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TO THE SENATE AND TO THE PEOPLE: ADAPTATION
TO THE SENATORIAL AND POPULAR AUDIENCES IN
THE PARALLEL SPEECHES OF CICERO.

THE OHIO STATE UNIVERSITY, PH.D., 1978

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TO THE SENATE AND TO THE PEOPLE:

ADAPTATION TO THE SENATORIAL AND POPULAR AUDIENCES

IN THE PARALLEL SPEECHES OF CICERO

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By
Christine E. Thompson, B.A., M.A.

* * * * *

The Ohio State University
1978

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During the course of his long oratorical career, Cicero spoke on
the same topic before the Senate and before the people on several oc-
casions. The purpose of my dissertation is to study the orator's de-
vices and techniques of adapting the same material to two audiences
which in aggregate differ greatly in social standing (and as a result
in education and political privilege) and which thus may have quite
different interests and aims in the political scene of the late Roman
Republic. The sets of speeches I am concerned with are the following:
De Lege Agraria 1 and 2, In Catilinam 1 and 2, Post Reditum in Senatu
and Post Reditum ad Quirites, Philippics 3 and 4, 5 and 6.¹ For the
reader's convenience I have attached an appendix which briefly sum-
marizes the circumstances, the issues, and the result of each set of
speeches. Although there are other popular and senatorial speeches
which deal in general with the same issues as these (Leg. Agr. 3, Cat.
3 and 4, and all of the remaining Philippics including the undelivered
Second) as well as a few other individual popular speeches on different
issues (Leg. Man., Rab. Perd.), I have limited my study to those
speeches in which the same topic is addressed for each audience under

¹ For these speeches and other ancient sources I shall follow
the standard abbreviations listed in the Oxford Classical Dictionary.
First references to secondary works will be made fully; subsequent
references are by author and page only.
the impetus of the same occurrence.\textsuperscript{2} The Third Catilinarian, delivered as a report to the people after a meeting of the Senate, does not fit this limitation because the senatorial version was not published; the Fourth Catilinarian, to the Senate, is on a different topic from the Third and there is no parallel speech before the popular audience. Following this principle I narrowed the body of material I intend to study to the five pairs of speeches above. By excluding those not delivered on exactly the same issue or on the same occasion I believe I can concentrate on the devices used to adapt the same material to different audiences.

While several of these speeches have been studied individually or as sets, and comments have been made comparing the orator's handling of a particular point before one audience or the other,\textsuperscript{3} the only major previous handling of this topic is Dietrich Mack's dissertation, Senatsreden und Volksreden bei Cicero (Kiel 1937). He approached this subject by considering two major components of the speeches, argumentation and style. His conclusions are generally accepted without

\begin{itemize}
\item \textsuperscript{2} In most cases the popular speech was delivered on the same day as the senatorial speech or on the very next day. The Sixth Philippic was addressed to the people after a four-day debate in the Senate.
\item \textsuperscript{3} Jonkers, Social and Economic Commentary on De Lge Agraria Orationes Tres (Leiden 1963), offers some useful and interesting comparative remarks on these speeches. On the Philippics, see Frisch, Cicero's Fight for the Republic (Copenhagen 1946) and M. Delaunois, "Statistiques des idées dans le cadre du plan oratoire des Philippiques de Cicéron," LEC 34 (1966) 3-34, who compares certain themes in the paired Philippics. I shall refer to these works and others on individual topics as necessary when I discuss each speech.
\end{itemize}
question. Mack asserts that differences in the speeches are based primarily on the different social position and composition of the audience. For the most part I agree with the following points made by Mack:

(1) The Senate is more aware of historical tradition, and therefore Cicero uses *exempla* with more precision in the senatorial speeches.

(2) In the senatorial speeches the main concern of his audience is the *res publica* while personal welfare seems to be the most important concern of the people in Cicero's treatment.

(3) Cicero attempts to establish a closer rapport between himself and his popular audience by the use of personal pronouns.

A few other hypotheses advanced by Mack do not seem to hold up. I have not found that Cicero argues more juristically and with more technical legal language before the Senate, but with a moralistic rather than juristic viewpoint before the people. In at least one case the latter half of Mack's statement is true, but on the whole Cicero uses few technical legal terms before either audience. He does mention the names of certain laws, but he normally explains what the laws are; he also employs the usual terms for proposing or repealing bills, which are not so uncommon that the people would not know them. The idea that the people could not handle the technical aspects of a law is


5. pp. 73f.

6. pp. 76-78.

7. See my discussion of Cat. 2.21, pp.
contradicted by the fact that in De Lege Agraria 2 he expects them to understand some quite complicated legal procedures. Furthermore, Mack concludes that Cicero uses philosophical sources, particularly Stoic ideas, in his arguments to the Senate while to the people his use of philosophy is only superficial, as if he were quoting general maxims. And in combination with this, Mack argues that because the senators' education in philosophy made them more sophisticated than the people in matters of religion, Cicero depends more upon appeals to religion and the use of prodigies and omens to awe the people. These two related ideas have been refuted by Ursula Heibges, who shows that Cicero's use of religious appeals illustrates a dependence on the particular circumstances of the issue being addressed rather than on the type of audience. In another article Heibges cites a number of examples in which Stoic ideas are used in popular speeches and thereby in good part disproves Mack's thesis that religious rather than philosophic appeals are employed by Cicero when he addresses the people. The method Mack followed was to analyze in his chapter on argumentation the parallel passages from the two speeches Post Reditum and from Philippics 3 and 4. He adds references in the footnotes to the other senatorial and popular speeches without discussing each set. In the chapter on style he offers examples of individual passages from all the parallel sets of speeches to support his discussion of the use of pronouns, the

8. pp. 76-77.


relationship between the orator and his audience, the use of intensifying figures, and the use of invective.

I have chosen to deal with these topics within a different framework. After stating the rhetorical background for this problem (Chapter I) and the composition of the two audiences (Chapter II), in the next five chapters I discuss some aspects of diction and composition which Cicero uses to adjust his speech to the interests and training of each audience. Since the language of politics in the late Republic evolved into a pattern of stock terminology used by both sides on an issue, I have examined in Chapters III and IV the different connotations Cicero gives to these catchwords before the senatorial and popular audiences. In Chapter V I have studied the use of historical exempla in the speeches expanding somewhat on Mack's conclusions on this topic. In both of these devices, the interests of the Senate or the people seem primarily to determine what differences Cicero introduces, although in his use of the mos maiorum, education or knowledge of Roman historical traditions also play an important role. Within these chapters I have sections on each set of parallel speeches. In the following chapters (VI and VII) I have examined some aspects of composition, the arrangement of arguments in the speeches and the structure and length of sentences. Considering the differences in the training of the two audiences I assumed (as others have) that there should be apparent some techniques to simplify and structure ideas for members of the popular audience so that they could more easily follow the development of an argument. My assumption was only partially confirmed.
At the end of each chapter I have drawn some conclusions and sometimes attempted to speculate on Cicero's purpose for using these devices. In the summary of conclusions I shall attempt to suggest what the differences between the speeches reflect about Cicero's attitude to his audience. While there are some drawbacks to my overall approach, especially that there is some obvious overlapping when one passage illustrates a number of devices, I thought that this plan would make the techniques of adaptation clearer than discussing all aspects of one speech and then all aspects of another. This scheme is also more convenient since the arrangement of topics within each pair does not always allow the isolation of exactly parallel passages.

I wish to offer my sincere thanks to Professor Charles Babcock for his constant encouragement and thoughtful criticisms while I was working on this dissertation. I would like to express my appreciation for the comments and helpful suggestions of Professor John Vaughn and Carl Schlam. To Collette Armstrong and Chris Damude who were kind enough to type much of the final copy for me, I also extend my thanks. I wish to offer a special note of gratitude to Mary E. Bosko for her understanding and support and for helping me type numerous drafts of my thesis.
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### ABBREVIATIONS

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<tr>
<td>AJP</td>
<td>American Journal of Philology</td>
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<tr>
<td>CQ</td>
<td>Classical Quarterly</td>
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<tr>
<td>G &amp; R</td>
<td>Greece and Rome</td>
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<tr>
<td>JRS</td>
<td>Journal of Roman Studies</td>
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<tr>
<td>LEC</td>
<td>Les Études Classiques</td>
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<td>PBSR</td>
<td>Papers of the British School at Rome</td>
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<tr>
<td>RE</td>
<td>Pauly-Wissowa, Real-Encyclopädie der classischen Altertumswissenschaft</td>
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<tr>
<td>TAPA</td>
<td>Transactions of the American Philological Association</td>
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<td>YCLS</td>
<td>Yale Classical Studies</td>
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CHAPTER I

ADAPTATION TO AN AUDIENCE: THE RHETORICAL BACKGROUND

While Cicero was always aware that he had to adjust his diction for his audience, he does not address this issue as an isolated consideration in his rhetorical treatises. Scattered in his writings are remarks about the necessity of adaptation to audience and circumstance. He often makes a general statement such as this in De Oratore 3.210-11:

Quamquam id quidem perspicuum est non omni causae nec auditore neque personae neque tempori congruere orationis unum genus...Refert etiam qui audiant, senatus an populus an indices: frequentes an pauci an singuli, et quales: ipsique oratores qua sint aetate, honore, auctoritate debet videri; tempus, pacis an belli, festinationis an oti.

Cicero identifies here the factors to be considered in any speaking situation: causa, auditor, persona, and tempus. The first of these is quite fully developed as Cicero discusses in the De Inventione and De Oratore different types of cases and gives many examples from his own speeches. The other elements are not much developed beyond what he says here; they are not considered as separate topics.

Persona is addressed particularly in the Brutus when Cicero describes Hortensius (325-27). In the judgement of the crowd Hortensius held first place when he was young. This is attributed to his Asiatic style which was suitable for his age:

Etsi enim genus illud dicendi auctoritatis habebat parum, tamen aptum esse aetati videbatur. (327)

The decline in his reputation as he grew older was due to the fact that
Hortensius did not adjust his style to his age and position:

Sed cum iam honores et illa senior auctoritas gravius quiddam requireret, remanebat idem nec decebat idem. (327)

He had not adjusted his persona (aetas, honos, auctoritas) and thus had lost his appeal to a popular audience.

Somewhat earlier in the Brutus Cicero comments on the suitability of Crassus and Antonius as speakers to the assembly and to the courts respectively:

Et vero fuit in hoc Crasso etiam popularis dictio excellens; Antonius genus dicendi multo aptius judiciis quam continentibus. (165)

If we look at the characterizations of these two orators given just before this remark, perhaps we can detect what elements of speaking must be adjusted for each audience, what makes one speaker better suited to the courts and the other to the assembly.

Antonius was said to have had control of everything, i.e. he knew how to put each word or idea in proper perspective. He was so well prepared that his delivery seemed to be impromptu with no suggestion of rehearsal (139). He spoke carefully enough but did not always choose the most elegant words; what he excelled at was placing words effectively and tying the words into skillfully constructed periods. His control extended likewise to rhetorical embellishments (140).

His delivery was unique; every gesture agreed with the ideas or feelings he was expressing; his voice remained strong, although somewhat hoarse. This fault however, he turned into an advantage; it was most suitable to inspire trust or arouse pity (141-42).
Crassus' ability as an orator is shown not only in comparison to Antonius (143-44, 158) but also in a comparison with Scaevola (145-56). However, this latter comparison adds little to elucidate the distinction between Crassus and Antonius as popular or court speakers. What then are the outstanding characteristics of Crassus' speech? He has the greatest dignity (gravitas) joined with wit and refinement. His Latinity is known for precision without affectation; the exposition of his argument is lucid (143). While Antonius' gift lies in making inferences and arousing or calming suspicion, Crassus excels in interpreting, defining, and explaining fairness (144). He is resourceful in presenting his arguments and exempla (145). Crassus is always prepared and his audience is attentive. He uses no unexpected or exaggerated gesture, he does not elevate or lower his voice, nor does he pace back and forth or stamp his feet frequently. His speech is vehement and sometimes angry and justly indignant, but it is also witty and dignified (this point is repeated from 143). What is difficult is that he is ornate and brief at one and the same time (158).

From these remarks is it possible to identify what makes each suited to the contio or judicium? They are both well prepared. Their Latinity is above reproach. While Antonius is praised for the arrangement of words and sentences nothing is said on this point about Crassus. They are both praised for their delivery, Antonius for adapting his voice and gestures to his thoughts, Crassus for his moderation of voice and gesture while using emotion where appropriate. Antonius is excellent at using rhetorical embellishments; Crassus is also described as an ornate speaker. It is impossible from this comparison to see
specifically what makes Antonius a better speaker before a court and Crassus before a contio. Just before making this remark, Cicero ends the discussion of Crassus by mentioning that Crassus was unequalled in altercatio. From this statement I would have judged Crassus pre-eminent in the courts rather than Antonius, but this was apparently not for Cicero the deciding element in distinguishing one from the other. Since we cannot judge the manner of delivery, gestures, or voice of Roman orators from the published texts, practically nothing can be gleaned from this contrast to assess how an orator adapts to his audience.

If the historical approach of the Brutus yields little in defining those elements which are characteristic of one type of speaker or another, perhaps an examination of the theoretical De Oratore will provide some clues on the subject of audience adaptation. One thing we learn is that the size of the audience is important and that a more ornate style is deemed suitable to a larger audience:

Fit autem ut, quia maxima quasi oratoris scaena videatur contionis esse, natura ipsa ad ornatius dicendi genus excitamur; habet enim multitudo vim quandam talem, ut, quem ad modum tibicen sine tibiis canere, sic orator sine multitudine audiente eloquens esse non possit. (2.338)

Cicero clarifies the distinction between the Senate as audience and the people and elaborates on the point he mentioned in the quote above that a more embellished and amplified style is needed for a contio. This time he is more specific in identifying the different requirements:

Atque haec in senatu minore apparatu agenda sunt; sapiens enim est consilium multisque aliis dicendi relinquendus locus, vitanda etiam ingeni ostentationis suspicio: contio capit omnem vim orationis et gravitatem varietatemque desiderat. (2.333-34)
What is needed then in the Senate is straightforward, clear speech without excessive embellishment, while speaking to the people requires a lofty manner with every type of embellishment. Apart from this remark Cicero never fully elaborates upon what adjustments an orator must make to accommodate his audience.

If the use of embellishing figures and a loftier manner is what distinguishes the popular speaker from the senatorial speaker, one might expect the theory of three styles to be of some help in defining what particular elements are for each audience. This theory, which can be traced back to Greek rhetoricians of the fourth century, especially Theophrastus, traditionally distinguished the styles on the basis of diction. ¹ The Rhetorica ad Herennium, by an unknown writer roughly contemporary with Cicero, describes and gives examples of the plain, middle, and grand style, differentiated both by diction and sentence composition (4.11-16).

In the De Oratore Cicero notes that there are different genera dicendi for various kinds of speeches:

\[
\text{et aliud dicendi genus deliberationes, aliud laudationes, aliud judicia, aliud sermones, aliud consolatio, aliud obiurgatio, aliud disputatio, aliud historia desiderat.}
\]

(3.211)

However, he does not elaborate on this point to say what genus in particular is appropriate for a deliberative speech or a court speech.

The Orator gives a fuller discussion of the three styles; the characteristics of each genus are enumerated: plain (75–90), middle

---

(91-96), and grand (97-99). They are differentiated on the basis of
diction (ornamenta, metaphor, neologisms, archaisms), composition
(hiatus, rhythm, periodic structure, symmetry), and humor. At the end
of this discussion he cites examples of each of these styles from his
own speeches. The **Pro Caecina** represents the plain style, **De Imperio
Ca. Pompei** the middle, and **Pro Fabirio** the grand (102).

In addition to this description of the three styles, two very
important points are made by Cicero about their use. First of all,
the styles must be combined and used in the appropriate parts of the
speech:

> illud quidem perspicuum est, non modo partis orationis
sed etiam causas totas alias alia forma dicendi esse
tractandas. (74)

Secondly, Cicero also ties the three styles to the functions of oratory
which he set out in **De Oratore**:

> Ita omnis ratio dicendi tribus ad persuadendum rebus est
nixa: ut probemus vera esse quae defendimus; ut con-
ciliemus eos nobis, qui audium; ut animos eorum, ad
quemcumque causa postulabit motum, vocemus. (2.115)

> Sed quot officia oratoris, tot sunt genera dicendi: subtile
in probando, modicum in delectando, vehement in flectendo;
in quo uno vis omnis oratoris est. (Orat. 69)

These two points, the combination of the styles and the connection
with the functions of the orator, are closely tied together. The
**narratio** of a speech, intended to instruct and prove the facts, re-
quires the plain style, whereas the **peroratio**, intended to make a final
emotional appeal to the audience would require the grand style.

---

Theory," *Eranos* 55 (1957) 18-26. Combining the styles with the functions
of the orator is Cicero's original contribution.
How does this theory work when applied to Cicero's speeches? Hubbell's examination of the speeches cited in the Orator as representative of each style (102), especially with regard to hiatus and rhythm, shows that there is in fact little difference in style, that the Pro Caecina is not significantly simpler than De Imperio Cn. Pompei in these respects. 3

Laurand also discusses the theory of three styles and attempts to apply Cicero's criteria to these same speeches. 4 He first compares the Pro Caecina and the De Imperio Cn. Pompei on the basis of humor or wit, everyday language, rhythm, and tropes and figures. He finds that in most respects Cicero does distinguish between the plain and middle styles, but with respect to metaphor, the difference is not as clear-cut as on the other points. 5 He then discusses these same aspects in the Pro Rabirio with similar conclusions. Laurand does not go so far as Hubbell in saying that the plain style does not exist in Cicero. While he points out some differences and gives numerous examples from the speeches, he does not attempt to prove that the Pro Caecina is totally in the simple style, the De Imperio in the middle and Pro Rabirio in the grand. The importance of this theory, according to Laurand, is that it permits us to characterize the tone of a speech. 6


5. He did find a significant difference in the use of figures when they had some influence on the rhythm, p. 301.

The way Cicero uses the elements described in his extended discussion of style establishes a certain tone for each speech: the De Imperio Pompei is more noble and subtle than Pro Caecina, the Pro Rabirio is more vehement and lively than the others. In the chapter following this examination of the three styles, Laurand points out that we cannot expect to be able to follow this simplified theory to the letter. The three styles are not as easily distinguishable as one might like because the necessities of a particular speaking situation require individual adjustments of diction and rhythm.

To return to the original problem, there seems to be little help in Cicero’s rhetorical treatises about the stylistic adjustments necessary for a particular audience. Cicero isolates such elements as word choice, word order, sentence construction, metaphor, tropes, rhythm, with, voice, and gesture, but nowhere does he make it clear specifically what an orator should use before the Senate that he would not use before the people or the reverse. What can be drawn from his theoretical work are suggestions of what elements of style a speaker must keep in mind in adapting to a certain topic, occasion, or audience. In my study of Cicero’s paired speeches I shall examine some elements of diction and composition in relation to the interests and training of the audience.

7. P. 291.
8. P. 306.
CHAPTER II

COMPOSITION AND GENERAL CHARACTER

OF THE SENATE AND THE PEOPLE AS AUDIENCES

Before discussing how Cicero adapted his orations to a senatorial or popular audience, it is necessary to explain, in so far as it is possible, the composition and character of the two audiences. Who were they? What were their backgrounds? their interests? their political motives? What was the size of the audience? What were their relations to the orator? What were their positions on the specific issues he addressed? Although these questions cannot be completely or satisfactorily answered, they do need to be considered in order to lay a foundation for an examination of the parallel speeches.

The five sets of speeches with which I am concerned were delivered between 63 and 43 B.C.: De Lege Agraria 63, In Catilinam 63, Post Reditum 57, Philippics 44-43. Because of Caesar's dictatorship the Senate addressed in the last speeches was drastically different from the Senate twenty years before. First I shall consider
the Senate in general during the late Republic and then turn to a
closer examination of that body during the years of these speeches.
Following that I shall discuss Cicero's socially and politically
diverse popular audience.

All Roman citizens were divided into classes according to their
wealth. For my purposes it is sufficient to note a division into
two main groups: (1) the officer class or equites and (2) the common
people. This classification originally depended on a citizen's
ability to provide equipment as a soldier, thus the term equites re-
ferred to those who could afford to fight on horseback. When the
military basis of division became obsolete, the term referred to
those whose property or wealth met the highest level of the censors.
Those men who chose to hold a magistracy and thereby enter the Senate
were from the officer class. Both senators and non-senatorial upper

1. For this survey I have for the most part followed these
works: L.R. Taylor, Party Politics in the Age of Caesar (Berkeley
1971); T.P. Wiseman, New Men in the Roman Senate (Oxford 1971);
P.A. Brunt, Social Conflicts in the Roman Republic (London 1971),
P. Willems, Le sénat de la république romaine I and II (Reprinted,
Darmstadt 1968); T. Mommsen, Römisches Staatsrecht III.2 (Leipzig
Taylor, Wiseman, and Brunt are very useful for their general dis-
cussions of the Senate and its members background. Mommsen and
Willems are helpful and thorough on the Senate's composition and
changes in its size and character. Where a particular idea or fact
is attributable to only one of these, I have added a separate foot-

2. For a detailed discussion of the classes, see L.R. Taylor,

p. 18.
class citizens belonged to the **eques ter ordo**. The **ordo senatorius**
had no census of its own.⁴ Sons of senators were members of the **eques ter ordo** until they held the first office of the **cursus**. Along
side of the senatorial order were men of the same wealth qualification
who elected for various reasons not to enter upon a political career;
these men were involved in commerce, banking, tax farming, business
activities which a senator was not allowed to pursue. These men are
commonly referred to as the equestrians. The word **equites** began to be
used as an official designation for these wealthy non-senatorial
businessmen distinguishing them as a group from the senators sometime
between 121 and 88 B.C.,⁵ and this more limited meaning of the term
prevailed during the time of Cicero.⁶ While financially of the same
class, politically these two groups had conflicting interests; I
shall deal with this point after discussing the composition of the
Senate. These two parts of the upper class together comprised a very
small percentage of Rome's total population.

Within the senatorial order there were sub-divisions based on
the rank a man attained. Holding the quae storship admitted a man to
the Senate for life. Following this office the politician subsequently
ran for the offices of tribune or aedile, praetor and consul. The
Senate operated on a system of seniority, those of the highest rank
giving their opinions first. Thus the consulars had the most

⁴ M. Henderson, "The Establishment of the Equester Ordo."
JRS 53 (1963) 64.

⁵ Henderson, p. 70.

⁶ Henderson, pp. 61-62.
opportunity for deciding senatorial policy. During the period from Sulla to Caesar's dictatorship there might be twenty to twenty-five consulares active in the Senate. Further distinctions existing in the Senate were whether a man was of a patrician or plebeian family and whether he belonged to the nobles, those whose ancestors had held the highest office, the consulship. Originally the Senate was open only to men of patrician status. These were the blue-bloods of Roman society; many of them traced their lineage as far back as Aeneas or to Rome's regal period. However during the fourth and third centuries as Rome annexed neighboring towns, the upper classes from these areas were admitted to the consulship, adding a plebeian element to the nobility. During the second century the nobility, comprised of both patricians and plebeians, became a closed group. The senators were very much aware of how recently a family's nobility was attained. The nobles jealously guarded their prestigious position by attempting to exclude from the highest offices anyone whose ancestors were not of senatorial rank. The sons of equites were eligible to enter the Senate. It was easy enough for them to reach the lower magistracies, but the nobles made it difficult for them to hold the curule offices. Cicero was a novus homo, the first of his family to rise to the consulship.


8. Another view is that one acquired nobilitas from holding the curule aedileship. See Geizer, The Roman Nobility, pp. 27-40 for a discussion of the definition of nobilis.

9. Willems, pp. 35f.
At the height of the Republic there were a number of senators from Italian towns and a few from the provinces. However among Caesar's appointments were larger numbers of provincials than ever before.\(^\text{10}\) What determined how easily a municipal or provincial aristocrat entered the Senate was his relationship with influential members of the Roman nobility.\(^\text{11}\) The government of Italian municipalities paralleled the system in Rome. The upper class citizens in the towns were the leaders of the city government. Their social status within their localities was comparable to that of the Roman nobles. The families of the senatorial order were extensively allied through adoption or marriage; there was generally no stigma attached to Roman nobles contracting marriage with municipal families.\(^\text{12}\) In addition to these alliances the families were also united by the patron-client relationship, based on fides, mutual loyalty, and by the guest-host relationship. The friendship\(^\text{13}\) and political support of municipals was valued by Roman senators.\(^\text{14}\)

\(^{10}\) Wiseman, p. 8.  

