments are carried out. My discussion below concerns the appearances of male slaves and their challenge of the elite. Although my discussion will focus on the *Pro Caecina* and the *Pro Caelio*, incidental references will be made to examples of slaves in few other speeches of Cicero.

8.4. SLAVES AS INSTRUMENTS OF FORCE

Incidents of slave presence in Cicero do not seem to be prominent until the second half of the first decade of his career. Slaves generally play a passive role in relation to decision-making but an active role when a major event is to take place; in other words, they were a means to an end and vehicles of the application of power. Similarly Cicero manipulated their actions toward achieving an oratorical end. Since most of the court cases handled by Cicero in his career

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consisted of political and civil offences and crimes, the slaves he mentions, whether anonymous or named in the speeches, are connected to the crimes. Their co-operation with or obedience to their masters, who were usually members of the elite, in perpetrating havoc and committing crimes shows the importance of slaves. If the slaves who are present do not actually participate in a crime, then they certainly have adequate knowledge of it. In the *Pro Quinctio*, for example, Naevius instructs his slaves to ensure Quinctius' absence from court so that the former might secure the court's permission to offer Publius' goods for sale (26).

The *Pro Caecina* is a speech that resulted from a complicated land dispute over the estate of a Roman lady called Caesenia. After losing her husband, Marcus Fulcinus, and her son, Caesenia took possession of a piece of land. She died shortly after the possession. She had made Aulus Caecina her heir, granted him the right to possess a substantial part of the estate, and had left some money and land for her freedman Aebutius, her legal representative (*Caec.* 17). Caesenia's death left Aebutius and Aulus Caecina quarrelling over Aulus' right to possess the land. Contrary to the law, Aebutius had gathered and armed some slaves to prevent Aulus Caecina from entering the piece of land (*Caec.* 20). A certain Antiochus was instructed to ensure that Aulus Caecina could not gain access to the property and to prevent him from doing so by physical force if necessary (*Caec.* 21-22). The testimony of all the witnesses examined by Cicero except that of Publius Caesenius and Sextus Clodius confirmed the presence of

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armed slaves (*Caec.* 21-30). The following passage is Cicero's account of Aebutius' collection and arming of these slaves:

Improbus fuit, quod homines coegit, armavit coactis armatisque vim fecit.

(*Pro Caecina* 23)

He [Aebutius] was an immoderate felon because he gathered men together, armed them and used force by means of the men he gathered together and armed.

Not all of the slaves present at the site on the day of this incident belonged to Aebutius since he had asked his friends to come and to bring their slaves along. A slave by the name of Antiochus plays an important role in Cicero's narrative. The mention of Antiochus' name is significant. Antiochus, a slave, is assigned to harm the freedman Aebutius.¹⁰ Naming this slave stresses the conflict between a slave and Roman citizen and between the orders that each figure represents. The role that Antiochus plays in *Pro Caecina* 22 suggests that he has either been given a special assignment, which is to kill anybody who stepped on the property, particularly Aulus Caecina. Perhaps he was given this role because he was good at fencing; whether or not this was the case, his role in the team of and slaves

¹⁰ It is not clear whether Aulus Caecina belonged to a noble family or not. One can only presume that a lady such as Caesenia would have married a respectable gentleman.

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who have been assigned to attack Caecina is unique. Aulus Caecina's daring attempt to set foot on the property depicts him as the leader. While Antiochus attacked him with a sword, others hurled stones at him. This event shows that hegemony can manifest across different strata and to varying degrees of intensity. Even at the bottom rung of society, hegemony can still be constructed.

