Haec Templa: Religion in Cicero's Orations

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Dedication

This dissertation is dedicated to my parents and their parents.

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List of Abbreviations

Abbreviations

AJAH	*American Journal of Ancient History*
AJArch.	*American Journal of Archaeology*
AC	*Acta Classica*
AJPhil.	*American Journal of Philology*
ANRW	*Aufstieg und Niedergang der römischen Welt* (1972–)
BICS	*Bulletin of the Institute of Classical Studies*, London
BNP	Beard, Mary, John North, and Simon Price. *Religions of Rome: Volume I, A History*
C&M	*Classica et Mediaevalia*
CAH	*Cambridge Ancient History*, 2nd edn. (1961– ; 1st edn. 1923–39)
CJ	*Classical Journal*
Cl. Ant.	*Classical Antiquity*
CPhil.	*Classical Philology*
CQ	*Classical Quarterly*
CR	*Classical Review*
CW	*Classical World*
G & R	*Greece and Rome*, ns (1954/5–)
Harv. Stud.	*Harvard Studies in Classical Philology*
Hist.	*Historia, Zeitschrift für alte Geschichte*
JRS	*Journal of Roman Studies*
MRR	T. R. S. Broughton, *The Magistrates of the Roman Republic* (1951–2); Suppl. (1986: supersedes Suppl. 1960)
Rom. Staatsr.	*Römisches Staatsrecht*, vols. 1^3, 2^3 (1887), (1888)
RRC	Crawford, Michael H. *Roman Republican Coinage II*
TAPA	*Transactions of the American Philological Association*
ZPE	*Zeitschrift für Papyrologie und Epigraphik*
ZSS	*Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abtheilung.*

Classical texts are abbreviated following the *Oxford Classical Dictionary*, 4th edition.

Introduction

The question of what Roman religion was, let alone what it meant for Romans of the late republic, is a notoriously difficult one.[1] Where once the "religion of ancient Rome" could be dismissed out of hand as the empty beliefs of pagans, whose practices were also nefariously manipulative, the subject is now studied so that Rome's religious system, as we define it,[2] is viewed as a vibrant and dynamic phenomenon in its own right. Where once Rome's religion was thought to have declined from a pristine religion of Rome's foundation into a faint echo of that "pure" ancestor, it is now recognized as a religion under constant, if slow, change and evolution in a variety of different manifestations.[3] It is also, slowly, becoming more recognized that the distinct modern concept of "religion" would have been rather foreign to a Roman, certainly of Cicero's time but likely even well after Christianity had arrived.[4] Thus, for my own purposes and following Nongbri's work, I use the terms "religion" and "religious" as redescriptive

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[1] Scheid (2003) argues that "Roman religion" is a bit of a misnomer, since there were different religions for different Roman social groups like families, military units, colleges of public servants, etc. (p. 19). Rüpke (2013b) rejects the term "religions" to describe Rome because it suggests an aspect of "sects," which would be a miscategorization (p. 8). Others like Nongbri (2008 and 2013) and Barton and Boyarin (2016) push pack against the term "religion" entirely for Rome. I have tried to use the term as a modern category, not as an attempt to draw a Roman definition.

[2] I note here a point that will be expanded upon in short order, namely that I often use terms like "Rome's religious system" and "Roman religious practices" redescriptively, or as a modern category applied to Rome that Romans would not have used themselves. For more on this, see Nongbri (2013), pp. 16-18.

[3] North (2000), pp. 17, 29; BNP (1998), pp. 10-11; Feeney (1998), pp. 76-77.

[4] Two recent works on this are Nongbri (2013) and Barton & Boyarin (2016), with the latter expressly considering Cicero in a more extensive manner.

terms[5] — that is, "religion" is a category not used by Romans themselves, but one which I am still applying to Rome's institutions, practices, and beliefs that pertain to the gods, spirits, or the supernatural.[6] In most of my discussion, I analyze Cicero's reference to a specific temple, deity, priesthood or the like; defining what "religion" was to a Roman is not a primary focus of mine.

Any search for Rome's earliest religion has small chance for success.[7] In the first place, it might send one down a path that leads all the way to humanity's earliest kinds of religion, resulting in a work like Durkheim's *The Elementary Forms of the Religious Life* or Tylor's *Religion in Primitive Culture*, both of which trace religion back to a kind of animism mixed with ancestor worship.[8] Such studies might shed light on religion generally, but searching for the foundational form of Roman religion does not illuminate what that religion meant to a late republican Roman. Indeed, an original form of Roman religion and its meaning might differ greatly for a Roman of the first century BCE. Feeney, in his *Literature and Religion at Rome*, addresses this issue clearly, stating that "*origin* is not to be identified with *meaning*," pointing to myth and words as similar phenomena that change meaning over time.[9] As I will argue, following Feeney, meaning

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[5] Nongbri (2008), p. 452; Nongbri (2013), pp. 21-22.
[6] Adapted from Rüpke (2012b), pp. 12-13; Short (2012), pp. 1-16.
[7] Indeed, much of our earliest evidence for the beginnings of Roman religion have little specifically Roman attributes (Smith (2007), p. 266).
[8] These studies have recently been supported by at least one modern study of 33 hunter-gatherer societies (Peoples, et al., 2016).
[9] Feeney (1998), pp. 115-116, original emphasis; Feeney is building on Versnel (1993).

was constantly being determined by every Roman (and non-Roman) in the city, at every festival, every sacrifice, and, for the present study, in every public speech.[10]

The second reason such studies can lead to dubious conclusions is that they often fall into the trap already mentioned, that Roman religion of the late republic was a decayed form of its purer origins, and that only Christianity give Romans a valid form of religion. Likewise, this same strain of thought tends to argue that Rome's contact with other cultures, not least the Greeks, led to the degradation of those earlier, "purer" practices and customs.[11] Thus, any search for Rome's early form(s) of religion must be performed for their own sake, not to shed light on the religious activity of first century Rome, when rituals and practices almost certainly had new meanings to the inhabitants of the city and individual members might also have held different interpretations.[12] Just as Latin had evolved over the centuries, and words carried different valences for Cicero than they did for Cato the Elder or even Julius Caesar, the same can be said for Rome's religious practices, which almost invariably included speech with them.[13]

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[10] Feeney (2004), p. 4.

[11] Feeney (2007b) cuts this theory apart, both in demonstrating that Greek aspects appear in Roman literature as far back as the evidence goes, and in making hazy the distinction sometime drawn between "literary" and "real" religion (p. 130).

[12] Arnhold (2013), pp. 154-155; North (1982), p. 576; North (2000), p. 46; BeDuhn (2015), p. 33. Lawson (2005), a modern anthropological study of the transmission of ritual, notes that often anthropologists, when they ask their subjects why they do certain things, are told "Because we have always done it that way" (p. 58). The origins of a certain act and the meaning it is given do not necessarily track at the same rate.

[13] Lawson and MacCauley (1990), p. 51. Thus, Lawson and MacCauley argue, ritual can act as a means to communicate information (p. 55). See Rüpke (2016), pp. 115-119, for a similar sentiment concerning Roman ritual activity.

In large part, studies of such a nature seem to have originated to complement Rome's political order, with certain Christian biases replacing democratic ones.[14] Just as Rome was founded by Romulus and turned into a republic, the dysfunction of which gave way to empire, so too must Rome's religion have degraded in a similar process and along the same timeline, often from eastern influence. This reading is inherently flawed; Roman religion and Roman politics both evolved, but in different ways and at different paces.[15] Nevertheless, by conjoining Roman religion and Roman politics in the same discussion, the conversation readily turns to a man whose extensive writings make him one of the most well-documented figures we have from antiquity, Marcus Tullius Cicero.[16]

Cicero and Lived Religion

Born January 3, 106 BCE and dying on December 7, 43 BCE, Cicero lived through many of the most pivotal events as Rome's republic was shifting toward autocratic rule. Additionally, as a successful politician, orator, philosopher, and, less successfully, poet, Cicero's writings span almost every topic and genre that an elite Roman of his day might have produced. For these reasons, and due to the roughly 800 personal letters we possess,

[14] Scheid (2016), p. 126.
[15] BNP (1998) argue convincingly that it is difficult to know how much of our perception of this period as 'Rome in decline' is genuine and how much is Augustan self-imaging. While the republic did fall into empire, the religious changes that Augustus, Cicero, and Varro all notice might have been more nostalgia than fact. Religion of the past might not have been as strong as these figures present, but they perceived it so (p. 120). For a similar critique, see also Orlin (2007), p. 65; Connolly (2007), pp. 13-14; Scheid (1995), pp. 15ff. For a good discussion of earlier scholarship, mostly from the early twentieth century, see Scheid (1987).
[16] Wood (1988), p. 54.

he stands as one of our best sources for almost any event or debate during his lifetime.[17] For my purposes, he is the basis for understanding one aspect Roman religion of the late republic, chiefly by means of his speeches.[18] By studying his speeches, I aim to demonstrate not only which practices Cicero argued for or against but also how such arguments can tell us what Roman religion might have meant to his Roman audiences.[19]

It is important to state early that I do not wish to suggest that Cicero was an average Roman nor that he even represents a stand-in for the average Roman. Cicero, even if not born into a senatorial family, was wealthy and attained the highest political office Rome had, that of the consulship. Apart from his relatively humbler origins for someone who reached the consulship, he was an elite by every measure.[20] Thus, his speeches and the views espoused in them are not necessarily interpreted as typical Roman views.[21] Nevertheless, as I hope to demonstrate, in agreement with Mary Beard, a major part of the change in Roman religion was debated among the elite.[22] As she articulates discussing Cicero's footprint on philosophy, Cicero was the first Roman author to tackle Roman problems, with Roman *exempla*, in a Roman setting; for his predecessors, philosophy was

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[17] BNP (1998) suggest that Cicero's works focus our attention on the 80s through the 40s BCE, when Cicero was most active, but are careful to note the importance of other others and texts from the same period (p. 116). See also Tempest (2014), p. 3.
[18] I recognize that it might be wise to consider the forensic and political speeches separately, per Powell and Paterson (2004), but it is my express aim to see how Cicero incorporated the gods, their temples, and various rituals into his speeches; the fact that the venues and tactics necessarily varied is further proof that such appeals were deeply ingrained in Roman thought.
[19] Rüpke (2016), p. 82.
[20] Wood (1988), pp. 42-43.
[21] Hopkins (1983) calls this, interpreting exceptional evidence as typical, the 'Everest fallacy' (pp. 41-42). See also Feeney (1998), pp. 17-18; van der Blom and Steel (2013), p. 3.
[22] Beard (2012), p. 38.

Greek.[23] This is why his reputation — as a philosopher, certainly, and also as one of Rome's leading orators — is impossible to escape. Even if he was an exceptional figure, he still innovated in a number of ways.

Cicero's position in Roman society, both as an elite and as a famous orator and politician, granted him access and influence to a large swath of Rome's populace. Depending on what and how he delivered his message, he could direct his views to different audiences and intend different results. His philosophical treatises, for example, were necessarily intended for a reading audience. On the other hand, his contional speeches — political speeches (*contiones*) delivered in a public setting to a crowd, where no legal judgment was made nor law officially proposed[24] — might have been heard by a much larger range of persons, literate and illiterate, Roman and non-Roman, rich and poor.[25] For this reason alone, they must have had more widespread effects on Cicero's audience and thus stand as a good reflection of popular views from Cicero's time, even if those views are ultimately immeasurable.[26]

Related to this issue, above and beyond Cicero, is the question of the degree to which elites controlled the populace at large in Roman society. This debate has largely faded from the realm of Roman religion — it is now rarely proposed that Roman elites were

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[23] Beard (1986), p. 38.
[24] Millar (1998), p. 13; Morstein-Marx (2004), pp. 7-9.
[25] Morstein-Marx (2004), pp. 7-8; Ramsey (2007), pp. 123-124; Russell (2016), p. 46.
[26] In other words, Cicero's speeches would have been heard by a wider audience, directly or indirectly, and that would have granted them a more immediate spread greater than his treatises. Ultimately, however, we can never know if his speeches drastically changed public opinion in the same way that we can judge, based on evidence, to what degree his philosophical ideas took hold among the literati.

agnostic but used religion to control the masses for their own ends.[27] That said, there is a question in the study of Roman politics as to extent that Roman elites controlled the masses.[28] The debate is worth considering, but for my own purposes only tangential since, on matters of religion, the elite only had a certain degree of control; religion is inclined to lend itself to change and adaptation, depending on the practitioner, no matter the set of deities worshipped. Thus, from the rostrum or in the *contio*, Cicero's use of religion in his speeches could only ever help to shape his audience's views on religious matters, not control them outright.

It is almost certainly the case that men like Cicero, Caesar, and Pompey, to name a few Roman elites, had *some* influence over the larger Roman populace in terms of religion. The ways in which Augustus left his early empire, having adopted so many of

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[27] Perhaps the clearest example of this is Taylor's (1961) chapter titled "Manipulating the State Religion," distilled in the quote, "Meanwhile the nobles, in contact with Greek rationalism, were themselves steadily developing skepticism toward the religion of their ancestors, but they were not deterred from exploiting religion for political purposes" (pp. 77-78); see also Burriss (1926) for virtually the same sentiment (p. 524). Over the years, scholars have gradually backed away from this position. Heibges (1969) found the disparity between Cicero's speeches and philosophical treatises to be less than previously recognized (p. 311). Both North (1976) and MacBain (1982) recognized that manipulation of prodigies was a real possibility, but so far unverified to have happened (p. 8 and p. 7 respectively). Finley (1983) states clearly that he could find no proven instance of manipulation (p. 95). Wardman (1982) concedes that manipulation of religion and existing belief need are not mutually exclusive to one another (p. 23). And finally Lisdorf (2005) argues that manipulation of religion for personal aims was unlikely and that Romans were more than likely sincere in their ritual actions and interpretations (p. 461). While I agree with Lisdorf's latter point, I do not agree that it negates the chances of manipulation. Rather, I would argue, the vast majority of Romans were sincere in their religious convictions (e.g., when they correctly performed a ritual, they expected a certain outcome) but some Romans, if few, likely did attempt to use rituals to achieve more beneficial ends; the very fact that Cicero spoke against such individuals, I think, suggests that Romans feared it happening. This question has also been debated in the realm of politics, which is only tangential to my own study.

[28] A few books on this issue are Mouritsen (2001), Morstein-Marx (2004), and Millar (1998). Mouritsen and Morstein-Marx both argue for a degree of popular influence over the elite, while Millar argues this influence is less pronounced, at least based on the evidence we have. Flower (2012) offers a highly condensed version of both sides.

their precedents, is but one sign of this. From a modern perspective, studies on public opinion demonstrate quite clearly the degree to which public opinion can be shaped by contingent circumstances, including elite cues.[29] Political scientists like Murray Edelman have also argued for the construction of political spectacle, and the ways in which political discourse does as much to create and reinforce public opinion.[30] Looking at Cicero's speeches, I will argue that he presents religious arguments of varying relevance to the immediate circumstances, but in doing so he frames his audience's religious expectations and considerations. Catiline can be made into a *monstrum*,[31] the Roman people can become godlike in their power,[32] and a young Octavian becomes an almost-divine agent, working to stop the disastrous Antony.[33]

Through Cicero's suggestion and argumentation, men's statuses and reputations are often poked and prodded beyond the boundaries of ordinary human beings. By keying into a religious register, Cicero elevates himself and his allies to divine status, sometimes only approaching it through simile or metaphor, and denigrates his opponents,

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[29] Zaller (1992) provides an extensive study that repeatedly exhibits public opinion, on a variety of issues, being influenced (or not) by a number of different factors. His study examines the period of the Vietnam War, for the most part, and political events occurring therein. It is worth noting that 'elite' for Zaller is not limited to leading political officials, but includes others such as the media, interest groups, and the like, many of which were nonexistent in republican Rome. Zaller (1998) reins in his previous thesis somewhat in light of more recent political events concerning the Monica Lewinsky scandal; this article only offers some hesitation to his larger study rather than completely recanting its findings. For a similar thesis applied to the ancient world, see Morstein-Marx (2004), pp. 147-148.
[30] See Edelman (1977, 1985, and 1988), whose works are considered a kind of series of thought.
[31] *In Cat.* 2.1.
[32] *Red. Pop.* 25.
[33] *Phil*. 5.23.

occasionally to sub-human levels.[34] In doing so, he creates a framework against which all members of Rome can be measured. Cicero was only one member of the Roman elite to help shape the opinions of the *populus Romanus*, and his speeches reflect one avenue by which he did this. As already mentioned, his speeches were also liable to their own shaping and crafting, as Cicero worked to produce arguments palatable to his audience.

This is how we can distinguish Cicero's project from outright control. Following Morstein-Marx' argument, public speakers, especially in the *contio*, would have been subject to their audiences as much as any individual Roman leader. Thus, the audience had *some* influence over the orator, since orators tailored their speeches to satisfy and persuade that audience, even if their speeches and proposed legislation might have carried an elite perspective or served elite ends to some degree.[35] Joy Connolly's *The State of Speech* presents the matter plainly. In the realm of performance, the performer and the audience are in a kind of negotiation; the performer seeks to persuade the audience, while the audience grants legitimacy to the performer. But, importantly, even the means of acquiring legitimacy, such as a speech, can never be wholly owned by the creator, instead ever remaining in that dialog between creator and audience.[36]

In the same vein, in the realm of religion, modern studies once again shed light on the degree to which it can be controlled at all. McGuire's *Lived Religion: Faith and Practice*

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[34] May (1996) directly analyzes this tactic.
[35] Morstein-Marx (2004), p. 14; Jehne (2013), p. 50. Millar (1998) rejects the notion that the Roman senate was the governing body of the *res publica* as "straightforwardly false" (p. 209). This, I think, goes a bit too far — the issuance of *senatus consulta* speaks to their ability to govern, if not through legislation — but I do agree with his notion that the crowd of the Forum was its own influential body (p. 215).
[36] Connolly (2007), pp. 25-29.

in Everyday Life is a comprehensive study that analyzes a number of individuals and religious groups, highlighting the ways in which they practice or believe things that would ordinarily fall outside the bounds of their identified denomination. McGuire's study presents individuals like Laura — a Latina who is hardly "religious" yet still possesses an heirloom cross and feminist image of the Virgin of Guadalupe — to establish the many ways that people can identify with a certain religion, yet not be totally bound by that religion's dictates and/or creeds.[37]

McGuire's study, though focused primarily on the modern era, is nevertheless relevant to a study on religion in a pre-Christian Rome. Her work considers two avenues of thought that pertain directly to the discussion of Roman religion of the late republic. The first, just described, is her concept of "lived religion," that the religious practices of everyday individuals can very often push the boundaries of the religion with which they identify, whether Catholic, Buddhist, Jewish, Muslim, agnostic, or any other.[38] A person's religious practices are, of course, somewhat restricted by their ascribed religion, but they can also act adjacent to or entirely outside that religion while still identifying as a member of that group. The bounds are looser than many modern scholars admit. This theory can and recently has been applied to Roman religion, a religious system that already lacked many of the structural aspects of modern Christianity.[39]

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[37] McGuire (2008), pp. 46-47.
[38] *Ibid*. pp. 12-15.
[39] Rüpke's recent work (2016) was where I first encountered the concept of "lived religion," with Rüpke borrowing it from McGuire (pp. 4-5). He continues his train of thought on the concept in Rüpke (2018), which is a sweeping history of Roman religion.

The other way in which McGuire's "lived religion" concept can be applied to Roman religion is in her emphasis on practice, as opposed to a person's belief or ideas. This is perhaps the most significant shift in the study of Roman religion, the emphasis on orthopraxy over orthodoxy.[40] The distinction between the two is, in its most basic elements, a conformity based on correct practices (orthopraxy) versus conformity based on doctrine or beliefs (orthodoxy). Orthodoxy tends to rely on creeds and/or prescribed rites and rituals (say, outlined in the Bible or Qur'an), while orthopraxy relies more on ancestral tradition for its rituals and sacrifices (often, without a single authoritative text).

Many older studies of Roman religion were concerned with the question of belief; they aimed to asses to what degree a given author believed in the deities of Rome and the stories about those deities.[41] These were concerns of orthodoxy, which were misguided for not considering the care for proper ritual conduct, or orthopraxy. Since the initial shift toward studying orthopraxy there has been some admittance to belief in the study of Roman religion, though it is still far more restrained than the scholarship of the early twentieth century.[42] Lisdorf, for example, makes the important distinction between explicit and implicit beliefs.[43] For Lisdorf, explicit beliefs are known to the Christian world in the form of dogmas — they can be read from a text — while implicit beliefs are

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[40] For a handful of ways in which this distinction has been applied to Roman religion, see Ando (2008), Bendlin (2000), Lehoux (2012), and Orlin (2010). King (2003) offers room for both in the Roman world, arguing that there was belief under an orthoprax religion, but no assumption that the gods would be more pleased with the sacrifice if the worshippers' beliefs more closely resembled some postulated ideal (p. 299).

[41] Feeney (1998) tackles this issue head-on from a literary perspective.

[42] North (2013) attempts to check the predominant focus of orthopraxy (pp. 77-78); Bell (1998) provides a broad overview of the history of religious studies and how it moved toward a focus on performance/ritual.

[43] Lisdorf (2005), pp. 446-447.

not stated directly but include general ideas like the existence of gods in the human world and that the gods are good.[44]

Recent scholarship on the subject, then, does not totally ignore the question of belief,[45] but is instead far more cautious in its investigation and claims about the beliefs of others.[46] For my own purposes, the question of individual belief, whether Cicero's or Antony's, for example, is somewhat beside the point. Instead, my study focuses on the how Cicero used religious discourse in his speeches and how it fit into his larger persuasive aims. In other words, it is not a study of a philosophical or theological topic, but the use of religious content in the practice of persuading various audiences. By navigating between different poles of acceptable religious practice and persuading his audiences that others were also operating within Rome's religious system (or not), Cicero was helping to define a kind of orthopraxy and orthodoxy for Rome. Whatever his audiences agreed was acceptable became the new frame for future debates in any instance of questionable practice.

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[44] Since these implicit beliefs are not stated directly, Lisdorf (2005) calls them "more volatile and harder to detect analytically" (p. 447).

[45] King (2003) offers a check against those arguing for restraint from using "belief" as a constituent of human nature such as Needham (1975). King argues that Romans still held beliefs (defined as "a conviction that an individual (or group of individuals) holds independently of the need for empirical support") in the context of ritual, but that those beliefs were separate from the efficacy of the ritual (pp. 276-277, 299-300). Rüpke (2012) argues that "belief" was still a part of Roman religion even if it lacked the internal coherence of modern Christianity or other religions (p. 12); see also Nongbri (2013) for a similar stance regarding the word *religio* and its uses (pp. 33-34, 85-87).

[46] North (2013) expresses caution in moving too far toward orthopraxy over orthodoxy; that Roman religion was not *purely* about performing certain actions at certain times and that belief likely did play a part (pp. 77-78). Petrovic and Petrovic (2016) offer an intriguing analysis of inner purity and morality in Greek religion, which largely falls outside the scope of this dissertation, but nevertheless is a good example for the kinds of studies that could be applied to the Roman world.

Coming back to McGuire then, she pushes back against the notion that Christianity, per se, was predominantly orthodox, instead shifting that emphasis to a post-Reformation Christianity.[47] In her rich second chapter, McGuire presents evidence of pre-Reformation Christianity (both Catholic and Protestant) that bore distinct local flair. For example, it was common in Europe for churches to celebrate holidays and festivals for local patron saints, that other nearby churches would not practice or otherwise acknowledge.[48] This is still somewhat the case in certain parts of Europe today and it is not unlike cities in antiquity worshipping their own set of deities different from their neighbors.

The concept of lived religion, both in its emphasis on orthopraxy and with its more fluid boundaries, applies neatly to Rome of the late republic. Returning to Cicero, he and his speeches, I will argue, were situated in exactly this setting. The religion of his day was a dynamic one, bound by rules of propriety and impropriety, rather than a set doctrine of beliefs. While the immediate contexts of his speeches change over the years, Cicero could nevertheless maintain a consistency throughout his career, even when his political alliances changed. Cicero's primary objective in making religious appeals in his speeches was, above all, to appeal to Rome and its stability. Ultimately his public speeches were concerned with the well-being of the civic order and, in order to maintain that civic order, proper civic religious practice needed its due attention.[49]

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[47] See also Nongbri, who makes a similar argument in chapters 5 and 6 of *Before Religion* (2013); he also incorporates the rise of the nation-state and contact with the Americas, Africa, and Asia into his study.
[48] McGuire (2008, pp. 25-26.
[49] This notion is drawn from Rüpke (2013b), who makes the distinction between 'locative' and 'utopian,' the former concerned with current social and cosmological order, while the latter is

Oratory and The Elites of Rome

Next to Cicero, the republican author perhaps most often cited on matters of Roman religion would be M. Terentius Varro, who was Cicero's contemporary, outliving him by nearly twenty years. Varro's *Antiquitates rerum humanarum et divinarum*, his extensive account of Roman institutions both human and divine, is his most important work on Roman religion. While the extant portions are relatively few, what has been preserved nevertheless provides important excerpts on Varro's understanding of the religious institutions of his day. His tripartite theology, that of the poets, the philosophers, and the citizens,[50] is pointed to by modern scholars as one way in which Romans might have framed their religious thought. This is not to suggest that Romans recognized a lack in their religious thought that, say, Judaism possessed, but rather to show the stark differences in approach that can be taken compared to a singular text like one used in the Abrahamic religions.[51] Varro's third part, that of the citizens, is relevant to my study.

Unlike both mythic and physical theologies, of which each has its own set of authors and conventions within which to operate, civic theology has fewer definitions. Varro's only help on the matter is that it is best suited to the city, and concerns publicly worshiping deities with rites and sacrifices.[52] Rüpke's *Religion in Republican Rome:*

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concerned with order above and beyond the current powers (pp. 28-29). Rüpke draws his inspiration from Smith (1990).

[50] August. *de civ. D.* 6.5.

[51] Rüpke (2012) shrewdly outlines the history of this idea, the *theologia tripartita*, which can be traced to the pontifex P. Mucius Scaevola and the Greek doxographers well before Varro (pp. 173ff); cf. Nongbri (2013), who still correctly insists that this discussion is not 'religion' as we now conceive of it (p. 53).

[52] August. *Civ.* 6.5.

Rationalization and Ritual Change recognizes this disparity and offers a useful solution: civic theology was normative, whereas mythic and physical theologies were more discursive.[53] Within the bounds of civic theology, where these speeches operated, Cicero was responding to current events and the norms of civil society without the benefit of a tradition of preexisting texts and concepts. While Cicero certainly relied on his predecessors as a source of inspiration or instruction,[54] for the majority of his audience any adaptations of previous speakers might have passed unnoticed, either because they were not old enough or not educated well enough to appreciate it. Despite the disadvantage of not having a ready canon, this also granted Cicero and other orators more freedom in their efforts to use religious arguments to persuade their audience.

The persuasive element of speeches generally, and Cicero's in particular, is fundamental to my study. Any orator delivering a speech before an audience, Cicero included, would do so with the aim to persuade his audience of certain action.[55] Cicero's published speeches, as we have them,[56] are taken to represent his most persuasive

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[53] Rüpke (2012), p. 173. MacRae (2016) gives some attention to the texts of civic theology (philosophy, jurisprudence, grammars, historiography, periegetical writing, etc.) which focuses on *Roman* religious culture (p. 3).
[54] Cicero describes, for example, how he used a speech of Crassus almost like a textbook (*Brut.* 164).
[55] May (1988), p. 14.
[56] It is worth noting now that not every speech which in this study was delivered — the *Second Verrine* and the *Second Philippic* are the two chief examples — and there are other speeches for which we have evidence of Cicero's editing the speech before publication. The *Pro Milone*, for example, is one which was almost entirely rewritten before publication. As Cassius Dio tells it, Milo, currently exiled in Massilia, read the revised speech and said that he would not have been eating the mullet of Massilia, where he was in exile, had Cicero delivered the revised version (Dio Cass. 40.54.2-3). It is generally agreed that such edits and revisions were to refine the speech to present the best possible argument. For discussion on the revision of texts before publication, see also Powell and Paterson (2004), pp. 55-56; Craig (2007), p. 265; Lintott (2008),

argument for the situation at hand.[57] At times, an orator might have skirted strict legal questions or underplayed certain points that might otherwise hurt their client, but they would have done so to better persuade their audience.[58] The result, when successful, would secure the desired outcome; it would facilitate the formation of a collective identity around the contended issues of the speech, but also individual identity for those involved.[59]

When looking at Cicero's use of religious language in his speeches, we must start with the assumption that he was above all attempting to persuade his audience of some end.[60] As we will see, there is a plentitude of subjects within which Cicero could deploy religious language to persuade his audience: to convict a former governor of extortion, to bolster his own consular project, to undo a rival tribune's own project, and much more. It thus becomes more difficult to connect Cicero's means of persuasion with his desired outcome when the specific end that Cicero hopes to achieve differs so greatly. Rather than focusing on Cicero's desired outcome, then, we must return to the assumption that

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pp. 15, 119-120; Powell (2010), p. 34.

[57] Morstein-Marx (2004), p. 208. For a study of how the ancient audience might have received the speeches, see Levene (2004).

[58] Riggsby (1997), p. 242.

[59] Connolly (2007) is concerned mostly with Roman manhood, but her work presents a number of identities in the late republic (pp. 226-227). On the question of identity, both collective and individual, see Rüpke (2013a, 2018); while Mouritsen (2013) focuses specifically on the role the *contio* played in identity formation (pp. 79-80). For a study on individual identity, see Woolf (2013), who carefully distinguishes the Roman individual from modern individualism.

[60] Vasaly (2009) offers an important critique of the argument that every part of a speech was practically geared toward persuasion (pp. 116-119). While any given speech must, in some sense, hope to persuade an audience, there was still room for extraneous material that might serve other ends, such as building the orator's reputation.

he was attempting to persuade his audience in the first place, which has two effects on my study.

The first effect is that it evades the question of whether or not Cicero believed what he was arguing. By assuming that Cicero wanted to persuade his audience with religious language, the degree to which Cicero was himself religious is left unanswered.[61] This evasion is somewhat intentional; even if he had published an admission one way or another, any admission could just as easily have been false. Indeed, when Cicero appears to show a degree of skepticism in his philosophical works, current scholarship rightly refrains from accepting such philosophical arguments as Cicero's own thoughts.[62] The same hesitancy will be applied to his speeches: we simply cannot know whether Cicero believed in every or any deity worshipped at Rome in the late republic, but we can infer that many Romans believed in some deities and it is that religiosity which Cicero engaged in his speeches.

The second effect, building on the first, is the implication that Cicero believed his audience would both understand his references and, ideally, agree with his interpretation.[63] While his audience might have begun listening to any speech with their own interpretation, Cicero's argument necessarily needed to be familiar enough to his audience that they could understand it and also convincing enough that they could agree

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[61] Beard (1986), in commenting on the *de Divinatione*, argues that any presented skepticism must not be taken at face value, but considered as possibly first attempts at systematic discourse on Roman religion (pp. 45-46). Though there are fewer clear-cut skeptical views in Cicero's orations, I nevertheless consider the orations in this same context.

[62] This was perhaps first best represented by Beard (1986), where she analyzes Cicero's *De Divinatione* as a complete dialog rather than a mouthpiece for Cicero.

[63] Levene (2004) focuses strictly on *narrationes* in Cicero's speeches; I contend that the same principle applies to any referent (pp. 119-120).

with it. This is part of how a Roman orator and his audience, and Rome at large, could form a collective identity. If an orator successfully deployed his persuasive argument, the audience and the orator would find consensus in the imagined collective and internalize that collective.[64] Thus, while we cannot know what Cicero believed in terms of Roman deities, we can infer that he thought at least some of his audience believed in some of the deities, therefore creating the foundations of a shared identity.

This second effect is the genesis for much of my own analysis. As I will demonstrate, Cicero deployed religious language throughout his career and always specifically tailored his deployment to the given circumstances. Whether the speech was judicial, as in the case with the *In Verrem*, contional, like the *In Catilinam II* and *III*, or delivered on a more explicitly religious topic, such as the speech *De Domo Sua*, Cicero always situated the religious discussion within the larger confines of the case at hand. Furthermore, I will also demonstrate that often Cicero's religious register was set to respond to the recent events. It is rare for Cicero to look back to long past calamities, for example, to justify calling upon the gods for aid. He opts instead to react and respond to the immediate past, revealing the persuasive nature of such appeals.

In his choosing to focus on the more recent events, and by responding to the immediate past, Cicero often refrains from calling upon named deities. When he does single out individual deities or cults, he does so only in response to some transgression — such as Verres' violation of the temple of Ceres, Liber, and Libera[65] — or when the

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[64] Connolly (2007), p. 226. See also BNP (1998), pp. 138-139.
[65] *Verr.* 2.4.105-115.

speech was delivered before that deity's temple, as when the *First Catilinarian* was delivered before the Temple of Jupiter Stator.[66] This point bears underlining. Throughout his career, Cicero had a whole panoply of deities he could have called on for aid in his cases but he only ever refers to those who have some immediate relevance to the situation at hand. In other instances, he refers to the gods at large.[67]

At the same time, by hewing closely to near-current events, Cicero also used religious language to argue for his political allies and against political rivals. Rather than argue against an opponent solely on his merits as a magistrate, Cicero would incorporate that rival's religiosity into the debate, even if it was not always immediately pertinent.[68] In doing so, Cicero introduced new elements to consider when judging a person's character, whether on trial or for potential malfeasance. The praise heaped onto himself and his allies reaches the heavens; he depicts his opponents in an openly dehumanizing tone.[69] The example of Catiline and his co-conspirators, for whose execution Cicero was eventually banished from Rome by P. Clodius Pulcher, demonstrates that this kind of

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[66] *In Cat.* 1.33.

[67] Bellah (2005 [1967]) observed a similar phenomenon in American political discourse, where every president has been at least publicly Christian yet a generic 'God' is far more frequently referenced than 'Christ' (p. 42). Another example of America's civil religion would be Arlington National Cemetery, now one of the most hallowed sites in American civil religion (p. 48).

[68] Of course, our lack of evidence here is felt. It would be a tremendous boon to our understanding of Roman religion if we had the opposing side's speeches. Given the ubiquity of religion and religious language in Cicero's speeches alone, it seems likely that his style was part of a larger Roman trend.

[69] Catiline is the most manifestly dehumanized of Cicero's opponents; religiously he is called a *monstrum*, an ill omen (*in Cat.*2.1), but elsewhere he is a *pestis*, a plague (*in Cat.* 1.30) and his allies are *sentina*, or bilge water (*in Cat.* 1.12). Clodius is called a Charybdis and a Scylla that chews the *rostra* (*Har. Res.* 59).

denigration was not always universally accepted but could also further animosity.[70] Religious language could secure short-term success but made long-term stability no more certain.

The final effect of reacting to recent events that I will outline here is the way in which it becomes clear that there is a central focus to all of Cicero's religious appeals, namely the city of Rome itself.[71] It has been said that the definitions of Roman religion and Roman politics fell along different boundaries than we draw today, even that they shared more in common for Romans than than they do in our own society, almost to the point of being nearly synonymous. Cole's *Cicero and the Rise of Deification at Rome* recalls this characterization but agrees with some more recent reassessments.[72] I tend to follow these recent reassessments, that the two overlapped in many regards but should not be considered totally homologous.

Even though, in some ways, Roman politics were inseparable from religion,[73] Roman religion, even in the late republic, still had some aspects to it that were separate from

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[70] Two modern psychological studies on dehumanization reach the conclusion that such language can lead to violence against the dehumanized, but they reach these conclusions in somewhat different ways: Haslam and Loughnan (2014), and Kteily et al. (2015).

[71] Scheid (2003) describes this formula succinctly: "Roman religion in its historical form established itself in the period that saw the invention of the city" (pp. 16-17). See also BNP (1998), pp. 1-2; Orlin (2007), pp. 58-59.

[72] Cole (2013), p. 8. Cole points to Bendlin (2000) as a challenge to the homologous model of religion and politics, while Price (1984) rightly considers both religion and politics as systems of constructing power. Orlin (2010) also points to this characterization as axiomatic of modern studies of Roman religion (pp. 1-2).

[73] Many public meetings were opened in explicitly religious ways, such as taking auspices and the senate always meeting at an inaugurated *templum*; see Russell (2016), pp. 55-56. Likewise, often the same magistrates could also hold positions as priests. It is important, as Champion (2017) argues, not to assume that a priest, as a magistrate, was not subsumed under the senate's power, but rather there was a competition among elites (p. 28); see also Szemler (1971), p. 103.

Roman politics as we can distinguish them. While only religion could function as a kind of epistemological field, with theology helping Romans to understand their world,[74] politics could nevertheless offer structure to Roman society in much the same way that religion could.[75] Likewise, certain priestly offices could still express individuality, to advertise the honor associated with the position,[76] even when political offices could serve the same ends, and certain civic magistracies came endowed with *imperium* and *potestas* that priestly offices lacked.[77] More broadly then, both religion and politics could function as systems of power, but they were also avenues of structure and identity for most Romans. In the realm of public oratory, Rome itself is the primary destination for both. Public speeches were one opportunity for Romans to debate Rome's cultural memory and *mos maiorum*, to negotiate bedrock Roman principles.[78] The audience was always the target of persuasion and, to varying degrees, able to push back against unpersuasive arguments; Cicero needed to convince them of his views as much as they needed him to offer a case.[79]

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[74] Lehoux (2012), especially chapters 1 and 2.
[75] The calendar is the most obvious example of providing Romans with religious structure. For some discussion on the Roman calendar and its importance for systematizing Roman life, see Scheid (2003), esp. Chapter 4; Rüpke (2013b), pp. 80-92; Rüpke (2012a); Rüpke (2012b), esp. Chapter 7; and Rüpke (2018), pp. 102-103. Feeney's (2007a) book on the calendar is indispensable for deconstructing the notion of time in the ancient world.
[76] Rüpke (2016), pp. 21-25; Beard and North (1990), p. 8. Szemler (1986) notes that priesthoods seem to have been *mostly* a reserve of the nobility, with very few *novi homines* achieving the office in the late republic. For example, no *novi homines* become *pontifex maximus* after Ti. Coruncianius (ca. 280 BCE) and only C. Marius and M. Cicero were known to have reached the augural, while only 5 of the 33 *quindecemviri* (pp. 2316-2317).
[77] Rüpke (2011), p. 25.
[78] Assmann (2006), esp. pp. 31-45. See also Beard (1988), p. 731; Hölkeskamp (2006), pp. 481-482; Hölkeskamp (2011), pp. 164-165; Champion (2017), p. 28; cf. Connerton (1989).
[79] Champion (2017), p. 61.

Throughout his career Cicero's attention revolved around the stability of Rome and Roman civil society. This should be expected given the political climate of his career, one of the most violent in Rome's history. Cicero's objective over the course of his career, based on speeches coming from pivotal moments in that career, was always to maintain Rome's stability. One of his calling cards was the *concordia ordinum*, or the so-called harmony of the orders.[80] One course of achieving harmony among Rome's diverse orders, Cicero argued, was to adhere to religious tradition and precedent, to follow Roman propriety, and to check any violators.[81] Much of my discussion rests on that last point.

Recent studies have demonstrated that Roman religion was not a monolith, despite the reputation of the *mos maiorum*, but in fact open to innovation and expansion.[82] Orlin and Cole are two recent examples that represent different approaches to studying Rome's gradual change. Orlin studied the incorporation of foreign deities into Rome's already established religious system, while Cole studied the works of Cicero to better understand the emergence of deification in Roman society in the late republic.[83] Both works offer insights into ways that Roman traditions, what could later be cited as the *mos maiorum*, were subject to innovation and change at almost every turn.[84] Indeed, the very *mos*

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[80] This theme has been studied in several different ways, and it was even adopted by some of Cicero's contemporaries. To give a sense of the different studies on the concept, see Wood (1988), p. 211 for a brief discussion of Cicero's failure on this front; Nicholson (1992), pp. 24 and 40-41 for its use in the *post reditum* period; Lintott (2008), p. 148 for its use in the *Fourth Catilinarian*; Raaflaub (2010), p. 164 for Caesar's appeal to the same concept; and Gildenhard (2011), p. 163 for its use in the *Pro Sestio*.
[81] Habinek (2005), pp. 6-7.
[82] North (1976) argues for Rome's conservatism, though admits that there were some archaisms that were only perceived as such (p. 3).
[83] Orlin (2010); Cole (2013).
[84] Earl (1984) notes that reliance on the *mos maiorum* in the legal realm opened Rome up to new

maiorum itself and many other questions — for example, how Roman the goddess Ceres was or whether new priestly offices should be filled — were open to interrogation at any time.[85] Cicero's greatest fear, I will argue, is not innovation at Rome in and of itself, but innovation for nefarious ends.[86]

Returning to McGuire's concept of lived religion, it is important to keep in mind that Roman religion, like many others, was in a constant state of flux both from below and from above. Drastic changes from the top could manifest by incorporating foreign deities, for example, or opening up priestly offices to plebeians, while changes from below could come in the form of accepting new deities or openly demanding for change in structure. The religious content of Cicero's speeches marks an awareness of this flux. For example, after Julius Caesar was killed and Mark Antony had been named *flamen Divi Iulii*, Cicero laments Antony's failure to fulfill his responsibilities as *flamen* but he does not then reject the existence of the new flaminate.[87] As regrettable as Cicero might have found these new

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innovations under Ti. Gracchus (p. 30). I agree with Habinek (1998) that the *mos maiorum* was always a construct of the time of invocation, not truly independent (p. 53). See also Finley (1983), p. 25; Wallace-Hadrill (2008), pp. 217ff; Straumann (2016), p. 53.

[85] Cornell (1991) goes so far as to say that appeals to the *mos maiorum* in Cicero's day were anachronistic.

[86] Recent studies of Roman religion have generally made the case that it was far more innovative than its appeals to *mos maiorum* might suggest. Champion (2017) distills this nicely with the observation that the *mos maiorum* could just as easily be used to deny innovation as not; it was the reinvention of tradition at all times (p. 123). This kind of thinking has then been, rightly I think, applied to specific figures like Caesar (Neel (2015), p. 98) and Augustus (Rüpke (2018), p. 186; Smith (2007), p. 268) for their major innovations. Finally, Orlin (1997) notes a desire on the senate's part to control innovation (p. 113), while Rüpke (2018) specifically notes Cicero's desire to have the priests influence the direction of religious innovation, citing his *de Legibus* (p. 319). My own project makes a similar argument based on Cicero's orations.

[87] *Phil.* 2.110.

honors for Caesar,[88] they were still less egregious than Antony's personal dereliction of duty.

A Look Ahead

Rome's lived religion allowed for innovation and change at different levels, but in the context of public oratory the public order was Cicero's final check.[89] Throughout his speeches he frames individuals against what he argues are the appropriate characteristics for a good Roman and a stable Rome. He centers his arguments around the notion that Romans must be pious and piety involved practicing religion in already accepted ways or in ways that were intended to benefit the public at large. All of his rivals are guilty of violating Roman propriety, transgressing accepted norms, and working for their own ends, but each does so in their own way.[90]

My first chapter analyzes the entire Verrine procedure, beginning with the *divinatio in Caecilium* and ending after the published Second Action of the *In Verrem*. The main argument offers two propositions. First, that Cicero planted the seeds of his eventual case against Verres early in the *divinatio*, even though the contexts of the speeches differed. The second point I offer is that Verres is presented as a violator of religious norms while

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[88] Cicero expressed some doubts about adding another day of *supplicatio* for Caesar, for example (*Phil.* 1.13).

[89] This is perhaps the best place to note Champion's (2017) recent work addresses the application of 'lived religion' in favor of his own 'elite instrumentalist' model (pp. 5-9). The two models are somewhat compatible.

[90] MacRae (2016) notes that most Roman religious limitations were not legal but social norms (pp. 16-17). These, I hope to demonstrate, could be negotiated through oratory. See Bergesen (1984) for the parallel between sacred/profane (relying on Durkheim) and normal/deviant criminal behavior (pp. 10-11).

in Sicily, but the norms Cicero chose to highlight are those that could be easily grasped by his Roman audience. Rather than focusing on specifically Sicilian cults that Verres violated, Cicero dwells on four sites, each of which had ties to Rome in some capacity.

The four sites or objects Verres somehow violated were the house of Gaius Heius in Messana,[91] the candelabrum of Antiochus, who was prince of Syria,[92] the statue of Diana from Segesta,[93] and the statue of Ceres from Henna.[94] These are only a fraction of the objects and individuals Verres allegedly violated in his time as governor of Sicily (others receive discussion in the chapter). On the other hand, they receive significant attention from Cicero, suggesting the importance these scenes played in Cicero's overall argument. They also rival other scenes, like that of Publius Gavius of Consa, a Roman citizen, whose torture and crucifixion is sometimes taken as the culmination of the entire proceedings.[95] Such attention demonstrates the gravity of Cicero's accusations.

These transgressions, I argue, supplement Cicero's argument that Verres must be convicted, even though, strictly speaking, their relevance to an extortion trial was tenuous. Instead, they serve to connect Cicero's Roman audience with the Sicilian delegation he represented. By providing his audience with allegations that were easier to appreciate, transgressions that had repercussions for Rome as well as Sicily, Cicero appealed to the jury's Roman identity by appealing to their religiosity. Verres' transgressions are presented as violations against Roman deities, or deities with deep

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[91] *Verr.* 2.4.3-28.
[92] *Verr.* 2.4.60-71.
[93] *Verr.* 2.4.72-83.
[94] *Verr.* 2.4.105-115.
[95] *Verr.* 2.5.158ff. Vasaly (2009), p. 113.

connections to Rome, and thus undermine Roman stability and Roman order. Verres' alleged damage to Rome's religious system justifies a swift condemnation to prevent further harm; Verres' flight from Rome serves as his guilty plea.

The second chapter jumps forward seven years to Cicero's consulship, 63 BCE. This chapter, much like the first, argues that Cicero's consulship possessed a real, if abstract, political agenda, namely the peace and harmony that will become a hallmark of Cicero's political ideal.[96] During the course of his consulship, Cicero argued several issues that might risk upsetting his agenda. He first spoke out against the land reform bill of P. Servilius Rufus, then defended an aged C. Rabirius against charges of treason committed nearly forty years earlier. Of course his most famous speeches are those delivered against L. Sergius Catilina, or Catiline, who was plotting to seize the consulship by force after he had been denied it through legal means several times already. Finally, Cicero also defended his political ally, L. Licinius Murena, against charges of bribery in the election to the consulship for the following year; this speech is reserved for the Appendix.

Through all of this, and despite the array of contexts, Cicero's consular project is nevertheless apparent. The main antagonist of Cicero's consulship, and arguably his entire career, is Catiline. His other speeches, in some fashion, at least aim to defend the ideals of Cicero's consular project. Should Cicero fail, peace and harmony would be in jeopardy. Once Catiline enters the picture he becomes the source of all of Rome's ills until he is driven from the city and ultimately killed. Cicero relegates Catiline to a status

[96] *eaque res vobis populoque Romano pacem, tranquillitatem, otium concordiamque adferat* (*Mur.* 1).

outside of human; he is a *monstrum*[97] — an indicator of divine dissatisfaction — and, by his very existence, a sign of the gods' contempt for current conditions.[98] Catiline's alleged actions, such as devoting a knife that compelled him to stab the consul[99] or his plot against the Vestal Virgins that Cicero had exposed and thwarted, were all indicators of his extreme and dangerous nature.[100] There was an established pattern of wrongdoing in the case of Catiline and this all but proved him to be a threat to Rome in 63. At every turn, Catiline threatened Rome's religious order, acting in ways that fall outside the bounds of tradition, and he apparently did so for largely personal reasons.

To counter Catiline, Cicero offers himself as Rome's worthy defender. Against Verres, Cicero only presented himself as a reluctant prosecutor, but as consul he stands to defend Rome, positioning himself as akin to Gn. Pompeius, Romulus, and even Jupiter. He counters the oracular claims of P. Cornelius Lentulus Sura with his own list of prodigies that signify his divine support.[101] After revealing and stopping Catiline's conspiracy, his claims begin to seem more believable. By the end of his consulship, Cicero felt comfortable claiming success in realizing his consular agenda and uniting the classes against Catiline and his allies.[102]

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[97] As Santangelo (2013a) notes, *monstrum* overlaps with other terms like *prodigium*, *portentum*, *ostentum*, and *omen* (p. 37). For my own purposes, I define *monstrum* as "a divine indication of misfortune" which can be animate or inanimate, but is never used in a positive sense, unlike *prodigium* or *portentum*, which can be, if rarely. When applied to humans it marks the target as anomalous and potentially outside the category of human altogether.
[98] *In Cat.* 2.1.
[99] *In Cat.* 1.16.
[100] *In Cat.* 4.2.
[101] *In Cat.* 3.18ff.
[102] *In Cat.* 4.14.

My third chapter is concerned with the immediate aftermath of Cicero's return from exile and his rivalry with P. Clodius Pulcher, the former tribune of the plebs. Upon arriving back in Rome in late 57 BCE, Cicero delivered two speeches to give thanks to those involved in seeing him return, the *Post Reditum in Senatu* and the *Post Reditum ad Populum*. As the titles suggest, the first was delivered in the senate while the latter was delivered before the people. Despite the two audiences for the speeches, much of the content and many of the themes remains the same. He heaps praise on his allies, no matter their class, holding them up as examples of good Romans with near-divine power. His allies, certain senators and the people collectively, have acted in Rome's (and Cicero's) interest and thus illustrate their power.

More than any previous speech, these two speeches underline the importance of religion to Roman identity. For Cicero, his two audiences' actions work to defend Rome's fundamental institutions, which Cicero makes clear are political and religious in equal measure. This theme is resumed in the next speech, the *de Domo Sua*, delivered a month after returning. Here Clodius is introduced as the main threat to Rome's political and religious institutions. By confiscating Cicero's house and consecrating it into a shrine for Libertas, Cicero argues, Clodius not only acted out of his own self-interest but did so contrary to the public good. Clodius' actions while tribune had been suspicious at best and malicious at worst. His history of religious transgressions, especially his alleged violation of the December ritual of the Bona Dea, lent good reason to question his motives.

A few months later, after a mysterious noise was heard in Latium, Cicero delivered a speech, the *de Haruspicum Responsis*, which concerned the priestly response to that noise. Yet again, Clodius stands out as Cicero's main opponent, this time claiming that the *haruspices* had called Cicero's restoration of his house a profanation of the newly consecrated shrine to Libertas. In this speech, Cicero fully unloads on Clodius, now evidently acting in his own self-interest and manifestly attempting to use religion to justify his actions. Cicero's framing of Clodius as a selfish manipulator, one who considers religious tradition something to be exploited rather than revered, aligns neatly with his previous two rivals, Verres and Catiline. His motives and methods differ, but once again Cicero's primary objective is to measure Clodius against Roman propriety and establish that religious tradition is about Rome and its stability, not personal prosperity.

My final chapter leaps forward more than a decade to Cicero's last set of speeches, his *Philippicae*, written at the end of 44 and into 43 BCE. These speeches were written with the sole intention of challenging M. Antonius, or Mark Antony, one of Julius Caesar's staunchest supporters. Cicero's ultimate concern with Antony resumes his concerns with Verres, Catiline, and Clodius: Antony seems to be acting to his own advantage. As mentioned, Antony had been named *flamen Divi Iulii* shortly before Caesar was assassinated,[103] and in the meantime he was apparently shirking his duties.[104] Once again, Cicero outlines proper behavior regarding Roman cult, this time the newly established Divus Julius, and presents Antony in stark relief as a failure of the Roman

[103] Cole (2013) cites the *lex Rufrena* (CIL 1.626) as the likely justification, which also granted Caesar a sacred couch, or *pulvinar*, and a temple to himself and his Clementia (pp. 170-171).
[104] *Philippicae* 2.43.111.

project. Rather than perform his responsibilities as Caesar's *flamen*, Antony has chosen to act at his own pleasure, all the while hoping to assume the mantle of Caesar's legacy.

Another new feature in Cicero's *Philippicae* is that he no longer presents himself as the primary bulwark against religious transgressors. Newly adopted and relatively young, C. Octavianus Caesar becomes a godsend for Cicero.[105] Octavian replaces Cicero, and to a degree his audiences of 57 BCE, as Rome's great hope for stability. Octavian comes to represent for Cicero everything that Antony threatened. Though both men were laying claim to Caesar's legacy, Cicero makes the case that only Octavian offered a promise of acting in the public interest and thus seems to have the gods on his side. Still, as a result of his *Philippicae*, and despite gaining the trust of the senate to act against Antony, Cicero was proscribed and killed on December 7, 43 BCE.[106]

After Cicero's death and years of strife at Rome and throughout the provinces, Octavian emerged as the sole successor to Caesar. When Octavian, now called Augustus, published his *Res Gestae* toward the end of his life, he made many claims about the ways in which he had acted in the republic's interest. The first specific accomplishments listed are his successes in war, both foreign and domestic, and driving out Caesar's assassins.[107] Among his other accomplishments are the eighty-two temples he restored at the senate's decree.[108] Advertising this accomplishment followed a precedent already long-established by Cicero. Augustus frames himself as not only pious, by restoring the temples, but doing

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[105] *Phil*. 5.43.
[106] Incidentally, Verres was caught up in the same round of proscriptions (Pliny, *NH* 34.3).
[107] Augustus, *Res Gestae* 1-3.
[108] Aug. *Res Ges.* 20. cf. Rüpke (2018), who is right to point out that it was undoubtedly his military power that was the (financial) linchpin (p. 186).

so in congress with senate, even at the senate's behest, and also doing so at private expense but for public gain. He was the exact inverse of men like Verres and Antony, and an Augustan style would develop after his death.[109]

Augustus' legacy is, of course, much different from Cicero's. The reasons for this are too numerous to list. One aspect they share, one which Augustus likely drew from Cicero himself,[110] was making public religion fundamental to the Roman republic. Rome was its own religious entity worthy of support and advocacy. At the rhetorical level, public religion must be concerned with the public good. To perform religious actions for personal gain or, worse, to openly transgress religious norms, was irredeemable; doing so made one a danger Rome, which must ultimately be rooted out.

Cicero argued throughout his career against men who threatened Rome's religious and civic institutions. He often joined the two together, pinning the integrity of one on the security of the other.[111] His speeches present a coherent narrative, where orthopraxy can retain a degree of dogma in its norms, against which actions can be judged and actors can be excommunicated.[112] Though Roman religion, based on our evidence, lacked a central text or creed that Romans recited, its practitioners could nevertheless castigate those who

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[109] Smith (2007), p. 268.
[110] Miles (2008) has Augustus borrowing this claim — the restoration of temples — from Caesar (pp. 102-103). Of course, it could be the case that he borrowed from both and that the claim was not unique to one person.
[111] One of Scheid's earlier works (1985) presents the situation in similar terms, where Roman deities were akin to citizens of Rome (p. 50); see also Ando (2010), p. 60. By this measure, for Cicero or Augustus to defend the temples of Rome, they were arguably defending Rome's citizens too.
[112] In other words, Rome had a myriad different kinds of religious practice, with no set dogma or creed, but that does not mean that Romans could not draw boundaries around certain practices and dialogues concerning those practices and the gods. See Jenkyns (2013), p. 213.

acted outside an established norm, and elevate those who acted rightly. In the realm of Roman oratory, the Roman public is the ultimate end,[113] and those who work against it risked being exposed and shunned for their actions. For Cicero, this was a narrow road that he walked for his entire career, even as the religious and political landscape around him was changing into empire.

[113] The relationship between *sacra publica* and the *res publica* must not be lost. Both were funded by public expense and success in one could facilitate success in the other. For more on the *sacra publica*, see DiLuzio (2016), pp. 7-8. For the distinction between *sacra privata* and *sacra publica*, see Bendlin (2000), p. 121; North (2013), p. 71.

Chapter 1: The Enemy of *Religio*: The Verrine Procedure

Introduction

In 70 BCE Gaius Verres was put on trial for extortion during his time as governor of Sicily the previous three years.[1] The case fell under the remit of the *quaestio de pecuniis repetundis,* the first standing court established in 149 BCE by L. Calpurnius Piso Frugi.[2] In the ensuing decades, the court evolved somewhat, though its primary function remained, which was to provide some means of restitution for provincials if they found a Roman official to have illegally acquired funds. One change pertinent to the trial of Verres was from one of two laws: the *lex Servilia Caepionis* (106 BCE) or the *lex Servilia Glauciae* (104/101 BCE). The first law allowed senators on the jury again, while the later reversed this.[3]

It was one of these laws that also introduced the *divinatio*, a procedure that allowed other persons to represent the afflicted provincials rather than having them represent themselves. By Andrew Riggsby's reading, this maneuver meant less provincial control over the process, as "the jurors would presumably be predisposed to take a Roman more seriously than a foreigner."[4] The *divinatio in Q. Caecilium*, Cicero's speech in the

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[1] It is possible that he was elected by appealing to the *publicani*, who could fund his campaign on the promise of higher reward under his governorship; see Nótári (2011) p. 107, n. 112. Cicero states that Verres bribed a potential prosecutor from charging him with electoral corruption in his election for praetor in 75 (*Verr*. 2.101, 2.4.45); see Gruen (1974), p. 32.
[2] Riggsby (1999) cites Cicero's *Brutus* (106) as a literary source about this court's creation (p. 120). This begins a discussion of the court and its historical development over time, adding and occasionally repealing restrictions on the court and its procedures (pp. 121-129).
[3] Riggsby (1999), p. 122.
[4] Riggsby (1999), p. 123.

divinatio for Verres' case, supports Riggsby's argument when Cicero pivots toward Roman safety, as opposed to simple restitution for the Sicilians. Before getting to the main trial of Verres, Cicero made appeals to his Roman audience, gesturing toward Rome's apparently weakened institutions like the courts, while positioning himself as a tentative defender of those same institutions. At the same time, he presents himself as equally concerned for Rome as he is for Sicily. For a case that was nominally about the mismanagement of the province of Sicily, such a shift in focus is worth examining more closely.

This shift in focus is what allowed Cicero to form the backbone of the entire approach to the case. Rather than simply prosecute Verres for plundering Sicily or particular Sicilians known to Romans, Cicero made his case against Verres about Rome in general and the Roman people in particular.[5] This will become evident during analysis of the *Verrines*, but it was not a line of attack Cicero resorted to out of the necessity of the case; again the law was about protecting provincials. Instead, Cicero's line of attack that defends Rome was introduced in the *divinatio in Caecilium*, then fully carried out once he was selected to prosecute. This also meant that the court, when deciding between Cicero and Caecilius, could see in Cicero more than simply a defender of the province, but a defender of Rome too.[6]

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[5] It is also worth noting that even though this chapter will focus on various transgression of *religio*, impiety was not one of the *loci* of invective (which she outlines); the plundering of private and public property is, as are various other of Verres' transgressions (Arena (2007), p. 150).

[6] Becker (1996) argues that the nature of cases *de repetundis* meant that the prosecution needed to convince the jury to overcome its inherent Roman biases to sympathize with the provincials,

Divinatio in Q. Caecilium

Before the trial of Verres could begin but after a delegation of Sicilians had already come forward and lodged their complaints — representing every city excluding Syracuse and Messana[7] — the prosecutor needed to be chosen.[8] The court narrowed their decision to Q. Caecilius Niger, a man associated with Verres by being quaestor while Verres was governor, and M. Tullius Cicero, a rising star among Roman orators, though thus far only representing defendants.[9] The *divinatio*, a process by which the court would decide which man was best qualified to serve as prosecutor, is more or less irrelevant to the final judgment of the court.[10] Over the course of the *divinatio*, each prospective prosecutor

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similar to Riggsby's (1999) reading (p. 106). Becker notices how Cicero "Romanize" the Sicilians, but only points to the instances in the Second Action where Cicero alludes to older generations of Romans (p. 115). I agree with Frazel (2004) that the entire Verrine corpus should be appreciated as whole, rather than only focusing on certain parts of it, like the delivered *orationes* (pp. 141-142). Thus, Cicero begins to Romanize the Sicilians even in the *divinatio* and increasingly does so over the course of the proceedings.

[7] Pfuntner (2015) challenges this presentation in Cicero, arguing instead that there was more internal division among and within the Sicilian cities than Cicero suggests.

[8] *divinatio in Caecilium* 14.

[9] Caecilius is mentioned at *in Caec*. 4, while Cicero is first at *in Caec.* 1.

[10] Powell and Paterson (2004) offer a brief outline of trial proceedings: first it must be determined if there was a case and under which law — this was the *postulatio* — then, if more than one person came forward to prosecute, a *divinatio* would be held so that each potential prosecutor could give reasons why he should prosecute the case and one of them could be chosen. This was followed by the trial itself (pp. 30-31). As Cicero fears, the individual selected to prosecute might be an ally of the accuser; there was apparently no legal means to prevent this from happening (pp. 24-25). Lintott (2004) states that the *divinatio* was introduced first by the *lex Servilia Caepionis* in 106, and was introduced to determine who would be granted the right to prosecute in *quaestiones de repetundis* (p. 72). Becker (1996) gives the same origin for the *divinatio*, and makes the point that the introduction of the *divinatio* was likely intended to select the most qualified prosecutor to ensure the provincials' interests, but the odds of collusion made it more likely that the chosen prosecutor worked instead for senatorial interests (pp. 92-93).

would present their cases, as much about their rival prosecutor as the case that he hopes to take.[11]

The advocate's speech was only intended to determine the prosecution, not act as some introduction, or *proemium*, of the overall trial.[12] Nevertheless, in the course of his speech against Caecilius, Cicero begins laying the thematic groundwork that will provide the foundations for the speeches he would later write to prosecute Verres.[13] There are three themes in particular that carry the *in Caecilium*, with varying degrees of direct relevance to the purpose of the speech at hand: that the trial requires someone of outstanding ability, that it is as much a defense of Sicily as it is a prosecution of Verres, and that Verres' crimes are greater than any straightforward monetary extortion.

Staying within the *divinatio*, Cicero's intention to prosecute Verres is not uniquely presented to his audience as seeking to prosecute per se. Instead, Cicero describes his coming forward as a desire to represent Sicily, a province where he had been quaestor before Verres was governor. What is more, stepping forward would only happen under dire circumstances for the Sicilians. They would only come to him if absolutely necessary, he says, which already sets this trial up as one of monumental importance for

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[11] May (1988), pp. 31-38; Prag (2013) pp. 268-269; Tatum (2013), pp. 138-146. For the overlap between divination and law, see Santangelo (2013a), pp. 55-56.

[12] Lintott (2008) reads the First Action of the *Verrines* as effectively one lengthy *proemium* for the entire *quaestio* (p. 91). This seems convincing, while still leaving the *divinatio* as its own separate part of the larger procedure.

[13] Santangelo (2013a), in broadly defining the term *divinatio*, is right to note that Cicero's *divinatio in Caecilium* is the only extant example we have (p. 55). We therefore cannot know whether Cicero's tactic of preempting the main argument is typical or not. I agree with Frazel (2004), who argues that the *divinatio* was published together with the *Verrines*, after the entire procedure was over, since "a bare *divinatio* to a (potentially) unsuccessful trial would be bathetic" (p. 134).

the province.[14] Given the import of the case, it naturally follows that the prosecutor required would also need to be among the best available.

Cicero addresses this need in two ways. First, perhaps the more convincing, is the fact that the Sicilians themselves requested Cicero to represent them against Verres. "The time has come for me," Cicero says, "to defend not only their interests but the life and safety of the whole province."[15] This line supplements the previous sentence, which was alluded to earlier, stating that the Sicilians would only request Cicero if he was truly needed; a request Cicero had promised to fulfill.[16] Cicero thus treats this trial as close to a personal favor to those requesting his service.

That said, the broader situation of the case or other instances of dangers to larger institutions played a part in his decision to represent the Sicilians, too. In cases where the very institutions themselves are threatened, when the Roman people complain daily, or the courts are disgraced, the best solution to stymie further unruliness is to have capable and honest men uphold the cause of the republic and its laws.[17] This is where Caecilius fails to meet this requirement for several reasons and Cicero is happy to outline them.