\(^{11}\) Wiseman, p. 32.  

\(^{12}\) Wiseman, p. 57.  

\(^{13}\) For a discussion of amicitia see Taylor, Party Politics, pp. 7-8, 35-36.  

\(^{14}\) Wiseman, p. 35-37.
As I mentioned before, many of the equites chose to remain in the business world instead of entering politics.\(^\text{15}\) The distinction between senator and equestrian is very important politically, particularly when the equestrians' business interests conflicted with those of the Senate after the extension of Rome's territory in the third and second centuries B.C. The interests of the equestrian class were more diverse than those of the senators whose wealth came almost exclusively from property. The equites\(^\text{16}\) were involved in both public and private commerce. The publicani\(^\text{17}\) contracted with the state to supply the army, to collect taxes and customs duties, and to erect and restore public buildings. Some made their money from banking or moneylending, others from private trade. Senators were traditionally forbidden to participate in most of these forms of business. Conflict arose between these two classes when the profits of the equites were threatened by the policies of the Senate. Achieving harmony between them was a serious concern to Cicero who came from an equestrian family and understood their position. The phrase \textit{concordia ordinum} became his political slogan during his

\(^{15}\) For this cursory discussion of the equites I have consulted the following: C. Nicolet, \textit{L'ordre équestre à l'époque républicaine}, I and II (Paris 1966) is most important; E. Badian, \textit{Publicans and Sinners} (Cornell 1972); and P. A. Brunt, \textit{Social Conflicts}, while not primarily about the equites does provide a brief, general description of their interests on pp. 69-73.

\(^{16}\) When Cicero mentions the equites he is often referring only the the publicani. Henderson, p. 61.

\(^{17}\) Of all the equites, only the publicani could muster organized political pressure. Brunt, p. 71.
consultship. While the equestrians gained their wealth by different means from those used by the senatorial order, they invested much of it in land. In general, land was the basis of wealth for all members of the upper class, senators and equestrians alike;\(^1\) both groups were interested in seeing that this distinction based on landed property was maintained. An extensive exchange of credit, ultimately based on the value of land, served to unite the families of the upper class.\(^2\) While there was a definite political distinction between these groups, socially the difference was minimal. Because of their financial status all members of the upper class shared a common background.\(^3\) As a unit they were sharply different from the lower classes. The expansion of Rome's empire deepened the distinction between these groups.

Once this class-conscious system was developed it tended to perpetuate itself. The members of the upper class, especially the senators, handed down within their families a long tradition of political, legal, and military experience. Sons of senators were expected to follow in their fathers' footsteps. Their education was specifically directed toward entering the political arena.\(^4\) A Roman boy of the upper class was trained in literature, philosophy, and rhetoric. From an early age he learned the importance of being a persuasive

\(^1\) Badian, p. 50; Brunt, p. 70.
\(^3\) Wiseman, pp. 65-70.
speaker by attending public meetings in the forum and by hearing cases in the courts. Often as a sort of apprentice he attended one of the great lawyers of his day in order to learn his craft. He would continue his education by going to Greece to study rhetoric and philosophy under the tutelage of masters there. Alongside of his legal and rhetorical training for public life, he would also receive some military training. There were two main ways to make a name for oneself in Roman politics; one was through the courts, the path which Cicero followed, the other through military expertise such as Pompey and Caesar had. It was common for a young man, after his initial military training, to accompany a friend of his family who had been appointed governor of a province. Thus he would gain some military and administrative experience. Under the guidance of an extended circle of family and friends, he gained access to their accumulated experience in military and political affairs and, after holding a vigintivirate (a minor administrative office), and a military tribunate, was prepared to stand for the quaestorship, which would admit him to the Senate. Such an education was not available to the poorer classes of Roman citizens.

The politics of the late Republic are not concerned so much with the conflict of rich with poor, or of senators and equestrians with the masses, but with the conflict inside the senatorial class itself. The number of available offices each year was not sufficient for the ambitions of noble families and those of the equestrian order who wished to enter the system. Factional strife within the Senate increased during the last hundred years of the Republic. There were
two prominent groups or parties, although we cannot think of this word party with its modern connotations. The groups were not based on a particular platform or program, but rather on a technique for obtaining power. The leaders of these groups, called *populares* and *optimates*, had the same goal—the achievement of personal power. Nor did they want this power for the group as a whole, but they pursued it as individuals. The means by which they tried to gain power were different. Cicero lists for us in the *Pro Sestio* (98) the concerns of the *optimi*:

religiones, auspicia, potestates magistratum, senatus auctoritas, leges, mos maiorum, iudicia, iuris dictio, fides, provinciae, socii, imperi laus, res military, aerarium.

In short, the *optimates* desired to maintain the privileges and powers which their class had traditionally held, to maintain the status quo. They attempted to accomplish this by working through the usual channel of Senate-approved legislation.

The opposition to this group was less structured and less unified. Those whose ambitions were not satisfied through the Senate took their case to the popular assembly which was able to pass legislation giving them the power they desired. They achieved their designs through appeal to popular programs such as agrarian legislation (to give land to the poor) or distribution of grain. On the whole they were no more

22. Taylor, *Party Politics*, pp. 6-12. The Latin word for party is *factio* or *partes*. The terms *optimates* and *populares* are defined in *Pro Sestio* 96: "Qui ea quae faciebant quaeque dicebant multitudini iucunda volebant esse, populares, qui autem ita se gerebant ut sua consilia optimo cuique probarent, optimates habeabant." See Taylor for a discussion of the actual meaning of these words.
interested in serving the good of the people than the *optimates*. It is important to note that the *populares* were not simply outsiders or upstarts who could not gain power by any other means; most of them were from good senatorial families. They initiated popular legislation in order to increase their own personal power. Some politicians worked through the established system as long as it was personally profitable. When it no longer served their purposes they turned to other means. The *populares* were not a continuous block as were the *optimates*. Some members of the Senate switched back and forth from one party to another. There were also a number who were not associated with one group or the other. They aligned themselves with now one side now the other on the basis of personalities and individual issues rather than overall programs.

The usual size of the Senate up to the time of Sulla was 300. Sulla doubled the size of the Senate to 600, but because of the deaths of many of its former members in the Social War and Sulla's proscriptions, the actual size was probably closer to 500. In normal circumstances all of these would not be in attendance; some as promagistrates or *legati* would be out of the city, some would be retired or ill.

Of those in the city and able to attend, how many were usually present at a meeting of the Senate? For the period with which I am

23. Appian B.C. 1.100.

24. Hawthorn, p. 53, puts the number of active senators at 500; Willems, p. 404, guesses 450.
concerned, the size of three Senate meetings is documented:  

<table>
<thead>
<tr>
<th>Date</th>
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<tr>
<td>61</td>
<td>415</td>
<td>Att. 1.14.5</td>
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<tr>
<td>57</td>
<td>417</td>
<td>Red. Sen. 26</td>
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<tr>
<td>50</td>
<td>392</td>
<td>Appian B.C. 2.30</td>
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The debate at the meeting of 57 concerned Cicero's recall from exile.

He calls this meeting of the Senate frequentissimus (Red. Sen. 25, Red. Pop. 15). Frequentes may be used in a general sense, meaning a place or meeting at which people are crowded (perhaps relative to the size of the place) or a meeting at which most members are present. Cicero uses frequentes once for as few as 200. In a technical sense it refers to a meeting when the presiding officer compelled members to attend or a meeting concerning business that required a quorum, such as individual dispensations, election matters, supplicationes, and provincial appointments. The probable quorum for these kinds of business was 200. At times it was difficult to assemble a quorum.

In a letter to Cicero in 51 (Fam. 8.5.3) Cælius mentions that Marcellus

25. See Willems, p. 405.
26. Cat. 33.7; Sull. 44; Har. Resp. 13.
27. Q. Fr. 2.1.1: frequentes fuimus; omnino ad ducentos.
28. As Antony attempted to do by threatening Cicero if he did not attend the meeting September 1, 44, Phil. 3.19.
30. Balsdon, p. 20; Hawthorn, p. 53, n. 2 (based on the lex Cornelia de privilegiis, Asconius In Cornelianam 59C).
was unsuccessful in getting enough senators together (frequentem senatum) to discuss provincial appointments. There is no evidence about the exact size of the Senate meetings on the occasions when Cicero delivered the speeches I am studying here. It can be seen though from the numbers above that the size of the group varied greatly, running anywhere from 200 to 400. Caesar increased the Senate to 900. With this enlarged group, he demanded a quorum of 400. Thus for Cicero's last speeches to the Senate his audience may have been somewhat larger.

The Senate met most frequently in the curia. When Sulla increased the membership of the Senate, he also enlarged the Curia Hostilia to accommodate the larger meetings. This building was burned down in 52, then rebuilt by Sulla's son. After Caesar increased the Senate to 900 members, he planned to rebuild the curia. The Curia Cornelia was torn down in 44. The new building was not completed and dedicated until 29 B.C. Taylor and Scott have estimated that the Curia Julia could have seated 443-465 senators plus magistrates and recorders. The Fourth Catilinarian was delivered in the curia.

35. Taylor and Scott, p. 548.
36. Appian B.C. 2.1.5.
The Senate assembled in various temples as well as in the curia. They often met in the Temple of Concord. The meeting of the Senate reported to the people in the Third Catilinarian was held there, as were a number of meetings in 44-43, including the one when Cicero delivered the Fifth Philippic. This temple was very large and could seat at least as many as the curia. Another common site was the Capitolium or Temple of Jupiter Optimus Maximus where adequate seating space would be marked off on the porch. The first meeting of the new year was always held in this temple. Thus it was here that Cicero delivered his first speech on the agrarian law in 63. The First Catilinarian was delivered in the Temple of Jupiter Stator, probably located on the Via Sacra at the foot of the Palatine Hill. It is impossible to judge the size of this temple in the late Republic; the rectangular platform which remains is identified as belonging to the Flavian period. Compared to the other temples where the Senate often met, this one was rather small; to judge from its present size it could not have held even 300 senators. It is possible that the temple was in a different location.

37. Platner-Ashby, p. 139.
38. Taylor and Scott, p. 559.
40. Platner-Ashby, p. 303.
41. Taylor and Scott, p. 568, believe the temple might have been somewhat larger than the present remains indicate and thus would have been able to seat a larger number. They base this conjecture on a remark in Cat. 1.21 that this meeting was well-attended. But the word frequentia in this passage refers to the crowd outside the temple rather than to the Senate itself.
When the Romans voted in elections of the upper magistrates they met in the centuriate assembly where the class divisions were based on wealth with the upper classes voting first. Thus this assembly was dominated by the wealthy and allowed them to continue their exclusive control of the most powerful positions. The lower magistrates were elected by the more democratic tribal assembly, the division in this situation depending on membership in a specific tribe. The votes of the plebs counted more heavily in the tribal assembly than in the centuriate because in the former the vote of a poor citizen was equal to that of a wealthy man. The tribal vote was determined by a majority of votes in each tribe. There were four urban tribes and thirty-one rural tribes. Most of the poor in Rome would have been in the urban tribes and so the influence of their votes was restricted. During this period legislation was most often carried through the tribal assembly, although it could be passed by the centuriate assembly. The lower class citizens of the Italian countryside usually would have been in Rome only for elections or for religious festivals. They could not have come into the city every time there was a legislative assembly. Only one of the speeches I am dealing with was delivered before a formal contio preceding a division into tribes for the purpose of voting. The other speeches were

delivered as reports to the people following a meeting of the Senate. And so for this study I am primarily concerned with the urban masses.

In Rome itself during this period there was virtually no middle class. The social and economic gulf between rich and poor was vast. In addition to the citizens who owned no property and earned their livings at a bare subsistence level by some kind of manual labor, there were many unemployed including displaced farmers and veteran soldiers. There were also many freedman. The slave population in Rome had increased dramatically during the second century B.C. and continued to expand in the first. These slaves came from the entire Mediterranean area. Once freed they were registered in the urban tribes and could vote as any free citizen. A large part of the lower class qualified for the grain dole. The population of Rome in this period is estimated at approximately one million. Those eligible to receive grain free or at lower than market price numbered from 300,000 to 400,000. Caesar reduced the list of the eligible to 150,000. If the plebs did not get some relief from poverty whether

44. On the composition and nature of the plebs see Taylor, pp. 50f; Z. Yavetz, Plebs and Princeps (Oxford 1969) (although not about the Republic the two chapters on Caesar are relevant); P. A. Brunt, Social Conflicts in the Roman Republic, pp. 125f; E. Gruen, The Last Generation of the Roman Republic (Berkeley 1974), pp. 358f.


47. There were 320,000 in 46 (Suet. Jul 41.3). Gruen, p. 359, guesses there were more before the civil war.
through land or grain distribution or lowering of rents, they could be a violent force to contend with. This extremely large cosmopolitan crowd played an important political role in the last years of the Republic.

The tribal assembly became a tool in the hand of populares who either were tribunes or sought the help of tribunes to pass their legislation. The office of tribune was originally instituted to serve as protector of the plebs. In fact, though, tribunes were part of the upper class establishment by the late Republic and could be controlled by higher ranking senators. Populares used programs appealing to the masses in order to gain their favor and support. They proposed laws concerning the distribution of grain and lands to veterans and to the urban poor. The favor of the mob was also frequently gained through direct bribery. Thus the assembly was manipulated by self-serving politicians who claimed to be sincerely interested in improving the lot of the people. However for most politicians such legislation was only a means of an end, a way to gather political support to further their individual ambitions. Gaius Julius Caesar realized early in his career that it was necessary to win the crowd to insure continued political success. He bestowed largess on the people just as his contemporaries did, but on a much larger scale. His advantage over his rivals lay in the fact that he was able to convince the people that he was truly interested in helping them.


In the introduction to the second agrarian speech Cicero represents himself as a *consul popularis* (2.6). There are some, he states, who wish to seem to be *populares*, while at the same time destroying any benefits to the people (2.7). This is the sort of *popularis* he claims Rullus is—in name only. Cicero, on the other hand, is a true *popularis*, truly interested in the good of the people. What does he want to promote? *Pax, libertas*, and *otium* (2.9). However these words mean one thing to his audience and another to him. The *libertas* he intends to preserve is that of his own class.50 In this speech Cicero persuades the people that a bill which would actually help them is against their better interests. He wishes to preserve the status quo, not letting Rullus' plans upset the present advantages of the *nobiles*. Under a popular mask Cicero takes an optimate stand to convince the people to vote against their own interests. This duplicity is typical of the way Cicero and other politicians of his era used the people for their own benefit. Speaking publicly none of them could afford to say they were not interested in the good of the people. But privately they were contemptuous of the plebs. Cicero criticizes Rullus for saying that the plebs should be drained out of the city as if they were scum (*sentina* 2.70). But he uses this same word to refer to them in a letter to his friend Atticus (1.19.4), showing how he despises the mob. In another he calls them bloodsuckers of the treasury (*Att.* 1.16.11). However he is very careful not to call the plebs by any such name as this in his public speeches. When he uses *sentina* in

the **Second Catilinarian** he is referring to some of the conspirators, not, of course, to the best kind of citizens whom he is addressing (2.7). Cicero's motto *concordia ordinum*, harmony of the orders, did not include an alliance of senators and *equites* with the lower classes. That his assertion that he was a true *popularis* was mere rhetoric will be shown in the following chapter.

While debate on any matter was conducted in the Senate, people normally congregated outside the doors of the curia or temple, eager to know what was being said inside. Their presence might well be felt by the senators as they tried to come to a decision, particularly if the crowd included contingents of armed bodyguards and rabble-rousing gangs. Often as Cicero left the Senate he gave a report to the people about the meeting. What was the composition of his "popular" audience? *Populus* means the whole citizen body, not just the plebs. Those whose interests were being considered, e.g., Catiline's followers among all classes from the senatorial to the plebeian, would have been anxious to hear what the Senate had decided. Some senators leaving the meeting might have stayed to listen to a speech and see how the populace reacted. A number of *equites* might have been present if the matter was of some concern to them, e.g., Rullus' agrarian bill which threatened their revenues from the provinces. Of the plebs it is probable that most were concerned with eking out an existence and thus scarcely had the time or desire to go the the forum to hear senators speak. On an issue such a Rullus' proposed land grants which might

51. See Lintott, pp. 74f.
benefit part of the plebs, a large number of those who had no secure employment in the city would have wanted to hear about the bill. Some of the audience would be the clients and supporters of the various factional leaders in the Senate, whose attendance would have been prearranged by those who planned to speak. Every senator maintained a group of slaves and freedmen as aides to take care of correspondence, to be messengers or couriers, to serve as bodyguards, to announce speeches, and to pack the crowd with sympathetic supporters. If a proposed bill was to be voted on, the speaker would want to have as many of his own tribal members present as possible. Since the forum was the business and social as well as the political center of Rome, a certain number of people who had shops there or were there on business would be around. The exact composition and size of the crowd on a particular occasion cannot be pinned down. These would have varied with the circumstances of each speech.

52. Gruen, pp. 394-95.
CHAPTER III

POLITICAL CATCHWORDS AS A DEVICE FOR

SHAPING THE REACTION OF CICERO'S AUDIENCE:

DE LEGE AGRARIA

Extensive work on the political language of the late Republic has shown how frequently and effectively catchwords such as libertas, dominatio, otium, dignitas, and clementia were used.¹ The basis of the argument in many of Cicero's speeches lies in the contrast he draws between himself and his constituents as boni² and his political opponents. This opposition takes several forms: boni-improbis, optimates-populares, libertas-dominatio. For each of these major concepts there is a number of secondary, but commonly used terms of similar connotation. Bonis is often used with fortes or clarissimi to refer to those who support the Senate.³ Dominus or tyrannus may be implied by the use of words which are characteristically associated with the tyrant: vis, superbia, libido, crudelitas.⁴ Dignitas is associated with libertas particularly


when Cicero addresses the Senate. Often more than one of these contrasts operate at the same time. And so the optimates are generally those who preserve libertas and the ideals of the res publica while the popularis is frequently described as one aiming at regnum or dominatio.

I shall not attempt to define these technical words here. Their limited meanings in the politics of the late Republic have been much discussed. I shall begin by analyzing how Cicero employs these terms in the speeches De Lege Agraria since these were his first addresses to the Senate and to the people upon entering his consulship. In spite of being a novus homo, the orator was elected to the highest office of the Roman state and thus entered the ranks of the nobiles. His use of political catchwords on this occasion sets the tone for the way he will apply them in the following years.

In the introduction to the popular speech De Lege Agraria Cicero elaborately develops a contrast between himself and Rullus. The tribune claims to be acting in the best interests of the people, i.e. he is popularis in the true sense of the word. However Cicero alleges that Rullus and those behind him are aiming at regnum which would put the people in the role of slaves. The consul claims that he himself is the true popularis. His complete definition of this term as it is gradually


revealed in this speech shows that he uses this catchword as a mask for
an optimate stance on this issue in order to convince the people to vote
against their own interests. He attempts to show that the concerns of the
optimi, usually synonymous with the interests of the Senate, are im-
portant to the people and thus, he, at once both protector of the res
publica and supporter of their rights, is truly popularis. He stresses
the fact that he is unlike the nobiles, that he is a man of the people
whom they have elected as their leader. He rose to the consulship with-
out the benefit of the name of a prominent family accustomed to such
honors. With the support of the people he broke into the tightly
guarded circle of those whose families have held the consulship (2.1-3).
The orator describes the state of the Republic when he entered office:

Ego qualem Kalendis Januariis acceperim rem
publicam in qua nihil erat mali, nihil adversi
quod non boni metuerent, improbi expectarent;
... novae dominationes, extraordinaria non im-
peria, sed regna quaeri putabantur. (2.8)

After isolating dominationes and regna as particular problems which he
faces as their consul, he presents his own goals as a consul popularis:

Quid est tam populare quam pax?... Quid tam
populare quam libertas?... Quid tam populare
quam otium? (2.9)

In his first speech before the people upon entering office, he uses these
catchwords, pax, libertas, and otium as his popular platform. In the
remainder of this speech Cicero employs these terms, in particular

8. These concerns are listed in Pro Sestio 98: religiones, auspicia, potestates magistratum, senatus auctoritas, leges, mos
maiorum, iudicia, iuris dictio, fides, provinciae, socii, imperi laus,
res militaris, aerarium. See Chapter I, p.

libertas, in connection with the cause of the optimi. Liberts is used in its broadest sense to mean the freedom of all segments of the Roman population to enjoy the benefits of Roman citizenship, but I shall attempt to show that what Cicero really has in mind when he speaks of libertas is more limited—the freedom of the senatorial class to continue governing as they have in the past and to maintain the advantages of their class. It required little effort to convince the Senate that agrarian reform was against their interests. However the orator executes a real coup when he persuades the people that they are better off if the status quo is preserved.

Only after Cicero establishes himself as the proponent of freedom does he introduce Rullus as a potential rex. The intent of the decemvirs was hinted at in the passage above which states what the new consul had to contend with: dominatio and regnum (2.8). But he did not at that point mention the tribune at all or even the agrarian law which was the specific issue at this contio. That statement was his first subtle intimation to the people of Rullus' alleged goal. Once Cicero's popular position is established, he moves on to the agrarian proposal. The speech purports to be a clear explanation for the people of the provisions of Rullus' bill—for, as Cicero sees it, they could not have understood it because it was too obscure (2.13). He implies that Rullus was vague in order to conceal his motives. Thus the orator has to clarify the proposed agrarian law which might ostensibly be considered beneficial for the people, but which, in truth, would be advantageous only to Rullus and those backing him. Cicero says he realized its true purpose, regnum, as soon as he saw it. This point he
makes very explicitly: uti Xreges... domini constituentur (2.15). His next sentence explains the effect of this for the people: eripi etiam libertatem (2.15). He ends the exordium by emphasizing again the threat to the people's freedom:

Quae cum, Quirites, exposuero, si falsa vobis videbuntur esse, sequar auctoritatem vestram, mutabo meam sententiam; sin insidias fieri libertati vestrae simulatione largitionis intellegitis, nolitote dubitare plurimo sudore et sanguine maiorum vestrorum partam vobisque traditam libertatem nullo vestro labore consule adiutore defendere. (2.16)

Rullus is consistently portrayed as a duplicitous tribune. He claims to be popularis (2.17, 27, 43). He holds the office established to protect the freedom of the people (2.15). He proposes a bill which on the surface seems to be for the benefit of the people, hac lege agraria pulchra atque populari (2.15), but which in fact is only a mask, legis agrariae simulatione atque nomine (2.15), simulatione largitionis (2.16). Rullus' true goal is regnum. The words rex and regnum had fearful connotations for the Romans because of their association with the loss of libertas. When L. Brutus expelled the last Roman king, Tarquinius Superbus, libertas, freedom from tyranny, was his cry. Since that time the word rex was hateful to the Romans. Cicero plays upon this latent feeling among his audience. As he "clarifies" each provision of the bill, he repeats the charge of desiring regnum against Rullus and the would-be decemvirs.

Once the libertas-regnum theme is introduced Cicero expands it in several ways: (1) by identifying the people with the optimi who are concerned with preserving libertas and res publica, (2) by contrasting Pompey's genuine concern for the people with Rullus' alleged concern for them, and (3) by depicting the decemvirs as potential tyrants. At one point Cicero claims to interpret a statement made by Rullus in the
Senate to the effect that the distribution of land to the poor would remove an undesirable element from the city: *urbanum plebem nimium in republica posse; exhauriendam esse* (2.70). The orator states that Rullus used precisely that word, *exhauriendam*, to indicate what he thought about the plebs: *quasi de aliqua sentina non de optimorum civium genere logueretur* (2.70). Cicero himself, of course, would never use such language to refer to the *plebes*.\textsuperscript{10} Just a few paragraphs later he asks if they believe Rullus would include such men as themselves among his colonists:

*Num vobis aut vestri similbus integris, quietis, otiosis hominibus in hoc numero locum fore putatis?* (2.77)

He shows the people to be concerned with the good of the state. It is their Republic which is being attacked; this he establishes by using *vos* or *vester* with the terms which represent the cause of the *optimi*. A few examples will show how he uses this technique.\textsuperscript{11}

*omne vestrum ius, potestas, libertasque tollatur.* (2.29)

*hominis nefarie rem publicum vestram transferre conantur.* (2.87)

*vos, quorum gratia in suffragiis consistit, libertas in legisbus, ius in iudiciis et alquitate magistratum, res familiaris in pace, omni rationale otium retinere debetis.* (2.102)

While the interests of the *optimi* are generally identical with the interests of the Senate,\textsuperscript{12} in this speech the orator expands the use of

\textsuperscript{10} See above p. 25.

\textsuperscript{11} See also 2.47, 48, 68, 77, 79, 101.