Slave masculinity is compatible with force especially when arms are involved. However, 'slaveness' (being a slave or the essence of a slave) in the Ciceronian discourses involves agency. In Cicero's analysis a slave becomes a sign for any agency or representation. An agency or representation can be divided into two categories: tangible, that is, a person such as slave with a physical weapon, and the intangible, that is, the spoken word (*Caec.* 52). Men, arms and the spoken word are all subservient to the intentions and purposes of men of authority. Cicero in some cases uses the word *satellites* ('attendant') to describe a man who chooses to support another man's interests. In the *Pro Caecina* such an agent has been harnessed to violate the rights of other men:

Convocari homines propter possessionis controversiam non oportet,
armari multitudinem iuris retinendi causa non convenit, nec iuri
quidquam tam inimicum quam vis, nec aequitati quidquam tam
infestum est quam convocati homines et armati.

(*Pro Caecina* 33)

That men should gather in a dispute over the right of ownership is
contrary to the law and equipping the mob for the maintenance of

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human rights is improper. There is nothing more injurious to human rights than force and nothing violates equity like the presence of armed men in the public place.

As far as Cicero is concerned, the group that consists mostly of slaves that Aebutius has used to achieve his goals has been an agent of force and a means of violating other people's human rights, although no deaths were recorded around this case. Cicero's philosophical statement in this passage has ramifications greater than the specific case involving Caecina and Aebutius. Any form of militarism in a civil society threatens justice. The law is suspended temporarily when men resort to the use of arms. As a matter of fact, Cicero is not well disposed to people engaging in any act of warfare, including physical weapons. As suggested above, the spoken word can also be used as a threat to the life of another person. In *Pro Caecina* 42 Cicero equates the force that is generated by the use of a weapon with verbal violence.¹¹

8.5. SLAVES AS AGENTS OF DEATH

Out of the five counts brought against Caelius Rufus as enumerated in the *Pro Caelio*, two of them are death-related: the attempted murder of an Alexandrian diplomat (*Cael.* 51) and the attempted poisoning of Clodia (*Cael.* 30, 51).¹² The involvement of slaves in the narratives of murder and poisoning portrays them

¹¹ See Chapter 6.5 for a discussion on physical and psychic violence.

¹² For further discussion on Clodia see Chapter 7.3.

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not only as agents of death but also as participants in an illicit sexual relationship. Cicero portrays slaves as trusted accomplices in murder cases. This criminal stereotyping of slaves is consistent with the Roman categorisation of them as moral inferiors.¹³ The slave, of course, does not have a life of his own except that which the master allows him. Invariably the identity of the slave is constructed for him by the kind of tasks he performs for his master. Although Cicero argues that the allegations levelled against his client are untrue in the *Pro Caelio*, there may have been some elements of truth in them. Even if the accusations were untrue, they show that slaves could be used as couriers and instruments of death. Both these accusations elevate the status of a slave from a mere servant to an associate or accomplice in a criminal undertaking.

The charge relating to the attempt to murder the Alexandrian diplomat is not particularly serious if one were to approach the critique of the narrative through Cicero's defence. The framework of the story, however, is significant to this discussion. Caelius is reported to have collected gold from Clodia and given it to the slaves of Lucius Luceius, the diplomat's host. The handing over of the gold to Lucius' slaves was intended to procure the death of the diplomat. Cicero argues that the charge is spurious and this kind of misdemeanour is incompatible with the character of Caelius. He maintains that Clodia has made herself an accomplice since she did not take care to construct a credible motive for Caelius' acquisition of the gold. Cicero demands that the prosecution should name the

¹³ For further discussions on the perception of slaves in the Roman society, see Wiedemann 1981: 61-77.

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place where Caelius and the slaves exchanged the gold (*Cael.* 53). He also asks if Lucius would have felt remorseful and paid no attention to his slaves when they attempted to kill the diplomat (*Cael.* 54). These questions, however, neither erase the possibility of the existence of the plot nor exonerate Caelius. What emerges is the collusion between citizens and slaves in a destructive exercise. In the process of analysing the gold narrative (*Cael.* 56) Cicero manipulates the story to his advantage. For the most part modern scholarship lacks the court address made by the opposition.