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[14] *in Caec.* 2-5, 11, 22. Nicols (2014) outlines the patronage at work in the *Verrines*, focusing primarily on the Marcelli (pp. 163-205). Nicols does note that Cicero avoided calling the Sicilians his *clientes* (and himself their *patronus*), and that while some of his letters suggest patronage of Sicily (e.g, *Att.* 2.1.5, 14.12.1.), it is unclear to what extent this was meant formally or casually (pp. 193-196); see also Prag (2013), pp. 269-270.

[15] *venisse tempus aiebant non iam ut commoda sua, sed ut vitam salutemque totius provinciae defenderem…* (*in Caec.* 3).

[16] *in Caec.* 2. By presenting himself as a reluctant prosecutor, Cicero is following a *topos* that was present even in Athenian democracy, where prosecutors had to work to avoid seeming *sykophantes*. Attic prosecutors typically argued that the defendant harmed not only themselves but also (potentially) others in the community, as Cicero does against Verres; see Tempest (2007), p. 22.

[17] *in Caec.* 9. The distortion of (and thus threat to) the legal process on the part of the wealthy is

Perhaps the most pertinent strike against Caecilius is how Caecilius intends to prosecute a person whose actions as governor are not totally distinct from his own as quaestor. One of the charges brought against Verres is his manipulation of the Sicilian grain prices for his own profit.[18] This could be a relatively straightforward charge to prosecute in a *quaestio de pecuniis repetundis*, but for Caecilius, Cicero argues, it would be nearly impossible. As quaestor, Caecilius would have been responsible for managing funds in Sicily while Verres was governor.[19] This put Caecilius in a position where he had no moral ground from which to launch a prosecution against Verres. As Cicero argues, if Caecilius made a strong case, he was liable to his own argument; if he skirted the charge, he would not be honestly representing the Sicilian people.[20]

This reason more than the other two, perhaps, led to the court's decision to choose Cicero over Caecilius. After all, had Caecilius represented the Sicilian people, in either choice that Cicero offers, the outcome would be worse than having Cicero represent the Sicilians: either Caecilius hedges his prosecution, allowing Verres to get off without punishment (and perhaps upsetting the province) or he makes such a good case against Verres that he himself faces prosecution (which presumes guilt in the first place). Given the fact that Caecilius handled public funds while quaestor under Verres, and that Verres frequently abused his powers as governor for his own enrichment, it is reasonable to

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one of three threats that Gildenhard (2011) identifies as through lines of Cicero's oratory, the other two being the arbitrary will of an omnipotent ruler and revolutionary violence (p. 173).

[18] *in Caec.* 30-33.

[19] He states quite clearly, "*eras enim tu quaestor, pecuniam publicam tu tractabas*," (*in Caec.* 32). Cicero's rejection of Caecilius seems to be, at least in part, the result of Caecilius' own deeds while quaestor.

[20] *in Caec*. 31.

suspect (or at least suggest) that Caecilius, if prosecutor, would not follow the evidence for fear of exposing his own (alleged) misdeeds. Thus, considering the two outcomes Cicero presents, it stands to reason that the only likely result of Caecilius as prosecutor would be a weak prosecution.

Shifting somewhat to Caecilius' qualifications, there is something unappealing in his training that fundamentally makes him inadequate. For one, Caecilius had not learned his Latin in Rome or Greek in Athens, but Sicily and Lilybaeum respectively.[21] Compared with Cicero, who *had* learned his letters in Rome and Athens, among other Greek cities, Caecilius was ill-prepared.[22] Cicero was better trained, in cities widely regarded as centers of education throughout the Mediterranean world, especially in the art of speaking.[23] From a modern view, one might assume that an education based in the very place one hoped to represent would be an asset. In a way, Caecilius was a better representative than Cicero. But this is not the point. While it could be a stretch to say that Cicero was making a solely political argument here — that he was more qualified because he had a more traditionally Roman education — the Romanness of his training is meant to be an advantage. The advantage, we will see shortly, is because Cicero chose to

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[21] *in Caec.* 39.

[22] Cic. *Brut.* 314ff; Plut. *Cic.* 3-5. Butler (2002) suggests that the attack against Caecilius' education was also a slight against his family history; he was the son of a Sicilian freedman, thus should be ineligible (p. 83). See also Stangl (1912), p. 185.

[23] Marrou (1982) discusses higher education broadly, topic by topic, highlighting the hotspots for the various specialties (pp. 186-216), describing rhetoric as "the specific object of Greek education and the highest of Greek culture", with special emphasis on Isocrates (p. 194). Corbeill (2001) points to the importance of Greek in higher education, even in Rome, challenging Marrou somewhat by arguing that Romans appropriated Greek education to suit their needs, rather than wholesale (pp. 267-275).

prosecute on behalf of Rome as much as on behalf of Sicily. Thus, in terms of education, Cicero is the one better equipped to represent both Sicily and Rome.

Before getting to that point though, there is one other crucial aspect of Caecilius' training worth mentioning, namely his deficiency (once again) compared to Cicero. Once an orator had reached an advanced enough level of education and expertise, one could reasonably expect to prosecute or defend a man like Verres. Cicero claims to be perhaps not the most experienced man, but nevertheless one who has dedicated a good part of his life to honing his craft in the Forum.[24] Caecilius, on the other hand, was something of a delinquent. Cicero openly admits his own fear of failing to produce a speech good enough to convict Verres. He does so in a way that makes his fear seem noble, for Caecilius, he says, has no such fear. Instead, he thought he could simply recite some memorized phrases like "I beseech Jupiter Best and Greatest…" or "I would wish, judges, if it had been possible…"[25] Frazel, in his work on the *Verrines*, suggests this could be a comment on Caecilius' own talents and how he is at an early stage of his rhetorical training.[26] For Frazel, this line reflects Cicero's evaluation of Caecilius as so inexperienced in the courts that, effectively, he must rely on memorized lines from the rhetorical handbooks he would have read in training.[27] This is a convincing point.[28]

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[24] He even says that he would want the gods' favor in the Forum at times (*in Caec*. 40-41).
[25] *Iovem ego optimum maximum aut vellem, si fieri potuisset, iudices…* (*in Caec.* 43).
[26] Frazel (2009), p. 232.
[27] Though the context differs slightly, this sentiment is shared by Sallust's version of Marius, himself *novus homo* (as Cicero will be), who speaks against former consuls who learned more from books and precepts than from experience (*Iug.* 85.12-13).
[28] As will be addressed later in this chapter, it could also undermine Frazel's (2009) overall thesis. If Cicero mocks Caecilius for relying too heavily on rhetorical handbooks, it would make little sense for him to also rely heavily on the handbooks in the Second Action of the *Verrines*. Tempest

Especially given the immediate sections undermining Caecilius' education in Sicily and Lilybaeum, it would follow that his use of cribbed lines are reflective of his insufficient training. It is also worth commenting that such phrases, if Cicero is trusted that Caecilius would rely on them, are mostly empty. The latter is only an unfinished wish, worth memorizing precisely because one could finish it any number of ways. The former is even more unfinished, which only makes it more versatile.

Caecilius, then, is the worse choice for potentially being implicated in the same activities as Verres and for being ill-equipped to produce the speech needed to successfully prosecute such an important case. Still, the case called for its outstanding prosecutor and, to reiterate, the Sicilians had trusted Cicero to represent them before the court and the Roman laws.[29] Now, at this point in his career, Cicero had only represented defendants and never prosecuted. This, one could argue, would put him at a disadvantage in a case of such import. By flipping expectations, Cicero quickly dismisses this disadvantage: he is not prosecuting Verres but defending the entire province of Sicily.[30] At first blush, this notion appears to be only a clever ploy meant to show Cicero as more qualified to prosecute Verres — or defend Sicily — than his previous court experience would otherwise indicate. In truth, however, it opened the door to Cicero defending not only the province of Sicily but the city of Rome, too. In a case *de pecuniis repetundis*, the

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(2007) nuances this problem, arguing that it is Caecilius' use of such textbooks without any creative input that is his real error (p. 19).

[29] *ad meam fidem, quam habent spectatem iam et diu cognitam, confugiunt; auxilium sibi per me a vobis atque a populi Romani legibus petunt…* (*in Caec*. 11).

[30] *in Caec*. 5. As he later says in the *de Officiis*, prosecution can establish a reputation (especially for those who succeed), but the defense is more praiseworthy (2.49).

difference between defending the province and prosecuting the former magistrate was mostly one of terminology. But by invoking this terminology, Cicero can present himself as more qualified and, more importantly, lure in his Roman audience as their defender in equal measure. He adds investment for his audience where they otherwise had little.

While Verres' crimes within Sicily will be outlined in great detail in the *Verrines* themselves, this speech does not explicitly address them to remotely the same degree. Within the *divinatio in Caecilium*, Cicero is much more restrained in outlining Verres' crimes, but he nevertheless succeeds in making the case about more than the Sicilians against Verres.[31] Some of the crimes, such as Verres fixing grain prices, would be expected in a case *de pecuniis repetundis*.[32] Even the case involving Agonis, who had sworn herself and all of her goods to Venus Erycina in order to prevent their sale, is not totally unexpected.[33] The situation ultimately winds up being a monetary dispute even in Cicero's telling, since it is the profit Verres makes that is objectionable, not, for instance,

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[31] Alexander (1982) demonstrates that pursuing a list of charges, which Cicero was required to address in his prosecution, misunderstands the makeup of the Roman courts (see also Stroh (1975), pp. 229-235). Instead, a prosecutor would intentionally incorporate other crimes in his case in order to more easily convince the jury. Upon conviction, the defendant would not be liable to indictment under the same court for crimes committed prior to conviction (esp. pp. 146-147). In discussing the relevance of material, Alexander outlines three categories: 1), violations of the law of the *quaestio*, 2) violations of another law, 3) violations of social norms (p. 162). Cicero's case against Verres incorporates all three categories.

[32] By the time of Verres' trial, the penalty if found guilty was to repay twice the damages (Riggsby, p. 121). This might partly explain Verres' flight from Rome after the First Action; by fleeing he avoids not only a massive fine but also any associated disgrace (Bauman, pp. 14-15 and n. 17, citing Cicero *pro Caecina* 100).

[33] *in Caec.* 55ff. Agonis is called a *liberta Veneris Erycinae*; the discussion of Verres' abuse of temple slaves is thus relevant here. Ricl (2001a) notes that, based the available material evidence, temple slaves were far more common than freedmen of deities (pp. 291-292).

the potential transgression of Venus Erycina.[34] Instead, Cicero mostly keeps the nature of the crimes rather vague, yet still clearly illicit or threatening.

The reason he relented to the Sicilians' request, he says, is because "not even the gods were left in their cities to fly to their protection, since Verres stole the holy images of the gods from their most sacred shrines."[35] At this point in his career, Cicero is likely not inserting himself as a divine protector to the Sicilians. Yet, still, the imagery is there. In another few decades, by the time of the *Philippics*, such language would clearly be evoking human-divine imagery, and in ways far more elaborate than here. For now, it is important to note only that this is the reason Cicero admits for why he agreed to represent them against Verres, because Verres had even stolen their gods.

Later, in a kind of prosopopoeia, Cicero has Sicily hypothetically speak in one voice, expressing her desire to have Cicero represent her against Verres.[36] By Sicily's (and, thus, obviously Cicero's) reckoning, Verres has stolen all of the gold, all of the silver, all of the decorations from her cities, houses, and shrines.[37] Now, it is again worth noting that here Cicero's Sicily expresses a concern more monetary than religious; she requests retribution by a monetary repayment of 100,000,000 sesterces (*sestertium*

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[34] This is one well-known instance of Cicero punning on Verres' name, *sed repente e vestigio ex homine tamquam aliquo Circaeo poculo factus est Verres; redit ad se atque ad mores suos,* suggesting it is Verres' piggish greed that is offensive (*in Caec*. 57).
[35] *sese iam ne deos quidem in quis urbibus ad quos confugerent habere, quod eorum simulacra sanctissima C. Verres ex delubris religiossimis sustulisset…* (*in Caec.* 3).
[36] *in Caec.* 19. For May (1988), this represents Cicero's walking a fine line between being worthy to prosecute, but not overly eager — a masterful use of collective ethos (p. 33).
[37] *Quod auri, quod argenti, quod ornamentorum in meis urbibus, sedibus, delubris fuit, quod in una quaque re beneficio senatus populique Romani iuris habui…* (*in Caec.* 19).

milliens).[38] Whereas in the *Verrines*, certain witnesses — actual witnesses, not rhetorically concocted by Cicero — will seek recompense for Verres' several crimes, one common theme is that they all want the gods appeased. Later in the *Verrines*, then, this image becomes more striking when the Sicilians request appeasement over repayment. At this point in the proceedings, though, the fact that the temples are mentioned here being totally despoiled, along with cities and homes, is still important as Verres' character is equally questioned.

Regarding the accusation against Caecilius, that he would fall back on easily memorized phrases like "I beseech Jupiter Optimus Maximus," Cicero's invocation of religious transgressions are of a different character. First, he has brought together Verres' religious crimes with his municipal crimes (for the cities and houses were also robbed). Second, at least in this speech, he uses language incorporating the gods and their temples in a much less formulaic way than he accuses Caecilius of using. Whereas Caecilius' alleged invocation is essentially open-ended and thus more malleable, Cicero's references to the gods are particular, if still vague in not yet naming specific deities.

He might call on Jupiter during his speech, but Cicero has better grasped the transgressions, or so he would have the court believe, and was able to work them into his speech more effectively, if less explicitly. Once he was chosen to represent the Sicilians, he invokes the relevant deity at the appropriate time, or refers to their shrines and temples generally, if more appropriate. This will be addressed in more detail later. For now, it is

[38] It is unclear how much compensation Sicily ever received after Verres' conviction *in absentia* (Miles (2008), pp. 134-135).

worth noting simply that Cicero has begun laying the groundwork for a strong pillar of his argument against Verres when he is prosecuting the case, that Verres' crimes were not restricted to private thefts or the manipulation of grain prices, but even plundering temples in Sicily, which in many ways threatened Rome too.

Cicero expanded the scope of the trial in another way, too, so that he both looked beyond Verres' private and market transgressions to his religious ones, and beyond Sicily into the wider Mediterranean world, particularly Rome. This is the final aspect of his argument against Caecilius that will also become fundamental in his case against Verres. Nevertheless, representing the Sicilians was to be the prosecutor's first concern.[39] This would mean, if successful, convicting a Roman citizen and former magistrate, potentially costing that magistrate a large sum of money in reparations. Cicero even concedes that he has stepped forward to represent the Sicilians and not the Roman people.

Unlike Roman citizens, who had their own civil and private laws protecting them, provincial allies had to resort to courts like the *quaestio de repetundis* to settle disputes, if they could not settle their problems locally.[40] Verres' plundering knew no limits, though, and it was not restricted to his time as governor of Sicily. Early in this speech, Cicero points to Verres' thefts and crimes in Achaea, Asia, Cilicia, Pamphylia, and even Rome.[41]

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[39] See again *in Caec.* 9, where Cicero suggests that when the institutions have failed, it is up to capable and honest men to uphold the laws.

[40] *in Caec*. 18. Roman citizens were subject to various *leges actiones*, whereby they were personally responsible for initiating trials when they were aggrieved. As provincial subjects, not citizens, the Sicilians wronged by Verres could not personally bring him to trial since they did not have the right under *leges actiones*. This discrepancy is part of what led to the institution of the *quaestio de repetundis*. For more on the relationship between Sicilians and Roman governors, see Prag (2013), Pfuntner (2015).

[41] *ut homo singulari cupiditate, audacia, scelere praeditus, cuius furta atque flagitia non in*

This is how Cicero most explicitly brought the Roman people into the fold of his protection. To be sure, it was the Sicilians who brought forward the case, but they were only one group of people aggrieved by Verres' dangerous desire. By incorporating crimes that spanned Verres' career, Cicero implicated Verres in potential crimes at Rome, too.

Even more than standing to defend Rome from more of Verres' plundering, Cicero makes himself seem to be the noble public servant.[42] When Cicero comes to the point that failing institutions require the most honest and upstanding citizens to uphold them and the laws, he has already provided one such person in himself. Therefore, Cicero has implicitly said that he has heard the daily complaints of the Roman people, and by stepping forward to represent the Sicilians, he has stepped forward to represent the Roman people at the same time.

Later in the speech, Cicero calls back to this notion of the daily complaints of the Roman people and the need for an honest man to take up the cause of his country and their laws. Here, Cicero brings together in his case against Verres how he represents the Sicilians, their needs, and the needs of the Roman people. In order to represent the Sicilians and address their needs, he must punish one fraud in particular (Verres), but in doing so, he argues,[43] he will expose and perhaps check the fraudulent system as the

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Sicilia solum, sed in Achaia, Asia, Cilicia, Pamphylia, Romae denique ante oculos omnium maxima turpissimaque nossemus… (*in Caec*. 6).

[42] *quid est, pro deum hominumque fidem, in quo ego reipublicae plus hoc tempore prodesser possim? Quid est quod aut populo Romano gratius esse debeat…* (*in Caec.* 7).

[43] Vasaly (2009) provides a thorough critique of this point. The question of jury composition was clearly a salient political question at this time — L. Aurelius Cotta promulgated the *lex Aurelia Iudiciaria* which attempted to secure the composition of juries solely for the senate. As she argues, the problem is that Verres' trial was of relatively less importance than other events of 71/70 BCE — such as Pompey's return from Spain and Crassus' defeat of Spartacus — and that

Roman people have long demanded.[44] Thus, Cicero brings into consideration the Roman people, where they were otherwise a secondary importance in a case *de pecuniis repetundis*. Once again, in his *Verrines*, the Roman people will play an integral part as being wronged or threatened by Verres' transgressions. For now, again, it is simply important to point to Cicero's early incorporation of the people into his argument.

There has been some debate as to the degree of importance that the Roman people played in Roman political life, as opposed to a handful of elite Romans. Andrew Riggsby's work, already periodically cited, is worth mentioning here in some greater detail. His book, *Crime and Community in Ciceronian Rome*, looks at various established courts and how those courts were intended to best serve the Roman people generally. In terms of the *quaestio de pecuniis repetundis*, it was established precisely to give provincials a recourse against a reckless magistrate. More broadly, the standing courts were instituted for the sake of the Roman people as a whole.[45] For cases of *repetundae*, while the specific focus is on the individual transgressor and his illicit acquisitions, such cases nevertheless still bore relevance on the broader Roman community.[46]

Cicero risked alienating himself from the senate by calling their own corruption into question (pp. 108-110). Thus, the success of Cicero's rhetorical strategy did more for his own reputation than it did to check senatorial corruption.

[44] *Ego in hoc iudicio mihi Siculorum causam receptam, populi Romani susceptam esse arbitror; ut mihi non unus homo improbus opprimendus sit, id quod Siculi petiverunt, sed omnino omnis improbitas, id quod populus Romanus iamdiu flagitat, exstinguenda atque delenda sit* (*in Caec.* 26). A conviction against Verres would prove his depravity and the abuse of the provinces but also reaffirm that the courts were able to convict wrongdoers, despite allegations of bribery on the courts (see note below). Given Verres' manifest guilt, an acquittal could only mean that the jury was bribed. This creates a narrow track for Cicero to navigate since he was speaking to fellow senators; see Vasaly (2009), p. 122.

[45] Riggsby (1999), p. 157.

[46] Riggsby (1999), p. 158. Lintott (1992) describes some of the practices of the trial *de repetundis*

Riggsby's argument works well when considering the context of the *divinatio in Caecilium*. Cicero rebuked Caecilius for lacking an education traditionally Roman enough. He stepped forward to represent the Sicilians precisely because they were in such dire straights, even abandoned by their deities, and in such circumstances upstanding and honest men must uphold the law. Finally, in stepping forward to represent the Sicilians, Cicero simultaneously defended Rome from the greedy clutches of Verres. While the *Verrines* go into far more detail about just how intertwined the Romans and Sicilians were than the *divinatio* does, when Cicero did make Rome a theme of the *Verrines*, it was not a new introduction to the trial. Instead, it was something hinted at within the *divinatio*, even at the level of Verres' religious transgressions, then fully expressed in great detail in the *Verrines*.[47] At least for now, his inclusion of Rome and Roman religious restraint only needed to convince the court to select him as prosecutor; in the *Verrines* he needed to convict another Roman citizen.

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that assured publicity, such as the list of jurors being publicly displayed, the declaration made by the defendant about jurors that might have had association with him, etc. (pp. 21-22). Lintott also suggests that the court was as much about holding senators more accountable and bringing their abuses under public scrutiny, especially after the Gracchan reforms. The court went back and forth in its composition, sometimes entirely senatorial, other times both senators and *equites*, finally settling on one-third senatorial and two-thirds non-senatorial with the *lex Aurelia* in 70, after Verres' trial (pp. 26-28).

[47] Tempest (2007) argues (p. 27), and I agree, that Cicero begins characterizing Verres from the start of the *divinatio*, when he says that the gods have left their cities when Verres carried off the most holy images (*in Caec.* 3). But Tempest does not highlight the religious transgression, which seems to be a foundational part of Cicero's case against Verres. Part of why he might have begun characterizing Verres in the *divinatio* is to require less work in the trial itself (p. 29).

In Verrem Actio Prima

Cicero's case against Q. Caecilius ultimately proved persuasive and he was chosen to represent the Sicilians against Verres in the trial *de repetundis*. Representing Verres would be Q. Hortensius Hortalus, regarded as one of the leading Roman orators of the day.[48] For a relatively new orator and first-time prosecutor like Cicero, this marked not only a challenge to argue against and defeat the renowned Hortensius but also an opportunity to advance his own career further up the *cursus honorum*.[49] In representing the Sicilians against Verres, the trial and Cicero's case required a slight shift in focus from the *divinatio* against Caecilius.

The *divinatio* was fundamentally a choice between two Roman citizens, where the one chosen would prosecute Verres. The trial itself, on the other hand, meant ruling in favor of provincials and at the same time against a Roman citizen and propraetor, or in favor of that citizen but against the provincials and the ex-magistrate representing them. In either choice, the jury faced alienating a person or persons of value to Rome. Without finally ruling one way or another, of course, Verres fled, making his own assumed guilt apparent. Before getting to that point, Cicero nevertheless built an immense case against the accused. His case resumes aspects of the *divinatio in Q. Caecilium*, and, with new evidence, introduces clearer and more heinous crimes against Rome's allies, its religious institutions, and even the citizens who sat on the jury.[50]

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[48] *Brut.* 6-7.
[49] Alexander (1976) defends Hortensius despite Cicero's eventual success. It was less Hortenius' failure to defend his client than it was Cicero's cunning attack (p. 53).
[50] The question lingers as to whether or how many of the jurors were in Verres' camp from the

Within the First Action of the *Verrines*, Cicero primarily stays within the bounds of the standing court established, namely the extortion of funds from the Sicilian province. Like in the *divinatio*, however, Cicero brings in other arguments, perhaps not inherently relevant to the case but nevertheless fundamental to his case against Verres, the foul ex-governor of Sicily. In order to establish his case, Cicero presents evidence of itemized accounts, showing how or where Verres violated some established law or norm in, say, tax-collecting. These are clearly relevant to an extortion trial, but they are only ever one line of reasoning for Cicero's argument.

Other kinds of evidence, like how Verres executed and otherwise abused Roman citizens, or how Verres transgressed several boundaries of *religio*, also form solid lines of reason against the criminal magistrate. The other transgressions, which were more difficult to quantify in monetary terms, could still prove persuasive in a case fundamentally about extortion.[51] The transgressions of *religio*, in particular, span the entire proceedings, from the *divinatio* through the publication of the Second Action. For this reason alone the theme of Verres' transgressions against gods, temples, and other aspects of *religio* must be examined.[52] This theme is also worth examining precisely because its spanning the entire proceedings means it was used in different contexts; first

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start. As Cicero says, and will be discussed shortly, M. Metellus was selected to be judge on the *quaestio de repetundis*, but he did not sit until the next session (*in Verr*. 1.31). For this reason Verres attempted to delay the trial to gain the advantage of having Metellus on his side.

[51] Becker (1996), looking at *Clu.* 115-116, outlines how and why such a range of accusations could be included in the *litis aestimatio*, or estimation of the charge. In essence, by including every crime committed, even those not inherently about extortion, the estimation could be judged at "capital" level. The quantifiable charges would be the "solid basis" of a prosecutor's case, but additional charges "presupposed a guilty verdict on the extortion charges" (pp. 102-103).

[52] Frazel (2009) analyzes the final two parts of the Second Action, largely, though not entirely, passing over the religious arguments made in the rest of the proceedings.

in choosing between two Roman citizens to represent the Sicilians, then in representation of the Sicilians against their former governor, both while the governor was present and after he had fled into exile.

While it will become more apparent in the Second Action just how fundamental Verres' religious transgressions are for Cicero's argument, it is worth examining the First Action, which was delivered before a witnessing audience. Verres' flight from Rome prevented Cicero from delivering the remainder of what he had prepared against Hortensius and Verres. Nevertheless, he published this material *as it might have been delivered* in his Second Action.[53] Thus, since we have *a* version of the Second Action and will only ever have the published version of the First, we are left with only the published speeches, as valuable as it might be to have some visual and/or auditory evidence. That said, it is worth considering the First Action separate from the Second Action. This was a speech known to have been delivered and thus subject to different expectations and standards than the Second Action. Additionally, given Verres' absence from the trial (and everyone else who would have been at the trial), Cicero's rhetorical flare is much stronger in the Second Action.[54]

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[53] Vasaly (2002) presents this argument convincingly (pp. 90-91). Morstein-Marx (2004) argues for the same principle in the context of contional speeches; the *Verrines* were not delivered in a *contio*, of course, but the same logic applies (pp. 25-27). So long as there was an audience to have witnessed the delivery, published versions of delivered speeches would not be thought verbatim reproductions, but approximations. Any witness to the speech might have remembered a slightly different version of the speech to the one published. Only-published speeches, on the other hand, represent what might have been delivered, and are, in that sense, an approximation of delivery. The major difference between published speeches that have been delivered and never delivered are the constraints on delivery.

[54] Vasaly (2002) calls it a "monument of his enormous effort," the publication of which was likely unprecedented without being delivered first (pp. 90-91); see also Butler (2002), pp. 71-73.

Starting with the First Action then, it is easy to see after the fact how the First Action acts as a bridge between the focused *divinatio* speech and the much more florid and rhetorically complex Second Action. It is, of course, impossible to know if this was something Cicero had intended from the start of the trial or a result of only publishing the second part of the trial.[55] Nevertheless, the themes drawn from the start of the proceedings into the trial itself cover more than Verres and his greedy character.

The trial of Verres has presented them with an opportunity, as if divinely sent, to make amends and convict someone who duly deserves it. With a conviction, the jurors could reestablish the public's estimation of the courts and senate.[56] This public, Cicero would have his audience believe, currently doubts the courts' ability and willingness to condemn someone as manifestly guilty, and wealthy, as Verres. That Cicero presents this situation as "almost divinely sent, not through human consideration" is obviously a rhetorical tactic to urge the judges to convict Verres — essentially, "you have been given a chance to make an easy conviction, do it and reap the benefits."[57] More so, it reestablishes the stakes clearly stated first in the *divinatio*. There too, Cicero mentions that the distrust in the courts and senate spurred Cicero into action. Now the prosecutor states outright that they have been given the chance to fix the perception that they will not

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The reason for this rhetorical flourish will be addressed shortly.

[55] *Verr*. 1.33 suggests that Cicero *could* have delivered the material he presents in the Second Action — and would have become famous for it. This line could be nothing more than boasting, or could also be a later interpolation, inserted before publishing with the knowledge of Verres' flight.

[56] For the court's composition, see above, p. 44 n. 46.

[57] *quod erat optandum maxime, iudices, et quod unum ad invidiam vestri ordinis infamiamque iudiciorum sedandam maxime pertinebat, id non humano consilio sed prope divinitus datum atque oblatum vobis summo reipublicae tempore videtur* (*Verr*. 1.1).

convict someone if he is rich enough, they can erase the "bad reputation of their order."[58] His suggestion that this opportunity was by divine intervention, not human consideration, could be easily interpreted as rhetorical flourish. To read the remark in such a way would underrate its importance for Cicero's coming argument against Verres: that he is a transgressor of *religio* that was fundamental to Rome's well-being.

Later in this Action, Cicero diagnoses, to a degree, the problems facing the senate and courts. He has been rather vague, using abstract, negative words to describe the public perception of the courts. He often uses words like *infamia* or *audacia*, which certainly draw negative connotations and have clear meaning, if lacking in concrete substance.[59] When outlining the courts' and senate's ills, Cicero becomes more clinical in his assessment:

> *moneo praedicoque id quod intellego, tempus hoc vobis divinitus datum esse ut odio, invidia, infamia, turpitudine totum ordinem liberetis. Nulla in iudiciis severitas, nulla religio, nulla denique iam existimantur esse iudicia. Itaque a populo Romano contemnimur, despicimur…* (*Verr*. 1.43).
>
> I warn and declare that which I understand, that this opportunity was divinely given so that you might free the entire order from its unpopularity, dishonor, bad reputation, and disgrace. It is thought that there is no strictness in the courts, no scruple, and now, finally, no judgments. And so we are condemned by the Roman people; we are despised…

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[58] *Verr*. 1.1, as quoted above, "*unum ad invidiam vestri ordinis infamiamque iudiciorum…*" with similar language to the *in Caec*. 9 "*in hac libidine hominum nocentissimorum, in populi Romani cotidiana querimonia,* ***iudicorum infamia, totius ordinis*** *offensione…*" Later in the speech, Cicero again describes his reason for stepping forward to prosecute Verres, one reason being that "the entire order is oppressed by the recklessness and insolence of the few, and burdened by the bad reputation of the courts" (*quoniam totus ordo paucorum improbitate et audacia premitur et urgetur infamia iudicorum…Verr*. 1.36).

[59] Gildenhard (2011) suggests this was a move on Cicero's part that framed an issue and gained him leverage, while the more clinical definitions are good for the specific undermining of an opponent's case (pp. 9-10).

When Cicero reports the public perception of the courts in more detail, he finally describes in more precise terms what they see as especially lacking: severity, scruple, and, the courts' most fundamental quality, judgment.[60] All three of these can be easily repaired if the jury convicts Verres, a man so manifestly guilty that throngs of people, Romans and allies, have come to support his conviction.[61]

Two of the courts' failings, namely *severitas* and *iudicia*, are restored simply by convicting Verres. The third, *religio*, is more complicated, but Cicero still makes that aspect relatively easy to restore too. Given the numerous crimes Verres has committed, from clear extortion, to the torture and execution of Roman citizens, to the plundering of Sicilian temples and shrines, a conviction would indicate clear attention to the laws and customs violated.[62] To translate *religio* here only with a sense of "religious" then might be a stretch — after all Cicero's report of public perception otherwise remains non-religious — but Verres' crimes and the court's decision ultimately suggest that they could have some stake in religious matters.[63] Thus, as Cicero began in the *divinatio in*

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[60] These three terms — *severitas*, *religio*, and *iudicium* — overlap somewhat in their meanings though should not be considered synonymous; each can have some valence of serious discernment or strictness. As Michels (1976) outlines, like other similar terms such as *fides* and *pietas*, *religio* can move or restrain men by commanding respect (pp. 42-43). In the context of the courts, Vasaly (2009) makes the argument that Cicero's repeated use of this theme, that the court lacks rigor, suggests that the people and/or Verres were convinced of the courts' corruptibility (p. 122).

[61] *Verr*. 1.7-9; cf. *in Cat.* 4.14-16, where Cicero describes men of every rank coming out to support him against Catiline and his allies.

[62] Miles (2008) regards Cicero's accusations of Verres' plundering as military in context (pp. 14-15). While there is a military dimension to this charge, as will be addressed with Scipio and Marcellus, I think it is, instead, primarily one of *religio*.

[63] Looking at an example examined later, Verres' theft of the statue of Mercury from Tyndaris (*Verr*. 2.4.88), Cicero states that this particular theft was grounds for several charges, including extortion (Verres violently acquired the statue), embezzlement (he illegally used the money

Caecilium, the courts and senate were in a weak standing because of their flagging strictness, scruple, and judgment; now that the problem was reported, it was time to fix it with one conviction.

This connection to the *divinatio* is important in two ways. First, at least within the confines of the delivered First Action, Cicero personally steps forward to uphold the republic's laws and aid in restoring the courts' esteem.[64] Second, and more importantly, Verres is presented as a near manifestation of the ills facing the courts, making the court's decision that much more symbolic and, presumably, more important. This depiction of Verres, like the stakes Cicero raises for the court, is mostly about his exorbitant wealth, which was illicitly acquired and used. A key aspect of Verres' character however, his greed, opens the door to his religious transgressions which will become prominent in the Second Action. In the First Action, they remain one component of an overall rotten character.

To begin, Cicero states that Verres' current wealth is problematic for the integrity of the courts, or, rather, it could be if they exonerate him.[65] Verres thought his wealth would allow him the means to elude punishment; Cicero argues that even considering such a notion is ludicrous when one knows of his obvious misdeeds. Though only implied, an exoneration in this case would be detrimental to the court's standing when, as Cicero has asserted, it was already on shaky ground. When Verres and Hortensius saw that the trial

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acquired), treason (because it was given by a Roman), impiety (it was devoted to Mercury), and cruelty (again, he tortured an ally to acquire it).

[64] *in Caec.* 9, see above.

[65] *Verr.* 1.10.

would proceed, the accused attempted to delay until after several *ludi* were held and, conveniently for Verres,[66] Marcus Caecilius Metellus would replace Manius Acilius Glabrio on the bench as praetor.[67] Even if Cicero considered it a detriment to his case,[68] having the incoming M. Metellus as praetor over the extortion court is something that might ultimately be ascribed to chance. In Cicero's argument, this tactic of using various festivals to exhaust and confound the prosecution, while technically legal, should still alarm the jury.[69] The manner in which this evasion is depicted is more as a political ploy to weight the jury in Verres' favor than a transgression of religious scruple.[70] In other words, Verres was using the cover of these festivals to delay the trial to the point of getting a friendlier new jury. He was presenting himself as religiously minded when he was actually hoping for a judicial advantage.

The vast wealth Verres had acquired and how he allegedly used it is Cicero's primary focus in the First Action. This provides multiple avenues for Cicero's argument.

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[66] M. Metellus is the brother of Q. Metellus, the consul-designate and ally of Verres; see *Verr*. 1.26-29; Ps.-Asc. 212-215, 217, 221, 230, 244 Stangl; *MRR* pp. 131-132. Cicero also notes elsewhere that Verres had a reputation for using his wealth to arrange the outcome of trials (*Verr*. 2.2.119).

[67] In fact, there are other political advantages which Cicero describes, such as Hortensius becoming consul along with Q. Metellus, while L. Metellus was current praetor in Sicily (*Verr*. 1.26-31). Frazel (2004) provides a detailed analysis of the timeline of the entire proceedings, both of which the defense was expecting, and what eventually happened (pp. 129-133). Vasaly (2009) describes the tricky situation for Cicero here: he was concerned of men like M. Metellus giving leeway to Verres if the trial was delayed, but Metellus was also a member of the current jury, and therefore needed to be trustworthy (p. 127).

[68] He even reports that he heard Verres received congratulations on M. Metellus' selection by lot to preside over the Extortion Court (*Verr*. 1.21-22).

[69] Orlin (2007) points to this as one of many indicators that the decline narrative is falsely applied to Roman religion (p. 66).

[70] Cicero might have used the *ludi Romani* to make his own return from exile seem more enthusiastic than it otherwise could have been (Sumi (2005a), p. 40).

The obvious point is that questioning Verres' wealth in an extortion case is answering directly the question at hand: whether Verres illegally acquired money from his province. Showing that Verres was willing to use his wealth for, at best, questionable ends suggests that he likely did not gain his wealth through traditionally acceptable channels. Likewise, presenting a clear case before the court provides an easy chance to repair their damaged reputation.[71] As Cicero states in the opening, "if his immense wealth destroys the scruple and integrity of the courts, I will still obtain one thing, that the court will seem to have failed the republic, not that the accused failed the judges or the accuser his accused."[72] Here, every variable is aligned so that only an acquittal would upset the Roman people, there to support Cicero. The other avenue Cicero is able to explore by adhering closely to the confines of his case is to highlight Verres' greed, and in particular the way in which that greed threatened long-standing Roman religious traditions. Despite being governor of Sicily, Verres' actions had undoubtedly affected Rome too.

Starting in the broadest terms, Cicero is straightforward in explaining the limits to Verres' greed, or rather, the lack of limits. He states twice how there was no place too holy for Verres to plunder.[73] The first is presented as coming from Verres' own mouth; he has in effect already confessed to his crimes. The second, by contrast, describes Verres' time in Asia, rather than Sicily. This, I think, was no accident. By establishing a

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[71] *Verr*. 1.3.

[72] *sin istius ingentes divitiae iudiciorum religionum veritatemque perfregerint, ego hoc tamen assequar, ut iudicium potius rei publicae quam aut reus iudicibus aut accusator reo defuisse videatur* (*Verr*. 1.3).

[73] First with "*nihil esse tam sanctum quod non violari, nihil tam munitum quod non expugnari pecunia possit"* (*Verr.* 1.4) and again with "*cuius legatio exitium fuit Asiae totius et Pamphyliae; quibus in provinciis multas domos, plurimas urbes, omnia fana depeculatus est…"* (*Verr.* 1.11).

characteristic both as a kind of confession after the fact, and as a long-standing habit, the likelihood of crimes committed while in Sicily increases to a near certainty.[74] Likewise, by using similar language, and with such clear implications, the threat to Rome becomes manifest. With no place too sacred for Verres' clutches, Rome, too, could see his depredation. Indeed, already he has violated monuments established by Romans and even Roman citizens themselves. At the very least, Verres' rapacity being so deep as to plunder sacred sites speaks to his character as one dangerous to Rome's well-being.

In a short two paragraphs, Verres' reputation goes from magisterial thief to an aspiring tyrant. After running amok in Asia and Pamphylia, Verres saw a new opportunity for his unmatched greed and vices. In Cicero's estimate, Verres so despoiled the island that it will likely never return to its previous state.[75] This alone could alarm Cicero's Roman jury; Sicily, after all, still provided much of Rome's grain supply at this time and was crucial to feeding the urban population. By elaborating his point, however, Cicero makes clear that it should not be simply the bottom line that worries his Roman audience but more fundamental Roman customs and institutions, namely Rome's tradition of religious scruple broadly and, separately, the protections of Roman citizenship against undue torture and execution. The importance of these two points is perhaps best reflected in the way, and amount, Cicero expands on them in the Second Action. Though only published, Cicero spends almost an entire part of the Second Action on each, the so-

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[74] This would be where Verres' ethos, as constructed by Cicero, would take over in his audience's mind. As May (1988) pointedly demonstrates, ethos becomes the source material, and Cicero's own character becomes a foil against Verres (p. 39).
[75] *Verr*. 1.12.

called *de signis* on religious offenses, and the *de suppliciis* on Verres' transgressions against Roman citizens and allies.

Just as in Asia and Pamphylia, there was no place in Sicily nor any person who was protected from Verres' grip. He stole from anyone and everyone, Roman and Sicilian, treating all as his subjects. By Cicero's telling, he treated loyal allies like the enemy, Roman citizens like slaves, and those prosecuted while innocent were condemned in absentia while the most manifestly guilty walked free for a price.[76] Trusting Cicero, the audience would see Sicily as an island having succumbed to the would-be tyrant Verres, who was now back in Rome. While his presence on Sicily could certainly have been interpreted as worrisome and worth conviction, Verres' return to Rome instead poses a direct threat to Cicero's audience and jurors. The depredation of Sicily was dangerous for the indirect result the island's well-being had on the city in the form of grain.[77] Back in Rome, Verres might have turned his tyrannical greed toward those in the city.

Likewise, and perhaps more alarming, is Verres' knack for stealing indiscriminately such that no monument was safe from his greed. He was willing to steal monuments and artworks meant as gifts from wealthy kings, others from Roman generals, and made no

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[76] *innumerabiles pecuniae ex aratorum bonis novo nefarioque instituto coactae, socii fidelissimi in hostium numero existimati, cives Romani servilem in modum cruciati et necati, homines nocentissimi propter pecunias iudicio liberati, honestissimi atque integerrimi, absentes rei facti, indicta causa, damnati eiecti…* (*Verr*. 1.13).

[77] Cicero says that the issue of grain is the most important, if less exciting, part of his prosecution (*Verr.* 2.3.10-11). Given the relatively little coverage this issue receives over the entire proceedings, however, we can surmise that Cicero did not find it to be the most *persuasive* aspect of his argument; things like Verres' treatment of Roman citizens or the plundering of Sicilian temples receive far more attention throughout.

hesitation from the most sacred and venerated sanctuaries.[78] Verres' greed was without limit; no god on Sicily was left unmolested.[79] Just as torturing and executing Roman citizens and allies was a sign of a tyrant, so too was the violation of these items for one's own ends, even if those ends were only to steal statues for monetary gain. And, in the same way that Verres' return marked a direct threat to Romans in Rome, his return also marks a direct threat to Roman religious buildings and monuments.

Even while he was in Sicily, Verres already threatened Romans' standing, even Romans already deceased. Though it is never explicitly stated here who the Roman generals were that established monuments for Sicilian cities and towns, one example from the *de signis* is Scipio Aemilianus.[80] It can be assumed that many of the statues Cicero references here were of generals now long dead; after all, much of Rome's major military activity on Sicily had occurred at least a generation earlier but especially during the Punic Wars. It stands to reason that if Verres was willing to despoil the monuments erected by great Romans like Scipio Aemilianus, he would be more than willing to plunder less outstanding Romans in Rome.

Most of this tyrannical behavior will be discussed in more detail in the next section. For now, it is important to delineate the ways in which Cicero establishes these themes early in the *Verrines* before fully addressing them in the *de signis* and especially the *de*

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[78] *Idem iste praetor monumenta antiquissima, partim regum locupletissimorum, quae illi ornamento urbibus esse voluerunt, partim etiam nostrorum imperatorum, quae victores civitatibus Siculis aut dederunt aut reddiderunt, spoliavit nudavitque omnia. Neque hoc solum in statuis ornamentisque publicis fecit, sed etiam delubra omnia sanctissimis religionibus consecrata depeculatus est…* (*Verr*. 1.14).
[79] *deum denique nullum Siculis, qui ei paullo magis adfabre atque antiquo artificio factus videretur, reliquit* (*Verr*. 1.14).
[80] *Verr*. 2.4.74; a discussion on Scipio will be explored further in the next section.

suppliciis during the Second Action. These were not themes that would have come unexpectedly to his audience. Instead, these were further indicators of the magnitude of the threat against Rome, the senate, and the courts. Having already provided an easy remedy for the courts in conviction, Cicero makes the choice simpler by portraying Verres as a would-be tyrant, now returned home. The last part of his formula, to uphold the laws and institutions, is the last relevant thread from the beginning of the proceedings.[81]

Beginning in the *divinatio in Caecilium*, Cicero presented himself as the noble citizen stepping forward, with some amount of hesitation, to defend the Sicilian deputation but also Rome's crumbling courts and senatorial order. In the First Action, he shows his cards somewhat. Cicero is willing to describe the lengths to which he has prepared for the trial. Verres tried to escape punishment by prolonging the trial itself, but he also tried to shorten the period allowed to the prosecution for amassing its evidence and case. Despite that, Cicero spent fifty days investigating throughout the island such that he found all injuries and documents of Verres' crimes against communities and individuals.[82] Apparently he had amassed so much evidence that he knew he could not

[81] Again, *in Caec*. 9 is the clearest instance of this, where the courts and senate are in weak standing and the laws are being neglected, at which time noble citizens must come forth to defend the republic and its laws.
[82] *Verr*. 1.6.

report all of it in the standard time allotted.[83] Indeed, Cicero was so prepared for his case that he far outstripped any rival prosecutor in memory.[84]

This point, that Cicero has offered himself as a support to Roman courts and laws, is unrelated to the other, broader themes made in the course of the *Verrines*. Going forward, however, it will become more relevant. When Cicero claims that he is more prepared than any other prosecutor, it is likely for entirely human reasons: he did the work to investigate on Sicily, he assembled this material into a case, and his duty prompted him to undo the damage Verres had done. He is the first to admit that his investigation and prosecution were not foolproof. He concedes that Verres is a wily character, to say the least, and might already have arranged means to slip through his grasp.[85] Verres' attacks have been many, some of which might have eluded Cicero's own diligence, and his own safety has been in doubt.[86] Nevertheless the prosecution moves forward and Cicero stands by with his pile of evidence. Of course, this will go undelivered, but its existence (and the threat of its delivery) surely proved intimidating to Verres.

His candor here does two things for his case and his character. First, simply, it amplifies the threat Verres posed. He was using his money to avoid the case by any means necessary, whether that meant delaying the trial or, in some fashion, intimidating the prosecution. Second, more significantly for my own purposes, it depicts Cicero in a

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[83] This is also evidenced by the length of the Second Action, which, being published, had fewer restrictions.
[84] *Verr*. 1.32.
[85] *Verr*. 1.32.
[86] *Verr*. 1.3.

way that is less common in speeches later in his career. Looking just to the *Catilinarians*, for example, Cicero exhibits almost complete omniscience, where only certain members of the senate are uncertain of Catiline's actions; for everyone else, Catiline's actions are patently clear.[87] In the *Catilinarians*, as will be discussed in the next chapter, Cicero aligns himself much more closely with the gods themselves. For him to have near-omniscience certainly marks a development in the orator's traits, but it is explainable in how he tries to make the gods themselves act against Catiline.

Back in the *Verrines*, the gods have been wronged by Verres in many ways. Most of these wrongs are best explained in the Second Action, where we will move next. This obviously puts the gods on one side of the trial. They are, in a way, in the same position as the Sicilian deputation. They were wronged by Verres' tenure as governor and they need a representative to make amends for Verres' plundering. Or, as Cicero said in the opening, the gods have presented the senate and courts an easy chance to restore their standing.[88] Cicero's hard work is a crucial part of this restoration, but he does not present it as divinely inspired. Instead, Cicero closes his argument, saying that Verres is guilty of "many acts of lust and cruelty against Roman citizens and allies, many misdeeds against gods and people" and that he has robbed Sicily of vast sums of money.[89] In the context of the *Verrines*, the gods were wronged and they provided the senate and courts an

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[87] For Cicero's omniscience, see, for example, *In Cat.* 1.1 or 1.6; for the uncertainty of some senators, see *in Cat.* 1.30.
[88] *Verr*. 1.1, 1.43.
[89] *dicimus C. Verrem,* ***cum multa libidinose, multa crudeliter in cives Romanos atque in socios, multa in deos hominesque nefarie fecerit****, tum praeterea quadringentiens sestertium ex Sicilia contra leges abstulisse* (*Verr*. 1.56).

opportunity to repair themselves, but they had thus far refrained from influencing one side or another. At this point, it remained Cicero who had stepped forward and put in the work to defend Rome's institutions and laws.[90] The gods will come to intervene more prominently only later in his career, while already they lay claim to being an aggrieved party.

In Verrem Actio Secunda

Before moving into a full discussion of the Second Action, some preliminary comments must be made. First, as already discussed, the Second Action was only published, never delivered like the First Action. Nevertheless, due to our separation of several centuries, we only have access to the published versions of both Actions.[91] For this reason, they are treated on similar terms. That said, the importance of some points can be inferred from the Second Action based on their appearance in the First Action or even the *divinatio in Caecilium*.[92] If a particular argument is resurrected in the Second Action, it is assumed that Cicero perceived this argument to be persuasive, or at least amenable, to his Roman audience. After all, the Second Action should represent Cicero's

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[90] He does still present himself as an exceptional human (*Verr*. 2.5.35), but he is only that so far (Gildenhard (2011), p. 35).

[91] Aldrete (1999) is indispensable for the loss of witnessing the delivery of speeches. The non-verbal aspect to any given speech is a huge loss to the study of oratory (p. 6).

[92] As an example secondary to my own argument, the pun on Verres' name and his "piggish greed" (*in Caec.* 57) is not unique to the *divinatio in Caecilium*. A similar pun appears again in the Second Action when Cicero comments Verres' handling of the laws (*Verr*. 2.1.121, the pun being "porkish gravy" or "Verrine law", *ius verrinum*). A third, still on Verres' name, is by comparison to Lucius Piso Frugi (*Verr*. 2.4.57), where Verres is made to look worse for living up to his name, while Piso looks good for living up to his, Frugi (Corbeill (1996), p. 79). May (1996) considers this kind of association with beasts a stock rhetorical device for Cicero (pp. 143-144).

conception of his best case against Verres, with no limits on time or memory, not to mention the different audience.

The second, rather mundane observation is that the Second Action is a long speech. Likely because he was unconstrained by time limits, Cicero spilled far more ink on the second half of the proceedings against Verres than he did on both the First Action and the *divinatio* combined.[93] One effect of this is to give the impression that Cicero had amassed a mountain of evidence against the accused governor that would make defending him nearly impossible.[94] Such a length would also make reading the speech in one sitting a difficult task. The five parts of the speech make reading it in sections manageable but this method of course hinders full appreciation of the themes and rhetorical tricks drawn throughout the speech. Thus, scholars have been known to treat only certain sections of the speech in their treatments.[95]

The final observation is related to the second: over the course of the Second Action, there is a growing sense of urgency that develops.[96] Despite the distinct separation of parts in this speech, there is still the sense of a developing argument, albeit one much

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[93] Totaling 187 pages in the Oxford Classical Text edition, to the combined 38.5 pages of the First Action and *divinatio in Q. Caecilium*.

[94] Of course, this also supports Cicero's claim to being the most prepared prosecutor in memory (*Verr*. 1.32). See Butler (pp. 27-28); cf. Plut. *Cic*. 7.3.

[95] For example, Frazel (2009) looks primarily at *in Verrem* 2.4 and 2.5, Steel 2007b mostly analyzes *in Verrem* 2.3.

[96] This observation is noted by Catherine Steel twice. First, she makes the case in her book *Cicero, Rhetoric, and Empire* (2001), arguing that Cicero gradually shifts focus from Sicilian transgressions to Verres' military blunders and transgressions against Roman citizens (pp. 23-24). She makes the argument in "The Rhetoric of the *de Frumento*" (2007b) that the mid-point of the speech (the *de Frumento*) is important for maintaining the momentum of the argument into the latter half, where Cicero focuses on Verres' military abuses (pp. 39-40). I recognize this developing tension, though I argue that Steel under-appreciates the importance of the *de signis* and Verres' religious crimes throughout the speech.

more gradual than the First Action.[97] By the end of the Second Action, the risk of an acquittal seems to pertain to more than the Sicilians.[98] Cicero broadens the threat posed by Verres to incorporate all of Sicily, all of Rome, and, indeed, much of Rome's burgeoning territory. This urgency and the consequences of an acquittal should have been expected, however, to attentive audience members of the first two parts of these proceedings.

Already in the *divinatio*, Cicero had suggested that he was defending all of Sicily, and in a way he was also stepping forward to defend Roman institutions.[99] Looking only at the beginning of the Second Action, we see these same positions being restated, this time more directly and openly. Cicero states that the courts have an opportunity to save their allies, their laws, and their republic with a considered conviction — but acquittal would mean the total loss of "truth, integrity, trust, and scruple from the senate" and courts in the eyes of the Roman people.[100] Cicero presents himself as the reluctant prosecutor, as he did in the *divinatio*, to defend this ailing part of their republic.[101] There

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[97] An example of Cicero himself admitting to distinct parts of his speech comes in *Verr*. 2.1.45, where he says that there were a number of statues that Verres carried away from Achaea without their consent, but that he will demonstrate this greed in another part (*alius locus*).
[98] Obviously this risk is only rhetorical in the Second Action, but the sentiment remains.
[99] For Sicily, see especially *in Caec.* 3., and for Rome generally, see *in Caec.* 9, and again *Verr*. 1.1 and 1.36.
[100] *neque enim salus ulla rei publicae maior hoc tempore reperiri potest quam populum Romanum intellegere, diligenter reiectis ab accusatore iudicibus, socios, leges, rem publicam senatorio consilio maxime posse defendi, neque tanta fortunis omnium pernicies potest accedere quam* ***opinione populi Romani rationem veritatis, integritatis, fidei, religionis ab hoc ordine abiudicari*** (*Verr*. 2.1.4).
[101] *Verr.* 2.1.5. The entire sentiment is restated in *Verr*. 2.1.21, where Cicero states that his purpose was to defend the province of Sicily but, he feels, also to help Rome and the unpopularity of the courts (*invidia iudicorum*); this made his decision to prosecute and the prosecution itself much easier. That Cicero positions himself as the defender of Rome carries over into other areas

are other institutions and norms in the Republic that would also be in jeopardy, should Verres be acquitted, all of which he has flagrantly violated right up until the trial itself.

Certain transgressions of Verres will receive more attention in due time. For now, it is worth pointing to a few instances when Cicero outright states that some laws or norms, in Rome and outside it, had been violated by Verres' behavior. To allow him to go unpunished would almost certainly mean the undermining of other, perhaps more fundamental, Roman institutions. The most pertinent to the trial and the larger issue of the courts is Verres' tendency to manipulate the calendar to his advantage. Already in the First Action, Cicero argued that Verres' attempt to delay the trial so that a series of festivals would prevent the current jury from sitting the case.[102] He repeats this plot, with less detail, in the Second Action, giving greater emphasis to how his own prosecutorial investigations were hindered.[103]

But the manipulation of time or the calendar was a known tactic for Verres. This instance before his extortion trial was only another obvious example when he had deployed it. He had also, more egregiously, removed a month and a half from the calendar at Cephaloedium.[104] The intended result was to ensure that his chosen man, Climachias, was elected to the office of *sacerdos maximus*. He succeeded in this, given

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as well, such as defending the safety of the Sicilians and other non-Romans; in many ways, he makes the same appeals that he would in a defense speech (Riggsby (1999), p. 150).

[102] *Verr*. 1.31.

[103] *Verr*. 2.1.30. Likely the emphasis on the difficulty of his investigations adds to Cicero's own prestige, given how much evidence is about to present.

[104] *Verr*. 2.2.128-130.

that the only rival for the office was away in Rome at the time, and did not return in time for the election.[105]

This example of excising a month and a half from the calendar is perhaps Verres' most outrageous. There were several other violations of traditional laws and norms just as worrying. These all cumulatively indicate the same thing: that Verres had no regard for sacred laws and instead handled every situation presented to him in his own interests, never the local community's. Thus, a brief review of his other examples of violating norms will suffice.

In Syracuse, Verres rigged another selection for *sacerdos*, this time for a *sacerdos* of Jupiter, normally appointed by lot. Verres made it so that his choice, Theomnastus, was the only candidate's name to be written on the lots, despite there being three candidates for the office (or *sacerdotia*).[106] Perhaps less extreme than removing a month and a half from the calendar — leaving that time to be made up at a future point — it is still a crafty solution to Verres' problem. And as clever as this solution is, it seems to fall within the religious law at Syracuse.[107] Cicero's Verres is certainly a cunning individual, to say the least. In the non-religious sphere, Verres was prone to rig votes and verdicts for a price.[108] Likewise, leaving aside Verres' attempt to rig the ballot for his own trial's judge, he was

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[105] Of course, had Verres not altered the calendar, that rival, a certain Herodotus, would have made it back in time, but instead arrived the month following the election.
[106] *Verr*. 2.2.126-128.
[107] Indeed, Cicero's presentation of Verres is such that he is hyper-aware of the law, making sure to follow the letter of it, though not the spirit. The law stipulates that the number of lots should be "as many as will be nominated." Therefore, Verres could put in three lots, for the three nominated, with all three inscribed with the name of Theomnastus (*Verr*. 2.2.127).
[108] Several instances are listed of Verres accepting bribes for an arranged outcome to trials, regardless of evidence (*Verr*. 2.2.119).

also known to have amended ballots in other trials.[109] Finally, Verres' forging extended beyond ballots into the more mundane world of inheritance and accounts — still crucial to a Roman's well-being.[110]

These instances of transgressing Roman (and/or Sicilian) laws and customs are not all immediately religious in nature as we might recognize it. Their importance to Cicero's argument, and to the larger theme of religious violations, is more transparent in the sum of their parts, namely characteristics of the tyrant figure, which has direct ties to a threat to Roman religious restraint. A tyrant, whether literal or rhetorical, was inherently connected to the figure of the temple robber.[111] While a temple robber, by definition, robbed temples (or other sacred sites), a tyrant, on the other hand, resorted to whatever means necessary to fund his rule.[112] This could, of course, include temples, but was far wider in its scope, and could include other means of acquiring funds like extortion or

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[109] *Verr*. 2.1.157-158.

[110] *Verr*. 2.1.108ff deals with Verres' particular manipulations of wills; here again Cicero shows Verres to be adept at navigating the minutiae of the pertinent laws: the *lex Cornelia de falsis* (or *lex Cornelia testamentaria* or *nummaria*) was passed under Sulla in 81/80 BCE and covered all forms of forgery and counterfeit; the *lex Atinia* was a second century law that prescribed that stolen property could not be acquired by *usucapio* (long-term possession); the *lex Furia* (exact date unknown; 203-170 BCE) attempted to limit legacies to 1,000 asses, and it was later replaced by the *lex Voconia* (169 BCE), which also barred men in the first class of citizens from naming a woman as an heir; see Watson (1971), pp. 163-170, which includes the second century CE jurist Gaius (*Inst*. 2.226), who offers slightly different interpretations from Cicero that are rejected by Watson. Mitchell (1986) glosses *Fusia* as a possible scribal repetition of *Furia* (pp. 207-208, s.v. 109. Atinian, Furian) Pertaining to Verres' forgeries, *Verr*. 2.2.187 is perhaps the best example, if not the only, of Verres' forging an account to read "Verrucius" in a palimpsest; this "correction" is ridiculed by Cicero as an obvious attempt at forgery.

[111] Perhaps this is more of a trait for Sicilian tyrants; see Dunkle (1967), p. 162. It seems to also be a *Roman* concern, especially in the *Verrines*.

[112] Frazel (2009) covers primarily the rhetorical tyrant common-place, but the rhetorical tyrant is based on historical precedents (p. 181).

forgery. Verres fits this model well, but he tends closer to the temple robber than some other Roman tyrant-figures.

The most immediate Roman analog for the tyrant figure at the time of the trial was, likely, L. Cornelius Sulla. While Sulla is seldom named in the *Verrines*, his presence is nevertheless felt, especially as a foil for Verres.[113] One of the ways Cicero incorporates the specter of Sulla is through allusions to his character and name. An example of this comes when Cicero acknowledges Verres' best defense for his character, namely, his military prowess and success.[114] He says that, yes, Verres might be a good and fortunate commander, but he precedes this praise saying that the defendant is a thief and a sacrilegious one at that.[115]

As if this clever phrasing did not clearly dissociate Verres' crimes and skill, Cicero is quick to undercut it again.[116] He soon reminds the audience that Verres is not nearly as good of a general as he puts on. The other thing worth noting is Cicero's word choice, specifically how he calls Verres *felix*. Now nearly a decade after Sulla's death, the attribute of *felicitas* was so commonplace as to be expected in panegyric.[117] Cicero even later attributes the quality to Pompey in the *pro Lege Manilia*, saying it is one of four necessary qualities in the best generals.[118] When he calls Verres a *felix* general then, one

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[113] Becker (1996) suggests political reasons for this, which seems plausible, given many Romans who had benefited under Sulla were now creating their own influence (p. 14).
[114] This begins at *Verr*. 2.5.3.
[115] *Eadem nunc ab illis defensionis ratio viaque temptatur, idem quaeritur. Sit fur, sit sacrilegus, sit flagitiorum omnium vitiorumque princeps; at est bonus imperator, at felix et ad dubia rei publicae tempora reservandus* (*Verr.* 2.5.4).
[116] *Verr*. 2.5.5.
[117] Gildenhard (2011), p. 267.
[118] *Man.* 10. The other three are *scientia rei militaris*, *virtus*, and *auctoritas*.

would assume Verres would prefer a positive sense, but at the same time, the attribution also stirs up the memory of Sulla. This latter association is what Cicero uses against Verres, and to a lesser extent Hortensius.[119]

By dismissing Verres' actual prowess as general, Verres is left with only the negative connotation, to be like Sulla Felix.[120] His adoption of this cognomen has been complicated given that our single best surviving source on Sulla is Plutarch, who wrote in Greek. He translates the cognomen Felix most clearly as Ἐπαφρόδιτος.[121] The complication arises in Plutarch's translation of *felicitas*, which is more often rendered as εὐτυχία.[122] The latter translation has a valence more closely associated with *fortuna* (and τύχη), while the former is more obviously associated with Aphrodite. Sulla himself made a connection between himself and Venus, so Plutarch's translation of Felix as Ἐπαφρόδιτος makes some sense.[123] This reinforces the point that Cicero is not trying to make Verres come off as a competent general, endowed with *felicitas*, but rather someone picking up Sulla's mantle and therefore one to hold in check. His reputation as a "man of Venus," which will be addressed shortly, only further strengthens the connection to Sulla.

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[119] Becker (1996) comments how Cicero pits his case against the Sullan faction (including Verres and Hortensius) through popular language (esp. pp. 48-55).
[120] Corbeill (1996) notes that independently adopted names (as opposed to those bestowed by the state, e.g., Scipio *Africanus*) carried a certain risk, where public flaunting of a laudatory name could result in public ridicule (p. 80).
[121] Plut. *Sull*. 34.
[122] e.g. Plut. *Sull*. 34.3-5; see also App. *B Civ.* 1.97. Miano (2018) parses this problem quite well, noting that εὐτυχία and other terms for *fortuna* like τύχη and καίρος are common in Plutarch's account (p. 134, n. 37). cf. Schilling (1954), who attempts to draw this connection through Fortuna Primigenia at Praeneste (pp. 278-279)
[123] Balsdon (1951), pp. 5ff.

Another, less direct allusion to Sulla comes in the middle of the second part of Second Action. When Cicero describes Verres' actions in Sicily, after explaining a rather burdensome method of extortion for erecting a statue of himself, he reveals that there was an inscription in Syracuse to Verres "not only as PATRONUS but also as SOTER."[124] The inscription itself was for the festival Verres implemented in Syracuse, the *Verria*, which replaced the already existing *Marcellia*.[125] As Cicero says here, the Greek epithet of *soter* (σωτήρ) was difficult to translate into Latin with only a single term, but "doubtless is 'one who gave deliverance.'"[126] The epithet was an old one by the time Verres had apparently received it. It was used by several Greek leaders going back through the Hellenistic period.[127] For this reason, it must be made clear that, as an epithet, it does not as directly allude to Sulla as does *felix*. Nevertheless it was given to Sulla in some Greek speaking cities, apart from the Greek translation of *felix* as Ἐπαφρόδιτος. At the very least, σωτήρ was yet to be a proper *Roman* epithet, and still marked Greekness.[128]

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[124] *itaque eum non solum PATRONUM istius insulae sed etiam SOTERA inscriptum vidi Syracusis* (*Verr*. 2.2.154). Wallace-Hadrill (1990) remarks that Cicero's recognition of such Greek honors shows an awareness of them, even if they have not been fully adopted by Romans (yet). The Greeks had an entire *system* of honors, more or less consistent between cities and honorand (p. 157). An altar was discovered at Syracuse with the inscription Διὸς Σωτῆρος Ἱέρωνος (*Zeus Soter Hieron*), taken to refer to Hieron II. As Serrati (2008) demonstrates, such honors were post-Alexandrian, but *soter* was on of the more common epithets (p. 84).

[125] This festival, or at least Verres' replacing Marcellus' festival, will be discussed soon. It can be noted here that the *Marcellia* resembled the *Ptolemaieia* at Alexandria or the *Demetria* at Athens. The *Marcellia* were likely inherited from Hieron (Serrati (2008), p. 85).

[126] *is est nimirum SOTER qui salutem dedit* (*Verr*. 2.2.154).

[127] Many Egyptian Ptolemies adopted the epithet, for example, following Ptolemy Soter, a general and successor of Alexander the Great in Egypt. Belayche (2007) marks it as one of many epithets for invoking a deity (p. 283).