\textsuperscript{12} Wirszubski, p. 44.
the word optimi to include people of any class who are concerned with preserving the Republic.

Pompey plays a major role in the popular oration. His primary concerns are shown to be enacting the will of the people and preserving the existing laws of the Republic. He is prevented from standing for the decemvirate by a clause excluding candidates in absentia (2.24). Cicero states that this provision was put in just for this purpose, to exclude this protector of the people’s rights, because Rullus wants no one on his commission who might restrain his quest for power. If the people had their own choice Pompey would be elected:

\[ \text{si vobis ex omni populo deligendi potestas esset data, quaecumque res esset in qua fides, integritas, virtus, auctoritas quareretur, vos eam sine dubitatione ad Cn. Pompeium principem delaturus.} \] (2.23)

Note here that the people are portrayed as citizens sincerely interested in electing someone who would administer the law fairly. Pompey is seen as the guardian of the people’s libertas in contrast to those who sponsor this bill in order to prepare a regnum for themselves (2.24-25).

\[ \text{Et hoc pervum argumentum vobis erit, a certis hominibus dominacionem potestatemque omnium rerum quaeri, cum videatis cum quem custodem vestrae libertatis fore videbant expertem fieri dignitatis?} \] (2.25)

Later in the speech Cicero points out this contrast again when answering the complaints of certain men that Pompey can do everything and has extensive power while they are allowed nothing (2.46). The difference, asserts the orator, lies in the intentions of each in using these powers. Pompey seeks to extend libertas; those who desire to usurp his authority seek dominatio: ad socios liberandos an ad opprimendos (2.46). Cicero
aligns the people with his own side on this issue by claiming that together they must protect Pompey's position while he is away (2.49).

By another provision of the law the decemvirs shall have the right to use any funds of imperatores not given back to the state treasury or used in manubial monuments (2.59). Pompey, however, is excepted from this clause. Supposedly, Rullus' motive for this is to honor Pompey, but what it would do in fact is to make Pompey hated because he would not have to submit as others would to the authority of the agrarian commission (2.60). But Pompey wants nothing to do with this exception; he wishes only for justice and equitable treatment (2.61). He is not seeking extraordinary power for himself as are the decemvirs. Unlike Rullus, Pompey is a true popularis because he is willing to accept the mandate of the people whatever it is (2.62).

In addition to aligning the interests of the people and of their hero Pompey with those of the optimi as preservers of libertas and res publica in opposition to the decemvirs who want to deprive them of their freedom, Cicero also openly accuses those who are behind the bill of aiming at the powers of a rex: regia potestas hac lege quaeritur (2.20).

The charge of potential tyranny is made repeatedly in this popular speech: speciem ipsam tyrannorum (2.25), reges constituuntur, non xviri (2.29). One frequent synonym for reges is domini which implies that the Roman people and their allies and subjects in the provinces will be servi:

Quos...tribus xviros fecerint...hos omnium rerum...dominos habebimus (2.21), is xvir...ut dominus venerit (2.46), ad xviros tamquam ad dominos (2.61).

The charge of regnum is more fully developed by criticizing two aspects

13. See also 2.15, 32, 35, 57, 75.
of tyranny, libido and vis. One sense of libido is imposing one's will on others. Cicero harshly attacks the incredible license allowed to the decemvirs by this proposal.

Perspicite quanta potestas permittatur; non privatorum insanium, sed intolerantiam regum esse dicetis. Primum permittitur infinita potestas innumerabilis pecuniae conficiendae vectigalibus non fruendi, sed alienandis; deinde orbis terrarum gentiumque omnium datur cognitione sine consilio, poena sine provocatione, animadversio sine auxilio (2.33).

Their power is unlimited and there is no appeal against their domination (2.33). This characteristic of the decemvirale regnum is repeated throughout the speech. The decemvirs are to be given every power of the magistrates with none of the restrictions (2.34). They may buy whatever lands they wish from whomever they wish and at whatever price they wish: a quibus volent et quos volent quam volent magno (2.34). They may be in Rome when they wish or anywhere else they wish with absolute judicial and military authority: cum velint, Romae esse, cum commodum sit, quacumque velint summo cum imperio judicioque rerum omnium vagari (2.34). The intended effect of the repeated volent or velint in these statements is to overwhelm the people with the idea that the personal whim of the commissioners will decide how the law is carried out. Such power is worse than that of a king (2.35). Cicero also stresses the arbitrary nature of their power in other provisions. The clause allowing the decemvirs to sell lands and buildings wherever they want, "QUIBUSCUMQUE IN LOCIS," provokes this direct comment on their sense of libido:

O perturbatam rationem, o libidinem effrenatam, o consilia dissoluta atque perdita! (2.55)
The constant repetition of similar comments in the remainder of the speech emphasizes the arbitrary and unrestricted nature of the power which Rullus' law would give to the decemvirs.

Another aspect of tyranny is vis, a charge made against the decemvirs in connection with the establishment of colonies (2.73ff.). Cicero is certain that they will settle colonists in certain strategic places even if it is not beneficial to the Republic. The phrasing of the bill leaves this possibility open: "ET IN QUAE LOCA PRAETEREA VIDERITUR" (2.74). The orator wants the people to believe that military colonies will be set up, providing Rullus and his backers with the strength to oppose Rome. The language used in this passage and the subsequent discussion of Capua indicates that this is indeed Rullus' intention:

Tu non definias quot colonias, in quae loca, quo numero colonorum deduci velis, tu occupes locum quem idoneum ad vim tuam indicaris, compleas numero, confirmes praesidio quo velis, populi Romani vectigalibus atque omnibus copiis ipsum populum Romanum coercereas, opprimes, redigas in istam xviralem dictionem ac potestatem? (2.74)

Cicero claims that Rullus should have specified what lands he intended to buy for colonies. In fact, Rullus could not have done so since he would not know what lands were available until he learned who was willing to sell. But Cicero interprets this necessary vagueness to a desire on Rullus' part to conceal deliberately his intentions. The orator concludes that regnum is being prepared and the freedom of the people is being

destroyed (2.75). Rullus' proposal allows the decemvirs to lead a colony of 5,000 to Capua (2.76ff.). According to Cicero, the purpose of this is to establish a military base large enough to destroy Rome (2.77). The tribune's promise to give this land to the urban poor is false, since Rullus intends to lead his own men there (2.78). The orator characterizes the friends and supporters of Rullus in this way:

Primo quidem acres, ad vim prompti,
ad seditionem parati qui, simul ac
Xviri concreperint, armati in civis et
expediti ad caedem esse possint. (2.82)

The colonies which will be established in Campania are called praesidia, military garrisons, emphasizing the decemvirs' intentions of using arms (2.74, 77, 86, 99). The use of vis is seen as a direct threat to libertas and res publica.

The reason for charging the decemvirs with tyranny is that they oppose everything which represents Republican government. First of all, Rullus refuses to follow the customary means of election for his commission. The tribune's bill proposes that the decemviri should be chosen by only seventeen tribes (2.16ff.). Furthermore, Rullus himself will choose those tribes which are to vote, giving him an obvious opportunity to determine the outcome of the election. Cicero claims that Rullus' intention in doing this is to deprive the people of their right to vote and consequently of their liberty. He argues that in all other agrarian laws the commissioners are elected by all thirty-five tribes (2.17). This statement is an exaggeration and a misrepresentation; the orator clouds the distinctions between various types of land commissions. Smaller

16. I discuss this particular site for a colony more fully in Chapter V, pp. 95-99.
commissions for establishing colonies or distributing land were usually elected by the tribal assembly, but this practice was not necessarily required for all agrarian laws. By limiting the number of tribes, Rullus probably intended to decrease the influence of the wealthy senatorial class on the choice of a commission. However, Cicero makes it appear that Rullus is doing exactly the opposite. He wants the people to believe that the tribune does not trust them to choose decemvirs who would guard his own interests (2.20). The tribes will be chosen by lot, not by an impartial attendant, but by Rullus himself so that he can manipulate the lot. Whose election does Rullus wish to guarantee? His own! This violates the Licinian and Aebutian laws which prohibit the proposer of a law or his relatives from election to a commission to enact the law (2.21). Thus the means by which Rullus proposes to gain power are illegal.

Optimae leges igitur hac leges sine ulla exceptione tollentur. (2.22)

This exaggeration is intended to cast suspicion on Rullus' backers by showing that they cannot depend upon accepted and legal methods to ensure the success of their appointment.

Besides destroying leges, the bill also threatens other powers which traditionally belong to the senatorial class, the rights to make judicial decisions, to determine the status of provinces and nations, and to exercise control over the treasury. By one provision the decemvirs may sell everything which the Senate resolved could be sold after 81 B.C. (2.35). Why, asks Cicero, was Rullus so vague in expressing this? The clause reads, "QUI AGRI, QUAE LOCA, AEDIFICIA, ALIUDVE QUID." The orator

suggests that the last phrase was added in order not to pass over anything which the decemvirs might want to obtain. This is supposedly typical of Rullus' method (2.38). The tribune deliberately uses vague phrases to conceal the extent of his aims (2.39). The unlimited powers of the decemvirs will allow them to change public records and decrees of the Senate: corrupendarum tabularum publicarum fingendorumque senatus consultorum (2.37). Cicero also complains that the decemvirs will drain the public treasury: reges aerari, vectigalium, provinciarum omnium (2.15; also 2.47, 98). The decemvirs would take into their power everything which properly is the authority of the Senate:

ut sub vestrum ius, iuris dictionem
potestatem urbis, nationes, provincias,
liberos populos, reges, terrarum
denique orbem subiungeretis. (2.98)

In these passages Cicero shows Rullus' opposition to specific interests of the optimi: leges, iudicia, imperium, provinciae, vectigalia, ius, aerarium, tabulae, senatus consulta. In spite of his assertion that he is a consul popularis Cicero argues for the preservation of the advantages of the senatorial class, whose interests are generally identical to those of the optimi.

By making the people believe that the interests of the optimi or of the Senate are the same as their own, by showing that Pompey also shares these interests and by showing the possibilities for tyranny inherent in the bill, Cicero successfully manages to discredit the tribune's assertion that he is popularis. The orator sometimes uses the word popularis ironically to point out the contradiction between Rullus' claim and his real

18. Cf. the list in Pro Sestio 98, quoted above, p. 17.
intentions. This *popularis* tribune would deprive the people of their right to vote (2.17, 27; also 43). The consul tries to prove to the people that this law would not give them the benefits that Rullus promises but will deprive them of the benefits they now enjoy as Roman citizens in a free Republic. Cicero presents himself and Pompey as protectors of the people's freedom and of the Republic. In fact he is protecting the freedom of the Senate by arguing against this bill.

Although my usual procedure will be to consider the speeches in the order in which they were delivered (in every case, the senatorial speech was first), I shall discuss the speech *Contra Rullum* delivered to the Senate after the address to the people because the opening paragraphs of the senatorial oration are not extant, and therefore some passages in the popular speech have no parallel in the first speech. In general, the arguments against Rullus' proposal are the same in both speeches: Rullus and his supporters who wish to be *decemviri* are accused of *regnum* along with the accompanying vices, *libido* and *vis*; and the extraordinary powers given to them by this law are shown as an attempt to usurp the authority of the Senate. These arguments are less fully developed in the senatorial speech than in the popular speech since the vote on this issue would take place in the *contio* rather than in the Senate. For the most part Rullus is attacked more in the senatorial speech than he is in the popular speech where most criticisms are directed against those behind Rullus or against the potential decemvirs.

Using the same technique as when he addresses the people, in his senatorial speech Cicero interprets the law's provision on establishing colonies as an opportunity for the decemvirs to develop a military base
which could challenge Rome.

totam Italiam...quam praesidiis confirmaretis,
colonii occuparetis, omnibus vinculis devinctam
et constrictam tenetatis? (1.16)

The language shows that these are to be military garrisons instead of colonies. Furthermore the men chosen for Rullus' army (exercitum, manum 1.24) will be prepared for violence, delecti ad omne facinus (1.18). The use of military terms and the implied charge of vis indicate Cicero's interpretation of the real intentions of those sponsoring the bill.

While the unlimited power of the decemvirs is stated in the same terms as in the popular speech (whatever seems right to them, whatever they wish), it is not constantly reiterated in the senatorial speech as in the popular one. Cicero directs his audience's attention to the lack of self restraint and the overwhelming greed of the decemvirs (1.9). Rullus' personal whim in carrying out the law is pointed out: emes quod voles, vendes quod voles; utrumque horum facies quanti voles (1.14, see also 1.17, 20). One provision of the bill allows that the decemvirs, after accumulating a large fund for the purchase of lands, only buy from those willing to sell. If they find none, the money nevertheless remains in the hands of the commission. This clause seems particularly threatening to Cicero:

Nunc perspicite omnium rerum infinitam
atque intolerandam licentiam (1.15)

Licentia is a synonym for libido, one typical characteristic of a tyrant. The imposition of the will of one or a few destroys the freedom of everyone else. Licentia is the opposite of libertas.19

In addition to making the charges of *vis* and *libido* Cicero attempts to prove that *regnum* is aimed at by pointing to the symbols of Republican government attacked by this bill. It is implied that the prerogatives of the Senate, practically identical to the concerns of the *optimi*, will be taken over by the *decemvirs*: *nomen imperi, urbes pacatae, agri sociorum, regem status* (1.2), *tabulis censorii* (1.4), *fasces* (1.9), provincias, civitates liberas, socios, amicos, reges (1.11), *vectigalia aerarium* (1.15), *nomen huius rei publicae, sedem urbis atque imperi, denique hoc templum Iovis Optimi Maxim atque hanc arcem omnium gentium* (1.18), *fidem* (1.23), *principium, honorem* (1.25), *auctoritatem consulis* (1.27). Cicero couches the list of lands which Rullus wants to sell in language obviously senatorial in tone. 20

agros...quos...P. Servili, fortissimi viri, victoria adiumcit, deinde agros qui...partim T. Flaminipartim L. Pauli...virtute parti sunt, deinde agrum...qui L. Mummi imperio ac felicitate ...adiunctus est, post autem agros...duorum Scipionum eximia virtute possessos. (1.5)

The words *victoria*, *virtus*, and *imperium* would have particular appeal for the senators, a number of whom were *imperatores* themselves. 21 The clause which permits the *decemvirs* to collect part of their fund from the booty of generals is also seen as a threat to senatorial privileges. By this provision the spoils of war which normally belonged to the general would have to be turned over to the *decemvirs* (1.12). The authority of the *decemvirs* would override that of the generals:

20. See pp. 90-91 for a fuller discussion of this passage.

The right of establishing a *quaestio* traditionally belonged to the Senate, and the authority, *judicium*, of *imperatores* and of the Senate in provincial matters was an accepted practice. Cicero could expect his senatorial audience to be particularly sensitive to these words. By using such language the orator tries to show how the decemvirs intend to usurp the rights of the senatorial order.

While in the address to the people, the threat to *libertas* is stressed, in his speech to the senators Cicero additionally points out the threat to their *dignitas* and *auctoritas*:

Nam superioribus capitis dignitas populi
Romani violabatur, nomen imperi in commune
odium orbis terrae vocabatur, urbes pacatae,
agri sociorum, regem status xviris donabantur. (1.2)

Although he asserts that the *dignitas populi Romani* was violated, he uses the word *dignitas* in conjunction with the functions of the Senate so that it can be interpreted by them to mean the *dignitas* of the senatorial order. Once this bill is passed and Rullus' soldiers have occupied Italy there will be no hope of regaining either *dignitas* or *libertas* (2.17, 22). In the peroration of the senatorial speech a repeated appeal to preserve the *dignitas* of the state is made (1.23, 27).

Cicero shows the possibilities for tyranny inherent in this bill by pointing to the *libido* and *vis* of the bill's sponsors and by stressing their ambition to destroy the prerogatives of the Senate. By these arguments the orator suggests that *libertas* and *dignitas* are threatened by *regnum*. This charge is also made explicitly; *regnum* is always shown to be the opposite of Republican government:
nisi evertere rem publicam superetis
ac vobis novam dominationem comparare. (1.19)

Another aspect of Cicero's argument against this proposal, which supplements the res publica - regnum theme is the contrast of the boni and improbi introduced near the end of this speech. The effect of Rullus' proposal is that the improbi have gained hope of advancing their personal ambitions and the boni have begun to fear for the state on account of the intentions of the bill's sponsors (1.23). In his final exhortation Cicero attempts to unite all his senatorial audience, especially the tribunes, as opponents of this law. He assumes their identity with the boni in desiring to preserve the Senate and the Republic:

conspirate nobiscum, consentite cum
bonis, communem rem publicam
communi studio atque amore defendite. (1.26)

By praising their common concern for the state he allies them with his own side.

Cicero's contention that he, rather than Rullus, is the true popularis, which is developed at such length in the speech before the contio, plays a lesser role in the senatorial speech. This idea seems to have less importance partly because the exordium is missing. Whether the introduction of the Senate speech was comparable to that of the popular speech is impossible to tell, but it might be speculated that Cicero as a novus homo would have desired to point out how he attained the consulship with the support of people of all classes. Apparently Rullus had made a large point of claiming to be a tribunus popularis since Cicero refutes this at length in the popular speech and at the end of his senatorial speech. Unlike Rullus and his colleagues, Cicero will be popularis not in appearance only (1.23). This was his first address
to the Senate upon entering the consulship and is intended to be, like the speech to the people, a policy speech; his "popular" goals are pax, concordia, and otium (1.23). Pax and otium come only with the preservation of the concerns of the optimi whose goal, as expressed in Pro Sestio 98, is otium cum dignitate. Thus when Cicero says nothing is as popular as otium he is in reality taking an optimate stance. Defending the privileges of their order before the generally conservative Senate was not as much as a challenge as convincing the people that the senator's interests were also their own.
CHAPTER IV

USE OF POLITICAL CATCHWORDS IN THE OTHER PAIRED SPEECHES

In his first consular speeches Cicero suggests some rather specific meanings for a number of catchwords. In this chapter I shall discuss how he applies and modifies these terms for various political circumstances.

In Catilinam

In the First Catilinarian, delivered to the Senate, Cicero reveals Catiline's intentions to kill the optimi and to burn the city and then develops these charges by pointing to specific details of the conspiracy—where the meeting took place, what was said, who was in charge of each part of the rebellion. Throughout this speech Cicero depends upon a contrast between the boni and the improbi to convince the Senate of the truth of his accusations; he attempts to show that Catiline wishes to destroy optimate institutions and traditions. He introduces his case by giving exempla of popular revolutionaries killed for less threatening actions than Catiline's. The details of these exempla will be discussed in the next chapter, but here it can be noted how Cicero depicts those opposed to the populares.

Fuit, fuit ista quondam in hac re publica virtus ut viri fortres acrioribus suppliciis civem perniciosum quam acerbissimum hostem coercerent. (1.3)

This sentiment is repeated at the end of the speech:

Etenim si summi viri et clarissimi cives Saturnini et
Gracchorum et Flacci et superiorum complurium, sanguine
non modo se non contaminarunt, sed etiam honestarunt. (1.29)

Those who punished the populares are characterized by words synonymous with boni: *virtus*, *fortes*, *clarissimi*. The difference between the way their ancestors dealt with such men and the way the present Senate is handling Catiline is pointed out to encourage acknowledgement of the conspirator’s intentions as expressed by Cicero and to inspire the senators to take immediate action against him. Those whom Catiline opposes and wishes to remove are the *boni viri*, whom he is accused of planning to kill, *caedem optimatum* (1.7). After telling Catiline that the Senate’s silence is a shout urging him to leave, Cicero describes the citizens who surround the meeting and who feel the same way as the senators: *equites Romani, honestissimi atque optimi viri, ceterique fortissimi cives* (1.21). The superlatives *optimus* and *fortissimus* are generally applied to members of the senatorial order, but here the orator uses them for the *equites* and other citizens who share the feeling of the Senate in order to indicate the solidarity of those opposed to Catiline. Furthermore, the conspirator’s isolation or opposition to the *boni* is shown physically when the senators desert half of the meeting house (1.16). When Catiline is asked to leave the city, Cicero demands: *secerne te a bonis* (1.23); *qua re secedant improbi, secernant se a bonis* (1.32). The strength of the opposition to the *improbi* is

2. Achard, p. 210. And *honestissimi* is usually employed to refer to the *equites*.
particularly stresses at the end of the speech as an exhortation to the senators: *tandem in nobis consulibus fore diligentiam, tandem in vobis auctoritatem, tandem in equitibus Romanis virtutem* (1.32). The consuls, senators, and *equites* as *boni cives* have a common cause.

It is especially important in this speech to the Senate for Cicero to demonstrate how the conspiracy is a particular threat to their power. At the beginning of the speech Catiline's desire to destroy the whole world is stated: *Cailinam orbem terrae caede atque incendiis vastare cupientem* (1.3). *Orbis terrae* can be understood as the province of the Senate's *imperium* or *auctoritas*; this is clear from a subsequent remark of the orator: *in hoc orbis terrae sanctissimo gravissimoque consilio* (1.9). The *consilium* meant here is the Senate. Each day that goes by with no action against Catiline diminishes the *senatus auctoritas*.

At vero nos vicesimum iam diem patimur hebescere aciem horum auctoritatis. (1.4)

The fact that Catiline not only threatens their authority but also the symbols of their power is shown by Cicero's admonition to the conspirators to stop their plans:

> desinant insidiari domi suae consulvi, circumstare tribunal praetoris urbani, obsidere cum gladiis curiam, malleolos et faces ad inflammam urbem comparare. (1.32)

Catiline's threat to the existing order is also shown when the *patria* speaks to the conspirator:

> tu non solum ad neglegendas leges et quaestiones verum etiam ad evertendas perfringendasque valuiasti. (1.18)

As the previously discussed *Pro Sestio* passage indicates, preservation of *leges* and *quaestiones* is associated with the *optimi* whose cause is,
in general, identical with the cause of the Senate. By pointing to
Catiline's attack on leges, judicium (quaestiones, tribunal praetoris),
potestas magistratum (consul, praetor) and senatus auctoritas, Cicero
establishes the conspirator as an enemy of all optimi.

Cicero further discredits Catiline in the senatorial speech by
describing him and his followers as madmen. Furor drives Catiline and
his band to such radical plans as burning the city and taking over the
state: furor iste tuus (1.1, also 2, 15, 22, 24, and 31). He has lost
the ability to think rationally:

Neque enim is es, Catilina, ut te aut pudor a turpitudine
aut metus a periculo aut ratio a furore revocarit. (1.22)

Another similar term is amentia which is shared by Catiline's followers:
compluris eiusdem amentiae scelerisque socios (1.8, 25). That Catiline
has overstepped the boundaries of rationality is pointed out by the
phrases effrenata audacia (1.1) and cupiditas effrenata ac furiosa
(1.24). His boldness is shared by Manlius, audaciae satellitem (1.7).
This audacity and madness has led Catiline to undertake criminal and
dangerous activities against Roman citizens. His plans are further
characterized as nefarious because in his war against the state he in-
tended to kill fellow citizens: coetus nefarios (1.4, also 11, 24, 25,
and 33). The conspirator is also described by the word pestis; Jupi-
ter has protected the city so far from such a bane, tam taetram tam
horribilem tamque infestam rei publicae pestem (1.11, also 2, 30. 33).
The original meaning of pestis as a contagious disease is recalled
when Cicero considers what will happen to the state if Catiline is
killed and his band of men is left in the city. For a short time
there will seem to be no danger at all, but it will still be there
deep within the veins and bowels of the Republic. This situation is
compared to giving a feverish man cold water temporarily relieving his
fever which afterwards breaks out more strongly (1.31). All of these
terms, *furor*, *amnesia*, *nefarious*, and *pestis*, complete the picture of
Catiline as *sceletatus* or *improbus* opposed to the *boni*.