Cicero does not believe that Caelius would have wanted to kill Clodia without a reason: if he had attempted to poison her, this would raise the question of who his confidants had been (*Cael.* 57). The seriousness of the charge emerges in Cicero's attempt to ascertain the kind of slaves that would have been involved in this episode. According to Cicero, no reasonable citizen would want to entrust his life into the hands of another person's slaves. Moreover, the kind of relationship that existed between the slaves and their master would unravel the mystery behind who was involved:

Refert enim magnopere id ipsum. eisne, quos intellegabat non communi condicione servitutis uti, sed licentius, liberius, familiarius cum domina vivere?

(*Pro Caelio* 57)

This point requires great attention. Were they the men she [Clodia] understood to function in their capacity as slaves but living with

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more freedom, more liberty, and with an unusual closeness with their mistress?

In this passage Cicero suggests that the nature of the relationship between the slaves and their mistress Clodia determined how Caelius received them. Cicero insinuates that these slaves enjoy more privileges and a more intimate relationship than a normal slave, which elevates their moral status, their activities and the calibre of other slaves with whom they interact. Cicero undoubtedly would not expect Caelius to have direct contact with Clodia's slaves in an exchange of the gold for the procurement of poison. Cicero suggests that slaves and citizens ordinarily are not on an equal level in day-to-day interaction (*Cael.* 57). In this situation, however, one could consider Clodia as a facilitator who despite her upper class status bridges the social gap between Caelius and her slaves (cf. *Cael.* 57-58).¹⁴

In order to strengthen his case against the opposition, Cicero makes a mockery of the alleged interaction between Caelius and the slaves at the bath. He raises doubts about the story regarding the poison and the Senian baths where Caelius and the slaves were supposed to have exchanged the box that contained the poison (*Cael.* 61). The prosecution's argument is that Publius Licinus intended to meet Clodia's slaves at the Senian baths and to give them

¹⁴ In *Pro Caelio* 57 it is not clear if Cicero is actually suggesting that slaves do not often have sex with their mistress. Austin 1952: 118 asserts that these

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the poison box. To Cicero it is absurd that a gentleman like Publius Licinius would meet slaves at the baths to carry out such a demeaning transaction. Caelius' house would have been the ideal place if the relationship between Caelius and Clodia had not been strained (*Cael.* 61). The fact that the prosecution claimed that some respectable men were hiding in the baths to seize Publius Licinius raises the question as to whether the incident was a set-up. The testimony of the prosecution witnesses is weakened by the fact that the men in hiding came out at the wrong time (*Cael.* 63).

The importance of the story to this discussion emerges through the involvement of the two parties that were involved in the incident at the baths: Publius Licinius and the men in hiding. Cicero presents a construct of a comfortable leverage between the slaves and other participants in the episode. This kind of leverage leads one to suggest that there is an act of reciprocity in the way that both parties have been constructed. The involvement of some Roman citizens and a lady in the poisoning episode elevates the social status of the slaves, while the involvement of the slaves lowers the moral and social status of the gentlemen involved. Cicero attempts to cast doubt on the allegation with a literary allusion:

Velut haec tota fabella veteris et plurimarum fabularum poëtriae
quam est sine argumento, quam nullum invenire exitum potest!

slaves 'were nominally slaves but were indeed Clodia's agents and associates in debauchery'.

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(*Pro Caelio* 64)

For instance, this entire story that has been written by a veteran poetess who is reputed to have written several plays—lacks a clear plot, and has a shaky conclusion.