[128] This epithet would later be used in Roman contexts, even by Cicero, for example in the *Pro Lege Manilia* (49) in reference to Pompey (Cole (2013), p. 56). Gildenhard (2011) indicates how Cicero was able to walk the fine line with this epithet, where Sulla's divine associations led to his

Some more overt connections to Sulla make these allusions more likely. For example, when discussing Verres' tendency to present his account books dubiously, Cicero claims that he joined the Sullan faction precisely to continue lining his pockets through illicit accounting.[129] Verres, with others, might have claimed to join the Sullan cause to restore honor and dignity to the nobility,[130] but Verres' true reason, as alleged by Cicero, was purely profit. As if becoming a Sullan were bad enough at this stage, Verres did it only to enrich himself and not for any laudable principled reason.

Finally, in perhaps the most unexpected section of the Second Action, the *de frumento*, Cicero argues that Verres' reduction in final prices is one aspect of Sulla's legacy that the senate has decreed illegal.[131] Sulla had a great deal of power and was able to act in many ways almost unilaterally but he was unable reduce final profit for the people in the sales made after the proscriptions. Verres tried a similar tactic in Sicily, though in dealing with grain tithes rather than the goods of proscribed individuals. Verres set himself up as the only other individual who matched Sulla in this particular practice. His disregard for approved Roman customs was not limited to price-controlling but far wider in scope, all of which makes the implication that he was acting like a kind of tyrant more tractable.

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abnormal lust for power, while Pompey's led to his being a great general (pp. 259-260). Eventually, the epithet is later ascribed to Nero, at this point having become acceptable for an emperor (OGI 668.3).

[129] *Verr*. 2.1.36-37.

[130] This other motive, "that honor and dignity be restored for the nobility," is also provided by Cicero (*non ut honos et dignitas nobilitati restitueretur Verr*. 2.1.37) but is not far from the language he uses for his own reason in prosecuting Verres. Again, this supports Vasaly's (2009) argument that there was a perception of a collapsing public rigor (p. 122).

[131] *Verr*. 2.3.81. Frazel (2009) outlines this process, which essentially amounted to Verres changing the sale price and recording that price, then pocketing the difference (p. 198).

Verres' tyrannical actions are abundant throughout the *Verrines* and thus will only be addressed cursorily here in order to move on more swiftly to his transgressions of Roman *religio*.[132] On the whole, Frazel's argument that the "Against a Tyrant" rhetorical common-place was a subset of the "temple-robber" common-place is precisely why this issue needs addressing at all.[133] The connections between Sulla and religious transgressions are rather obvious; there is his adopted cognomen Felix already discussed as well as his apparent affiliation with Venus, both of which have already been discussed.[134] Likewise, the connection between Sulla and tyranny is also well-examined. The connection of all three, but especially tyranny and religious transgressions, is what ties together these prominent threads in the *Verrines*, as well as many of Cicero's political speeches in the future.

The majority of Verres' most explicitly tyrannical actions come in the fifth part of the Second Action, sometimes called the *de suppliciis*. This part is primarily concerned with how Verres administered justice in his province while he was governor. In most cases, he was a brutal administrator even by Roman standards. Certainly it was in Cicero's interest to highlight Verres' worst decisions but there are some actions that would have been considered tyrannical even when taken in isolation. Taken with the rest of the *de suppliciis*, and other instances presented in other parts of the speech, Verres' tyranny in Sicily is nearly impossible to excuse.

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[132] Chapter 3 of Frazel (2009) addresses this topic directly.
[133] Frazel (2009), p. 181.
[134] Plut. *Sull*. 19.5 ; App. *B Civ.* 1.97. He possibly dedicated a temple of Venus Felix; see Schilling (1954), pp. 283-284; Balsdon (1951), pp. 5-6.

Some of Verres' decisions would seem irrelevant to the court's purpose of granting provincial allies the opportunity to gain retribution for maladministration. For example, Verres' clothing, or his luxurious lifestyle— some might say debauched[135] — have no immediate effect on the Sicilians he was charged to govern.[136] Even one of Verres' many sexual affairs, described by Cicero as "against divine law, against the auspices, against every human and divine scruple" since she was already married to one man, should have had no logistical difference on the production and sale of grain in Sicily.[137] While this kind of attack on a man's masculinity, especially by describing his clothes and behavior, was standard procedure for invective,[138] it functions well within Cicero's larger argument against Verres as a threat to Roman tradition. The strength of Cicero's language here clearly marks this affair as more than an irrelevant scandal. The degree of seriousness with this behavior is such that Cicero labels Verres "that Hannibal" who is willing to promote women in his camp.[139]

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[135] Wallace-Hadrill (2007), p. 357.

[136] Verres has a tendency to wear a purple cloak (*Verr*. 2.5.31, 2.5.86), sometimes even a crown (*Verr*. 2.5.27). He also spent his winters secluded, with short days filled with feasting and long nights filled with indecency (*Verr*. 2.5.26) or his summer quarters filled with women (*Verr*. 2.5.30); he was also known to travel by litter (*Verr*. 2.4.51, 2.5.27, 2.5.34). While the attacks against Verres' clothes might have played into Romans' aversion to luxury, some of his preferred dress items are not out of the ordinary. Nisbet (1992) is careful to point out that Cicero's audience might have expected better from a *praetor populi Romani* (p. 5).

[137] *noctu stupri causa lectica in urbem introferri solitus est ad mulierem* ***nuptam uni, propositam omnibus, contra fas, contra auspicia, contra omnes divinas atque humanas religiones*** (*Verr.* 2.5.34).

[138] Corbeill (2006), p. 442. This will come up again in a later chapter when Cicero is arguing against Clodius.

[139] *iste autem Hannibal, qui in suis castris virtute putaret oportere non genere certari, sic hanc Tertiam dilexit ut eam secum ex provincia deportaret* (*Verr*. 2.5.31). MacDonald (2015) describes Hannibal's "liaison with a local woman" from Salapia while wintering in 214, pointing to Pliny the Elder (*NH* 3.103); at least by Pliny's time, Hannibal had gained a reputation for his encounter

Indeed, Verres' penchant for women extended into his administration of the province. More than once Cicero comments on Verres' choice of women to be among his assistants. Along with the myriad gender and sexuality issues represented by Cicero's shock at Verres having women work as his tax-collectors, the selection of women is first and foremost pertinent in Cicero's projection of Verres as a kind of tyrannical violator of norms.[140] This tendency is one Cicero plainly describes as "royal," where Persian kings — and apparently Verres, too — had several wives who each oversee a town in the production of a single luxury item.[141] Thus, even in his acquisition of luxury, Verres resorted to non-Roman methods. While no individual Persian or Syrian king is named in these actions, it is nevertheless a serious charge for Cicero to make, with clear undertones of threatening Roman norms. If Verres was willing to ignore traditional Roman practice with regard to promoting those under his authority, almost certainly he was willing to ignore other Roman traditions too.[142]

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wintering at Salapia. MacDonald also offers Appian (*Hann.* 43) to support the notion that Hannibal had a reputation for succumbing to "the delights of love," though she also argues that Appian was confusing Hannibal's time in Salapia and Capua (p. 163, and n. 16).

[140] Frazel (2009) also argues that this choice on Verres' part, and those that Cicero characterizes as "soft" (*mollis*) are incorporated in the speech precisely to undermine Verres' defense of being a *bonus imperator* (p. 148). While this undermining seems to be true, the stronger rhetorical purpose, in my eyes, seems to be to portray Verres as distinctly non-Roman in his tendencies, making him nearly Persian (*Verr.* 2.3.76-79), or a rival to Hannibal (*Verr*. 2.5.30-32) or Dionysius of Syracuse (*Verr*. 2.5.145).

[141] *Anno tertio vero in hoc agro consuetudine usus est regia. solere aiunt reges barbaros Persarum ac Syrorum plures uxores habere, his autem uxoribus civitates attribuere hoc modo; haec civitas mulieri in redimiculum praebeat, haec in collum, haec in crines* (*Verr*. 2.3.76).

[142] It should also be noted that even some of the men Verres hired allegedly carried out "tyrannical measures" in stripping some farmers of all of their grain, seeing immense profits (*Verr*. 2.3.115).

The most egregious instance of Verres ignoring Roman tradition and custom, at least in the tyrannical sense, is his torture and execution of Roman citizens. Although torturing and executing Roman citizens was considered universally vile for Romans, Cicero treats different cases of it with varying amounts of detail. When Verres captured a pirate fleet, and kept some of the pirates and captives alive but executed Romans in their place, Cicero only devotes a few paragraphs to the story.[143] It is a serious crime, but the citizens killed are not named and Cicero seems almost to worry more about Verres' decision not to execute the pirates than he does to the decision to execute Romans in their place.[144] In any event, Verres broke with standard Roman practice of executing pirates when they were captured, and this was worrisome.[145]

The worst example of his treatment of Roman citizens, or at least one that received more focused attention from Cicero, is Verres' execution of Publius Gavius of Consa.[146] The story consists of Gavius being condemned to the stone quarries of Syracuse, from which he escapes and flees to Messana. This town, as Cicero points out repeatedly, was one of the few to support Verres and thus they turn the fugitive over to Verres when the magistrate arrives. Verres then proceeds to torture and crucify Gavius, alleging that he was a spy, sent by other fugitives.[147] In reply to the flogging, Gavius said, "I am a Roman

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[143] *Verr.* 2.5.64-73.
[144] Some seem to think that Verres spared the pirate captain because he was bribed (*Verr.* 2.5.64), Cicero suggests that Verres kept him alive with the expectation of parading him in a triumph (*Verr*. 2.5.67).
[145] *Verr*. 2.5.67. Citing another instance of Verres executing a Sicilian ship captain, (*Verr*. 2.5.15-31), Becker (1996) argues that such conduct put Verres in the same category as other tyrants (p. 131) or kings in the mold of Tarquinius Superbus, who had abused their power (pp. 168-169).
[146] *Verr*. 2.5.158ff.
[147] The punishments thus far include being stripped naked and publicly flogged (*Verr*. 2.5.161).

citizen," to which Verres had a cross erected.[148] Cicero lingers on the cruelty of the last scene; Gavius was finally crucified within sight of Italy, "so that he might feel how the narrow channel [between Messana and Italy] was the division between slavery and freedom, and Italy might see her son, hanging, in the most extreme punishment of slavery."[149] Here, Italy becomes an alternative for specifically Roman ideals, a relatively recent development in Roman discourse.[150]

This execution in particular, coming near the end of the overall proceedings, is obviously intended to mark Verres' most immediate threat to Cicero's Roman audience. Cicero even states as much when he begins to wrap up Gavius' story, claiming that Verres "was an enemy to the name and class of citizens and their freedom. [He was] an enemy not to that man but to the cause of common liberty."[151] Indeed, the crucifixion of a Roman citizen is so extreme a crime that Cicero cannot find the appropriate description

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Jenkyns (2013) makes the case that Cicero was not opposed to these punishments, per se, only that Verres had performed them on a Roman citizen (pp. 111-112).

[148] *caedebatur virgis in medio foro Messanae civis Romanus, iudices, cum interea nullus gemitus, nulla vox alia illius miseri inter dolorem crepitumque plagarum audiebatur nisi haec "**civis Romanus sum**"* (*Verr*. 2.5.162). This defense is used by others from the stone quarry as well (*Verr*. 2.5.147), suggesting either that Verres was known to have tortured Romans in Syracuse, or that those condemned to the stone quarries had learned that Roman citizens were not to be tortured or executed.

[149] *Italiae conspectus ad eam rem ab isto delectus est, ut ille in dolore cruciatuque moriens perangusto fretu divisa servitutis ac libertatis iura cognosceret, Italia autem alumnum suum servitutis extremo summoque supplicio affixum videret* (*Verr*. 2.5.169). See Jenkyns (2013) for the importance of sight-lines in this passage (p. 13).

[150] Dench (2005) makes this point with regards to slightly later texts like the *Philippics* and *Res Gestae*, though I think this might qualify as an earlier example of the same idea (pp. 184-185).

[151] *quasi tu Gavio tum fueris infestus, ac non nomini, generi, iuri civium hostis. non illi, inquam, homini, sed causae communi libertatis inimicus fuisti* (*Verr*. 2.5.169). Nippel (1995) argues that the right to an appeal, "instead of being subjected to the arbitrary action of the magistrates…had become an essential aspect of *libertas,*" which Verres was here clearly violating (p. 6).

of it as a crime.[152] This was a crime that exceeded parricide in its gravity, which was a direct threat to the natural order. The threat to the *libertas* of the Roman citizens, whose interests Verres was serving as governor of Sicily, was such that Verres earned the comparison of Dionysius of Syracuse or perhaps Phalaris, two infamous tyrants from the island.[153] These two are too tame in their cruelties when compared to Verres, or at least Cicero would like his audience to believe as much. Verres' cruelties marked a new *monstrum* to which even Scylla and Charybdis were lesser rivals.[154]

By executing Roman citizens, Verres secured his status as a new kind of tyrant in Sicily. He flirted with this status in the structure of his administration and his preference for purple cloaks and crowns, but once he began torturing Romans and executing them in sight of Italy, his threat to mainland Romans was unquestionable. The severity of these crimes is proven when Cicero, representing the Sicilian deputation, argues that even the gods seek to punish Verres for executing Romans.

Early in the Second Action, Cicero establishes the connection between Verres' crimes against Romans and those against the gods. After Verres had maltreated Romans and ignored their citizenship, the gods saw to the execution of his punishment:

> *rapiunt eum ad supplicium di patrii, quod iste inventus est qui e complexu parentum abreptos filios ad necem duceret et parentes pretium pro sepultura liberum posceret. religiones vero caerimoniaeque omnium sacrorum fanorumque violatae, simulacraque deorum, quae non modo ex suis templis ablata sunt, sed*

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[152] *facinus est vincire civem Romanum, scelus verberare, prope parricidium necare; quid dicam in crucem tollere? verbo satis digno tam nefaria res appellari nullo modo potest* (*Verr*. 2.5.170).
[153] *versabatur in Sicilia longo intervallo alter non Dionyius ille nec Phalaris — tulit enim illa quondam novum monstrum ex vetere illa immanitate quae in isdem locis versata esse dicitur* (*Verr*. 2.5.145).
[154] *Verr*. 2.5.146.

> *etiam iacent in tenebris ab isto retrusa atque abdita, consistere eius animum sine furore atque amentia non sinunt* (*Verr*. 2.1.7).[155]
>
> The paternal gods take him for punishment, because he was found to be one who could lead children to death torn from their parents' embrace, and of demanding a price for parents to bury their children. But the rites and ceremonies of all the shrines and sacred places, which he violated, and all the images of the gods, which he not only removed from their temples but which are lying hidden and stowed by him, these do not allow his mind to rest without frenzy and madness.

Thus, the new *monstrum* that comes at the end of the proceedings is also the capstone to the other, equally important threat to Rome: Verres' distinct transgressions against the gods, their temples, and their shrines.

There is a running sentiment throughout the Second Action, particularly in the so-called *de signis*, that Verres was a man of uncontrollable lust, who had effectively no control over his impulse to steal. His impulse extended to nearly every facet of life. If something was beautiful or perceived valuable, Verres would steal it or buy it for a paltry sum.[156] It would therefore be disingenuous to suggest that Verres only stole religious objects or that he specifically targeted such objects. Rather, it is important to note that Verres included *even* images of the gods in his purview when estimating what he could

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[155] The point is reiterated in the following paragraphs, which will be addressed more fully in the pages to come. The term *amentia* is a common one for Cicero against his opponents. Spencer (2010-2011) identifies a connection between Verres and Catiline, their conspiratorial natures, and madness, though he does not explore it further (p. 135). Seager (2014) notes that Clodius is described as acting with *amentia* on two occasions but also does not explore the connection further (p. 234).

[156] Some examples of non-religious thefts include Sthenius' possessions (*omnia domo eius abstulit quae paulo magis animum cuiusquam aut oculos possent commovere*, *Verr*. 2..283) and the story of Diodorus of Melita's prized silver (*Verr*. 2.4.38ff.). Cicero even comments at the beginning of the *de signis* that he is being literal when he says Verres stole everything valuable in Sicily (*magnum videor dicere, attendite etiam quem ad modum dicam. non enim verbi neque criminis augendicausa complector omnia, cum dico nihil istum eius modi rerum in tota provincia reliquisse, Latine me scitote, non accusatorie loqui*, *Verr*. 2.4.2).

and should acquire for himself. He did so with great zeal in fact, showing that he lacked the proper restraint concerning these sacred objects but possibly even the ability to distinguish what was sacred. Such was Verres' plundering of temples that Cicero could devote an entire section of his Second Action to addressing it, rivaling his illicit bookkeeping and his torture of fellow citizens.

Verres' actions as described in the *de signis*, his plundering of objects sacred to the gods, is only one aspect of a larger narrative that Verres had an uncontrollable lust and greed. We are told in the first part of this Action that even earlier in his career, when Verres was legate in Pamphylia, he was unable to control his greed. It made his defense all the more difficult, too, since the best defense could reject every charge in an extortion trial.[157] He left "no statue behind in Aspendus, but openly loaded up and carted away everything out of the shrines and public places, with everyone watching."[158] Aspendus itself is described as being filled with the best statues and he took even those that were in shrines. Elsewhere in Asia, such as Perga, he stole again from the "most sacred and ancient shrine of Diana." Worse than simply stealing from the shrine, he stole the gold from the statue of the goddess as well as the goddess herself.[159]

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[157] *de Orat.* 2.105.

[158] *hoc dico, nullum te Aspendi signum, Verres, reliquisse, omnia ex fanis, ex locis publicis, palam spectantibus omnibus plaustris evecta exportataque esse* (*Verr*. 2.1.53); see also *in Caec*. 6, *Verr*. 1.11, 2.1.95.

[159] *Pergae fanum antiquissimum et sanctissimum Dianae scimus esse; id quoque a te nudatum ac spoliatum esse, ex ipsa Diana quod habebat auri detractum atque ablatum esse dico* (*Verr*. 2.1.54).

Indeed, as legate, Verres plundered Pamphylia to such an extent that he exceeded the precedent of other conquering generals.[160] These men had earned their privilege by defeating or otherwise subduing foreign enemies, some of whom were quite powerful at the time. They, despite their victories and the virtue that came with those victories, refrained from totally plundering the lands they had conquered.[161] Even what they did take, they kept out of their personal homes but instead decorated "the whole city, the temples of the gods, and all parts of Italy with their monuments and gifts."[162] Verres, on the other hand, even as a legate to the governor, had taken everything from Aspendus and taken the goddess Diana herself from Perga's famous shrine. He violated the sanctity of the Diana by stealing from her shrine, but had also taken what was public for private purposes, a classic characteristic of a tyrant for a Roman,[163] and a manifest display of his own *libido*, *licentia*, and *superbia*.[164]

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[160] Examples listed include Marcus Marcellus who captured Syracuse (and will appear repeatedly), Lucius Scipio who defeated Antiochus in Asia, Flaminius who defeated Philip of Macedon, Lucius Paulus who defeated Perseus (and father of said Scipio Aemilianus, who will appear repeatedly), Lucius Mummius who conquered Corinth (*Verr*. 2.1.55).

[161] Their restraint with defeated enemies only serves to highlight Verres' own lack of restrain with the loyal subjects of Sicily.

[162] *quorum domus, cum honore et virtute florerent, signis et tabulis pictis erant vacuae, at vero urbem totam templaque deorum omnesque Italiae partes illorum donis ac monumentis exornatas videmus* (*Verr*. 2.1.55). This notion might align well with Lewis' (2000) argument that Sicilian tyrants, often taken as distinct from the archaic model, were instead of the same kind as their archaic precedents, and might even have been well-liked by their subjects (pp. 97-106, esp. p. 105). If tyrants were providing public goods in the form of monuments and the like, it is easy to see how they might have had high approval.

[163] Gildenhard (2011), p. 174. Miles (2008) distinguishes between *res privatae*, *res publicae*, and *res sacrae* (pp. 159-160). Verres' theft was not only sacrilege but a violation of Greek and Roman public rights to such objects. Bodel (2007) notes that the confiscation/destruction of private property is one hallmark of the tyrant figure (p. 7).

[164] These, too, are hallmarks of tyrants; Arena (2012), pp. 244-245; Dunkle (1971), p. 13.

Before he had even set foot in Sicily, he had already established himself as one who was willing to loot the gods themselves. When he does finally land on Sicily as governor, his past history proves to be a mark of his true character. At Syracuse, for example, Verres stole so much from the temples that Cicero remarks that he "seemed to plunder more cities of their allies than Lucius Mummius did of their enemies, that he decorated more villas with the decorations of shrines than Mummius decorated shrines with spoils of the enemy."[165] Once he had established himself on Sicily, he continued operating at the same extreme standard he had already set for himself in Pamphylia.

As soon as Verres touched Sicily, as a matter of fact, he saw to the filling of his purse with money gotten through questionable means. Prior to Verres' arrival, the son of a certain Dio of Halaesa had inherited a sum of money; this inheritance was undisputed before Verres landed on the island. When Verres landed, he learned of the inheritance, and the stipulation that it would be forfeited to Venus Erycina should the son fail to erect statues in the forum.[166] Verres, seeing an opportunity for himself, summoned Dio and had

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[165] *Verrem esse qui cum L. Mummio certet, ut plures hic sociorum urbes quam ille hostium spoliasse videatur, plures hic villas ornamentis fanorum quam ille fana spoliis hostium ornasse* (*Verr.* 2.3.9).

[166] Wardman (1982) suggests that Venus Erycina might have been incorporated into Rome (in 217, during the Second Punic War) for diplomatic reasons, since this tied Rome to Sicily through Aeneas (p. 34; see also Orlin (1997), p. 108). Galinsky (1969), and BNP (1998) make a similar argument, that it was Venus Erycina's Trojan ties that led Rome to import the deity, as well as Magna Mater (pp. 174-176 and pp. 83-84, respectively; see also Schilling (1954), p. 244), though Galinsky also cautions that such stories of Trojan migration should be taken with a grain of salt (p. 88). Frazel (2009) notes Venus Erycina's deep history in Sicily, and the fact that Cicero largely leaves out transgressions against Venus in his *Verrines*, as Verres had aligned himself with Venus in particular (p. 84). Finally, Orlin (2010) comments on the ways in which Romans made Venus Erycina their own once incorporated at Rome; she had sacred prostitutes (and some pigeons) in Sicily, but lacked such practices in Rome (pp. 71-76). Thus, Venus Erycina, despite being from Sicily and a long history on the island, had already had a strong connection with

his own man, Naevius Turpio, falsely allege that the statues had not been erected and thus the inheritance was to go to Venus Erycina. Dio then paid Verres one million sesterces to secure his rights to the inheritance, though Verres still emptied Dio's house of silver and tapestries.[167]

The significance of the story here is twofold. First, it suggests quite clearly that Verres' intention while governor of Sicily was anything but cautious or judicious. Within a matter of a few weeks, he had already abused inheritance law, and gotten a major deity involved with Venus Erycina.[168] While Verres left the bulk of the inheritance in Dio's possession, he still made off with a good sum of his own and Dio's silver and tapestries. That he allegedly did so with the power of Venus Erycina on the other side of the dispute is still only a side note.

This is the other point for the story, though its full significance will only become obvious over the course of the Second Action. Verres was a master at manipulating books, especially wills and inheritance, and he was willing to use the gods when they suited him.[169] Cicero presents part of Dio's story very early in the Second Action, making it a clear pattern-case for Verres' transgressions to come. The *de frumento* concerns much of Verres' manipulation of prices, accounts, and wills, while the *de signis* concerns his

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Rome that distinct from the island. Verres, as will be addressed shortly, associated himself with the Sicilian deity and her temple.

[167] This story is given piecemeal at *Verr*. 2.1.27-29 and 2.2.19-24.

[168] The timeline of the case is unclear, as Cicero never explicitly gives one once Verres arrives. The brevity of the two versions gives the impression that this was a rapid development of events.

[169] As we will see, it was a fortuitous coincidence for Verres, who often found himself involved with both Venus and Cupid.

violations of several deities. The case of Dio of Halaesa is both kinds of transgression in one criminal act.

Another example, the temple of Castor in Rome, is one of the more proximate cases for Cicero's audience.[170] While the upkeep of the temple had been the responsibility of Publius Iunius, upon his death it passed to his sons. Verres saw this as an opportunity for profit and proceeded to have the columns of the temple made plumb. After seeking arbitration on the matter, Verres won out and further took advantage of the young Iunius and his guardians by hiring contractors. When the actual renovations began, some columns were left untouched and others only had their plaster removed and new plaster applied.[171] The manipulation of building contracts on a public temple for his own gain is similar to his exploiting Dio's inheritance with the temple of Venus Erycina.

While of a different kind, in that this concerned the actual temple itself and its restoration, both present Verres as unafraid to use public temples to his advantage. The temple of Castor, in particular, stands as an easily visible example of Verres' complete disregard for religious scruple. Here is an example of Verres' absurd disregard for the gods and standard practice (the columns were mostly only retouched) in order to make a quick profit. Cicero's imagined audience would easily have been able to see the temple of Castor and its columns needlessly refurbished. From this, they could extrapolate to other instances in Verres' career so that even the seemingly above-board instances of repairing

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[170] The entire story is presented at *Verr*. 2.1.130-153. This is, per Vasaly (1993), an example of 'inartificial proof,' acting much like a law or testimony; it provides a witness (*testis*) to Cicero's argument (p. 25).
[171] *Verr*. 2.1.145.

temples or other construction projects would become suspicious. By referring to instances of Verres' misdeeds that were immediately visible, Cicero provided convenient proof to his Roman audience that they could apply to the other, less immediate proof of the sort that Cicero presents throughout the Second Action.

Verres shows such indifference to religious custom that he also used temple slaves and, worse, temple-robbers to carry out many of his misdeeds. The use of temple-robbers is brief, but nevertheless important. The events unfolded rather typically: Apronius, one of Verres' chief tax-collectors, went to Agyrium with his usual retinue to collect taxes and there demanded vast sums with veiled treats.[172] The leaders of Agyrium refused and Verres summoned them to Syracuse, where they then refused to the point of a trial. Verres stacks the court with his own men, Artemidorus the physician, Tlepolemus the painter,[173] and others of this sort, who, Cicero is careful to note, are not Roman citizens but Greek temple-robbers.[174] The trial proceeded and Verres said anyone found guilty would be flogged and killed, at which point the Agyrians promise to leave their farms to Apronius.

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[172] *qui cum apparitoribus eo cum vi ac minis venisset, poscere pecuniam grandem coepit ut accepto lucro discederet…* (*Verr*. 2.3.67). The story continues through *Verr*. 2.3.74.

[173] Treggiari (1969) offers a good overview of these freedmen's occupations, physicians (pp. 129-132) and painters (pp. 135-138). Tlepolemus is named again at *Verr*. 2.4.30, where it is said that he robbed the temple of Apollo at Cibyra. Verres hires him, and his brother Hiero, upon arriving at Cibyra. As for their gentilician name *Cornelius*, two possibilities have been suggested, that it came from either Cornelius Dolabella or Sulla (Platschek (2013), p. 256 n. 85). Shackleton Bailey (1988) suggests that they attained Roman citizenship through Verres, and therefore took the name *Cornelius*, a common *gens*, rather than the "un-Roman sounding" *Verres* (p. 99, s.v. Verres (Rom.), C.).

[174] *ingerebat iste Artemidorum Cornelium medicum et Tlepolemum Cornelium pictorem et eius modi recuperatores, quorum civis Romanus nemo erat, sed Graeci sacrilegi iam pridem improbi, repente Cornelii* (*Verr*. 2.3.69). Frazel (2009) suggests that Cicero attempts to depict Verres as fairly clueless when it comes to art but instead relying on the opinion of others (p. 102); see also Treggiari (1969), p. 136. These two, a painter and wax modeler respectively, were consulted by

As governor, Verres abused his authority, thus Cicero particularly highlights the threat of violence to coerce the men of Agyrium. But his stacking of the court with men who were temple-robbers is equally troubling. The word *sacrilegus* itself appears in the *Verrines* four times: once here, twice to describe Verres himself, and once to describe Verres' "sacrilegious and always impious war."[175] To see Verres rely on such men to sit on his court is unsurprising, given their shared interests. The worry comes, rather, from the implication that Verres would put men much like himself on his courts, leaving aside any pretense at a fair hearing. To have his men be temple-robbers underscores that fact; how could the accused expect a fair hearing when the judges did not even heed the sanctity of the gods? With Cicero well into the Second Action by this point, Verres' true, foul character has already become clear. Putting the same sorts of men onto the courts should certainly alarm the jury to which Cicero might have delivered this Action.

Verres' use of temple slaves is similar to his use of temple robbers, if less foreboding. Repeatedly, Verres sent temple slaves to carry out his orders or attend his tax-collectors like Apronius.[176] The most common term used is *venerius*, which is sometimes accompanied by an agency noun like *servus* or *apparitor* but not in every instance. It is used simply as an adjective only three times to describe Verres himself, with the vast

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Verres and gave him the opinion he wanted, only after secreting HS 1,000 for themselves (*Verr*. 2.4.32). For the translation of *sacrilegi improbi* as "temple robbers," most of the weight is put on *sacrilegi*, which itself can suggest the plundering of temples (Cic. *Leg.* 2.41).

[175] Verres is described at *Verr*. 2.1.7 and 2.5.4, his sacrilegious war (*audacia instinctus* ***bellum sacrilegum semper impiumque*** *habuit indictum*) at *Verr*. 2.5.188.

[176] There is an already existing legal/administrative apparatus for the temples, and Verres works within that system for his own ends. Ricl (2001a, 2001b, and 2003) provides helpful insight into the customs of temple slaves and freedmen, though her work focuses on the Eastern Mediterranean, primarily Phrygia, and is thus only applicable by way of comparison.

majority referring to dispatched slaves or attendants.[177] Thus, the term is one Cicero used widely in the Second Action, mostly in reference to subordinate or enslaved persons. That Verres himself receives the appellation is only a further undermining of his standing as governor of Sicily. On the other hand, the term is perfectly suitable to Verres' character and history.

As already discussed, Verres showed a propensity to using the gods and their temples to his advantage when he attempted to have Dio's son's inheritance forfeited to Venus Erycina. Indeed, Venus Erycina was the one deity to whom Verres seems to have shown any kind of affection.[178] There were at least two other instances when Verres aligned himself in association with the goddess, reinforcing his status as a "man of Venus."[179] After staying at and then stealing every object worth stealing from the house of Sthenius of Thermae, Verres used his newly acquired money to establish a silver Cupid

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[177] In reference to Verres, all three instances use the phrase *homo venerius* (*Verr*. 2.2.24, 2.2.93, and 2.5.142). The term refers to other slaves and attendants at *Verr*. 2.2.92, 2.3.50, 2.3.55, 2.3.61 (*bis*), 2.3.65, 2.3.75, 2.3.86 (*bis*), 2.3.87, 2.3.92 (*bis*), 2.3.105, 2.3.144, 2.3.183, 2.4.32, 2.4.104.
[178] As Frazel (2009) points out, this is the odd instance of Verrine piety, when otherwise Cicero portrays the former governor as totally impious (p. 84). Part of this could be the fact that Verres was showing a tendency for the *Sicilian* version of Venus Erycina, i.e., the one Mt. Eryx, not the *Roman* deity. The following note briefly outlines the origin of the deity in Rome, but it is worth pointing that the Roman version of the cult differed from the Sicilian, notably in the lack of sacred prostitution (Orlin (2010), p. 75). Thus, Verres' devotion might still be questionable, if not totally impious. Galinsky (1969) argues that Mt. Eryx was important for Rome from a relatively early period (p. 63), so Verres' interest here might have been in the mountain, per se, rather than the deity.
[179] It is important to note that Venus Erycina had already long had a presence in Rome, first imported to the city after a consultation of the Sibylline Books during the Second Punic War; the temple was dedicated in 215 BCE. Thus, some have argued that she was imported for diplomatic reasons, intended to placate ties between Rome and Sicily, by emphasizing connections between the city, Sicily, and Aeneas (Orlin (1997), p. 108; Orlin (2010), p. 71; esp. Wardman (1982), p. 34).

at the temple of Venus Erycina, bearing the name of Sthenius.[180] In a similar fashion, after torturing Gaius Servilius, a Roman citizen of Panhormus, Verres spent Servilius' money on another silver Cupid, which he dedicated in the temple of Venus.[181] By Cicero's reckoning, this statue was a testament to Verres' *cupiditas*. It marked a monument to his own misdeeds as well as his lechery. It also marked one of the only deities Verres is shown to pay any mind. For most, he showed no scruple whatsoever — even Venus was liable to be Verres' scapegoat in profiteering.

But Verres did not stop at using public temples as some means for personal profit; they are also the direct source of his plundering. An obvious example of this is his stealing from a deity while serving as legate for C. Cornelius Dolabella in Cilicia, the first instance of stealing directly from the temple. Upon arriving at Delos with Dolabella, Verres oversaw the theft from the temple of Apollo. In the dark of night, he had the temple's statues removed to his ship. The local inhabitants were stunned when they saw their temple emptied of its statues but dared not complain out of fear of Dolabella. When the weather turned, the ensuing storm caused Verres' ship, carrying its cargo of sacred statues, to crash on the shore. Dolabella saw the cargo strewn on the beach and had the statues restored to the temple.[182]

The plundering of Apollo's temple marks another pivotal point in Verres' career. Here was a patent instance of his robbing a deity's temple of its famous statues, and the

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[180] The plundering of Sthenius' house begins at *Verr.* 2.2.83 (*omnia domo eius abstulit quae paulo magis animum cuiuspiam aut oculos possent commovere*) and continues continues through *Verr*. 2.2.118. The silver Cupid is mentioned specifically at *Verr*. 2.2.115.
[181] *Verr*. 2.5.141-142.
[182] *Verr*. 2.2.46.

temple in question being very ancient and much-revered. The temple had even been considered the birthplace of Apollo (and Diana).[183] This was only the first time that Verres would rob a deity of the statues marking their birthplace, or at the very least one of the most ancient temples for that deity.[184]

This plundering also ties in the other aspect of Verres' character already discussed: his tyrannical tendencies. Again, this anecdote comes early in the Second Action. It thus precedes the *de signis* and the *de suppliciis*, which covers most of Verres' violations against Roman citizens. Still, it reflects early on that Verres was willing to commit acts of violence and sacrilege that outpaced other well-known tyrants and kings. In this way, Verres became an unbearable entity to the provincial allies and his Roman prosecutor alike.[185]

All of these examples of Verres' religious transgressions fall outside of the most religious part of the Second Action, the *de signis*. It would thus be foolish to argue that Cicero's religious case against Verres was limited to the fourth part of his speech; it extends into every part. Verres' lust was uncontrolled. Without listing the many statues and temples stolen from around Sicily, Cicero could still emphasize the many ways in which Verres transgressed religious norms and customs, cementing himself as a "man of Venus." When he finally does turn to address the numerous items stolen from temples

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[183] *ex fano Apollinis religiosissimo noctu clam sustulit signa pulcherrima atque antiquissima…est enim tanta apud eos eius fani religio atque antiquitas ut in eo loco ipsum Apollinem natum esse arbitrentur* (*Verr*. 2.1.46).
[184] He will also infamously rob Ceres, which will be discussed shortly.
[185] A relatively minor, but I think still valid, point Vasaly (1993) makes in her chapter on "Ethnic Personae" is that Cicero takes pains to present Verres' entire career as outside/against human and divine laws; he was a rhetorical tyrant, but he also lacked any religious scruple (pp. 213-214).

and other religious sites, only the crimes themselves are surprising, not the nature of them, though both would likely be equally appalling for Cicero's Roman audience.

For the sake of brevity, four of the many occurrences in the *de signis* involving theft of sacred objects will be the focus here.[186] These are Heius' house in Messana, the candelabrum to Jupiter Optimus Maximus from Antiochus, the statue of Diana from Segesta, and those of Ceres and Libera from Henna. These four crimes stand out, in particular, because they receive lengthier descriptions than some of the other crimes in the *de signis*.[187] The full list of religious crimes in the *de signis* is of course much longer; these are the four Cicero gives the most attention and the most significant at present.[188] They also represent, in different ways, some of the clearest examples of Cicero depicting crimes committed in Sicily as *Roman* offenses.

Cicero nearly opens this part of the Second Action with Gaius Heius' house in Messana, the least obviously religious of the four main offenses.[189] Once he has gotten into retelling the crimes Verres committed against Heius (and the gods), the religious nature of the crime is evident. Heius' house had a chapel, in which were a shrine, a statue of Cupid and of Hercules, several altars, and some statues of Canephoroe that were a

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[186] These four are highlighted by Vasaly (1993), who sees them as connecting a longer list of plundered objects (pp. 111ff.).

[187] Vasaly (1993) argues that these four are connected in the way that they all receive more details than the other crimes in the *de signis* to the point of *enargeia* (pp. 111 and 127). She also argues that Cicero delays these crimes to more consistently portray Verres as a tyrant throughout the Second Action (p. 115). I agree with both assessments, though I think that there is more to these crimes, like how they especially pertain to Roman religious interests.

[188] Again, Frazel (2009) covers the *de signis* in great detail, analyzing Cicero's case through a rhetorical lens.

[189] *Verr*. 2.4.4-5. Köster (2017) marks this as the second extant use of the word *sacrarium* in Latin, after a fragment of Cato (*ORF* frag. 74), and the use of the adjective *sacer* drives home the sacredness of the place (p. 153).

popular destination for visiting Romans.[190] To despoil such a place was, at once, the plundering of public and private (Heius' house was private, and open to the public), a degree of crime which Verres will repeat more than once.[191] In particular, one major part of the problem in this situation is how Verres stole property that was open to the public — even if it was Heius' own — and then proceeded to keep it in his own private house, presumably not open to the public.[192] Heius, thus, stands as an opposite of the tyrannical Verres, opening his own private property for public use, which makes Verres' theft here particularly thorny. He stole publicly available private property for his own use.

That Heius was from Messana adds to the potency of Verres' theft as this was one of the few towns to support Verres. It is Messana where Publius Gavius went before he was punished as a spy; the Messanians were the only Sicilians to praise Verres.[193] At the head of the group sent to praise Verres was none other than Heius himself, who is now a witness against Verres to have his heirlooms restored.[194] That said, already in the second part of the Second Action, Cicero foreshadowed this story when he revealed that the head of the Mamertine deputation, Gaius Heius, had alleged that Verres had stolen his personal

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[190] *Verr*. 2.4.5.
[191] A good discussion of the distinction between 'public' and 'private' (and the importance there) can be found in the second chapter of Russell (2016). One way a space could acquire public meaning was through a history or memory associated with that site (pp. 19-20); in this case, Heius' house has long had Roman visitors. Another example is that Verres stole the dish of Gnaeus Pompeius (formerly Philo) of Tyndaris. This dish was richly embossed, and Verres stole it from the table, a sign of the household gods and hospitality (…*apposuit patellam, in qua sigilla erant egregia. iste continuo ut vidit, non dubitavit illud insigne penatium hospitaliumque deorum ex hospitali mensa tollere*, *Verr*. 2.4.48).
[192] Russell (2016), p. 9.
[193] *Verr*. 2.5.15.
[194] *Verr*. 2.5.17.

property, including "sacred vessels and his heirloom household gods."[195] With this new context, Verres had stolen from the head ambassador of one of the few places in Sicily that supported him, he plundered simultaneously public and private property, but also the property of one of his apparent supporters. Now that his term as governor was over and he had returned to Rome,[196] there was reason to believe that he might steal Rome's gods or possibly a jury member's household gods.[197]

The next major item, the candelabrum of Antiochus, is much simpler. Cicero prefaces the deed by saying that the example "contains every kind of wickedness, in which the gods were violated, the standing and authority of the Roman people diminished, hospitality despoiled and betrayed, and the alienation of the most friendly kings and nations from us because of his crime."[198] The candelabrum was apparently sent for the single purpose of being put in the temple of Jupiter Optimus Maximus on the Capitoline.[199] When Verres was able to finally see it, he praised it on end, saying that he would never be satisfied looking at it. After this, he sent the ambassadors away empty

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[195] *idemque Mamertinorum legatus, istius laudator, non solum istum bona sua, verum etiam* ***sacra deosque penates a maiorbius traditos, ex aedibus suis eripuisse dixit*** (*Verr*. 2.2.13).
[196] Of course, Verres at this point had literally fled Rome, but the semblance of his presence will be maintained again for rhetorical effect.
[197] As before, this goes a long way toward depicting Verres' character in the most negative light possible. That said, if past character is worth anything rhetorically, it would be as an indicator of present and future proclivities.
[198] *Verr*. 2.4.60. Frazel (2005) argues that Cicero can, at times, treat Verres as he would any thief in a civil proceeding (p. 363) and that this makes sense, given the overlap between *repetundae* and *furtum* (pp. 373-374); this also, obviously, ties in to the theft of religious objects.
[199] This is one deity whom Verres violates that falls within the sacral jurisdiction of Rome, pace Dillon (p. 4). Westall (2015) notes that this offer to Jupiter Optimus Maximus (or one of a crown, diadem, etc.) was standard from Roman allies and also evidence that such gifts were made abroad, then transported to Rome (p. 33).

handed.[200] We learn, through Cicero, that Antiochus was hesitant to lend the candelabrum to Verres "for fear of Jupiter Optimus Maximus and the opinion of the people," but Verres stole it anyway.[201] That Verres stole the candelabrum from a Syrian prince, offering the gift as a gesture of goodwill to Rome, would have been bad enough; that the candelabrum was to be given to Jupiter on the Capitoline once the new temple was finished only makes it worse.[202]

The theft could mark the beginning of bad relations with the Syrians or other foreign nations, as Cicero warns.[203] Though technically not yet dedicated to Jupiter,[204] the theft is still supposed to demonstrate that Verres was stealing from Jupiter himself and there is hardly a greater offense than that.[205] Indeed, Cicero even directly addresses Quintus Catulus, arguing that he should take the theft as a personal attack.[206] As the person responsible for restoring the temple after the fire of 83 BCE — and, conveniently, a jury member — Catulus would benefit from the splendor of the restored temple, so that the "memory of [his] name, together with that temple, would be made sacred for all

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[200] *Verr*. 2.4.64-65.
[201] *Cum ille se et* ***religione Iovis Capitolini et hominum existimatione*** *impediri diceret… Verr.* 2.4.66.
[202] It is best to note here that Verres did not only steal the candelabrum from Antiochus, but also some silver and gold dishes, and ladle made from a single precious stone (*Verr*. 2.4.62-63). But it is the candelabrum that receives Cicero's attention and is presented as Antiochus' greatest and most regrettable loss; Antiochus publicly declared that he did not care about his other valuable goods, only the candelabrum (*Verr*. 2.4.67).
[203] *Verr*. 2.4.68. Becker (1996) also follows this argument, saying that a failure to convict Verres could mark the end of such foreign dedications to Roman deities, which "stand for unquestionable validity of Roman rule of the world" (pp. 239-240). See also Miles (2008), p. 198.
[204] Köster (2017), p. 159.
[205] *Verr.* 2.4.71. Jenkyns (2013) marks this as a breach of a human-divine boundary (pp. 227-228).
[206] *Verr*. 2.4.69.

time."[207] In this way, when Verres stole the temple's intended candelabrum, sacred to Jupiter, he stole from Catulus, too.

Through one action, Verres jeopardized Rome's relationship with foreign nations and peoples, Jupiter Optimus Maximus, and diminished the standing of the temple and Quintus Catulus. Of course, Cicero's direct appeal to Catulus might be read as a cynical way to win over one of his jurors. That conflicts with Cicero's line of argument though.[208] The damage done to Rome's relationship to foreign nations, at least Syria, and the relationship with Jupiter Optimus Maximus is clear. When lightning struck the temple in 83 BCE, Cicero suggests here that he was prompting Romans to build a more magnificent temple.[209] When Verres stole an intended dedication from the temple, it marks Catulus' reduced standing, but also his failure to satisfy Jupiter's prompting and thus Rome's failure too. In many ways, the theft of the candelabrum already marks the fulfillment of many of the institutional problems Cicero itemized that would result from an acquittal. If this is the case, then, conviction is the only means of making amends.

The next object, a statue of Diana from Segesta, is also relatively straightforward. Segesta, a town supposedly founded by Aeneas, lost its statue of Diana to Carthage before the town was part of a Roman province.[210] When Scipio Aemilianus conquered

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[207] *tuus enim honos illo templo senatus populique Romani beneficio, tui nominis aeterna memoria simul cum templo illo consecratur* (*Verr*. 2.4.69).
[208] It is better to see this appeal as a contrast between Catulus and Verres, where Catulus becomes the model of public service and religious scruple if he sides with Cicero.
[209] *ut illa flamma divinitus exstitisse videatur, non quae deleret Iovis Optimi Maximi templum, sed quae praeclarius magnificentiusque deposceret* (*Verr*. 2.4.69).
[210] Cicero remarks that when the statue was moved to Carthage, it was still worshipped in Carthage and effectively only meant a change of home for the worshippers (*Verr*. 2.4.72). Becker (1996) suggests this remark is intended to denote the inherent *religio* in the statue (p. 245).

Carthage in the Third Punic War, he returned the statue to Segesta where it was erected with an inscription marking himself and the occasion.[211] As soon as Verres saw this statue, that "enemy and plunderer of all things sacred and revered," immediately ordered it torn down and succeeded in his endeavor through threats and other exploitative means, leaving nothing but the inscribed pedestal,[212] which itself then becomes a marker for Verres' crime.[213] He had done the opposite of Scipio.[214] Here Verres has perhaps done worse than the candelabrum.

He has not only stolen something meant for an adored deity (Diana) but stolen a statue erected as a memorial to Roman benevolence and by one of Rome's greatest generals, in a sense from Scipio himself. After all, Segesta was not the only city to see its plundered objects restored by Scipio; Agrigentum, for example, received the infamous bronze bull Phalaris used as a torture device.[215] When Verres stole away Diana's statue, he robbed Scipio of the glory and memory of his and Rome's victory. At the same time, Verres robbed the Segestan people of their cherished deity. In an elaborate scene, Cicero describes the women of Segesta, some of whom were old enough to recall Scipio reintroducing Diana, watch as Verres leads the goddess from the town. The women and

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[211] *Verr*. 2.4.74. Cicero apparently fails to recognize that this might have been less than voluntary on the part of the Segestans (Lomas (2000), p. 167).

[212] *Hanc cum iste* ***sacrorum omnium et religionum hostis*** *praedoque vidisset, quasi illa ipsa face percussus esset, ita flagrare cupiditate atque amentia coepit; imperat magistratibus ut eam demoliantur et sibi dent; nihil sibi gratius ostendit futurum* (*Verr*. 2.4.74). See also *Verr*. 2.1.9, 2.4.78 for similar turns of phrase.

[213] Stewart (2003), pp. 279-280; cf. *Verr*. 2.2.160 for the people of Tauromenium tearing down one of Verres' statues.

[214] Seager (2007), p. 36.

[215] *Verr*. 2.4.72; other cities named are Thermae and Gela. Cicero states that Scipio told the Agrigentines that they could see it as a monument of domestic cruelty or Roman clemency (*cum idem monumentum et domesticae crudelitatis et nostrae mansuetudinis haberent*).

girls of the town, covered in perfumes and garlands, flocked to Diana as she was carried off. The scene contrasts with that of Scipio, who brought Diana back from an enemy city to her home.[216]

Taken together, Verres did more damage for the local inhabitants while at peace with them than Scipio had done in times of war. Despite coming as a general, the Segestans looked kindly on Scipio — at least in Cicero's telling — since he restored their ancestral deity.[217] After Verres stole that deity and left only the inscription as a reminder of the statue and Scipio's deeds, he ordered the inscription be erased to eliminate that final reminder.[218] For this reason, the Segestans sought Metellus Scipio's help in regaining their stolen statue.[219] In the same way that Cicero directly addressed Catulus, he calls out Metellus Scipio to be a protector of his family's memory.[220] But, by some clever rhetorical steering, Cicero also adopts Scipio's legacy for all of Rome to protect,

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[216] *tum imperator populi Romani, vir classimus, deos patrios reportabat Segestanis ex urbe hostium recuperatos, nunc ex urbe sociorum praetor eiusdem populi turpissimus atque impurissimus eosdem illos deos nefario scelere auferebat. Quid hoc tota Sicilia est clarius, quam omnes Segestae matronas et virgines convenisse, cum Diana exportaretur ex oppido, unxisse unguentis, complesse coronis et floribus, ture, odoribus incensis usque ad agri fines prosecutas esse* (*Verr*. 2.4.77)?

[217] In this story, Cicero muddies Scipio's role as a general and it should be explained. After defeating Carthage, which was in control of parts of Sicily, Scipio returned the statue to the Segestans, despite being able to claim it for himself or Rome as spoil. Thus, despite having only just ended his war with Carthage, he nevertheless returned to them their cherished deity. Verres, in contrast, had stolen this cherished deity, without even having the excuse of being at war with Carthage.

[218] *Verr*. 2.4.79; this suggests that Cicero's comparison between Scipio and Verres was not invented for the *Verrines*, but one felt in Segesta as well.

[219] A distant relative of Scipio Aemilianus, but a Cornelius Scipio nonetheless.

[220] *Verr*. 2.4.79-81.

which is not too much of a reach. As the destroyer of Carthage, Scipio Aemilianus was great enough to serve as a source of pride for all Romans, not only the Scipios.[221]

The notion that Scipio Aemilianus and other great men like him belong to all Romans is best and most fully explored in the *Somnium Scipionis* of Cicero's *de Re Publica*, where Aemilianus is one of the interlocutors. There, Cicero argues through two Scipiones, Aemilianus and Africanus, that through good deeds on behalf of one's fatherland, the entrance to the heavens is opened.[222] Here, more than fifteen years before the *de Re Publica* would be published, Cicero is already laying the groundwork for the argument that great work done for the benefit of one's homeland would ensure a long-lasting memory.[223] In doing so, he also makes Scipio Aemilianus a figure all Romans can use as a model for their own lives; Cicero himself claims to have done as much in his life thus far.[224] Coming back to the *Verrines* and Verres' stealing of Diana's statue, once again, Cicero redirects the theft from the Segestans to be a theft from the Romans too. If the Scipios can belong to all Romans and are not exclusive to the Scipionic family, Verres stole a monument of Rome too.[225]

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[221] *sit apud alios P. Africani, ornentur alii mortui virtute ac nomine, talis ille vir fuit, ita de populo Romano meritus est, ut non uni familiae sed universae civitati commendatus esse debeat* (*Verr*. 2.4.81). Gildenhard (2011) comments on just how radical this kind of argument was for Cicero to make (p. 55).

[222] This, of course, comes at the culmination of the entire dream, which otherwise highlights the importance of doing good for your country at the expense of short term personal gain (*de re publica*, 6.26).

[223] It should be noted that in the *de re publica*, Scipio is nearly deified, while here he is memorialized. This development is beyond the immediate scope of my dissertation. See also Cole (2013) for a discussion on the importance of the scene, and how Cicero hedges here (pp. 99-102). Akin to Hercules or Romulus, only their *animi* live on, not their *corpora*.

[224] *Verr*. 2.4.81.

[225] Cicero makes this point early in the Second Action (*Verr*. 2.1.11), that the monuments of

By far the biggest loss with the statue and pedestal, at least to Cicero, is that Verres did not sell the object but instead put it up in his own home. As he did with Heius' Cupid and other household gods, Verres took this even more public statue and pedestal, a memorial to the achievements of a "most temperate and venerable man and the image of the virgin Diana."[226] This image of Diana, restored by Scipio, serves to contrast two Romans in stark terms. Verres acts as the inverse of Scipio, the one who could serve as a model for all Romans.[227] Whereas Scipio reestablished the image of Diana at Segesta, Verres removed it. Verres opted, instead, to focus his attention on Venus, as already mentioned, making the polarity between these two Romans all the more obvious.

Finally, there is the statue of Ceres. For Sicilians generally, and Hennans in particular, Ceres and Libera were of prime importance, being associated with the myth of Libera's/Proserpina's abduction.[228] Romans seem to have even appreciated the claims of the Hennans and accepted that their cult of Ceres/Demeter was the most ancient.[229] Cicero recounts the myth of Libera's abduction from near Henna and Ceres' desperate attempt to find her daughter in the area. He supports the story through the "most ancient

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Marcellus and Scipio are presented as being from these men but everyone considered them to be Roman monuments. He finally fully clarifies it here in the *de signis*; the discussion of Marcellus is to come shortly.

[226] *Verres* ***temperantissimi sanctissimique viri monumentum, Dianae simulacrum virginis*** *in ea domo collocabit…* (*Verr*. 2.4.83); see also *Verr.* 2.4.78.

[227] Steel (2001), p. 35.

[228] Cicero himself even acknowledges that the Hennans call Libera Proserpina: *Nam et natas esse has in his locis deas et fruges in ea terra primum repertas esse arbitrantur,* ***et raptam esse Liberam, quam eandem Proserpinam vocant****, ex Hennensium nemore, qui locus, quod in media est insula situs, umbilicus Siciliae nominatur* (*Verr*. 2.4.106).

[229] *Verr*. 2.4.108. See also Scheid (1995), p. 24.

books and monuments of the Greeks" and claiming that Sicilians are "so persuaded that it seems to be implanted and inborn in their minds."[230]

The Romans in 133 BCE, responding to Tiberius Gracchus' death and a consultation of the Sibylline Books, sent priests from the *decemviri sacris faciundis* to "the most ancient Ceres" in Henna.[231] Per the Sibylline consultation, they were to propitiate this Ceres in order to put right the dangers of the times.[232] When the priests went to Henna to placate Ceres, despite Rome's own temple to Ceres, they were making a concession to Henna's greater importance in the cult; as they saw it, the Sicilian (and thus Greek) version of the cult was older, truer, and/or closer to Ceres herself.[233] Cicero himself even acknowledges that the Hennans call Libera "Proserpina," one of the few times that he refers to the difference in language and culture between Romans and

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[230] *vetus est haec opinio iudices, quae constat* ***ex antiquissimis Graecorum litteris ac monumentis****, insulam Siciliam totam esse Cereri et Liberae consecratam. hoc cum ceterae gentes sic arbitrantur,* ***tum ipsis Siculis ita persuasum est ut in animis eorum insitum atque innatum esse videatur*** (*Verr*. 2.4.106).

[231] *P. Mucio L. Calpurnio consulibius aditum est ad libros Sibyllinos, ex quibus inventum est* ***Cererem antiquissimam*** *placari oportere. tum ex amplissimo collegio decemvirali sacerdotes populi Romani, cum esset in urbe nostra Cereris pulcherrimum et magnificentissimum templum, tamen usque Hennam profecti sunt* (*Verr*. 2.4.108). Scheid (1995) makes the astute observation that "at least the senate did not see any contradiction in connecting the Roman Ceres with the original Sicilian Ceres" (p. 24). Rawson (1991) suggests that this incident is evidence for a high degree of religious concern after Ti. Gracchus' death (p. 152).

[232] MacBain (1982) notes that most of the prodigies for which this delegation was sent occurred in Sicily, and thus possibly as a result of the Sicilian slave revolt (p. 38). Spaeth (1990) argues that the delegation was sent specifically to discredit Ti. Gracchus for his violation of tribunician *sacrosanctitas* and to justify his murder (p. 183).

[233] Once again, see Scheid (1995), who explains the very Greek perception of this cult, despite a long Roman tradition. His nuanced argument differentiates "Greek rites" (*Graecus ritus*) in Rome, even when archeological evidence points to a long history of "Greek rites" in Rome, making that rite rather Roman by the first century BCE (pp. 17ff); see also Orlin (2010), pp. 163, 192-195. For the combination of Ceres with the Italic dyads of Ceres/Liber and Liber/Libera, see Orlin (1997), pp. 100-101 and DiLuzio (2016), pp. 107-108; Isayev (2011) notes that this theory is contested (pp. 377-378).

Sicilians.[234] The distinction here, often overlooked, serves Cicero's argument that in Rome Ceres and Libera were often thought to trace their roots to Henna. That the local inhabitants had another name for Libera only further solidifies the historicity of worship in Henna for Cicero's Roman audience. Any reader who knew the Greek deity and her story would instantly recognize the Greek counterpart once the name Proserpina was given. Even if, archeologically, the evidence might suggest a long Roman tradition of Ceres in Rome by this point, there was still the perception of her Greekness in the city.[235]

That Verres would despoil the statue of Ceres from her most ancient place of worship is apparently hard for Cicero to fathom. For Cicero, the town of Henna, where Ceres is thought to be among the people, is like a shrine itself and the people are all, in a way, priests.[236] Again, he reminds his audience that the Hennans are not seeking repayment for the cost of the statues; they wanted the crime against Ceres atoned for and

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[234] *nam et natas esse has in his locis deas et fruges in ea terra primum repertas esse arbitrantur,* ***et raptam esse Liberam, quam eandem Proserpinam vocant****, ex Hennensium nemore, qui locus, quod in media est insula situs, umbilicus Siciliae nominatur* (*Verr*. 2.4.106). Another instance of acknowledging the different nomenclature is with Jupiter, called Urios (*Verr*. 2.4.128). While some might use these instances to point to *interpretatio Romana* on Cicero's part, I would push back against this since the deities referenced both have significant *Roman* connotations. Dillion (2016) connects Zeus Urios to Jupiter Optimus Maximus by his association with Jupiter Imperator (pp. 6-7). Russell (2016) points to Livy's account of the dictator T. Quinctius Cincinnatus (Capitolinus), who took a statue of Jupiter Imperator from Praeneste in 380 BCE and placed the image on the Capitoline (p. 106, citing Livy 6.29). While Livy's account differs slightly from Cicero's (*Verr*. 2.4.129), both speak to the prominence that Jupiter Imperator held in Roman history; Ceres, as discussed, had her own Roman qualities.

[235] Her long tradition in Rome likewise ties the violation of the Greek/Sicilian cult to the cult at Rome. There is a connection between the two, which Spaeth (1996) outlines in detail, going back to Ceres' earliest Italic roots (pp. 1ff). Her argument is that, while Ceres might have had longstanding Italic tradition (the name itself is derived from the Indo-European root **ker-*), once they were associated with Demeter and Proserpina in the Middle Republic, they took on a more Greek style and iconography (pp. 11-12). For some early imperial reliefs of Ceres and Libera found at Corinth, Spaeth (2017) argues against simple *interpretatio Graeca* (pp. 399-400), arguing instead for the *Roman* deities at Corinth (pp. 409-410).

[236] *Verr*. 2.4.111.

would forego the rest.[237] The desperation of the inhabitants of Henna is felt here in their plea. Considering all inhabitants priest-like, their pleas to atone for the theft, rather than seeking repayment, go beyond Cicero arguing for Scipio's pedestal. Cicero adopted Scipio Aemilianus as his own, and wanted the pedestal of Diana's statue returned mostly for memorial purposes. The Hennans, on the other hand, lost their own deity and want Verres to expiate for that misdeed since their own interests are in jeopardy. Verres' theft affected all of the citizens of the town as though Orcus had stolen Proserpina herself away again.[238] This reference is not accidental on Cicero's part. He had already detailed the myth of Proserpina when explaining the importance of the site for Ceres.[239] Now, he recalls that story to have Verres act like the one who had stolen the goddess from her home and mother.

To offend Ceres was to offend one of Rome's major matronal deities and Verres did it in spectacular fashion.[240] As was previously discussed, Rome had its own temple of Ceres, and she had her own tradition in Rome, that made her a prominent deity in Rome by the early first century BCE.[241] While Rome might have recognized her and their worship as tracing back to Sicily and Greek custom, the city had long practiced its own

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[237] *Verr.* 2.4.111.
[238] *Hic dolor erat tantus ut Verres alter Orcus venisse Hennam et non Proserpinam asportasse sed ipsam abripuisse Cererem videretur* (*Verr*. 2.4.111).
[239] *Verr*. 2.4.106-107.
[240] Staples (1998), p. 84; Ceres also represented marriage, a mediation between Liber and Libera, themselves representing the male and female seeds (p. 87). Spaeth (1996) seems to contend that Cicero makes Ceres a deity almost exclusively worshipped by women (p. 20), though this view is not totally accepted (e.g. Lazeretti (2006), p. 309). I hesitate to fully accept Spaeth on this notion. There is clearly a strong association with women, possibly not exclusive.
[241] cf. Jenkyns (2013) who drew on this example as one of the few times that Cicero does *not* have a Roman bias (p. 252). Even here, I argue, Cicero made the connection to Rome with Ceres.

worship of Ceres. Thus, even if Ceres originated in Henna (or only Sicily), Roman worship of Ceres had, by this time, become its own interpretation of the cult, distinct from the Hennan form.[242] Likewise, the worship of Ceres and her temple in Rome had also developed their own Roman connotations.[243]

An example coming later in the *Verrines* has Cicero commenting on his role as aedile-designate and the responsibilities that office entails. Chief among his duties, he says, is to oversee the celebration of the festival of Ceres, Liber, and Libera,[244] the union of whom is a distinctly Roman one.[245] Of course, by outlining the duties of aedile and presenting the *ludi Ceriales* as his chief duty Cicero contributes to the impression of his own piety. While Verres is stealing statues from numerous deities, Cicero is preparing to oversee (and help fund) a major Roman festival.[246] Still, Ceres and her festival had by this time become one way for aediles to advance their careers and enhance their own

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[242] Orlin (2010) investigates the importance of *ludi* in establishing specifically *Roman* practices in imported foreign cults, noting that by the end of the third century, the four major *ludi* were for deities that were either imported or had begun to gain Greek associations — Ceres, Apollo, Magna Mater, and Flora — thus requiring Roman worship practices (pp. 153-157).
[243] Mignone (2016) argues against the standard view that Ceres' temple was on the Aventine in Rome (esp. Appendix 1). She counters the arguments of authors like Coarelli (1983), Spaeth (1996), and others who take for granted the Aventine as plebeian to justify the association with Ceres, or vice versa. The evidence for the Aventine being distinctly plebeian, she argues, has largely been misinterpreted by modern scholars or supported by circular reasoning (p. 13).
[244] *Nunc sum designatus aedilis; habeo rationem quid a populo Romano acceperim; mihi ludos sanctissimos maxima cum cura et caerimonia Cereri, Libero, Liberaeque faciundos, mihi Floram matrem populo plebique Romanae ludorum celebritate placandam…* (*Verr*. 2.5.36). This is in obvious contrast to Verres and his own election as praetor (*Verr*. 2.5.38). Becker (1996) makes the shrewd observation that Cicero here highlights the religious obligations of the office of aedile, but downplays the personal expenditure (pp. 81-82).
[245] Following Spaeth (1996), who observes that there were no known Greek cults of Demeter, Kore, and Dionysus (p. 8).
[246] Becker (1996) is good to point out Cicero's downplaying of the personal expenditure involved (pp. 81-82).

image, which would have been far more difficult if Romans only held the Ceres at Henna in high regard. It is worth noting for now, however, that Rome had developed and given Ceres her own significance, even if she was still thought of as "Greek." Stealing from her temple in Sicily, from the perceived source, would perhaps have been worse than stealing from the Roman temple.

There is one final topic that needs addressing, and incorporates nearly every theme discussed thus far: the reputation of the Marcelli, especially Marcus Marcellus. Perhaps the crime most representative of Cicero's larger case comes in the middle of the *de signis*, where Cicero relates the theft of the statue of Mercury from Tyndaris. In this instance, as in the case of Antiochus' candelabrum, Cicero steps out of the story by explaining its inclusion in the extortion trial. This is one of the few explanations he ever gives for including numerous statues in his case against Verres for extortion, and he says it could also be charge for embezzlement, treason, impiety, or cruelty.[247] The theft of Mercury incorporates all of these charges in various ways.

Most of these charges are relevant to the current argument in some way: extortion (due to the trial itself), treason (the removal of a Roman monument), impiety (violation of the greatest religious ordinances), and cruelty (the horrible torture of a Roman friend and ally). Implicit in the removal of a Roman monument is the threat this example posed to

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[247] *unum hoc crimen videtur esse et a me pro uno ponitur, de Mercurio Tyndaritano; plura sunt, sed ea quo pacto distinguere ac separare possim nescio. est pecuniarum captarum, quod signum ab sociis pecuniae magnae sustulit; est peculatus, quod publicum populi Romani signum de praeda hostium captum, positum imperatoris nostri nomine, non dubitavit aufere; est maiestatis, quod imperii nostri, gloriae, rerum gestarum monumenta evertere atque asportare ausus est; est sceleris, quod religiones maximas violavit; est crudelitatis, quod in innocentem hominem, in socium vestrum atque amicum, novum et singulare supplicii genus excogitavit* (*Verr*. 2.4.88).