In the First Catilinarian Cicero revealed enough details of the
conspiracy to persuade the Senate that his charges against Catiline
were well-founded and to make the conspirator aware that he was in
danger if he stayed in the city. There arose, however, rumors that
he had been sent into exile. Thus it became necessary to make a sec-
ond speech against Catiline to the people on the day after the Senate
meeting in order to explain the same details to them. The general
charges to this speech are that Catiline was threatening the city
with fire and violence (2.1) and planning a conspiracy against the
state (2.6). Just as he did before the Senate, Cicero reveals to the
people that he knows who is in charge of Catiline's supporters in the
various regions of Italy and who is to supervise the burning of the
city (2.6). He discloses the plan to assassinate him in his home on
the previous morning (2.12). He explains his altercation with Cati-
line about the meeting at Laeca's house and how he had announced to the
Senate what was decided there (2.13). In fact, the orator did not
reveal all the details of the meeting and these plans to the Senate;
he noted nothing more than that he knew who they were and that they
were present at the meeting (1.9). He was rather hesitant to name
specific senators before their colleagues. Cicero also points out to
the people that Manlius has set up a camp at Faesulae (2.14). The consul mentions that he informed all the towns which Catiline planned to attack and thus forestalled their destruction (2.26). In all these charges Cicero is very general. He does not give the names of all those involved or specific details of the plans, but simple reports that he knows and that the Senate knows of Catiline's activities. The orator does not mention Catiline's previous attempts to use violence in the forum in October with Manlius' armed guard (1.7) in order to kill the optimi or his plots against Cicero when he was consul designate and again during the consular elections in 63 (1.11) for which Catiline was indicted de vi. Instead of developing these accusations with specific details Cicero attempts to obtain from the people a show of unanimity of feeling with the Senate against Catiline by relying on a rather simple contrast of the boni who wish to protect the state and the improbi who are its enemies.

Immediately after the classification of the types of men involved in the conspiracy (2.17-23), the contrast between the boni and Catiline's army is made very clear by an extensive list of virtues on either side (2.25):

\[
\begin{align*}
\text{Ex hac parte pudor pugnat}, & \quad \text{illinc petulantia;} \\
\text{hinc pudicitia}, & \quad \text{illinc stuprum;} \\
\text{hinc fides}, & \quad \text{illinc fraudatio;} \\
\text{hinc pietas}, & \quad \text{illinc scelus;} \\
\text{hinc constantia}, & \quad \text{illinc furor;} \\
\text{hinc honestas}, & \quad \text{illinc turpitudo;} \\
\text{hinc continentia}, & \quad \text{illinc libido;} \\
\text{hinc denique aequitas}, & \quad \text{temperantia,}
\end{align*}
\text{fortitudo,}
\text{prudentia,}
\]
virtutes omnes certant cum iniquitate,
   cum egestate,
   cum perditia,
   cum amemità,
   cum omnium rerum desperatione
   confligit.

While the boni are described in terms of these virtues in many of Cicero's speeches and his enemies are described by their opposites, such an exhaustive list appears nowhere else in any of the paired senatorial-popular speeches. There is not clearcut list in the first speech against Catiline, delivered to the Senate. Some of the characteristics of the conspirator which were repeatedly mentioned in the first speech, scelus, amentia, furor, and pestis, appear here and throughout the speech to the people. There is, however, a difference in the way Cicero describes the boni in these two speeches. In the address to the Senate Cicero stress the conspiracy as a threat to the state in general and more specifically to the prerogatives of the senatorial order. The boni are those who defend the senatus auctoritas; thus boni has a definite political connotation. In the speech before the people, Cicero portrays Catiline as an opponent of the state, but more than this, the orator stresses the idea of Catiline as the opponent of virtue. In the list cited above (2.25) the difference between the boni and improbi is expressed in terms of virtutes and vitia. And so while boni has a certain political significance in this speech indicating those who wish to preserve the Republic (2.19, 27), the general moral values of the two sides are stressed more. A
probable reason for this difference can be conjectured. Catiline’s plans were not directed against the Roman people as a whole but against certain members of the senatorial order. Cicero had to convince that body of the reality of the conspiracy and thus felt it important to emphasize the threat to their political security. The second speech was not intended to encourage the people to take any specific action against Catiline, but was meant to quiet any rumors that he was driven out unjustly. Thus Cicero elaborates on the general sense of boni and improbi without suggesting that he was defending the position of the Senate instead of the freedom of the Roman people.

Another argument Cicero uses to show that Catiline was not unjustly driven from the city is that his leaving is an admission of guilt. He must now obviously be considered an enemy. The orator uses the word hostis a few times in the senatorial speech to refer to Catiline’s followers and to Catiline himself (1.5, 13, 27, 33). But the consul is much freer in calling Catiline hostis in the speech before the people where he repeats the word throughout in order to emphasize the point that Catiline’s departure reveals his hostile intentions: cum hoste . . . bellum iustum geremus (2.1), tam capitalem hostem (2.3). Moreover, Catiline himself is said to have admitted being an enemy, de uno hoste loquimur et de eo hoste qui iam fatetur se esse hostem (2.17). The constant repetition of this idea throughout the speech is intended to make the threat to the people seem more immediate and personal and leaves the impression that there is some truth to the argument whether or not it is supported by the facts.

3. See also 2.4, 11. 12, 15, 27, 29.
Post Reditum

The day after Cicero’s return to Rome from exile, he delivered a speech in the Senate to thank its members for his recall. His purpose was, first of all, as he states in the exordium, to show his appreciation and gratitude for his return, and secondly, to reestablish his position in the Senate. He also uses the occasion to attack those who did not prevent his exile and who hindered his return. In his attempt to regain his former authority Cicero shows how his own cause is intimately linked to the safety of the Republic. He allies the Senate with himself by expressing their mutual concern as boni cives for the good of the state. Those against him are described as enemies of the boni and as tyrants.

The opponents he attacks first are, naturally enough, Clodius because he was responsible for the exile in the first place, and Gabinius and Piso, the consuls of 58 who sided with Clodius. They are given the characteristic vices of the tyrant: vis, crudelitas, libido, and superbia. Cicero suggests vis when he criticizes Clodius for desiring to destroy the state:

cum per se rem publicam lacerare non posset, sub alieno scelere deluit. (1.3)

The violence of the orator’s opponents is used against the symbols and representatives of Republican government:

cum ferro et facibus homines tota urbe volitantis, magistratum tecta impugnata, deorum templa inflammat, summi viri et clarissimi consulis fascis fractos, fortissimi atque optimi tribuni plebis sanctissimum corpus non tactum ac violatum many sed vulneratum ferro confectumque vidistis. (1.7)
Gabinius and Piso are attacked for not upholding the dignitas of the senatorial order: non consules, sed mercatores provinciarum ac venditores vestrae dignitas (1.10). Cicero could expect the senators to be especially sensitive to such a charge. Piso, in particular, felt he did not have to obey the authority of the Senate. He had been a decemvir in Capua while he was a consul in Rome. Cicero uses the rivalry between the two cities to point out Piso's superbia and his disrespect for the traditional force of the auctoritas of the Senate:

Capuane te putabas, in qua urbe domicilium quondam
superbia fuit consulem esse, ... an Romae, in qua
civitate omnes ante vos consules senatui paruerunt? (1.18)

A number of senators had recommended recalling Cicero, but Piso refused to consider it. He had no sympathy at all for the ex-consul and was unwilling to hear even his relatives plead for recall. In his denial of the requests of Cicero's son-in-law, C. Calpurnius Piso, and of Cicero's daughter, Piso is depicted as a tyrant with no mercy even for the members of his own family who came to him as suppliants:
superbissimis et crudelissimis verbis a genibus tuis reppulisti (1.17).

The orator further attacks the consuls with a charge of libido (1.11, 14, 15). Libido is the opposite of lex; it represents the imposition of the will of a tyrant in contrast to laws which fairly protect everyone. The libidines of Gabinius and Piso are shown by the way they took the functions of the Senate and the Roman people into their own hands:

isdem operis suffragium ferentibus, eodem gladiatore la-
tore, vacuo non modo a bonis sed etiam a liberis atque
inani foro, ignaro populo Romano quid ageretur, senatu
vero oppresso et adfecto, duobus impis nefarissique con-
sulibus aerarium provinciae legiones imperia donabantur.
(1.18)
In short, the consuls of 58 were acting as tyrants and destroyed the normal functions of Republican government by refusing to obey the Senate.

Cicero describes his supporters, on the other hand, by the terms usually attached to the boni—fortis, praestans, optimus, nobilis. As he uses such words to describe them, he always connects them with the Republic and with himself.

L. Ninnio, fortissimo atque optimo viro quem . . . maxime fidelem . . . defensorem salutis meae (1.3)

singuli et praestantissima virtute P. Lentuli consulis (1.5)

Q. Metelli nobilissimi hominis atque optimi viri summa dignitas (1.5)

praetorum triborum plebis paene omnium virtus et fides rei publicae subvenisset (1.5)

Lamiam, equitem Romanum, praestanti dignitate hominem et saluti meae pro familiaritate et rei publicae pro fortunis suis amicissimum (1.12)

vos consules Lentulus et Metellus vestra virtute multis, summa triborum plebis praetorumque fide et diligentia sublevati (1.18)

P. Servilius, vir cum clarissimus tum optimus mihique amicissimus (1.25)

The superlative forms, fortissimus, clarissimus, praestantissimus, and nobilissimus, are normally applied only to members of the Senate who have exhibited great care for the preservation of the state. By establishing a link between his own cause and these outstanding senators, Cicero reaffirms his own concern for the Republic.

Milo and Sestius, tribunes in 57, are singled out for special praise because they worked actively for his return. It is remarkable
that Cicero justifies the use of *vis* by Milo since he cannot stop Clodius by legal means. Any sense of wrongdoing on Milo's part is diminished by associating him with the virtues of the *boni*: *virtus, fortitudine, consilium* (1.19). In praising Sestius, the orator connects his own cause with *senatus auctoritas*:

\[ \text{pari virtute animo fide P. Sestius secutus pro mea salute,} \\
\text{pro vestra auctoritate ... qui causam senatus, exagitatam} \\
\text{contionibus improborum, sic sua diligentia multitudini com-} \\
\text{mandavit ut nihil tam populare quam vestrum nomen, nihil} \\
\text{tam omnibus carum aliquando quam vestra auctoritas videtur.} \]  

(1.20)

Cicero commends Milo and Sestius not only for their devotion to him but also for their loyalty to the state. Thus through these figures he establishes a close relationship between his own fate and that of the Senate.

In the course of giving thanks to the Senate as a whole, Cicero also singles out many in this meeting by name for a special note of appreciation. Those most praised for helping him return are Pompey, Lentulus, Sestius, and Milo. He also lists many of the magistrates of 57 who supported his cause. Eight out of ten tribunes and seven out of eight praetors as well as both consuls were in favor of Cicero's recall. The intended effect of naming all of these magistrates (1.21-23) is to show that a majority of high-ranking senators have openly acknowledged the ex-consul's importance to the state by demanding his return. In this way Cicero hopes to enlist further support among the Senate as he tries to reestablish his former authority.

The orator also stresses his importance to the state throughout the speech by the collocation of the first person pronoun or the
adjective meus and res publica.: 

numquam dubitavit Lentulus sententiam de salute mea se et re publica dignam dicere. (1.8)

de me C. Messius et amicitiae et rei publicae causa dixit. (1.21)

Using the same technique Cicero recalls how his former actions in 63 saved the state, rem publicam meis consiliis conservatam (1.26). By this remark Cicero seems to be providing some justification for the actions which led to his exile. He tries to convince the Senate that Catiline's plans were a serious enough threat to the res publica to warrant what he did to save it. He also demonstrates his continuous sense of devotion to the Republic. The notion that Cicero's fate was intimately linked to that of the state was also expressed by Pompey (1.29). This association is further strengthened by the Senate's declaration that anyone who hindered or did not openly encourage Cicero's return would be considered an enemy (1.25, 27). The orator most effectively emphasizes this point at the end of the speech:

Sed cum viderem me non diutius quam ipsam rem publicam ex hac urbe a futurum neque ego illa exterminata mihi remanendum putavi, et illa, simul atque revocata est, me secum pariter reportavit. Mecum leges, mecum quaestiones, mecum iura magistratuum, mecum senatus auctoritas, mecum libertas, mecum etiam frugum ubertas, mecum decorum et hominum sanctitates omnès et religiones aferunt. (1.34)

He identifies his own absence from the city with the absence of true Republican government. He further develops this by associating himself with specific symbols of res publica and libertas: leges,

4. See also 1.8, 12, 20, 23.
quaestiones, etc. Cicero makes the Senate well-disposed to him by showing that their interests are in line with his own, by connecting his personal safety to the safety of the state.

Cicero's speech of thanksgiving to the Quirites is for the most part a repetition of his address to the Senate. He attempts to establish his position as a leader of the people who has always promoted the best interests of the Republic and of the Roman people as a whole. At the same time he portrays those who prevented his recall as enemies of all boni cives, including not only senators but people of every class.

The same type of accusations are made against Gabinius and Piso in the popular address as in the senatorial. Vis and libido are attributed to them to show their opposition to the boni. They attack Republican institutions:

\[
\text{in qua civitate nihil valeret senatus, omnis esset impunitas, nulla iudicia, vis et ferrum in foro versaretur, cum privati parietum se praesidio non legum tuerentur, tribuni plebis vobis inspectantibus vulneraretur, ad magistratum domos cum ferro et facibus iacere, consulis fasces frangerentur, deorum immortalium templum incenderentur, rem publicam esse nullam putavi.} \quad (2.14)
\]

Cicero sums up what they wish to destroy: senatus, iudicia, leges, tribuni, magistratus, consules, fasces, templum, in short, everything which represents the res publica. A related charge against his opponents is libido, an attempt to impose their own will in place of leges. This implies that libertas will be lost if they are successful for freedom can continue only so long as equitably applied laws restrain those who wish to be tyrants.\(^5\) Cicero state that while he is around

\(^5\) Wirszubski, p. 7.
their *libidines* cannot be fulfilled (2.13). They are not just enemies of Cicero but of all loyal citizens: *odium scelerati homines et audaces in rem publicam et in omnis bonos conceptum* (2.1). When the orator classifies his enemies in the popular speech (2.21), he attempts to show that by opposing him they also oppose the Republic:

(1) *malos*: *odio rei publicae; inimicissimi mihi*

(2) *perfidos*: *per simulationem amicitiae nefarie me prodiderunt*

(3) *invidos*: *inviderunt laudi et dignitati meae*

(4) *mercatores*: *salutem meam, statum civitatis, dignitatem eius imperi vendiderunt.*

In these descriptions, various expressions of the *boni-improbi* contrast, Cicero's safety is connected to the safety of the state.

Just as in the senatorial speech, the collocation of the first person pronoun and the words *res publica* is made throughout the speech to the people in order to emphasize his concern for the state in the past and his importance to it now: 6

*Itaque . . . eam rem publicam habuistis ut aeque me atque illam restituendam putaretis.* (2.14)

*si ego consul cum fui non fuissem, rem publicam funditus interituram fuisse.* (2.17)

By doing this Cicero achieves the impression that the restoration of freedom in the *res publica* depends upon his return and his own restoration to freedom as a Roman citizen.

The orator gains the favor of the people by comparing them to the gods. He has been reborn by their acclaim; what the gods gave him

6. Other examples, 2.14, 17, 18.
originally has been restored to him by the vote of the people (2.5). His constant use of vos and vester is intended to make the address seem more personal as if he were thanking them individually. Just in one short passage (2.5-6) the frequency of direct address is remarkable:

vestram magnitudinem multituidinemque beneficiorum; a vobis natus sum consularis; vos fratem reddistis; rem publicam ... a vobis eam recipieravi; liberos ... vos reddistis; nisi vestra voluntas fuisset; vestros honores ... nunc a vobis universos habemus; quantum vobismet ipsis. ... debeamus; in ipso beneficio in studiis vestris. The constant use of the personal pronoun diminishes the distance between the orator and his audience. Cicero wants the people to think of him as their leader, as the popularis he claimed to be at the beginning of his consulship. He was elected by their support and now has been restored by their acclaim. By praising the people for following the Senate in recalling him (2.17) and thus identifying them as part of the boni, Cicero shows that his long cherished goal of achieving concordia has finally been achieved now that all elements of the citizen body are unified in support of him.

Philippics 3 and 4

A primary means of argumentation in the Third Philippic, delivered to the Senate, is a contrast between Antony and those supporting the Republic and its traditions, who are described as boni or optimi cives or given an epithet such a clarissimus or praestantissimus. Thus characterized are Brutus, Octavian, and the
magistrates who have expressed their disapproval of Antony's acts. Antony is depicted as *seleratus consul* and as a tyrant with all the attendant vices. He is seen as a threat to the *senatus auctoritas* and *libertas populi Romani*. Since the purpose of the Fourth Philippic was to obtain a consensus of the people with the Senate Cicero emphasizes the same points there about Antony and those who oppose him. He attributes a certain *persona* to his popular audience by assuming that they have the same interest in preserving the state as the senators. As I will show, he often uses *libertas* or *res publica* with the pronoun *veste* in order to make Antony appear as an immediate and personal threat to them and to show that the magistrates are acting in the people's best interests.

The section on Brutus' defense of his province in the senatorial speech shows how the catchwords of the optimate cause are used to persuade the senators that Antony is an actual threat to the Republic and to their position. D. Brutus declared that he would maintain control of his province for the state, *in senatus populique Romani potestate* (3.8). Antony had bypassed the Senate's authority over the provinces by proposing and passing a law on the exchange of provinces through the popular assembly. Antony's invasion of Cisalpine Gaul is seen as a threat to the Senate's *auctoritas*. For this act of loyalty Brutus is described as *imitator maiorum* (3.8). There follows immediately an extended comparison between D. Brutus' action against Antony and his ancestor L. Brutus' fight against Tarquinius Superbus, which introduces the *libertas-regnum* theme since Tarquin is the Roman prototype of a
tyrant and libertas was the cry of Brutus when he overthrew the king. Thus libertas became associated with the establishment of the consulship. In this comparison Antony is shown to have proven his tyrannical nature by typical acts of impiety and violence. Cicero concludes the comparison with this remark: vero intolerabile est servire (3.12). Servire implies the opposites regnare or dominare. Antony intends to establish a regnum: non modo consulatu sed etiam libertate abdicavit (3.12). It is important to note that Antony, who was holding the very office associated with libertas, is accused of aiming at regnum. Throughout this passage Antony's actions are consistently represented as opposed to the values of the boni cives: auspicia, provinciae, senatus auctoritas, potestates magistratum, and libertas.

In the popular speech Cicero attempts to show that Brutus' rejection of Antony's claim to Cisalpine Gaul proves that Antony can no longer be considered a true consul (4.8-9). The orator presents two possible judgements on this situation. If Antony is consul, then Brutus must be considered an enemy. If Brutus is the preserver of the Republic, then Antony is a public enemy. But the Senate has declared its approval of Brutus' defense of Gaul. Therefore Antony must

7. Dunkle, p. 152.

8. Since the comparison as an illustration of the libertas-regnum theme overlaps to a great extent with its use as a specific historical exemplum, I shall analyze it more fully in the next chapter, pp. 104-105.

9. Dunkle, pp. 159-60.
not be considered a consul. According to Cicero, this opinion is shared by all, including the people, for he specifically connects them with the Senate by this statement:

Negat hoc D. Brutus imperator, consul designatus, natus rei publicae civis; negat Gallia, negat cuncta Italia, negat senatus, negatis vos. (3.9)

Another figure to whom Antony is compared is Octavian. He is praised in both speeches for taking the initiative before consulting the Senate to draw up an army from Caesar's veterans to oppose Antony. Cicero feels he must emphasize Octavian's loyalty to the Republic strongly when speaking to the senators, a number of whom are hesitant to follow the lead of this young man. Cicero faces a rather paradoxical situation here. He is attempting to enlist support for Caesar's heir before the very group which desired the dictator's assassination. The difficulty of his taking such a position, which his audience would no doubt appreciate, perhaps accounts for the length to which the orator goes in arguing that Octavian is a loyal Republican. Praise of Octavian for his devotion to the state is repeated throughout the speech: incredibili ac divina mente atque virtute (3.3), clarissimus adulescens atque omnium praestantissimus (3.7), virtute admirabili (3.8), eius suavissimos atque optimos mores praestantissimumque ingenium (3.18).

Since the superlative forms clarissimus, praestantissimus, and optimus are generally applied only to members of the senatorial order, they are employed to give the impression that he is one of the solid Republican faction in the Senate. By means of this lavish praise Cicero attempts to persuade the Senate to accept the young Caesar as their
leader. The description of Octavian in Cicero's rebuttal of Antony's earlier remarks about the young man's family shows him as the exact opposite of Antony:

Quis enim hoc adulescente castior, quis modestior, quod in iuventute habemus industrius exemplum veteris sanctitatis? (3.15)

Compare this to Cicero's description of Antony a few paragraphs before, impuro, impudico, effeminato, numquam ne in metu quidem sobrio (3.12).

Octavian, a model of decorum compared to Antony, represents the cause of the boni in desiring to preserve the mos maiorum.

The people would have needed little encouragement to follow Octavian since he had spent his own money to pay the donations designated for them in Caesar's will. Cicero reminds them of this:

C. Caesar qui rem publicam libertatemque vestram suo studio, consilio, patrimonio denique tutatus est et tutatur maximis senatus laudibus ornatus est. (4.2)

The personal pronoun is used with libertas to stress the importance of the situation to each member of the audience. The orator tries to obtain from the people acceptance of the Senate's decision by associating Octavian, who is already accepted by the plebs, with the Senate.

Cicero's defense of Brutus and Octavian aims at justifying their illegal use of arms against a consul. He relies upon the acceptance of his descriptions of Brutus and Octavian to make the point that Antony should no longer be considered a consul, but a public enemy (3.14). The orator has shown that both Caesar and Brutus are loyal to the state to the ideals of the boni viri; therefore it must follow that Antony has forfeited the right to be called consul. The same
argument is used somewhat later in the senatorial speech in regard to Octavian and Antony:

Necesse erat enim alterutrum esse hostem. (3.21)

Speaking before the people, Cicero argues along the same line:

Si consul Antonius, Brutus hostis, si conservator rei publicae Brutus, hostis Antonius. (4.8)

In the speech to the Senate Cicero left this last step to be inferred by his audience. For the people he explicitly draws the argument to its logical conclusion.

In the Third Philippic Cicero refers by name to many of the magistrates of 44 who expressed opposition to Antony. In spite of the fact that some of them were clearly Caesarians, they are portrayed as loyal Republicans by means of the usual epithets applied to the boni. The orator is attempting to win a sufficient number of Caesarians for the Republican party to stop Antony. Cicero mentions three whom Antony excluded from the Senate meeting on November 28 in order to remove potential opposition to his sortitio of the praetorian provinces (3.23):

L. Cassio, tr. pl., fortissimo et constantissimo civi

10. Some of these supported Caesar in the civil war, and others, although they fought against him, regained their political positions through his clemencia. See R. W. Bane, The Composition of the Roman Senate in 44 B.C. (diss., University of Southern California 1971), pp. 26-27.
D. Carfulenum,\textsuperscript{11} bene de re publica sentientem

Ti. Cannutius [tr. pl.]... honestissimis contionibus

Described in much the same way are the praetors who refused to accept Antony's allotment of the provinces (3.25-26):

L. Lentulus, P. Naso omni carens cupiditate

L. Philippus, vir patre avo maioribusque suis dignissimus

homo summa integritate atque innocentia C. Turranius

idem... Sp. Oppius

M. Piso... civis egregius

parique innocentia M. Vehilius

L. Cinna... singularis integritas

magno animo et constanti C. Cestius

The rest of the praetors are listed as accepting Antony's \textit{sortitio}. Those who rejected it are praised for their loyalty to the state and to the Senate: \textit{senatus auctoritate se obtemperaturos esse dixerunt} (3.25). Cicero's purpose in delivering this speech is to urge the Senate to initiate some action against Antony immediately. He wants all the senators to realize that there is a group of high-ranking magistrates unified in opposing Antony and to follow their lead by passing a decree against him.

\textsuperscript{11} T. R. S. Broughton, \textit{Magistrates of the Roman Republic}, Vol. II (New York 1951), assigns Carfulenius as a plebeian tribune of this year on the basis of this reference since the other two are tribunes. Bane, p. 34, argues that his command of the Martian legion indicates that he had at least praetorian status and suggests that Antony forbade his attendance at this meeting because he planned to denounce Antony.
The same terms as were used for the magistrates—optimus, fortis, fidelis—are applied in the senatorial speech to others who oppose Antony to emphasize their loyalty to the Republic. The citizens of Brundisium who refused to support the consul and were killed by him are called fortissimos viros optimosque cives (3.4, also 18). None are more loyal than the soldiers of the Martian legion which would not follow Antony and declared him an enemy of the people: quis fortior, quis amicior rei publicae (3.6). They made a stand against him at Alba, urbem . . . fideliorum aut fortiorum aut amiciorum rei publicae civium (3.6). The Martian legion and Alba are likewise described in the peroration (3.39). The quaestor L. Egnatuleius is praised or leading the fourth legion with Octavian, civi optimo et fortissimo (3.7), quaestore optimo, civi egregio, senatus auctoritatem populi Romani libertatem defendat (3.39). These commendations are intended to show the strength of the opposition to Antony.