The spurious nature of the story is increased by the court's inability to summon the slaves for questioning because they are reported to have been manumitted by Clodia. Since a woman could not of her own accord manumit a slave, especially since Clodia was a widow at the time of the case, she required a male person or a council consisting of men to grant the slaves freedom. The prosecution team asserts that Clodia has manumitted the slaves who took part in the bath chase (*Cael.* 68). Cicero suggests that Clodia's manumission of the slaves has two implications: first, that the story must have been a fabrication of Clodia in her attempt to victimise Caelius since these slaves now could not be questioned, and secondly, that Clodia has rewarded the slaves for being loyal to her in her clandestine activities (*Cael.* 68). Whichever of these implications may have held true for Clodia's action, they depict Clodia as a vicious character after the manner of Medea,¹⁵ presuppose that Clodia wants to thwart the course of justice, suggest that she has manipulative personality, and show that has a special interest in these slaves; presumably this interest emanates from the sensual and criminal relationships the slaves have formed with their mistress. Cicero does not name Clodia's slaves, which is understandable because that

¹⁵ For further discussion on Clodia see Chapter 7.3.

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might undermine his refutation of the charge. No name means no identity, and no identity means the story about Publius Licinius' involvement could be false. Cicero succeeds, in fact, in persuading the court that the story is not true.

In the *Pro Cluentio* there is a similar story that concerns the loyalty of a slave and the arrest of a potential killer. Oppianicus, a serial killer and a legacy hunter who panders to Sassia's criminal whims and machinations, attempts to kill Habitus with the aid of Cleophantus' slave. Habitus was under the medical care of Cleophantus at this time. The plot to eliminate Habitus arises out of Sassia's desire to have her son's property since he had not drawn up his will (*Cluent.* 45). Habitus' need for medical attention under Cleophantus provides a good opportunity for the murder to be carried out. Oppianicus employs the agency of Gaius Fabricius to help him carry out the murder. Fabricius makes overtures to Diogenes, Cleophantus' slave, to assist in the killing. Diogenes, who is reluctant to participate in the poisoning of his master's client, informs Cleophantus of the plan, who later informs Habitus. On M. Baebius' advice Habitus purchased Diogenes from his master in order to have him as the principal witness. On the set day for Diogenes and Scamander, Fabricius' freedman, to meet and for Diogenes to be commissioned for the assignment, some gentlemen leapt from their hiding place and arrested Scamander as he was handing over the poison and money as payment (*Cluent.* 45-55).

Unlike the Senian baths in the *Pro Caelio*, Cicero does not give the name of the location of the arrest in the *Pro Cluentio* but says it was *eius modi locum* ('that kind of place, *Cluent.* 54). Unlike the men in the *Pro Caelio* who emerge

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prematurely from their hiding place, the men in the *Pro Cluentio* narrative are sufficiently patient to establish that there was a reasonable degree of interaction between Scamander and Diogenes to prompt them to emerge at the right moment from their hiding place to catch Diogenes and Scamander in the act. In both speeches Cicero can be seen to interpret the actions of his clients favourably and to absolve them from any guilt or blame. In the *Pro Cluentio* Diogenes is praised as *frugi et integer* ('honest and upright', *Cluent.* 47), qualities that mirror the character of his master, but the entire narrative about the attempted poisoning in the *Pro Caelio* is a reflection of the character of Clodia (*Cael.* 69). This demonstrates that there is a reciprocity in the way one agency constructs the other.

8.6. OTHER CATEGORIES OF SLAVES

So far the discussion has focused mainly on slaves who are involved in crimes that are recorded as occurring in the private space but that transgress the private/public divide. In Cicero there are some other categories of slaves that the orator constructs in his speeches. One category, for instance, features slaves whose roles are represented simply by the actions and attitudes of their master, while another category consists of slaves who took part in revolts. The Roman republic had witnessed slave revolts that had affected the stability of the republic. Cicero makes allusions to some of these revolts.