Scipio Aemilianus, who gave the statue to the Tyndarians, and the threat to the Marcelli, whose set of statues Verres puts to use in his own criminal acts.[248]

After Sopater, a local noble, initially refused to give Verres the statue, the governor had Sopater stripped and tied to a statue of Gaius Marcellus, to remain there in the rain.[249] In the end, the local senate relented and promised the statue of Mercury to Verres. Such brutal treatment is, of course, repeated when Verres had the Roman Gavius tortured before his crucifixion. In this way, Verres' actions in Segesta were not singular but part of his greater tendencies.

The selection of Gaius Marcellus' statue is another reason that the crime had broader implications than the immediate harm to Sopater. Cicero, in fact, directs a good deal of this story to the question of its significance. He wonders what it meant to torture Sopater on Marcellus' statue: did it undermine the status of the Marcelli as patrons of the island and Gaius Marcellus' as patron of Tyndaris, did it reflect the power of the local governor over the relatively weak power of distant protectors, was it another instance of Verres trying to diminish the reputation of the Marcelli on the island, or was it simply a display of Verres' unique insolence?[250]

Each of these questions can be answered in the affirmative.[251] As a matter of fact, they are all different versions of the same question: did Verres choose Gaius Marcellus'

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[248] Some form of the name 'Marcellus' appears twelve times within *Verr*. 2.5.86-91 (an average of twice per chapter), a frequency that is rivaled best by a form of 'Scipio' eight times within *Verr*. 2.4.79-80 in the discussion of Diana at Segesta.
[249] *Verr*. 2.4.85-87.
[250] *Verr*. 2.4.89-90; these questions and their answers are, of course, not mutually exclusive.
[251] This series of rhetorical questions is a clever ploy on Cicero's part to get his reader's thinking

statue in order to tarnish how Sicilians saw the Marcelli and simultaneously burnish his own standing? After all, the Marcelli had long ties with the island; the Marcellus in question had recently been governor of Sicily, and was generally considered a good governor, while Marcus Marcellus had defeated Syracuse in the Second Punic War.[252] Although it was the later Marcellus who was the primary target of Verres' offense, the entire clan was ultimately implicated, for the equestrian Marcellus on which Sopater was bound was one of a set of Marcelli statues. In fact, Marcus Marcellus, the conqueror of Syracuse, is the target of Verres' actions in a number of other crimes.

After the story of Ceres and Libera, Cicero moves to the city of Syracuse. Marcellus looms largely over this discussion, as might be expected, given his history with the city. Despite being the general who ultimately conquered Syracuse, Cicero argues that Marcellus understood the benefits sparing the city could have for Rome, "he preserved all the buildings — public and private, sacred and profane — in such a way that it was as if he had come with an army to defend these, not attack them."[253] This line recalls Verres in negative since he had plundered every religious shrine and temple, and torn children from their parents. Marcellus, by comparison recognized his position as conqueror and as a

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about Verres' motives from several different angles.

[252] *Verr*. 2.4.86. Miles (2008) notes that Cicero's depiction of Marcellus is more restrained than Polybius' (9.10) Livy's (25.40, 25.31.11), and Plutarch's (*Marc*. 21), with all of their depictions making Marcellus a looter to some degree (pp. 64-65).

[253] *itaque aedificiis omnibus, publicis privatis, sacris profanis, sic pepercit quasi ad ea defendenda cum exercitu, non oppugnanda venisset* (*Verr*. 2.4.120). Becker's (1996) argument that Cicero's use of historical *exempla* adds to his own *auctoritas* in a kind of simile is convincing (citing Quintilian *institutio oratoria* 5.11.1; p. 193). As is the point that this comparison between Verres and Marcellus deliberately makes Verres look the worse (p. 206), even if Marcellus certainly took *some* divine images, but refrained from stealing those in shrines (p. 210).

human; he took some objects as conqueror, but refrained from totally stripping the city bare.[254]

The implicit suggestion in this comparison is that Verres, who was not even a conquering general but a governor during nominal peacetime, lacked the human rationale marked in men like Marcellus. Verres plundered the temple of Minerva on the Island, a district in Syracuse, which temple Marcellus himself had not touched. Once Verres had come through the Island, the temple looked like it had been damaged by barbarian robbers.[255] In other crimes, such as his torture of Roman citizens or his use of women as his administers, Verres had already been compared to Persian kings and tyrants. Now Cicero put him in an even lower and more alienating category, potentially even stripping him of his humanity.[256] Verres' actions against Minerva had been so severe and so

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[254] *Verr.* 2.4.120. Here is perhaps the best place to note that this presentation of Marcellus is not universal among Romans, and indeed the capture of Syracuse marked the beginning of Rome's fascination with Greek art and culture (e.g., Livy 25.40.1-3), and ultimately its "decline" (Flower (2003), p. 47). For a challenge to this ancient theory, see Miles (2008), p. 154.

[255] *aedis Minervae est in Insula, de qua ante dixi, quam Marcellus non attigit, quam plenam atque ornatam reliquit, quae ab isto sic spoliata atque direpta est non ut ab hoste aliquo, qui tamen in bello religionem et consuetudinis iura retineret, sed ut a barbaris praedonibus vexata esse videatur* (*Verr*. 2.4.122). Other uses of the term *praedo* to refer to Verres include *Verr*. 1.1, 2.1.46, 2.1.152, 2.2.141, 2.3.76, 2.4.21 (in a simile), 2.4.23, 2.4.80, 2.4.95; pirates themselves are a strong theme in the *de suppliciis*, but that is beyond the scope of this discussion (for a brief discussion, see De Souza (1999), pp. 151-157). Habinek (1998) points out the rhetorical importance of bandits in pirates, saying "just as the state that Cicero is defending is a construct infused with ideological, economic, military, and religious significance, so too banditry, as the mirror image or evil twin of the Roman aristocratic state, can be opposed to the state along any of these axes of analysis" (p. 71). Verres seems to be opposed to the state on all axes.

[256] Indeed, as Gildenhard (2011) points out, such labelling as a "barbarian robber" ostracizes Verres, certainly from the Roman community and the category of *boni*, but likely also from categories like *vir* and *homo* (p. 80). In a recent passage, Cicero notes Marcellus' *humanitas* when he refrained from plundering all of Syracuse but instead acted more like a defender of the city (*Verr*. 2.4.120). Given this, Gildenhard's argument seems entirely likely here.

widespread that Verres exceeded an enemy in war, who would at least recognize religious custom.

The comparison between Verres and the conquering Marcellus here is a reiteration of the same line of argument Cicero made for Diana's statue from Segesta. That statue, which Scipio had restored in wartime, Verres had stolen away in peacetime. At other points in the Second Action, Cicero makes the more universal comparison between Verres and a conquering general; Verres far outpaced his predecessors in the despoiling of local buildings and temples, even though he lacked the justification of overthrowing the city in question.[257] He had treated the cities of Sicily worse than if he had come with an invading army, just as he treated Asia and Pamphylia worse than other generals like Lucius Scipio or Lucius Paulus.

Finally, in less destructive ways, Verres had still managed to overturn the memory and influence of the Marcelli in Sicily. Cicero heaps scorn on Verres for replacing the statue of Marcellus in the *bouleuterion* with a gilded statue of himself and his son,[258] and the *Marcellia*, a festival established by Marcus Marcellus commemorating the capture of Syracuse, with his own *Verria*.[259] He is dumbfounded that the people of Syracuse would

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[257] *Verr*. 2.1.55, 2.4.115; this is very likely hyperbole on Cicero's part, but it is effective nonetheless. Becker (1996) looks at the comparison Cicero makes between Verres and P. Servilius Vatia Isauricus, who conquered the pirate city of Olympus (*Verr*. 2.1.56), arguing similarly that such a comparison clearly reflects Isauricus' greater status as an *imperator* (p. 35).
[258] It was unusual for a current governor to have statues of himself (and family members) erected while serving his term, but not that uncommon to erect statues after he had left the province. Miles (2008) suggests that Verres might have done this for plausible deniability; if they had put up statues, the Syracusans must have approved of him (p. 185; cf *Verr*. 2.4.138-139). Prag (2013) only suggests that the arch in the *bouleterion* would be rare, but other statues would not be atypical (p. 279).
[259] The statue of Verres in Syracuse facing the temple of Serapis was toppled soon after his term

"heap divine favors on the very person who robbed them of their divine images."[260] It would be easy to argue that Marcellus himself should not receive divine honors in his *Marcellia*, for he had captured the city. But, remembering his restraint and the way that he had acted like a defending general, this is at the very least understandable. Comparing Verres to men like Marcellus or Scipio, Verres had seemed to replace the memorials of benevolence for his own malevolence. It would have been one thing to replace the statues of Marcellus with his own, but it was quite another to do so after plundering the province to such a degree.[261]

Likewise, when Marcellus had conquered Syracuse, the honors that were vowed for him were following the Hellenistic tradition of civic ruler cult.[262] By the time Verres became governor of Sicily, Syracuse had long been performing the festival for Marcellus and his descendants, and the memory of Marcellus in Rome was becoming more positive.[263] For Verres to impose his own *Verria*, despite stealing Syracuse's statues

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as governor ended (*Verr*. 2.2.160), suggesting this was not a wise move on Verres' part; Butler (2002) says such states were the markers of his abuse of power (p. 49). The replacement of the *Marcellia* with the *Verria* is mentioned at *Verr*. 2.2.50-52.

[260] *etenim minime conveniebat ei deorum honores haberi qui simulacra deorum abstulisset* (*Verr*. 2.4.151).

[261] As Cole (2013) notes, Cicero's problem was not so much with Verres, a Roman, receiving such honors, but that a thief like Verres would dare seek them (pp. 23-24).

[262] Rives (1993) briefly provides the context for these games. They seem to have been the first divine honors for a Roman, following an already established tradition in the Hellenistic east (p. 33). That said, the heritability of the honors, the fact that C. Marcellus also seems to have drawn honors from their performance, was a distinctly Roman interpretation of the honors (p. 34).

[263] Flower (2003) provides an overview of the sources for Marcellus' memory, and how it had received critical attention from men like Polybius, only to gain a "renewed luster" in the late Republic (p. 45). Wilson (2000) argues that Cicero's version of Marcellus conflicts with Plutarch's, citing *Marc*. 4 for *Marc*. 21, when Marcellus declares that "he had taught the ignorant Romans to honor and marvel the beautiful wonders of the Greeks" (pp. 135-136). But it *does* agree with the more benevolent image of Marcellus earlier in the work, when Marcellus laments

(worse than a warring enemy), and to expect divine honors in turn, was an affront to the Syracusans and the Sicilians more broadly.[264] And, once more, it was unbelievable for Cicero.[265]

The other way Verres undermined the Marcellan family was to flout the traditions implemented by Gaius Claudius Pulcher to fill vacancies in the senate of Halaesa. For background, some twenty-five years before the trial of Verres, there was a dispute as to how to fill vacancies in the local senate and the senate appointed this Claudius Pulcher to draw up a set of regulations. Guidelines were then implemented after consultation with all of the Marcellus family, who were themselves a branch of the Claudius tree.[266] Verres was the first governor of Sicily to ignore the laws drawn up for filling vacancies, choosing to sell them instead. This was perhaps Verres' subtlest rejection of the influence of the Marcellus family, but it aligns rather well with the many other times that he ignores laws and traditions elsewhere in Sicily, such as his questionable methods for collecting taxes.

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the destruction of Syracuse before its capture (*Marc.* 19). Perhaps the spoils of war can still be had, even if their plundering is recognized and lamented by the conquering general as a part of war.

[264] At least by Cicero's claim, the whole of Sicily was connected to the Marcelli (*in Caec.* 13).

[265] Such indiscretion for established festivals is mirrored in Verres' attempt to delay his trial by means of approaching festivals. Considering his total disregard for the already existing *Marcellia*, and the vanity of replacing that festival for one in his own name, it now comes as no surprise that he would try to use the Roman festival calendar to his own advantage. In fact, this is tame by comparison.

[266] *Verr*. 2.2.122.

Conclusions

Ostensibly, the purpose of the *questio de repetundis* was to provide a means for provincial allies to lodge grievances against their Roman administrators when said Roman acted particularly harshly or oppressively while in the province. Strictly speaking, the formal aim of the court was to try Roman officials for extorting the local inhabitants when administering taxes and other provincial stipulations. Twice over the course of the entire proceedings, Cicero admits this aim in clear terms. If a Roman citizen had some grievance against the same provincial governor, there were civil courts and private laws that could settle that issue.[267] Thus, the point of the trial against Verres was, again, nominally, to defend the Sicilians, and it is their grievances that must be addressed.[268] In some instances though, the Sicilians whom Verres robbed sought only atonement for offending the gods; they were willing to forego any monetary damages taken with the theft of sacred statues. Additionally, fully resolving the Sicilians' complaints could directly oppose Roman interests.[269] Therefore, Cicero needed to walk a fine line between addressing the needs of the provincial allies yet still serving Roman interests above all.

Obviously Cicero's case against Verres in an extortion trial needed to focus a great deal on Verres' actual maladministration and abuse of tax laws.[270] Nevertheless, over the

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[267] *in Caec*. 18. Watson (2012) comments on the phrase *civili fere actione et privato iure repetuntur*, paraphrased above, to mean that Roman citizens had laws regarding private property that did not cover foreigners or allies, but they were covered under the *lex de repetundis* (pp. 152-153, s.v. *privato iure*).
[268] *Verr*. 2.2.15.
[269] Steel (2007), p. 47.
[270] I tend to agree with Riggsby (1997) that the point of a trial was "primarily to establish whether defendants had or had not committed certain reasonably well-defined crimes," in this case extortion (p. 237).

course of the entire proceedings, Cicero broadens the scope of the trial to incorporate much grander themes and dangers than manipulating books and shaking down provincial allies might otherwise suggest.[271] He first makes the dangers of acquittal amount to a total ruin of the Republic, at the very least the credibility of the court itself and the senate which sits on the bench. By doing so, he can portray Verres as a bigger threat than he otherwise would have been able to do.

When he equates Verres' acquittal with the crumbling of Roman institutions, Cicero can bring in any and every crime Verres has ever committed such that he becomes a sacrilegious, temple-robbing, would-be tyrant. He steals monuments erected by famed Roman generals, replaces well-established festivals with his own, steals directly from temples and shrines — even a number of deities' birthplaces — and, finally, tortures and executes Roman citizens. Certainly the cooked books are worrisome, especially for the Sicilians, whose money was lost, but for a Roman jury, these other crimes are downright monstrous.

Finally, in most of the instances of stolen statues or violated temples, Cicero highlights those with Roman connections above all. Heius' house was a hotspot for traveling Romans. Antiochus' candelabrum was meant to be devoted to Jupiter Optimus Maximus, an obvious gesture of good-faith to Rome and the god. Diana's statue, and Scipio's pedestal upon which it stood, marked importance for Rome's benevolence to the city of Segesta. The city itself was almost a sister-city to Rome, with both having

[271] Alexander (2006) notes that there is little evidence to support the claim that speakers were free to say what they wanted, but less to contradict it (p. 245).

foundation myths starring Aeneas. But Scipio Aemilianus himself is also dragged into the discussion to the point where Cicero seems to argue that even his reputation has been violated by Verres' theft. At Henna, Ceres and Libera were widely recognized as the oldest site of their worship, having deep history with the myth of Libera's kidnapping, and Verres gave them no regard. This is also one of the few examples that Cicero even recognizes that the Sicilians might call their deities by different names — he maintains the Roman nomenclature almost entirely.

There are many other deities and temples robbed or otherwise profaned by Verres' actions, but these receive the most attention from Cicero. Likely this was intentional. These were the deities with the closest association with Rome, Rome's history, or Romans themselves. In the same way, there were many individuals who received mistreatment from Verres' administration, but apart from Scipio Aemilianus, none comes close to matching Marcus Marcellus. Cicero emphasizes whatever crimes he could, but those with strong connections between Sicilian and Roman history and custom are the ones that stand out above all. This is how he would have convinced his Roman jury to convict Verres, had the accused not fled before the trial ended. Their economic and civic interests were largely at odds, where the more one independently prospered the less the other did.[272] In matters of religious transgression their interests aligned neatly. In fact, often the two totally overlapped, such as Scipio's Diana or Ceres at Henna.

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[272] Again, following Steel's (2007) argument, it is worth remembering that theoretically the Romans could have taxed the Sicilians higher so that they themselves were more comfortable, but the Sicilians would be worse off (p. 47). Likewise, if the Romans taxed too lightly, they would be in need while the Sicilians would be in abundance. I would argue that civic independence would

Thus, by introducing instances of transgression of Roman religious norms into the extortion trial, Cicero tied the interests of the Sicilians and the Romans together in the one area he could. He began this process in the *divinatio in Caecilium*, where he offers himself as a defender of the Sicilians and also Rome's failing courts. Over the course of the First Action of the *Verrines*, he further develops the relationship between Sicily and Rome in the same way. By the end of the proceedings, it is the religious relationship that allowed him to end his speech against Verres' extortion by calling on the gods as his witnesses, many of whose temples Verres had plundered.[273] It also allowed him to portray Verres as an "enemy of all things sacred and revered" on the island, but also an enemy that had now come back to Rome. While a full conviction was never realized, it is nevertheless clear that Cicero's incorporation of Verres' impiety into his argument was more than a cynical ploy but a convincing part of his overall case.[274] At the very least, what was said up through the First Action was damning enough for Verres to flee from the city.

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function much the same way.

[273] In order: Jupiter, Minerva, Latona and Apollo and Diana, Apollo (again), Diana (again), Mercury, Hercules, the Idaean Mother, Castor and Pollux, "all the gods carried on couches during the games," Ceres and Libera, and all other gods and goddesses alike (*Verr*. 2.5.184-188). Some of the deities, such as Jupiter or Ceres and Libera, receive small digressions which explain their importance and/or authority, while others receives little of this.

[274] Alexander (2007), p. 102.

Chapter 2: The Monster in the Walls: The Threat to *Concordia* in the Consular Orations

Introduction

Cicero's consular year, 63 BCE, was one of the most consequential in his career. Even attaining the consulship was no small feat. From the beginning his consulship was on shaky ground. As a *novus homo*, someone whose ancestors had never reached the consulship, Cicero lacked some of the political connections that would have given his consulship much needed support. At the same time, his defeated opponent, Catiline, had been trying to become consul for some time and was pursuing the consulship by any means necessary.[1] That said, even once Cicero had become consul, his actions drew both praise and scrutiny, making the year fundamental in establishing Cicero as a leading figure in Rome but also a target in the years to come.

The speeches that best establish Cicero's consular aims are his speeches *de lege agraria*, delivered against Rullus' agrarian reforms almost immediately after Cicero took office. In these speeches, the bulk of Cicero's attention is centered on how the bill would affect the powers of those around him, on the virtues he intends to defend as consul, and on his consular year more broadly. In effect, his speeches against Rullus' reforms, delivered in the early days of his consulship, became a kind of inaugural decree that

[1] At least politically, Catiline seems to have had the backing of Caesar and Crassus (Price (1998), pp. 114-115). For Catiline's failed attempts and the so-called First Catilinarian Conspiracy, see Sall. *Cat.* 18; Seager (1964), p. 338. Wiseman (1988) dispels this first conspiracy as rumor, but rumor even in Rome (p. 342, n. 81 & 82).

outlined his consular project.[2] By the end of his term, he had delivered a number of other speeches that shaped his reputation in other ways,[3] most of which can trace their origins to his speeches against Rullus' bill.

The most famous speeches of this year, and those that would shape Cicero's reception going forward, were his four speeches against Catiline. These were delivered in response to the Catilinarian conspiracy, or *coniuratio*,[4] and were an attempt to exert some control over the situation.[5] Cicero delivered his four *Catilinarian* speeches in roughly a month and for the purposes of this chapter they will be addressed individually. Two were delivered before the people and two before the senate; two were in front of the temples and two were in the Forum.[6] Most importantly, Catiline was present to witness the first but was in self-imposed exile for the remaining three. This last point has some

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[2] Lintott (2008) notes thematic links between the consular orations as a defense of the *res publica* and the consensus (*concordia*) of good men; they carried both optimate and popular themes (p. 136).
[3] McDermott (1972), p. 277.
[4] This term is inherently religious, as it etymologically means a "swearing together." Habinek (1998) argues Cicero "incidentally" draws religious and military connections by using the term to refer to Catiline and his men (pp. 76-77); he later says that Cicero "exploits" these associations for his own ends (p. 81). Barton & Boyarin (2016) offer a somewhat different take, which I prefer, noting that it is not necessarily anti-Roman, or against the Roman state, as any number of groups could be bound by the *religio* of a *coniuratio*; the oath could provide a sense of *communitas* or *societas* where one was otherwise lacking (pp. 75-77). Outside the scope of this dissertation is the Bacchanalian Affair (only briefly mentioned later), itself labeled a *coniuratio*. Pailler (1988) provides an exhaustive analysis of the affair, but perhaps his most relevant point for my purposes here is the predominance of Livy's treatment of the events on our understanding of the historical event (p. 348) and later *coniurationes* like Catiline's or the alleged Christians' (pp. 801-804).
[5] Cape Jr. (2002) calls the *First Catilinarian* almost a "crisis of legitimacy," where Cicero needed to shore up his *auctoritas* before the Senate without concrete evidence against Catiline (p. 142).
[6] The *First Catilinarian* was delivered Nov. 8 at Jupiter Stator's temple, the *Second* on Nov. 9 in the Forum, the *Third* on Dec. 3 in the Forum, and the *Fourth* on Dec. 5 Temple of Concord. The *First* and *Fourth* were delivered before the senate, while the *Second* and *Third* were before the people.

connections with the *Verrines*, for which Verres was only present at the first. Unlike the *Verrines*, however, Cicero still delivered his speeches against Catiline and his co-conspirators rather than simply publishing them after Catiline had fled Rome. This put constraints on the speeches — he no longer had the unrestricted length granted by publication but was limited to memory — but it also opened new avenues for persuasion since his primary target was no longer present to witness the invective.

As we will see, the first speech is much more concerned about Catiline and his physical presence in the city than the other three. Likewise, Cicero's presentation of his own actions are relatively tame compared to the power he asserts after the conspiracy has started to come under control. Finally, the gods themselves receive a different focus in the first speech than Cicero gives them later. Whereas they begin mostly as tacit witnesses to the affairs of state, Cicero soon makes them into open endorsers of his own cause.

The other two speeches during Cicero's consular year that bear relevance to this study are the *pro Rabirio perduellionis reo* and the *pro Murena*. The former speech is concerned with the charge against C. Rabirius, who was accused of treason, *perduellio*, for killing L. Saturninus thirty-six years earlier.[7] This speech, seemingly unrelated to the events of 63 BCE, amounts to a self-defense for Cicero's actions against the Catilinarians at the end of the year.[8] Many of the themes that were developed over the course of

[7] Only a few other sources discuss the trial and its consequences, Cassius Dio (37.26-28) and Suetonius (*Div. Iul.* 12).
[8] The date of the trial itself seems to come from a letter to Atticus, where Cicero describes his consular orations for publication, and the *pro Rabirio* is fourth in his enumeration (*Att.* 2.1.3). I

November 63 were previously introduced in the trial against Rabirius, who otherwise would have had little relevance to Cicero's case against Catiline.

The other speech, the *Pro Murena*, in which Cicero successfully defended Murena against a charge of election bribery, was delivered in the middle of the Catilinarian Conspiracy. Despite the timing of the speech, it seems to stand out as an outlier from Cicero's other consular speeches in that it has relatively little bearing on the Catilinarian conspiracy. While it does provide some insight into Cicero's views of the consulship and the more general state of affairs at the end of 63 BCE, it might shed less light on Cicero's role in the conspiracy of Catiline. For this reason, a study of the *Pro Murena* is included in the Appendix.

De lege agraria contra Rullum

In December of 64 BCE, P. Servilius Rullus, newly elected tribune of the plebs, proposed legislation that would alter the distribution and management of public lands.[9] His proposed legislation would have established a new body of ten men (*decemviri*), chosen by only seventeen of the thirty-five Roman tribes, among which a simple majority decided. This would mean only nine of the thirty-five tribes would ultimately choose the *decemvirs*. Once chosen, this new commission would have been granted greater authority

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follow Tyrrell (1978) and others in putting the speech in the first half of 63 (p. 51).

[9] For a thorough assessment of the law in the context of other agrarian legislation in the 60s and 50s, see Gruen (1974), pp. 387-404. For the specific logistical questions of the law, see Flach (1990), pp. 71ff.

to distribute the *ager publicus* — land of Italy and some provinces that was considered public — as well as control over a staff to carry out the management of that land.[10]

When Cicero took office as consul on the Kalends of January, 63 BCE, he delivered a set of speeches against this new law. At the same time, he also established the kind of consul he planned to be in the coming year. For the most part, his speeches against Rullus' law are focused on the law itself and Cicero's intended consular character.[11] These speeches thus lack the framing that Cicero develops against Catiline later in his consulship — namely that Catiline is a chronic violator of religious norms — but there remains a rhetorical connection that is constant throughout Cicero's consular speeches in his desire for stability within the republic. Such consistency, in its own way, further emphasizes the religious arguments when they are made, providing a backdrop against which other cases can be compared.

Cicero's fear is that if Rullus' law were to be enacted, the powers granted to Rullus would have been such that he almost certainly would have stacked the *decemvirs* in his favor.[12] After doing so, they would then have had the power to sell off whichever public lands they saw fit to sell and send colonists to places outside of Rome.[13] Indeed,

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[10] Lintott (1992) provides a good summary of the status of agrarian laws in Rome leading up to Rullus' bill (pp. 34-55). He also looks at how Rullus' bill, and Cicero's presentation of that bill, fit into the context of previous land bills (pp. 56-57). Two things that Lintott challenges are Cicero's likening the bill to T. Gracchus' land reforms when C. Gracchus' are more likely, and the fact that the land that would have been sold under Rullus' bill would still have been liable to tax (*ager privatus vectigalisque*), but not directly owned by the Roman people.
[11] The speeches, as we have them, are incomplete. The opening of *de lege agraria* I is lost, and there might have been other speeches, in some form, after what we do have (*ad Att.* 2.1.3).
[12] *leg. agr.* 2.20-21.
[13] Cicero even fears that the *decemvirs* would establish a colony on the Janiculum, immediately outside of Rome proper (*leg. agr.* 1.16, 2.74).

according to Cicero's projected fears, these men would not only have the right to sell off public land and establish colonies, they would sell off everything that they could for their own gain.

Cicero repeatedly suspects that the greed of the *decemvirs* will be insatiable.[14] The law itself already grants them the power to sell all public lands outside of Italy and occasionally within Italy since the consulship of Sulla and Q. Pompeius.[15] He worries that they will not stop at selling public, arable land, suitable for farming, but will sell any and all land that is held by the public. Granted such authority, the *decemvirs* would continue to sell whatever public property they wanted, including little sanctuaries, the badges and fillets of the empire, the name of the republic or the temple of Jupiter Optimus Maximus itself.[16] If the piece of public property is considered deeply Roman and moderately replaceable, such as the fillets of the empire, Cicero believes the *decemvirs* would be willing to sell, even if the property was an emblem of Rome.[17]

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[14] *leg. agr.* 2.36-37, 2.56.

[15] *leg. agr.* 2.56. Stephenson (1891) provides a quick summary of the development of the agrarian movements from the late second century through Sulla's death, remarking on Marius' colonial project outside of Italy and Sulla's within Italy (pp. 88-93).

[16] *leg. agr.* 2.36 (*sacella*), 1.6 (*his insignibus atque infulis imperii*), and 1.18 (*hoc templum Iovis Optimi Maximi*) respectively.

[17] The exact reference of *insignia atque infulae imperii* (*leg. agr.* 1.6) is unclear. *Infulae* themselves were woolen fillets, associated with religious consecration, worn by the Vestals and other priests (DiLuzio, pp. 155, 166-167). Manuwald (2018) notes that *insignibus atque infulis imperii* at *leg. agr.* 1.6 is "a metaphorical expression indicating precious items," though the *TLL* cites only this passage for a metaphorical use of *infulae* (p. 133, *ad loc.*). Jonkers (1963) says that "Cicero not only plays on the self-esteem of his audience but also on their religious sentiments" but then gives primary emphasis to the former (p. 20, *ad loc.*). They could also be, more simply, a mark of distinction (Lewis-Short, s.v. *infula*), which makes sense in the context of a list of regions that might be sold off. Considering Cicero's later reference to the 'seat of the empire, the name of the republic, even the temple of Jupiter Optimus Maximus' (*leg. agr.* 2.18), the former association with priestly offices, such as the Vestals, seems the most likely; it would imply that

Cicero's primary cause to oppose Rullus' legislation is based on his own fear that the newly chosen *decemvirs* and Rullus, as tribune of the plebs, would acquire a dangerous level of authority. The law itself was prohibitive to a true election by the tribes with its restrictions on who was eligible for election. Notably prevented from becoming a *decemvir* was Gn. Pompey, whom, Cicero states, the people would easily have chosen if they were allowed, but he had been fighting Mithridates in the East.[18] Such a restriction was a relatively clear attack against the will of the people, at least as Cicero presents it.[19] Furthermore, although these men were elected, their election was something of a sham since only a quarter of the tribes were choosing the *decemvirs*.[20] By reducing the number of voting tribes, the law was little more than an erosion of rights, removing suffrage and liberty from the Roman people.[21] By tilting the election to favor Rullus and his allies, Cicero's argument against them is an easy one: the *decemvirs* aim to sell off public land for their own profit to enrich themselves, to strip Romans of their rights (both to voting and property), and to become kinglike in the process.[22]

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the *decemvirs* were willing to sell off their inherited traditions.

[18] *leg. agr.* 2.23-24.

[19] Of course, canvassing for office required repeated face-to-face interaction with voters in the form of *salutationes*, *deductiones*, and *adsectationes*; see Tatum (2013), pp. 134-136.

[20] *leg. agr.* 2.16-17.

[21] The removal of *suffragium*, or the right to vote, is most succinctly expressed at *leg. agr.* 2.17, but is elsewhere described in passing. For the importance of *suffragium* to Romans' conception of liberty, see Arena (2012), pp. 55, 60-62. The removal of *libertas* is even more common, but, again, most succinctly expressed at *leg. agr. 2*. 24 and 2.29. Arena argues clearly that those resistant to land distribution in this period tended to claim to be acting in the name of *libertas* (pp. 179ff).

[22] *leg. agr.* 2.15.

The danger, then, was one within the city itself, not some foreign king or nation.[23] Rullus had justified the rules of his legislation partly by using already existing analogs.[24] But when he did so, he missed the mark in his reasoning and thereby weakened his own argument. For example, relying on only seventeen of the thirty-five tribes for selecting the *decemvirs* was analogous to the longstanding tradition of electing the *pontifex maximus*.[25] On this point, Rullus is, broadly speaking, correct.[26] The difference between the two procedures, though, is an important one.

The *pontifex maximus* had not always been elected by seventeen of the tribes; this was secured only in the third century after decades of selection by a more restricted pontifical election. Thus, the selection of *pontifex maximus* by seventeen tribes was a granting of rights to a greater number of people, whereas Rullus was trying to remove election rights from the thirty-five to only seventeen. Once again, Rullus was acting in a way that hinted more nefarious motives, but he had failed to hide those motives fully enough to prevent Cicero from easily exposing them.

Cicero, having only recently become consul, had a greater burden to establish his character to argue more effectively against the law.[27] This is compounded by the fact that

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[23] *leg. agr.* 1.26.
[24] There are two not discussed here. The comparison of the *decemvirs* to the *triumvirs* established by the Sempronian law, who kept the sacred chickens, but who were also selected by all thirty-five tribes (*leg. agr.* 2.31). The other is Rullus' use of the *comitia centuriata*, recently only used for examining auspices, instead of the more traditional *comitia tributa* (*leg. agr.* 2.27-28).
[25] *leg. agr.* 2.18-19.
[26] The election of the *pontifex maximus* had been conducted under similar process since at least 218 BCE, and, given the infrequency of this election (since the office had a lifelong term), it become seriously contested (Taylor (1966), p. 82).
[27] The most immediate way Cicero does this is to contrast his own person and project with that of Rullus. Hopwood (2007) makes the case that the clearest avenue for Cicero in his speeches *de*

Cicero was the first of his family to achieve the consulship, he was a *novus homo*, and thus lacked the noble lineage other consuls might have relied upon.[28] The character he presents in these speeches, immediately relevant against Rullus, proves useful for his consulship moving forward. Some of the themes established within these speeches against Rullus' legislation can be tracked through to the end of Cicero's consulship and beyond. He garners popular support for his own cause, even when up against the tribune of the plebs.[29] In fact, if Rullus and his colleagues are acting as Cicero alleges — that is, promising land to the Roman people for their own gain — then they can hardly be considered *populares*.[30] Instead, Cicero offers his own services as consul on behalf of the people to reject the power-grab of a tribune.[31]

Rather than submit public property to Rullus' favored commission, Cicero promises his audience that he will maintain Rome's great institutions, ranging from the more abstract, like their liberty and votes, to the more concrete, like their games, festivals, and the forum.[32] The implication is that, should Rullus receive his commission, they would find ways to dismantle many of the privileges Romans had grown accustomed to enjoy. Cicero elsewhere reduces this list down to its fundamental principles: peace, harmony,

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lege agraria are to make himself seem like a *consul popularis*, while Rullus and the *decemviri* are striving for *regnum* (p. 84). This is certainly one way that Cicero discredits his opponents.

[28] *leg. agr.* 2.1.

[29] *leg. agr.* 1.23, 2.6-7, and 2.9.

[30] *leg. agr.* 2.10. Cicero co-opts the term *popularis* from the Gracchi, and denies from Rullus; see Drummond (2000), pp. 126-127; Manuwald (2018), pp. 205-206, *ad loc*..

[31] Robb (2010) argues that Cicero exploits the different nuances to the word *popularis*, reserving any positive connotations for himself and applying the negative to Rullus (pp. 72-75). This, despite the fairly clear *popularis* land bill.

[32] *leg. agr.* 2.71.

and rest.[33] These three notions, especially the first two, recur in later consular speeches and will be examined shortly. For now, they function as a bedrock to Cicero's consulship. These are the principles for which he is willing to go to great lengths in defending, especially against those that falsely claim a popular support.

Rullus and his colleagues, if they were granted the authority they desired, would threaten to overturn the republic itself.[34] Cicero, in his capacity as consul, uses his popular support to stop this from happening.[35] It is important to note here that Cicero does not offer a justification for stopping Rullus based on some ritual error or lapse in religious duty, but instead he offers a fairly straight political one. He says that he has the true popular support, which Rullus claims but lacks, thus making his counterargument a direct challenge to the authority of the tribune.[36] The threat of overthrowing the republic recurs again in Cicero's consular orations. For example, later, in the *Catilinarians*, Cicero will directly challenge Catiline who aims to overthrow the republic, only then he makes an argument dependent on the idea of Catiline threatening Vestals and temples to do so.

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[33] *pax*, *concordia*, and *otium* (*leg. agr.* 1.23). Elsewhere, Cicero refers to peace, liberty (*libertas*), and rest (*leg. agr.* 2.9), and peace, tranquility, and rest (*leg. agr.* 2.102); cf. *leg. agr.* 1.24, which has *summamque tranquillitatem pacis atque otii*. At the very least, peace and rest are on the line, while the third element (harmony, liberty, and tranquility) tends to suit the immediate context of Cicero's argument. Manuwald (2018) interprets this tricolon and its variants as Cicero's consular program (p. 172 s.v. *nihil tam populare…*). I think that he is correct in this assessment; there does not appear to be any divine connotations to the ideas of *pax* and *concordia* in these appeals.

[34] Cicero notes that, when he took office, the Quirites were already afraid for the republic and the lack of trust in the forum and lack of order in the courts (*leg. agr.* 2.8). In some ways, if this was true, it makes Cicero's job a little easier; he only needs to maintain the current distrust, not necessarily eliminate their fear.

[35] *leg. agr.* 1.23.

[36] Again, the very meaning of the notion of *popularis* is brought up at *leg. agr.* 2.6-10, where Cicero claims that Rullus and his colleagues are acting toward kingship, while Cicero works for the people's benefit. In some sense, this obviates the *sacrosanctitas* of the tribune, since Cicero can attempt to delegitimize Rullus without laying a hand on him.

In both cases, Cicero is responding to his opponent's cause, using the appropriate proofs necessary to dismantle that cause. The two do not appear to be mutually exclusive since both are concerned for the well-being of the republic.

More personal than the destruction of the republic, though, is Cicero's own self-preservation. There is some worry that the current conflict will undermine the dignity of the consulship, or even that Cicero's personal standing was at stake. Failure might jeopardize both, and, thus, Cicero is willing to apply his own skills for the benefit of all. He explicitly states that if "he alone were to be led into danger, [he] could endure it with a calm mind."[37] What is more, he has the vigilance and diligence to maintain his guard both night and day.[38] Together, these things project Cicero as someone individually well-suited to protect the consulship and the republic itself from an attack. Indeed, without any familial pedigree, Cicero only has his personal character to rely on when protecting the consulship and republic.

This is perhaps the most fundamental difference between these inaugural speeches and those delivered later in his consulship. Cicero, here, openly admits to his lack of an ancestor that had already achieved the consulship. Others' ancestors might be venerated among the immortal gods in recognition of their own sound decision-making.[39] Cicero was unable to do this as he took on the mantle of the consulship. Typically, a newly inaugurated consul would be able to point to the *imagines* of his ancestors as a means of

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[37] *leg. agr.* 2.6.
[38] *leg. agr.* 2.77, 2.100.
[39] *leg. agr.* 2.92-95.

acquiring authority. Cicero lacked such an opportunity as a *novus homo*.[40] Nevertheless, he does have the support of the people and his own vigilance that he can use against Rullus, on top of the sources of consular *auctoritas* such as the accompanying lictors or the inaugural ceremonies.[41] Later in his consulship, Cicero will promote his diligence and other abilities, with which he intends to save the republic, but he downplays his lack of *imagines*.[42]

Altogether, Cicero's speeches against Rullus' proposed agrarian reforms stick to the legislation in question. There are instances where he drifts outside of the bounds of agrarian reform bills, but by and large his argument is a direct response the Rullus' case. The few religious justifications for selection of the land commission are swiftly dismantled. Otherwise, Cicero stays away from making this a religious decision. Instead, he uses the opportunity to reject Rullus' legislation while simultaneously creating a version of himself that will repeat throughout his consulship. Before he associates himself with the divine, he first establishes his own endurance and vigilance against threats to the republic. Before he has the public's support in the form of a *supplicatio*, he promises to be a *consul popularis*, who seeks to preserve the people's *pax* and *concordia*[43] against men like Rullus who threaten them.[44]

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[40] *leg. agr.* 2.1. The case that Wallace-Hadrill (2008) makes is worth considering (p. 223). He argues that the nobility used the *imagines* (and other images of their ancestors) to appropriate public history for private gain. Cicero seems at least aware of this issue, even if he was not intending to solve it or challenge it.
[41] *leg. agr.* 2.100; Bell (1997), pp. 1-22; Pina Polo (2011a), p. 21.
[42] This might well be due to the circumstances. In his inaugural speeches, he was a brand new consul, let alone a *novus homo*, but by the time of the Catilinarian Conspiracy, he had almost completed his consular term, giving him a legitimacy he previously could not have possessed.
[43] As noted above (see p. 113 n. 33), *pax* and *concordia* do not appear to have divine connotations

Pro Rabirio perduellionis reo

The trial of C. Rabirius for the murder of Saturninus is ostensibly unrelated to the events of 63 BCE. Saturninus had been killed in 100 BCE, when many of the leading Romans of 63 were young children. The political violence that year was so great — a candidate for office, C. Memmius, had been killed — that the senate issued its *senatus consultum ultimum* to "see to that no damage seize the Republic." Saturninus' former ally, C. Marius, followed through with the senate's orders and ran Saturninus and his allies onto the Capitoline, where they holed up.[45] Soon after, the rowdy crowd lost its restraint and killed Saturninus and two of his allies.[46] Thirty-six years later, an investigation into his murder had found that Rabirius played a part in the murder and so he was put on trial for treason since Saturninus had been tribune. Because Marius and his companions had been acting according to the *SCU*, a trial of Rabirius became equivalent

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in Cicero's appeal to *pax*, *concordia*, and *otium*. As Clark (2007) suggests, *pax* seems to have only received cult under Caesar, and not during the republic (pp. 159-161). While *concordia* did have a temple off the Forum dating possibly as early as the mid-4th century (Momigliano (1942), pp. 115-116), Cicero here appears to be making gestures toward a consular agenda, not the divine quality; cf. Clark (2007), pp. 171-177, which outlines some of the ways Cicero appealed to *concordia* when speaking at the Temple of Concordia.

[44] Robb (2010), p. 72 n. 19; land bills were often taken as *popularis* because of their policy, but this kind of content-based classification fails to see that some were backed by the senate. For Cicero's aspirations of *concordia* for the protection of *libertas*, particularly with the senate's stability, see Arena (2012), pp. 97-102.

[45] Before another lacuna in the speech, Cicero says that they were in the temple of Jupiter Optimus Maximus, and that Marius had cut off their water supply inside the temple (*pro Rabirio perduellionis reo* 31).

[46] Flower (2010) has a good discussion of these events and how they still fall under the republican system, despite all the violence; rules were broken but it did not amount to civil war (esp. pp. 76-77). See also Hammar (2015), who notes that most authors are less concerned with the eruption of violence than they are how it ended, but even there they differ (pp. 80-81). For Cicero, Hammar suggests, the elites seemed to start and stop the violence, but have less success controlling it; oratory played a part in the process, sometimes as its own mover (p. 86).

to a challenge of the authority of the *SCU* itself.[47] When Cicero defended Rabirius against the charge of treason, he was defending the *SCU* and his own actions later with its issuance in 63 against Catiline.

There are two lacunae in this speech which make fully understanding its argument difficult, but there are some consistent themes that span what parts of the speech we do have. Like Cicero's other consular orations, his speech in defense of Rabirius makes the consul into a noble defender of Rome's institutions, appeals to his audience in an urgent manner, and diminishes his opponents' case as a sinister, if frivolous one.

The opening of Cicero's speech is tamer than many of his other speeches, especially during his consulship. He begins by explaining to the people why he defends Rabirius, saying that his justification for defending Rabirius should be the same reason for acquitting him. The reason he defends Rabirius is no less than to preserve the consulship, to defend his friend and friendship with Rabirius (a senator), and to defend the public well-being.[48] Despite opening with a more humbled demeanor, Cicero quickly returns to form for his audience. Soon after he justifies his defense of Rabirius, he reclaims his status as one fighting the good fight, with the gods supporting his cause.

His first action, after briefly explaining his defense of Rabirius, is to call on Jupiter and the other gods for help. As he says, it is the gods "by whose help and assistance the republic is governed much more than by human reason and council."[49] From early in the speech, he associates Rabirius' defense with the will of the gods. Given Cicero's own

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[47] Sumi (2005a), p. 22.
[48] *Rab. perd.* 2. On the rhetoric of inclusion, see Hölkeskamp (2013), p. 20.
[49] *Rab. perd.* 5.

project of defending the stability of the republic, when he says that it is the gods who determine the republic's outcome, he aligns his own actions with the decisions of the gods. This alignment is easy to accept, too, since Cicero has already stated his aims in defending Rabirius. By defending him out of friendship and concern for the office of the consulship, Cicero clearly puts himself on the side of defending Roman institutions. In short order, he joins the audience to his side in defending Rome's well-being. But, importantly, controlling everything are the gods.[50]

Already Cicero has forced the hand of the people to acquit Rabirius and put a stop to the challenge to the senate's authority. He simply states that if the consul is obliged to secure the safety and welfare of the people, and to put that common well-being before his own, then the good citizens of Rome are obliged to stop revolution and maintain the authority of the consul and senate. In one lengthy conditional, Cicero unites his own goals with his audience's so that they are inseparable.[51] When he beseeches Jupiter Optimus Maximus and the other gods to help him to preserve the republic, he does so on behalf of the people, too. But more than simply praying on behalf of the people, Cicero beseeches their authority in equal manner.

Immediately after calling upon Jupiter, Cicero begs the Quirites, "whose power most closely approaches the power of the immortal gods" to show pity to Rabirius and

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[50] This notion is not unique to Cicero's consulship, as I show in other chapters, nor is it even unique to Cicero. Linderski (1993), studying religion in Livy, concludes that Livy, too, shows a concern for the *salus publica* and the *pax deorum* in his presentation of religious matters (pp. 55-56).

[51] *Rab. perd.* 3-4.

wisdom toward the safety of the republic, as is their wont.[52] Now, in two ways, Cicero has associated his own case with divine authority. That of the people is more potent, perhaps, because he has made their decision to acquit Rabirius for them; if he has to defend Rome's well-being, they have to guarantee her safety. So too, the people are present in the city, with a manifest opportunity to show their support. Jupiter's and the other gods' support is only ever tacit until the case has been fully decided, while the audience can use their power to save the republic and maintain the authority of the senate.

Should the people act as Cicero advises, acquitting Rabirius and saving the republic, they would earn a reputation for themselves that would far outlast their lifetimes, a goal which is universally held according to Cicero.[53] Their actions to save the republic might one day even allow them migrate from their human life into the sanctity and worship of the gods as was the case with men like Marius and other wise men.[54] Not only was the people's power nearly divine but they might receive divine honors after death if they used their power well, to defend their glory in the same way Cicero would defend the temples and shrines of Rome. Immortality, then is both everyone's true goal and within reach for Cicero's audience. The only condition is that they must defend Rome and stop T. Labienus, the tribune of the plebs, from encroaching on the power of the senate.

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[52] *deinde vos, Quirites, quorum potestas proxime ad deorum immortalium numen accedit…* (*Rab. perd.* 5); cf. *Red. Pop*. 25.
[53] *Rab. perd.* 29. Cole (2013) addresses the notion that Cicero was advocating for a kind of immortality that was earned through wise counsel (pp. 48-52).
[54] *Rab. perd.* 30.

The language used to describe this one prerequisite is akin to that used to describe another threat to Rome's security, namely, Catiline. In this case, to defend Rabirius and Rome, Cicero states that

> *Si immorta*lem *hanc civitate*m esse *voltis, si aeter*num hoc *imperium, si* gloriam *sempiternam* manere*, nobis a nostris* cupi*ditatibus, a tu*rbulen*tis hominibus* atque no*varum rerum* cupidis, ab intestinis malis*, a domesticis co*nsiliis *est cavendum* (*Rab. perd.* 33).[55]
>
> if you want this state to be immortal, if [you want] this empire to be eternal, if [you want our] glory to remain everlasting, we must be on guard against our desires, from violent men and desire for revolution, from internal evil, and from domestic plotting.

Just as with Rullus' legislation and Catiline's conspiracy (addressed shortly), Cicero's deepest concern is about internal strife rather than an external threat.[56] It is the people's responsibility to control any domestic trouble that might exist. Doing so would ensure a just reward, though, that is not promised in the other two speeches. Once the people secure the safety of Rome's institutions they will have set Rome back on its course toward immortality, which they themselves would enjoy.

Cicero's argument for the people is a simple one: acquit Rabirius, who was following Marius to carry out the *SCU* and the authority of the *SCU* and the senate will be maintained.[57] In doing so, Rome's problems at home would stabilize and they could

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[55] Though fragmentary, the majority of the text is clear in its argument (extant text is indicated by the italicized font).

[56] While immediately referring to the trial at hand, it is difficult to see a phrase like "*domesticis consiliis*" and not think of it as a tacit reference to Catiline, especially when the speech was delivered in 63 BCE. Lintott (2008) sees the *pro Rabirio* as reflecting Cicero's views up to midsummer 63 BCE (p. 124).

[57] Indeed, Cicero calls Marius a *pater patriae* (*Rab. perd.* 27), a title he himself will receive for his actions against Catiline. Cole (2013) marks this as the first use of the term (p. 50); Stevenson (1992) does too (p. 421, n. 2), and Pliny the Elder seems to think Cicero was first (p. 421).

secure for themselves an everlasting reputation, like that of the gods, whose own power only just outpaces their own. Labienus, who brought the investigation into the death of Saturninus, runs counter to this argument. To make Labienus' commission and charge of treason against Rabirius easily objectionable, Cicero portrays Labienus' actions as unRoman.

The most direct rejection of Labienus' project comes early in the speech, before Cicero has beseeched Jupiter and his audience for their divine support. Cicero presents Labienus' aims as nothing short of removing public council from the republic, removing the common accord of good men against the frenzy and madness of the wicked.[58] By Cicero's reckoning, Labienus seeks to undermine the very things that he and the people are trying to protect. Moreover, his case against Rabirius is hardly even a true cause; Labienus' motives are far greater than punishing Rabirius for a crime allegedly committed a generation ago. Rather, he works to undo the efforts of good men, men like Marius but likely Cicero too, who attempts to preserve the common welfare, by which they became nearly immortal.

By pursuing the trial of treason against Rabirius, the punishment for which was crucifixion, Labienus pursued a course of action that opposed Roman custom and tradition as Cicero presents it.[59] Cicero directly accuses Labienus of ignoring all laws, all authority of the senate, all religious oaths in order to see Rabirius executed.[60] The *lex*

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[58] *Rab. perd.* 4.
[59] Compare this crucifixion with Cicero's depiction of the crucifixion of Gavius in the *Verrines* (2.5.158ff). This receives serious attention as one of Verres' worst transgressions.
[60] *Rab. perd.* 17. Compare this with Verres, who was likewise threatening to overturn Rome's

Porcia, introduced in 195 BCE, prevented the execution of Roman citizens without an appeal.[61] Nevertheless Labienus was trying to skirt this law to crucify Rabirius. He is willing to act outside the law if it means seeing Rabirius punished for a crime committed long ago. Worse, he was willing to act outside of principles considered to be fundamentally Roman, such as the senate's authority or oaths of religion and the auspices.[62] Labienus' misdeed was less an overt powergrab than it was overstepping longstanding Roman values.

Another indicator of Labienus' extreme preferences come in his desire to crucify Rabirius specifically on the Campus Martius. The act of execution by crucifixion had long been moved to the Campus Martius, outside of the *pomerium*.[63] In this regard, Labienus is continuing a tradition long held. That said, Cicero's argument against Labienus is the rejection of crucifixion for Roman citizens at all. By his logic, crucifying a Roman citizen would pollute the holy field of the Campus Martius, where the *comitia centuriata* met.[64] Cicero, in rejecting crucifixion, was rejecting a defilement of the

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political and religious institutions.

[61] *Rab. perd.* 12. Sallust references this same law when he has Caesar speak against capital punishment in the case of Catiline's conspirators (Sall., *Cat.* 51). Arena (2012) argues that the *lex Sempronia* of 123 BCE, which "prohibited the capital punishment of a Roman citizen without authorization from the people (*iniussu populi*)," was often associated with the *lex Porcia* as a guarantor of Roman liberty (p. 50). Robb (2010) suggests that Cicero's stance here is not a constant one in his career (pp. 45-46).

[62] Cicero describes his actions as being like someone unfamiliar with Rome's customs, almost like a foreigner (*Rab. perd.* 28). This might have been a useful excuse, but for Labienus, a Roman, it is only an insult.

[63] Cicero himself attributes it to the founders of the Republic (*Rab. perd.* 10). Sumi (2005) makes the point that the trial/punishment was more or less a farce, or filled with "performance relics from past ages" (pp. 21-22). Nevertheless, Cicero's use of the threat of crucifixion is no more outstanding than Labienus' accusation against Rabirius; both are of the past.

[64] The Campus Martius is referred to in this section as the *campo Martio comitiis centuriatis*

inviolable bodies of Roman citizens and their rights. Thus, he rejected crucifixion, or so he says, in order to preserve the sanctity of the field.[65] Yet again, Cicero aims to protect Rome's institutions, while Labienus challenges them for his own gain. It is all the more remarkable, then, when Cicero claims to have put his own talents to work preventing crucifixion on the holy field.[66]

To make his case explicit that Labienus was an extreme outlier, Cicero compares Labienus' actions against Rabirius with one of Roman history's most widely despised figures, Tarquinius Superbus. He says that Labienus had been conducting himself beyond Rome's early kings. Former kings like Romulus and Numa Pompilius were known for their piety or other more praiseworthy qualities.[67] Tarquin, on the other hand, was such a rotten and a cruel tyrant that he provided ample precedent for Labienus' misdeeds.[68]

The comparison here needs a closer look. First of all, Cicero points to Romulus and Numa as kings, above all, and to indicate that even if Labienus sought some kind of

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auspicato in loco… and *sanctum campum* (*Rab. perd.* 11). Vaahtera (1993) notes that this passage and *in Cat.* 4.2 are the only two to call the Campus Martius holy (pp. 109-110). Livy only says that the field was consecrated to Mars after the expulsion of the Tarquins, when it became known as the Campus Martius (2.5). Jacobs II and Conlin (2014) comment that the Campus Martius received sacred connotations ever since Romulus was said to have disappeared in a cloud there (p. 20). It would, of course, go on to be the location for a number of imperial building projects in the decades following Cicero's death (see pp. 138ff).

[65] This becomes problematic when Cicero later argues for the execution of Catiline's conspirators, especially considering *Rab. perd.* 16 where Cicero says it is better to be convicted and exiled than convicted and crucified. That said, the conspirators were not crucified on the Campus Martius but strangled (Sall. *Cat.* 55).

[66] This is antithetical to Cicero's earlier claim that it is the gods who truly guide Rome's outcome, as here he says it was "my counsel, virtue, and authority" (*Rab. perd.* 17).

[67] Levene (1993) argues, convincingly, that Livy downplays Romulus' religious contributions to the founding — with major exceptions like the cult at the Ara Maxima and establishing the temple of Jupiter Stator — so that Numa's religious actions can seem more prominent, even without waging war (p. 131).

[68] *Rab. perd.* 13.

kingship, there were kings in Rome's past who had the sense not to order men's hands to be bound. The other point in referencing Numa and Romulus is to further add to his contrast with Labienus, as these were among the most revered of Rome's early leaders. Both, in different ways, helped to establish Rome and its institutions, many of which survived in similar form in the late Republic. Tarquin, on the other hand, had been cruel to the point of inspiring the rejection of monarchy altogether and the creation of the republican system to prevent anyone from acting the same way again. Cicero would have his audience believe that Labienus was doing just that. When Cicero says later that Labienus has set aside precedent, the authority of the senate, and religious oaths, he says so having already instilled in his audience's mind a Tarquinian trajectory.

Taken together, the various themes in Cicero's speech defending Rabirius share some clear connections with the other speeches delivered in his consular year, even if he is not the focus of this speech. He still maintains a strong consular presence, working on behalf of the people and the city. Though still not assuming a personal divine authority, his plea to Jupiter Optimus Maximus and the other deities for help does ally his cause with the gods'. In the same way, when he beseeches his audience's judgment, lifting their power to near-divine status, he makes their decision to acquit Rabirius all the easier. Since they are equipped with extraordinary power, and would naturally wish to see Rome's and their own glory long outlive them, they must simply act to defend the senate's authority and the *SCU*. Finally, Labienus is far from the criminal that Catiline is, but he is still a threat. If he were allowed to carry out Rabirius' crucifixion, he would have defiled the Campus Martius and Roman citizens' bodies. In doing so, he would have

ignored precedent and law, the senate's authority, and even religious scruple. For these reasons, he must be stopped and Rabirius allowed to live.

In Catilinam I

Within the *First Catilinarian*, Cicero focuses the majority of his attention on Catiline, whose presence he had not expected, marking him a dangerous outlier for the Roman community.[69] For this reason, Cicero advises that Catiline flee to his ally Manlius, encamped and waiting near Faesulae.[70] There, he can show off his ability to endure cold, hunger, and poverty in outstanding fashion.[71] There, too, he can enjoy unbridled desire.[72] That said, Catiline's happiness and joy are suspicious as Cicero describes the conspirators "reveling" in the camp.[73] Even their happiness falls to the extreme when it is described in terms of Bacchic revelry.[74] Such a choice word, while

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[69] Sallust, for one, suggests that Cicero might not have expected Catiline's presence (*Cat.* 31).
[70] Seager (1973) attempts to dismantle the relationship between Catiline and Manlius, I think unconvincingly (pp. 240-241).
[71] *In Cat.* 1.26; cf. Sall. *Cat.* 5. Ramsey (2007) notes that Sallust's depiction of Catiline seems to have inspired Livy's version of Hannibal (21.4.5-9) and Tacitus' Sejanus (*Ann*. 4.1.3). Sallust himself likely borrowed from Cicero; see also *in Cat.* 3.16 (p. 69, s.v., (3) 3-6).
[72] *In Cat.* 1.25.
[73] *hic tu qua laetitia perfruere, quibus gaudiis exsultabis, quanta in voluptate bacchabere…*(*in Cat*. 1.26).
[74] While there is some gendering with such a verb ('to act like a bacchant'), it seems just as likely to refer to a blind, possibly drunken, frenzy. At the very least, in such a group the association with Bacchus would not be a positive one. It recalls Rome's infamous religious scandal, the Bacchanalian Affair of 186 BCE, when the senate attempted to oust secret bacchic rites via the *SCU*. Pina Polo (2011a) draws connection between religio-political nature of the Bacchanalian affair and Catiline's conspiracy (p. 126). Holland (2012), argues that Livy is wrong to suggest that it was the result of depraved women (p. 208). Nousek (2010) suggests that Livy adopts some of Cicero's language for Catiline (p. 157) but the two have very little in common (p. 160). Scafuro (1989) reads Livy with comic tones. Finally, it is Barton and Boyarin (2016) who provide what is the schrewdest reading: the term *coniuratio* connects the two events, but the differences between them were not "religious" vs. "political," since "religion" was not a Roman category.

easy to miss, stains the otherwise neutral or positive terms used to describe their happiness. But this example epitomizes Cicero's case against Catiline, that he was a man removed from Roman custom and steeped in crime.

When Cicero first advises Catiline go into exile, he gives a litany of justifications.[75] Catiline has every reason to flee the city: everyone outside his coterie despises him, his family has been mired with scandal, he has committed every kind of crime and corrupted youth, not to mention other public crimes like attempting to kill the consuls of 65 BCE on their first day in office.[76] As he says, there was no action of Catiline's which did not stick to his reputation.[77] Again, Catiline is a man of extremes, almost exclusively in the negative.

On the other hand, Cicero largely ignores most of Catiline's transgressions, apart from listing them through *praeteritio*, and focuses instead on his most heinous and public actions. He assures his audience that Catiline certainly had his personal faults but more important are his actions which "pertain to the republic and the life and safety of us all."[78]

Instead, both were distinct as "confederations by oath," with Catiline's men tenaciously loyal (pp. 78-79).

[75] *In Cat*. 1.13-19.

[76] There are several accounts of the so-called First Catilinarian Conspiracy to restore P. Cornelius Sulla and P. Autronius, the consuls elected but charged with bribery: Cicero describes an argument where Sulla and Autronius make themselves consuls either with Catiline or without (*pro Sulla* 11ff., 67ff., 81ff.); Cicero's account here is more ambiguous about the instigators but includes Catiline against the consuls and leading men (*in Cat.* 15); Sallust had Catiline and Cn. Calpurnius Piso intending to kill Torquatus and Cotta on their first day as consuls (*BC* 18); Suetonius has Sulla and Autronius work with Caesar and Crassus (*Div. Iul.* 9); and Cassius Dio included Catiline, Piso, Sulla, and Autronius (*Hist. Rom.* 36.44.3-5). Seager (1964) addresses the whole conspiracy, and thinks it wrong to connect the plot cited at *in Cat.* 15 with Sallust's at *Cat.* 18 (p. 339).

[77] *quod privatarum rerum dedecus non haeret in fama* (*in Cat*. 1.13).

[78] *In Cat*. 1.14. Cicero passes over, through *praeteritio*, Catiline murdering his previous wife and

The stakes of the current situation are higher than financial ruin or rumors of family shame since Catiline has now threatened the republic itself. In other words, Catiline is dangerous to more than his own family but those who have gathered to protect the community as a whole. Passing over his previous, personal misdeeds only serves to make Catiline into a more objectionable and villainous character.

By focusing on the public misdeeds, Cicero is also able to transform Catiline into something more sinister than simply some indigent seeking retribution. Cicero makes Catiline into a person totally formed by nature, with no social or personal restraint, whose desire occupied him, and over whom fortune governed.[79] Such language set the stage for later speeches, when Catiline himself becomes a *monstrum*-like figure. In the current speech, he is still a man, but one with extraordinary characteristics and only satisfied by an impious war.[80]

Still, within the *First Catilinarian*, the nature of Catiline's threat as Cicero presents it needs some delineation. The most consistent word used to describe Catiline and his actions is *latrocinium*, or banditry.[81] Cicero even reminds Catiline that his defeat in the consular election would ensure that any actions he took against the republic would be as an exile committing banditry, rather than as a consul waging war.[82] Catiline, unlike Verres, was in Rome for his most objectionable actions, which meant his threats were all

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his financial ruin.

[79] *ad hanc te amentiam nature peperit, voluntas exercuit, fortuna servavit* (*in Cat.* 1.25).

[80] *numquam tu non modo otium sed ne bellum quidem nisi nefarium concupisti* (*in Cat.* 1.25).

[81] *In Cat*. 1.23, 26, 31. See Corbeill (2002), pp. 204-205; banditry is but one common motif in Cicero's invective.

[82] *In Cat.* 1.26.

the more apparent. It also meant that using a term like banditry for Catiline was already more threatening than it was for Verres, who was in Sicily for most of his criminal activity. Furthermore, just as it did with Verres, the notion of banditry, briefly discussed in the previous chapter, correlates with Catiline's larger threat and is partially related to the notion of Catiline acting like the transgressor of norms that he will become.[83]

The other term used to describe Catiline, less frequent but more potent, is the term *hostis*, or public enemy. The first time Cicero uses the term for Catiline specifically comes nearly a third of the way through the speech.[84] He says that he, as consul "orders the enemy to leave from the city."[85] This line comes in the middle of Cicero's list of Catiline's misdeeds. Here Cicero reminds Catiline that he has nothing in the city worth staying for, and that he has ruined himself personally and publicly, thus exile is his best option. Again, this is the same spot where Cicero reminds his audience that Catiline's public actions are their reason for gathering and their reason to fear Catiline. Therefore, in his capacity as consul, Cicero orders the *hostis*, the root of the public's fear, to flee the city. Only after Catiline has left the city can Rome begin to put its fears to rest.

Perhaps the best proponent to speak for that fear would be the city herself, and towards the end of his list of Catiline's crimes, Cicero adopts the persona of Roma to

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[83] Again, Habinek (1998) highlights the relationship between the Roman society and its various functions (including religious), and how bandits are the inverse manifestation of those functions (p. 71); Gildenhard (2011) notes that Cicero's use of terms like *latro* might be fun but they also rhetorically ostracize the target from the group *vir*, or even *homo* (p. 80).

[84] He uses it to refer to enemies in general (*in Cat.* 1.3, 1.11) and Catiline's allies (*in Cat.* 1.5, 1.27, 1.33) but for Catiline only sparingly (*in Cat.* 1.13, 1.27).

[85] *exire ex urbe iubet consul hostem* (*in Cat.* 1.13). The word order of this brief sentence is worth noting. Greatest emphasis would fall on *exire* and *hostem*, downplaying Cicero's own action as consul, though the brevity of the entire sentence would give it a good deal of punch altogether.

encourage Catiline's flight from Rome. Cicero, through the voice of Roma, accuses him of being behind every crime, of killing citizens, disturbing allies, and aiming to overturn the laws and courts.[86] Whether these accusations are true or not, Roma would prefer that Catiline leave to alleviate her of her fear. Even if her charges are unfounded, their existence is enough for her to feel threatened.