Antony is directly attacked in the senatorial speech for opposing the goals of the boni viri. Cicero lists what Antony, bonis . . . inimicus (3.30), will do if he is victorious:

vendiderit immunitates, civitates liberavit, provincias universas ex imperi populi Romani iure sustulerit, exsules reduxerit, falsas leges . . . et falsa decretata. . . curavit, earumque rerum omnium domesticum mercatum institu- erit, populo Romano leges imposuerit, armis et praesidiis populum et magistratus foro excluserit, senatum stiparit armatis, . . . optimi sentientis centuriones iugulaverit. (3.30)

He will take away the proper functions of the Senate: immunitates, provinciae, leges, decreta. The attributes of vis and crudelitas shown by the words armis, praesidiis, and iugulaverit prove that he acts like a rex imposing his own will on everyone by force. The
charge of crudelitas is produced often in this speech and in two notable examples it is specifically associated with dominatio, making Antony's intentions very clear: ferens taeterrimum crudelissimamque dominatum (3.29), crudelam superbamque dominationem (3.34). Tyranny is presented not just as a vague possibility, but as an actual threat.

Like Catiline, Antony is described as having an extraordinary sense of furor, beyond rational limits (amens, demens), which leads him to bold and violent deeds: hominis amentis . . . audaciam (3.2). tantum bellum, tam crudele, tam nefarium cum maxime furor arderet Antoni (3.3), illius furentis impetus crudelissimos conatus (3.5). Furor or ametia as the opposites of ratio may be considered a contribution to the charge of libido. In a much earlier speech, Cicero establishes the opposition between the two: earum rerum quae libidine non ratione gesserat (Pro Quinctio 14). These descriptions of Antony are meant to have a cumulative effect. If Cicero can manage to make the Senate see how great a threat Antony can be and how the possibility of this getting out of hand grows every day, he can possibly get them to take immediate action.

What does the orator do with the contrast between Antony and the boni in his speech to the people? The Senate, he tells them, has passed a decree against Antony; it does not actually name Antony as a public enemy, but that is its intent (4.1). Again Brutus (4.8), Octavian (4.4), the Martian legion (4.5), and the Fourth (4.6) are depicted

12. See also 3.3, 4, 5. 28.

13. See also 3.6, 17, 18, 31.
as protectors of the Republic. In every case, the language is the same as in the senatorial speech. Like the magistrates they are shown to be concerned with senatus auctoritas and libertas populi Romani. In contrast to these Antony is depicted as one who desires to destroy the state:

nihil nisi de pernicie populi Romani cogitaret (4.4)
parricidam patriæ (4.5)

hic vester hostis vestram rem publicam oppugnat, ipse habet nullam; senatum, id est orbis terrae consilium, delere gestit, ipse consilium publicum nullum habet; aerarium vestrum exhaustus, suum non habet. (4.14)

In his description both of the Republicans and of Antony in the Fourth Philippic, Cicero tries to make the people feel that their personal freedom is at stake by repeatedly using the possessive vester with libertas or res publica (4.1, 2, 5, 14, 15, 16).

In reporting on the Senate meeting to the people Cicero does not individually name any of the magistrates listed in the senatorial speech. There he needed to get the attention and acceptance of his own viewpoint from members in order to accomplish his goal of passing a decree against Antony. Here he is simple giving a report and a consensus is urged, but the people are not going to vote about the matter. In fact, he assumes that they have already indicated their approval of the Senate's action:

Numquam maior consensus vester in uilla causa; numquam tam vehementer cum senatu consociati fuistis. (4.12)

Stating in his conclusion that the decree was supported by the foremost of the boni, he again connects the senatorial order and the people through his praise of Servilius who proposed the measure:
Throughout the speech Cicero assume that the goal of the Senate and the people is identical—the protection of the free Republic from Antony. He depicts the Senate as primarily Republican in sentiment by applying words such as optimus or fortissimn to those who defend the senatus auctoritas. Then he shows how the same figures who defend the rights of the Senate defend the personal freedom of the Roman people, vestra libertas, while Antony desire to destroy it.

Philippics 5 and 6

At the first meeting of the Senate in 43 the topic of debate was whether to send negotiators to Antony to sue for peace or to declare war against him immediately. When Cicero is called on the speak he takes the side of immediate war. Again he attempts to prove that Antony is not a Roman citizen but a public enemy and that he threatens the freedom of the people. In an effort to show that Antony’s legislation (much of which was discussed in the earlier speeches against him) is illegal and ought to be invalidated, Cicero concentrates his argument on the fact that the laws were passed against the auspices and on the premise that they are a threat to the Senate’s auctoritas. The orator isolates Antony from the cause of the boni by showing how he is opposed to such things as leges, auspicia, auctoritas, and libertas. Antony’s actions are described as those of a tyrannus.
Antony passed several laws through the use of Caesar's papers. Each of these, according to Cicero, was passed per vim et contra auspicios (5.10). They should be considered illegal because they were passed in violation of standard procedures, without the passage of three market days after posting (lex Caecilia et Didia 5.8), without favorable auspices (5.7-10, 15), without posting in the aerarium (lex Iunia et Licia 5.8), and without a free Senate for debate (5.9). It is alleged that the acceptance of Antony's laws would mean the death of all other laws (5.8), thus endangering the existing foundations of the Roman system of government. Antony wishes to appear to be acting legally, quasi lege sine lege (5.11). But in truth he has falsified both Caesar's notes and decrees of the Senate: commentariis commentticis (5.12); senatus consulta numquam facta ad aerarium deferentur (5.12). Cicero appeals to the senators to use their auctoritas to stop Antony's boldness (5.10). Antony's actions can be interpreted as those of a rex because he has imposed his sole authority over the functions of the Senate.

Decreta falsa vendebat, regna, civitates, immunitates in aes accepta pecunia iubebat incidi. (5.11)

Foedera interea facta, regna data, populi provinciae-que liberatae, ipsarumque rerum falsae tabulae... figebantur. (5.12)

The prerogative for decisions about treaties and the status of cities, provinces, or kingdoms properly belongs to the Senate. By imposing his own will and ignoring the Senate's authority Antony shows his regal intentions. If this is allowed to continue the state will no longer be free, nulla imago liberae civitatis (5.11). Libertas is the
hallmark of Republican government established by overthrowing the king. Antony is attempting to reverse this system, to take away the freedom of the state. Cicero pursues this line of argument by setting up a contrast between Antony's *libido* and the *aequitas legum* associated with *libertas*. Antony is accused of forcibly and unfairly imposing his will, *dividebat agros quibus et quos volebat; . . . nulla aequitatis deprecatio* (5.20). Laws applied justly and fairly provide *libertas*. When *aequitas* is missing, *licentia* or *libido* replaces *libertas*. Cicero claimed earlier in this speech to be *aequus: neminem aequiorem reperiet quam me* (5.3). Thus Cicero portrays himself as the representative of *libertas* and Antony of *licentia*.

The orator particularly criticizes Antony's judiciary law which allowed him to appoint a third panel of jurors (5.12 ff.). The characterization of Antony's appointees follows the same pattern of contrast as in the *Third Philippic* where those supporting the ideals of the Republic are described by such terms as *praeclarus* or *optimus* while Antony is *scele-ratus, nequissimus, or perditus*. The tirade against the new jury members opens with this sarcastic remark:

> *o consessum iudicum praeclarum! o dignitatem consili admirandum!* (5.12)

In fact they are the exact opposite of *praeclarus* and *admirandus*. They are incompetents. One is from Crete and one from Athens who, as foreigners, would know little or nothing about Roman law (5.13-14).

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15. By singling out the one from Crete, Cicero might have intended a subtle insult to Antony's father who received the cognomen Creticus after he suffered defeat in a naval battle with the Cretans.
The Cretan is described by the words audacissimmm and perditissimmm (5.13) which are also applied to Antony in this speech. The Athenian is a comrade of the playboy Curius, like Antony he is nequissimus (5.14). The others are described as saltatores, citharistas, comissionis Antoniae chorun (5.15). They might be suitable for the stage but for the court they are turpes. The point Cicero wishes to make is that Antony could not have appointed such men if he believed any semblance of the Republic remained (5.15). This is a repetition of the charge made just before this (5.11) that Antony intends to overthrow the Republican constitution.

Another major argument to show that Antony is a threat to libertas is his use of violence. He openly surrounds himself with armed guards: agmen armatorum; gladios ostentantes, barbari sagitarii; armatos, latrones, sicarios (5.18, also 17, 20). His tendency to use violence is shown not only by his leading armed men into the Temple of Concord and through the forum, but also by his threats against Cicero in the speech the consul made at the Senate meeting in September. Antony said he would start his reign of terror with Cicero's death, caedis initium (5.20). Furthermore Antony is encouraged to violence by his brother Lucius, gladiator Asiaticus qui myrmillo Mylasis depugnaret; sanguinem

16. There seem to be in this speech some early hints of the type of propaganda later used against Antony that he is an Eastern tyrant. He is frequently associated with foreigners, not only his jurors (5.13-14) but also his bodyguards are barbari (5.5, 18). In the Sixth Philippic Cicero ends with the interesting comment that slavery can be endured by other nations, but libertas is peculiar to Romans. This statement, taken along side of the remarks about Antony's associates, might further indicate Antony's tryannical nature. But Cicero does not really make this connection.
nostrum sitiebat (5.20). He also threatened at a contio that he would keep his army in the city (5.21). This could only mean that Antony intends to enslave the Roman people, denuntiare populo Romano servitutem (5.21). At Brundisium he punished the legions who deserted him by slaughtering the centurions, jugulari coegit (5.22). As a result of this deed and also for the threats of murder made by Antony, Cicero labels him crudelissimum hostem (5.21, 22). Antony's every move is accompanied by violence (5.25). Such words as armatus, caedis, and exercitus support the charge of vis against Antony. Cicero repeats them to reinforce the picture of Antony as a tyrant in order to convince the Senate that Antony should not be considered a true citizen. He did not leave the city as a citizen but as an enemy (5.24); he did not simply set out as any commander but he fled before making the usual sacrifices (5.24) as if he knew that his actions were illegal.

In addition to libido, vis, and crudelitas, Antony's tyrannical nature is shown by furor or amentia (5.10, 15, 23, 29, 32, 37, 43). This side of Antony's character becomes important in Cicero's argument about Antony's reaction to the legati to be sent by the Senate. The orator argues that it is better to declare war now since Antony will refuse to accept the Senate's offer of peace and therefore war is inevitable. Delay is advantageous only to Antony. Cicero is certain that Antony will not come to terms under any circumstances (5.25). Even if Antony were rational (which he is not) and would accept the peace mission, his brother Lucius would not permit him to do so (5.30). The fact that Antony is not sanus is stressed to show that he will not
obey the senatus auctoritas. Therefore, it is better to declare Antony a public enemy and prepare for war immediately.

Those whom Antony attacks are described in the language of the boni. The legions punished at Brundisium are fortissimae (5.22); the centurions he killed were considered good Republicans, quos bene sentire de re publica cognoverat (5.22). Brutus is described cive non sibi sed nobis et rei publicae natum (5.24, see also the praise of Gaul and Mutina in this passage). Brutus' province is solidly Republican optime de re publica meritis merentisque (5.36), quae semper praesidet atque praesedit huic imperio libertatique communi (5.37). By such descriptions Cicero establishes a contrast of Republicans versus the tyrant which he uses to convince the Senate that Antony intends to destroy libertas rei publicae. The contrast between the boni viri and Antony is again stressed in the second half of the Fifth Philippic, de honoribus (5.35-53); Brutus, Lepidus, Egnatuleius, and Octavian along with his army are praised for their devotion to the Senate and the Republic. Brutus is commended for defending Gaul against Antony: praestantissimum meritum in rem publicam, virtute incredibile studio (5.36); tantoque in rem publicam beneficio, tanti facti tamque praeclari (5.37). He is praised in terms of the boni to show that, although he did commit an illegal act when he took up arms against the consul, he was doing so to protect the Republic from Antony's tyranny and thus acted justifiably. The catchwords of the Republican cause are also used to describe Lepidus: pro eius egregiis in rem publicam meritis, populum Romanum liberum voluit odium servitutis, moderatione usus (5.35); clementiae (5.39). Cicero praises Lepidus for deeds which
he can depict easily as anti-regnum or pro-Republican and thus in the context of this speech anti-Antonian. He is portrayed as an advocate of libertas and res publica for the following reasons: he expressed his hatred of slavery when a crown was offered to Caesar; he showed moderation following Caesar's death; and he restored relations between the Senate and Sextus Pompey. Cicero avoids mentioning the fact that, at the time of this oration, Lepidus was supporting Antony with the army which he commanded as governor of Gallia Narbonensis and Nearer Spain. This seems to be an attempt to persuade Lepidus to switch from the Caesarians to the Republicans. The quaestor Egnatuleius is among the boni cives who defend the state: fortissimo et constantissimo civi amicissimoque rei publicae, virtutis egregiae (5.52). He is commended for leading the Fourth legion to Octavian. Just as in the Third Philippic Caesar's heir receives extraordinary praise before the Senate because Cicero must convince them that Octavian is loyal to the Republican cause, that he wishes to preserve their auctoritas and dignitas:

\[
\text{eam complexus est causam quae esset senatui, quae populo, quae cunctae Italiae, quae dis hominibusque gratissima.} \\
\text{(5.44)}
\]

\[
\text{nil est illi re publica carius, nihil vestra auctoritate gravius, nihil bonorum virorum judicio optatius.} \text{ (5.50)}
\]

Cicero attempts to use the decree of honors to force a decision in the Senate to declare war against Antony. In effect, the decrees must be interpreted as a de facto edict against Antony since they justify the deeds of those who opposed him. Thus the orator presents the threat of Antony to the libertas and auctoritas of the Senate in order to persuade them that Antony must be considered a public enemy.
Cicero's proposal is not to send ambassadors to sue for peace but to openly declare war (5.31). Many of the senators, however, were convinced that this was too strong, that an attempt to reconcile with Antony ought to be made before entering upon another civil war. The debate on this issue lasted four days (6.3). Apparently the decision to confirm the honors proposed by Cicero was carried by the third day since he does not mention this topic at all in the Sixth Philippic which was delivered immediately after the meeting in the Senate on the fourth day. The debate de re publica finally resulted in a decision to send legati to Antony, but this resolution was only reached after some of the senators on Cicero's side were persuaded to change their opinion by a concession on the part of Caesarians to repeal Antony's agrarian law. This motion probably took up a considerable part of the debate on the last day since Cicero spends some time in the address to the people ridicule Lucius Antonius who had been appointed head of the land commission. The nullification of this law convinced some Republicans to vote for the more lenient proposal of reconciliation rather than war.

After summarizing for his popular audience the Senate's debate on the question of sending envoys to Antony or declaring war against him, Cicero explains the force of the resolution which the Senate passed. He attempts to show that Antony cannot be considered a Roman citizen because he refuses to submit to the authority of the Senate and of the people. The theme of the speech is again servitus-libertas supported by a contrast of the boni and improbi.

17. Phil. 6.3.
Antony is criticized for undertaking an unholy war against his fellow Roman citizens with the intention of destroying the Republic (6.2). Cicero states that he knows what sort of man his opponent is:

Novi violentiam, novi impudentiam, novi audaciam. (6.6)

These characteristics were pointed out at some length in the senatorial speech, but the orator does not elaborate on this occasion. He discredits Antony for being under the influence of his wife (6.4) and even more for being under the finger of his brother Lucius. The work of Antony cannot be distinguished from that of his brother, whose threats keep Antony in line (6.10). Thus Antony's character is shown through Lucius. First of all, he is known to be violent since he threatened to kill Antony if he submitted to the Senate (6.10). After being appointed head of the commission to assign lands under Antony's agrarian law, he suddenly became very influential. Four statues were erected to him. In the course of describing this outrageous self-display of authority, Cicero depicts Lucius as impudens and improbus (6.13). The orator ridicules Lucius by describing how his influence was suddenly and obviously displayed all over the city and then lost in one moment by the resolution of L. Caesar, clarissimi viri et praestantissimi senatoris (6.14). This glowing description of L. Caesar in terms of the boni is intended to make Lucius Antonius appear all the worse, and Antony also by association with his brother. The boni-improbī contrast established here is recalled later in the speech by Cicero's statement that when the envoys report Antony's refusal, no one except an improbus civis could consider Antony a citizen any longer (6.16).
While the charges against Antony are the same as in the senatorial speeches, that he is acting without the advice of the Senate and against their interest (aerarium, auspicia, leges),

qui pecunia publica dissipata atque effusa per vim et contra auspicia impositis rei publicae legibus, fugata contione, obsesso senatu, ad opprimendum rem publicam Brundisio legiones accesserit (6.3),

Cicero equally stresses the fact that Antony is attempting to diminish or destroy the authority of the people. Their personal concern for the preservation of libertas and res publica is shown by the addition of the words populi Romani or vestra: Brutus, imperatorem populi Romani (6.2), vestraeque libertati natum (6.9), Mutina, coloniam vestram fidissimam fortissimamque (6.2). Throughout the speech potestas populi is set along side of senatus auctoritas as an equally important source of authority in the Republic. If Antony does not obey the Senate he is also not obeying the people. Legates are being sent to learn this from Antony: quantum senatus auctoritas vesterque consensus apud Antonium valiturus esset (6.2). Antony is not the type of man to bow down to either.

Is est enim ille qui semper senatus iudicium et auctori-
tatem, semper voluntatem vestrar potestatemque contemp-
serit. (6.5)

The envoys will return with this message:

non in vestrar potestate, non in senatus esse Antonium. (6.16)\(^\text{18}\)

Cicero's assumption that the Senate and the people have a common goal in opposing Antony is shown by the constant juxtaposition of these two branches of power.

\(^{18}\) See also 6.4, 18.
The orator portrays himself as the opposite of Antony, as one who for the last twenty years has always been the defender of their rights. In the exordium he glories in the support given to him by the people after he delivered the Fourth Philippic:

vos universi una mente atque voce iterum a me conservatam esse rem publicam conclaustis. (6.2)

He attempts to obtain their consensus now by reminding them of their past support of his efforts. As defender of the Republic he is also protector of their freedom (6.17). He condenses the whole argument in the last paragraph into a simple choice between libertas and servitus:

Aliae nationes servitutem pati possunt, populi Romani est propria libertas. (6.19)

By means of this emotional appeal, the orator urges their consensus with his stance against Antony.

I have found three major instances in which Cicero uses certain catchwords differently before the senatorial and popular audiences in order to shape their conclusions about the issue he addresses. First of all, by the terms boni or optimi Cicero usually means members of the senatorial class; but in the popular speeches he often extends their use to include all classes even though the expressed goals of the optimi are identical to the concerns of the Senate. By expanding the application of these words the orator manages to convince the people that their best interests will be served by protecting the prerogatives of the Senate. Cicero uses this technique of generalization most effectively in the second speech Contra Rullum, delivered to the people, when he convinces them that this bill would give the potential
decennirs the power to take over the functions of the optimi (in fact, of the Senate) and thus would be a threat to the liberty and security of the people. The optimi stand both for the continuation of senatorial authority and for the freedom of the people. In the First Catilinarian, addressed to the Senate, Cicero uses boni in its usual political sense to refer to the defenders of the Republic and the position of the Senate. In the popular speech on Catiline the orator uses boni in a more general moral sense in connection with those whom Catiline attacks so that Cicero does not imply that he is protecting only the interests of the Senate. In the senatorial Philippi the boni are primarily those who defend the dignitas and auctoritas of the Senate. In the popular Philippics Brutus, Octavian, and Cicero are depicted as defenders of the Republic and of the people; the term boni is expanded to mean all those including the people who wish to preserve the freedom of the state.

The Senate's concern for the freedom of the state and the people as a whole is emphasized in contrast to the people's concern with any threat to their personal freedom. This difference is evident from the manner in which Cicero chooses to express the Senate's desire to protect the freedom of the state, libertas rei publicae et populi Romani, and by his consistent use of vestra libertas or vestra res publica before the people. While vestra libertas may be interpreted as the equivalent of libertas populi Romani when Cicero addresses the people as a body of citizens, by using the personal pronoun he seems to be saying directly to each member of his audience that his own freedom is being threatened. He emphasizes this difference between the
national and personal concerns of the senatorial and popular audiences in almost every pair of speeches. 19

Another consistent pattern of distinction in the adaptation of certain catchwords to each type of audience is found in Cicero's references to his rise from the people and his devotion to their interests. In the Senate, he only occasionally mentions his "popular" origins and generally expresses his concern for senatorial dignitas and auctoritas more that for potestas populi Romani. For instance, in Post Reditum in Senatu Gabinius and Piso are criticized for not upholding the dignitas of the senatorial order and Piso is charged with failing to obey the senatus auctoritas. In the popular speeches Cicero frequently refers to his election by the people (sometimes specifically noting that it was accomplished without the help of the nobles: De Lege Agraria 2.1-3, Post Reditum ad Quirites 5, and Philippic 4.15 as he reminds the people of how he saved them in the year of his consuls-ship. In the Sixth Philippic Cicero gives as much emphasis to Antony's attempt to diminish the power of the people as the authority of the Senate. 20


20. See p. 81.
CHAPTER V

THE APPEAL TO THE PAST:

HISTORICAL EXEMPLA AND THE MOS MAIORUM

Commemoratio autem antiquitatis exemplorumque prolation
summa cum delectatione et auctoritatem orationi adfect
et fidem. (Orator 120)

According to Cicero, one important requirement for an orator, besides having a complete training in rhetoric, was that he had to have a command of philosophy, jurisprudence, and history. As Cicero explains in the passage above, historical knowledge gives authority and credibility to an oration and at the same time provides pleasure. Examples from history give added weight to whatever point a speaker is making. The education of the upper classes made them fully aware of their background and their place in the development of Roman civilization. They were reminded often of the achievements and contributions of the most prominent families of the ruling class by inscriptions which recorded honors won by their ancestors and by the display of wax images of their ancestors in their homes and in public funeral processions. The fame of their ancestors was praised in funeral orations; the dignitas acquired by past generations accrued to their descendants. Senators' sons, expected to enter public life and educated with this end in mind, attended preeminent jurists and statesmen

1. De Or. 1.18, 201, 256.

85
to benefit from their accumulated experience in public affairs. The Roman constitution was based on tradition, on statutes and precedents from the past. The *mos maiorum* provided standards which the Romans could use as a basis for judging the actions of themselves and others. When Cicero uses historical *exempla* in his speeches, he relies on the belief shared by his audience that lessons can be drawn from the past.

He compares and contrasts historical figures and events to contemporary ones to elucidate his judgements about the current course of events for his audience. Speaking before the Senate, Cicero uses numerous *exempla* to support his arguments. I shall demonstrate that, in general, when addressing the people, the orator employs fewer, but more recent and obvious examples since he did not expect most members of the popular audience to have the same level of historical awareness as the senators.

**De Lege Agraria**

In the introduction to his speech before the people, Cicero elaborately establishes his credentials as a *consul popularis* (2.1-10) and says he would not automatically reject all agrarian laws because he is reminded of the tribunes Tiberius and Gaius Gracchus, who proposed legislation which was for the benefit of the people. Cicero's overly exuberant praise of these routinely acclaimed popular champions, *duos clarissimos, ingeniosissimos, amantissimos plebei Romanae viros* (2.10),

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is intended to obtain the support of this audience. The orator also compares the manner of election and the functions of the decemviri in Rullus' proposed bill to those of the triumvirs chosen to carry out the law of Ti. Gracchus. Rullus' law grants to the agrarian commission the right of auspices and the pullarii\(^4\) necessary for their observance in order to establish colonies since the Sempronian law had a similar provision (2.31). The point that Cicero wishes to make is that while Rullus wants his bill to sound like the law of the earlier tribune, there is an important difference because the decemviri are not to be elected by all thirty-five tribes as were the Gracchan commissioners but by only seventeen tribes chosen by lot by Rullus (2.16-21, 31). Rullus' intention, according to Cicero, is to attack the liberty of the Roman people: \textit{libertatis vestrae deminutionem} (2.16), \textit{aequitas in vos libertatemque vestram vehementer defuit} (2.20). Cicero ends the passage with this judgement to point out the remarkable difference between Ti. Gracchus and Rullus: \textit{cum tu a Ti. Gracchi aequitate ac pudore longissime remotus sis} (2.31). Praising the law of Gracchus and his devotion to the people underlines the distinction between the two tribunes and is meant to show that Rullus is not truly interested in the good of the people. Since the introduction to the senatorial speech is not extant, there is no way of knowing if Cicero made similar reference to the Gracchi there, but it is unlikely that he would have described these heroes of the plebs in such complimentary

\(^{4}\) Cicero defines the nature of pullarii in Div. 2.34.72.
terms. The Gracchi are used again later in the popular speech in a comparison with Sulla whose tyranny over the people is contrasted with the generosity of the Gracchan brothers (2.81). By this contrast the orator pointedly reminds the people that Rullus desires dominatio as Sulla did, while Cicero himself has the interests of the people in mind as he explained in the opening of this speech (2.14).