One category of slaves, which I shall call 'ghost slaves', emerges in the Verrine orations. Cicero cites offences committed by Verres as the governor of

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Sicily, but since these offences are too numerous for an individual to carry out he must have used his slaves. Cicero records Verres' robberies of statues at critical junctures of these speeches. Cicero mentions the statues stolen by Verres from Aspendus and Diana's statue at Perga, among other thefts, and compares him with several generals who had given proper accounts of the loot they had captured for the state (*Verr.* 2.1.46-63). Although the theft of these statues characterises Verres' attitude toward works of art, Cicero is silent about the means by which Verres removed these statues. Behind Verres there must have been a considerable number of 'ghost slaves' whom he organised to carry the idols from the sanctuaries.¹⁶

Another case involving the theft of a statue involved Sthenius of Thermae. Sthenius was a collector of artefacts and he had a large collection of them (*Verr.* 2.2.83). Verres visited him and carried off practically every art object that he owned. Sthenius bore the robbery stoically. Eventually, Verres was fascinated by the statue in Thermae, which had been erected in remembrance of Scipio Africanus jr. This statue had been erected to celebrate the relationship between Rome and Thermae. Since Verres wanted the statue, he asked Sthenius to help him to remove it and the latter declined because of its political significance in Thermae (*Verr.* 2.2.83-84). Cicero explains the reason for Sthenius' fondness of

¹⁶ Although hired workers or even soldiers may have carried out the movements of the statues from the sanctuaries, I believe that Verres must have used his private slaves for this purpose because of the personal nature of the thefts. Since Cicero keeps quiet on this aspect, it is impossible to determine the number of slaves he may have used.

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the statue. Scipio Africanus had thought that those allies of Rome who had suffered from the horrors of war should recover their belongings at the end of the war. Since the town of Himera was destroyed, however, the citizens of this town eventually moved to and resettled at Thermae. Scipio restored the various statues to the Himerians by erecting them at Thermae (*Verr.* 2.2.86-87). Cicero then describes the statues one after the other and explains their significance to the people. He compares the thoughtfulness and noble attitude in leaving the objects behind to Verres' greed:

Haec et alia Scipio non neglegenter abiecerat, ut homo intellegens Verres auferre posset, sed Thermitanis restituerat: non quo ipse hortos aut suburbanum aut locum omnino ubi ea poneret nullum haberet; sed quod, si domum abstulisset, non diu Scipionis appellarentur, sed eorum ad quoscumque illius morte venissent; nunc iis locis posita sunt ut mihi semper Scipionis fore videantur itaque dicantur.

(In Verrem 2.2.87)

Scipio took adequate care not to throw this and other items around, which a stupid person like Verres could steal, but he restored it to the natives of Thermae. Scipio did not lack a garden or a suburban villa or a place of some sort where he could keep them. When he brought them home they would have been called Scipio's for a while and then become the property of the generation after him that

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inherited them. In my opinion and according to tradition, then they were placed in public places that they would belong to Scipio forever.

The greed of Verres, according to Cicero, will have serious negative consequences on the image of and the respect for Rome abroad. The objects that serve as a point of reference for Rome's close encounters with destruction and as symbols of her honour and generosity have been removed on account of Verres' criminal avarice. Verres' action undermines the deep sense of patriotism for which the Romans are known and hinders Scipio's immortality. There are some silent participants in the story whose activities are subsumed under Verres in his role as governor of Sicily. Cicero's silence regarding the men who carried off the statues can be attributed to their lack of importance to Cicero's case.

Elsewhere in the Verrine orations there are slaves whose presence had an immense impact on the stability of Rome and its allies. This category consists of slaves who led and participated in revolts in Sicily. Sicily, according to Cicero, was the one province that had been of immense help and support to Rome in difficult times, including when Cicero himself was governor. When there was famine in Rome, Sicily sent grain to Rome. For Cicero Rome was a beneficiary of the alliance with Sicily because of this province's great political and economic importance. Cicero would certainly have expected a Roman governor to crush any slave revolt at the slightest provocation. There were a series of intermittent and spasmodic upheavals among slaves in Sicily. In contrast to the decisive,