Preceding this admonishment, Cicero had warned Catiline that his actions were a threat to himself and the republic. Already, as consul-designate, Cicero had felt threatened by Catiline to such a degree that he defended himself through personal means.[87] While Cicero certainly considered his own death to be a calamity for the republic, he nevertheless used his own resources to preserve his safety. Now, on the other hand, Catiline had openly threatened the public institutions, calling for the destruction of the "temples of the immortal gods, the buildings of the city, the lives of all the citizens, and the whole of Italy."[88] This tetracolon acts as a motif that Cicero uses throughout the *Catilinarians*. Repeatedly, with degrees of slight variation, Cicero has Catiline threaten the gods, the buildings of the city, the families of his audience, and Italy more generally. The common theme of these items, of course, is how each composes fundamental aspect of Roman life. By means of prosopopoeia Cicero safely asserts that Catiline threatened

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[86] *In Cat.* 1.18. The reference to killing citizens has been taken as a reference to Catiline's role in the Sullan proscriptions (e.g., Shapiro (2005), p. 59, s.v. *multorum civium neces*). The accusation of wanting to overturn the courts was also addressed in the previous chapter with Verres.
[87] *In Cat*. 1.11. Cicero notes repeatedly that he did not defend himself through public guard but through his own resources. This comes in to play later.
[88] *In Cat.* 1.12. The term *tecta* to describe 'buildings' is rather ambiguous, though it seems to suggest private dwellings more than public buildings or public temples. In this way, the first three cola of the tetracolon decrease in their magnitude (gods > houses > family), if not necessarily importance.

both his own person and the city as a whole, and the city wanted him gone because of this. She wanted to maintain the norms of Roman life.

But Catiline was more than a bandit or even a public enemy, despite such terms being used against him and his allies. Twice in this first speech Cicero accuses Catiline of participating in religious actions that are outside standard Roman custom. For example, within the list of grievances against Catiline, Cicero mentions that he is unaware by which rites Catiline has consecrated his dagger to think that he needs to plunge it in a consul's body.[89]

On its face, such a comment is already troubling as it suggests that Catiline feels compelled to stab the consul.[90] Again, this fits with Cicero's projection of Catiline as a product of nature, or at least a person controlled by outside forces. Considering the first part of this accusation, it is equally troubling that Catiline is compelled to stab the consul because he has consecrated his blade in some mystery practice.[91] Cicero's apparent ignorance on the matter, could, of course, simply be an acknowledgment of genuine

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[89] *quae quidem quibus abs te initiata sacris ac devota sit nescio, quod eam necesse putas esse in consulis corpore defigere* (*in Cat.* 1.16).

[90] Allen & Greenough's commentary makes the point clear: the phrase makes it seem "as if Catiline had solemnly pledged himself to use this dagger on nobody lower than a consul" (p. 314, s.v. *quae quidem*). This reading, which I think correct, leaves which consul only implied; plotting to murder *any* consul would have been objectionable.

[91] Riggsby's (1999) analysis of the laws is indispensable here. If Catiline had been successful, his crime would likely fall under the *lex Plautia de vi*, passed sometime after 78 (pp. 79ff). Though it does not appear to have been specifically applied to Catiline, there was also the *lex Cornelia de sicariis et veneficiis*, which was instituted under Sulla and concerned "gangsters and poisonings" (pp. 50ff). The nature of the poisons appear to have included certain magical acts (Graf (1997), pp. 46-48), though Rives (2006) demonstrates that the use of the *lex Cornelia* to police "magic" was a later development. Likewise, the term *superstitio* might apply here, though the term is not always applied negatively in Cicero's works, as Santangelo (2013a) points out, though often in contrast to *religio* (pp. 38-47).

ignorance, but this would be playing against his own projected persona.[92] Instead, it seems to suggest that Catiline has practiced a ritual outside the traditional Roman custom that was intended to bring about the consul's death.[93] That intention of the ritual would have been troubling enough, certainly a threat to Rome's standing order represented by the consul. The fact that the blade required the consul's blood makes it clearly anti-Roman or anti-republican, only adding to the urgency.

Later, Cicero again accuses Catiline of religious practice outside the norm and for nefarious purposes. He says that Catiline used the silver eagle, sent with Manlius to be the military standard,[94] as the image for a shrine to his crimes.[95] He asks, "could you lack that [eagle] any longer which you are accustomed to venerate, setting out for slaughter, from the altar of which you often transferred that impious hand of yours to the murder of citizens?"[96] This eagle, which might have once belonged to Marius, would at the very

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[92] Other claims within the *Catilinarians*, where Cicero claims near-omniscience (*Cat.* 1.1, 1.6), would seem at odds with the ignorance of this devoted knife. The *nescio*, then, might be taken with a degree of emphasis, "(even) *I* don't know…"

[93] It should be noted that there is no explicit reference to magic in this passage but there is a sense that Catiline's ritual — whatever it was — fell outside the usual bounds of *religio* or even *superstitio*. Still, Stratton (2015) demonstrates that the magic/religion dichotomy was only just beginning to enter the Latin discourse at around this time. On the other hand, Fraser (2015) points to Cicero's *in Vat.* 14 for early signs of human sacrifice and necromancy in the actions of others, in this case, Vatinius' Pythagoreanism (p. 126); cf. Dio Cass. 37.30.3, which has Catiline sacrifice and consume a child before his co-conspirators.

[94] Price (1998) considers the act of sending the eagle forward to Forum Aurelium already treasonous (p. 108). I argue, instead, that this eagle is one manifestation of Catiline's religious transgression.

[95] The term *sacrarium*, shrine, is used again at *in Cat.* 2.13 to refer to Catiline's eagle-shrine at his house and repeatedly in the *Verrines* to refer to generic Sicilian shrines (2.4.4, 2.4.5, 2.4.7, 2.4.11, *et al.*). It is also used later to refer to the shrine of Bona Dea at *Pro Milone* 86. Above all, the term seems to be deployed when the religious value of the object is being weighted more than, say, its artistic or monetary value. It will later be used to refer to the senate-house, the *sacrarium rei publicae*, at *Mur.* 84 (see below).

[96] *In Cat.* 1.24.

least represent a kind of political and military insurrection against the Roman order.[97] For Cicero, this eagle portends death to Catiline and his conspirators. He calls it a "wicked shrine" that has been established at his house. Again, such a practice would fall outside the boundaries of acceptable practice for a Roman. While there certainly were private rituals and shrines, such as the *Lares*, the *genius*, or the *Penates*, those tended to be for the safety and protection of the household.[98] Catiline's shrine, in contrast, was worshipped in advance of murder; the very hand that worshipped is called impious.

Altogether, Catiline in the *First Catilinarian* is certainly someone to be feared, but not yet at the level of, say, Verres when crimes already committed are compared. Cicero portrays Catiline in terms mostly outside the realm of religion, ruled by desire and wanting power by illicit means, but he does begin to depict Catiline as one whose actions run afoul of Roman custom, sometimes in direct opposition. At this stage in the entire affair, he remains more of a menace than an outright enemy of the gods. He is said to have committed certain ritual actions that are mysterious at best and malicious at worst.

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[97] Sallust, for one, associates this eagle with Marius (*Cat.* 59). Given Catiline's Sullan ties, a Marian connection does more to make him seem power-hungry than allied with one specific faction.

[98] DiLuzio (2016) makes the analogy between the Vestals, who prayed for the *salus* of Rome, to the Romans, who prayed to their *Penates* and *Lares* for familial safety (pp. 191-192). Schultz (2006) lists several deities who had some degree of association with domestic activity, pointing out that many of them are not distinctly female (p. 123). Lennon (2014) suggests that the *Penates*, hearths, and altars would have been the most sacred aspect of a Roman's home, looking ahead to Cicero's *de domo sua* 109 (pp. 178-180). Finally, Jenkyns (2013) makes some of the same observations as others discussed, but also argues that we know comparatively little about the *penates* precisely because they were so common and so important; every Roman knew what they were and what they meant, so they needed no explanation (pp. 201-202).

His actions threaten the stability of the republic, both religiously and civically,[99] and for this reason he must be rooted out.[100]

The primary agent urging Catiline to flee Rome is obviously Cicero with help from, as he argues, the senate and people of Rome. As with the *Verrines*, Cicero begins as the reluctant defender who transforms into a more powerful defender of Rome. That said, his reticence against Catiline seems to be more a matter of political confidence than anything.[101] Now that he has begun to expose Catiline, he claims to be ready to endure whatever hardship the conspirators might bring.[102] For Cicero, enduring hardship or unpopularity is a worthy cause, if his personal disaster meant the republic was safe.[103]

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[99] In origin, the consuls' *imperium* was tied to their role as military commanders. After Sulla, however, this function of the consulship seems to have diminished in its importance, if retaining some importance; after Sulla they tended to remain in Rome for most of the year. Before beginning their military campaign each spring, the consuls were responsible for performing the *feriae Latinae* and performing sacrifice to Jupiter Latiaris on the Alban Mount, among other festivals at the start of the year (Pina Polo (2011), p. 22; Strabo 5.3.2; Tac. *Ann*. 6.11; Liv. 25.12.1-2; Cassius Dio 41.14.4). Other responsibilities included the expiation of prodigies, the apotropaic ritual of the *clavus annalis*, performing sacrifices at Lavinium in joint honor of Vesta and the Penates, presiding over the *ludi Romani* and occasionally other *ludi*. The expiation of prodigies was intended to maintain the *pax deorum* and stability of the republic, while other obligations, for example the *feriae Latinae* and *sacra* in Lavinium, functioned as confederating rituals between Rome and its Latin neighbors. Of course, while they might belong to a specific priestly college as consul, they were not as exclusively devoted to matters of the gods as other offices. For more on the responsibilities of the consuls, see Lintott (1999), pp. 104-107; Pina Polo (2011), pp. 21-57.

[100] Habinek (2005) goes so far as to label Catiline a sacrificial victim to Jupiter (p. 29). I would not go this far, but might see him as requiring ritual murder, akin to an unchaste Vestal.

[101] *In Cat.* 1.4. The senate had already issued its *senatus consultum ultimum* on October 21, eighteen days prior to this speech (Asc. 6C provides the dating; see also Sall. *Cat.* 29, Dio Cass. 37.31.12, Plut. *Cic*. 15). Thus, Cicero had the authority to act against Catiline but hesitated. This is not the first time Cicero has expressed hesitation to act: cf. the procedure against Verres, when he seemed to hesitate in being a prosecutor (e.g., *in Caec.* 2).

[102] *In Cat.* 1.6.

[103] *In Cat.* 1.22.

Endurance is only one of Cicero's capabilities that he projects to establish himself more prominently. He ascribes to himself great amounts of diligence.[104] Even more important, he says that there was nothing Catiline could do or even plan to do without his knowledge, for his plans are as clear as day.[105] While not yet remotely religious in tenor, Cicero's abilities, as presented, already exceed his personal capabilities from the *Verrines.*[106] Not only will he do what he can to ensure the safety of the temples, the houses, and the families of Rome, but he already knows how to prevent the attacks. He might refrain from calling himself divine in his power, but that becomes irrelevant when the gods already support his cause.

The earliest explicit reference to the gods is unremarkable. Before asking a series of rhetorical questions concerning Catiline's unexpected presence in the senate, Cicero exclaims, "*di immortales!*"[107] More important is the way in which he describes the senate itself soon after, as "the most holy and important council in the world."[108] Within their midst, in such a holy place, are Catiline and his co-conspirators, who seek the death and

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[104] *In Cat.* 1.7, 1.32.
[105] *luce sunt clariora nobis tua consilia omnia* (*in Cat.* 1.6). A similar, if less metaphoric, sentiment is expressed in *In Cat.* 1.8, where Cicero says that Catiline cannot plan or do anything with Cicero 'hearing, seeing, and plainly perceiving.'
[106] It should be noted, too, that his position as consul does already grant him more authority than he had previously (for the religious importance of the consulship, see Pina Polo (2011b), p. 115). At this point in the discussion, it might just be the case that Cicero's language is starting to match his office.
[107] Batstone (1994) argues that Cicero needed Catiline to be present to display his providence (p. 225). This, I think is misguided. He needed Catiline present to shame him into leaving Rome (per Batstone), but his providence could be displayed with or without Catiline's presence in the senate; he simply needed to demonstrate awareness of Catiline's plots and misdeeds.
[108] *...in hoc orbis terrae sanctissimo gravissimoque consilio…* (*in Cat.* 1.9).

destruction of their esteemed colleagues.[109] If Catiline's presence is not yet as alarming to Cicero's audience as it appears to be to Cicero, it likely will be once Cicero outlines Catiline's misdeeds and ritual transgressions. Certainly the other senators would not want someone in their presence who had venerated a shrine for their murder.

After appealing to the senate with a religious descriptor, Cicero also appeals directly to the gods throughout the speech. Some appeals are rather subtle. For example, *fortuna* is invoked twice during the speech.[110] Once, as already mentioned, with Catiline's own *monstrum*-like quality; nature bore him to his madness and fortune preserved him.[111] He is a man whose personal history is riddled with misfortune and misdeed, but, at the same time, Cicero pushes his character to a level where he is almost inhuman. By attributing fortune to Catiline's decisions thus far, Cicero likewise strips him of any future success.

Fortune is also referenced earlier in the speech, this time acting contrary to Catiline's actions and for the benefit of Rome. In 65 BCE, we are told, Catiline and his band were planning to kill the consuls and other leading men of the state.[112] They failed, not because Catiline had a change of heart, but because the fortune of the Roman people

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[109] Of course, a certain degree of hyperbole must be granted here.
[110] Whether this is the capitalized *Fortuna* or not is, of course, important, but in either case there is an outside divine agent. Weinstock (1971) argues that Caesar and other Roman generals had begun conflating worship of Fortuna with their own personal success, creating a kind of tutelary deity (pp. 112-127). Miano (2018) pushes back against this thesis, suggesting that men like Sulla, Caesar, and Pompey had not fused their own *fortuna* to the worship of Fortuna to the degree that they were considered tutelary deities, more like Hellenistic kings (pp. 124-125). Miano's slight skepticism here seems warranted.
[111] *In Cat.* 1.25.
[112] This is the so-called First Catilinarian Conspiracy. The evidence for its very existence is unsettled. Sallust gives the entire First conspiracy only two sections (*Cat.* 18-19).

had intervened, proving *fortuna* had at least some control over the situation.[113] Once again, Catiline becomes a person who loses his autonomy to fortune.[114] While he might have planned for murder and destruction, there would have been no way for him to succeed if the Romans had fortune acting in their favor. Again, Cicero invokes fortune to rob Catiline of his agency and in doing so he creates a space for other divine actors supporting his cause.

The most remarkable references to the divine are the two invocations of Jupiter Stator. Naming Jupiter Stator does two things for Cicero's case. First, it allows him the chance to associate his own person and actions with the divine Stayer. Before listing his own actions and abilities to thwart Catiline's plot, Cicero says that "thanks are due to the immortal gods and Jupiter Stator, the most ancient guardian of the city."[115] Immediately after this sentiment is expressed, Cicero reminds his audience that Catiline has been plotting to kill him and that he has defended himself with his own resources, not the public's; he saw his own death as a disaster for the republic. Thus, when Catiline is openly threatening to destroy the temples of the gods, the buildings, and the lives of the citizens, and Cicero is ably stopping those efforts, he is acting like Jupiter. While shying away from openly claiming divine power, Cicero comes close in his patent association with Jupiter Stator. At the same time, such a plea grants his cause a divine authority that he personally lacks.

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[113] *In Cat.* 1.15.
[114] He is also repeatedly called a plague (*pestis*), which works to much the same effect (*in Cat.* 1.)
[115] *In Cat.* 1.11.

At the close of this speech, Cicero invokes Jupiter Stator in a direct plea for help.[116] This plea serves as a good summation of his entire argument in the *First Catilinarian*.[117] His closing words are:

> *tu, Iuppiter, qui isdem quibus haec urbs auspiciis a Romulo es constitutus, quem Statorem huius urbis atque imperii vere nominamus, hunc et huius socios a tuis ceterisque templis, a tectis urbis ac moenibus, a vita fortunisque civium arcebis et homines bonorum inimicos, hostis patriae, latrones Italiae scelerum foedere inter se ac nefaria societate coniunctos aeternis suppliciis vivos mortuosque mactabis* (*in Cat.* 1.33).
>
> you, Jupiter, who were established by Romulus with the same auspices by which this city [was established], whom we correctly call the "Stayer" of this city and empire, will repel this man and his allies from your temples and others', from the houses and city walls, from the lives and fortunes of the citizens, and [you will] ruin with eternal punishments the enemies of the good, those hostile to the country, the robbers of Italy, those, dead and alive, joined by treaty and foul alliance of crimes.

There are several facets of this plea that tie into the themes of the speech. First, the words used to describe Catiline and his co-conspirators are consistent with his description elsewhere in the speech. Catiline is called an "enemy of the fatherland," while his allies are "bandits."[118] Cicero ultimately refrains from calling Catiline a *monstrum* in this speech. Instead, Catiline only manages to fall to the level of being labelled a *hostis*. At

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[116] Aldrete (1999), p. 25. Gildenhard (2011) astutely counters the arguments like Vasaly's (1993) that interpret this final passage as prayer-like, noting that there is no traditional "if…then…" statement, no invocation, etc. Instead, Cicero acts as a *vates*, predicting to the senate that Jupiter Stator will support Cicero's cause (pp. 275-276). Still, as Vasaly (1993) correctly notes, there is a connection to be made between the *auspicia* taken to establish Jupiter Stator and those taken to establish *templa*, *comitia*, and other sanctioned meetings (p. 71). Cicero, here, implicitly joins these ideas together against Catiline's plots.

[117] Short (2012) says that this passage can "exhibit all of the key motifs that are employed in the Catilinarians to exploit religion to persuasive advantage" (p. 309). "Exploit" is too cynical a word, I think, but otherwise I share the sentiment.

[118] This is the only other use of the term *hostis* to refer to Catiline in the speech (after *in Cat.* 1.13). It is also the only use of *latro*, though *latrocinium* was used to describe their actions three times (*in Cat.* 1.23, 25, 31).

least up to this point, Catiline retains his own humanity, even if that humanity is worthy of condemnation and death as a threat to the republic.[119]

Second, once again Cicero invokes Jupiter Stator to help his cause in checking Catiline's aggression. He directly beseeches the god's authority — established by Romulus, correctly called "Stayer"[120] — to stand and defend his own temple and the temples of other deities. Recalling the previous association to Jupiter Stator, Cicero's audience might well have been thinking that he, too, would be stopping these same threats. He stops short of claiming any personal divine power. The closest he comes is his near-omniscience in knowing Catiline's plot. Otherwise, he opts instead to attach his cause to established divine authority.[121] In the case of Jupiter Stator, a divine authority which Romulus himself had constituted.

Finally, Cicero uses the same motif that he had used after the first reference to Jupiter Stator.[122] He asks that Jupiter defend the temples of the gods, the houses of the city, the lives of the citizens, and finally Italy itself. While this tetracolon is more

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[119] Straumann (2016) provides a good discussion of the relationship between being declared a *hostis* and a declaration of the *SCU*, and how the two are not identical in their reach and scope, with a *hostis* declaration having a stronger force (pp. 88-100). Batstone (2010) makes explicit the contrast between Catiline as *hostis* and the *concordia* for which Cicero is speaking; the two are mutually exclusive (p. 50).

[120] For the establishment of this temple, see Ziolkowski (1992), pp. 87-91. It appears to have been dedicated in 294 BCE.

[121] This authority is separate from the authority granted by the *SCU* or from the *imperium* of the office (for sources of consular authority, see Bell (1997), p. 12). Lintott (1968) describes the *SCU* as a legal backstop for controlling *tumultus*; Cicero, and possibly others, interpreted it as more or less an execution order against the seditious (pp. 78-79). Wood (1988) and Schultz (2006) see the *SCU* as a manifestation of the *senate's* authority, not the consuls', though in was often conferred on the consul (pp. 188 and 90-91 respectively). Cicero, here, is appealing to divine support, not a legal construct.

[122] *In Cat.* 1.12, see above.

complex, with its extension and some subordinate clauses, the same progression nevertheless remains. As before, Cicero focuses from the temples to the citizens, then the sudden expansion to all of Italy. Unlike before, these are all objects which Jupiter Stator will defend. In the earlier part of the speech, these were objects that Catiline was planning to target but it was Cicero who had expended his personal efforts to stop him. By closing the speech with the same objects under threat, this time having Jupiter the defender, Cicero, yet again, associates himself with the divine.

Thus, within the *First Catilinarian*, Catiline is primarily depicted as an outlier, so far removed from Roman religious and political customs as to seem almost inhuman. He lost the election and will use whatever means necessary to attain the consulship, including assaulting the most holy senate and consecrating a knife for the murder of the consul. To prevent this plot, Cicero steps forward as the defender of Rome, but he does not act alone. He allies himself with the senate, Rome's holiest council, and the gods, especially Jupiter Stator, whose epithet makes him aptly suited to support Cicero's cause and associates that cause with Romulus and the security of Rome.[123]

In Catilinam II

The day after Cicero delivered his speech to the senate before the Temple of Jupiter Stator, he delivered a similar speech to the people. Despite Catiline having fled Rome in the meantime, the speech itself does not dwell on this fact.[124] Instead, Cicero, proven

[123] As Vasaly (1993) notes, the setting in front of Jupiter Stator's temple was not for the *reality* of security but for the *perception* of it (p. 59).
[124] There is some celebration in the opening of the speech (*in Cat.* 2.1), but it is otherwise largely

right by Catiline's flight from the city,[125] maintains much of the argument used in the *First Catilinarian*, now building on the foundations of the first speech.[126] In every situation, Cicero adds to the importance of the situation; Catiline and his allies become worse, he becomes more powerful, and the gods become active agents in the defense of the city.[127]

In his speech before the senate, Cicero made Catiline into a man produced by nature and governed by fortune, but ultimately still human. In the end, Catiline and his men were enemies committing banditry. Both of these terms are repeatedly used in the *Second Catilinarian* to describe Catiline and his fellow conspirators, or their actions.[128] As before, such labeling positions their cabal outside of accepted Roman political and social norms.[129] As public enemies, now with their leader outside the city, their hopes had shifted to open war.

War was certainly on Cicero's mind while delivering the *First Catilinarian*; the term *bellum* appears six times throughout the speech, especially as he ramps up toward the

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unmentioned.

[125] Manuwald (2012), p. 163; cf. Waters (1970), p. 200.

[126] Riggsby (2010) offers a brief study of the opening and closing sections of this speech, noticing that *in Cat.* 2.1-2 uses more negative words, while *in Cat.* 2.28-29 uses more positive words, suggesting to Riggsby the presentation of a problem gradually shifting to a focus on the solution (pp. 96-98). While only offered in a cursory manner, it is nonetheless compelling.

[127] Craig (2007) notes that Cicero ramped up his language from the *First Catilinarian* to the *Second*; this change might indicate a later publication and editing with hindsight (p. 275). I recognize this same progression in language, but only see it as a correlation to the publication/editing argument; Cicero might just as well have been feeling success from Catiline's departure.

[128] Forms of *hostis* are used for Catiline at *in Cat.* 2.1, 2.3, 2.4 (*bis*), 2.12, 2.17 (*ter*), 2.29 and for his followers at *in Cat.* 2.11, 2.15, 2.27, while forms based on the *latro*- root are used more sparingly: *in Cat.* 2.1, 2.7, 2.16., 2.22, 2.24.

[129] May (1988), p. 52.

end.[130] Of those uses, the majority are used without any adjectival or adverbial descriptor. In fact, the only term used to describe Catiline's war is "impious," or *nefarium*.[131] In the *Second Catilinarian*, this term is used to describe Catiline's war but also more widely used to describe his other misdeeds.[132] Cicero opts here to call Catiline the leader of a "civil war," using this phrasing four times, nearly a quarter of the total fifteen uses of the term *bellum* in the *Second Catilinarian*.[133] The accusation of being a public enemy in the *First Catilinarian* was there, but it is multiplied on the next day to be abundantly obvious.

The same can be said about their banditry. Whereas the total number of uses between speeches is nearly the same (the *First Catilinarian*'s four uses to the *Second*'s five), the conspirators have shifted into outright banditry, or at least that is how their actions are now described.[134] This makes sense, too, when considering the makeup of their group, which includes gladiators, actors, and destitute men, who think little of murder, arson, and plunder.[135] Most of the kinds of people who follow Catiline are in debt, whether from squandering their own money in extravagance or through outside circumstance, or are

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[130] *In Cat.* 1.23, 25, 27 (*bis*), 29, 33.
[131] *In Cat.* 1.25 and 33; at *in Cat.* 1.33, the war is called *impium bellum ac nefarium*. The term *impius* is also used to describe Catiline's banditry and his foul hand at *in Cat.* 1.23 and 1.24.
[132] The *nefarium bellum* appears at *in Cat.* 2.15, while it is elsewhere used to describe Catiline's (or his associates') actions more generally (*in Cat.* 2.1, 2.7, 2.19, 2.27, 2.29).
[133] Uses of *domesticum bellum* occur at *in Cat.* 2.1, 11, and 28, while *bellum populo Romano* occurs at *in Cat.* 2.11, and 14. Other uses, most with no adjectival or adverbial descriptor are at *in Cat.* 2.1, 11, 13, 14 (three more), 15 (*nefarium*), 18, 24, and 28.
[134] *In Cat.* 2.1.
[135] *In Cat.* 2.9-10.

killers and men who care deeply about their oiled hair, ankle-length frocks, and other impure habits.[136]

With these other men, there is virtually no crime that Catiline and his followers would not be able to accomplish. But to make Catiline even more dangerous than in his first speech, Cicero now says quite plainly that there was not a murder that took place in which Catiline had not had some awareness, if not a hand.[137] With such an accusation, Catiline has acquired the same near-omnipotence that Cicero himself had in the first speech, only he uses his power for illicit and objectionable actions. Having him outside the walls of the city can thus allow the city a kind of reprieve.

For Cicero, the fact that Catiline has fled the city is one of the best outcomes he could have hoped for.[138] It is for this reason, I argue, that he focuses most of his attention on the conspirators in this speech, since there are some who remain in the city. By focusing on those stragglers, by adding details to their previously nebulous characters, Cicero shifted his focus but maintained a present threat to Rome. After all, if Catiline's self-imposed exile meant safety for Rome, having his band of allies follow would only mean the same.

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[136] Cicero describes six kinds of people who follow Catiline (*in Cat.* 2.18-22). Most are some kind of debtor, but the parricides and assassins (*in Cat.* 2.22) and the group of people concerned with their looks (*in Cat.* 2.22) receive no mention of their financial status. They seem to be associated with Catiline more as disreputable characters than for any need to erase their debts.

[137] This section is worth quoting in full for the sheer variety of unsavory characters Cicero invokes: *quid enim mali aut sceleris fingi aut cogitari potest quod non ille conceperit? quis tota Italia veneficus, quis gladiator, quis latro, quis sicarius, quis parricida, quis testamentorum subiector, quis circumscriptor, quis ganeo, quis nepos, quis adulter, quae mulier infamis, quis corruptor inventutis, quis corruptus, quis perditus inveniri potest qui se cum Catilina non familiarissime vixisse fateatur? quae caedes per hosce annos sine illa facta est, quod nefarium stuprum non per illum* (*in Cat.* 2.7)?

[138] With Catiline fleeing, Cicero could be more certain of a moderately peaceful consulship (he already gives his consulship 'outstanding praise' (*in Cat.* 2.10)), especially when he is confident that the conspirators will receive their just punishment (*in Cat.* 2.11).

So while Catiline's absence allows Cicero to make the conspirators the more immediate threat to the city, Catiline's absence allows him to continue the characterization of Catiline started in the *First Catilinarian*.

Even before Cicero describes Catiline as a public enemy, or his actions as banditry, he fully makes Catiline into the *monstrum* he never was in the *First Catilinarian*. As comes later in the speech, when Cicero says no crime could have been committed without Catiline's awareness, in the opening few sentences he establishes that "no longer will any destruction be planned within the walls against these walls by that monstrous prodigy."[139] In the first speech, Catiline was a *monstrum* in all but name. Cicero establishes early on in his speech before the people that the *monstrum* has left their city, already granting a degree of safety.[140]

Cicero's introduction of a *monstrum* (and *prodigium*) adds a new tone to the proceedings.[141] In future speeches, both *monstra* and *prodigia* will provide a crucial support to Cicero's argument. At this stage in the affair, labeling Catiline a *monstrum*/*prodigium* simply completes the thought presented in the first speech. By saying that no ruin will be plotted without the presence of Catiline's own monstrous person, Cicero takes away a part of Catiline's own autonomy, making him a product of

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[139] *nulla iam pernicies a monstro illo atque prodigio moenibus ipsis intra moenia comparabitur* (*in Cat.* 2.1). I take the *monstro illo atque prodigio* together through hendiadys as a 'monstrous prodigy' rather than 'monster and a prodigy,' though the difference is negligible. May (1996) seems to put more emphasis on the beast comparison than the prodigy (p. 144).

[140] It is worth pointing out that Cicero is not alone in depicting Catiline as an outstanding individual; Sallust, too, describes Catiline as possessing superhuman traits like enduring hunger, cold, and lack of sleep (*Cat.* 5).

[141] Indeed, neither *monstrum* nor *prodigium* appears at all in *in Cat.* 1, and the word *omen* appears only once (1.33), though its precise referent is somewhat ambiguous. For more discussion, see p. 152, n. 156.

nature or even the gods. Doing so also attributes to him the same negative power that will later be fully realized when Cicero describes the variety of accomplices in Catiline's company, such that no crime could be committed without his awareness.

Mirroring the expansion of Catiline's more negative powers are Cicero's own. Over the course of the previous day's speech to the senate, Cicero had positioned himself, first as a reluctant defender but then soon as a near-omnipotent, who could see and hear all of Catiline's plans. The speech before the people evolves in much the same way. Cicero begins the speech admitting that even his hesitance to kill Catiline (despite allegedly having public support and the *SCU* issued) was due to prudence rather than fear of unpopularity. By the middle of the speech, he has regained the near-omniscience he claimed on the previous day. He had exiled Catiline with only a word, but then Catiline had hesitated in fleeing the city.[142] Cicero rhetorically asks Catiline why he had delayed, given his whole plot was known and that Cicero had known the weapons and silver eagle had been sent ahead.[143] The fact that the eagle had been sent ahead, and that it was a shrine in Catiline's house, had already been demonstrated before the senate; it was there that Catiline committed rituals prior to setting out for murder. At the same time, Cicero had also expressed an awareness of Catiline's plots in broad generalizations.[144] Before

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[142] *In Cat.* 2.13.

[143] The total list includes "arms, axes, fasces, trumpets, military standards, that silver eagle for which he had built a shrine in his own home" (*cum arma, cum securis, cum fascis, cum tubas, cum signa militaria, cum aquilam illam argenteam cui ille etiam sacrarium domi suae feceret*...(*in Cat.* 2.13). It is worth noting that before the people, Cicero does not subordinate the *sacrarium* with any abhorrent ritual, only choosing to modify the *aequila* with an *illa*, suggesting that his audience might already know the eagle in question. Some manuscripts add the word *scelerum* either before or after *sacrarium*, which would make the negative implication explicit.

[144] He promises that Catiline could plot nothing without Cicero's knowledge, that his plans were

the people, his level of knowledge is equally broad, only now there are additional details in his knowledge of the various instruments of war.

Cicero's other valuable capability established in the *First Catilinarian* was his abundant endurance.[145] In the *Second Catilinarian* we see much the same claim, that he would have endured all the infamy in the world, even risked his own life, if he had thought killing Catiline would have removed the danger from Rome. But instead of killing Catiline, he opted for patience in order to put an outright end to the entire conspiracy.[146] While this reasoning bears a whiff of *post hoc* justification, the one consistency between the two speeches is Cicero's ability to endure hardship. In both, Cicero is willing to endure the *infamia* of the people, so long as it keeps Rome free from danger.[147] His endurance is unending so long as Catiline, and then his conspirators, are ejected from Rome.

More than simply removing him from the city, Cicero wants Catiline to put an end to his conspiracy. He has already left the city itself with some remaining while he heads to Massilia. This maneuvering runs the risk of others thinking that Cicero, as consul, had threatened Catiline like a tyrant, that Catiline deserved their pity.[148] Once again, Cicero claims a willingness to endure such a reputation, if it means Catiline truly leaves off his war. His endurance of such slights against his reputation is strong enough that he feels no

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as clear as day, and that he would remain ever-vigilant to stop those plans (*in Cat.* 1.8, 1.6, and 1.32).

[145] For example, *in Cat*. 1.22.

[146] *In Cat.* 2.3-4.

[147] At *in Cat.* 1.22 he says that he would endure the inevitable *infamia* if exiling Catiline, one person, meant the safety of all.

[148] *In Cat.* 2.14.

need to implore the gods for relief, especially not if it means Catiline returns to Rome with an army.[149] Put another way, so long as Catiline and his allies stay away from Rome and the city remains safe, Cicero is willing to put up with whatever reputation the public brands him. If Catiline remains in Massilia (or with Manlius), the gods will have no need to comfort Cicero because he can endure the results.

That being said, the gods will help Cicero and the city to maintain their safety. Though no deity is ever singly named apart from Jupiter Stator to describe the previous day's events, the gods are more actively involved in defending the city against Catiline's destructive plots. As a collective, they are one of three parties who will defend Rome against the group allied with Catiline. That group is comprised of debtors who seek to overthrow the republic in order to acquire power for themselves, a goal which, Cicero warns, is hopeless. The reason, a rather strong one, is that Cicero is vigilant, the citizens are in unison for the city's defense, and, finally, the gods themselves will be present to provide aid to Rome.[150]

Within this defense, Cicero advances his argument twice. Prior to this point, the people had only been witnesses to or targets of Catiline's plots. Now they, too, are enlisted for stopping Catiline and preventing any destruction at Rome. To do this, Cicero sneakily suggests that the good men, the *boni viri,* possess good spirits, harmony, and

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[149] *In Cat.* 2.15.

[150] *primum omnium me ipsum vigilare, adesse, providere rei publicae, deinde magnos animos esse in bonis viris, magnam concordiam, maximam multitudinem, magnas praeterea militum copias, deos denique immortalis huic invicto populo, clarissimo imperio, pulcherrimae urbi contra tantam vim sceleris praesentis auxilium esse laturos* (*in Cat*. 2.19). Their presence (marked by *praesentis*) is noted here; their presence will become a theme moving forward.

great numbers and forces.[151] Regardless of the veracity of such claims, Cicero makes the people into more than a target for Catiline, but a unified front against him.[152] The same can be said for the gods, who up until this point were primarily witnesses.

While Jupiter Stator might have played some role in the *First Catilinarian*, he was only one of many deities who could have helped to expel Catiline. Here, the gods generally become supportive of Cicero's defense. Rhetorically, they mirror Cicero's role as a defender of the people. Both he and the gods are positioned at each end of this tricolon, with the people between them.[153] Now the gods function as co-defenders to the safety of Rome. They bear as much responsibility for ensuring that safety as Cicero would himself.

At the end of the speech, in fact, Cicero begins shifting the credit of saving the republic from falling squarely on himself to being shared with the gods. As already discussed, Cicero has repeatedly claimed for himself an awareness of Catiline's plots that is all-encompassing. He knew about the plans that were being laid out, he knew about the eagle made into a shrine for murder, and he knew about the location of Catiline's weapons and military equipment. Nevertheless, in closing his speech, he gives the

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[151] cf. Wiseman (1985), p. 16.

[152] The appeals to *concordia* should not be overlooked as empty platitudes. Concordia had received cult in Rome beginning in the fourth century: see Curti (2002), p. 80-81, Ziolkowski (1992), pp. 21-24, Clark (2007), pp. 209-224. Even more potently, Cicero delivered his *Fourth Catilinarian* before the Temple of Concord; the concept was very much a vital part of his consular project.

[153] It could also be argued, with the same rhetorical reasoning, that Cicero's list of defenders increases from his own person, to the more important public, to the most important gods. Each has its merits, though the latter downplays Cicero's own self-evaluation (something that is out of character for the orator and these speeches).

ultimate credit for such knowledge to the gods. He promises that honest individuals will die if he pursues a harsh punishment for the conspirators. He makes this promise due

> *quae quidem ego neque mea prudentia neque humanis consiliis fretus polliceor vobis, Quirites, sed multis et non dubiis deorum immortalium significationibus, quibus ego ducibus in hanc spem sententiamque sum ingressus; qui iam non procul, ut quondam solebant, ab externo hoste atque longinquo, sed his praesentes suo numine atque auxilio sua templa atque urbis tecta defendunt* (*in Cat.* 2.29).
>
> not by my own prudence nor human resolution, but by the many clear signs from the immortal gods, with whom leading I began in this hope and determination; [the gods] who no longer, as they were once accustomed, protect us from an external and foreign enemy, but here, present, protect their own temples and the buildings of the city with their own power and aid.

Before ending his speech, Cicero reminds his audience that the gods are now present to provide aid to the city. He announces their presence and support immediately before calling on his audience to play their own part, to pray to the gods that they defend their city. The gods are involved to the same degree as the Roman public at this point, and they are obviously present to stop Catiline's attack.

There was a hint of this in the *First Catilinarian*, with Cicero beseeching Jupiter Stator for his specialized help. He stopped short of saying that Jupiter Stator himself was present to eject Catiline from the city. In the *First Catilinarian*, it might have been much easier to call upon Jupiter Stator and his presence when the temple, and possibly statue, were readily within sight. Now, for the second time in this speech, Cicero says that they are present to defend their temples and the city's buildings.[154] With their temples on the

[154] The question of whether, or to what degree, the Romans conceived of images of deities being manifestations of deities is ultimately unanswerable. That said, Beard (1985) succinctly makes the point that often the image constituted the reality of the deity, even if the image was not

line, apparently, the gods are willing to defend the city, despite their habit of defending Romans abroad. Given the situation, the gods had no choice but to defend the city and their temples.

For Cicero, at least, the temples and the city's buildings are only the physical targets of Catiline's threat; the greater threat is against the Roman cause. In Catiline's war, there are two sides, representing diametrically opposed principles. Catiline and his faction represent wantonness, debauchery, fraud, wickedness, madness, turpitude, and lust, while Cicero represents modesty, chastity, trust, piety, constancy, honor, and continence.[155] In short, Cicero fought on the side of good Roman virtues, Catiline on the side of depravity. In such a war, the gods would be hard-pressed to stand idly by, watching from afar. By turning Catiline's war into one about Roman virtues, rather than the physical city, Cicero effectively compels the gods to offer their support to his virtuous cause.[156] The fact that Catiline has already fled the city, putting Cicero at an advantage, lends credence to his argument that the gods might be acting in support.

'natural' (p. 211); cf. Elsner (2000), p. 52, and Elsner (1996), both of which argue for the centrality of the image in ritual. Lipka (2009) calls a cult statue the "spacial focus of the god," inherently linking spatial proximity to the cult statue with spatial proximity to the divine (p. 13); Levene (2012), pp. 66-67; cf. Ando (2008), pp. 23-33.

[155] *ex hac enim parte pudor pugnat, illinc petulantia; hinc pudicitia, illinc stuprum; hinc fides, illinc fraudatio; hinc pietas, illinc scelus; hinc constantia, illinc furor; hinc honestas, illinc turpitudo; hinc constantia, illinc libido; hinc denique aequitas, temperantia, fortitudo, prudentia, virtutes omnes certant cum iniquitate, luxuria, ignavia, temeritate, cum vitiis omnibus; postremo copia cum egestate, bona ratio cum perdita, mens sana cum amentia, bona denique spes cum omnium rerum desperatione confligit* (*in Cat.* 2.25). Santangelo (2013a) claims that *in Cat*. 2.29 is the reference to Cicero's *prudentia* in the *Catilinarians* (pp. 59-60), but the passage cited above also references Cicero's *prudentia*, if more obliquely.

[156] *In Cat.* 2.25.

Within the *Second Catilinarian*, then, there are a few developments that complement Cicero's argument from the previous day. First, and foremost, the gods have become active players in Cicero's defense of the city. Cicero attributes to the gods his knowledge of the conspiracy, or, at least, the means to suss out that knowledge. He incorporates the gods onto his side at the same time that he calls on his audience to pray and implore the gods to defend their city. The citizens are now as involved as anyone, and Cicero wants them on the side of the gods, too.

The other major development to Cicero's argument is his turning Catiline completely into a *monstrum* early in the speech. In doing this, Catiline becomes less human than he already was in the *First Catilinarian*, but his menace increases because of it. Now, his very existence as a *monstrum* was a sign that something was amiss and the gods were making it known. Other signs the gods might send were different *prodigia* or *monstra*,[157] not represented by the person accused of wanting to destroy Rome. These are yet to receive their due attention in the *Second Catilinarian*, but they receive serious consideration in the *Third*. Yet again, Cicero established at the end of this speech what will become a pivotal point of his argument going forward; the gods are on the side of men like Cicero, and they have sent an array of indicators to convey that message.

[157] Santangelo (2013a) marks a fluidity in the definitions of *monstrum* and *prodigium*, as well as *portentum*, *omen*, and *ostentum* (pp. 37-38); see also Rüpke (2018), p. 151. See. Rosenberger (2008) for brief overview of *prodigia*, especially among the elite (pp. 293-294); Levene (1993) on supernatural things like auspices, prodigies, omens, and dreams (pp. 3-6); Davies (2004) on the casual usage of the term *prodigium* and how that indicates an assumed definition by the audience (p. 29).

In Catilinam III

Now that he has established Catiline's cause as marked by the depravity of madness and turpitude, his own by the virtues of honor and piety, and corralled both the public and the gods into supporting those virtues, Cicero has a new authority over the situation that was previously lacking. Furthermore, developments in the situation itself grant him authority that was simply impossible prior to this stage in the affair. In the intervening weeks between his *Second Catilinarian* and *Third*, both delivered before the people, Cicero had been awarded a *supplicatio* for saving the city, and a letter had been found from a Gallic envoy on its way to Catiline.[158]

The letter itself, the details of which will be addressed shortly, provided a damning case against Catiline's allies already arrested. The *supplicatio* burnished Cicero's reputation at Rome, giving him credit for saving the city. Any further action he took against the conspiracy would only complete what he started. Within the speech, Cicero takes these developments as building blocks to further establish his own standing. Using the case he had made some weeks ago, he continues to rely on the support of his audience and the gods, who are both now actively involved in stopping the destruction of the city. The one figure whose actions are sidelined in this speech, though not totally minimized, is Catiline.

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[158] *In Cat.* 3.15 and 3.4 respectively. Cicero also mentions Caesar awarding him the *supplicatio* at *in Cat.* 4.10, trying to suggest that Caesar had shifted his support when he advised against capital punishment for the conspirators. That said, as Lintott (1968) states, Sallust's version of Caesar's speech (*Cat.* 51) reserves capital punishment for those declared *hostes*, which only applied to Catiline and Manlius (pp. 169-171).

The clearest denunciation of Catiline comes roughly halfway through the speech, after Cicero had already gone through the contents of the letters (both with Volturcius before the senate and in summary before the people). His description of Catiline is unremarkable for the most part. He says that Catiline was adept at crime, knew the right individuals to carry out his crimes, had the right people in support of his cause, and could endure cold, thirst, and hunger to carry out that cause.[159] These are all attributes Catiline had previously been granted by Cicero. Two aspects about Catiline and his conspirators, however, differ in this speech from the descriptions already introduced in earlier speeches.

The change is in the same paragraph just described. Catiline is described in similar terms that he already had been, steeped in crime, willing to carrying it out, and capable of enduring extreme conditions to see it done. In the *Third Catilinarian*, though, Cicero contradicts his own statements made thus far. Whereas previously Cicero was worried that eradicating Catiline would leave his followers to fester in the city, now that some of those followers had been apprehended, Cicero claims that it was Catiline alone whom they needed to fear.[160] Such a statement, on the face of it, seems to run entirely contrary to Cicero's earlier remarks about eliminating the entire threat from the city. But by making Catiline the sole threat facing Rome, especially after others had been arrested, Cicero increases Catiline's power — and his own for having run the villain out of Rome.

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[159] *In Cat.* 3.16; cf. *in Cat.* 1.26 (see above, p. 142 n. 139).
[160] The worry of Catiline's followers is expressed at *in Cat.* 1.5-6, 2.7, while the worry of Catiline himself is at *in Cat*. 3.3, 3.16-17.

The other noteworthy change in Catiline's description pertains chiefly to his fellow conspirators. As revealed in the contents of the letter, some of Catiline's followers had joined his cause for purposes other than financial.[161] As Volturcius related to the senate, and Cicero does to his public audience, P. Cornelius Lentulus Sura, C. Cornelius Cethegus, and L. Statilius, together with L. Cassius, had sent word to the Gauls that Rome would soon fall and they required cavalry. Even before continuing, such action would be troublesome to Cicero's Roman audience. But, as the letter continued, their justification for the looming fall of the republic was credited to the Sibylline oracles and the interpretations of *haruspices*. These divine authorities, thought to be Etruscan in origin, had assured Lentulus that Rome was due to fall, twenty years after the Capitol had burned and ten years after an acquittal of the Vestals;[162] the person to facilitate this overthrowing of Rome would be Lentulus himself, the third Cornelius after Cinna and Sulla.[163] For the first time Cicero's audience is presented with a rationale for their desire to ruin Rome and it has little to do with Catiline. This is, as discussed, not because Catiline was unimportant to his cause, but because he has become an overseer of sorts, facilitating the overall conspiracy. That some of his allies justified their own actions by pointing to the interpretations of *haruspices* meant little, so long as Rome was destroyed.

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[161] Konstan (1993) notes that the word for the seal of the letter, *signum* (*in Cat.* 3.10), is the same word used for the statue of Jupiter (*in Cat.* 3.20), marking them both as a kind of proof (pp. 18-19); see also Ferry (1968), p. 203. While this is a shrewd observation, *signum* is not the only word to refer to the statue; *simulacrum* is also used (*in Cat*. 3.20), and of the two *simulacrum* is used first.

[162] On the accusation that Catiline had violated a Vestal, see Lewis (2001), p. 141; Cadoux (2005), pp. 166-167; Gallia (2015), pp. 81-82; Wildfang (2006), p. 96; DiLuzio (2016), p. 233.

[163] This entire scene is outlined at *in Cat.* 3.9, which I have adapted fairly closely, though not literally translated. cf. Miano (2018) for the different ways Cicero interprets this event (pp. 165-166).

By attributing some of the conspirators' cause to a religious justification, this also opens the door for Cicero's own religious counterargument. Before reaching his own divine reasons for quelling Catiline's plot, Cicero proposes early in his speech why he might have some greater position against his enemy. After initially praising his audience for saving the republic, Cicero says that it was the gods' love and his own work that saved them from the jaws of fate.[164] In doing so, Cicero claims, he has granted the city a new birth. This rebirth should be valued as greatly as its first. In other words, Cicero feels that in saving the city he has acted like a second Romulus, who first founded Rome, only now the Roman citizens are able to better appreciate what was saved.[165] He could point to Rome's preserved state — or rather its lack of destruction — as evidence for his second founding of Rome.[166]

A more understandable comparison for Cicero was another well-regarded Roman: Gnaeus Pompey.[167] Just as he compared himself to Romulus in the opening of his speech, so, too, does Cicero argue that he should receive the same praise as the one who expanded Rome's borders. Even more than expanding the empire's geographical borders, Pompey has managed to limit Rome's frontiers "not to the regions of the earth but of the

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[164] *In Cat.* 3.1. While certainly a vivid metaphor, this raises the questions of who can save someone from their fate, and how this is even possible. The answer lies outside the scope of this dissertation.

[165] Cicero's reference to Romulus is clearly stated, even if Romulus himself is left unnamed (*in Cat*. 3.2). There is, after all, only one option for "the man who founded this city." Neel (2015b) argues that Cicero distinguishes between the honors granted to a founder and those of a savior of a city; Cicero only seeks to be remembered, not honored with cult (pp. 68-69). That argument is more difficult to make with this passage, though it is clear at *in Cat.* 3.26 (see below).

[166] Vasaly (1983), p. 71. For the association between the statue of Jupiter Stator and Romulus, see pp. 40ff.

[167] Just as with Romulus, Pompey is never named. His recent victories against Mithridates in the East, the pirates on the Mediterranean, and Sertorius in Spain make him the most likely reference.

heavens."[168] Cicero's maintenance of the city, he contends, should earn his consulship the same lofty recognition. But unlike a general, who can leave the land he conquered, Cicero must remain at home among those who now would see him harmed.[169] He requests his audience to see to his own protection because of the added danger. Thus, Cicero believes his actions deserve similar credit; even if he does not deserve to be raised among the gods, he at least deserves a lasting honor like what Pompey might receive.

When Cicero asks for this request he has begun to see its demands met. Prior to the delivery of this speech he was awarded a *supplicatio* for "saving the city from fire, the citizens from slaughter, Italy from war."[170] When he reminds his audience of this, he is sure to note that this is the first of its kind. It was not, however, the first *supplicatio* to be granted to a private citizen as some had been awarded for administering the state well. Cicero's is for saving the state, and he indicates this much in clear language. The fact that this *supplicatio* was not technically Cicero's, but in honor of him, is worth noting. This *supplicatio,* like others before it, was technically to the gods. It was a sort of thanksgiving to their maintenance of the state but on Cicero's behalf, as he clearly notes. Thus, while it

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[168] *In Cat.* 3.26. Diodorus Siculus quotes an inscription of Pompey's that makes a similar claim (καὶ τὰ ὅρια τῆς ἡγεμονίας τοῖς ὅροις τῆς γῆς προσβιβάσας; 40.4).
[169] *In Cat.* 3.27.
[170] *In Cat.* 3.15. Weinstock (1971) marks 63 BCE as the year in which the *supplicatio* began to change; this was when Cicero advocated for Pompey's *supplicatio* of 10 days and received his own as mentioned (p. 63). It is important to note, as others have, that originally the *supplicatio* was a thanksgiving to the gods, in the gods' honor, and only around this period does the honor shift to the human honorand (Wallace-Hadrill (1990), pp. 160-161). Schultz (2006) adds the importance of *supplicationes* in expiating prodigies, especially in republican Rome, though the inclusion of women was sometimes without official sanction (pp. 29-33).

is very much an honor for Cicero to receive one of these thanksgiving festivals on his behalf, it did still have, technically speaking, a divine direction to it.[171]

Soon after Cicero reminds his audience of his exceptional *supplicatio* he presents his clearest sign that the gods support his actions against Catiline. His best case, one which a person would have to reject the truth itself to overlook, is the list of prodigies and other signs that have occurred during his consulship.[172] Coming, as this list does, shortly after Lentulus' own claims of oracular support, Cicero's list must be read as a response. After all, most of the omens Cicero itemizes would have occurred before the letter was intercepted from the Gallic envoy; Cicero could have used these prodigies at any stage in the proceedings, had he seen fit. Nonetheless, once Cicero describes the prodigies, he acquires a new divine authority, greater than he had yet possessed.

Cicero introduces his discussion of the consular prodigies by saying, first, that his own actions, his own apparent foresight, are due to the will of the gods. Their support has been so steadfast that "[the Romans] could almost see them with their eyes."[173] Once again, Cicero claims divine presence; the gods are now nearly visible for all. He then

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[171] Whereas the *supplicatio* festival would have originally been a thanksgiving to whatever deity was responsible, by the middle of the first century the focus tended to fall on the official responsible (Cole (2013), p. 74; Hickson Hahn (2004), p. 59; Rüpke (2012), p. 29; Wallace-Hadrill (1990), p. 59; Wardman (1982), p. 27); Rüpke (2018), p. 148. This seems to have been the result of political competition, not religious decline; Rüpke notes that a *supplicatio* was never denied, while triumphs were known to have been rejected for some successful generals (p. 71). Schultz (2006) highlights the early example of *matronae* performing a *supplicatio* after Cannae, suggesting it was meant to expiate the disaster (pp. 31-33).
[172] The list itself begins at *in Cat.* 3.18 but *in Cat.* 3.19-22 concern the statue of Jupiter Optimus Maximus.
[173] *in Cat.* 3.18.

describes a handful of portents that are remarkable in their own right.[174] These include meteors, lightning, and earthquakes, which, taken together, might seem to have been intimating future events.[175] Taken with the greatest portent of his list, the erection of the statue of Jupiter, they were likely indicating some disaster.

The event described is that during the consulship of Cotta and Torquatus in 65 BCE there were a number of lightning strikes that destroyed the law tablets and some statues, including one of Romulus. Some *haruspices* were brought from Etruria to interpret the signs.[176] They determined that there would be murder, arson, civil war and even Rome itself would fall, unless the gods were appeased.[177] The best solution they could think to suggest was to raise a statue of Jupiter facing the opposite direction the previous statue had faced. They also claimed that the new statue, facing east, would reveal the plots of those desiring to destroy and burn the city.[178] Importantly, the claims thus far, of an obviously divine nature, are meant to come from the *haruspices*, not Cicero. But, Cicero

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[174] The prodigies are reexamined by Cicero's Quintus in his *de Divinatione* 17ff. Schultz's commentary (2014) details the specifics of the prodigies (pp. 80ff).
[175] Cicero nearly avoids discussing these portents and opts, instead, to describe them via praeteritio: *nam ut illa omittam, visas nocturno tempore ab occidente faces ardoremque caeli, ut fulminum iactus, ut terrae motus relinquam, ut omittam cetera quae tam multa nobis consulibus facta sunt ut haec quae nunc fiunt canere di immortales viderentur, hoc certe, Quirites, quod sum dicturus neque praetermittendum neque relinquendum est* (*in Cat.* 3.18).
[176] *de Div.* 1.19-20.
[177] The entire scene is described at *in Cat.* 3.19. The phrase used to describe Romulus here, *ille qui hanc urbem condidit Romulus*, exactly matches the allusion to Romulus from the beginning of the speech (*in Cat.* 3.2), only here he is named.
[178] *In Cat.* 3.20. MacBain (1982) cites this instance when discussing the *haruspices*' near-monopoly over lightning prodigies at Rome (pp. 50-51). The response to a statue struck by lightning was usually to either find the pieces struck off (as in 278 BCE) or reorient the statue (65 BCE); a full list of such instances in provided in Appendix D, p. 122. Miano (2018) argues that the thunderbolts of Jupiter here were, though not technically prophetic, considered as such (p. 175).

himself does make one claim for the events of 63 BCE, and thus relevant to our discussion, namely the raising of the statue of Jupiter.

The portents and prodigies were an indication that the *pax deorum* had, in some way, been broken.[179] When the statue of Jupiter had been erected and the plot was revealed that day, it was a boon for Cicero. The prodigies seemed to indicate an impending trouble for Rome and Catiline's plots were brought to light when Jupiter's statue was erected. Thus it was another divine indicator, but now confirming that Catiline's plot was the trouble indicated by the portents. The timing of the statue, as Cicero says in this speech, could not be anything other than a sign from Jupiter himself.[180]

At the very least, the fact that Cicero uses this incident to help his case proves that he understood its implications. Unfortunately this is one case where we can never know if Cicero personally believed that the erection of the statue was a sign from Jupiter Optimus Maximus. Still, he presents it as a sign from the god, as a signal of divine support for exposing Catiline's plot, which suggests he thought his audience might believe that, too.[181] Regardless, this sign is the capstone to Cicero's line of reasoning that it is the gods

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[179] Pina Polo (2011a), p. 26; Rosenberger (2008), p. 293. For a good discussion on the *pax deorum*, and how it is differently presented by Roman authors, see Santangelo (2011).
[180] *In Cat.* 3.21 Here, in fact, is where Cicero asks who could be so "blind to the truth, so headstrong, so insane" (*hic quis potest esse tam aversus a vero, tam praeceps, tam mente captus*) to deny the gods' influence in present matters; see also Cicero's *Consulatus suus*, where Urania recounts this scene (Courtney (1993), fr. 10.60-65). Butler (2002) sees this scene as a metaphor for the importance of vision in uncovering the plots (p. 98).
[181] Goar (1972) acknowledges that Cicero himself, in *De Divinatione* 2.47, says that it was pure coincidence. Still, he expresses doubt: "That may be. At the very least, Cicero…has derived advantage from a fortunate occurrence," (p. 43). Vasaly (1993) also argues that Cicero arranged for the erection of the statue to coincide with his speech (p. 81). I agree with Schultz (2014)

who deserve the bulk of the credit for saving the republic. Looking back to Lentulus' claims of divine support, Cicero's matches Lentulus for the most part but Cicero had Jupiter where Lentulus only had the word of *haruspices*.

It is also worth noting that he uses the similar phrasing both when introducing and concluding this list of prodigies. To begin his discussion of the prodigies he says that his own apparent foresight was due to the will of the immortal gods, *deorum immortalium nutu*, and he uses this phrase twice after he describes the erection of Jupiter's statue, *deorum immortalium nutu ac potestate* and *nutu Iovis Optimi Maximi*.[182] The latter two uses refer to a clear manifestation of divine power or authority. The first, on the other hand, is used as a metaphor in reference to Cicero's own administration of the situation. However subtle, such mirrored phrasing aligns Cicero with the gods generally, whether in authority or ability, but Jupiter specifically.[183]

Twice more before ending his speech Cicero aligns himself with Jupiter and the gods. In both cases, the nature of the association is ambiguous. It is ambiguous whether Cicero links himself with the god because he is claiming his own divine power or, more likely, to grant his defense of the city the divine authority and support that could counterbalance Lentulus' own claims.[184] He hesitates taking full credit for thwarting

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contra Vasaly and others. She argues that there is no reason to go beyond what evidence we have, even if that is less sensational (p. 86). Based on the evidence we have, Cicero used this opportunity to his advantage, and, at the very least, thought his audience might believe it.

[182] *In Cat.* 3.18, 3.21.

[183] Cole (2013) argues that this marks a change in Cicero's argument where he begins to acknowledge his own divine agency in his actions (pp. 57-59). Neel (2015a) suggests that this is hedged by the passive *videantur* (p. 113). If *in Cat.* 3.18 is hedged, it is nevertheless settled by 3.22, when Cicero uses the same phrasing in reference to a clearly divine sign.

[184] The ambiguity might help his case since his intention is ultimately unknowable; see Dugan

Catiline's plot, saying that it was Jupiter who stopped Catiline, Jupiter who saved the Capitol, the temples, the whole city, and Cicero's audience.[185] His hesitation, which might only have been feigned, is stated quite clearly; he would be taking too much credit.

The other instance of Jovian alignment is at Cicero's final plea to his audience. He asks them to go home and pray to Jupiter, guardian of the city, and defend their homes as they did the previous night.[186] He himself will see to it that they soon see peace.[187] As with the previous speeches, this final plea succinctly uses many of the themes of the entire speech, two of which have already been discussed. In a short few lines, Cicero praises Jupiter for his role in stopping Catiline's plot and he positions himself next to Jupiter as a co-defender of Rome. He also calls on his audience to play their own part in defending the city, which has yet to be discussed.

When Cicero closes his speech by requesting his audience's assistance, he is continuing with the thread already laid at the opening of the speech. He says that through his efforts and with divine help, they have all seen the republic saved, together with their lives, fortunes, and families.[188] He then says that "we" have stopped the fires put under the temples and shrines, the buildings and walls of the city.[189] Cicero certainly takes his

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(2013), p. 211.

[185] *In Cat.* 3.22.

[186] Neel (2015a) highlights this passage, too, as Cicero pressing his divine role (pp. 113-114). She emphasizes the role of Jupiter as *custos* of the city, a role which Cicero gives to himself, in the final sentence, and to the citizens, in their actions.

[187] *Vos, Quirites, quoniam iam est nox, venerati Iovem illum custodem huius urbis ac vestrum in vestra tecta discedite et ea, quamquam iam est periculum depulsum, tamen aeque ac priore nocte custodiis vigiliisque defendite. id ne vobis diutius faciendum sit atque ut in perpetua pace esse possitis providebo, Quirites* (*in Cat.* 3.29).

[188] This is the very opening of the speech (*in Cat.* 3.1), discussed above.

[189] *In Cat.* 3.2; the verbs used are first person plural, which could be a 'royal' we, but these forms

share of credit in these opening sections, and gives some to the gods, but his inclusion of the audience is no accident. They, too, have played a role in stopping Catiline ever since the *Second Catilinarian*.

Just like Catiline and Cicero, the audience's role in stopping the plots is also increased over the course of the *Third Catilinarian*. In this speech, they are still the active players established in the *Second Catilinarian*, personally defending their homes against destruction. Their new responsibility is to remember Cicero and his actions, and give him the praise he feels he has earned.[190] He had already been awarded his *supplicatio* for saving the city and now he wants them to properly perform their ritual responsibilities in the safety that he maintained.[191]

In this way, by conscripting his audience for his own defense as well as the city's, Cicero completes an idea teased earlier in the speech, where he described the citizens as being saved by one civilian, Cicero, as though he were a general.[192] There he acted as general after the fact — they were already saved from danger and had seen their victory — but soon Cicero is ordering his civilian army to defend their togate general.[193]

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continue the forms used earlier in the paragraph in reference to the day 'we' were born, a generic statement.

[190] *In Cat.* 3.23.

[191] Schultz (2006) describes the ritual duties of the *supplicatio*, where the people would fill the temples, offer prayers, sacrifices, and libations (pp. 29-31). Her discussion suggests that women are known to have taken part in some cases, possibly most. Such a scene is reminiscent of the *concordia* Cicero later describes at the temple of Concord, where all ranks of men have come to support him *in Cat.* 4.14-16.

[192] *In Cat.* 3.23.

[193] The togate general is a common image to which Cicero frequently turns, often in comparison with Pompey: *Mur.* 19f, *Att*. 2.1.3, 6.1.22, *Planc*. 85 (Stangl (1912), p. 167); Courtney (1993), fr. 12; May (1988), pp. 56ff. I refrain from going as far as Fantham (2013) does to call this a "mock comparison" (p. 114, s.v. §22, *ad studiorum…revertamur*). For statuary use of togate imagery,

For acting like a togate general and guaranteeing Rome's security, Cicero's only request, a modest one, is "no prize of virtue, no sign of honor, no monument of praise, except an eternal memory of this day."[194] Rather than receive the standard military honors, and having already been awarded his *supplicatio*, Cicero opts, instead, for his consulship and the day he saved the republic to be eternally remembered.[195] In only a few sentences, Cicero goes from being a general that has directed the citizenry to safety to one that deserves everlasting recognition for this achievement. Even without naming Pompey, Cicero has begun to edge the famous general out. Considering his other comparisons in this speech to Romulus and Jupiter, Pompey comes off as *merely* a general.[196]

By the end of the *Third Catilinarian*, Cicero has expanded his role to become a togate general, worthy of near-divine honors. He enlists Jupiter, Romulus, and other deities to be, at minimum, comparable figures for his own actions, but sometimes even fundamental players in defending the city. Likewise, Cicero calls on his audience to act like citizen-soldiers in defending their city, their consul, and their gods. Together, these three groups form a solid defense against Catiline and his allies, who themselves claim

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see Davies (2010), who notes that not all togate statues were intended to be orators (p. 53). With other indicators such as a veiled head, or a *patera* for libations, the statues could be suggesting ritual dress (pp. 63-67).

[194] *In Cat.* 3.26.

[195] See also *Att.* 2.3.4, which Courtney (1993) interprets as a possible allusion the "astral immortality of the *Somn. Scip.*" (fr. 11). Ewbank (1978) does not appear to offer the same reading (p. 123).

[196] This is another reason I reject Neel's hedge for *in Cat*. 3.18 (see above). Cicero compares himself to Pompey, Romulus, and Jupiter within the same speech. There is a clear escalation in these three figures; one is totally human, one was once human, one totally divine. Each served some function in securing Rome and its borders, and, thus, each is ripe for comparison.

religious justification for their actions. Given Cicero's success thus far in routing the conspirators, his argument seems closer to the truth that the gods were truly present to save the city.

In Catilinam IV

The final speech Cicero gave on the Catilinarian conspiracy took place at the Temple of Concord two days after the previous speech. The *Fourth Catilinarian*, more than the *Third*, is concerned with settling the conspiracy and beginning to establish the record of the past month's events. Over the course of the speech, Cicero reaffirms his own status as a togate general, who has the support of the gods and deserves everlasting praise. He reminds his audience, now the senate, of the great danger facing the republic with the conspiracy's very existence.[197] And, finally, he speaks for both his audience and Rome itself to support his defense of the city. The themes of this speech mark the culmination of themes outlined in the *First Catilinarian*, only now Cicero has results to show for it.