The treatment of Sulla in the senatorial speech is quite different from that in the popular speech. Cicero uses Sulla as an exemplum in the discussion of one provision of the bill by which the decemvirs may hold their sale of vectigalia wherever they please (1.7; 2.55-56). Cicero misleadingly interprets this to mean that the actual sale must take place in Rome rather than just letting the contracts for their sale in the city with the selling itself taking place in the provinces. To the Senate he categorizes the decemvirs who want to do this among the nequissimi, spendthrifts who fail to hold their auctions openly (1.7). This criticism is not as specific nor as effective as his implied criticism before the people: even Lucius Sulla was forced to hold his funestam auctionem in the open, in front of those he had insulted (2.56). The decemvirs who exempt themselves from this

5. Cicero sometimes presents the Gracchi brothers as destroyers of optimat ideals who were justly killed: for Ti. Gracchus, turbulentissimum tribunatum (Brut. 27.103), iura neglectit ac foedera (Rep. 3.29.41), nihil iuris bonis viris reliquit (Leg. 3.9.20), eius dominatu (Brut. 58.212), regnum occupare conatus (Amic. 12.41), iure caesus (De Or. 2.25.106; Mil. 3.8; Planc 36.88); for C. Gracchus, omnem rei publicae statum permutavit (Leg 3.9.20), rei publicae vulnera imponebat (Fin. 4.24.66).

practice are worse than Sulla. That the property sold by Sulla and that to be sold by Rullus were not at all alike is not mentioned by Cicero. Sulla was selling the confiscated property of proscribed citizens and could find buyers for these estates in Rome, while much of what Rullus intended to sell could be bought by provincials as well as those resident at Rome. But Cicero does not expect his popular audience to think about this faulty comparison. Mention of this enemy of the people was made simply to arouse the emotions of the audience against Rullus and his supporters.

One issue in the debate on the agrarian law was what to do about certain private properties to which the titles were questionable because they came from Sulla's confiscations. Although the problem of the Sullani is not an exemplum I have chosen to deal with it here because of the implications of Sulla's name. In the explanation outlining which lands are to be purchased for the plebs, Cicero states that Rullus will buy up the property of certain Sullani who wish to be relieved of the hatred felt against them on account of the way they received their land (1.14; 2.68-70). One in particular who would like to sell is Rullus' father-in-law Valgius. Speaking on this point to the Senate, Cicero says that Rullus' father-in-law and others would sell their land to be free of invidia (1.14). However, here he does not directly attack the Sullan profiteers. The others are not named. The reason for invidia is left unexplained. The point is not dwelt on as it is in the popular speech (2.68) where Cicero is more explicit in naming these lands, invidiam Sullanorum agrorum. The people know

exactly to whom he is referring. Note how he characterizes the Sullan:

tribunicium nomen horrebant, vestrarn vim metuebant, mentionem legis
agrariae pertimescebant (68). These men, who had profited greatly by
Sulla's confiscations and who previously feared the very name of tri-
bune or the mention of an agrarian law because they knew that the
titles to the land were questionable, now are ready and willing to
sell to Rullus. The Sullan properties are a burden to the owners
(2.68-70). By helping them Rullus, tribune of the plebs, is allegedly
supporting the interests of the wealthy rather than the interests of the
plebs who had elected him.

Within the discussion of the sale of vectigalia (1.2-6; 2.47-55)
Cicero includes in both speeches lists of the regions which Rullus in-
tends to sell. To each item in the list of the senatorial oration he
appends the name of the general who won the lands for the Roman people.9

1.5 Iubent venire agros Attalensium atque Olympenorum
quos . . . P. Servili . . . victoria adiunxit

deinde agros in Macedonia regios
qui partim T. Flaminini
partim L. Pauli . . . virtute parti sunt

deinde agrum . . . Corinthium
qui L. Munni imperio . . . adiunctus est

post autem agros in Hispania
duorum Scipionum virtute possessos

tum vero . . . Carthaginem vendunt
quam P. Africanus . . . consecravit


9. On the particularly senatorial tone of this passage, see p. 43.
The names of these generals are important ones among the nobles. The first example is the land won in 79 by P. Servilius Vatia Isauricus who was at the time of this speech one of the leaders of the conservative faction in the Senate. Furthermore, there would be among the audience other former imperatores upon whom the record of these past accomplishments would have a great effect. The names of these places would remind them of the extent of their power. What the senators objected to most in this bill was that it gave extensive judicial authority to the decemvirs over some parts of the provinces, which was by tradition their own prerogative. These names would remind the senators of their ancestors and how they had increased the res publica. They would take notice of what Cicero was saying and think: are we simply going to hand over to Rullus and his men land which our forefathers fought so hard to obtain? Will we give up our glorious patrimony so easily?

The list of lands in the popular speech is almost identical, but the names of all the conquerors are not included except for P. Servilius (2.50) and P. Africanus the Younger (2.51). The others named in the senatorial speech belong to the second century B.C. Of all of these, P. Africanus is likely to be the name best known to the people. Cicero seems to have chosen it as the most obvious example. The reason

10. Jonkers, p. 16.
for choosing Servilius is somewhat more specific. He was particularly
distinguished because he had celebrated one triumph in 88 and a second
in 74 for the victory which gave him the cognomen Isauricus. This
latter event could be remembered by the people more easily than the
circumstances of the earlier conquests, but a second triumph was a
rare distinction in the Republic. Thus only the two most obvious ex-
empla were selected out of the fuller list in the first speech.

There is one important difference in Cicero's treatment of his
contemporary Pompey in these passages. According to the mos maiorum
(2.52) Pompey was still in authority in Asia until the lands were com-
pletely settled. Thus Rullus had no right to include these. In the
speech to the people the tribune's proposal is described as a personal
insult to Pompey. In the senatorial speech Cicero is hesitant to
state the criticism so boldly; here it is the army of Pompey (1.6) that
would be insulted if these estates were sold, not Pompey himself.
Cicero does not want to appear to be the champion of this popularis
before his senatorial audience, but he cannot but stress to the people
the magnitude of the slight by Rullus to the popular hero.

Criticizing the proposed judicial authority of the decemviri in
the popular speech, Cicero gives a series of names to represent the
maiores in general:

tum, cum habet res publica Luscinos, Calatinos,
Acidinos, homines non solum honoribus populi rebusque
gestis, verum etiam patientia paupertatis ornatos, et
tum cum erant Catones, Phili, Laelii, quorum sapientiam

temperantiaque in publicis privatisque, forensibus
domesticisque rebus commissa nemini est. (2.64)

Although Cicero seems to have in mind particular individuals—C. Fabricius Luscinus, A. Atilius Calatinus, L. Manlius Acidinus, M. Porcius Cato, L. Furius Philus, and C. Laelius—\(^{13}\)—he uses the plural forms of their names to generalize about the past. The first three figures of the third century B.C. were famous for their simple and frugal way of life, patientia paupertatis. The second group of \textit{exempla} are personalities of the second century who were acclaimed for sapientia and temperantia. It is difficult to believe that Cicero could expect his popular audience to be able to place these figures in their proper time periods as he might expect from the senators (but these \textit{exempla} are not employed in the senatorial speech). Cicero uses these examples to suggest that in the past in general no one ever sought such unlimited authority as this agrarian law would allow. In fact, the agrarian problems of Cicero's time were not even present during the third century\(^{14}\) so it is obvious that these figures are not chosen for their relation to this issue, but rather for their virtue. But it is noteworthy that the particular virtues he ascribes to these men are those of early Roman farmers. At least two of them can clearly be identified as farmers (Cato and Calatinus); there is not sufficient evidence to ascertain whether the others were also farmers or had any connection with agrarian laws. However the point Cicero wishes to make does not depend on their position on agrarian legislation but on their moral

\(^{13}\) See Jonkers, pp. 102-03, for the evidence on these personalities.

\(^{14}\) Jonkers, p. 102.
excellence. By comparison to the virtues of these maiores, the immoderate desires of the decemvirs are outrageous:

quantae et quam immanes divitiae Xviris in tantis auctionibus, tot iudiciis, tam infinita potestate rerum omnium quaerantur videtis. (2.62)

Cicero demonstrates that Rullus' plans are contrary to the values of the maiores. Jonkers notes that Rullus' proposal was indeed different from agrarian laws of the past in excepting private land, but it should not be rejected solely because it violates tradition.\textsuperscript{15} However the appeal to the mos maiorum was an effective argument for the Romans who based their constitution on precedent.

At the end of each speech in the discussion of the provision about establishing a colony at Capua, Cicero compares Rullus' intentions to the designs of the maiores who removed all insignia rei publicae from that city to prevent her replacing Rome as capital of Italy (1.19; 2.86). This punitive action was taken by the Senate when Capua cooperated with Hannibal as a result of his promise to make her the capital if he won Italy. Establishing a colony at Capua, argues Cicero in the senatorial speech, is part of a larger plan by Rullus and his colleagues to take over all of Italy (1.17). By use of the phrase rursus opponere (1.18) the decemvirs are indirectly compared to Hannibal in their intentions to destroy Rome. The possibility of another city becoming the capital was apparently a vague, but real fear of the Romans which Cicero plays upon and exaggerates. The feeling which the orator tries to arouse in this case may also have come from the fact that the

\textsuperscript{15} p. 103.
punishment of Capua was probably a classic topic of debate in the rhetorical schools and so would be remembered by his audience. His point in comparing the tribune's proposal to the actions of the maiores is to show that Rullus' plan for colonization is a front for establishing a regnum by attacking the freedom of the Roman people (1.17).

While in the senatorial speech Rullus and his proposed colony at Capua are only indirectly compared to Hannibal and Carthage, in the popular speech Cicero elaborately develops this comparison as part of the charge that the tribune intends to establish a new capital, altera Roma (2.86). First of all, Cicero offers the examples of Carthage and Corinth (2.87), destroyed on the grounds of political and economic rivalry. The natural advantage of Carthage's position was seen as a threat to Sicily and Sardinia, fructuosissimis insulis populi Romani. Corinth also held a strategic position for purposes of navigation. Although the destruction of these cities may have been motivated more by political than commercial considerations, Cicero stresses economic rivalry as the main factor. Capua, like Carthage and Corinth, was in a key position to be considered a rival to Rome. As a commercial center it continued to be extremely significant to Rome even after it was deprived of its municipal rights. Down to the first century B.C. it was ruled by four praefecti Capuam Cumas appointed at Rome. Sometime after 90 B.C., it regained municipal privileges and local magistrates


took over the duties of the praefecti. However Rome maintained nominal control since the praefecti continued to be appointed. The importance of the area is attested to by the fact that establishing a colony there was attempted in 83 unsuccessfully, proposed again by this bill in 63, and finally carried out with success by Caesar in 46.

Cicero argues against a colony at Capua on the basis of what he saw during his visit to the colony established by the tribune M. Brutus in 83 (2.92-94). He compares Rullus' scheme to that of Brutus in an attempt to misrepresent the intentions of the political leaders of the colony. The chief magistrates of Brutus' colony, Considius and Saltius, acted arrogantly in their new offices: (1) they called themselves praetores instead of duumviri, (2) they had lictors carrying fasces as if they were praetors at Rome, and (3) they conducted sacrifices in the manner of consuls on the advice of a college of priests. Cicero presents this case as if it were extraordinary, but in fact magistrates in other cities had also used the title praetor without being thought to have the desire to oppose Rome. The orator wants to show that their actions defied the mos maiorum. The haughty look of Considius, regio spiritu (2.93), reminded Cicero of the Blossii or Vibellii who led the anti-Roman faction at Capua at the time of their concession to Hannibal. He believes that the new colonists, once they gain some strength, will have the same attitude as Considius or the Blossii and

18. A. P. Steiner, Jr., The Vigintivirate (diss., Ohio State University 1973) 38-39.

Vibellii; they will despise Rome and attempt to destroy her (2.96-97). Thus while the decemviri are only indirectly compared to Hannibal in the senatorial speech, in the speech to the people they are more directly and specifically associated with those who cooperated with Hannibal.

To support his opinion about the arrogance of the colony’s magistrates Cicero argues in the popular speech that the nature of Campania inspires such an attitude. In order to prove that this is not an isolated case of making character judgements on the basis of surroundings, Cicero gives two more examples of a people’s character being influenced by the nature of the place where they live. The Carthaginians were deceitful because their harbors brought them into contact with many foreign merchants and through desire for profit they came to cheating. Secondly, the Ligurians are hardy and strong because their mountainous land produces nothing without much toil (2.95). By using the Carthaginians as an example, Cicero reinforces the association of the decemvirs with Hannibal and emphasizes, as he does throughout the speech, the notion that Rullus is attempting to deceive the people by the way he phrased his proposal. The toughness of the Ligurians was proverbial (Diodorus Siculus 5.39; Strabo 4.6.2) and so adds support to this particular theory of character. Cicero then adds to this series a statement of the character of the Campanians. They are proud because the abundance and fertility of their surroundings inspire arrogance and luxury (2.95). Capua is the domicilium superbiae (2.97). Cicero uses this argument to show that Rullus intends to renew the strength of

Capua to what it was at the time of the Second Punic War until it can oppose Rome. The nature of the Campanians will only provide further encouragement of such ideas. The discussion of the potential colony at Capua, by pointing to the attitude of Considius, regio spiritu, and to Capua as the home of superbia, gives additional support to Cicero's charge of regnum against Rullus and his backers.

Cicero intends the example of M. Brutus to be a warning to Rullus and to those of the plebs who wish to become colonists. He points out that Brutus and all his colonists were punished. The attempt to settle a colony in an area which had been deprived of its political autonomy for threatened opposition to Rome in the past was considered an impious deed, impiorum poenas (2.92). What is meant by this punishment is unclear. Cicero seems to be saying that Brutus' death was a result of this impiety. In reality there was no connection between this event of 83 and his death in 77.21 But Cicero expects his audience not to be aware of this fact. He uses the example of Brutus as part of his scare tactics in order to convince the people to vote against this bill.

Cicero concludes the comparison of the decemviri and the maiores with this judgement:

21. Jonkers, p. 128, remarks that Brutus, as a Marian, was killed by Sulla. If this were true, it would be significant that Cicero implicitly praises this action of Sulla before the people. But this cannot be right since Sulla died in 78 and Brutus, acting as legate for Lepidus who desired to overthrow the Sullan constitution, was killed in 77 by Pompey who was appointed by the Senate to stop Lepidus' march on Rome (App. B.C. 1.107; Plut. Pomp. 16, Brut. 4.1-2; Liv. Per. 90, cf. Per. 89).
Videte quantum intervallum sit interiectum inter maiorum nostrorum consilia et inter istorum hominum dementiam. (2.89)

In spite of citing a number of situations where the maiores acted in order to promote individual or partisan ambitions instead of the welfare of the state, the orator here uses maiores to mean only those who acted out of loyalty to Rome and Republican traditions, such as those who removed the insignia rei publicae from Capua to forestall her rivalry with Rome.

The senatorial speech is much shorter than the popular speech because it would take much less effort on the part of Cicero to convince the senators that this agrarian proposal was against their interests. They would understand the provisions of the bill and be able to interpret it for themselves. They would realize fully the effects such a law could have on their own power. The people needed to be convinced that this bill, although ostensibly for their benefit, would not help them at all. Cicero claims to be interpreting the provisions of the bill and showing what Rullus' true intentions are. One of his means of doing this is to use historical exempla to prove that Rullus' plans are contrary to the interests of the plebs. He adds to the popular speech examples not in the senatorial speech for this purpose (Luscini, etc. 2.64; Carthage and Corinth 2.87); the expansion with exempla at these points is probably due to the added difficulty of persuading the people. He also adapts the exempla to the audience by extolling the Gracchi and Pompey before the people and discrediting the Sullani only indirectly before the Senate, but quite explicitly before the people.
In Catilinam 1 and 2

Before the Senate Cicero introduces his case against Catiline by giving exempla of other populares killed because of revolutionary ideas or actions. Ti. Gracchus, whose reforms are described as somewhat moderate in comparison to Catiline's plans, mediocrer labefactantem statum rei publicae (1.3), was killed by P. Scipio. The present consuls on the other hand endure Catiline who desires not just change but destruction, orbem terrae caede atque incendiis vastare cupientem (1.3). Other examples follow to illustrate the same thing: C. Servilius Ahala killed Sp. Maelius who was suspected of aiming at tyranny (1.3); L. Opimius by order of a senatus consultum ultimum killed C. Gracchus because of certain suspicious activities (1.4); M. Fulvius, L. Saturninus (who, like the Gracchi, is commonly cited as a popularis), and C. Servilius were also killed and with no delay. In contrast to these Catiline is allowed to stay in the city for a long time planning against the state (1.4). Catiline's apparent similarity to the earlier revolutionaries is strengthened through the description of him and his band by the words pernicies and perniciosus (1.5, 8, 12, 24, 28, 33). The citizens killed by the boni such as the Gracchi and Saturninus are also described as perniciosos cives (1.3, 28). This characterization is part of the overall theme of boni-improbi used in this speech before the Senate. At the end of the speech Cicero briefly restates these same exempla to show how Catiline would have been treated by the maiores:
Etenim si summi viri et clarissimi cives Saturnini et Grachorum et Flacci et superiorum complurium sanguine non modo se non contaminarunt sed etiam honestarunt, certe verendum mihi non erat ne quid hoc parricida civium interfecito invidiae mihi in posteritatem redundaret. (1.29)

The actions of such men as Scipio brought honor rather than disgrace to them. These *exempla* are mentioned to convince the Senate that Cicero has ample precedent for making these charges against Catiline and for asking the senators to take the action against him that their predecessors took against far less dangerous men.

There are no parallel historical precedents in the popular speech. It would be most imprudent for Cicero to cite example of *populares* justly killed when addressing the people. Those cited above, Ti. Gracchus, Sp. Maelius, C. Gracchus, and Saturninus were self-proclaimed upholders of the people's rights. In his speech to the people Cicero wants Catiline to be recognized as their enemy rather than as their champion. There was less need to cite precedents since the orator was not demanding that the people take any action against the conspirator. His characterization as a tyrant in the popular speech is accomplished by remarks about Catiline's personal habits and by descriptions of his associates based on the *bonus-improbus* contrast.

**Post Reditum in Senatu and Post Reditum ad Quirites**

Cicero ends the speech of gratitude to the Senate after his return by comparing his recall from exile to the recall of others. He cites these *exempla*: P. Popilius (exiled under a law of C. Gracchus for punishing supporters of Ti. Gracchus), Q. Metellus Numidicus (exiled
in 100 for refusing to swear an oath to obey a law of Saturninus), and C. Marius (1.37-38). Cicero could expect the senators to know the details of these cases of exile since they were fairly recent history. These men were recognized as most illustrious citizens in the state. Their families had pleaded for their recall, but the Senate never passed decrees calling for their return nor was there such a concordia of all people as there was for Cicero. The purpose of this comparison is to add further glory to himself and to enhance the senators' awareness of Cicero's loyalty and importance to the state. Since his own case is so much more important than these earlier ones, Cicero feels a heavy obligation to pledge his devotion to them all.

The same examples are used in the popular speech (2.6, 9). The people might also know about Popilius and Metellus because of their connections with the Gracchi and Saturninus. The fact that the two optimates are not left out of this speech is an indication of the composite nature of Cicero's popular audience on this occasion. He had support among all classes for his return and a large number of equites could be expected in this crowd (2.5, 8, 10, 13, 16). Furthermore, many rural Italians were also present, whose attendance Cicero makes a point of mentioning (2.1, 4, 10, 16). With such an audience Cicero could not afford to rely solely on the case of the popularis Marius although he does expand this exemplum beyond others.

The case of Marius is developed more in the popular speech (2.6, 9, 19-20) because among the plebs he was the most famous of the three exiles mentioned in the previous speech. He was their hero and accepted as a true popularis. Comparing himself to Marius (2.19-20),
Cicero states that Marius returned with an army, without being re-called by the Senate or the people; Cicero, on the other hand, was accustomed to use eloquence rather than arms and was interested in peace rather than revenge.

Sed hoc inter me atque illum interest, quod ille, qua re plurimum potuit, ea ipsa re inimicos suos ultus est, armis, ego qua consuevi utar oratione, quoniam illi arti in bello ac seditione locus est, huic in pace at-que otio. (2.20).

He establishes Marius as the military type (but without implying the violence of a tyrant) as a contrast to himself as a man of peace. Pax, otium, and concordia had been his catchwords since his consulship (2.1; Leg. Agr. 2.9). He uses the words here to show that these have been and continue to be his goals for the state. He offers these ideals as justification for the actions which caused his exile and to show that his exile was unfair. He would not have executed Catiline's accomplices if he had not believed they were a threat to the order of the state. Cicero also intends to show that he is a greater popularis than Marius since he had the united appeal of all people to return.

As in the senatorial speech, Cicero glorifies his past deeds and the continuous loyalty he has shown to the Senate and the Roman people. He attempts in both speeches to reestablish his former position in the state; he needs to put himself back in the eyes of the public after being away for a year and a half. He employs exempla to point out his distinction above others and his widely acknowledged importance to the res publica since his own return from exile was not effected solely by the efforts of his family or through arms, but rather peacefully and by a consensus of all classes of people.
Philippics 3 and 4

For his promise to keep his province safe from Antony, Brutus is described in the speech before the Senate as *imitatorem maiorum* (3.8), which leads to an extended comparison between D. Brutus' action against Antony and his ancestor L. Brutus' action against Tarquinius Superbus. Preserving and emulating the *mos maiorum* are the hallmarks of the *boni.*

First there is a comparison of Antony and Tarquin:

Tarquinius . . . non impius, sed superbus est . . . .
L. Brutus regem superbum non tuit. D. Brutus scelerat- tum atque impium regnare patietur Antonium? (3.9)

Antony is *impius,* he goes against *religiones* because he ignores or falsifies the auspices, which even Tarquin dared not do: *contra auspicia; ementitis auspiciis* (3.9); *neglectis sacrificiis sollemnibus* (3.11). Antony's war is described as a *bellum nefarium contra aras et focos* (3.11). Why else is Antony *impius?* Tarquin and the other kings at least had a Senate for advice; Antony, however, holds the Senate surrounded by armed guards (3.9). The other action for which he has earned this epithet is that he dared inflict the death penalty on Roman citizens (3.10). Tarquin the king was fighting *pro populo Romano* when he was expelled, Antony the consular is fighting *contra populum Romanum* (3.11). The comparison ends with a note of gratitude to D. Brutus:

*Maius igitur a D. Bruto beneficium quam maiores nostri acceperunt a L. Bruto.* (3.11)

The cry of L. Brutus and his supporters when expelling Tarquín had been *libertas,* freedom from tyranny or domination. Thus *libertas* is associated with the establishment of the consulship. Antony's
intention of establishing a **regnum** is clearly alleged: *non modo consulatu sed etiam libertate abdicavit* (3.12). He has abdicated the very office which represents **libertas**. This statement reinforces the direct comparison of Antony and Tarquinius Superbus, the primary example of the tyrant.

In the popular speech Cicero makes the point that Antony is attempting to deprive the people of their freedom through development of the **libertas-dominatio** theme, but without direct comparison to the tyrant figure Tarquin. The orator had to take into account the extensive Caesarian element of his audience. In spite of Antony's difficulties in maintaining his position as leader of the Caesarian party, he retained some support from the plebs. He could not comfortably be compared to the proverbial tyrant before the people who remained loyal to the memory of Caesar, Antony's patron. Therefore Cicero avoids any overt association of Antony with Tarquin in the popular speech.

The orator briefly offers two equally pejorative but less controversial examples to characterize Antony in the popular speech. He is depicted as Spartacus, *omne certamen cum percussores, cum latrone, cum Spartaco* (4.15). Comparison to Catiline is made even by Antony himself, but there is this difference: *scelere par est illi, industria inferior* (4.15). Both of these **exempla** support Cicero's description of Antony as **sceleratus**. The orator asserts that Antony will be destroyed just as Catiline was:

\[\text{22. See Frisch, pp. 113 f.}\]
Often in the _Philippics_ Cicero points out that he faced a similar threat to the state during his consulship and that by his foresight and with the support of the Senate and the people, he was able to save the Republic. He employs the Catiline _exemplum_ to show that he plays the same role in this present crisis with Antony. One purpose of this speech is to gain a consensus between the Senate and the people about what action should be taken against Antony. Reminding them of their past support is intended to encourage their acceptance of the Senate's view in this case also.