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spontaneous and prompt manner with which generals like Marius Crassus and Gnaeus Pompeius suppressed slave revolts, Verres treated similar upsurges lightly because of personal gain (*Verr.* 2.5.5). An example of a slave revolt during Verres' tenure is the one reported to have been led by Leonidas (*Verr.* 2.5.10). According to Cicero, Verres released the slaves and thereafter sold them to the executioner who was supposed to kill them (*Verr.* 2.5.13-14). In contrast to how Verres managed the Leonidas crisis, Cicero cites another example of slave revolt involving Aristodamus of Apollonia, Leon of Imachara and Apollonius' head shepherd, who were falsely accused by Verres to have plotted a conspiracy and were wrongly punished (*Verr.* 2.5.17-19). Apollonius of Panhormus was kept in jail for eighteen months without trial and was not allowed to receive visitors during this period (*Verr.* 2.5.21). What seems especially pertinent to this discussion is the manner of interaction between a governor and a head slave. Usually the desire of slaves for freedom gave rise to revolts, but the slave revolt that involved Apollonius is attributed to Verres' sheer brutality (cf. *Verr.* 2.5.17-21). Cicero therefore implies that Verres' misdemeanours were as detrimental to the image and stability of the republic as the slave-revolts themselves.

When Cicero is trying to demonstrate in the *Philippics* how the celebrated Mark Antony has abused his identity as a Roman *vir*, he cites an uncommon use of the slave identity (*Phil.* 2.77-78). This consists of a romantic impersonation of a *tabellarius* ('a letter carrier', 2.77), a courier slave that was played by Antony. This kind of example or manipulation of a slave's identity is very rare. One should stress that a courier could also have been a freedman or an employee in service.

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The crucial point to note is Mark Antony's act of assuming an identity that is seen to be subordinate to his own. In Cicero's *Philippics* (2.11) Cicero narrates a romantic scene performed by Antony in order to surprise Fulvia. Antony had reached Saxa Rubria early but indulged himself by drinking until it was late, then dressed himself as a slave to deliver the letter to Fulvia. The message in the letter was that the love affair between Antony and Fulvia had ended. On reaching Fulvia's door Antony declared himself to be a *tabellarius* and was led by a servant to Fulvia. She received the letter from the courier and burst out crying because of the content of the letter announcing the dissolution of her relationship with Antony.

The story ends with Mark Antony falling into Fulvia's arms (*Phil.* 2.78). Cicero thinks this act is ridiculous because the entire scene is considered to be incompatible with the character of a *vir*. What Cicero does not probably appreciate is that a member of the elite has reinvented his own identity in an amorous situation. For both Fulvia and Antony this act may be permissible within the confines of their house and private life, but given Cicero's use of the episode, it is politically and ethically damaging for Mark Antony. The purpose of the narrative is to stir up the anger of the audience against Antony, whose erotic action betrays the exalted character of a general.

8.7. CONCLUSION

A conservative interpretation of these examples will lead one to conclude that the elite had all the power in the Roman world. Cicero shows, however, that there are

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different types of power that are present in other gender and social categories. The members of the hegemonic group exercise control over other groups, including slaves, by harnessing their powers. A conflict between two unequal powers may render the politically superior power momentarily impotent. In the *Pro Caecina*, for instance, the physical power of the slaves challenges the authority of a superior person, just as on the political front a slave revolt is an example of the power of the slaves. Another category of slaves not featured in this discussion features those with intellectual power; slaves in this category were depended upon *inter alia* to edit their masters' publications. One of the most significant aspects of slavery is the legal right of the elite to subordinate the slaves, but this kind of subordination is possible only through the sharing of the public space by the elite and the slaves.