He opens his speech with a recognition of the senate's concern for his safety, their own, and that of the republic. He asks that they put aside their concern for him and worry about their own families; he will endure everything if it means the republic is saved.[198] From the beginning of this speech, Cicero continues his presentation as the all-enduring protector of Rome. For being such a stalwart defender, Cicero is confident that any end

[197] Cape Jr. (1995) shrewdly observes that this speech poses as a neutral representation of part of the ongoing debate, but this framing also lets Cicero make oblique political maneuvers (p. 255).
[198] *In Cat.* 4.1, 4.3.

he meets will be justified. Indeed, the immortal gods, who also watch over the city, might give him the thanks he deserves.[199]

This expectation of a future divine favor serves to bolster his own fortitude. His endurance is so great that the gods may one day acknowledge him for it. That said, not only does he expect the gods to give him his due recognition but even his charge of defending the city may have been divinely appointed and thus willingly endured. Cicero was ready to suffer any fortune put upon him if it meant that he

> *vos populumque Romanum ex caede miserrima, coniuges liberosque vestros virginesque Vestalis ex acerbissima vexatione, templa atque delubra, hanc pulcherrimam patriam omnium nostrum ex foedissima flamma, totam Italiam ex bello et vastitate eriperem…* (*in Cat*. 4.2).
>
> should save [the senate] and the Roman people from terrible slaughter, [their] wives and children and the Vestal virgins from the bitterest distress, the temples and shrines and this, all of our most beautiful country from horrible fire, all of Italy from war and devastation…

Here, once again, is a fuller version of the same list delivered in the *First Catilinarian*, which included the temples of the gods, the buildings of the city, the lives of the citizens, and Italy itself.[200] After expanding on this list (here the *patria* is inserted), the only other change is Cicero inserting the wives and children of his audience, and the Vestal virgins, to replace the buildings of the city.

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[199] The relative clause used to describe the gods (*qui huic urbi praesident*) once again equates Cicero and the gods as both guardians of the city, even if Cicero never uses this verb for his own actions (*in Cat.* 4.3).

[200] It is noteworthy that the tetracolon only appears complete before the senate. The speeches before the people see similar objects under threat, to be sure, but not in the same formulation. The best example is *in Cat.* 3.22, which includes the Capitol, the temples, the city, and Cicero's audience.

This seems intentional on Cicero's part. First, by replacing unspecified *tecta* with the very specific, and personal, families, Cicero makes the threat of Catiline's war immediately present for his audience. The family would also, naturally, have a domestic resonance that *tecta* might have, but in a different way than a senator's family would. Second, the Vestals themselves, in their own way, represented the civic and the domestic realm, and also helped to construct Roman gender roles.[201] The Vestals were one of the most prominent priesthoods in Rome — no Roman senator would have been unfamiliar — and their ritual obligations guaranteed a domestic association.[202]

Equally as important as their domestic association is the Vestals' representation of Rome itself.[203] In addition to guarding the eternal flame of Vesta, the Vestals also protected the sacred objects (*sacra*) in the inner chamber (*penus*) of the Temple of

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[201] Beard (1995) is worth quoting: "Put simply, the Vestals constructed Roman gender, as much as gender (and its ambiguities) constructed the Vestals" (p. 170). Speaking more generally, Jenkyns (2013) connects the state and the family together, with the latter a miniature version of the former, based on the *societas* of marriage (p. 117). See also Thompson (2010), p. 41; Cornell (1981), p. 27.

[202] The priestesses were members of the pontifical college, Rome's most elite priesthood, and served for a minimum of thirty years, granting them an authority that few Romans possessed. DiLuzio (2016) stresses the importance of the priesthood and the priestesses in Roman religion (p. 116). Wildfang (2006) argues that the Vestals were outside of the domestic sphere due to their unique status as *virgines* and *matrones* (pp. 52-55). Schultz (2006) clearly and more persuasively presents the ways that Vesta was associated with the security of the home/farm (along with other deities like Jupiter, Juno, Mars, and Ceres) and with the Penates (p. 123); see also Thompson (2010), p. 106.

[203] Parker (2004) notes that the Vestals were the embodiment of the city and citizenry; "just as she embodied the city of Rome, so her unpenetrated body was a metaphor for the unpenetrated walls of Rome" (pp. 566-568); see also Thompson (2010), p. 146. Scheid (1992) points to the Vestals as being vital, at least indirectly, in every great public festival because they made the *mola*, or spelt, used in the festivals (p. 382); see also North (1982), p. 609; DiLuzio (2016), pp. 195-197. Rüpke (2018) is worth quoting, "If a 'state' religion is to be found anywhere in Rome, it is here in the Atrium and the Aedis Vestae. The 'common cause', the *res publica*, was enacted here…" (p. 117).

Vesta.[204] One item said to be held in the inner chamber was the *palladium* brought to Rome by Aeneas in his escape from Troy.[205] If ever there was a singular object which represented Rome and its great history, the *palladium* would easily be a strong contender. Another would be Vesta's flame,[206] which, if it was ever unexpectedly extinguished, would lead to accusations against the priestesses for breaking her chastity.[207] This could be accompanied by *prodigia* around the same time, all of which indicate divine displeasure and a possible break in the *pax deorum*.[208] The breaking of Vestal chastity was perceived to be so bad that a conviction of breaking her vow would result in the ritual murder of the guilty Vestal.[209]

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[204] Wildfang (2001) argues that the Vestals represented purification and storage due to their duties involving the sacred flame, the inner chamber, and the storage of certain ritual goods (p. 255); see also Schultz (2006), p. 128. While this association is an interesting proposition, it is one that I find ultimately unsatisfactory; at the very least, they seem much more to be concerned with Rome itself and Rome's stability, with purification perhaps being a means to that stability. Storage is only necessary insofar as it helps them more easily perform their religious duties and thus a secondary association.

[205] DiLuzio (2016), pp. 192-193.

[206] The flame of Vesta was one of only a handful of cult iconography that was *not* anthropomorphic; see Lipka (2009), p. 88. Thompson's (2010) structuralist reading of Vesta's flame is polysemic, associating it with divine power and male generativity, which seems unconvincing, if useful (pp. 73-74).

[207] Dion. Hal. *Ant. Rom.* 2.67.5; DiLuzio (2016), pp. 143-152.

[208] Wildfang (2006), p. 56. Cornell (1981) contends that a Vestal's loss of chastity was not considered a *prodigium*, per se, as it was a human offense and not sent by the gods (pp. 31-32); see also Eckstein (1982), DiLuzio (2016), p. 150.

[209] Schultz (2010) contends that Romans did not perform human sacrifice when a Vestal was found guilty of *incestum*, but "ritual murder," since the condemned priestess was not being killed *for* a deity (pp. 518 and 531). Schultz (2012) later adds that "a priestess who was guilty of *incestum* was no longer ritually pure, which surely would have made her an unacceptable offering" (pp. 128-129). This is an important distinction. Richardson (2011) spends a good deal of time on this question, with careful refutation of Parker (2004), Wildfang (2006), and others, but does not come to exactly the same conclusion as Schultz. His thesis is that the unchaste Vestal necessarily needed to be removed from office, but doing so would violate the other major rule for the office, namely that a Vestal serve for thirty years; the only solution is to remove the problem entirely by entombing the Vestal (pp. 102-103). This theory is compelling, but his subsequent

Cicero's use and placement of the Vestals in his list of things endangered by Catiline's plot fully realizes the motif used in the *First Catilinarian*. Together with the senators' families, the Vestals replace the *tecta* of the earlier speeches and come to represent the homes of Rome. In their own function, and placed before the *templa atque delubra* of the next colon, they also represent Rome itself and its religious institutions. They act as transitional figures for his list, halfway between the private sphere of the family and home and the public sphere the temples and shrines.

There to defend both of these spheres is, of course, Cicero.[210] He maintains his projection of himself as the togate general. His *supplicatio* for saving the city was unique, but it was akin to other great *supplicationes* before his.[211] These were awarded to men like Scipio Africanus, Scipio Aemilianus, L. Aemilius Paulus, and Marius for defending or expanding Rome's borders in some fashion. Greatest of all, though, was Pompey, "whose deeds and virtues are contained by the same regions and boundaries as the course of the sun."[212] Pompey's glory, again, exceeds the terrestrial realm, easily surpassing the reputations of these other great Roman generals. Cicero, despite being only a consul, wishes his own actions associated with such men in their capacity as generals.

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argument that the pontiffs would not have recorded these events, because doing so would recognize the problem that they had erased (p. 104), is less convincing due to the importance of such a transgression.

[210] DiLuzio (2016), citing Plut. *Cic*. 19-20, notes that Cicero's wife Terentia hosted the December ritual of Bona Dea in 63 BCE, at which the sacred virgins saw an omen of a great flame, interpreting this to be a sign that Cicero had Vesta's support (pp. 232-233); see also Epstein (1986), p. 233.

[211] *In Cat.* 4.20.

[212] *In Cat.* 4.21. For the evolution of the *supplicatio* from its origins as a public thanksgiving to the gods to a demonstration of honor, see Wallace-Hadrill (1990), pp. 160-61; Hickson Hahn (2000) studies the use of *supplicatio* in Livy, which seems to be more gratulatory (p. 59); see also pp. 142 n. 139, 153 n. 169 and 170, 158 n. 190.

He said as much before the people a few days before this speech, now he asks the same of the Roman senate. Likewise, just as he sought an everlasting memory of his deeds in saving the republic, he seeks the same from the senate. He asks the senate to forgo the usual honors granted to a general and instead remember his consulship and the saving of Rome that he oversaw as consul.[213]

In order to further enhance his own standing and make it comparable to such eminent Romans, Cicero does two things: he clearly claims a divine will that supports his consulship and he makes the conspiracy's threat all-encompassing. The claim of divine support is reasserted early in the speech, making it color the rest of his case. Recalling the letters intercepted with the Gallic envoy, Cicero reminds the senate, now, of Lentulus' claims of a divinely ordained future.

Though this scene is spelled out in more detail in the *Third Catilinarian*, the *Fourth* maintains the key points of Lentulus' reason for joining Catiline; some *haruspices* had told him that he was fated to be the third Cornelius to bring the republic into chaos.[214] Cicero, for his part, sees no reason that his own consulship and thus his saving of the republic must be devoid of divine sanction.[215] While the *Third Catilinarian* answers

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[213] *In Cat.* 4.23.

[214] At *in Cat.* 4.2, Cicero uses *vatibus*, but *haruspicum* at *in Cat.* 3.9. There are a few explanations possible for this discrepancy. The first, and more plausible, is that Lentulus had relied on *haruspices* and the Sibylline corpus to support Catiline's conspiracy (Santangelo (2013a), p. 144). Even Plutarch ascribes 'pseudo-prophets and charlatans' to Lentulus (Plut. *Cic*. 17.5). Plutarch's attribution of false prophets to Lentulus would then explain Cicero's use of *vates*, which is a less respected (i.e., *superstitiosi*), if still good, kind of diviner (for an examination of *vates*, see Santangelo (2013a), pp. 150-155).

[215] *etenim si P. Lentulus suum nomen inductus a vatibus fatale ad perniciem rei publicae fore putavit, cur ego non laeter meum consulatum ad salutem populi Romani prope fatalem exstitisse* (*in Cat.* 4.2)?

Lentulus' claim in its own way, after all Cicero presents his own list of prodigies to suggest a divine support, the *Fourth* is explicit. If Lentulus felt fated to join Catiline and threaten the city because of the words of soothsayers, he, too, was fated to save the republic and Italy from Lentulus' attacks. The recitation of consular prodigies only adds weight to his argument that, indeed, the gods were signaling their support.

Over the course of the *Catilinarian Orations*, Cicero waffles between totally blaming Catiline and shifting the greater danger coming from the members in his cause. Doing so has various effects on his speech. When Catiline is the linchpin of the entire plot, Cicero's abilities seem greater since he has encouraged Catiline's exile and he can claim to have rid the city of its worst problem. When the entire conspiracy is the danger, there are other advantages that Cicero uses for his own self-image; he has captured some of the conspirators and apparently put an end to the immediate danger. The latter approach is taken for the final speech before the senate, only now the conspiracy has spread into the far reaches of the empire.[216]

Within the context of this speech, Cicero's choice of speaking to the greater conspiracy is readily understood. This speech, unlike the previous three, is specifically on the topic of what punishment best suits the captured conspirators. Caesar has already delivered his speech favoring exile in the *municipia*.[217] For Cicero, such punishment would be insufficient. As he sees it, the conspiracy has spread into the provinces beyond

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[216] *In Cat.* 4.6.

[217] Cicero briefly summarizes Caesar's speech (*in Cat*. 4.7). He says that Caesar argued against killing the conspirators by saying that death was established by the gods as a necessity of nature and relief from toil, not as a punishment. Sallust gives more detail even if there is some poetic license taken (*Cat.* 51).

the small cadre of men that some think are still plotting war. For this reason most of all their punishment must be swift and severe, and exile is not that.

Likewise, the fact that Lentulus and the others had been planning to murder the wives and children of the senators, and to persecute the Vestal virgins, was reason enough for their meeting swift justice.[218] For Cicero's audience, hearing this, they again would be put in a position to agree with the consul. They, too, would not want to see their families devastated or their homes burned.[219] In order to avoid that outcome, they must execute the five conspirators already arrested. In the process, they would further align themselves to Cicero's cause. His use of the rhetorical question about the treatment of a murderous slave, begging for an answer that supports capital punishment, makes the senate's answer all but inevitable. With it left unstated, Cicero assumes his audience is supporting his position more fully now than ever.

In Cicero's telling during the speech, men of every rank and age have come out into the Forum and the temples to show their support like never before in the republic now that some conspirators have been arrested and Cicero has been awarded his *supplicatio* for saving the city.[220] Their alliance is so far-reaching, in fact, that if it is maintained, it

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[218] *...tum lamentationem matrum familias, tum fugam virginum atque puerorum ac vexationem virginum Vestalium perhorresco…* (*in Cat.* 4.12). A very similar phrasing, *vexationem virginum Vestalium*, is used at 4.2, when Cicero reminds his audience what he has saved.

[219] Later in the same section, there is the rhetorical question, "if the *paterfamilias* were to find his children killed by a slave, his wife murdered, and his house burned, would he be considered most cruel and inhuman or gentle and compassionate, if he did not take the harshest penalty for the slave?" (*in Cat.* 4.12). This is, loosely, the position of Cicero's audience. It is also worth noting that in the rhetorical question, Cicero replaced the *domus* for the *virgines Vestales*, over whom the *paterfamilias* had no authority.

[220] The speech itself was at the temple of Concord. Presenting such *concordia* among the Romans now is similar to Cicero's invocation of Jupiter Stator in the *First Catilinarian*, when they had yet

could prevent any future domestic hardship.[221] What unites these various groups of Romans are life, liberty, the soil of the *patria*, the sight of the city, and the temples within it.[222] In many ways, they are united by the same things that Catiline, Lentulus, and the others were threatening to undo.

Cicero and his assembled citizens of Rome, in their defense of the city's greater institutions, finally act as one body in the *Fourth Catilinarian.* Where previously Cicero had allied his audience to his cause as witnesses and supporters, whether the public at large or the senate, by this stage he presents them as totally united.[223] Together, the entire *patria* offers up herself, the lives of her citizens, the Capitol, the altars of her *Penates*, the eternal flame of Vesta, temples and shrines of all the gods, the walls and buildings of the city, and the families and hearths of the senators themselves.[224] Her offer, of course, represents everything that Catiline stands to undermine; it quite clearly positions the conspiracy in the position of opposing the *patria* and everything she has to offer.[225]

In essence, the *patria* is offering herself, the lives of the citizens, the temples of the gods, and the buildings of the city; this is the fullest treatment of Cicero's list discussed twice already.[226] The greatest expansion to this list is among the various religious

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to stop the conspiracy.
[221] *In Cat.* 4.15.
[222] *In Cat.* 4.16.
[223] *omnes ordines ad conservandam rem publicam mente, voluntate, voce consentiun* (*in Cat.* 4.18).
[224] *In Cat.* 4.18. While not in a separate speech, Cicero is again speaking for the *patria* through prosopopoeia, here justified by the harmony among the orders; cf. Batstone (1994), p. 245.
[225] Tzounakas (2006), pp. 225-226.
[226] This list numbers closer to a dozen, though this list is split across two sentences and two grammatical constructions, with eight matching the same construction as the original tetracolon (*in Cat.* 1.12).

components. "The temples of the gods" become the Capitol, the *Penates*' altars, Vesta's flame, and finally the temples and shrines of all of the gods. The Capitol, within eyesight for a number of Cicero's audience, housed a number of important temples and was a fundamental symbol of Rome.[227] Otherwise, the only two deities who receive specific mention here are the *Penates* and Vesta, both of whom were individually emblematic of Rome itself. The decision of the senate whether to kill the conspirators would thus directly affect deities that were considered fundamentally Roman. Indeed, by jeopardizing the flame of Vesta, they jeopardized Rome's very existence. This should, again, make their decision an easy one if they hope to preserve the *Penates* and Vesta's flame.

Thankfully for the senate, Cicero and the entire Roman people have stepped forward to defend Rome.[228] Cicero ends his speech, then, by harking back to these targets of Catiline's conspiracy. He tells the senate,

> *quapropter de summa salute vestra populique Romani, de vestris coniugibus ac liberis, de aris ac focis, de fanis atque templis de totius urbis tectis ac sedibus, de imperio ac libertate, de salute Italiae, de universa re publica decernite diligenter, ut instituistis, ac fortiter* (*in Cat*. 4.24).
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> concerning [their] highest safety and that of the Roman people, concerning [their] wives and children, concerning the altars and hearths, concerning the shrines and temples, concerning the houses and homes of the whole city, concerning the empire and liberty, concerning the safety of Italy, concerning the entire republic, [to] decide carefully.

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[227] Some notable temples included that of Jupiter Optimus Maximus (which had one *cella* each for Juno and Minerva), the temple of Juno Moneta, the temple of Fides, and others. Moralee (2018) focuses entirely on the Capitoline Hill as a symbol for Rome through much of Roman history, with special attention paid to the Imperial and Late Antique periods. For a brief summary of the temples built on the Capitoline, some well after Cicero, see pp. 57-59.
[228] *In Cat.* 4.19.

One final time, Cicero invokes the many parts of Rome that his audience, the senate, and the Roman people generally hold dear.[229] He admits that he will defend the senate's decision to his dying breath, but by pointing to these Roman institutions it seems likely that he will be defending capital punishment.[230]

Conclusions

Starting with Cicero's first speeches as consul, his speeches on Rullus' agrarian reforms, Cicero established the consequences of failure during his consulship. No matter the form of that failure — Rullus' land commission overzealously selling off public land or Catiline overthrowing the republic — it would ultimately mean a loss of peace, tranquility, and harmony for the republic. Throughout the speeches Cicero delivered in his consular year he adds other institutions to these concepts like, for example, the senate-house, Roman families, temples of deities named and unnamed, and even all of Italy. These other examples are, of course, each important for their own reasons, but they are also the manifestations of the more abstract peace and harmony. There can be no peace nor harmony without the temples to the gods or the families that dwell within the city.

Over the course of the year, the consequences of defeat become ever more dire. They start, in the *de lege agraria* as losing land, possibly, but otherwise they would lose

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[229] This final consideration is in line with the opening of the speech when Cicero asked the senate to cease worrying about himself and worry instead about their own families (*in Cat.* 4.1). Absent among the laundry list of endangered Roman institutions is any magistrate or magistracy.
[230] Cicero's final sentence is about his own resolve in defending their verdict (*in Cat.* 4.24). Knowing how dutifully Cicero defended Rome up to this point, his promise of enduring reproach would carry some weight, especially at the end of this speech.

their peace and harmony. By the end of the *Catilinarians*, the threat is still against Romans' peace and harmony, but these come to include those other fundamental aspects of Roman life: the gods' temples, the audience's families, and the city itself. Over the course of the year, Cicero makes the threat both more personal and more apparent by pointing to things before his audience's very eyes.

In every instance, he adeptly calls upon his audience to support the cause he represents. As his consular year progresses his audience's role expands to become nearly divine. This is true no matter who his audience was, whether he was speaking in the senate or in the Forum. Once the Catilinarians had been arrested, he even calls upon the gods themselves to support his cause. After calling on the gods, and proving that they support him through *prodigia*, his audience's decision becomes much simpler; they act with the gods if they support Cicero.

Finally, the nature of Cicero's opponents also changes throughout his speeches. Rullus and his friends might be dangerous for Rome, but only insofar as they hope to enrich themselves at the public's expense. The same might also be said for Labienus, who acts tyrannically in his desire to see Rabirius crucified. Even Catiline begins as someone who operates outside of most Roman norms. It is only over the course of November, as events have unfolded, that he acts in total opposition to Rome's religious and political institutions, becoming a *monstrum* himself and the manifestation of his own threat to Roman stability.

In order to secure these institutions, Cicero devises different strategies depending on the case at hand. In each, he presents his argument calibrated to respond fully to

whatever challenge his opponents may present. Against Rullus, he offers himself as a *consul popularis* to counter directly Rullus' own popular claim as tribune.[231] Against Labienus, he makes the acquittal of Rabirius paramount to supporting the authority of the senate. Against Catiline's conspiracy, he reacts to Lentulus' divine claims by presenting his own.

By the end of his consular year, Cicero's own persona has transformed a great deal. Whereas he was a humble defender of Rome when speaking against Rullus' proposed legislation, he claims a near-omniscience, with the support of the gods and a nearly powerful audience, once conspirators have been captured. He has received serious honors from his *supplicatio*, putting him on a level with Pompey and perhaps Romulus or Jupiter, and only hopes his consulship will be remembered for it. By the end of his consulship, however, political support was already beginning to wan. Though saluted by the people as savior of the city upon executing the conspirators, he was blocked from delivering a *contio* on his last day in office.[232] In only a few years, he would be exiled by the tribune of the plebs on the grounds that he had executed the conspirators without trial. Upon his return from exile, Cicero needed to rebuild his reputation again, this time with a new rival in the tribune P. Clodius Pulcher.

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[231] Vanderbroeck (1987), p. 26; Duplá (2011), p. 290. Robb (2010) dissects this issue with some clarity, arguing that the term *popularis* in these speeches is used on multiple levels, but tends to relate to acting in the interests of the Roman people (pp. 72-75).
[232] Plut. *Cic*. 22; Millar (1998), p. 111.

Chapter 3: A Tribune of the Plebs, Acting Alone: The *Post Reditum* Speeches

Introduction

The handling of the Catilinarian conspiracy, especially the execution of the five captured conspirators toward the end of December, was not as universally welcomed as Cicero might have claimed in his speeches. Even before Cicero had finished his consulship those opposing his decisions were beginning to exert their influence. On his last day in office, December 31, Cicero intended to deliver a *contio* along with the usual oath but was prevented from doing so by Metellus Nepos, newly made *tribunus plebis*.[1] Instead of delivering his *contio*, Cicero resorted only to an oath, ostensibly to swear that he had followed the laws in performing the duties of consul. Rather than simply swear to that effect, Cicero converted his oath into a brief self-defense speech, swearing that the republic had been saved by his efforts alone and that the people had praised him for his cause.[2]

Before finishing office Cicero's star was already beginning to wane, even if he was doing all that he could to maintain his luster. Over the next few years, events at Rome

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[1] Beretta (1996) sees Metellus Nepos' obstruction here as foreshadowing Cicero's future banishment from Rome (pp. 49-50). While we might be able to read that with the benefit of hindsight, it seems doubtful that Cicero or others would have seen his banishment this early; a political sidelining might be more understandable. Millar (1998) points to this *contio* at the end of a consular term for the importance of the *populus Romanus* in consular standing (p. 113). As Millar and others argue, *contiones* generally — not only those delivered at the end of a consulship — could be used to gauge and sway popular opinion: Nippel (1995), p. 47; Fantham (2000), pp. 96-97; Hölkeskamp (2010), pp. 102-103; Pina Polo (2011), pp. 94-95. See also Lintott (2008), pp. 150-151.

[2] *Pis*. 4-7; *Fam*. 5.2.6-8; Plut. *Cic*. 23.3; Lintott (2008), p. 49.

continued apace, some of which will be touched on in this chapter like the Bona Dea scandal, while others must be mentioned only in passing, like Caesar's first consulship. The most important event, for the purposes of this chapter, was the election of P. Clodius Pulcher as tribune of the plebs. Despite his patrician lineage, Clodius managed to find a way not only to become plebeian — a prerequisite for the office — but also to become tribune. His adoption into the Fonteius family, even if questioned on legal grounds, was nevertheless sufficient to see him installed as tribune on December 10 of 59 to serve for one year.

Once in office, Clodius immediately began proposing legislation.[3] In February of 58, he proposed and passed two bills, the *lex Clodia de provinciis consularibus*, which granted Piso a five-year command in Macedonia and Gabinius the same position in Cilicia (later Syria) after the consulship, and the *lex Clodia de capite civis Romani*, which protected the fundamental Roman right of *provocatio*, interdicting anyone who had put to death a Roman citizen without trial.[4] While this law did not explicitly interdict Cicero by name, he took it as a direct challenge. He donned the clothes of mourning and attempted to win over the *equites* and the people before fleeing from Rome. Shortly after Cicero left

[3] Tatum (1999) describes the so-called *quattuor leges perniciosae* that Clodius proposed on his first day in office and later passed: the *lex de collegiis*, *lex frumenaria*, *lex de agendo cum populo*, and *lex de censoria notione*, all aimed at various kinds of reform (pp. 114ff).
[4] Plut. *Cic*. 30-1; Tatum (1999), pp. 153-156. Lintott (2008), like Tatum, outlines Cicero's attempts to win others to his side, like the *equites*, by wearing mourning clothes (p. 177). Christopherson (1989) shrewdly points out that we have no evidence of Cato, for example, making a fuss about this law, suggesting it might not have been too unusual (p. 39). For a brief explanation of *provocatio*, see Arena (2012), p. 50.

the city, Clodius passed more specific legislation, the *lex Clodia de exsilio Ciceronis*, in which he interdicted Cicero from fire and water for his actions against the Catilinarians.[5]

Concerning the interdiction, there are two points worth considering. The first is that interdiction was not explicitly a death sentence, but allowed for the guilty person to escape from the city to avoid death. This also allowed that individual an opportunity to avoid some level of *indignitas* by leaving Rome before any serious attack could be made.[6] By leaving Rome before he was formally named, Cicero was able to retain at least some degree of his *dignitas* and certainly his life. When he returned to Rome, there is a serious effort to restore his position and his property and also to restore his standing and reputation to his former status.[7]

Likely in an effort to save face, Cicero refrains from calling his time away from Rome an "exile," or *exsilium*, but prefers to use other terms instead like "departure," or *digressus*.[8] It is important to keep in mind then, as Cicero clearly tried to reinforce, his departure from Rome was not exile, per se, but a kind of self-banishment.[9] That said, the

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[5] Tatum (1999), p. 156; Nicholson (1992), pp. 20-21. The apparently odd grammar construction of Clodius' interdiction will be addressed in more detail later. Staples (1998) argues that the interdiction from fire and water also held ritual significance (p. 16). Fire and water could each represent the male and the female respectively (citing Varro, *Ling*. 5.61), and also Hercules and Bona Dea. While this line of thought is interesting, I find it difficult to apply to any specific instance of interdiction, apart from a separation from the Roman community in all of its aspects.
[6] Bauman (1996), pp. 14-15, 27.
[7] Berg (1997) notes that several ancient authors equate houses with the character of the owner (p. 122). When Cicero lost his house to Clodius, he yielded more than literal ground to the tribune.
[8] Robinson (1994) provides a good analysis of terms Cicero uses. He rejects expected terms like *exsilium*, *exsul*, or *exsulo*, and chooses various euphemisms or paraphrastic terms like *discessus*, *digressus*, *profectio*, *exitus*, and *meum illud iter* (p. 475). At a few points Cicero openly rejects the use of 'exile' (*Dom.* 72; *ad Quint. fr.* 3.2.2; *Parad. Stoic.* 27.32) and suggests that the republic suffered exile, not him (*Parad. Stoic.* 31) (p. 477); see also Riggsby (2002), pp. 168-169.
[9] Dyck (2004), pp. 299-300, n. 3; cf. Dugan (2014).

distinction is mostly one of terminology and this self-banishment still had a great effect on Cicero while he was away.[10] This reaction, unquestionably extreme in its sentiment, is nonetheless appreciable given how Clodius continued to act in the meantime.

With Cicero absent from Rome, Clodius and his men confiscated Cicero's Palatine property and his villa at Tusculum, the former to become the site for Clodius' shrine to Libertas, who was a common ideal for tribunes considering their duty to protect the people.[11] These actions appear to have been rather typical for banished citizens' property and will be discussed in more detail later in the chapter.[12] Here, it serves to mention that Cicero's primary objection, at least as presented in his speeches, was not solely the personal loss of property. The personal rivalry between the two men is undeniable, and Cicero's loss of property was indeed a rebuke to his consulship,[13] but Cicero creates a more communally focused argument to convince his audience of Clodius' wrongdoing rather than dwelling on the personal loss.

Some scholars have argued that Clodius' efforts to banish Cicero all stemmed from the former consul's testimony against Clodius in his infamous trial of *incestum* regarding

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[10] Dugan (2014), pp. 12-13. Dugan applies a psychoanalytical approach to Cicero's reaction to leaving Rome, finding it reasonable. He demonstrates how Cicero was deeply demoralized, considering it a loss of possessions and kin, but also himself (*me ipsum*), making it akin to death (*Att.* 3.15.2), and a serious blow to his dignity.

[11] Russell (2013), p. 104; see Chapter 3 of Russell (2013) for Cicero's own use of the concept as consul.

[12] Tatum (1999), p. 158. Nicholson (1992) argues that Clodius was guilty of the same crime he had accused Cicero — guilt without trial — since he had charged him of a capital offense *in absentia* (p. 21, n. 8). While it might be technically true, it also seems reasonable to have interpreted Clodius' first law *de capite civis Romani* as directed squarely at Cicero.

[13] Hales (2000), p. 46; Bodel (1997), p. 9. Both of these authors call Clodius' destruction of Cicero's house an attempt at *damnatio memoriae*. Roller (2010) adds that it might also serve as a negative *exemplum*, as various toponyms at Rome like the *Argi letum* or even the *Capitolium* (pp. 118, 122).

the Bona Dea scandal.[14] Without Clodius' version of events, especially any of the speeches he delivered on the subject, it is impossible to know for certain how he framed his agenda.[15] It does not seem out of the realm of possibility that his actions against Cicero were personally motivated, even if publicly defended. In other words, Clodius might well have had it in for Cicero even if he argued that Cicero was a danger to the republic.[16]

Motivations aside, the end result was the same. Cicero returned to Rome after roughly one and a half years away from the city. His status from his consulship as the savior of the republic was severely undermined by Clodius' law. Some have argued that Cicero recognized his diminished *dignitas* and for this reason he began dedicating himself to literature in earnest.[17] It is true that Cicero wrote most of his treatises after returning from exile, but it would be unfair to justify that choice simply on his exile; he also composed treatises before exile and remained a political figure after his return as well.

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[14] Beretta (1996), pp. 49-50; Champion (2017), pp. 50-51. Epstein (1986) makes the same point (p. 230), looking at Cicero's letters to Atticus as proof of a public display of selflessness (*Att.* 1.12.3, 1.18.2). Tatum (1999) seems to find the charge of *incestum* against Clodius as rather tenuous (p. 75); see also Mulroy (1988), pp. 166ff. Cicero's repeated reference to this case should suggest that, at the very least, it was rhetorically salient.

[15] Corbeill (2018) admirably attempts to reconstruct Clodius' speech *de Haruspicum Responsis*, more as a demonstration of how revealing Cicero's own speeches can be regarding his opponents' arguments.

[16] Lintott (1967) seems to suggest as much (p. 165). He demonstrates that Clodius might have acted out of personal revenge, *ultio*, but that even Cicero granted *ultio* as a natural right (*Inv.* 2.65).

[17] Beretta (1996), pp. 119-120.

It is fair, on the other hand, to suggest that Cicero returned to Rome knowing full well that he was not returning to the same Rome or the same status quo ante.[18] After returning, Cicero had his work cut out for him: he not only needed to regain his lost *dignitas* but, as he would argue, he also needed to prove that Clodius was a vile tribune, who manipulated the traditions of Roman consecration for his own gain, and was therefore a danger to the community at large.[19] As I hope to demonstrate, this line of argumentation was neither unique for Cicero to use against Clodius, nor was it accidental or reliant on circumstance but a continuous concern of Cicero's throughout his career.

Post Reditum in Senatu and *Post Reditum ad Populum*

On September 4 of 57 BCE, Cicero finally made his return to Rome. He had been in Italy for a month already, but he took his time returning to the city.[20] Reaching the city to great acclaim, Cicero was escorted from the Porta Capena to the Capitol,[21] and from there to his house.[22] One of his first orders of business was to thank publicly those who helped secure his return. He did this first in the senate, where he could thank individual members, and again the next day in a public *contio*. The two speeches Cicero delivered,

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[18] Steel (2007a), p. 106. Sumi (2005) argues that Cicero intentionally coordinated his arrival to align with the *Ludi Romani*, so he could return to almost triumphal acclaim and thereby restore some *dignitas* (p. 40). This argument is convincing to a point; I would not think that Cicero would delay his return for too long only to align it with the *ludi Romani*. Instead, it seems more likely that he made use of events as best he could.

[19] Gildenhard (2011) comments that the *Post Reditum* era speeches are littered with religious language, borrowed from philosophy and tragedy (p. 300); Riggsby (2002) makes a similar claim, suggesting this might be accidental (p. 184).

[20] Cicero arrived on August 5 at Brundisium, but delayed before returning to Rome (*Att.* 4.1.4-5, *Sest.* 131, *Pis*. 51-52). These passages also attest, in Cicero's presentation, to the widespread praise and support he received upon returning to Italy and Rome.

[21] *Att*. 4.1.5.

[22] *Dom*. 76. Östenberg (2015) notes the triumphal connotations in this procession (p. 19).

the *Post Reditum in Senatu* and the *Post Reditum ad Populum*, are similar speeches in many ways: they are both epideictic speeches in which Cicero aimed to thank his respective audience for seeing to his return to Rome. The different audiences required different avenues of appeal, and comparing the speeches brings such differences into relief, but the general circumstances meant that he makes many of the same references in both speeches.[23] The commonalities shared between the two speeches, aside from their common epideictic nature, delineate certain sentiments that could be felt by any Roman regardless of their status, and for this reason the two speeches are treated in close examination.

Within Cicero's first return speech, his *Post Reditum in Senatu*, the three avenues of appeal follow similar lines to ones already used in the *Verrines* and the *Catilinarians*: Cicero directly appeals to members of the senate and their own sensibilities, he depicts his personal enemies as nefarious or corrupt, and he frames the threats those enemies pose to the republic as the destruction of Rome itself. Cicero's use of religious language in all three cases, as in the earlier speeches, especially evokes the city of Rome and its constituent parts, which are safer now after Cicero has returned. Unlike the *Verrines* and *Catilinarians*, both *Post Reditum* speeches, especially the one before the senate, put more emphasis on Cicero's allies than his enemies. Cicero's earlier speeches, while certainly praising his allies, focused more on the crimes of his opponents and the damage they were doing to the republic. Now that Cicero has been exiled, he has already experienced

[23] Nicholson (1992), pp. 99-100.

a kind of loss of Rome. Upon returning, he has all the more reason to thank those responsible for reversing Clodius' actions.

Cicero opens his speech before the Senate with praise of the body as a whole. Indeed, his first sentence praises their "immortal" services, which are great enough that Cicero might fail in fully thanking them.[24] Such praise might here more parochially to mean "unforgettable" or simply "unending." This reading would work in the short term but over the course of the speech prove to fall short. While the context of the speech might demand high praise for the senate, Cicero's initial comment only suggests services deemed so great to Cicero that he cannot adequately express his gratitude. On the other hand, by the end of his first complete thought, he establishes clearly that he does, in fact, mean to call the senate's services immortal.

There are, in total, four parties to whom Cicero thinks a debt of gratitude is owed: one's parents, for giving life and heritage, the immortal gods, who guarantee the enjoyment of the parents' gifts, the Roman people, who consent to the Senate's assembly, and the senate itself, who brought all of these benefits together.[25] Of these four groups, Cicero says, the parents and gods can and must be properly thanked outside the meeting of the senate. Theirs is also the greatest debt. Next, the people of Rome receive their due

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[24] *si, patres conscripti, pro vestris immortalibus in me fratremque meum liberosque nostros meritis parum vobis cumulate gratias egero, quaeso magnitudini vestorum beneficiorum id tribuendum putetis* (*Red. Sen.* 1).

[25] *Red. Sen.* 2. It is worth noting that the first use of a form of *immortalis* is used to describe the Senate's actions, while the next three (all in *Red. Sen.* 2) all refer to the gods. Even if the first instance were more secular, the later uses would certainly tinge the former with religious connotation. It should also be noted that, while never using the term *pietas* in this section, Cicero strikes all three aspects in his praise of parents, gods, and Rome (marked by the people and Senate). He is duty-bound, for different reasons, to show deference to each group.

thanks the following day in a *contio* when Cicero delivers his second *Post Reditum* speech and the senate receive their due during the senate meeting on the before the *contio*.

Later in the senatorial speech, after singling out certain senators to thank, Cicero circles back to the senate as a collective body. Just as Romans worshipped deities both individually and collectively, depending on what circumstances demanded, so too must Cicero venerate the collective senate as he would the number of gods.[26] He has already and will continue to recognize individual members of the senate for their actions in seeing his return to Rome, but the current speech only allows for certain members to be acknowledged. Thus, in the meantime, he resorts to thanking them all as a whole. Just as collective worship ensures that no god is left out, so too, here, does Cicero thank the entire senate so no senator is left completely unthanked, even if unnamed.

Of course, Cicero says this after he has singled out individual members and given them the praise he thinks they deserve (or that he thinks he can deliver). There are some five Romans who receive more than passing attention for Cicero's praise in the course of his speech before the Senate: P. Cornelius Lentulus Spinther, T. Annius Milo, Q. Caecilius Metellus Nepos, P. Servilius Isauricus, and Gn. Pompeius. Of these five men,

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[26] *ego vos universos, patres conscripti, deorum numero colere debeo* (*Red. Sen.* 30). The language here should not be overlooked. Cicero does not say that he should venerate the senate collectively *because* they are gods, but rather *in the number* of the gods. While Cicero's language regarding the senate and individual senators tends toward the divine in this speech, here it seems to remain more metaphorical, even if it seems to be somewhat literal in other uses. For a brief discussion of the phrase in the *de lege agraria*, see Cole (2013), pp. 48-49, n. 78.

Lentulus Spinther receives the greatest treatment and the highest praises.[27] As consul in 57 BCE, Lentulus oversaw the effort to recall Cicero from exile and undo Clodius' efforts to keep Cicero from Rome. As Cicero tells it, Lentulus had even made the recall efforts one of his priorities, beginning on his first day as consul.[28] For that, Cicero devotes some of his highest praise to date.

When Lentulus is first mentioned, he is praised in conjunction with co-consul Metellus, Pompey, and other magistrates like the praetors and tribunes of the plebs. These men combined their efforts, as well as their respective virtues and glory, to begin bringing Cicero home to the capital.[29] Each man receives his due attention, each for their own particular contribution to the cause. Lentulus, as consul, introduced legislation to recall Cicero on his first day in office; his zeal was undeniable to the former consul. Thus, when Cicero turns his attention to thanking individual members of the Senate, Lentulus is the first to be named and he is also later praised before an extended rebuke of his predecessors in the consulship.[30] By contrasting Lentulus to his predecessors Cicero further demonstrates Lentulus' own goodwill toward himself and, as we will see soon, the republic itself.

Before rebuking Gabinius and Piso, Cicero turns to thank Lentulus for ensuring his return. He describes him before the senate as "parent and god" of Cicero's life and

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[27] Hereafter, the only Lentulus referred to in this chapter is Lentulus Spinther. Lentulus Sura, referenced repeatedly in the previous chapter, being an ally of Catiline, died in 63.
[28] Nicholson (1992), pp. 22, 56-57.
[29] *Red. Sen.* 5.
[30] Gabinius and Piso are taken to task at length (*in Sen.* 10-18). I will return to them shortly in more detail.

fortune[31] and before the people as the "deliverance of [Cicero's] life, fortune, memory, and name."[32] The asyndeton of the latter phrase carries the audience member forward into the end of the sentence and the new material that Cicero omitted before the senate. He had expressed a similar idea in the senate, only now Cicero explicitly calls him the *salus* of his life, adding another divine element to his reputation.[33]

To conclude his praise of Lentulus, Cicero reminds his popular audience that the consul made his first efforts to restore Cicero on his first day of office, the Kalends of January. Before his popular audience, once again, Cicero's audience receives a new and important detail: Lentulus, upon become consul, began working for Cicero's recall after he had performed the customary religious obligation to the gods.[34] By stating that Lentulus had initiated the recall of Cicero soon after he had performed his consular duty, Cicero makes the consul seem both pious — he first performed his ritual and civic duty as consul — and also a good ally to have. Lentulus, as opposed to Clodius, had performed the regular protocols in his role as consul, and thus the gods should be satisfied when he turns his attention first to seeing Cicero return to Rome. Clodius, on the

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[31] *Princeps P. Lentulus, parens ac deus nostrae vitae, fortunae, memoriae, nominis, hoc specimen virtutis, hoc indicium animi, hoc lumen consulatus sui fore putavit…* (*in Sen.* 8).
[32] *P. Lentulus consul, parens, deus, salus nostrae vitae, fortunae, memoriae, nominis, simul ac de sollemni deorum religione rettulit, nihil humanarum rerum sibi prius quam de me agendum iudicavit* (*Red. Pop.* 11).
[33] *Red. Sen.* 5; Weinstock (1971) suggests that Sulla was probably called Salus and that Caesar was by the beginning of the Civil War; he also notes that Salus was also the goddess of oath (p. 168). Cole (2013) aptly draws the connection between Cicero's *natalis* (birthday) of his return and the *natalis* of the temple of Salus in Rome, dedicated on August 5, 302 BCE (p. 64 n. 3).
[34] On the connections between the consuls and the *Feriae Latinae*, see Pina Polo (2011a), p. 43 and Pina Polo (2011b), p. 115. Dillon (2015) addresses the deeply Roman roots of this practice (pp. 119-120).

other hand, had been obstructing previous efforts to get Cicero home.[35] He had been acting with increasing ambition as tribune, while Lentulus had performed his consular obligations before moving on to human affairs.

Coming after a description of Rome's turmoil in Cicero's absence and before the disastrous consulship of Gabinius and Piso, Lentulus stands out as an exemplar of republican civic stewardship. Whether he sought Cicero's return to Rome out of general goodwill toward the former consul or simply wanted to enhance his own reputation, he had done his part to see it accomplished.[36] Whatever Lentulus' motivations, he nevertheless began the process of recalling Cicero to Rome as soon as possible. In his success, he helped to restore Cicero into public life at Rome once again. In this way he is like a parent to Cicero's public career, but also a guarantor of Rome's safety.[37]

Outside of this immediate context, Cicero's acclamation of Lentulus as *parens ac deus* also recalls earlier figures of Rome's near past. Men like Romulus, Camillus, and Marius had each been recognized as *pater patriae*.[38] Even Cicero had received the title

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[35] Mouritsen (2001) describes Clodius' efforts to block the earlier attempts of Cicero's allies, first using the *comitia tributa*, to recall Cicero. They eventually work around the tribune's authority by using the *comitia centuriata* (p. 88).

[36] In all likelihood, it was a combination of the two. Spinther acted to better his own image, but doing so brought political advantages like seeing Cicero back in the city and having another ally against Clodius and his allies. The possibility that it was done for public benefit is important since Cicero will reject this possibility to Clodius.

[37] The term *parens* would later become part of an epithet for Caesar (*parens patriae*; App. *BC* 2.106.442; 144.602; Dio 44.4.4). After Caesar, it was applied to emperors with the implication that the emperor had the same power over his subjects as a father over his children (Weinstock (1971), pp. 200ff). Stevenson cites titles like *dominus* and *dominus et deus* as both longstanding and common among emperors and the father analogy generally was a common one for founders and saviors in Greece and Rome (pp. 422; 430).

[38] Tzounakas (2006), p. 222.

for squelching Catiline and his conspirators.[39] Considering these earlier examples, Cicero was attributing serious praise to the consul that initiated his return. At the very least, he wanted his senatorial audience to see Lentulus as a second self, as the new publicly recognized *pater*, but at most he was likened to Marius and Romulus.[40] Once again, Cicero compares the consul to Romulus, only the consul is now an ally rather than himself and this time he does so only through appellation.

The physical return itself could only be secured through Lentulus' outstanding and divine goodwill.[41] Additionally, to return more collective credit, Cicero attributes the ultimate gratitude to the gods. It was the gods who orchestrated the entire restoration, for they seem to have installed Lentulus as consul in the first place.[42] That said, Cicero modifies this praise by wishing that they had made Lentulus consul in the previous year, in order to prevent his exile altogether. Thus, the divine goodwill granted to Lentulus is as much an indicator of the gods' participation as his own power. His actions were the manifestation of their decision, and for that those actions are divine. Lentulus could have stopped Clodius before Cicero's exile, or at least Cicero seems to think so, if only the gods had chosen him as consul sooner. As the situation stood, Cicero felt obliged to venerate Lentulus, his *parens ac deus*, and his expression of that feeling publicly marked his piety before his audience.

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[39] Stevenson (1992), p. 421; Beretta (1996) comments on how the title *pater patriae* granted Cicero a greater *auctoritas*, if not greater *potestas* (p. 41).
[40] Weinstock (1971) pp. 200-205. Weinstock observes how *pater*, as a title, started to gain its prominence at around this point in the Latin lexicon (pp. 201-202).
[41] *itaque P. Lentuli beneficio excellenti atque divino non reducti sumus in patriam ita, ut non nulli clarissimi cives, sed equis insignibus et curru aurato reportati* (*Red. Sen.* 28).
[42] *di immortales, quantum mihi beneficium dedisse videmini, quod hoc anno P. Lentulus consul populi Romani fuit, quo quanto maius dedissetis, si superiore anno fuisset* (*Red. Sen.* 9).

This title of *parens ac deus*, furthermore, is later fleshed out when Cicero again likens Lentulus to a parent for establishing "a birthday for himself, his brother and their children, not only for themselves but for the memory of all time."[43] Here, most clearly, Cicero outlines just how important his return to Rome was and how great Lentulus' role was in that return. Here the *parens* of the *parens ac deus* is given more weight when he has established a new birthday for Cicero and his family. To enhance the significance of his re-birthday, Cicero says that it is one to be eternally celebrated.

Pompey is the other major figure whose reputation is largely consistent between speeches. When Cicero spoke before the senate, he called the general a man whose virtue, glory and deeds placed him as the most distinguished of all races, all ages, and all memory.[44] In this case, Cicero seems to truly mean it when he calls Pompey "easily the most distinguished" and he used Pompey's outstanding reputation to better prove the legitimacy of his return. Pompey had supported it, after all.[45] But before the people Cicero uses virtually the same words to praise Pompey, making two important alterations.

In listing Pompey's excellent qualities, out go the great deeds of Pompey, replaced with a new wisdom, or *sapientia*.[46] Pompey's *sapientia* is on display when Cicero outlines Pompey's strategy for attaining Cicero's recall. One aspect of Pompey's strategy

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[43] *quid denique illo die, quem P. Lentulus mihi fratrique meo liberisque nostris natalem constituit non modo ad nostram, verum etiam ad sempiterni memoriam temporis* (*Red. Sen.* 27)? Claassen (1992) credits such language to the consolatory genre (p. 33); if exile was the equivalent of death, then returning from exile meant coming back to life.

[44] *...cum virtute, gloria, rebus gestis Cn. Pompeius, omnium gentium, omnium saeculorum, omnis memoriae facile princeps* (*Red. Sen.* 5).

[45] *Att.* 3.18, 3.22; *Fam*. 14.1, 14.2.

[46] *quorum princeps ad cohortandos vos et ad rogandos fuit Cn. Pompeius, vir omnium, qui sunt, fuerunt, erunt, virtute, sapientia, gloria princeps*…(*Red. Pop.* 16).

came in his delivery of a speech, calling for Cicero to return, in which he apparently suggested that the common welfare of Rome was tethered to Cicero's own. Though using different language, Cicero references this aspect of Pompey's speech in both of his own *Post Reditum* speeches.[47] Two other aspects of Pompey's political strategy lend credence to his new *sapientia*.

Rather than simply appeal to the senate and its authority, Pompey had apparently appealed to the Roman people by maintaining that Cicero's recall from exile was the request of the *equites*, the senators, and all of Italy.[48] In other words, Pompey made the same appeal to *concordia* that Cicero himself made before the senate. Though the word itself is never uttered in Cicero's brief summary of the speech, the image of both the senators and *equites*, and all of Italy, necessarily evokes a certain harmony.[49] That harmony, similar to one Cicero has deployed himself, was invested in seeing the acts of Clodius undone by recalling Cicero to Rome. By appealing to *concordia* to bring back Cicero and by having Cicero's welfare intimately connected to Rome's, Pompey offered his audience a forced choice; to reject Pompey's proposal, he would argue, would jeopardize the very existence of *concordia*.

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[47] Both speeches reference the *salus* of Rome and that it was joined to Cicero's own welfare (*coniuntam* and *coniunxit*), but otherwise the language between the two is only similar, not identical: *apud universum populum salutem populi Romani et conservatam per me et coniunctam esse cum me dixerit* (*Red. Sen.* 29) *primum vos docuit meis consiliis rem publicam esse servatam causamque meam cum communi salute coniunxit…* (*Red. Pop*. 16).
[48] *Red. Pop*. 16.
[49] And, it should be said, the Roman people are included when invoking 'all of Italy,' even if they are never explicitly named, like other groups. For recurring political appeals to *concordia* (as *concordia ordinum*) leading up to Caesar's temple of Concordia Nova, see Weinstock (1971), pp. 260ff.

As noted, Cicero's return to Rome is marked as a form of rebirth for the former consul. This theme of rebirth specifically, but also of return generally, is as constant in the *Post reditum* speeches as the show of gratitude to individual senators or the people collectively. The reason for putting this theme in the forefront is straightforward: it is the cause for Cicero's gratitude and thus the cause for his speaking in the first place. In addition, given the tone Cicero treats his return and, as importantly, his absence, this theme proves to reflect the stakes of situation more broadly.

Chief among the ideas articulated in the senate is how Cicero's recall to Rome restored him to his family, his dignity, his fatherland, and to himself.[50] Without saying so explicitly here, these things collectively constitute a rebirth for the former consul.[51] Before the people, he makes the same analogy, only he expresses more gratitude to the people for their work in bringing him home.[52] By coming home to the city, Cicero saw all of these restored to him in some manner. The implication here is, of course, that while in exile Cicero was bereft of these, but the reverse must also be true, that when Cicero was in exile, his fatherland, family, and the rest were all wanting Cicero.

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[50] *qui mihi fratrem optatisimum, me fratri amantissimo, liberis nostris parentes, nobis liberos, qui dignitatem, qui ordinem, qui fortunas, qui amplissimam rem publicam, qui patriam, qua nihil potest esse iucundus, qui denique nosmet ipsos nobis reddidistis* (*Red. Sen.* 1); see also *Red. Pop*. 3-4. cf. *QFr.* 1.3, where Cicero expresses grief at the loss of his brother, children, fatherland, and fortune.

[51] Some items included in the list, such as rank and wealth (*ordinem…fortunas*) might not necessarily be conferred by birth to the same degree that parents or the republic necessarily were, but nevertheless each at least has *some* degree of inheritability to it.

[52] *a parentibus, id quod necesse erat, parcus sum procreatus, a vobis natus sum consularis…nisi vestra voluntas fuisset omnibus divinis muneribus careremus* (*Red. Pop.* 5). It should be noted that here only a generic "you" is used, not a more specific "Roman people," *vel. sim.*

Cicero uses this implication, that the republic wanted Cicero's return, to expand his own importance to the republic in two ways. First, to describe the effects of his absence on the city, or at the very least to give *potential* effects of his absence.[53] This also has the effect of making men like Lentulus, who tried to see Cicero home, all the more important in their work; it amounted to the safety of Rome. Second, Cicero uses his absence and return to contrast himself with his political opponents, and even other exiled consuls of the past, in order to further prove his own value to the city. In both cases though it is Cicero and the city that feature most prominently.

Since the trial of Verres, Cicero has been warning his audiences, both in the senate and in the public setting of a *contio*, that many of Rome's institutions were either already failing or soon would be. Now, after he has returned from his exile, his separation from the city has been felt. This is certainly true from his public persona and attested fairly widely in his letters.[54] But Cicero also makes the claim that the city itself would have felt his absence. This is most obviously evidenced by the speeches Cicero was unable to deliver at Rome. He makes this observation abundantly clear, with a tricolon that repeats the metaphor: "you saw the Forum mute, the senate-house without a tongue, the state quiet and broken."[55] Of course, neither the senate nor the Forum went silent for the time

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[53] Some of the effects, discussed shortly, are more metaphorical than literal. Others would have been easily disprovable if they were false. In combining the two, the verifiability becomes less important.

[54] Most of the third book of letters to Atticus directly addresses Cicero's exile, his despair, or Atticus' reaction to Cicero's despair: *Att.* 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.22, 3.23, 3.25, 3.27, 14.4. Other letters also address Cicero's despair while away from Rome: *Fam*. 14.2, 14.3, 14.4; *QFr.* 1.3, 1.4.

[55] *…mutum forum, elinguem curiam, tacitam et fractam civitatem videbatis* (*Red. Sen.* 6). His delaying of the nouns in each phrase also adds to their suspense.

that Cicero was away from Rome.[56] To suggest as much, on the other hand, puts Cicero on an equal footing with the state itself. When he left, he took his famed oratorical skills with him, and in doing so, took Rome's too; his allies' efforts to bring back Cicero also brought Rome back to its former standing.

Closer to the end of the speech he pushes this equation with the state further. To close his speech before the senate, he recalls the institutions that he had previously warned were in jeopardy, this time tied to his own absence. The laws, courts, magisterial jurisdiction, authority of the senate, liberty, an abundance of grain, and all sanctity and scruple of gods and humans were absent from Rome with Cicero.[57] In order to firmly establish the connection between his presence in Rome and the presence of these notions, Cicero includes himself with each of the seven items in the list. Earlier, the Forum and senate went quiet upon Cicero's departure from Rome. Here, the city fell into lawlessness without him. He may not be equated with the city (*mecum* inherently suggests that the two are separate entities), but his absence nevertheless amounts to the absence of Rome's institutions. In other words, when he closes his speech, Cicero spells out in detail what he meant by *fractam civitatem* closer to the opening. The state was silent without his speeches, but also broken in a number of dangerous ways.

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[56] cf. *Brut.* 328-329, where Cicero laments the death of the republic's silencing of oratory; see Marchese (2014) for a study of the *Pro Marcello* and the *First Philippic*, esp. pp. 85-87 for the silencing of oratory under one-man rule. Guérin (2011) analyzes the use of speech and reason with humans, and silence with the animal, but his study is broader than Cicero alone (see esp. pp. 55-56).

[57] *mecum leges, mecum quaestiones, mecum iura magistratuum, mecum senatus auctoritas, mecum libertas, mecum etiam frugum ubertas, mecum deorum et hominum sanctitates omnes et religiones afuerunt* (*Red. Sen.* 34). See Tatum (1999) for the back-and-forth placing blame for the grain shortage (p. 183).

This is not the first time that Cicero has pointed to many of these institutions, either. Earlier, both in the proceedings against Verres and in the course of his consular year, the courts, the senate's authority, and the religious scruple at Rome were in jeopardy.[58] The justifications in each case are different — the simplest difference is the villain for each: Verres, Catiline, and Clodius — but in all three Rome's institutions needed saving. In the previous two cases, Cicero somehow had a hand in their safety. In the present instance, he could not help but have a hand in their safety, since he had equated his return with their stability. Of course, others played their part in restoring Rome's institutions, too; that is the entire point of his speech. Being away from Rome, he could no longer intervene to defend Rome and its institutions. In many ways, he suggests, these institutions would not exist without him, just as Rome lost its voice when he was gone, but now Rome was only restored through others' actions.

Equating himself with the laws, the authority of the senate, and the scruple of gods and humans achieves two things, rhetorically, for Cicero. It first makes Cicero's cause into the cause of the republic. For his own part, Cicero can use his association with the republic's institutions to prove his goodwill. When he returned, he brought with him everything that had been absent with him. At the same time, he did so through the help of other good citizens like his brother Quintus or son-in-law Gaius Piso, who is credited with "divine" influence when Cicero spoke before the people.[59] With some of Cicero's

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[58] Explicit cases of Cicero's concern for the courts, senate's authority, and religious scruple in Rome have already discussed: *in Caec.* 70; *Verr.* 1.3, 1.43, 2.1.4; *Agr.* II.8. More implicit expressions of these concerns were discussed in previous chapters.

[59] *...C. Pisonis, generi mei, divina quaedam et inaudita auctoritas atque virtus fratrisque*

former rivals such as Q. Caecilius Metellus Nepos, a large enough faction of men had been able to restore Cicero peacefully to Rome.[60]

When men like Milo support recalling Cicero, they become more than Cicero's allies but great citizens.[61] This is leaving aside the several other men who supported Cicero's cause already mentioned like Lentulus, who receive divine attributes for their efforts. The smallest sign of gratitude that Cicero's allies receive is being called outstanding and a good citizen, still a clear distinction from those who had not provided help.

Once Cicero did finally arrive at Rome in September of 57, he did so under mostly peaceful circumstances. For this he makes careful notice, distinguishing himself from other former consuls who were themselves exiled.[62] To compare himself to Marius, especially, provides his case a strong parallel.[63] Whereas Marius had returned to Rome from exile with an army, Cicero came under more peaceful conditions, certainly without

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miserrimi atque optimi cotidianae lacrimae sordesque lugubres a vobis deprecatae sunt (*Red. Pop.* 7); see also *Red. Sen.* 38, *ad Fam*. 14.1.4, *Brut*. 272, *in Vat*. 26. Gruen (1968) dismisses much of Cicero's praise since he is our only source. On the other hand, he does proceed to offer conjecture that Piso might have been "among those aristocrats for whom the *potentia* of Pompey was obnoxious" (pp. 162-163).

[60] *Red. Sen.* 37 emphasizes the role of Quintus; *Red. Sen.* 25-26 and *Red. Pop*. 10 emphasize Q. Metellus' role and how he put aside private grudges to recall Cicero, possibly earning his actions the adverb *divinitus* before the senate.

[61] *quid ego de praestantissimo viro, T. Annio, dicam? aut quis de tali cive satis digne umquam loquetur?* (*Red. Sen.* 19). I deliberately translate *cive* literally here as "citizen," rather than something closer to "patriot," although that is likely the sentiment. I reserve the idea of "patriot" for select instances of *boni* that Cicero uses.

[62] *Red. Sen.* 37-38; *Red. Pop*. 9-10: Publius Popilius (cos. 132), Q. Metellus (cos. 121), and C. Marius (cos. 107, 104-100, 86).

[63] Claassen (1992) calls the reference to Marius, and his status as the exiled then returning consul, a "frequently exploited literary topos" (p. 23); see also Cic. *Red. Pop.* 6, *Planc.* 88, Val. Max. 3.8.5, 1.5.5.

an army.[64] Including Marius in the discussion here was a less likely choice than the other two exiled consuls, Popilius and Metellus; but once they were mentioned, Marius would have been conspicuous if left absent.[65] Marius had even dedicated the temple of Jupiter in which the vote was made to recall Cicero.[66] Thus, even while Cicero might have compared himself to Marius in the *Catilinarians*, he now only wants to juxtapose his return with Marius' as a point of contrast.[67] Marius came back after exile with an army whereas Cicero returned with the laws, the senate's authority, and religious scruple.[68]

The larger contrast is, of course, not made with Marius but Cicero's political opponents. When Cicero was away from Rome, when he says that Rome's voice and institutions had gone with him, the city did not remain in some neutral, static condition. On the contrary, the absence of Rome's laws and institutions, and someone to defend them publicly, amounted to utter chaos. Armed bands of men roamed the city, the houses of magistrates were attacked, temples were burned,[69] consular rods broken,[70] and P.

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[64] *Red. Pop.* 20-21; Steel (2001), p. 183 n. 54. This line of argument is not new for Cicero either; see *Sul.* 33.
[65] Marius' status as a *novus homo*, and also the fact that he shared Cicero's hometown of Arpinum, would be enough for Cicero to see an affinity with him; their claims as *consulares populares* and their returns from exile only further adds to the similarities (for Marius' actions as tribune of the plebs, see Plut. *Mar*. 4.2).
[66] *Div.* 1.59; Short (2012), pp. 235-236, n. 619.
[67] In the contional return speech, Cicero goes slightly farther in distinguishing himself from Marius; *Red. Pop*. 7 makes it clear that Marius' interests were not the same as Cicero's.
[68] As Claassen (1992) observes, both Marius and Cicero were *novi homines* from Arpinum; the comparison risked Cicero seeming like an autocratic revolutionary but he focused, instead, on Marius as the popular hero (p. 33).
[69] This might be a reference to the Temple of the Nymphs, which Clodius burned (*Mil*. 73; *Har. Resp*. 57).
[70] It is unclear which consul's *fasces* were broken here. Vanderbroeck (1987) suggests that Gabinius was the consul in question here (Appendix B-48). Vanderbroeck also suggests that this might be done as a sign of the crowd's displeasure toward the magistrate or as a sign that he was

Sestius was stabbed, despite having sacrosanct inviolability as tribune of the plebs.[71] All of these actions were the inevitable result of Cicero's absence and they mark his return as all the more momentous.

Cicero offers a justification for his retreat from the city after he has returned: he wanted to avoid the bloodshed of citizens. His opponents, on the other hand, wanted Cicero kept away by "a river of blood."[72] As Cicero depicts them, those coordinating against his return to Rome did so with violence in mind, of the same mind as Catiline and his gang before them.[73] Indeed, Cicero accuses one of the consuls of 58, A. Gabinius, of being Catiline's former lover, while the other, L. Calpurnius Piso, was the cousin of C. Cornelius Cethegus, one of Catiline's top henchmen.[74] By labeling the previous year's consuls as allies or otherwise sympathetic to Catiline,[75] Cicero calls to mind the blood spilled during his own consular year. If his exile was truly intended as punishment for the

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no longer considered legitimate (pp. 148-149).

[71] *Red. Sen.* 7; cf. *Red. Pop.* 14. Steel (2010) discusses the sacrosanctity of tribunes, granted to them due to the "notional willingness of the Roman plebs to declare those who offered violence to a tribune *sacri* ('forfeit to the gods') and to inflict immediate and fatal punishment on such individuals" (p. 38). While this approaches tautology, the explanation must not be overthought; tribunes of the plebs were sacrosanct because the plebs would declare a violator *sacer*, giving them justification for retribution.

[72] *Ego meam salutem deserui, ne propter me civium vulneribus res publica cruentaretur: illi meum reditum non populi Romani suffragiis, sed flumine sanguinis intercludendum putaverunt* (*Red. Sen.* 6); see also *Red. Pop.* 14.

[73] Cicero wondered in the *Second Catilinarian* whether Catiline and his followers wished to be rulers of Rome's ashes and its citizens' blood (*in Cat.* 2.19). Twice, he contrasts his own actions with Catiline's (and others like Marius), saying that he saved Rome while avoiding bloodshed, i.e., without relying on an army (*in Cat.* 1.9; 3.23).

[74] *Red. Sen.* 10.

[75] *Red. Pop*. 13 suggests that they were plotting new bloodshed as the more nebulous "old bands of Catiline" (*veteres ad spem caedis Catilinae copias esse revocatas*).

execution of the conspirators, then Cicero leaving the city to avoid bloodshed shows his own acceptance of that fate.[76]

The bloodshed that ensued after Cicero had left the city only proves, as far as Cicero is concerned, the violent characters of his opponents. Despite not being the instigators behind Cicero's exile — that would be Clodius, the tribune of the plebs — the two former consuls bear the brunt of Cicero's censure.[77] There are political reasons for this. As consuls, the two were able to block legislation aimed at securing Cicero's return and undoing the tribune's own laws.[78] For this reason alone they opened themselves up to attacks from Cicero once he had returned. But, again, the more rhetorically salient reason that these two receive most of Cicero's ire is their tie to Catiline.