**Philippics 5 and 6**

One of the major arguments Cicero employs before the Senate to show that Antony intends to overthrow the state is that he has surrounded himself with armed guards. This point is developed by means of a comparison of Antony and the early kings or those who sought kingly power. Not even the kings, nor Cinna, nor Sulla, nor even Caesar had dared to openly display their weapons (5.17). Antony does not conceal his use of violence and armed gangs. He has gone so far as to place armed men in the Temple of Concord (5.18). Cicero wants to prove by this comparison that Antony is more tyrannical than any actual Roman king or anyone who was believed to have aspired to _dominatio_ or _regnum_.

Another _exemplum_ in this speech to the Senate is Hannibal, an acknowledged enemy of the Romans, to whom Antony is compared. What
did Hannibal do that Antony did not? Hannibal did not plunder and ravage Italy as much as Antony (5.25). Cicero leaves the conclusion to his audience: Hannibal is an enemy, therefore Antony must be considered one too. This example is used to reinforce the charge mentioned above, that Antony desires to destroy the state.

Just as in the Third Philippic, on this occasion also Cicero spends some time in an effort to convince the Senate that Octavian is a loyal Republican (5.42-51). His greatest disadvantage is his youth. Cicero uses a comparison to Pompey (5.43) to show that initiative is more important than age. The comparison is developed by pointing out that Pompey, although he was young, helped Sulla establish a regnum while Octavian is working to destroy the tyranny of Antony. Octavian is shown to be equal to Pompey in initiative, but better than him because rather than promoting the benefit of the few, Caesar's heir works for the good of the whole state.

non enim omnibus Sullae causa grata. (5.43)

eam complexus est causam quae esset senatui, quae populo, quae cunctae Italiae, quae dishominibusque gratissima. (5.44)

The comparison points out that even a young man can accomplish great deeds. Another purpose of the comparison is to strengthen the charge of regnum against Antony by likening him to Sulla:

Illius opibus Sulla regnavit, huic praesidio Antoni dominatus oppressus est. (5.44)

Octavian is superior to Pompey because he opposes regnum instead of supporting it. It should be noted here how conveniently Cicero mixes his exempla here: Pompey is used in an adverse comparison as an
advocate of Sulla while the heir of the man who destroyed Pompey, who was the Senate's general, is cited as the great opponent of tyranny.

The orator brings in further examples of men who accomplished great things while holding office before their time:

At vero apud antiquos Rulli, Decii, Corvini multique alii, recentiore autem memoria superior Africanus, T. Flamininus admodum adulescentes consules facti tantas res gesserunt ut populi Romani imperium aux-erint, nomen ornarint. (5.48)

By associating Octavian with these well-known maiores Cicero attempts to give auctoritas to the young man. Another precedent for someone so young accomplishing tasks generally considered beyond his years is Alexander the Great (5.48). However this exemplum is only briefly stated and hurriedly passed over for Cicero does not want his audience to pause long enough to realize the ominous implications if this comparison was fully developed. All these exempla are intended to show that Octavian's youth and inexperience are no drawback, that his prudence as a young man and loyalty to the state will not change. He concludes this section with a firm pledge that Octavian will always be the kind of citizen he is at this time (5.51).

The only exemplum used for Antony in the Sixth Philippic, delivered to the people, is Hannibal (6.6). This single comparison is employed to support Cicero's argument that Antony is a public enemy. In this popular speech, just as in the Fourth Philippic, no direct comparisons with tyrant figures such a Tarquin or Sulla are made. Especially noteworthy is that in the senatorial speech Cicero includes Caesar among those who aspired to tyranny. As I suggested earlier,
the reason for not characterizing Antony in this way is that such a comparison would reflect on Caesar, Antony's patron, whom the people practically worshipped. Instead Cicero chooses the one exemplum (Hannibal) which he can comfortably use to demonstrate Antony's intentions. Before a pro-Caesarian crowd the orator only implies that Antony aims for regnum by developing the servitus-libertas theme.23

There are no exempla used for Octavian in the Sixth Philippic. Since he already had a large following among the plebs as Caesar's heir there was no need to give elaborate precedents for why they should follow his leadership.

Cicero appeals to the mos maiorum in general and to specific historical events or persons for various purposes. He employs exempla frequently to illustrate the character and intentions of his opponents or supporters by comparison to a historical figure, e.g., Rullus is compared to Sulla and Antony to Tarquin. Cicero also uses them to encourage his audience to take a particular action or to prevent them from doing something. Historical examples are generally more numerous in the senatorial speeches with one exception, De Lege Agraria. The reason for this pattern seems to be that Cicero feels he must cite precedents to convince the Senate (or the people on one occasion) to take a specific action, such as passing a resolution or voting on a bill. In a system based on precedents, pointing out the customary way of dealing with an issue can be decisive. Most of the popular

23. See pp. 81-82.
speeches are in the nature of reports urging a consensus with the Senate, but no particular action is required from the people; thus there is less need to cite examples from the past. For instance, in the First Catilinarian Cicero explains how the maiores dealt with other popular revolutionaries in order to show the present senators how they should treat Catiline. In the second speech on the agrarian law Cicero cites the punishment of Brutus for establishing a colony at Capua in order to convince Rullus and the potential colonists that they will also be considered impious and will be punished if they settle there.

All exempla are adapted to the audience according to their interests and goals and with current political circumstances in mind. I have shown how differently Cicero treats Sulla in the agrarian speeches. The dictator's reforms had favored and increased the privileges and authority of the senatorial class; he thus may be considered for the most part a pro-senatorial, anti-popular figure. Cicero can comfortably accuse Sulla of dominatio before the people but not before the Senate because some of the members present at this meeting were among the Sullani whom Cicero criticizes. The orator's condemnation of Sulla in the senatorial speech is only vaguely implied.

The exempla used before the people tend to be those from fairly recent history, from the Gracchi on. Others are either more legendary figures, such as Hannibal or Scipio Africanus, or represent the maiores in general—the good-old-days syndrome. This was demonstrated by the orator's reference to the Luscini, Calatini, and Acidini to make the
point that such unlimited judicial authority as Rullus' bill permits would never have been granted to anyone by the maiores. The earlier exempla used in the senatorial speeches are not chosen simply for the general effect of citing the mos maiorum, but have some particular relation to the issue under consideration. For instance, all the names of the imperatores in De Lege Agraria would have been well-known to the members of the Senate. The lands won by these generals were to be included among those which Rullus could sell. Thus the education of the two types of audiences and their awareness of Roman traditions play and important role in the choice and development of specific exempla.
CHAPTER VI
SOME TECHNIQUES OF SIMPLIFICATION
FOR THE POPULAR AUDIENCE

Another area which is appropriate to investigate to see if there is some distinction between the two types of speeches is general organization. One might logically assume that an orator speaking before the people, many of whom lacked the extensive rhetorical training of the upper classes, would use a simpler arrangement for his arguments than he might before the Senate to enable the popular audience to follow the development of his argument with less effort. Upon examination of the speeches, I have found that in the overall organization of the arguments there is no obvious difference between the senatorial and popular speeches.¹ But within particular topics there are a few instances in which Cicero does, in fact, seem to be taking into consideration what his audience might easily receive according to their training and ability. By setting up easily discernible patterns or by distinctly separating one topic from another in certain of the popular speeches, he attempts to shape and control the issues for this audience as he does not do for the senators. The organization of both speeches on the agrarian law is based upon the arrangement of the various headings of Rullus' proposal. The nature of the topic provides the organization

¹. See the outlines of each pair of speeches in the appendix at the end of this chapter.
and there is virtually no difference between the speeches in the order of topics. However, in three of the other pairs of speeches there are individual passages in the popular speech which are more clearly organized than in the senatorial speech.

In the Second Catilinarian, delivered to the people, Cicero repeats much of what he says about Catiline in the senatorial speech, but he elaborates more on the other conspirators who remain in the city. He attempts to impose order on this topic by categorizing those who follow Catiline. The orator lists six types of men who hope to gain something, either money or power, from the conspiracy (2.17-23). The beginning of the discussion of each type is clearly signaled: *unum genus est, alterum genus est, tertium genus est*, etc. Classifying the conspirators is a simple means of defining the nature of Catiline's plot and, by association, adds to the characterization of Catiline as a criminal. Another device Cicero uses to clarify and structure opinion about the conspirators is a series of contrasting virtues and vices, developed at length to characterize on the one side the *boni* who oppose Catiline and on the other the *improbi* who support the conspirator (2.25).² A number of these virtues and vices is mentioned as part of the *boni-improbi* contrast in the speech before the Senate, but they are for the most part scattered throughout the oration. A shortened form of the contrasting virtues and vices that are listed so emphatically in the popular speech is presented at one point in the

². This passage is discussed in the chapter on political catchwords, pp. 52-53.
address to the Senate: *pudor a turpitudine aut ratio a furore* (1.22).

But in general Cicero presents the characteristics of the *boni* and their enemies separately in several different passages without giving the opposite quality as a stark contrast, e.g., *furor*: 1.1, 2, 15, 25, 31. He may also illustrate one of the abstract characteristics of the *boni* through an *exemplum* or a description of those who defend the Senate and the Republic, e.g., *equites Romani honestissimi* (1.21) and *summi viri et clarissimi cives* . . . *se non contaminarunt sed etiam honestarunt* (1.29) point out the virtue *honestas*. Another technique is to leave many of the virtues of the *boni* unstated but implied by the vices he attributes to Catiline. Cicero expects the senatorial audience to be able to draw this material together without his help. By organizing this contrast so compactly in the popular speech, Cicero gives the false impression that there is no question of Catiline's guilt; he presents the issue as if it were a clear choice between good and bad. Such easily grasped arrangements are employed to clarify the question of Catiline's intentions. This device of oversimplification suggests that Cicero believed he could use certain obvious rhetorical tricks before the people which he would not use before the Senate.

In the speech thanking the people for recalling him Cicero employs the same technique of classification that he used in *In Catilinam* 2. The two *Post Reditum* speeches are extremely close in content; the orator praises those who helped his return and condemns his enemies of hindering it. But in the address to the people, Cicero states that there are four kinds of men who oppose him (2.21): *unum,*
alterum, tertium, quartum. As he lists each of these he defines them.

The divisions could easily be heard and remembered by his audience.

There is no such clearcut classification offered in the senatorial speech. Although he uses the same language as in this passage to describe his opponents, he does not arrange them in one comprehensive package as he does before the people. For example, in the senatorial speech Gabinius and Piso are described as *mercatores provinciarum ac venditores vestrae dignitatis* (1.10) which clearly identifies them with the fourth group in the popular speech: *quartum, qui . . . dignitatem eius imperi . . . vendiderunt . . . mercatores provinciarum* (2.21).

But the description of the consuls in the senatorial speech is not part of any systematic grouping such as that used in the popular speech.

On the occasion of the Third Philippic the senators were hesitant to take immediate action against Antony (3.1-2). Since the Senate seemed unsure of itself, Cicero felt he had to make as strong a case as possible against the consul and for Octavian. In his effort to do this, the orator develops his arguments at some length and by repetition at different points in the speech. Speaking before the people, where his main purpose was to gain a consensus with the Senate, Cicero did not have to make such an effort to secure support for Octavian, nor was he attempting to encourage any specific action against Antony on the part of the people. In the popular speech each topic is handled once and then dropped so that the overall organization is more clear-cut. In the senatorial speech Cicero returns to each idea or charge

3. Discussed above, p. 61.
against Antony several times, interweaving and repeating the main points he wishes to make.

- Antony invading Gaul: 3.1, 12, 4.8-9
- Crimes at Brundisium: 3.3-4, 9, 18, 4.3-4
- Threats to make war against the state: 3.1, 27, 4.14
- Praise of Octavian: 3.3, 7, 8, 15, 18, 4.2-4

The popular speech is also more succinct because it sticks to the political charges for the most part and avoids the personal insults which are scattered through the senatorial speech (3.12, 15-16, 20, 22, 31, 35). The simpler and tighter arrangement of ideas in the popular speech may be attributed partly to the political situation, since Cicero was not demanding any particular action against Antony and did not need to argue so strongly in favor of Octavian, and partly to the orator's tendency to simplify certain issues for his popular audience.

It seems to follow from these examples that one of Cicero's criteria for adjusting to his audience is a consideration of their training and experience in public speaking. When he addresses the senators, who have been educated for public life and who make and hear speeches almost daily, he can comfortably assume that they are able to assimilate several related but diffused ideas themselves and reach their own conclusion without his imposing a certain structure on the ideas to direct their opinions. The popular audience he addresses consists not just of the plebs, but is a mixed group of all classes with divergent backgrounds, including on some occasions senators who stay after their meeting to hear Cicero's report to the people. He
might easily expect those in this audience who belong to the upper class and are well-educated to have the same sophistication and training that he assumes in his senatorial addresses. But for the majority of the plebs, the orator cannot take for granted the same level of ability in perceiving and sifting the ideas he presents. And so in his popular speeches Cicero often sets up a distinct pattern and keeps one point separate from another so that the people can readily grasp his viewpoint. By providing a clearer and simpler structure for certain points in the speeches, he ensures that his audience will be able to follow the development of his argument and controls how they think about the issue.
APPENDIX TO CHAPTER VI
OUTLINES OF EACH PAIR OF SPEECHES

For the organization of each pair, I have compared the Oxford, Budé, Teubner, and Loeb texts and have followed the generally accepted divisions of the speeches. When on occasion there was no commonly accepted agreement about where one section ends and the next begins, I have arrived at what I believe are reasonable divisions in the speeches.

De Lege Agraria

<table>
<thead>
<tr>
<th>Senate</th>
<th>People</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1-16</td>
<td>I. Exordium</td>
</tr>
<tr>
<td>16-25</td>
<td>II. Election of decemviri</td>
</tr>
<tr>
<td>32-99</td>
<td>III. Provisions of the agrarian law</td>
</tr>
<tr>
<td>35-62</td>
<td>A. Source of funds for the commission</td>
</tr>
<tr>
<td>35-37</td>
<td>1. Property in decrees of Senate after 81 B.C.</td>
</tr>
<tr>
<td>1.1</td>
<td>2. Public property gained after 88 B.C.</td>
</tr>
<tr>
<td>2-6</td>
<td>3. Vectigalia</td>
</tr>
<tr>
<td>7-9</td>
<td>4. Sale of property wherever the decemvirs want</td>
</tr>
<tr>
<td>9-11</td>
<td>5. Decemvirs' right to investigate all public and private lands and impose a tax</td>
</tr>
<tr>
<td>12-13</td>
<td>6. War booty to be turned over to decemvirs</td>
</tr>
<tr>
<td>14-15</td>
<td>B. Purchase of lands</td>
</tr>
<tr>
<td>15-18</td>
<td>1. Decemvirs have too much power.</td>
</tr>
</tbody>
</table>
1.14-15  2.65*  2. They violate the _mns majorum_ by buying private lands.

66-67  3. Lands to be purchased should be specified, but are not

68-70  4. Sullan will be able to get rid of their lands.

70-71*  5. Unhealthy lands will be bought for the plebs.

71-72  6. Decemvirs will keep the money and give no land to the people.

16-22  73-97  C. Settlement of colonies

16-17  73-75  1. The size and nature of colonies is not defined.

17-22  76-97  2. Colony at Capua

22-26  98-103  IV. Peroration

Summary of law; Cicero will defend the people and Republic from such schemes.

*No comparable statement in the senatorial speech

_In Catilinam_ 1

I. Exordium

1  The boldness of Catiline
2  He should have been put to death.
3-4  There are many precedents for such action.
5-6  Catiline will live until his guilt is obvious to all.

II. All Catiline's plans are known.

8-10  Meeting at Laeca's house
9  Involvement of senators

III. Catiline and his followers should depart.

10-12  It is clear that Catiline's plans are no longer directed solely at the consul but at the state. Since he is now openly considered an enemy, the most expedient course of action would be to leave the city.

13-16  What sort of life is left for Catiline?
13-14  Catiline's shameful private life
15  He is infamous because of his attempts on Cicero's life.
16  All the senators have deserted him.

17-21  All good citizens fear and hate him and believe he should go into exile.
17-18  Even his fatherland urges him to go.
19  The fact that he offered to go into custody proves his guilt.
20  The Senate believes he should go.
21  The _equites_ and other _boni_ agree with the Senate.
22-32 IV. Cicero justifies his position.
22 Catiline is such a man that nothing can turn him back into a loyal citizen.
23-24 Catiline should go to Manlius.
25-26 There he will rejoice sharing his immoral and criminal activities with his band.
27-29 Cicero is warned by the patria that he should take immediate and serious action against Catiline.
29-31 It is better to wait until all citizens are convinced that the conspiracy is an actual threat. His departure will settle all doubts.

In Catilinam 2

1-2 I. Exordium: Catiline has left the city.

3-16 II. Catiline's departure proves that he is a public enemy.

3-4 Catiline should have been killed, but in order to escape odium it was better for Cicero to wait until the conspirator proved himself an enemy.

5-11 Catiline's followers who remain in the city and continue the conspiracy must suffer the consequences of their actions.

6 Their plans are known.

7-10 Catiline and his followers are the worst sort of criminals.

12-16 It was rumored that Catiline was driven into exile, but in fact he has gone to Manlius' camp.

17-27 III. Catiline can easily be dealt with now that he is an avowed enemy. It is more important now to deal with the remaining conspirators.

18-23 Classification of Catiline's supporters

(1) Debtors
(2) The ambitious
(3) Sullan veterans
(4) Lazy, unsuccessful men of every kind
(5) Criminals
(6) Debauchees like Catiline

24 Such a rabble is no match for the resources of the Republic.

25 Virtues of boni contrasted to vices of conspirators

26-27 Warning to conspirators to leave; the magistrates and Senate are watchful and will protect the city and the people from war.

28-29 IV. Peroration: Everything has been done to end the rebellion. Implore the gods to defend the city.
Post Reditum in Senatu

1-2 I. Exordium
3-35 II. Recall of Cicero
  3-5 Senate's decision
  6-7 Cicero's enemies
  8-9 Praise of consuls Lentulus and Metellus
  10-18 Contrast with Gabinius and Piso who forbade a motion for recall
  19-24 Support of tribunes and praetors of 57
  24-30 Praise of chief supporters
  30-31 Praise of Senate as a whole
  32-35 Circumstance of Cicero's departure

36-39 III. Peroration: Eternal gratitude and devotion
  37-39 Cicero's recall unlike those in the past

Post Reditum ad Quirites

1-5 I. Exordium: Cicero's gratitude for divine honors bestowed upon him by people
6-17 II. Recall of Cicero
  6-11 His return more distinguished than those of past exiles
  11-12 Praise of Lentulus and Senate
  13-14 Exile of Cicero, his enemies
  15-17 Praise of chief supporters and unanimous support of all people of Italy
18-24 III. Peroration
  18-19 Cicero has returned with more courage than ever because of widespread show of support.
  19-21 Cicero and Marius
  21 Cicero's enemies classified
  22-23 More important to Cicero to show gratitude to his supporters than to punish his enemies
  24 Eternal gratitude

Philippic 3

1-2 I. Exordium: Cicero regrets that the Senate delayed acting against Antony since he did not hesitate to invade Gaul.
3-13 II. Praise of those who opposed Antony on their own initiative
  3-5 Octavian
  6-7 Martian and Fourth legions
8-13 Brutus and Cisalpine Gaul
8-11 Antony compared to Tarquin
13 Approval of tribunes' proposal to protect the Senate so that there may be free discussion concerning the state and Antony

14-27 III. Antony is a public enemy.
14 Approving the acts of Brutus and Octavian is a de facto declaration that Antony is an enemy, not a consul.
15-18 His edicts are barbarian.
15-17 Against Octavian
18 Against Q. Cicero
19-24 Antony's attitude toward Senate after his return from Brundisium

24-27 Allotment of provinces

28-36 IV. Libertas vs. servitus: the time has come to decide whether Antony will be punished.
30-31 Review of Antony's actions against the state
32-36 The Senate must protect the liberty of the Roman people.

37-39 V. Peroration: Cicero's proposed decree praising those who oppose Antony and urging the consuls designate to introduce this matter to the Senate at first meeting of 43

Philippic 4

1  I. Exordium
2-10 II. The decree of the Senate does not name Antony as an enemy, but that is its intent.
   2-5 Praise of Octavian
   5-7 Praise of Martian and Fourth legions
   7-9 Brutus and Cisalpine Gaul
   10 Even the gods agree that the freedom of the people must be guarded and that Antony must be punished.

11-15 III. Antony must be defeated.
11-12 He is not just a criminal, but a monster.
13 Roman virtue will defeat him.
14 Antony is worse than the enemies faced by the maiores.
15 He will be defeated just as Catiline was.

16 IV. Peroration: We shall do everything to safeguard our freedom.
Philippic 5

1-2 I. Exordium: The Senate must declare its intentions against Antony.

3-34 II. Do not send an embassy to Antony.

3-5 Praise of those who have opposed Antony amounts to a declaration of his status as an enemy

6-25 Antony has clearly shown his intentions to destroy the Republic.

6-10 Legislation passed against auspices and by force

11-12 Fraudulent use of Caesar's papers

12-16 Judiciary law

17-21 Armed guards in city

21-25 His crimes: cruelty at Brundisium, invasion of Gaul

25-31 Such an embassy will cause panic in Italy and the delay will give Antony the advantage in the inevitable war.

31-34 War must be declared; only thus will Antony realize the strength and courage of the Senate as his opponent.

35-53 III. Honors should be decreed for Antony's opponents.

35-37 Brutus and Gaul

38-41 Lepidus

42-51 Octavian

52 L. Egnatuleius

53 Octavian's army

53 IV. Peroration

Philippic 6

1-3 I. Exordium: summary of debate in Senate

2 Cicero's proposal

3 Senate's more lenient resolution

3-15 II. The embassy will fail.

3-4 Antony has acted like an enemy in the past; he will not obey the Senate now. The embassy is an ultimatum.

4-7 Antony's character prevents him from submitting to the Senate.

7-9 War is inevitable since Antony will not obey.

10-15 Antony could not submit if he were willing.

10-15 Lucius Antonius will not let him.

12-15 Lucius, patron of Romans, has lost his position as director of agrarian law which was repealed.
15-17  III. Await return of embassy, then there will be no doubt about Antony's intentions.

17-19  IV. Peroration: Cicero has always and will continue to protect the freedom of the Roman people.
CHAPTER VII

OBSERVATIONS ON SENTENCE STRUCTURE AND LENGTH

Considering the difference in training between the two audiences, one might expect that the people would have more difficulty than the senators in following the development of a complicated argument. It seems logical to assume that, in addition to adjusting certain points of diction and overall arrangement, an orator would also adapt his sentences both in structure and in length to each type of audience. It can easily be expected that the better educated senatorial audiences could comfortably handle a sentence of any length or degree of complexity which Cicero wanted to employ, and that for the people noticeably simpler, if not shorter, sentences would have to be employed to enable them to follow step by step the main points of the argument.

In order to test this hypothesis I analyzed the structure of the sentences in the exordium and peroration of each paired speech. I chose of concentrate on these parts of the speech because they have more definite purposes than the central parts of the orations. The exordium is meant to prepare the reader for the argument which will follow by establishing a certain tone. It is intended to make the listener benevolus, attentus, and docilis (Inv. Rhet. 1.20). It is clear that considering the auditores is important here. The peroration is intended to be a final emotional appeal to the audience. Here also the orator would want to make his appeal particularly
suitable to the listener. The functions of the intermediate parts of the speech vary more from case to case. A further reason for choosing the exordium and peroration is that these parts are easily identifiable, consistently present and manageable in length.

I based my analysis of sentence structure upon the work of W. R. Johnson who discusses the development of Cicero's sentence style in his book *Luxuriance and Economy*. He establishes eight sentence types which define the relationship between the main clause and any subordinate elements. "Initial," "medial," and "terminal" refer to the position of the main clause with respect to any dependent clauses:

- (1) simple-compound,
- (2) initial,
- (3) terminal,
- (4) medial,
- (5) initial-medial,
- (6) initial-terminal,
- (7) medial-terminal, and
- (8) initial-medial-terminal.

These categories are very useful with one proviso. Johnson does not sufficiently account for a compound-complex combination which is obviously one sentence because its constituent parts are unified by a singly idea, but where the syntax of each half is complex in itself. Consider, for example, the following sentence from Philippic 5.3:

> Nihil est profecto quod possit dari bellum gerenti (2); erit fortasse aliquid quod concedi possit roganti (2); legatos vero ad eum mittere de quo gravissimum et severissimum judicium modius tertius decimus feceristi, non iam levitatis est, sed, ut quod sentio dicam, dementiae (6).