9

Conclusion

The basic assumptions of power are intrinsic to a human's quest for power, and especially, an orator who is driven by hegemonic ambition.¹ This thesis has examined Cicero's construct of 'self' as an oratorical performer in the public domain and his production of oratorical hegemony during his career. Ciceronian rhetoric thus represents for us a type of oratorical hegemony and a form of institutional practice. The potential for constructing a form of oratorical hegemony is not only attributable to a person's social conditioning but is also traceable to his personal ambition. A hegemonic ambition can manifest at a very young age in a person's life as Cicero's biography exemplifies. Plutarch records that Cicero grew up as a performer with hegemonic tendencies at school (*Cic.* 2.2). He also relates that Cicero was an object of admiration to his classmates' parents (2.2).

Cicero, then, became an object of honour and envy and a public figure very early in life and his hegemonic personality was constructed at a young age. His public imaging may have been consolidated by the quality of schools that he attended and the pre-eminent scholars with whom he studied. Just a couple of

¹ These assumptions are the following: the pursuit of personal gain, the support of weaker citizens, and the expansion of territory by colonising other weaker and unprotected towns and cities (Thuc. 1.5.1). For further discussion see Chapter 1.4.

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these scholars were Philon, an academic, and Mucius Scaevola, a respectable politician and senate leader who introduced him to the law. Some of the Greek scholars who trained Cicero included Xenocles of Adramyttium, Dionysus of Magnesia, Menippus the Carian, Apollonius at Rhodes, and Poseidonius, an acclaimed philosopher. Undergoing rhetorical and philosophical training with these successful scholars in the ancient world may have helped to foster Cicero's hegemonic instincts and to encourage him in the pursuit of his ambitions.² There were other individuals who were privileged to have Cicero's kind of training but did not end up becoming as successful and productive in public life as Cicero; however, the fact that a figure such as Julius Caesar had a similar training as Cicero and became a celebrated public figure shows that a proper education was crucial to the production of a hegemonic orator.

Complacency can constitute a major setback to the career of any professional, especially an orator. According to Cicero, Hortensius reached the peak of his oratorical career early because of his failure to develop himself further in his mature years (*Brut.* 93.321). Hard work, resilience, ambition and courage are the necessary ingredients of achieving success in public life. Cicero entered public life as a man with fortitude and determined to immortalise his surname, which his friends thought his opponents might use to ridicule him since it as derived from the *cicer* ('chick-pea', *Plut. Cic.* 1.2-4). *Cicer* was given as a nickname to the original bearer of the name because of the protrusion that was

² For a discussion of Cicero's mentors who would have served as an

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on his nose. Cicero refused to adopt another name at his friends' advice because of his determination to immortalise the name 'Cicero' (Plut. *Cic.* 1.4). Today, his name is synonymous with rhetoric. His teacher Apollonius encouraged Cicero as a young man. On one of Apollonius' visits to Rome, Cicero was asked to recite an oration for him, but Apollonius requested that Cicero should recite his oration in Greek because he did not understand Latin. Cicero presented a moving speech after which Apollonius made the following remark (Plut. *Cic.* 4.5).

Apollonius must have observed through Cicero's performance the hope of continuity in the tradition of eloquence even though it would henceforth belong to another nation. If Apollonius' commendation is something to go by, Cicero's performance was a display of rhetorical ingenuity. Cicero's rhetoric, although a vestige of an earlier culture, would later be used as a productive tool in securing self-promotion in the public sphere. Since fame and political acclaim result from an orator's frequent performances in the forensic space, it is possible, as in the case of Cicero, to chart a progression of oratorical development that would serve as an example for posterity of an orator's career. One of the contentions in this thesis is that study of Cicero is relevant to the modern practice of oratory. Ciceronian rhetoric has become a form of institutionalised rhetorical practice for the modern student of oratory.

Cicero would have examined the contestatory nature of the public space and would have understood the different elements of the forensic space that he

inspiration to him, see Chapter 2.5.