There was undoubtedly violence in 63, whether justified or not. Given the consuls' own affiliations with the Catilinarians, the violence of 58 and early 57 is much easier to pin on the consuls than those working for Cicero's return. By associating the consuls with Catiline, Cicero could reinforce his image as one of peace and stability, this time from the opposite direction. His absence meant the absence of laws and restraint (*religio*), but it

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[76] Stroh (2004) outlines the two laws that pertained to Cicero's exile, each questionable in terms of procedure, the *lex de capite civis Romani*, offered in January of 58 concerning the capital punishment of Roman citizens but never names Cicero outright, and the *lex de exilio*, which was written after Cicero had left Rome (pp. 316-317). Lintott (2008) notes that Cicero even attributes his exile, ultimately, to his rejection of Pompey, Caesar, and Crassus in 59, which opened him up to Clodius' political attacks (pp. 201, 286). In any case, Cicero himself (*Caec.* 100) suggested that exile was a means to escape death, imprisonment, or disgrace, and not a punishment per se (Bauman (1996), pp. 14-15).

[77] Indeed, Clodius is never explicitly named in this speech or the *Post Reditum ad Populum*. He is referenced in both (*Red. Sen.* 3, 11; *Red. Pop*. 10), but his name is never given. Instead, Cicero continuously attacks the former consuls for nearly a fifth of the entire speech (*Red. Sen.* 10-18), not to mention other jabs made in passing; cf. *Sest*. 15-16, 18-24.

[78] Lintott (1967) pp. 163ff.

also meant the same kind of violence that Catiline had promised, only now there would be no one to defend Rome. In this way they act as foils for Cicero, presenting to his audience an inverse of his own consulship, tearing down the republic instead of acting in its interest.

Coming back to the larger theme of Cicero's absence from Rome (and return to the city), we see that the former consul has created two sides of the same coin. He represents the stability of Rome by taking Rome's greatest institutions with him from the city and also Rome's very voice. His opponents fill in the absence of laws, senatorial authority, and religious scruple with their river of blood, the breaking of consular rods, and burning of the temples. When Cicero took Rome's institutions with him, their further degradation was inevitable.

His return to the city then was meant to guarantee their safety again. Not only was this a homecoming for Cicero, who could now see his brother and family, but he could restore Rome's voice, to the extent that it had truly lost one, and the laws and other institutions in the process. The city itself could regain its former stability. It is in this sense that Cicero's return meant a return to family, the republic, the fatherland, and the everything else discussed from the opening of the speech.

The presumed restoration of order is also the reason for the high praise heaped upon men like Lentulus and Pompey. Their praise, much like Cicero's for himself in his consulship, was dependent on the aversion of danger. In securing Cicero's return, and the return of Roman norms, they acted much like Cicero had in his own consulship, when he compared himself to Pompey, Romulus, and Jupiter. He could not make the same

comparison for himself, of course, due to his inability to act in Rome, but he could make it for his political allies. Their actions, at least by Cicero's telling, earned them their praise. Lentulus could be *pater ac deus*, like Cicero's *pater patriae*,[79] Metellus could be described as acting *divinitus*.[80] Even P. Servilius Isauricus is credited with a divine gravity of speaking.[81] By acting in Rome's interest — and Cicero's — these men deserved their praise, not unlike Camillus or Marius.

For their efforts, the Roman people will not go without reward, beyond the mere demonstration of Cicero's contional speech. Cicero promises to "cherish the memory of [the Roman people's] favor with eternal goodwill."[82] Such a statement, coming toward the end of the speech, bears echoes of the beginning of the speech when Cicero first evokes his rebirth. Earlier he had thanked the people as he would his parents or the gods. Indeed, he says the amount of debt owed was equal.[83] To close his speech his promise to forever cherish their efforts recalls the sentiment already expressed: his return to Rome was like being reborn into the city and he owed a debt to those who brought about that birth, namely the people.

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[79] cf. *Rep.* 1.64; Welch (2005), p. 325.
[80] It is worth noting that this reading is rejected by Maslowski (1981). I include it in my discussion since it seems to fit rhetorically within the scope of Cicero's argument (leaving aside any textual questions). If pressed, I do not see its absence from the speech as a serious detraction from my argument.
[81] *Red. Sen.* 25.
[82] *quapropter memoriam vestri beneficii colam benevolentia sempiterna…* (*Red. Pop.* 24). Again, Cicero addresses his audience so "your" is used in place of the the more specific "Roman people's" or the like.
[83] *…quantum antea parentibus, quantum dis immortalibus, quantum vobismet ipsis, tantum hoc tempore universum cuncto populo Romano debeamus* (*Red. Pop.* 5).

In ascribing credit and gratitude to the people, the *Post Reditum ad Populum* advances another step beyond the piety of the earlier speech, not least for explicitly addressing *pietas* itself. This time Cicero expresses his debt to the Roman people in clear-cut terms, saying that the sort of piety that the holiest men have toward the immortal gods will forever be his model toward the Roman people.[84] The services that the Roman people provided to Cicero were already of a kind with those of one's parents, but now Cicero equates them directly to the powers of the gods. Furthermore, his acknowledgment of their power is more than bare recognition.

As mentioned, Cicero reports that Pompey had delivered a speech in which he claimed that the welfare of the commonwealth had depended directly on Cicero's own safety. Cicero had saved Rome from Catiline during his consulship, and, in his absence, Rome seemed to be liable to danger. Pompey's speech, if Cicero's summary is accurate, would have paralleled Cicero's speech neatly.[85] Thus, following the logic of Pompey's speech summarized for us, the Roman people were now responsible for saving the one who had himself saved the republic less than a decade earlier. Rather than simply crediting the two consuls or a small cadre of senators, the people bear the most responsibility for saving Rome. In other words, the people had now performed deeds that

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[84] *…qua sanctissimi homines pietate erga deos immortales esse soleant, eadem me erga populum Romanum semper fore numenque vestrum aeque mihi grave et sanctum ac deorum immortalium in omni vita futurum* (*Red. Pop.* 18).

[85] This is no reason to assume that the version of Pompey's speech presented in the *Post Reditum ad Populum* is an entire fabrication, though it doubtless must be read some a degree of artistic license present. Its rhetorical purpose is still clear.

rivaled Cicero's own and to the same end, they replace the individual senators Cicero had only recently praised in the senate.

During his consulship, Cicero had gradually developed the themes of *concordia* and appeals to divine advocates to support his own actions. In the *Catilinarians*, lines blurred around the specific divine figure to whom Cicero referred. At times he called on Jupiter Stator, other times required Romulus or, possibly, his own efforts. After fleeing from Rome and Clodius' tribunate, his own powers were blunted, but those of his confederates, the Roman people, were proven yet effective when Cicero returned to Rome. If his powers and abilities were blurred with the divine in his consulship, Cicero could state without equivocation that the powers of the people likewise tended toward the divine.[86] When they acted for him and for Rome, when they acted to reverse the policies of Clodius' tribunate, it attested to their piety and their own divine power.

As Cicero comes to end his speech, he again calls the gods to the mind of his audience. Instead of ending as he opened by praying to Jupiter or other deities, Cicero relies on the rhetoric of his speech to further burnish the people's standing. Cicero ends by comparing the people with the gods themselves:

> *Atque haec cura, Quirites, erit infixa animo meo sempiterna, ut cum vobis, qui apud me deorum immortalium vim et numen tenetis, tum posteris vestris*

[86] Cole (2013) states bluntly, "That Cicero would actually hold the same esteem for the Roman gods and the Roman people is of course preposterous. One can imagine how sickened Cicero would have been if Caesar or Clodius had said such a thing" (p. 70). This point is well taken, but perhaps there is room for nuance. While Cicero likely did not hold the gods and people on equal terms at all times, the actions of the Roman people, after months of Clodius' obstruction, might have actually seemed divine to a desperate Cicero — it is the *numen* of the people that is often called akin to the gods'.

> *cunctisque gentibus dignissimus ea civitate videar, quae suam dignitatem non posse se tenere, nisi me recuperasset, cunctis suffragiis iudicavit* (*Red. Pop.* 25).
>
> And this concern, citizens, will always be fixed in my mind, that I might appear most worthy of that state both to you, who in my judgment have the force and power of the immortal gods, and to your descendants and all nations, [that state] which decided by unanimous vote that it could not hold its dignity unless it had recovered me.

Cicero's concern is that he be considered worthy of Rome, which is not itself a remarkable desire for an ex-consul. What is remarkable is the way that Cicero has replaced the gods with the people of Rome. The immortal gods are mentioned here only in comparison to the people, or at the very least their *numen*, roughly "divine assent."[87] Furthermore, Cicero's desire is dependent on their success in recalling him from exile. By his telling, Rome could not have maintained its dignity if Cicero had been unable to return. Yet, he has returned, and he thus brought Rome's dignity with him. To close his speech, then, Cicero reuses, one more time, the many themes of his speech; his rebirth, Rome's regained stability, and the people's divine power all receive at least a tacit mention.

By the end of his *Post Reditum ad Populum*, Cicero has presented two speeches that share many of the same themes. Of course the main thread in both speeches is Rome itself. Cicero had returned to the city only days before the *Post Reditum in Senatu* and his joy at seeing his family and the city are still palpable. Throughout both speeches, Cicero

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[87] Varr. *Ling*. 7.85; Liv. 7.6.11. According to Corbeill (1996), our earliest attestations of *numen* are puns on the word with *nomen* (p. 71); see also Gildenhard (2011), p. 257 n. 11, Winterbottom (2004), pp. 224-225. Rüpke (2018), among others, notes the later institutionalization of the *Numen Augusti*, attaching a *numen* to Augustus and thereby granting him a greater authority than his physical presence might otherwise supply (pp. 280-281).

expresses his happiness at coming home and his gratitude for any and everyone who helped him see that home. He repays his thanks to the gods, above all, but elevates his human allies to divine levels. For their efforts, it seems to Cicero, they have achieved a kind of immortality, for which humans ought not strive.[88]

The next and only other main thread is Cicero's gratitude toward those responsible. It would be disingenuous to suggest that the two speeches are identical in this regard. Even so, they share more than they differ in terms of language. The two current consuls, Lentulus and Metellus Nepos, are both praised as divine in some fashion, while others like Pompey, Quintus, and Piso receive their own divine epithets. The individual senators' praise is tamer in the contional speech, but in many cases Cicero uses the same divine epithets in both speeches. Instead, he focuses his attention on the audience, who, over the course of his speech, become a stand-in for the gods themselves. What unites the two groups of allies are their efforts to see Cicero return to Rome and, thereby, to see Rome safe.[89]

We know that the *Post Reditum in Senatu* was delivered *de scripto*, and some have suggested that the *Post Reditium ad Populum* was too.[90] Given the amount of corresponding language between the two speeches, it seems likely that the two would have at least been written contemporaneously. Importantly, this does not require either of

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[88] *itaque, patres conscripti, quod ne optandum quidem est homini, immortalitatem quamdam per vos esse adepti videmur* (*Red. Sen.* 3).
[89] The word *concordia* only appears once in each speech (*Red. Sen.* 27 and *Red. Pop.* 1), in different contexts, yet Cicero clearly makes gestures toward the notion of *concordia* among his allies.
[90] Walters (2017), p. 87.

the two speeches to be a cynical ploy at manipulation. Instead, they are both, in equal ways, exaltations of the powers of Cicero's allies to maintain the dignity and stability of Rome. That dignity rested, ultimately, on Cicero's return to Rome. Here, then, we see perhaps the clearest instance yet of Cicero's use of *Roman* religious ideas in his speeches, and the rewards for those who acted in the appropriate way. At almost every turn, the divine attributions made for his audience are tied to Rome and Roman institutions.[91] The epithets he gives to his allies are ever-conditional on Rome's well-being. Like the gods themselves, Cicero's allies provided Rome with the one thing that could guarantee her continuing safety: the former consul who had already saved the city.[92] In achieving this, they brought Cicero, and his political career, back to life, representing models of civic goodwill, with a divine power. For that Cicero was eternally grateful.

De Domo Sua

Toward the end of September 57, almost a month after returning to Rome, Cicero delivered a speech before the college of priests concerning the validity of Clodius' shrine of Libertas at his house. Clodius had confiscated Cicero's property on the Palatine as part of his plan to exile the former consul.[93] Once Cicero's house had been torn town, Clodius

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[91] Unlike most of Cicero's speeches that touch on Roman religious practices, the two *Post Reditum* speeches are largely devoid of specific cults or temples. Instead, the focus falls on the city itself and its well-being. Thus, while not about a personified Roma, these speeches reflect a religious concern about and for Rome and its stability.

[92] The association between Rome's well-being and Cicero's restoration is one made by Bodel (2008) even back when Cicero transferred his statue of Minerva to the Capitoline before exile (p. 252). While the idea does make a certain amount of sense, I hesitate to fully accept it for the fact that Cicero did not, at the time of his banishment, know that/when he would be returning.

[93] Nicholson (1992), p. 21.

proceeded to have a part of the newly rebuilt site dedicated to Libertas. While perhaps exceptional politically, Clodius nevertheless appears to have been on firm legal ground regarding his religious justification.[94] Likewise, the use of Libertas was certainly manifest outside of Roman sloganeering, with the concept of *libertas* being a common one more generally.[95] There had been a Temple of Jupiter Libertas on the Aventine since 246 (often simply referred to as the temple of Libertas), after it was dedicated by Ti. Sempronius Gracchus during the First Punic War,[96] and the use of the freedman's cap, the *pilleus*, on coinage is attested to at least 126.[97] Cicero's concern, therefore, is less the notion that Clodius could establish a temple of Libertas *per se* and more the way in which it was done. Ultimately Cicero proved the more persuasive in his argumentation since the priests voted in his favor at the end of the day's proceedings.

In order to convince the priests of Clodius' wrongdoing, despite the tribune's apparent legal footing, Cicero combined his religious and political arguments into a single case, as he had done several times already.[98] He resumes themes of his *Post*

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[94] Stroh (2004) thoroughly presents the case that Cicero's challenge against Clodius regarding sacral law was thin, at best (esp. pp. 315-316). Clodius had followed the letter of the law, and Cicero rebukes him for breaking both the letter and spirit. Bodel (1997), citing Mommsen (1889) III.1189, makes the point that often a site of a demolished house was put to a religious or public use, not private use (p. 8); see also Tatum (1999), p. 158.

[95] Vanderbroeck (1987), p. 105. For a full analysis of the concept, particularly in political discourse, see Arena (2012), esp. pp. 14-44. For other divine concepts in Roman discourse, see Clark (2007), who calls them "divine qualities."

[96] Ziolkowski (1992), pp. 85-87; Arena (2012), pp. 34-36; Fears (1981), p. 870. Clark (2007) notes Clodius' shrine as the second in Rome, and possibly the first to Libertas alone (pp. 209-210).

[97] Arena (2012), pp. 40-41; Fears (1981), p. 871.

[98] In this instance it is worth noting that the addition of political discourse to a religious question is one instance where the religious question is largely divorced from political implications. The dedication of the shrine to Libertas, while having some relevance to the city at large, is

Reditum speeches, namely his joy at returning and the dangers of his absence, only now with greater religious overtones. Likewise, the presentation of himself and his allies continues with the divine descriptors already used almost a month earlier. His treatment of Clodius, now directly addressed, is a continuation of the *Post Reditum* speeches but also picks up on language not seen since the *Catilinarians*, there reserved primarily for Catiline. Thus, while many of the themes in this speech have been presented before, Cicero's explicit politico-religious language is what wins his case and grants him the return of his home.

The *de Domo Sua* is the speech that most concerns the question of *religio* since Cicero's *de Signis*, arguably in his entire corpus.[99] Beard, North, and Price take a fairly standard view on the *de Domo Sua*, that it is the quintessential example of a speech on a religious topic, where the priests and administration of the state are one.[100] As I hope to make clear, while their statement is true, the speech is no outlier. Taking just the *de Signis* from the *Verrines*, though it had certain license granted from the fact that it was never delivered, it shares a number of similarities with the *de Domo Sua*, which was delivered. This needs repeating, not to reduce the words of either speech as more or less genuine, but rather to demonstrate that when Cicero delivered his most religious speech, he did so

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fundamentally not a question of the stability of the republic nor of the piety of the *pontifices*.

[99] The other rival would be the *de Haruspicum Responsis*, which will be treated in the next section. Like the *de Domo Sua*, the *de Haruspicum Responsis* is directly concerned with a religious question, and, perhaps not coincidentally, the validity of Clodius' shrine to Libertas; see Beard (2012). Based on MacKendrick's (1995) word frequency assessments, the most common words in the *de Domo Sua* (excluding pronouns) are *omnis*, *populus*, *res publica*, *civi[ta]s*, and *senatus,* while in the *de Haruspicum Responsis* they are *religio*, *senatus*, *civi[ta]s*, and *dei* (pp. 160-163 and 183-185 respectively).

[100] BNP (1998), pp. 114-116.

with his own precedent in writing; when he published his Second Action, he likely followed most of the protocols that would have governed the speech's delivery. Together, with the consular orations in between, these speeches reflect the wider scope of attention to which Cicero could direct his speeches, whether published or delivered.

Upon opening the speech concerning his house, Cicero immediately recognizes and acknowledges for his audience the religious nature of the question at hand. He was speaking before most of the pontifical college — Caesar, the pontifex maximus, was in Gaul, while L. Pinarius Natta was absent[101] — about whether the actions of the tribune the previous year had been legal. Thus, when Cicero opens his speech, he does so with clear awareness of the situation in which he found himself. He says to his priestly audiences that

> *cum multa divinitus, pontifices, a maioribus nostris inventa atque instituta sunt, tum nihil praeclarius quam quod eosdem et religionibus deorum immortalium et summae rei publicae praeesse voluerunt, ut amplissimi et clarissimi cives rem publicam bene gerendo religiones, religiones sapienter interpretando rem publicam conservarent* (*Dom.* 1).
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> since, *pontifices*, many things have been divinely devised and instituted by our ancestors, then nothing is more outstanding than that they wanted the same people to have charge of the scruples regarding the immortal gods and of the perfection of the republic, so that the greatest and most brilliant citizens might secure religious scruple by conducting the republic well, and secure the republic by wisely interpreting religious scruples.[102]

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[101] Stroh (2004), p. 323; cf Tatum (1999), who argues that the omission of Pinarius from *Har. Resp.* 12 does not necessarily mean he was gone from these proceedings (p. 190).

[102] Indeed, this passage could be read two ways. Given a bare reading, it might suggest that the ancestors literally wanted the same men who conducted the matters of religious scruple to conduct the state, i.e., that only patricians be allowed to be priests. On the other hand, it might well suggest, by Cicero's phrasing, that the most outstanding Roman citizens conduct the affairs of both, no matter their class. After the passage of the *lex Olgulnia* in 300 BCE, which opened certain priesthoods to plebeians, it would seem that Cicero here argues for a moral description of these same men, not one of class. Schultz (2006) is careful to note that even after opening up to

Cicero's opening words frame the speech as a whole; religious matters and political matters are best conducted by the same men, at least that was the custom established by the ancestors.[103] The question before the priests, then, was as much one of religious restraint as it was of political stability.[104] Certainly their expertise as priests concerned that religious restraint, but these men had an interest in the political repercussions all the same, not least because they were senators. Cicero presents a clear choice before the pontifices: they can side with Clodius, legitimating his shrine of Libertas and his undermining of religious tradition, or they can side with Cicero, reaffirming the traditions established by their ancestors mentioned at the opening of the speech.[105] Over the course of the speech, Cicero outlines why Clodius had overstepped as tribune in dedicating a shrine to Libertas on Cicero's property, using both religious and political grounds simultaneously and sometimes indistinguishably.

Cicero makes the pontifices' decision for them near the end of his speech. Rather than ending by reestablishing a specific failure of Clodius, Cicero instead recalls his own

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plebeian priests, the offices would typically be filled by aristocratic plebeians, if not patricians (p. 140). DiLuzio (2016) even distinguishes the *maiores* priesthoods, which were reserved for patricians, perhaps out of a desire to retain greater prestige for themselves by associating with the deities with greater *dignatio*: Jupiter, Mars, and Quirinus (pp. 55-56). Clearly there was some desire to restrict the priesthoods to a select handful of Roman citizens, but not a total restriction, leaving some prestige for others.

[103] BNP (1998) make the helpful point that this sentence is both an "astute analysis of the overlap of political and religious officials in the late Republic" and "an expert orator's estimation of how a group of Roman priests would *wish* to hear their roles defined" (p. 115); see also Beard (1988), p. 730.

[104] M. Lucullus apparently made a similar distinction as Cicero reports in a letter to Atticus (*Att.* 4.2.4), saying that *pontifices* were judges on matters of religious scruple, and senators on matters of law.

[105] *Dom.* 2.

return from exile. He offers a new party responsible for restoring him at Rome: the priests themselves. They are, as usual, intermediates of the gods who are themselves ultimately responsible but the priests are nevertheless given public credit here for the first time after Cicero's return. The gods spoke to the priests so that they might recall Cicero, proving to all other nations and generations that his recall was divinely sanctioned. His return, importantly, is not only to the city at large, but specifically "his house, home, altars, hearths, and household gods."[106] While Cicero earlier had rejoiced at his reunion with family and fatherland, here there is a notable shift to Cicero's immediate house.

The language Cicero uses in closing his speech recalls many of the images used before the people, especially his concern for long-lasting memory. It also, more importantly, shifts the value of return from a more public advantage to a personal one. In the earlier two speeches, Cicero's greatest pleasures at seeing Rome were equal parts personal and public; he rejoiced at seeing family, the republic, and fatherland. Here, his joy is directed almost entirely at the personal. It is his house and its gods that bring him joy, and the priests played a major role in returning that joy to Cicero.

By marking this shift, Cicero again offers the priests an alternative. They can either recognize that Cicero's return was good and divinely supported (with the help of the senate and people), which would also grant him access to his home and household gods,

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[106] *denique ipsi di immortales, qui hanc urbem atque hoc imperium tuentur, ut esset omnibus gentibus posteritatique perspicuum divino me numine esse rei publicae redditum, idcirco mihi videntur fructum reditus et gratulationis meae ad suorum sacerdotum potestatem iudiciumque revocasse. hic est enim reditus, pontifices, haec restitutio in domo, in sedibus, in aris, in focis, in dis penatibus recuperandis* (*Dom.* 143). For the importance of the *domus* to the Roman aristocrat of this period, see Tatum (1999), pp. 159-161.

or bar Cicero from his house, effectively rejecting his return and refusing the will of the senate and people.[107] As has been stated, Cicero has shifted the goal of his return so that it was now about returning home rather than simply returning to Rome. The reason for the shift can easily be attributed to the immediate necessity of the case at hand, namely Cicero's attempt to reclaim his house from Clodius (or the goddess Libertas). Even within the confines of this speech, however, Cicero has changed the significance of his return for him.

At the start of his speech, Cicero described the stakes of his departure from Rome in language nearly identical as that used in the two *Post Reditum* speeches, still crediting the gods. He describes the famine, slaughter, fires, impunity, and discord that abounded in his absence. Upon returning to Rome, however, Cicero brought with him an abundance of grain, hope for rest, judgments, laws, the senate's authority, and harmony among the people.[108] Just as in the first two *Post Reditum* speeches, Cicero intimately unites his absence from Rome with the absence of regular order. Some items, such as the amount of food in the city, are new for the *de Domo Sua* and incorporate more recent events in the city.[109] Other aspects like the return of laws, the senate's authority, and *concordia* among

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[107] The first half of this dichotomy is at *Dom.* 147, the final paragraph of Cicero's speech; the second half must be inferred. There are, of course, more nuanced solutions to this conundrum, such as accepting Cicero's return as divinely sanctioned and *also* accepting the dedication of Clodius' shrine as legitimate, or rejecting the legitimacy of both the shrine and Cicero's return, but including these would make for a wordy conclusion.

[108] *itaque sive hunc di immortales fructum mei reditus populo Romano tribuunt, ut, quem ad modum discessu meo frugum inopia, fames, vastitas, caedes, incendia, rapinae, scelerum impunitas, fuga, formido, discordia fuisset, sicu reditu ubertas agrorum, frugum copia, spes otii, tranquillitas animorum, iudicia, leges, concordia populi, senatus auctoritas mecum simul reducta videantur* (*Dom.* 17).

[109] *Att.* 4.1.6 speaks of the rise in grain prices, for example.

the people have become well-practiced at this point. Thus, it is all the more noticeable when Cicero closes his speech and has changed many of the things he enjoys in the city to more personal rewards, while maintaining the public consequences.

Even later into his speech, Cicero maintains the largely public justification for his absence from the city. As he had argued in his two *Post Reditum* speeches, Cicero left the city willingly. He walks the priests through his own reasoning, that he saw a tribune of the plebs acting conspiratorially with the consuls and other senators and equites to push their own personal agenda. The only way that Cicero saw to preserve Rome's beleaguered institutions — and hopefully see his family again — would be for him to leave the city.[110] Cicero's grief at leaving his family and city has been discussed.[111] The fact that Cicero began his voluntary departure from Rome has also been discussed. But he further develops the estimation of his own actions. Now, when discussing how leaving Rome was meant to save the citizens from further bloodshed, Cicero's apparent selflessness is deserving of great praise.

In closing his speech, Cicero's final wish is reminiscent of some of his *Catilinarians* where he beseeched the gods. In those speeches, Cicero's wishes often amounted to a plea for safety, for himself or the republic, or sometimes both.[112] In the *de Domo Sua*, Cicero's plea to the gods — Jupiter Optimus Maximus, Juno Regina, and Minerva, his household gods, and mother Vesta — is that he might one day look upon

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[110] *Dom*. 96.
[111] *Dom*. 97.
[112] *In Cat.* 1.33 beseeches Jupiter himself, while *in Cat.* 2.29, 3.29, and 4.24 asks the audience to beseech the gods or act prudently regarding the Catilinarians because the republic's welfare is at stake.

and enjoy a restored republic.[113] The reminder here that Cicero had, during his consulship, saved the deities he calls upon (Vesta is especially singled out, saved "from the blood of citizens"), together with similar pleas during the *Post Reditum* speeches to his human audiences, makes his plea more ambitious than it might otherwise be on its own. He is not simply requesting to see Rome restored, but asking for recompense for previous actions, using largely the same manner in which he had beseeched his senatorial and contional audiences.

More than being remembered by future generations, Cicero claims for himself "distinguished and divine praise" for averting bloodshed by leaving Rome.[114] His suggestion here is consistent with his argument in the speech thus far. As he opened, he directly tied what we might consider religion and politics together, as two great institutions founded by the same men in Rome's past. Thus, for removing himself from political strife at Rome, and doing so to avoid the deaths of his compatriots, Cicero was equally saving Rome's political and religious institutions, acting as the ancestors had intended. By acting to avert Roman bloodshed, Cicero could make the claim that he was acting to secure the republic. Whereas he had earlier sought distinction for his actions in the form of recognition from future generations, now he equally claimed for himself

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[113] *Dom.* 144-145. The language Cicero uses to refer to the deities here is strongly tied to the place of the Capitol (Capitolinus is used for Jupiter, for instance) and the home, marked by Cicero's ancestral deities and Vesta. These are, broadly speaking, the same deities Cicero appeals to in his *Catilinarians*, with a greater emphasis on his own home; see Lisdorf (2005), p. 448.
[114] *haec omnia subire conservandorum civium causa atque id, cum dolenter adsis non tam sapiens quam ii, qui nihil curant, sed tam amans tuorum ac tui quam communis humanitas postulat, ea laus praeclara atque divina est* (*Dom.* 98).

divine praise. Cicero could again start to put himself in the more prominent position he had held during his consulship.

In the *Post Reditum ad Populum*, Cicero alludes to Pompey's own speech before the people, where he associated Rome's welfare with Cicero's. He says that Cicero had saved the republic and that the people ought to recall Cicero both as repayment for his actions in 63 and because a safe Cicero would mean a safe Rome. Cicero, in his own words, goes farther than Pompey apparently had by suggesting that he had saved the republic not once but twice: first in his consulship, then again by going into voluntary exile.[115] This picks up immediately the sentiment that Cicero's actions deserved him almost divine praise. He deserved that kind of praise because he had saved the republic yet again, and everyone knew how widely Cicero was praised from the actions during his consulship. Cicero here attests to a wide praise at both instances of saving the republic, from the senate and people, and from "all mortals." While the phrasing here might be easily glanced over — *omnes mortales* can, after all, be read simply as "all humans" — in the context of wanting divine praise, this advances the image that Cicero received his desired praise from mortals, as a god would.

Apparently Clodius had taken notice of Cicero's divine ambitions and turned them against the former consul. Cicero reports that Clodius charged Cicero, whose boasting

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[115] *bis servavi rem publicam, qui consul togatus armatos vicerim, privatus consulibus armatis cesserim. utriusque temporis fructum tuli maximum: superioris, quod ex senatus auctoritate et senatum et omnes bonos meae salutis causa mutata veste vidi, posterioris, quod et senatus et populus Romanus et omnes mortales et privatim et publice iudicarunt sine meo reditu rem publicam salvam esse non posse* (*Dom.* 99). Cicero's use of *togatus* to refer to his consulship recalls his self-presentation as a togate general during the *Catilinarians*. Of course, now he must contrast himself as a private citizen with the armed consuls, Gabinius and Piso.

had verged toward comparison with Jupiter, of having Minerva for his sister.[116] Cicero's rejoinder is to remind him that it is worse to confuse Minerva for Jupiter's sister, and that Clodius should refrain from calling himself Jupiter so that he not confuse sister and wife.[117] Cicero's response to Clodius is telling. Of course, the heart of it is to allude to the alleged relationship between Clodius and his sister Clodia.[118] Overlooked is Cicero's admission that he might have compared himself to Jupiter; he finds it worse to think that Minerva was the sister of Jupiter.

Within the confines of the *de Domo Sua*, Clodius' scandalous relationship with his sister is rather muted, certainly in comparison with the *pro Caelio*. Instead of focusing on Clodius and Clodia, apart from this reference, Cicero's treatment of Clodius is nevertheless more urgent. Clodius, here, is the new Catiline, whose religious transgressions threaten to undermine Rome's religious and political foundations.[119]

From the start, Clodius is presented as less than human, a blot and fire of the republic. Cicero warns the priests that if they side with Clodius, who used Rome's religious traditions to defend his noxious and calamitous tribunate, then they will need to

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[116] On Cicero's affinity for Minerva, see: *Dom.* 144, *Leg.* 2.42; *Att.* 7.3.3, 12.25.1; *Fam*. 12.25.1; Dio Cass. 45.17.2-3; Plut. *Cic*. 31; Bodel (2008), p. 252.
[117] *Dom.* 92. See also Lennon (2014), p. 177. This is taken by some as a jab at Cicero's lost *de Consulatu Suo*, in which Jupiter apparently summoned Cicero to the council of the gods and Minerva instructed him (Quint. *Inst. Or*. 11.1.24); see Courtney (1993), pp. 157-158.
[118] cf. *Cael.* 32; Tatum (1999), p. 42, says this kind of insult was common.
[119] Tatum (1999) observes that Catiline "provides the paradigm of evil who gives literary shape to all the orator's central enemies" (p. 143). Tatum argues that Clodius soon replaced Catiline as the leader of his own gangs and was himself replaced by A. Gabinius, Calpurnius Piso, and M. Antony, though I have argued that Catiline shared many similarities with Verres. Lennon (2014) notes this same shift, with Clodius now waging the *bellum nefarium*, himself called *pestis rei publicae*, both of which were once used for Catiline (pp. 172-174).

find new rituals, new mediators of the immortal gods, and new interpreters of *religio*.[120] Cicero begins his speech by clearly uniting Rome's religious and political institutions — the same men founded both — and soon thereafter presents Clodius as the threat to both since he used both the Roman traditions of restraint and politics for his own ends. Indeed, he deflects Clodius' apparent charge that Cicero was an "enemy of the Capitoline," a *hostis Capitolinum*, by calling himself the "guardian and defender of the Capitol of all the temples."[121] In quick succession, he reversed Clodius' attack back onto Clodius, making the former tribune into the real danger to the Capitol.

In the language used to describe Clodius here, Cicero draws on themes used during his consulship to lambast Catiline, himself called a plague no fewer than five times in one speech.[122] The connection to Catiline is made explicit, if only rumored, when Cicero says that Clodius' attendants call the former tribune 'Lucky Catiline,' or *felix Catilina*.[123] By connecting Clodius to Catiline with the epithet *felix*, Cicero also connects him, at least through his own speeches, to Sulla. But by likening Clodius to Catiline, even attributing to him the epithet of *felix*, Cicero grafts onto Clodius lofty ambitions, but he also does so

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[120] *nam si illa labes ac flamma rei publicae suum illum pestiferum et funestum tribunatum, quem aequitate humana tueri non potest, divina religione defenderit, aliae caerimoniae nobis erunt, alii antistites deorum immortalium, alli interpretes religionum requirendi* (*Dom.* 2). This seems to be one of Cicero's biggest worries: he is worried about others using *religio* for their own ends, rather than for the good of the republic. In other words, that others might abuse Rome's tradition of restraint on matters of the gods for their own ends, and not rely on that restraint for the good of the republic. The former is detestable, while the latter is laudable — and expected.
[121] *Dom*. 7; Gildenhard (2011), p. 324.
[122] *In Cat.* 1.1, 1.11., 1.30 (*bis*), and 1.33. It is worth noting that the noun, *pestis*, is used in these cases, while the adjective, *pestifer*, is used to refer to Clodius' tribunate.
[123] *Dom*. 72; Tatum (1999), p. 145.

as a means to subvert Clodius' agenda; Cicero had (in)famously defeated Catiline and his forces, after all.

Cicero even digs deeper into his archives to pull out the attack against Clodius charging that he was akin to a temple robber, likening him to Verres. The vast majority of Verres' actions, not limited to the *de Signis*, could qualify him as a kind of temple robber. In the *de Domo Sua*, Cicero is more metaphorical in his accusation, but uses the metaphor to further his own point. He wonders to his priestly audience how Clodius could have peace of mind, knowing that he had sacrilegiously consecrated his altar to Libertas, when any other person who despoiled a temple would have been forced by the wronged deity to make amends.[124] In both cases, the temple-robbing Verres and *felix* Catiline, Cicero's direct references linger only briefly. These references are rather part of his overall strategy to depict Clodius, not only as an aggressive tribune of the plebs but also as an over-zealous religious actor too. Together, Clodius threatens Rome in ways that have yet to be seen from either Verres or Catiline alone.

Cicero's argument against Clodius depends on two factors: the process in which Clodius consecrated his shrine to Libertas at Cicero's Palatine property, and Clodius' own religious past. From both lines of thought there are grave consequences should Clodius' consecration be allowed to stand. In a number of different ways, Cicero circles around these consequences but in the end they have all been best pared down in the opening of

[124] *etenim si nemo umquam praedo tam barbarus atque immanis fuit qui cum fana spoliasset, deinde aram aliquam in littore deserto somniis stimulatus aut religione aliqua consecraret, non horreret animo, cum divinum numen scelere violatum placare precibus cogeretur, qua tandem istum perturbatione mentis omnium templorum atque tectorum totiusque urbis praedonem fuisse censetis, cum pro detestatione tot scelerum unam aram nefarie consecraret* (*Dom.* 140)?

the speech, where Cicero suggested that supporting Clodius' consecration would mean finding new priests and new religious interpreters. Supporting Clodius meant upending Roman tradition.

Perhaps the clearest, if least verifiable, justification that Cicero offers is that the gods themselves refused to enter his home at Clodius' request. They had been displeased at the sight of the former consul's expulsion from the city, and refused to transfer from their temples to his home when Clodius' performed his consecration.[125] The notion that the gods would refuse to move from their temples to Cicero's Palatine house has some sense — if they never entered his house, the house itself was unsuccessfully consecrated — and it also aligns with previous claims of divine support. But this is also the line of argument that is the most difficult to prove with physical evidence. Unless Clodius had moved statues of the gods, the only deity physically present would have been Libertas, whose statue he had requisitioned from the grave of a Tanagran courtesan, likely in the image of the courtesan herself.[126]

Sticking with the statue chosen for Clodius' shrine, there have typically been two ways in which scholars have taken this particular issue. The first is to read Cicero's inclusion of the origin of the statue, namely from the grave of a foreign prostitute, as a means of challenging Clodius' status. This is achieved by undermining his status as a

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[125] *Dom*. 141.

[126] *Dom.* 110ff. Achard (1981) emphasizes Cicero's use of *dominatus* in this passage (pp. 321-322). Lennon (2010) offers two readings for this passage. The first is that the *Bona*, which answers Cicero's rhetorical question, "*At quae dea est*?," suggests that this was an attempt to conjure the Bona Dea affair. The second is that Cicero wanted to emphasize the nature of the image of Libertas, namely that Clodius had used the statue of a prostitute and thus debased the goddess (pp. 435-436). I think the latter is the more plausible reading though the two can support each other; both are signs of Clodius' sexual impropriety.

Roman *vir*, since his reliance on a prostitute's statue (among other missteps) would be unbecoming.[127] Essentially, that Clodius should not have made the statue of a prostitute into a representation of a divine figure.[128] Another reading challenges the very notion of a human-turned-divine statue in the first place.[129] This, I think, is a step too far. As I have shown thus far, Cicero himself did not hesitate to associate himself or his allies with the divine, even if he has yet to establish a shrine for them. Rather, his complaint with Clodius' decision of a prostitute's grave statue for his shrine's image is based mostly on her status as a prostitute.[130] Coming back to the larger argument, many of the misdeeds from Clodius's past such as his choice of statuary can be more easily documented and therefore make for ready ammunition.

The most pressing issue is in the decree itself, which Clodius issued after Cicero had already left the city. The bill that Clodius used to bar Cicero from Rome stated, as Cicero reports, "that it please you, that you may command that M. Tullius has been interdicted from fire and water."[131] Even the language of Clodius' decree was atypical, using the perfect subjunctive in place of the more standard present. Nevertheless, Clodius used such language to justify Cicero's absence from Rome and, further, to seize his property on the Palatine and in Tusculum.[132] Additionally, Clodius had established a position to oversee the construction of public works, putting himself in the office contrary

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[127] Leach (2001), p. 346.
[128] Stewart (2003), p. 35; Rüpke (2013b), p. 59.
[129] Koortbojian (2013), p. 18.
[130] Rüpke (2013b) notes that Cicero treats Libertas as a goddess and an image, but she acts as an image and that she is as negative as her prostitute state (p. 59).
[131] *VELITIS IUBEATIS UT M. TULLIO AQUA ET IGNI INTERDICATUR…non tulit UT INTERDICATUR. quid ergo? UT INTERDICTUM SIT* (*Dom.* 47).
[132] *Dom*. 62; Nicholson (1992), p. 21.

to the *lex Licinia*, which stipulated that the proposer of a law that created an office could not himself occupy that office.[133] Thus, Cicero would have the pontiffs believe, Clodius had acted atypically or outright unlawfully in his execution of his agenda against Cicero.

In the act of consecrating Cicero's property, Clodius, again, acted outside the norms of consecration.[134] The typical *consecratio* would be performed for some piece of public property, following the *dedicatio* which transferred the dedicated object to the divine.[135] Clodius, on the other hand, had torn down Cicero's house, then dedicated the property and attempted to consecrate an altar to Libertas.[136] He had relied on the priest L. Pinarius Natta, his brother-in-law who only recently joined the college, to witness the consecration.[137] Again, Clodius' actions had been irregular at best. Clodius' irregular consecration becomes more sinister in the context of his own history of religious transgressions, especially the infamous Bona Dea scandal.

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[133] *Dom*. 51; Tatum (1993), p. 326 n. 34.

[134] Lennon (2010) suggests that Cicero might have followed this tack because he knew his legal case was not as strong (p. 429). I am not totally convinced by this kind of theoretical psychologizing. Instead, I tend to follow Lisdorf (2005), who argues that the primary concern of Cicero's was reacquiring his house, and the ritual faults were his primary means of doing so (pp. 460-461).

[135] There is little scholarly consensus beyond this distinction, and even this is somewhat unsettled. The terms seem to be interchangeable in some circumstances. Ziolkowski (1992) gives a well-documented summary of *dedicatio*, relying mostly on Livy and Cicero (pp. 219-234); Orlin (1997) makes much the same case (pp. 163-171). Ziolkowski cautions against accepting Cicero's interpretation of the *lex Papiria* regarding *dedicatio* (*Dom.* 127-128), given his own rhetorical interest in wanting Clodius to have failed. This passage will be addressed shortly for its rhetorical merits, not the specific details of *dedicatio*, which is Ziolkowski's aim.

[136] Cicero addresses the consecration for a good portion of the speech, *Dom.* 117-138, repeatedly comparing the actions of Clodius with precedents.

[137] *Dom*. 117-118. Santangelo (2013b) makes the case that Pinarius' main offense is undermining the collective *auctoritas* of the college (pp. 747-748). While I agree that Cicero would have preferred it if the entire college were nominally involved in the *consecratio*, it seems to me that he was more concerned with Clodius' personal transgression here than's Pinarius' undermining of collective *auctoritas*. The difference between these is less than it might seem.

At the end of 62, Clodius, dressed as a woman, had entered the sacred December ritual of the goddess Bona Dea. The December ritual was one of only a few Roman rituals that was restricted by gender, though the cult itself seems to have been open to both male and female worshippers.[138] To avoid ensuing scandal, the Pontifex Maximus hosting the ritual, Julius Caesar, divorced his wife Pompeia.[139] Lennon has even argued that Clodius' breach of the rites was made worse by his alleged reason for doing so, namely an affair with Caesar's wife.[140] Thus, Clodius was later put on trial for *incestum*, where he was accused of having a sexual relationship with his sister Clodia and subsequently acquitted.[141] Five years later these past events shadow Cicero's argument against Clodius' consecration.[142] The consecration itself bore several irregularities, some

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[138] The worship of Hercules at the Ara Maxima has often been taken to be a cult restricted by gender; Schultz (2000) is careful to differentiate between cult restrictions and ritual restrictions, arguing that Hercules' cult was likely open but certain rites were not (p. 293). Likewise, Schultz (2006) makes a fuller argument, now incorporating so-called "women's deities" like Bona Dea, which seem to have had male worshippers, even if the December ritual was restricted to women (pp. 49-91; see especially pp. 50-51 for Bona Dea and pp. 68-69 for Hercules); see also DiLuzio (2016), pp. 97-98. As for Bona Dea herself, her true name is unknown — Bona Dea is considered only a title — but many have been guessed since antiquity; see DiLuzio (2016), pp. 90-92.
[139] Cic. *Att*. 1.13.3; Plut. *Caes.* 10.6; Dio Cass. 37.45; Suet. *Div*. *Iul*. 6.
[140] Lennon (2014), p. 68.
[141] Cicero wrote to Atticus concerning the trial early in 61 (*Att.* 1.13) before the trial had ended and later that year (*Att.* 1.16), expressing disbelief at the acquittal (*Att.* 1.16.1); Cicero implies that the tribunes had taken bribes (*Att.* 1.16.3, 1.16.6). He also briefly writes of the scandal in a letter to Lentulus (*Fam.* 1.9, esp. 1.9.15). This is also attested in Valerius Maximus (9.1.7). DiLuzio has noted that the notoriety of this scandal has occluded our knowledge of other aspects of the cult (p. 89).
[142] I agree with Brouwer (1989) that Cicero seems utterly convinced of Clodius' guilt, despite his acquittal (p. 158); Tatum (1999), p. 65. Rundell (1979) steps a bit too far, I think, suggesting that the entire scandal "might easily have blown over, had it not offered his enemies a perfect opportunity to sabotage his reputation and his career" (p. 303); Mulroy (1988) is even worse, fully exculpating Clodius of the crime by arguing that Clodius might simply have been in innocent search of a party (p. 175). This attributes the scope of the scandal to partisanship, rather than some consideration for propriety. Tatum attributes the acquittal to bribery, though the briber is uncertain (pp. 83-84).

of which might have rendered the consecration invalid,[143] but it was his past transgressions that marked him as a man whose religious compunctions were outside the acceptable limits to the point of *superstitio*.[144]

Clodius' tendency to act outside of Roman religious norms is precisely the issue Cicero pushes most thoroughly in his *de Domo Sua*. The shrine to Libertas and the consecration of its altar were egregious to Cicero, not least because it meant losing his house and property, but these were also part and parcel of Clodius' habit of acting beyond Rome's customary limits. This is most clearly reflected by the *porticus Clodia*, also built on the site of Cicero's house, but of equal offense to the former consul.

The portico in question was built to replace a portico that Clodius had torn down already, but which bordered on the property of Cicero. Q. Catulus had built a portico in 102 to commemorate his victory with Marius over the Cimbri.[145] The site on which he built the portico was the former grounds of the house of M. Fulvius Flaccus.[146] Clodius' new portico, built on the same site, or possibly only joined to his shrine of Libertas, erased the monument to the victory over the Cimbri.[147] This complaint is reminiscent of

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[143] *Dom.* 104 argues strongly against Clodius' ability to oversee sacrifices or religious ceremony because of the Bona Dea.
[144] Santangelo (2013a), pp. 39-40; *Dom.* 105 contrasts Clodius with his ancestor Appius Claudius Caecus, who went blind, but not for infiltrating the December rites of the Bona Dea. This is the only direct reference to the Bona Dea scandal, but it is the act which most clearly distinguishes Clodius as one willing to transgress religious norms.
[145] *Att.* 4.2.3 calls for repairing the portico (*porticum Catuli restituendam*), suggesting its destruction or heavy modification; *Att.* 4.2.4 has a similar statement.
[146] *Dom.* 102. Flaccus had been condemned to death for his association with C. Gracchus, and thus his house seized and razed. The *porticus Catuli* built on the site was then either incorporated into Clodius' shrine or rebuilt entirely.
[147] Berg (1997) argues that the *aedes Libertatis* was likely built out of the renovated portico of Catulus and absorbed into the house of Seius and the old *domus Flacci*, thus encroaching on

complaints against Verres. Verres had stolen or repurposed statues in Sicily, many of which were intended to mark the accomplishments of past Romans. In erasing the names of those Romans, Verres was erasing their memory and thereby diminishing Rome's collective memory of those men. Clodius here is performing the same act, only now he is at Rome on one of the most prominent places in the city, the Palatine.

The proximity to the shrine is also crucial to the issue at hand. Without the shrine immediately present, the pontiffs or senate could demand that Clodius undo his erasure.[148] Indeed, Cicero suggests that they wanted to do so but Clodius' shrine, however ill-performed its dedication, was preventing them from acting.[149] This is the ultimate root of Cicero's case. It is not only that Clodius was acting outside of religious norms, or even that he had simply erred in the ritual involved in consecration, it was that his unusual religious acts were also granting him a clear advantage. He had, after all, torn down the home of a *pater patriae*, and a person's home was one of the most sacred places for each citizen.[150] As Cicero puts it:

> *quid est sanctius, quid omni religione munitius quam domus unius cuiusque civium? hic arae sunt, hic foci, hic di penates, hic sacra, religiones, caerimoniae continentur: hoc perfugium est ita sanctum omnibus, ut inde abripi neminem fas sit* (*Dom.* 109).

Cicero's house (pp. 126-131); see also Tatum (1999), pp. 164-165.

[148] On this question, I tend to follow Santangelo and Beard, who position the Senate as the center of religious power in Rome, "while priests were credited with a form of religious knowledge and expertise that enabled them to interact with the Senate, usually by providing rulings that were authoritative, but non-bonding" (Santangelo (2013b), p. 744; see also Beard (1990), pp. 34-48).

[149] It was the "superstitious dedication" (*superstitiosa dedicatio*) that was preventing the priests from acting; *superstitiosa* in this case likely meaning the atypical religious practice of Clodius, not necessarily an overly religious sensibility (*Dom.* 103).

[150] See Jenkyns (2013) for the ways in which Romans blended the idea of family and nation, particularly through the Penates (p. 201); Lennon (2014), pp. 178-180.

> what is holier, what is protected by every reverence [more] than the house of each and every citizen? Here the altars are preserved, here the hearths, here the household gods, here the sacred objects, the objects of veneration, the sacred rites; this asylum is so sacred to everyone that from there it is not right for anyone to be dragged away.

Thus, if unchecked, Clodius' religious actions would undermine the stability of Rome's own politico-religious institutions to his own advantage. Even worse, as Belayche has found, Cicero's language here is reminiscent to that of Camillus in Livy, only Camillus is referencing the *urbs* as a whole, suggesting that Cicero, too, is not speaking solely of the house.[151]

This brings us back to the original thrust of this speech: Cicero's primary concern with Clodius' consecration of his house, at least as argued in the *de Domo Sua*, is not a singularly religious one, or rather his concern is more than simply one of correct procedure. Instead, his concern is that Clodius had used religious tradition to his advantage, and that this would set a dangerous precedent, especially knowing Clodius' own religious transgressions. Clodius' conversion of Cicero's house into a shrine of Libertas was an affront to Cicero because it stripped him of his house, hearth, and household gods, but even worse was that Clodius had seized the house "through brigandage, and rebuilt through the power of religious scruple more criminally than it was overturned."[152] This process was the greatest danger to the republic, since he had used an apparent consecration to defend his actions as tribune.

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[151] Belayche (2007), pp. 276-277; Livy 5.52.
[152] *domo per scelus erepta, per latrocinium occupata, per religionis vim sceleratius etiam aedificata quam eversa, carere sine maxima ignomina rei publicae, meo dedecore ac dolore non possum* (*Dom.* 146).

The priests' primary risk was to allow Clodius' actions to stand as precedent for future tribunes. Clodius himself had gone to great lengths to become tribune of the plebs. Cicero attempts to portray Clodius as one who had left behind his patrician family, and the gods associated with that family, by seeking adoption from the younger P. Fonteius.[153] More than anything, the adoption itself seems to have been on dubious legal grounds since Fonteius was younger than Clodius, married, and apparently still able to have his own children.[154] Through his adoption, however, Clodius was now allowed to become tribune of the plebs, which office itself granted him further powers,[155] such as the banishment of Cicero from the city and confiscation of his property.[156]

Cicero's worry, one he hopes to impress upon the priestly college, is that if Clodius' adoption is allowed to stand or, at least, his actions as tribune, then other patricians will follow his footsteps. When it suits them, they might abandon their own patrician families

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[153] Clodius changed his name from Claudius to Clodius, perhaps to highlight Sabine origin (Farney (2007), p. 89), but otherwise did not adopt the name nor the *sacra* of the *gens Fonteia*; see Tatum (1999), p. 106, and Lisdorf (2005), p. 450.

[154] *Dom.* 35-36; *Har. Resp.* 57 highlights the fact that Clodius' adoption also meant abandoning his patrician clan and the gods associated with that family; Lisdorf (2005), p. 450. Tatum (1999) finds that Cicero seems to have accepted the adoption in his private correspondence: *Att.* 2.4-17 (p. 105).

[155] Taylor (1962) provides a history of the tribunate and its continued reliance on the senate for legitimacy; it was never a fully autonomous office, though a tribune's veto did carry significant power to check the senate (Polyb. 6.16). Likewise, the *lex Publilia* of 339 BCE and *lex Hortensia* of 287 granted the tribunes further authority in passing *plebiscita*, which were considered binding on all people and did not require senate approval. Finally, there was the *sacrosanctitas* of the tribune, by which the tribune could not be compelled to do anything against his will. Spaeth (1990) directly associates the tribune's *sacrosanctitas* with Ceres, citing Dion. Hal. 6.89.3 and Livy 3.55.7 among others (pp. 185-186). Lintott (1999) provides a useful summary of the office and the various alterations that were made to their authority; his outlining of *sacrosanctitas* is helpful, even if he seems a bit more cynical about it than I would be (pp. 121-129).

[156] It is important to note that Cicero seems to make his strongest case against Clodius' adoption only after he returns from exile. See Tatum (1999), p. 105, who cites Cicero's letters, *Att.* 2.4-17, written soon after the adoption; I would especially point to *Att.* 2.7.2 and 2.12.1-2.

to pursue the tribunate. Cicero's expressed worry is not simply that Rome would lose its patrician class, but rather that without the patricians, certain offices would be left unfilled.[157] Priesthoods like the *rex sacrorum* and the *flamines maiores*, which were all reserved for patricians at this point,[158] could not be filled once the patrician families had all lost their members to the tribunate.[159]

The question of the sanctity of Cicero's house carried with it the question of whether or not Clodius' actions were legitimate while tribune. If not, the priests could prevent later tribunes of the plebs from copying the same tactics. For this reason, the priests followed the proposition of M. Bibulus to make a judgment on Cicero's house, "no doubt done by [Clodius] against the law, against religious scruple, and against justice."[160] In determining that sanctity of the Clodius' shrine, their current meeting would prevent future tribunes from repeating the actions of Clodius, at the very least, but preferably any magistrate from acting impiously at all.

The main point of Cicero's case against Clodius' consecration is that his consecration was performed questionably, and for that reason, it bore serious politico-religious consequences. If Clodius' consecration was allowed to stand, not only would other patricians become tribunes, leaving fundamentally important priesthoods open, but

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[157] Tatum (1999) calls this assertion "absurd" (p. 104). This does, however, become a serious concern in the next generation after the civil wars. Through the *lex Saenia*, Augustus was able to create new patricians, following the *lex Cassia* passed under Caesar. For more, see Gardner (2009), p. 61; Tac. *Ann*. 11.25; Suet. *Iul*. 41.1; *Res Gestae* 8.1.
[158] DiLuzio (2016), pp. 55-56.
[159] *Dom.* 37-38.
[160] *eodemque consilio M. Bibuli, fortissimi viri, senatus sententiam secutus est, ut vos de mea domo statueretis, non quo dubitaret quin ab isto nihil legibus, nihil religionibus, nihil iure esset actum…* (*Dom.* 69).

so too would the property of others, property of Cicero's priestly audience, become liable to the tribune's reach. Worse yet, tribunes who perform consecrations would no longer be performing them for strictly religious purposes — no longer out of piety but personal gain — further degrading the standing of the remaining religious traditions that survive the emptying of patrician offices.[161]

The worst thing possible, and entirely legal, would be for a future Clodius to become tribune and pontifex, following the precedent of M. Livius Drusus. Occupying both offices simultaneously, Cicero warns, could allow tribunes to oversee their own dedications, granting them the ability to dedicate the property of their enemies at will.[162] Now, these worries are, at this point, still only worries. Nevertheless, they are real for Cicero and he hopes to impress them on his audience. And while there might have been social norms at work preventing men from becoming both tribune and pontifex, there had also been a precedent not forty years earlier.[163]

The *lex Papiria de dedicationibus*, enacted around 304, was intended to prevent almost exactly the situation they were debating.[164] It prohibited consecration except on

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[161] *Dom.* 106-107; Gildenhard (2011), notes how quickly Cicero goes from telling his audience to determine divine will to telling them what it is (p. 319).
[162] *Dom.* 120.
[163] It is noteworthy that Cicero needs to go to the Social Wars to find a precedent for someone who was both tribune and priest, but that is much closer to the more common era used for precedent, that of the Gracchi. Thus, the three and half decades between the *de Domo Sua* and tribunate of M. Livius Drusus suggest that his situation was an outlier, but the proximity might also mean that not enough time had passed to ensure it remained unique.
[164] Ziolkowski (1992) examines the *lex Papiria* in great detail, considering the evidence from Livy most of all (pp. 220-234). Ziolkowski identifies two *leges Papiria*, one of 304 BCE and another passed at a later date by Q. Papirius. He rejects other proposed dates for the law (between 252 and 181 BCE, before 216 BCE), and that the two laws were one. The important date, which I find convincing, is 304 BCE, after which "the principle of the plebs' authorization was operating

more public property, like that of land conquered by generals, not private dwellings. Furthermore, consecrations could not take place without the people's command. Clodius' argument relied on his own law exiling Cicero, the *lex Clodia de exilio*, obviating the restrictions put in place by the *lex Papiria*. The danger, of course, was one of public good as much as one of scruple.[165] As we have seen, within the confines of the *de Domo Sua*, these two realms often, and intentionally, overlap.

Cicero opened his case against Clodius' consecration by reminding the college of priests of Rome's greatest two institutions bestowed by their ancestors, namely the scruple with regards to the immortal gods and the perfection of the republic. Throughout the speech, his concern is always for both. He might promise to concern himself more with the legal or public concerns, since the priests themselves are experts on matters of scruple, but no matter how hard he tries, the upkeep of Rome's religious institutions and the maintenance of the republic are too intricately coupled for any true separation. When Cicero calls into question Clodius' consecration of his house, and the process involved therein, his concern is broader than the immediate question of consecration. That question is, naturally, a part of his concern. The broader concern, and the consequential, is for the future implications if Clodius' consecration were allowed to stand, those consequences concerning both the scruple of the gods and the perfection of the republic. For Clodius to have acted so blatantly outside the norms of custom, only a degradation of Rome's institutions could follow.

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as far as temples' *dedicatio* was concerned" (p. 231).

[165] *Dom.* 128; Tatum (1993), pp. 320-322. Cicero appealed as much to the spirit as to the letter of the *lex Papiria*, thus allowing him to bring in Clodius' immoral behavior.

De Haruspicum Responsis

The college of priests voted in favor of Cicero on the matter of his house's consecration. Within a year, Cicero was once again delivering a speech to defend his property.[166] In 56, there was report of a strange noise heard just outside Rome in Latium, thought to be an earthquake. To determine the source of the noise, and any possible actions necessary for restoring the previous status quo, the Roman senate sought the opinion of the *haruspices*. Originally from Etruria, these *haruspices* were considered one of the most markedly foreign elements in the religious practices at Rome, despite having long ties to the city and its religious actions.[167] Ever since being incorporated into Rome's public decision-making system, the *haruspices* would be consulted to interpret prodigies.[168] They would then offer their interpretation of the prodigy at hand to the senate, who could act based on that interpretation. When the matter of the mysterious sound was brought before them, they determined that expiation was needed due to a laxity in the conduct of public games, the profanation of hallowed sites, the assassination of ambassadors, the violation of oaths, and the neglect and impiety when conducting an ancient sacrifice.[169]

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[166] It should be noted that three speeches intervened between this speech and the *de Domo Sua*: the *Pro Sestio*, the *In Vatinium*, and the *Pro Caelio*. I overlook those speeches here only because they pertain less to Cicero's return than the *de Haruspicum Responsis* does.
[167] Orlin (2010) calls them one of Rome's prominent foreign cults and dates their incorporation into the Roman religious system in 278 BCE, toward the end of Rome's conflicts with Etruria (pp. 88-89). This fits with his overall thesis that Rome incorporated foreign deities and practices to reaffirm its own religious identity.
[168] BNP (1998), pp. 19-20. They were also consulted during Cicero's consulship concerning various prodigies; see Chapter 2.
[169] *de Haruspicum Responsis* 20ff. Expiation would assure the Roman people that the favor of the gods was being restored and that the bonds of the community were also being reestablished,

Clodius, aedile and member of the *quindecemviri sacris faciundis* in 56,[170] and in the position of having lost Cicero's property from the verdict of the priests, affirmed that Cicero's property was indeed the site to which the *haruspices* were referring.[171] Cicero, thus, needed to defend his house against the motions of Clodius, this time under different circumstances. Unlike the *de Domo Sua*, which was before the vast majority of the college of pontiffs, the *de Haruspicum Responsis* was before the senate.[172] Yet the argument against Clodius is largely unchanged. Cicero addresses some of the concerns of the *haruspices* at length,[173] while others he only cursorily discusses. He attacks the former tribune's character, he recalls his past transgressions in great detail, and contrasts Clodius with the renowned ancestors from the Claudian line.

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partly by redrawing boundaries which the prodigies transgressed (Orlin (2010), pp. 120-121). Most of these charges will be addressed in some capacity over the course of this chapter. The reference to laxity in performance of public games (*Har. Resp*. 21ff.) is interpreted by Cicero as Clodius' overseeing of the *ludi Megalenses*, at which slaves interrupted the proceedings. The profanation of hallowed sites (*Har. Resp.* 30ff.) is interpreted as Clodius' alleged murder of Q. Seius Postumus so that he could increase his own house; Cicero claims that Seius' house contained a small shrine and altars. As Lenaghan (1969) notes in his commentary, Cicero interprets the violation of oaths and impiety when conducting ancient sacrifice (*Har. Resp.* 36-37) as referring to the Bona Dea ritual which Clodius violated in 62 and for which he was tried *de incesto* (pp. 152-153). The accusation of slain ambassadors (*Har. Resp*. 34) is interpreted by Cicero as a reference to the killing of Alexandrian ambassadors in 57, likely through the orchestration of Ptolemy Auletes (Dio 39.12-14; see also Lenaghan (1969), pp. 149-150).

[170] *Har. Resp*. 26; *MRR* 3.16; Corbeill (2018), pp. 177-178.

[171] Corbeill (2018) offers a reconstruction of Clodius' (lost) speech in English based on fragments and quotations found primarily in Cicero (pp. 171-176).

[172] Granted, many members of the senate were themselves *pontifices*, but the two bodies were not totally identical, and certainly not interchangeable.

[173] Beard's (2012) comment that Cicero's report of the *haruspices*' response differs from Livy's accounts must be considered (p. 27). Not only is Cicero reporting their response in Latin, as opposed to what might have been Etruscan, but he also offers semi-prophetic action to take in the future; he might have been elaborating; cf. Corbeill (2010), who argues that the text itself might have been present for the audience, and Cicero elaborated based on it (pp. 144-146).

In conjunction with his line against Clodius, Cicero likewise continues his broader concern for the republic and the efforts he has expended for Rome's stability. In order to achieve that stability, Cicero was fighting hard, together with some allies, against men like Clodius. The common thread tying these strands together is Roman religious practice. In various ways, Rome's religious traditions support each aspect of Cicero's argument so that when he does directly address the issue at hand, namely the noise heard in the countryside, it does not seem totally out of place from the rest of his speech. Instead, religious tradition acts again to bolster Cicero's own image while undercutting that of his opponent in a war over the stability and institutions of Rome.

More than the *de Domo Sua*, the *de Haruspicum Responsis* is concerned with Clodius himself and his nefarious past, particularly the Bona Dea scandal. While the Bona Dea scandal was certainly mentioned in the previous speech, Cicero makes the scandal the primary misdeed in Clodius' long career of offenses. In his character, Clodius becomes the new Catiline or, to a lesser degree, a new Verres. We saw this already in the *de Domo Sua* when Clodius' men called him *felix Catilina*. Even before Clodius entered upon his abusive tribunate, he conducted himself in ways that were outside the bounds of Roman office.

In his youth, we are told, Clodius devoted himself to pleasure and adultery. He joined the army when he was old enough — where he continued to satisfy the lusts of Cilicians and barbarians — but soon returned to Rome to accept bribes from Catiline. In Gaul and back in Rome, he proceeded to forge wills for his own gain, defrauding the

people.[174] Any one of these actions, as presented by Cicero to the senate, could have been damning to Clodius and his career. He comes off very much like a new Catiline, totally devoted to pleasure and his own greed. The fact that one of Clodius' slaves was found in the temple of Castor with a dagger, intending to kill Pompey, comes as unsurprising;[175] the image recalls Catiline's dagger dedicated to killing Cicero, the consul.[176] Not only were the youths of Clodius and Catiline of the same cloth, but the techniques for achieving their own agendas overlap too.

Likewise, Clodius followed the path of Verres in his behavior and fashion. As with Verres, Clodius was fond enough of saffron robes, slippers, and psalteries for Cicero to comment on his tendency to wear such clothes as a marker of his demagogic behavior.[177] For Verres, such finery was an indicator of his tyrannical tendencies and of the way that he had conducted himself like other tyrants on Sicily or elsewhere. For Clodius, certainly within the context of the sentence, Cicero hints at such a possibility. Clodius was a *popularis* like Saturninus or the Gracchi, but he lacked the justifications that they had had. He started on his path to demagoguery as quaestor — violating the gods and humans, shame and modesty, the senate's authority, justice, laws, the courts, and what is

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[174] *Har. Resp.* 42. Tatum (1999) remarks on the rhetorical cleverness of Cicero's attack here: Clodius considered prosecuting his own relatives but decided instead to cooperate with Catiline, thus damning himself with either choice (pp. 53-54). For the *popularis* take here, see Robb (2010), p. 87.