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2. I recognize that modern editors are responsible for the sentence divisions in the text we have and that different editors do not always agree on matters of punctuation. I have used the Oxford edition of the speeches as the basis for my examination of sentence structure and length.
The numbers in parentheses indicate the sentence types according to Johnson's system. He might have divided this sentence into two: Nihil ... roganti and legatos ... dementiae. By following the general principle set out in the statement of his methods of counting two distinct sentences which are parallel in structure as one, he could have considered the first two main clauses as one sentence.

This principle works out well for simple sentences of parallel structure but not for complex ones. The whole sentence might also have been counted as an example of the eighth type, initial-medial-terminal, but it is not really one main clause that is divided into three parts but three main clauses which develop a single thought. Such complex sentences I have analyzed as compound but with a breakdown of the structure of each part.

After studying the exordium and the peroration of each speech and comparing the sentence types of each pair, I found that there is no consistent pattern of difference in the types of sentences between senatorial and popular speeches. The first three types are the simplest ones and are the most common in all the speeches. But the more complex forms are not avoided in the popular speeches, e.g.,

3. p. 16.

4. Here are some further examples; the words in parentheses indicate the beginning of the sentence to which I am referring: Leg. Agr. 2.102 (Quae nobis); Cat. 2.27 (Nunc illos); Red. Pop. 2.21 (Denique); 2.23 (Postremo); Phil 4.10 (Ita vero).
Quamquam ille animo irato nihil nisi de inimicis ulciscendis agebat, ego do ipsis amicis tantum quantum mihi res publica permittit cogitabo. (Type 7) (Red. Pop. 21)

Quem ad modum, cum petebam, nulli me vobis auctores generis mei commendarunt, sic, sit quid deliquero, nullae sunt imagines quae me a vobis deprecentur. (Type 8) (Leg. Agr. 2.100)

Coloni omnes municipesque vestri certiores a me facti de hac nocturna excursione Catilinae facile urbis suas finisque defendent; gladiatores, quam sibi ille manum certissimam fore putavit, quamquam animo meliore sunt quam pars patriciorum, potestate tamen nostra continebuntur. (Type 6-6) (Cat. 2.26)

The more complex sentence types are not found more frequently in the senatorial speeches. The shorter and simpler types which might be expected in the popular speeches are often found also in the speeches delivered before the Senate. The most notable example of extended use of the simple type (1) is the opening of the first speech against Catiline. In general Cicero employs a combination of different types of sentences in each part of the speech. The popular and senatorial audiences apparently are considered equally capable of following some rather long and complex sentences. In both kinds of speeches the longer sentences, especially those with elaborate subordination, are simplified by repeated or parallel phrase markers. The obvious pattern thus created makes the development and direction of the sentence easier to follow. For example:

Quid censetis, cum isti Xviri cum imperio, cum fascibus, cum illa delecta finitorum iuventute per totum orbem terrarum vagabuntur, quo tandem animo, quo metu, quo periculo miseras nationes futuras? (Leg. Agr. 2.45)
Quam rationem pari virtute animo fide P. Sestius secutus pro mea salute, pro vestra auctoritate, pro statu civitatibus nullas sibi inimicitias, nullam vim, nullos impetus, nullum vitae discrimen vitandum unquam putavit; qui causam senatus, exagitatum contionibus improborum commendavit ut nihil tam populous quam vestrum nomen, nihil tam omnibus carum aliquando quam vestra auctoritas videretur; qui nec omnibus rebus quibus tribunus plebis potius defendit, tum reliquis officiis, iuxta ac si meus frater esset, sustentavit; cuius ego clientibus, libertis, familia, copiis, litteris ita sum sustentatus ut meae calamitatis non adiutor solum, verum etiam socius videretur. (Red. Sen. 20)

I also examined the structure of sentences in the passages isolated in the previous chapter in which Cicero simplifies an idea by imposing an obvious arrangement on his material. In the Second Catilinarian the six types of conspirators are introduced by the words unum genus, alterum, etc. In addition, it can be noted that each of these introductory statements is of the initial type. Unum genus est eorum is the main clause followed by a relative clause qui . . . possunt (2.18); alterum . . . qui . . . (2.19); tertium . . . quo . . . (2.20); quartum . . . qui . . . (2.21); quintum . . . quos . . . (2.22); postremum . . . quod . . . quos . . . (2.22). The sentence type most effectively emphasizes the impact of listing the categories of conspirators. The list of Cicero's enemies in Post Reditum ad Quirites is similar (21). In the list of the moral qualities of Cicero's side and Catiline's the contrast between the boni and improbi is sharpened by the extremely simple sentence. Each virtue or vice is stated without elaboration; there are no modifiers or subordinate clauses of any kind. The sentence structure underlines Cicero's attempt to simplify this passage.
In addition to examining some aspects of sentence structure I also took into consideration sentence length. From Johnson's analysis of the average sentence length of the first thirty sentences of each speech, I have compared the results which apply to the paired senatorial and popular speeches. I did not recount the words in these passages, but only spot-checked the length of a few random sentences; in general his figures are an accurate evaluation of Cicero's practice. There seems to be no consistent difference in average sentence length between the two types of speeches. The schema below shows the average sentence length for the senatorial and popular speeches with respect to the average for the stylistic period in which they occur.

<table>
<thead>
<tr>
<th>Period</th>
<th>Aver. Sent. Length</th>
<th>Leg. Agr. 1 S (Senate) exordium</th>
<th>missing</th>
</tr>
</thead>
<tbody>
<tr>
<td>II (66-59)</td>
<td>25.5</td>
<td>2 P (People)</td>
<td>27.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 P</td>
<td>17.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cat. 1 S</td>
<td>14.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 P</td>
<td>22.2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 P</td>
<td>28.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 S</td>
<td>23.3</td>
</tr>
</tbody>
</table>

5. I have limited my study to the parallel speeches only. However, if the other popular speeches (Leg. Man., Rab. Perd., Cat. 3), which are in Period II and have no parallel senatorial speeches, are taken into consideration, there seems to be a tendency by Cicero to use longer sentences when speaking to the people. See U. Heibges' review of Luxuriance and Economy, AJP 95 (1974) 77. This might be a point for further study, but I do not believe that Cicero considered sentence length an essential factor in adapting to his audience. It is important to remember that these speeches were delivered orally and thus the sense of heaviness felt upon seeing some rather long and complex sentences in print would have been lessened for the audience by the orator's modulation of his voice and use of gestures to indicate the separate units within the sentence.

6. Based on Tables 1 and 2 in Johnson, pp. 67-68.
III (57-52) 26.5  Red. Sen. 1 S 31.4
Red. Pop. 2 P 28.6

IV (46-43) 18.4  Phil. 3 S 22.0
4 P 18.8
5 S 16.1
6 P 20.1

Considering only the parallel speeches, the average sentence length is exceeded in the senatorial orations twice, Red. Sen. and Phil. 3, in the popular speeches four times, Leg. Agr. 2, Red. Pop. 2, Phil. 6, and Phil. 4, which is only slightly above average. Thus the average in the popular speeches is higher than the mean more often than in the senatorial speeches. But further observations of the figures in this table show that the difference is not as striking nor as consistent as it first appears. Both Post Reditum speeches are above average while the First and Second Catilinarians are both below average. Although sentence length in the second speech De Lege Agraria exceeds the average, the third speech which was also delivered to the people is remarkably lower than the average for speeches in this period. In two pairs the popular speeches have a higher average than the senatorial (Cat. 1 and 2, Phil. 5 and 6); in two other pairs the senatorial speeches have the higher average (Red. Sen., Phil. 3 and 4). In these pairs of speeches there is no outstanding regular pattern of difference in sentence length with respect to audience.

In the other aspects of diction analyzed in the preceding chapters (catchwords, exempla, and arrangement of topics), I found some distinctions in Cicero's paired speeches based on the interests and education of his two audiences. I expected to find a comparable
difference in my examination of sentence structure and length. However since Cicero uses sentences of every structural type with almost equal frequency when speaking to either audience and since there is no significant pattern of difference in the length of sentences for the parallel speeches, it must be concluded that these two aspects of composition are not as important as other criteria for adaptation to the audience. In general Cicero's handling of the sentence seems to depend upon tone more than upon the training of the audience; for instance, in the First Catilinarian the abrupt opening with a series of simple but emphatic rhetorical questions reflects the orator's sense of urgency and of impending danger. In respect to sentence form the requirements of a particular issue are more important than the education of the two audiences which are assumed to be equally capable of receiving sentences of some degree of complexity.
CHAPTER VIII

SUMMARY OF CONCLUSIONS

In his rhetorical treatises Cicero does not expand on the subject of audience adaptation, but he does suggest some possible criteria for adjusting one's material to a particular audience. Examination of some elements which he singles out—word choice (colloquialisms, archaisms, neologisms), word order, metaphor, tropes, rhythm, and humor—has not shown any consistent difference between speeches for the senatorial and popular audiences. In determining his use of such stylistic features, *causa* and *tempus* (De Or. 3.210-11)\(^1\) seem to be more important factors than the type of audience. In my comparison of the popular and senatorial speeches I have isolated several criteria which Cicero does employ to adapt his material to each audience based on their interests (both as social groups and as individuals) and also on their training.

Cicero's use of the political catchwords of the late Republic indicates a willingness to bend the terms to fit a number of different situations. He often uses such terms as *boni* before the Senate with specific connotations of concern for the prerogatives of that class. When addressing the popular audience on the other hand he concentrates on the desire of the *boni* to preserve not only the *res publica*, but also the *libertas populi Romani*. He says that the *boni* are concerned with the

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1. See p. 1 for a discussion of this passage.
welfare of the Roman people. To the popular audience this statement means that the boni are indeed working to protect their interests. But what Cicero really has in mind as the major concern of the boni is the preservation of leges, magistratus, auspicia, aerarium, etc. He leaves this idea unexpressed or else he includes the members of his popular audience among those who defend these things; thus the people become the supporters of the rights of the senatorial order. The same technique is used in the popular speech De Lege Agraria to alter the meaning of popularis. Although Cicero, as a consul popularis, claims to be the protector of the interests of the people, the goals which he says are popolare (pax, otium, and tranquillitas) are, in fact, identical to the goals of the optimates. By promoting the concerns of the Senate under a popular mask the orator convinces the people to vote against a bill which might have been of great benefit to them.2

The orator's use of historical exempla is likewise manipulated according to the interests of each audience and to the circumstances of

2. Although not relevant to the comparison between senatorial and popular speeches, an interesting change in the meanings of the catchwords pax and otium occurs from the time of Cicero's consular speeches to the time of the Philippics twenty years later. In the speeches De Lege Agraria, In Catilinam, and Post Reditum, Cicero expresses his continuous devotion to the ideals of pax and otium which are associated with res publica. But in the Philippics from the moment when Cicero begins urging the Senate to declare war against Antony pax is used almost as an accusation against those who desire reconciliation with Antony. Cicero, who in his earlier years always expressed his desire to avoid civil strife, at the end of his career argues that only war will save the res publica and that the proponents of reconciliation who use clementia and pax as catchwords are encouraging Antony's desire to enslave the Roman people. Thus pax is associated with servitus rather than with libertas or res publica. This change is noted by Frisch, pp. 177.
each speech. Cicero uses *exempla* primarily to illustrate the *mos maiorum* when he attempts to convince either audience to take some specific action on an issue, e.g., to persuade the people to vote against Rullus' proposal, or to encourage the Senate to declare war against Antony. The orator chooses and sometimes alters the precedents to fit each audience. Cicero's readiness to change his viewpoint of particular historical figures to suit each audience is best shown by his use of the Gracchi in different speeches. In *De Lege Agraria* 2, delivered to the people, he pictures Ti. and C. Gracchus as loyal citizens of the Republic. In his first senatorial speech against Catiline he argues that these *populares* were justly killed for their attempts to destroy the Republic; in the *Second Catilinarian*, to the people, Cicero does not make the slightest mention of these popular heroes since he obviously could not repeat what he had said about them in the Senate. He uses them in the senatorial speech as examples of the proper way to treat enemies of the state. But in *De Lege Agraria* before the people, he presented the Gracchi as ideals by which they should judge Rullus. The orator's inconsistent attitude to the Gracchi reflects his ability to adapt *exempla* to the circumstances and to the audience.

The orator makes a further effort to direct and control the conclusions of his popular audience by the way he arranges and highlights certain ideas. He sometimes oversimplifies an issue by setting up specific categories or classes which are so comprehensive that they cover up any parts of his argument which are perhaps questionable. I have demonstrated this in his classification of the conspirators in *In Catilinam* 2, addressed to the people. Thus he seems to feel that he
can lead the popular audience to a certain conclusion by imposing an
apparently defining structure on some topics. Consideration of sentence
structure and length in the parallel speeches led me to the conclusion
that these are not for Cicero significant areas of concern in the ad-
justment of material to audience. He adapts sentence form according to
the demands of the topic or occasion. The study was useful, however,
since it has shown that what seemed at first to be a logical criterion
for distinction between the two types of speeches is in fact not important
to the orator.

The results of my dissertation suggest that Cicero believed he
could manipulate the popular audience more easily than the senatorial
audience. Cicero's attitude to the plebs is shown by the way he describes
them in his private letters: *hirudo aerari, misera ac ieiuna plebeacula*
(Att. 1.16.11); *sentinam urbis exauriri* (Att. 1.19.4). While his popular
audience did not consist solely of the plebs, Cicero's opinion of the
lower classes' ability to assess an argument certainly played a large
role in how he shaped his material for this group. He often tries to
mislead the people by claiming to be concerned for their welfare, although
in fact representing the interests of the senators, and by molding his
ideas in such a way that he can leave out anything which might throw
some doubt on his assertions. He apparently believed that most of his
popular audience would not realize that they were being misled.

When speaking to the senators who, because of their own rhetorical
training and experience, presumably could see through any sophistic
arguments or rhetorical devices, and thus judge the issue more clearly,
Cicero uses most political catchwords and *exempla* more precisely than he
does before the people. Since the Senate for the most part can be identified with the optimi, it is only logical that Cicero would choose to ally himself with the cause of the Senate through the use of optimate words when he was trying to enlist their support for his opinion. Through words to which the senators are particularly sensitive (dignitas, imperium, fasces) Cicero encourages them to associate with his own cause. For instance, Catiline's conspiracy and Antony's invasion of Gaul are depicted as threats to the auctoritas of the Senate. For the most part the political demands of the issue, e.g., the need to push the Senate to initiate some action, must be considered the factors which lead him to use this device. But on a personal level for the orator, this technique may partly be seen as Cicero's attempt to be considered one of the nobiles, to overcome any prejudice felt against him as a novus homo by some members of the senatorial order. The orator's recognition of his colleagues' abilities and experience is also shown by the fact that he often expects his senatorial audience to draw together separate parts of an argument and to reach their own conclusions. For example, in Post Reditum in Senatu he uses the same language throughout the speech to describe his enemies as he uses in the popular speech but without drawing up a neat and comprehensive list as he does for the people. Sometimes he leaves the last step of an argument to be completed by his senatorial audience while on the same point in the popular speech he draws the argument to its logical conclusion. The fact that Cicero is more precise in his use of political terms and in citing precedents and that he expects the senators to form their own conclusions reflects his recognition of their abilities and experience. Although Cicero might oppose certain senators
on political issues, his attitude toward them as an audience is much more respectful and deferential than his feeling about the popular audience.

I began my study with the assumption that there would be some obvious and clearcut distinctions between speeches delivered to the Senate and to the people because of differences in the interests and training of these two groups. Through examination of some aspects of diction and composition I have isolated some techniques by which Cicero attempts to shape the opinion of his audience and found some general differences between the two types of speeches, but I must conclude that Cicero does not consistently employ the same techniques to adapt to each audience. The differences between the senatorial and popular speeches depend not only upon the social or educational background of the audience, but also depend upon the time and place of delivery or the political motives of the speaker and the audience. Just as Cicero noted in De Oratore 3.210,

id quidem perspicuum est non omni causae nec audiitori neque personae neque tempori congruere orationis unum genus,

many factors must be considered to arrive at the appropriate style for a speech.
De Lege Agraria

During the year 64 B.C. the tribunes elected for the following year announced their intentions of proposing an agrarian law when they entered office. The purpose of the law was to provide land for dispossessed farmers and to establish colonies for the plebs. Funds for the purchase of land would be obtained through the sale of certain public properties both in Italy and in the provinces, by imposing taxes on almost all public lands, and by taking over any excess money from war booty. Some of these lands, while technically owned by the state had been occupied and farmed for many years by private citizens, mostly senators and equites. Thus the income of the propertied class was threatened by this law. The bill was proposed by the tribune Rullus, but the true authors of the proposal were believed to be Caesar and Crassus who hoped to gain enough money and power through this law to oppose Pompey, who had been granted an extraordinary military command and who had a large base of political support among the people. For the most part the Senate was against this proposal; a few, however, who hoped for a position on the agrarian commission or who wanted to sell certain lands which they had obtained illegally, supported the bill. The plebs were much in favor of this proposal since many of them thought they would gain land. In both the senatorial and popular speeches Cicero represents the interests of the propertied class although he
cleverly disguises this fact in the speech to the people. He insinuates that Rullus and the other decemviri will obtain extraordinary powers and money and that the people will not receive what the bill promises them. This proposal was the first problem Cicero faced when he entered his consulship. The first speech was delivered at the first meeting of the Senate on January 1, 63. The second speech was delivered to the people shortly afterwards at a formal contio. Convincing this audience that the bill would not benefit them at all was much more difficult than persuading the senators that it was against their interests. After the second speech the tribunes decided to delay the vote so that they would have a chance to counter Cicero's arguments. At the next meeting of the assembly the consul delivered another speech which persuaded the people to vote against Rullus' proposal.

In Catilinam

Another crisis during Cicero's consulship came from the conspiracy of Catiline, a senator whose desire to hold the consulship was destroyed three times. At the end of the summer of 63, Catiline decided to seize power by force. He enlisted the support of other senators who like himself, were in debt and had unfulfilled political ambitions. There were also many people of the lower classes—debtors, dispossessed farmers, criminals—who were unhappy with the current regime and who hoped to gain either money or power through a revolution. Catiline planned to stage simultaneous rebellions in the Italian countryside and in Rome on October 27 and 28. However, a week before the event Crassus and several other senators received letters warning them to escape the bloodshed. In-
formed about these letters Cicero called a meeting of the Senate to reveal Catiline's plans. For these revolutionary activities Catiline came under indictment de vi. When no rebellion took place Cicero was suspected of exaggerating the evidence and rumors. To show his innocence Catiline offered to go into protective custody in the homes of a few senators, including Cicero himself. When these senators refused Catiline stayed at the house of M. Metellus one of the conspirators. Since there was no clear evidence against him, Catiline continued his plans. On the night of November 6, the chief conspirators met at the house of M. Laeca to finalize their plans: Catiline was to meet Manlius' army in Etruria and march toward the city; certain others were to stay in Rome for arson and murder; and two men were given the task of killing Cicero. The consul was informed of this meeting through Curiuus and Pulvia. Forewarned of the attempted assassination Cicero took precautions to prevent it. On November 8, he summoned the Senate to the Temple of Jupiter Stator. Here he delivered the First Catilinarian. Cicero revealed what he had learned from Pulvia. There was no written evidence this time as there had been before with Crassus' letters, but since the Senate was already suspicious of Catiline because of his previous violent activities, Cicero's report of his current plans was more easily believed. Catiline stood to defend himself but was shouted down by the senators. He left the city in haste but with no intention of giving up his plans for a coup. There were rumors circulating in the city that Catiline had been driven out unjustly by the consul, and so on the next day Cicero delivered the Second Catilinarian as a report of the details he had revealed to the Senate. He hoped to gain a consensus of opinion between the Senate and
the people, to convince them that Catiline was a traitor and intended to destroy the state. Altered plans for the rebellion continued to develop over the next month. Through the opportune intervention of the Allobroges Cicero learned of Catiline’s plans to take over the city on the Saturnalia. He set up a trap to obtain written evidence against Catiline’s chief accomplices. This evidence was presented to the Senate on December 3. The meeting was conducted as an investigation as Cicero introduced the evidence and then brought it to the conspirators for questioning. At the conclusion of Cicero’s presentation decrees were passed to thank the consul for saving the state and to condemn the conspirators. After the meeting Cicero delivered the Third Catilinarian before the people as a report of the Senate’s decisions. On December 5 Cicero called a meeting of the Senate to discuss the penalty for the conspirators; this was the occasion of the Fourth Catilinarian. The result of the debate was that the Senate recommended the death penalty. Cicero immediately carried out the execution of the five conspirators in custody. Catiline and his remaining supporters were killed a month later.

Post Reditum

As a result of Cicero’s action against the five fellow conspirators of Catiline, a bill of exile was passed against him in 58 by the tribune Clodius. Although many friends and family members tried to get the Senate to recall him, Gabinius and Piso, the consuls of 58, refused to hear their appeals. In 57 the consul Lentulus introduced a bill to recall Cicero, but the passing of a resolution was
prevented by riots in the city which were incited by Clodius and his gangs. Milo and Sestius, supporters of Cicero, attempted to control Clodius but were not successful until the summer. Finally on August 4, a law for Cicero's recall was passed in the centuriate assembly. Cicero immediately returned to Italy and on September 4 arrived in Rome where he was met by an enthusiastic crowd of supporters. On the next day he delivered two speeches of thanksgiving, Post Reditum in Senatu and Post Reditum ad Quirites. His purposes were (1) to express his appreciation and gratitude to those who supported him, (2) to reaffirm his loyalty to the state, and (3) to regain his former authority.

**Philippics 3 and 4**

In November 44 Antony left Rome for Cisalpine Gaul which was his province by a law passed by the assembly in June. Gaul was being held by D. Brutus who, at Cicero's urging, refused to surrender it to the consul. Brutus issued an edict that he would keep the province in the authority of the Senate and the Roman people. On December 20 a meeting of the Senate was called to discuss Brutus' action and to consider the tribunes' proposal to ensure that the Senate could meet safely on January 1, 43, to discuss Antony. In the Third Philippic Cicero praises their proposal but he gives more attention to the question of Brutus' edict. The orator attempts to justify Brutus' illegal action by showing that Antony has committed many illegal deeds since Caesar's death and therefore must be considered a public enemy. Cicero also tries to convince the senators that Octavian was justified in recruiting an army from Caesar's veterans without the prior approval of the
Senate for the purpose of opposing Antony. The speech ends with the proposal of a decree which praises Brutus, Octavian, and the Martian and Fourth legions for protecting the state from Antony and which urges the consuls of 43 to bring this matter up again at the first meeting of the Senate in the new year. The Senate was convince by Cicero's speech to pass these resolutions and the orator rejoiced that the Senate had recovered its former strength. In a contio on the same day as the Senate meeting Cicero reports the Senate's action to the people and interprets the decree as a de facto declaration that Antony is a public enemy. The Fourth Philippic is meant to inform the people of the political situation and to arouse a unanimous feeling of hostility towards Antony. On this occasion Cicero was not completely successful for Antony maintained some support in the Senate and among the people. But temporarily the Republicans seemed to have the upper hand.

Philippines 5 and 6

Antony continued his march toward Gaul and invaded Brutus' province. Brutus decided to block Antony at the town of Mutina. Antony was already laying siege to this town when Cicero was delivering the previous set of speeches, but this news had not yet reached Rome. At the beginning of 43 it was definitely known that Antony had begun a war against Brutus and Gaul. The consuls Hirtius and Pansa called a meeting of the Senate on the first of January; two questions were debated, de re publica and de honoribus. The first part of the debate concerned whether the Senate should send negotiators to Antony to attempt
reconciliation. Cicero argued that this would only delay the inevitable war and that it would be better to declare war against Antony immediately. The orator gained the support of a large number of senators for his opinion, but those who felt that his proposal was too strong managed to postpone the vote on this question. In the second part of his speech to the Senate Cicero proposed honors to those who had shown themselves to be loyal Republicans by opposing Antony. Again one of the orator's major concerns was to persuade the Senate to follow Octavian's initiative. The decree of honors was passed before the question of sending the embassy was resolved. The debate about Antony lasted four days. The question was finally decided by a compromise which is mentioned in the Sixth Philippic: Antony's agrarian law was repealed. This convinced some of the senators to vote in favor of sending legates to attempt a reconciliation. After the fourth day of debate in the Senate Cicero addressed the people, explaining the course of the debate in the Senate and the effect of their final resolution. By sending an embassy the question of Antony's intentions would be settled. The orator does not mention the decree of honors at all in the Sixth Philippic.
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