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could manipulate for oratorical ends. Moreover, Cicero would have understood that the direct result of great accomplishments in public life was immortality, so he paid careful attention to self-promotion and the conscious manipulation of his identity. The concept of Ciceronian masculinity that is closely connected to a hegemonic attitude demonstrates that hegemonic masculinity is an achieved state. My discussion of Cicero's form of oratorical hegemony has shown that oratorical hegemony needs to cooperate with other forms of hegemony in order to maintain its position in the forensic space.³ The different *personae* that Cicero assumes in different forensic spaces give us an insight to the nature of power relationships that may have existed in the first century BC Roman political sphere.⁴ Contests in the public place foster associations among public masculinities.

The quest for power is central to the career of a Roman young man and it played an important role throughout Cicero's political life. Other performers in the public space such as Julius Caesar, Marcus Antonius, Clodius and Pompey saw physical force as a key instrument to wielding political influence in the Roman republic. Cicero understood and employed verbal force, aggression and violence in his rhetorical performances. In Ciceronian advocacy, rhetorical devices are likened to military weapons, but in a civil society Cicero hoped for a state free from all forms of aggression (*Off.* 1.22.77). According to Cicero, the public space

³ For Cicero's concern for his safety and his need for assistance from other forms of hegemony, see Chapters 6.9 and 6.10.

⁴ For discussions on the division of oratorical space, see Chapter 6.2.

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should be void of physical and military violence and instead the power of the spoken word should be relied upon when holding leadership positions, drafting the constitution and resolving conflict.⁵ Cicero's view that rhetoric constitutes the ultimate means by which an orator gains power informed his practice of rhetoric. Cicero considered every opportunity to speak in the public space as an occasion to increase his influence.

An important aspect of identity construction for Cicero involves gender. The orator's gendered identity belongs in the realm of rhetorical devices and was a means to gaining access to the public place in the Roman republic. The Roman male citizen automatically had access to the forensic space. This space was not accessible to women in the in first century BC Rome. A young man who was interested in politics adopted the concept of *laus et gloria* ('fame and glory') as a paradigm for defining himself as a *vir* ('man') in the forum. While a woman's chastity and birth determined her social acceptability, a man had to prove himself through several masculine processes of male socialisation, including the ritual of the *toga virilis*, an induction recently termed as phallogentric by feminists.

This project has demonstrated that Cicero, through his use of self-definition, constructed his identity in a manner that won him the favour of the audience. Several instances of self-definition helped him to establish his forensic *personae*. It is through Cicero's frequent use of self-definition in his oratory that a student of oratory can gain insight into the articulation of his political power and

⁵ See Chapter 2.2.

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influence. The Ciceronian spectacle of power in an oratorical context varies from one speech to another and from one context to another. As it has been shown, Cicero's strategy of power matured alongside his political attainments. An orator's identity does not exist in a vacuum. Cicero understood that various 'selves' help to define the character of an orator and he constructed these 'selves' depending upon their utility in given speech situations.

In Cicero's mature years, he used the female identity as a means of entertaining his audience by drawing upon already existing stereotypes of women.⁶ The public space had become slightly accessible to some women of the upper class (e.g., Clodia, Sassia and Fulvia) and their involvement in some of his cases provided an opportunity for Cicero to introduce female characters and to portray them as comic and tragic figures. In terms of social values and expectations in the first century BC Cicero's construction of the feminine character helps to define the male identity and to perpetuate the idea that the public space was exclusively a male preserve.

This thesis has redefined Ciceronian rhetoric as a form of oratorical hegemony. Cicero's oratorical development in the forensic space has been traced through the different *personae* that have been discussed. I have also discussed his construction of himself and other key figures who were involved in his cases. Ciceronian rhetoric still remains a form of rhetoric that was constructed under patriarchy and was governed by the rules of rhetorical performance. What

⁶ For the discussions on these three women see Chapter 7.

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needs further examination is the kind of rhetoric that eliminates elements of competition and does not perpetuate the construction of a top-down model of oratorical hegemony. I have attempted to describe a 'malestream' model of oratorical hegemony based upon the example of Cicero, but this model could be adapted for application to other forms of oratorical hegemony that are not by nature 'malecentric'.

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