[175] Tatum (1999) calls this scene 'terrorism' on Clodius' part (p. 174). While this might be the case, it might also have been a failed assassination attempt, which is not necessarily terrorism in the strict sense.

[176] *Har. Resp.* 49; *Mil.* 18.

[177] *Har. Resp.* 44. Leach (2001), I think correctly, observes the gendering of Clodius in this event and how his clothing choice might undermine his *popularis* image (p. 338).

right — with no clear explanation.[178] For Cicero, that is perhaps more alarming. While he would not have advised acting against these institutions even with some justification, doing so for no other reason than personal advancement is anathema to Roman well-being.

As important for Cicero's argument, and likely the reason he included the description of Clodius in fine clothing, was Clodius' own impious history dressing as such when he invaded the December ritual of the Bona Dea. As Cicero presents it, violating these rites, where women were the only persons allowed, was a serious offense. It is worth mentioning again that Clodius had violated the ritual in 62, been tried for *incestum* in the following year, and subsequently acquitted, the exact reason for which is uncertain.[179] Despite this acquittal, Cicero recalls the charge itself, the fact that Clodius had allegedly been caught in the act of breaching the sacred rites of Bona Dea in the style of a woman. His past history wearing robes and slippers, while certainly reminiscent of Verres, has more immediate connotations of his disruption of a secret ritual. The acquittal seems not to have mattered much for Cicero within the confines of the *de Haruspicum Responsis*. Instead, the entire reason for assembling, the noise heard in the countryside, was a mark of Clodius' errancy.

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[178] Indeed, the list of violations is a bit longer: *exorta est illa rei publicae, sacris, religionibus, auctoritati vestrae, iudiciis publicis funesta quaesture, in qua idem iste deos hominesque, pudore, pudicitiam, senatus auctoritatem, ius, fas, leges, iudicia violavit* (*Har. Resp.* 43). Many of the things on this list are targets of either Verres or Catiline, often both. For an exploration of emotion words like *pudor* and *pudicitia*, among several others, see Kaster (2005).

[179] Balsdon (1966) offers four possibilities: 1) bribery, with Crassus as paymaster, 2) the mistress of the house, Aurelia, might not have had compelling evidence, 3) Clodius was framed, or 4) Clodius had strong popular support (pp. 72-73).

For Cicero, it was ludicrous that Clodius would think that he could convene a *contio* concerning religious rites and ceremonies.[180] For someone like Clodius, who had been so bogged down in his own religious scandal, to claim any religious authority or even a religious legitimacy was, to paraphrase, laughable. He served as quaestor and was later adopted as a plebeian to serve as tribune of the plebs. Obviously the event had not totally sidelined Clodius' political prospects. Yet in spite of the acquittal for *incestum*, Clodius still bore the stain of his impiety. Catiline, too, it should be remembered, was tried for and acquitted of *incestum* with Cicero's half-sister Fabia, a Vestal. Cicero used this past transgression repeatedly in his speeches against Catiline, never directly mentioning the trial, but constantly referring to the threat Catiline posed against Vesta. He does the same thing with Clodius and Bona Dea more overtly so that Clodius can never fully escape that scandal.

When Cicero begins to interpret for the senators the pronouncements of the *haruspices*, he circles around Clodius' violation of the December ritual of Bona Dea. For example, when they say that "faith and oath has been neglected," or that "ancient and secret sacrifices have been performed with less diligence and polluted," they were referring to Clodius' transgression of the goddess.[181] The neglect of faith and oaths, Cicero claims, refers to the bribery during Clodius' trial to achieve his acquittal.[182] The ancient and secret sacrifices are, more obviously, a reference to the December ritual itself.

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[180] *Har. Resp.* 8; Corbeill (1996) interprets this passage as a comment on Clodius' effeminate nature (p. 163).
[181] *Har. Resp.* 36 and 37 respectively.
[182] Valerius Maximus, for one, proposes this explanation (9.1.7).

Importantly, Cicero notes that this phrase could refer to many individuals — the description is vague enough that Clodius is not immediately implicated — but that his trial and Lentulus' speech against Clodius are enough to square the context. Worse, Clodius' violation of the December rite had been the first known case of its violation, which must surely have offended the goddess.

Cicero's argument, one that is more explicit than that deployed against Catiline, is that once Clodius had violated the Bona Dea's ritual, she would neither forget nor forgive that transgression. Clodius might have thought he was absolved of his transgression when acquitted, or by retaining his sight, but the goddess, Cicero assures him, is more cognizant than that.[183] No matter what the human judges had deemed, or despite them in the case of bribery, the Good Goddess knew of Clodius' violation of her December rite and she had yet to be appeased.[184] By Cicero's telling, once a deity had been violated or offended, no human action alone could satisfy that violation. Only divinely sanctioned means could appease a divine offense, and until then the violator was marked by the gods.

The mark of the gods, for Cicero, is manifested most clearly in Clodius' many outrageous actions. His actions are a sign that the gods have driven him mad as punishment for violating the Bona Dea, making him act like the some mad tragic hero.[185]

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[183] *Har. Resp.* 37; cf. *Dom.* 105.
[184] *Har. Resp.* 38.
[185] *Har. Resp.* 39; Cicero likens Clodius to Philoctetes and Athamas and "old matricides." His unnamed "matricide" could be taken as an oblique nod to Clodius, but that is the one moniker Cicero does not attribute to Clodius explicitly, despite calling him a patricide, a fratricide, and a sororicide earlier (*Dom.* 26).

For Cicero, madness is not unique to Clodius, as it has already been attributed to Verres and Catiline to varying levels. Both men were, in their own ways, openly flaunting religious customs, but Cicero never so directly joins the two together. He hesitates from drawing a direct line between violating the gods and being punished with madness. In the *de Haruspicum Responsis*, he first makes this connection clear: "for the weakness of our body brings it to many misfortunes, and so the body often destroys itself for the slightest reason; the weapons of the gods are fixed on the minds of the impious."[186] In his madness, Clodius is himself a sign of a break between the human and divine status quo. He has become a kind of *monstrum* without being labeled as such here.

At least in one regard, Cicero argues what he seems to think is an irrefutable case against Clodius, namely his adoption into the Fonteii.[187] When describing Clodius as "leader and head of the baser," the first example of Clodius' debasement is his adoption. Cicero evokes Roman piety, a good Roman's expected devotion to their parents, their homeland, and the gods, and how Clodius rejected all three in one action. Simply by being adopted by a younger man, a man who might still have had his own biological children, Clodius

> *iste parentum nomen, sacra, memoriam, gentem, Fonteiano nomine obruit; deorum ignes, solia mensas, abditos ac penetrales focos, occulta et maribus non invisa solum, sed etiam inaudita sacra inexpiabili scelere pervertit idemque*

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[186] *nam corporis quidem nostri infirmitas multos subit casus per se, denique ipsum corpus tenuissima de causa saepe conficitur, deorum tela in impiorum mentibus figuntur* (*Har. Resp.* 39).
[187] One person whom Cicero seems to have wanted to convince was Cato. Nevertheless, Cato seems to have, to Cicero's surprise, maintained the adoption of Clodius and thus his laws laws, possibly for personal reasons; Morrell (2018), pp. 198, 205.

> *earum templum inflammavit dearum, quarum ope etiam aliis incendiis subvenitur* (*Har. Resp.* 57).[188]
>
> destroyed the name of his parents, their rites, their memory, their family with the name Fonteius; with his inexpiable crime he overthrew the fires of the gods, their seats, their tables, their hidden and secluded hearths, and the secret rites not only forbidden to men to see but even to hear, and he burned the temple of those goddesses by whose help it might have helped in other fires.[189]

Despite his actions against the Good Goddess, whose anger might have caused the rumbling heard in the countryside, Clodius had negated any chance for redemption when he sought to become a plebeian through questionable adoption. His adoption, done to become tribune of the plebs, put much of Clodius' agenda under scrutiny.

When Clodius was adopted, Cicero alleges, he rejected his family's traditions, including their familial rites, in favor of the traditions of the Fonteii, despite the fact that Clodius did not become known as P. Fonteius P. f. Pulcher/Clodianus, which would have indicated his adoption.[190] Prior to this, his intrusion on the December rites of Bona Dea had already marked his unconcern for Rome's own traditions. Together, Clodius's impiety is more difficult to ignore than it is to see. For the senate to allow a man such as Clodius to continue on his impious path, Rome's own stability would certainly be in doubt. The *haruspices*, in their response to the noise heard outside Rome, had recognized this fact, and expressed their concern regarding the senate's relative laxity thus far.

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[188] I follow Shackleton-Bailey's reading of *parentum* here to be restricted to Clodius' parents instead of a more general rendering of ancestors, reading it as *maiorum* (p. 276). While 'ancestors' might be the more bombastic and therefore desirable, 'parents' makes more sense in the immediate context and works to the same end.
[189] The "temple of the goddesses" referred to here is likely a temple of nymphs, mentioned again at Cic. *Mil.* 73.
[190] Tatum (1999), p. 106.

The *haruspices*, as Cicero cites them, warned "not to let danger and slaughter be made for the fathers and leaders through the discord and disagreement of the nobles, and let them not lack divine aid…"[191] Thus, while the *haruspices* might have recognized the Bona Dea as the wronged deity, if we follow Cicero's exegesis of their pronouncements, part of the solution is something that Cicero has long been calling for: a harmony among Rome's leading citizens. Clodius might have been acting in ways against Rome's customs and traditions, but so far the senate has largely allowed him to do so. In leaving Clodius mostly unchecked, Cicero suggests, the senate was complicit in the current state of discord. In this way, Cicero impugns the senate for allowing the current state of affairs to come about, but at the same time he implicitly offers a solution by urging them toward harmony.

As often with his calls for harmony, Cicero's concerns are larger than the immediate issue, in this case the "rumbling and noise" heard outside the city. Instead, he points to Rome's own state and its longterm stability. His concern is less with his personal animosity toward Clodius and more toward the security of Rome's long religious institutions. To be sure, Cicero does admit freely that he has long found Clodius

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[191] *monent:* ***ne per optimatium discordiam dissensionemque patribus principibusque caedes periculaque creentur, auxilioque divinitus deficiantur****, qua re ad units imperium res repeat exercitusque apulsus diminutioque accedat* (*Har. Resp.* 40). The manuscripts at this point are difficult; Maslowski (1981) designates everything after *exercitusque* as dubious. Lenaghan (1969) notes the similarity here with warning of the *haruspices* at *Cat.* 3.19-21, which might reflect a formulaic aspect to their responses (p. 158).

contemptible. Cicero admits, in some of his opening statements of the speech, that he has hated Clodius since he first learned of Clodius' breach of the Bona Dea rites.[192]

But Clodius' behavior was reprehensible to Cicero not because it was personally directed at himself, but rather because his violation was more against "the senate, the Roman equites, all good men, and the whole of Italy, and finally nothing against me was more wicked than against the gods themselves."[193] Clodius' breach of the December rites was not personally threatening to Cicero, yet it spurred his hatred of Clodius. His actions over the next few years reinforced that sentiment. Once Clodius had seen to Cicero's removal from Rome, Cicero understood the tribune to be acting more against Rome than personal hatred toward himself.[194]

In perhaps one of this speech's most cited lines, we see why it is that Cicero felt so utterly repulsed by Clodius' infiltration of the secret rites. In the clearest possible terms, Cicero spells out,

> *quam volumus licet, patres conscripti, ipsi nos amemus, tamen nec numero Hispanos nec robore Gallos nec calliditate Poenos nec artibus Graecos nec denique hoc ipso huius gentis ac terrae domestico nativoque sensu Italos ipsos ac Latinos, sed pietate ac religione atque hac una sapientia, quod deorum numine omnia regi gubernarique perspeximus, omnes gentes nationesque superavimus* (*Har. Resp.* 19).

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[192] *Har. Resp.* 4.

[193] *non me magis violavit quam senatum, quam equites Romanos, quam omnes bonos, quam Italiam cunctam, non denique in me sceleratior fuit quam in ipsos deos immortales* (*Har. Resp.* 5).

[194] Tatum (1999) nuances the relationship between Cicero and Clodius relative to most, going back to antiquity, who depict it as a constant hatred. For example, Tatum notes how Clodius and Cicero appear to have had a working relationship after Clodius' return from Sicily (pp. 97-98), and part of Clodius' project against Cicero might well have been the easy target in Cicero, the embodiment of *senatus auctoritas* (p. 151).

> however much we can love ourselves, senators, we have not overcome the Spanish in number, nor the Gauls in strength, nor the Carthaginians in skill, nor the Greeks in the arts, nor even the Italians themselves or the Latins in the native and domestic sensibility of this people and land, but all races and nations in piety and religious scruple and in this one wisdom, that we see everything to be ruled and governed by the power of the gods.

While Cicero has certainly circled around such language, never before has he publicly expressed so blatantly what sets Rome apart from other nations: it is their piety and their restraint that makes Rome what it is.[195] In only one sentence, he has described what he feels is Rome's most outstanding feature. The Greeks might have produced better (undefined) arts, or the Gauls a formidable fighting force, but the Romans knew how best to appreciate the power of the gods and their abundance of *templa* reflected this fact.[196] Cicero projects here quite plainly what it was to be Roman: to recognize and revere the power of the gods.

Of course, as was already expressed in the *De Domo Sua*, the execution of *religio* and the execution of state functions were not only deeply connected but intended to be carried out by the same men. These were ultimately two aspects of the same thing. They were the Roman project. This is best represented in the notion of Roman *pietas*, and has been expressed numerous times throughout Cicero's speeches up to this point using more circuitous language. Whenever Rome was in danger, Roman temples would likewise be

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[195] Barton and Boyarin (2016) offer a useful concept for *religio* that I think operates here. In attempting to step away from the simple equation that *religio* = "religion," they suggest a sort of hesitation for transgressing "highly sacralized boundaries, traditions, regulations, and laws" that is akin to the Polynesian "taboo" as one aspect of *religio* (pp. 25-27).
[196] Orlin (1997), p. 18.

under threat; if some magistrate was acting out of personal interest rather public interest, at least some deity was at risk or displeased by that magistrate's plotting.

Coming back to Clodius, when Cicero advises the senate to tread lightly on matters of *religio*, to follow the *haruspices*' advice to "let not the state of the republic be changed," he is operating on both a religious and political level with no distinction.[197] Importantly, however, this is not simply because the *haruspices* are advising on the state of the republic. Rather, it is because the custodians of Rome's political and religious institutions were the same people – in this case, the *haruspices* were serving the republic well by interpreting religious scruple well. Changes could, and certainly were, made to both Rome's religious and political order — new cults could be added, for instance, or new offices created.[198] But any changes made needed to be for the sake of the republic's good, not its detriment, and those serving in Rome's interest could determine which was the case.[199]

On the question of Cicero's house, the priests had voted in Cicero's favor, granting him his house and public funds to recover his property.[200] This public funding is paramount to Cicero's alignment of his own cause with that of the republic. The senate's decree meant that an attack on his house amounted to an attack on the republic. Beyond the public support to reinstate Cicero into his Palatine property, the senate's decree

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[197] *qua re, id quod extremum est in haruspicum responsis, providete, ne rei publicae status commutetur* (*Har. Resp.* 60).
[198] The importation of deities like Magna Mater, Bacchus, and Aesculapius are obvious examples of Roman innovation. Orlin (2010) contends that Rome imported foreign deities at specific times, and from specific places, so that the city was creating its own identity with reference to other cities (pp. 20-25).
[199] *Har. Resp.* 44.
[200] *Har. Resp.* 16.

granted Cicero's house public support, making it the only house with public financing in Rome and having more decrees issued on it than many Roman temples.[201] Thus, despite now lacking any claim to authority granted from political office, Cicero could claim an unprecedented legitimacy from his house. His actions on behalf of the republic were now publicly validated, despite Clodius' many efforts to undermine him.

The public funding of Cicero's house is only half of his source of legitimacy on the issue. There is also the ruling of the pontiffs, which granted Cicero's house a religious legitimacy akin to the sacrosanctity of a tribune in the sense that there was a restriction put on his property against destruction. The unprecedented nature of their ruling, both that so many pontiffs had contributed to the ruling and that it was unheard of since Rome's founding, put Cicero and his house in a unique position.[202] Again, somewhat more implicitly, Cicero iterates the interconnectedness of Rome and its *religio*. When the pontiffs then voted in Cicero's favor on the issue of his house, he gained a great deal of legitimacy. As was true with the ceremonies of household gods, or of Vesta, or the Bona Dea, the ruling of a pontiff would have settled the issue.[203] Like these ceremonies, all somehow pertaining to Rome's livelihood, the ruling concerning Cicero's house should stand and, with it, Cicero could continue acting in Rome's interest, now with the backing of Rome's priests.

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[201] *Har. Resp.* 15-16. Lenaghan (1969) credits Cicero "a certain elusive honesty" in his claim that his was the only publicly funded house, leaving nothing to say of the temples (p. 102, s.v., *ex aerario aedificandum*).

[202] *nego umquam post sacra constituta, quorum eadem est antiquitas, quae ipsius urbis, ulla de re, ne de capite quidem virginum Vestalium, tam frequens collegium iudicasse* (*Har. Resp.* 13). The reiteration here of Rome's religious foundations coinciding with the city itself must not be overlooked.

[203] *Har. Resp.* 12.

After fleeing from Rome and being recalled, Cicero had lost much of his public standing that he had had while consul. His speeches before the senate and people, thanking them for their efforts in his return, offered him the chance to begin repairing his reputation. This restoration was realized further when the issue of his house was settled in his favor. Undoing Clodius' shrine to Libertas was another step in regaining lost authority, but it was no small feat, and remains the rare example of a Roman deity being exaugurated.[204] It could also be construed as Cicero carrying out the same actions he had accused Clodius and others of doing, specifically attacking the religious restraint long present in Rome.

The simplest means of assuring piety would be to respect either ruling the senate would hand down and Cicero says just that.[205] Cicero confronts any lingering doubts about his own piety twice over the course of the *de Haruspicum Responsis*. The easiest means of attesting his own piety is by demonstrating it. But Cicero's tactic is more complicated in that he not only attests to his piety, but does so in a way that is distinctly Roman as he has defined it. When he says that no one could be so witless to look up into the sky and not see the gods' work in the heavens, he presages his statement earlier that the Romans had overcome all other nations in piety and scruple, rather than art or power.[206] Thus, Cicero might be speaking on behalf of his newly restored house and

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[204] Lipka (2009), p. 22.
[205] *Har. Resp.* 11.
[206] *Har. Resp.* 19. It is worth stating here that Cicero's personal belief regarding such a statement is irrelevant; in this context, it is more a question of being a good Roman; cf. *Nat. D.* 2.4, where the presentation of skepticism is offered, though not necessarily Cicero's own. Short (2012) includes this as part of his discussion of Stoic theology in Cicero (p. 378).

against Clodius' erstwhile shrine to Libertas, but his piety remains strong. In his recognition of divine power, Cicero implicitly attests to his speaking for Rome's values as well as his own.

The other way that Cicero can attest to his own piety is a tactic put to use going back to the *Verrines*, namely to contrast his own religious actions with those of Clodius. Cicero recalls the recent exposure of the sanctuary of Tellus, thought to be under his jurisdiction, and how the most sacred part was publicly visible.[207] Together with the rise in grain prices and crop failures, Cicero feels obligated to offer sacrifice, despite no strict legal reason compelling him.[208] In the immediate context, Cicero is contrasting himself with Piso, who had overseen the destruction of a shrine to Diana.[209] More broadly, this is a pointed attack against Clodius, not only for his exposure of the rites of Bona Dea, at least to his eyes, but also to his failure to act amenably to gods and Rome more generally; Cicero was not legally bound to make amends to Tellus for a part of her sanctuary being revealed to the public, yet he nevertheless wanted it done.

This brings us, finally, to the exegesis which Cicero provides for the response of the *haruspices*. For nearly every utterance, Cicero provides not only a clear explanation but also one that further smears Clodius and his reputation. The most evident explanation of the sound heard outside Rome, and part of the *haruspices*' own pronouncement, is that

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[207] *Har. Resp.* 31. The proximity of his house to the temple grounds seem to be the reason for some thinking that the temple itself was under Cicero's care.
[208] *Har. Resp.* 31-32.
[209] *Har. Resp.* 32.

"the games have been performed less diligently and polluted."[210] The lack of specificity here allows Cicero a certain flexibility, impossible if the *haruspices* had named the games that were laxly performed.

Cicero, as should be expected at this point, offers the recent Megalensian Games as the culprit, games at which Clodius had introduced a number of irregular elements.[211] Clodius, an aedile in 56 and thus responsible for the games, had allegedly brought slaves to disrupt the festivities.[212] This alone is worth denunciation from Cicero, and indeed, he suggests that it would have been enough if a swarm of bees had disrupted the games, but Clodius' actions were great enough that it was like the gods themselves were speaking.[213] In other words, Clodius' actions at the Megalensian Games were worrisome enough to be like their own sign of divine anger. Cicero's choice of these games, too, was likely deliberate and not only because Clodius might have disrupted them with bands of slaves. Instead, it was Clodius' family that was more important in Cicero's argument, since a long-distant relative had helped usher in Cybele in 204, Quinta Claudia.[214]

By introducing bands of slaves into the *ludi Megalenses*, Clodius failed Rome by performing incorrect conduct for these Roman games and his family by interfering with

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[210] *ludos minus diligenter factos pollutosque* (*Har. Resp.* 21); Lennon (2012) distinguishes between natural pollution (from births, etc.) and from religious rites, citing this passage (p. 45).
[211] The *Pro Caelio* is also dated to the start of these games, April 4, 56 BCE.
[212] *Har. Resp.* 22, 24-25. Scheid (2016) argues against the notion that the Megalensian Games were a closed, elite function, suggesting instead that the festival was more about Rome's Trojan past or perhaps the aristocracy (p. 83). Clodius' affront here seems to be more about the fact that he introduced bands of slaves to the games, not that he opened them up to the masses, for example.
[213] *Har. Resp.* 25.
[214] *Har. Resp.* 27 mentions P. Scipio Nasica and Claudia Quinta, the latter of whom was an ancestor of Clodius and his sister Clodia. Other sources discuss Claudia's role too: Livy 29.14, Ovid, *Fast.* 4.305-340; see also Borgeaud (1996), pp. 91-92

the celebration of a deity his own ancestor helped to bring to Rome.[215] His obstruction of the games was an affront to Quinta Claudia, not unlike his adoption into the plebeian Fonteii. His introduction of bands of slaves into the games also disrupted the festival, long considered important to Rome, and it was not even Clodius' first case of disregarding Magna Mater's sanctity.[216] While tribune of the plebs, Clodius had apparently sold control of Pessinus to Brogitarus. Pessinus was the site of Magna Mater's most sacred shrine, from which she came to Rome in 204, and Roman generals had still venerated the Magna Mater there on campaign.[217]

To have sold control of the region to Brogitarus, whereupon the altars and priests were upturned, Clodius was undoing tradition long held in Phrygia but also long recognized by Rome, ever since Rome's importation of the goddess nearly 150 years earlier. In this way, Clodius was again acting like Verres had in Sicily, treating Roman tradition, and tradition recognized as legitimate by Romans, as something to be bought

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[215] DiLuzio (2016) notes the distinctly Roman nature of *ludi*, and how Magna Mater received *ludi* (the Megalensia) soon after being accepted at Rome (p. 103). Orlin (2010) has an entire chapter on *ludi* generally (pp. 137-158) but, importantly, notes that all four major *ludi* added at the end of the third century were for foreign deities or deities with increasingly Greek associations: Ceres, Apollo, Magna Mater, and Flora (pp. 153-157). The addition of *ludi* was to re-mark these deities as Roman. For more, see Roller (1999), pp. 263-285, esp. p. 283

[216] Scullard (1981), p. 98.

[217] *Har. Resp.* 28-29; see also Borgeaud (1996), p. 126. Even Clodius' dealings with Brogitarus in Rome were questionable, as his men conducted bribes with emissaries of Brogitarus in the Temple of Castor. The association between Magna Mater and Pessinus seems to be a literary confusion, with Cicero here and *Sen.* 45, and Livy 29.10-14 having Magna Mater come from Pessinus, while Ovid, *Fast*. 4.249-272 has her come from Mt. Ida directly (Orlin (2010), pp. 79-80). DiLuzio (2016), adds that literary sources seem to support Pessinus, but material evidence supports Pergamum (p. 103). Tatum (1999) suggests that Clodius' move to name Brogitarus king was the only instance of a tribune to do so, and this forced Pompey to turn to another tribune to counter Clodius, thus making the whole situation an affront to Pompey's *auctoritas* (pp. 169-170).

and sold. He had, in effect, reduced the piety of previous Romans generals to a commodity, and in so doing had given up his own.[218]

Thus, when the "rumbling and noise" was heard in Latin land sounding like the "horrible noise of arms," Cicero once again takes it upon himself to explain the pronouncement of the *haruspices*.[219] By Cicero's understanding, the noise could only indicate some divine displeasure and only an impious person would deny such an interpretation. The noise was "a warning concerning the wickedness and madness of [Clodius] and the terrible dangers threatening us, almost in the voice of Jupiter Optimus Maximus."[220] The rumbling heard in the country was tantamount to Jupiter personally uttering his own displeasure with Clodius' breach of the Bona Dea and his other impious actions. In more ways than one, Clodius had offended deities, and now Jupiter Optimus Maximus, a chief deity in Rome's civic sphere, was making his effort to stop him.[221]

In closing his speech, Cicero reminds the senate that the gods often do not come before them to speak directly, but voice their opinions through sign and prodigy.[222] This sentiment has been expressed before in other speeches and would have been familiar to

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[218] This notion, deconsecrating sacred places and also making the public private, is part of the the *haruspices*' pronouncement, which apparently Clodius' himself had addressed in his own remarks (*Har. Resp.* 9). For a fuller analysis of Clodius' lost *contio*, see Corbeill (2018).
[219] *Har. Resp.* 20. The response reported by Cicero is unusual in the fact that we often only have evidence of the reported portent itself, not how it was interpreted or what the cause was thought to be; see Davies (2004), p. 97.
[220] *reperietis enim ex hoc toto prodigio atque responso nos de istius sceleree ac furore ac de impendentibus periculis maximis prope iam voce Iovis optimi maximi praemoneri* (*Har. Resp.* 10). The *prope* here must not be overlooked.
[221] Clodius' actions at the Megalesian Games were considered, in their own way, to be prodigious, such that Cicero says that the gods could not have been clearer in their sign if they had been walking and speaking among them (*Har. Resp.* 25). He likens the bands of slaves to swarms of bees, which would have been easily acknowledged as a divine sign.
[222] *Har. Resp.* 62-63.

his audience. Within the context of Cicero's speech, and the broader themes Cicero had been drawing on since returning to Rome, these signs become more potent. When Cicero says that "indeed this voice of the immortal gods, this almost-oration must be interpreted," he goes beyond likening the gods' voice to his own.[223] When he pushes the metaphor from a voice to a speech, Cicero adds a level of complexity to it at the same time. A voice is easier to produce than a speech, being one component, but a speech can carry with it the fuller intention of the speaker, if only that intention can be correctly interpreted.

The gods, in this case, have given their sign, and Cicero urges the senate to interpret the noise correctly. In order to achieve this end, Cicero has made their decision rather simple. He has framed the interpretation of divine will as beyond a question of piety and made it, instead, a question of being a good Roman.[224] These two notions are not mutually exclusive, of course, but by playing to their sense of being Roman, Cicero shifts the focus of his audience. Interpreting for or against Cicero could be understood, from any senator's view, as a pious action. Once the issue becomes one of Rome's stability and Rome's well-being, it becomes increasingly harder to interpret the "rumbling and noise" as anything other than an indicator of divine displeasure toward Clodius, who had a long track record of offending deities.

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[223] *etenim haec deorum immortalium vox, haec paene oratio iudicanda est…* (*Har. Resp.* 63). By calling their speech an *oratio*, Cicero elevates his own *oratio* into a divine action. Of course, he does this by elevating their signs above being merely a *vox*, granting perhaps a level of intention and craft that is otherwise lacking.
[224] Santangelo (2013a), p. 107.

Conclusions

After Cicero had returned to Rome, having fled from Clodius' obvious moves against him, his primary motives were to regain lost authority and repay those who had acted on his behalf while absent.[225] As Cicero worked to regain lost ground, he simultaneously attacked the reputation of Clodius, his new Catiline, and elevated that of his allies who had helped restore him to Rome. Clodius and his own supporters had operated within a broader framework, long outlined but now fully established, that a good Roman served the republic by nurturing religious scruple, and one nurtured religious scruple by serving the republic well. In this way, a good Roman could act as the founders had intended, and likely the gods as well.

By fully establishing this framework, Cicero could measure Clodius against it, and prove that he failed miserably. Not only had he violated the December rites of the Bona Dea, but he had neglected his family and their traditional rituals. Other actions, like his flagrant disruption of the *ludi Megalenses* only act to reaffirm Cicero's accusation. Thus, Clodius' actions both before and after his tumultuous tribunate demonstrate clearly that he was acting not for the republic, but for his own gain, and, for that, his actions were to be rejected. Were the priests to recognize his shrine to Libertas, or the senate later to rule contrary to the *haruspices*' response (as Cicero interprets it), Clodius would set a dangerous precedent, from which Rome's religious and political institutions would be unable to recover.

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[225] May (1988), p. 89.

Cicero's allies, on the other hand, had fit Cicero's framework precisely. Despite Clodius' attempts to block Cicero's return, men like Lentulus and Pompey had used their influence to recall Cicero. In doing so, they acted for Rome's well-being, especially when it meant working against Clodius and his disreputable allies. Once Cicero had been restored at Rome, he could use his power — his power of speaking — to check Clodius at every turn and stabilize the republic. Their powers in restoring Cicero, and helping to stabilize the republic, deserved high praise. Some were praised individually, but most were praised collectively, whether in the senate or before the people.

And this, ultimately, is the most significant development thus far. Prior to his banishment and his speeches after returning, Cicero had only ever spoken through circumlocution about the need for good Romans to act piously on behalf of the republic. After returning from exile, when his attention is so directly focused on Rome itself, his separation from the city, and his rebirth into it, Cicero states openly how important these two preconditions are. Only after he was forcibly (though voluntarily) removed from the city can he truly appreciate what makes the city work well.

While Verres and Catiline had each undermined Rome and Rome's religio-political institutions, neither had done so in the same way that Clodius had. Verres had acted out of self-interest, certainly, but his actions were largely material. Catiline, on the other hand, had acted in ways that were more revolutionary, manifestly against Roman tradition and thus far easier to suppress, even if he had material gains to make too. Clodius had acted out of his own self-interest, but had done so in many ways that were nominally legal. Again, many of his actions were legal in the strict sense, but nevertheless would set

dangerous precedent if followed regularly. He thus threatened Rome both materially *and* traditionally. Despite following the letter of the law, then, Clodius' actions might still have been deemed contrary to Rome's interests.

Now Cicero could use his new, clear definition of what it meant to be a good Roman to regain lost authority, to thank those who had helped him return, and to begin checking Clodius' clear violations of Rome's interests. His success in regaining his house and keeping it suggest that his framework was amenable to his Roman audience. After being absent from Rome for months, Cicero finally had a clear estimation for what it meant to be a good Roman, and after returning he presented that estimation to a sympathetic audience. Going forward, he could and would use these same preconditions for himself and others. Toward the end of his career, when his own political star was fading, he would liberally apply it to others like Octavian and Antony.

Chapter 4: The Wolf in Sheep's Clothing in The *Philippics*

Introduction

In the years between Cicero's *de Haruspicum Responsis* and his first *Philippic* against Antony, delivered in September 44, Rome had drastically changed. At the risk of overly abridging this period, Clodius lost his bid in the *de Haruspicum Responsis* and the rivalry between him and Cicero continued. Clodius was later killed in 52, the result of a conflict with Cicero's friend, T. Annius Milo. Cicero defended Milo in his *pro Milone*, where he argued that Milo had acted in self-defense and that Clodius' death was for the betterment of Rome; our extant version seems to have been largely rewritten after the fact to Cicero's benefit.[1] At the same time, Pompey had been made sole consul to put an end to the violence in Rome, and with Crassus' death in 53, the First Triumvirate was falling apart.

In 51, Cicero went to Cilicia where he served as proconsul. His term was balanced by some more administrative tasks and brief military campaigning. He had worked to crack down on corruption in the province, getting some ex-magistrates to return embezzled funds. He even let some cities settle their own court cases when they did not involve Roman citizens.[2] On the military side of things, he had campaigned (with his brother Quintus and legate C. Pomptinus) against the Parthians who had defeated Crassus in 53, ultimately earning him the title of *imperator* from his troops.[3] Cicero returned to Rome

[1] Lintott (2008), pp. 119-120.
[2] Rawson (1983), pp. 175-177.
[3] Plut. *Cic*. 36.2-6; Rawson (1983), pp. 167ff.

after over a year in the east, hoping to receive a triumph for his efforts but ultimately being disappointed in this.[4]

Pompey and Caesar, meanwhile, each gained their own following and the rivalry between them culminated in the Civil War between the two groups beginning in 49. While Cicero seems to have originally supported Pompey, Pompey was killed in 48 and Cicero's support for Pompey's cause soon dissipated.[5] Caesar became the sole ruler of Rome after the death of Pompey, leaving Cicero to make new political calculations in his speeches under Caesar's dictatorship,[6] while possibly supporting men like Brutus in his treatises.[7] Rome continued to support Caesar for several years, but at least some leading figures were not content with this situation. In February of 44, at the annual Lupercalia festival, Antony apparently offered a diadem to Caesar, which Caesar refused, making some in the audience rejoice while at least some others were less pleased.[8]

Not quite a month later, on March 15, Caesar was assassinated in a meeting of the senate at the Theater of Pompey.[9] After Caesar's death there were new claimants to his

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[4] *Fam*. 2.10, 8.5.

[5] Most obviously dating back to the *pro lege Manilia*, which Cicero delivered to support granting Pompey command against Mithridates. Cicero also praised Pompey during his own consulship, as discussed in chapter 2. Plutarch depicts Cicero as hesitating to fully support Pompey but ultimately doing so (*Cic.* 37-38); see also *Att.* 8.7.

[6] Probably the most famous of Cicero's so-called Caesarian speeches is his *Pro Marcello*, which concerns Caesar's pardoning of the exiled M. Claudius Marcellus. In this speech, Cicero argued both for the pardoning of Marcellus and also praised Caesar for his *clementia* and *sapientia* (*Marc.* 1, 7, 9, 19, 25; Gotoff (2002), pp. 228-229). For epistolary evidence of Cicero's unease regarding Caesar, see *Att.* 8.7, 9.4-9.18.

[7] *Brut*. 331; Tempest (2017) offers a good summary of the interpretations for this passage "either as an 'unequivocal invitation' or as 'a cryptic message' – one which 'must have been obvious, not least to Brutus himself'" (p. 88, n. 41-43).

[8] *Phil*. 13.31; Plut. *Ant*. 12.2-4; Quint. *Inst. Or.* 9.3.61; Dio Cass. 44.11.2-3, 45.31-32.

[9] Plut. *Caes*. 66.1 places the scene at a statue of Pompey, even, while *Ant*. 14.1 only places it in

legacy, chief among them being M. Antonius and C. Octavius, Caesar's former lieutenant and grandnephew-turned-heir respectively. In the ensuing days, Antony delivered a eulogy at Caesar's funeral, which was initially praised by Cicero, only for the funeral to break out into riots. As Rome's sole consul, Antony saw to bridging the tensions between Caesar's assassins and supporters.[10] In the months that followed, Antony began to show his true colors, as it were, touring Caesar's veteran colonies and attempting to align them to his cause.[11] In the summer, he proposed an agrarian law to help the veteran colonies. He had also transferred his designated province after the consulship from Macedonia to Cisalpine Gaul in an effort to undermine Decimus Brutus, who was already stationed in Gaul.[12] This dispute was only settled at the Battle of Mutina, indirectly addressed later in this chapter, where Antony was defeated but soon after which Decimus Brutus was killed.

By September 44, returning from some time in Greece, Cicero had apparently become sufficiently skeptical of Antony's actions. In a meeting of the Senate on September 2, Cicero delivered the first of what would be known as his *Philippics* — Antony was not present. The speeches themselves are named after Demosthenes' own *Philippics*, a series of speeches against the growing threat from Philip II of Macedon.[13] Of course, there are

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the senate (βουλῇ).
[10] App. *B Civ*. 2.134; Plut. *Ant*. 14.2-3.
[11] Rawson (1983), pp. 262-263.
[12] Rawson (1983), p. 266.
[13] Wooten (1983) offers a specific focus on the question of Cicero's Demosthenic model. Martin (2009) studies Demosthenes' speeches for his religious argumentation and, while not immediately applicable to Cicero's, I found it a useful work for understanding how Cicero might have been structuring his own arguments. Manuwald (2007a) and others also remark on the relationship between Demosthenes' *Philippics* and Cicero's.

many differences in the two sets of speeches, not least being Philip's status as a non-Athenian, whereas Antony was a consul and thus, necessarily, a Roman. After delivering his clear attack against Antony, Cicero left Rome and Antony delivered a scathing response on September 19, a speech which unfortunately does not survive. In response to Antony, Cicero composed his *Second Philippic*, ostensibly delivered in Rome the same day as Antony's speech, but in actuality written while both Cicero and Antony were away from the city. This speech was then sent to Atticus around October 25, only to be published when Atticus deemed it safe to do so.[14]

It is, as I see it, the *Second Philippic* where Cicero's case against Antony truly begins to coalesce into its final shape. While it is important to recognize that this was not delivered in the same way that the other *Philippics* were, it is nevertheless easy enough to see the beginnings of Cicero's invective in the *Second*. The same can also be said of Cicero's chosen allies; he certainly praises them more highly in later speeches but he begins to frame that narrative in writing with the *Second Philippic*. The question of when the speech ever saw a readership beyond Atticus is the only one relevant here; I tend to follow Craig, who puts the publication soon after Antony left Rome in late November.[15] In any event, Cicero returned to Rome by December 9 and delivered his *Third Philippic* soon after on December 20. In the next nine months, he would deliver at least 10 more speeches against Antony, varying in immediate context but all unified in their reprehension of Antony and support for those fighting to stop him.

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[14] *Att*. 15.13.1.
[15] Craig (1993), p. 149; Ramsey (2003) offers a short summary of the various sides to this issue, settling on a publication post-November 5 and likely closer to December 20 (pp. 158-159).

Cicero's case against Antony is, unsurprisingly, comprehensive. In terms of the depth and breadth of Cicero's argument and evidence indicting Antony, the closest parallel is the case against Verres. As in the Second Action of the *Verrines*, Cicero cast a wide net throughout the *Philippics*, and apart from a few early instances, he is entirely condemnatory. More than simply the scope of his argument, Cicero's case against Antony shares some important similarities with Verres that cannot be said about other oft-cited analogous figures. Like Catiline, Antony was acting as a menace to the republic, specifically the senate and Roman people. But, unlike Catiline and more like Verres or Clodius, he had also been acting in ways outside of his office's clear authority and doing so undermined the republic in equal measure. Thus, Cicero positioned his larger case against Antony as one of an unrestrained but formally legitimate leader, who was abusing his position to the public's detriment, and the people best positioned to stop him were those acting out of public interest.[16]

Over the course of the speeches Cicero establishes two sides to the conflict over how best to respond to the assassination of Caesar. On the one side is Antony, with a small circle of allies, all of whom are enemies of the public well-being. In Antony's case, he is presented as willing or intent to ignore not only previous promises to enact Caesar's *acta* but also the expectations of offices that he was holding like the consulship or *flamen* of the new cult of *divus Iulius*. Opposing Antony are, of course, Cicero, who now plays a

[16] This reading differs only slightly with Hall (2002), who reads the *Philippics* as relying on "rhetoric of crisis," and by which Cicero attempts to leave his audience with only two options, and no middle ground (pp. 283-284). While I agree with the larger assessment, I think it is important to notice the difference in crises between Antony and Catiline. One was vested with legitimacy that the other lacked, drastically changing the tenor of the speeches.

role as the one stirring public support, and his own circle of allies. Unlike in years past when Cicero was himself the savior of the republic, in his *Philippics* he leaves that job to others. Standing in as the new saviors are the young C. Octavian,[17] the consuls Aulus Hirtius and C. Vibius Pansa, and the senator S. Sulpicius Rufus. Cicero offers different kinds of support, ranging from everlasting honors for the consuls' efforts to presenting Octavian as a divine agent. In the most general sense, the *Philippics* continue some of the same themes discussed thus far, only now the focus shifts from himself to his allies and some of Antony's transgressions would have been unthinkable only twenty-five years earlier.

It should be noted before moving on to the speeches that this chapter is arranged differently than the previous three; it does not assess the *Philippics* chronologically, but topically. The reason for this, as I think should become clear, is twofold. First, unlike the previous chapters, there are far more speeches involved in the *Philippics*, and to introduce each as events unfolded would become distracting. Instead, the general introduction above has covered the years immediately following Cicero's exile and a rough summary of the events up to the *Philippics*. Other details will be added as they are pertinent, but the rough chronology has now been covered. The second reason I chose such a framework is due to the nature of the speeches and their contents. Some figures or themes are prominent in one speech, downplayed for several more, only to come back into play at a later date. At the same time, some speeches are rather brief, others

[17] The first extant evidence of Cicero recognizing Octavius as Caesar's heir, hence "Octavian" Caesar, is in a letter to Atticus at *Att.* 15.12.

considerably longer, while the *Second Philippic* was never delivered but is the longest of the set.[18]

A contributing factor in my decision is the very chronology of the speeches themselves. There are established dates for a few, but general estimates for many more, and so the exact dates of delivery for several speeches are not set. Thus, whenever possible, I will follow chronological order in my analysis, but it will make more sense to draw on the themes themselves, and how those reflect on the actors of Cicero's *Philippics*. I hope, by the end, to have described with a fairly comprehensive coverage the events of 44/43 and the speeches delivered concerning those events, which ultimately led to Cicero's death.

Marcus Antonius: Worse Than Catiline

Like most of Cicero's opponents that came before him, Antony started his career showing some promise, at least by Cicero's telling. Even later Cicero gives Antony credit for his actions in the immediate aftermath of Caesar's assassination. For Cicero's purposes in the *Philippics*, it was only later in Antony's career and especially after Caesar's death, that Antony began to show a more troubling side to his character.[19] It should be noted that most of Cicero's praise of Antony was given only in the *First*

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[18] Craig (1993) wonders whether we should consider the *Second Philippic* in the same way that we do the other speeches, as a realistic representation of an attempt to persuade the senate (p. 149). I take it as such since it was disseminated before Cicero's death (Manuwald (2007a), pp. 58-59), on par with the Second Actio of the *Verrines*. Manuwald (2007a) notes that Cicero had evidently changed some passages of the *Second Philippic* at Atticus' suggestion (*Att.* 16.11.1-2). Nevertheless, we know of no other certain cases of altering the *Philippics* before publication (p. 62).

[19] Cic. *Fam.* 11.5.2, 16.23.2; Manuwald (2007a), p. 92.

Philippic, a speech for which Antony was not present, and a speech delivered at a point that was far from the nadir of their relationship.[20] There are two cases where Antony receives praise from Cicero, but in both cases the praise is only lukewarm at best. In both cases, Antony acted questionably in some way after he had first showed promise.

Within two days of Caesar's death, Antony brought new light to the republic by not only abolishing the rule Caesar had established as dictator for life but even the office of dictator itself.[21] Shortly thereafter Antony, together with his colleague P. Cornelius Dolabella, had prevented an alleged uprising by killing a runaway slave who claimed to be a descendant of Marius and Julia.[22] Within a few months, Dolabella and Antony were acting outside of the senate — ostensibly out of fear — and were resorting instead to popular assemblies which the people and tribunes were blocked from attending.[23] Even if this speech papers over Cicero's private unease with Antony soon after his killing of the runaway slave,[24] Cicero's praise of the situation is more muted than perhaps Antony would have otherwise preferred.

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[20] *Phil*. 1.32; cf. *Phil*. 1.33. Kennedy (1968) notes that Cicero's praise of Antony was "to build a contrast between Antony's initially reasonable behavior…and a sudden change which came over Antony" (p. 100).
[21] *Phil*. 1.3-4.
[22] *Phil*. 1.5; *Att.* 12.49.2, 14.6.1. Cicero seems to approve of Antony's handling of the matter in a letter to Atticus (*Att.* 14.8.1), dated to April 15, 44. This pseudo-Marius (given different names by different authors) also promoted the worship of Julius Caesar where he was cremated in the Forum (App. 3.2-3; Livy *Per.* 116), but this goes unremarked upon in Cicero's *Philippics*. This could be due to his absence from Rome at the time of the event (*Att.* 14.8 was sent from Sinuessa) or to maintain focus on Antony's own transgressions.
[23] *Phil.* 1.6; Ramsey (2003) connects the empty Forum here with *Phil*. 5.9, where Cicero describes the people and tribunes as forcibly blocked from attending (p. 95).
[24] *Att.* 14.12, dated to April 22, shows that Cicero was already reticent to trust Antony fully. It also, incidentally, attests Cicero's reticence toward Octavian at this point; his soldiers are calling him 'Caesar' but Cicero writes to Atticus that he has not done so.

In a stark example of this feigned praise, Cicero cites Antony's convening of the senate on March 17 at the Temple of Tellus,[25] where he delivered a speech and Cicero delivered a response.[26] Antony's speech was apparently well received, and he made appeals to *concordia*,[27] which should be unsurprising given Cicero's use of the theme in his own speeches. But unlike Cicero's appeal to *concordia*, made throughout his consulship, Antony's was more euphemistic or aspirational than the words alone might have intimated.[28] Elsewhere in the *Philippics* Cicero makes it clear that even Antony's speech shortly after Caesar's death was delivered under false pretenses, with armed guards cordoning off the Temple of Tellus.[29] That alone makes his claims of *concordia* rather hollow; it seems to be less an aspiration than a rote call to end violence.

In early September of 44, Antony ruined whatever claim he had to *concordia* when he delivered a speech at the Temple of Concord.[30] This in itself does not disqualify Antony

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[25] App. *B Civ.* 2.126-136; Nelsestuen (2015), pp. 112-113.
[26] This is first mentioned at *Phil.* 1.1, making its relevance to the speech indisputable. Brecht (1911) gives a comprehensive overview of that day, incorporating the small number of sources that described it (pp. 20-27). See Crawford (1984) for Cicero's response to Antony's speech (pp. 244-247); see also Frisch (1946) for a general overview of that day (pp. 51-58).
[27] *Phil.* 1.31; Dio Cass. 44.22.2-4. Plutarch also makes reference to Antony's appeal to *concordia* (or ὁμόνοια) in two of his biographies (*Cic.* 42.3, *Brut.* 19.1) but only speaks of an encomium in the biography of Antony (*Ant.* 14.3). Ramsey (2003) points to *Phil.* 1.31 for the influence of Plutarch (p. 86, s.v. *oratio*). While this might be true, it seems noteworthy that Plutarch does not mention ὁμόνοια in the work on Antony himself, only in his works on the two other men.
[28] Plutarch's account (*Ant.* 14.3-4) hints at this when he describes Antony waving the bloody garments of Caesar.
[29] *Phil.* 2.89-90; *Att.* 14.14.2. See Richardson (1992) for a brief overview of the temple, including the decision for the senate to meet at the Temple of Tellus, likely because of its location away from the assassins on the Capitoline (pp. 378-379); see Nelsestuen (2015) for our dependence on literary evidence for this temple (pp. 78-79).
[30] *Phil.* 3.30; there were three senate meetings at the Temple of Concord in September of 44, on September 1, 2 (where Cicero delivered his *First Philippic*), and 19 (where Antony delivered his rejoinder to Cicero); cf. the Temple of Concord in the *Catilinarians*, where some conspirators were led (*in Cat.* 3.21) and also where Cicero delivered his *Fourth Catilinarian*.

from making a valid appeal; Cicero, too, delivered his *Fourth Catilinarian* at that temple. What does disqualify Antony, in Cicero's eyes, are the armed guards surrounding the temple again, now at a meeting of the senate.[31] Surrounding the Temple of Tellus was, in itself, a worrying development — it smacked of Antony bringing an army into Rome — but doing so at a meeting of the senate, at the Temple of Concord no less,[32] was far worse. Several modern scholars have noted that the Temple of Concord, first built by Camillus but more recently restored by L. Opimius after the deaths of the Gracchi,[33] was associated with oppression, rather than a more tranquil *concordia*.[34] Now Antony was marshaling against the senate and was evidently willing to do so not only in Rome but at a temple that challenged his very actions.[35]

It does not take long, then, for Cicero to reappraise Antony in light of his recent actions. He might have shown promise by abolishing the office of dictator, but his use of armed guards around temples so that he might deliver speeches attests to his more

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[31] *Phil*. 5.18-20. Manuwald (2007b), commenting on *Phil*. 3.9 (s.v. *barbari armati*) comments on Antony's use of armed guards in Rome, explaining the both his likely violation of the *Lex Plautia de vi* and Cicero's own use of armed guards during the Catilinarian Conspriacy (cf. *Cat.* 1.11, 3.5; *Mur*. 52; Sall. *Cat*. 26.4), for which Cicero defended himself (*Phil*. 2.16, 2.19) (pp. 354-355). All of this suggests that Antony's use of armed guards was, for Cicero, as much a real transgression as it was a rhetorical one; this could also be why he repeatedly plays up the foreignness of the guards throughout the *Philippics* (*Phil*. 2.6, 2.8, 2.15, 2.19, 2.46, 2.89, 2.100, 2.104, 2.208, 2.112, 2.116, 3.9, 3.30, 5.17-18, 5.20, 6.3, 7.15, 8.27, 13.18).

[32] Where Cicero had proposed measures to save the Republic in 63 (*Phil*. 2.19, referencing the *Fourth Catilinarian*). This is also where the Catilinarian conspirators were led in 63 after some were captured (*in Cat.* 3.21; Sall. *Cat.* 46; cf. Sall. *Cat*. 49).

[33] Plut. *Gracch*. 38.9; App. *B Civ.* 1.26; Stamper (2005), p. 56; Momigliano (1942), p. 115.

[34] Morstein-Marx (2004), pp. 102-103; Stamper (2005), p. 56; even Straumann (2016) argues that Cicero's appeals to *concordia* were more of a rhetorical conceit than genuinely desired goal (pp. 182-183).

[35] Manuwald (2007b) shrewdly points out the military phrasing that Cicero uses when referring to this scene (pp. 618-624, *passim*).

bellicose nature. Rather explicitly, Cicero accuses Antony of being the proverbial wolf in sheep's clothing.[36] This metaphor, in all its clarity, spells out for Cicero's audience how dangerous Antony was, especially given his own claims of assurance. Antony is a wolf that cannot be trusted. Elsewhere, in perhaps more evocative if less proverbial language, Antony is called a bloodthirsty beast, satisfied only by the slaughter and gore of fellow citizens.[37] Toward the end of his extant *Philippics*, Cicero goes so far as to argue that Antony is undeserving of the label *homo*.[38] To marshal for civil war as Antony has, or as others before him like Sulla and Marius did, certainly brings Antony's citizenship into question, but possibly his humanity too.[39] This kind of dehumanization[40] extends further than Antony alone to include those whom Antony has won over to his side by promising portions of the city.[41]

Such efforts to reduce Antony to an animal recall Catiline, without distinct linguistic parallel, another monstrous enemy of Rome.[42] Cicero makes the accusation toward the

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[36] *Phil*. 3.27; for the phrase itself, cf. Plaut. *Pseud.* 139-141; Ter. *Eun*. 831; Ov. *Ars Am.* 2.363-364, 3.7-8.

[37] *Nullus ei ludus videtur esse iucundior quam cruor, quam caedes, quam ante oculos trucidatio civium. Non est vobis res, Quirites, cum scelerato homine ac nefario, sed cum immani taetraque belua quae, quoniam in foveam incidit, obruatur* (*Phil.* 4.11-12).

[38] *Phil*. 13.1.

[39] *Phil*. 13.1-2. This tracks with Cicero's other rivals Catiline and Clodius; see May (1988), p. 149.

[40] Indeed, Cicero makes the dehumanization clear when Antony is again called a beast some few days later: *nec vero de illo sicut de homine aliquo debemus, sed ut de importunissima belua cogitare* (*Phil*. 6.7).

[41] The focus of *Phil*. 8.9 is on Antony and his promise of dividing the city after he wins, but there is a brief aside where Cicero calls Antony's supporters "rustic people, if they are people and not, rather, cattle" (*atque etiam homines agrestes, si homines illi ac non pecudes potius…*).

[42] Evans (2008) studies the recollections of Catiline and Clodius throughout the *Philippics* and notes that they pervade these speeches more than any other figures from Cicero's past in any other work (p. 62).

end of his *Fourth Philippic*, after giving a short summary of the conflict and its place in Roman history. After first comparing Antony to Spartacus, an assassin and bandit,[43] he then turns to Catiline, at least a more recent example. Indeed, just in terms of numbers, Cicero seems to have preferred the connection to Catiline far more,[44] perhaps because he had been more responsible for settling that matter. But, by Cicero's telling, Antony had been making comparisons of himself and Catiline.[45]

Part of this seems to be a challenge to Antony's claim of similarity between himself and Catiline. This comparison was, of course, a risky one to make. Whether or not one approved of Cicero's handling of the conspirators, it was much harder to argue that they and Catiline were totally innocent.[46] In a similar twist of logic, Cicero was able to use Antony's own analogy against him; if Antony likens himself to Catiline, that alone should be troubling for Cicero's audience. Moreover, Cicero undercuts Antony by suggesting that he is worse than Catiline, both in the plain sense that he was inferior in a number of attributes like diligence[47] and in the sense that he was serious threat to the republic.

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[43] *Phil*. 4.15; see also *Phil*. 13.22. Apparently Antony had called Octavian a Spartacus in edicts, attested earlier by Cicero (*Phil.* 3.21), suggesting it was a potent comparison to make.
[44] The complete set of references of Catiline include: *Phil*. 2.1, 2.118, 4.15, 6.17, 8.15, 13.22, 14.14.
[45] *Phil*. 4.15; Manuwald (2007b) notes that there is no other evidence that Antony compared himself to Catiline (p. 531, s.v. *Catilinae*).
[46] Cicero notices Antony's conflicted views on the topic; Antony had apparently issued edicts where he praised Cicero for the glory he received in 63 but he also wanted to remind others of Cicero's overstepping in the same edict (*Phil*. 3.18). This confusion, of course, might also just be a habit of Antony's (*Phil*. 2.18); Evans (2008) notes that Antony's stepfather was P. Cornelius Lentulus Sura, a close ally of Catiline's (p. 64).
[47] *Phil*. 4.15.

Cicero's pairing of Antony and Catiline, however, goes well beyond Antony's own association with the former villain. He first began to make overt gesturing toward Catiline in the opening of the *Second Philippic*, in one of the first few sentences of the undelivered speech, and even then he acknowledged that Antony is perhaps worse. Much like Catiline, Antony has been prodding Cicero (presumably, in this case, referring to Antony's speech of September 19) out of some desire to appeal to "impious citizens."[48] Exactly who these "impious citizens" are here is unknowable, but for Cicero it seems to mean those who are working against Cicero and thus against the republic.[49] While Antony has certainly conducted himself in ways that can be considered *impius* by most measures, and some of these will be explored in due time, it seems that here Cicero is only using the term to position Antony and his preferred allies against Cicero and his own allies.

Of course, this tactic is an old one for Cicero; for every personal enemy he has had thus far addressed there has been some earlier analogue, with Sulla and Hannibal being the earliest and Catiline the most recent. For Antony, then, Cicero was simply redeploying a long-trusted rhetorical trick, suggesting that there might have been more potency to such allusions than we tend to assume. When Cicero called Antony a

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[48] *tu ne verbo quidem violatus, ut audacios quam Catilina, furiosior quam Clodius viderere, ultro me maledictis lacessisti, tuamque a me alienationem commendationem tibi ad impios civis fore putavisti* (2.1).

[49] cf. *Phil*. 5.3 where Cicero gives the same motive to Antony — a desire to antagonize Cicero (*inimicus quam amicus esse maluit*) — and again says that he has allied with *civibus impiis*. Lehoux (2012) is careful to note that the term *impius* is not strictly a religious label (p. 29).

Spartacus in exclamation and a less tolerable Catiline,[50] or a new Hannibal,[51] certainly some in his audience would have marked these references as heightened exaggeration. On the other hand, the fact that Cicero uses this technique throughout both the *Philippics* and his oratory more broadly suggests that Cicero felt it was more persuasive or affective than mere name-checking. To call upon past adversaries was a reminder to Cicero's audience of the danger such actions could pose. This is even more true in the case of Spartacus and Hannibal, against whom Cicero played no personal part in contending.

During his last extant *Philippic*, Cicero makes another nod to Hannibal, now arguing that Antony is worse than one of Rome's worst enemies. In an extended description, Cicero says that Antony had promised the people of Parma — a city he had just sacked[52] — that he intended to attack and slaughter the people of Rome. He was only prevented from doing so by the intervention of Jupiter Optimus Maximus.[53] Cicero slowly adds to the urgency of this situation before culminating with his reference to Hannibal.[54] Before mentioning Hannibal, Cicero reports that Antony had made his destruction of Parma, and the slaughter of its citizens, closely associated with Rome generally and the senate in

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[50] *Phil*. 13.22.
[51] *Phil*. 13.25.
[52] *Fam.* 10.33. cf. *Fam*. 11.13b.
[53] *…id suo consilio factum esse testatur; quaeque esset facturus in hac urbe, nisi num hic ipse Iuppiter ab hoc templo atque moenibus reppulisset, declaravit in Parmensium calamitate, quod, optimos viros honestissimosque homines, maxime cum auctoritate huius ordinis populique Romani dignitate coniunctos, crudelissimis exemplis interemit propudium illud et portentum, L. Antonius, insigne odium omnium hominum vel, si etiam di oderunt quos oportet, deorum* (*Phil*. 14.8).
[54] This comes shortly after the above quoted passage, and is framed as a rhetorical question: what city did Hannibal treat as terribly as Antony did Parma? The answer is obvious in the question itself, that Hannibal, despite making a full on assault, never treated a city as badly as Antony did without a full assault (*Phil*. 14.9).

particular,[55] exemplary in cruelty. Such language in this passage, particularly calling Lucius Antony — Marcus Antony's brother and accomplice at Parma[56] — a *portentum*, or monster, is yet again reminiscent of Cicero's treatment of men like Catiline.[57] The actions of the two Antonii, at Parma especially but elsewhere too, are totally objectionable to any right-thinking person.

Cicero then elaborates on the slaughter at Parma, saying that it was the "mark of hatred for all people and gods, if the gods hate whom they ought."[58] There is an implicit suggestion in such a rendering. He does not pretend to know that the gods hate one Antony or the other.[59] Instead, he offers a more charged proposition. It is taken for granted that all people hate the Antonii after the sacking of Parma, but the gods only hate them *if they hate whom they should*. Naturally Cicero's argument demands that they, too, hate the Antonii, but there is a certain desperation in this conditional that is absent from the earlier label used for Verres, the "enemy of religion and all things holy."[60] Now, both Antonii might well have been so destructive that the gods themselves have forfeited their obligations of hating those who deserve it. Regardless, Cicero leaves L. Antony as a

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[55] *Phil*. 14.8; see note 53 above. MacKendrick (1954) briefly discusses Parma becoming a Roman colony in 183 and L. Antony's attack on its citizens (p. 215).
[56] Broughton (1952), p. 352. He also aided Antony at Mutina (*Phil*. 10.21, 11.10, 12.14, 12.20, 12.26, 13.4, 13.26, 13.37).
[57] cf. *In Cat.* 2.1.
[58] *Phil*. 14.8.
[59] It is worth noting that the number of prodigies reported in the years 44 and 43 each dwarf the number reported in 63, when Cicero labeled Catiline a *monstrum*; this might suggest the gods were more displeased in 44/43 than 63. Based on the rough estimates of MacBain (1982), there were almost three times the number of reported prodigies for 44 (pp. 102-103), and 1.5 times the number reported in 43 (p. 104). Rasmussen (2003), produces proportionally similar, though slightly higher, numbers for the same years (pp. 106-114).
[60] cf. *Verr.* 2.4.74.

portentum of the gods' hatred, as a sign of fracture in the *pax deorum*, much the way Catiline had himself been labelled a *monstrum*.

This new accusation only lingers for a moment before Cicero recalls the specter of Hannibal. The slaughter at Parma, which took place relatively soon before the *Fourteenth Philippic*, is only one of two major slaughters that receives Cicero's due attention and the appearance of L. Antony should not be overlooked. At Parma, the Antonii become a cruel pair of criminals, and Cicero uses their criminality to indict the whole family. The other slaughter that receives considerable attention is Antony's treatment of his soldiers at Brundisium, which was just before the defection of the Martian and Fourth Legions.[61] Cicero returns to Antony's treatment of his soldiers at Brundisium over and over again throughout the *Philippics*,[62] using this as a demonstration of Antony's cruelty, first and foremost, but also his willingness to transgress Roman norms. The clearest delineation of the scene is in the *Third Philippic*, which was delivered soon after the event itself and for this reason, perhaps, Cicero kept his description and accusations relatively focused.

At Suessa, the audience is told, Antony had killed men in his custody and later at Brundisium he ordered the execution of his bravest and best men, doing so while guest

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[61] Manuwald (2007a) dates the defection of these legions to roughly late-November 44 since Antony delayed a meeting planned for Nov. 24 to Nov. 28 after he learned of the defection (pp. 20-21).

[62] This might be because Brundisium was an important city for those traveling between Rome and the Greek East. As but two examples, Cicero had stopped there on his return from exile in August 57 (*Pis*. 51; *Att*. 4.1.4; *Sest*. 131), while Antony had intended to meet his legions there before he learned of the mutiny of the Martian and Fourth Legions (*Att.* 15.13.2, *Fam.* 12.23.2; App. *B Civ.* 3.40; Dio Cass. 45.12.1). In 40, it would also be the location where Antony and Octavian formed their détente.

the another's house.[63] The most gruesome detail, aside from the executions themselves, is the splatter of blood onto the face of the deceased's wife. Later in the same speech Cicero recalls for his audience Rome's worst tyrannical figure to date, Tarquinius Superbus. Antony, however, had proven himself worse than Tarquin by killing his own men, Roman citizens, which is not something for which Tarquin was known, and Antony had done this while attacking Rome after two legions had defected. Tarquin was expelled while he was fighting *for* Rome.[64]

Beyond such keenly detailed scenes, however, Cicero periodically uses the incidents at Suessa and Brundisium generally to characterize Antony in a few different ways, but always in a way terrifying to Roman sensibilities. By first laying low the town of Suessa and then slaughtering centurions at Brundisium, Antony had acted in some ways worse than a tyrant and more like some pirate chief.[65] His plans for Rome were only hindered by the intervention of the gods — manifested by Octavian, who will be addressed in due time — speaking to the gravity of Antony's threat. To be labelled a chief pirate, rather than a tyrant, was not to step totally outside of Rome's typical poles of discourse between

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[63] *Phil*. 3.4 (cf. *Phil*. 4.4 and 13.18, which also mention a slaughter at Suessa; *Phil*. 5.22 mentions Brundisium alone). Manuwald (2007b) explains that Antony likely went from Suessa to Brundisium, and could then have gone from there to Rome, which is why Cicero focuses on Brundisium over Suessa (pp. 358-359; s.v. *Suessae*).

[64] *Phil*. 3.10; *Phil*. 4.4 also calls the men at both Suessa and Brundisium *cives Romani*. Manuwald's (2007b) note for 3.10 here is, again, paramount: Cicero leaves out the fact that Tarquin did wage war against Rome after his expulsion (Livy 6.1-7.4), but being more selective allows Cicero to contrast Antony with Tarquin more starkly (p. 359, s.v. *Tarquinius…expulsus*). May (1996) notes that the actions of both men, turning toward *dominatio*, register them as tyrants, animals, and hateful to the gods and people (p. 149; cf. *Rep*. 2.48).

[65] *Phil*. 13.18. De Souza (1999) notes that Cicero and his correspondents typically refer to Antony as 'Bandit' (seen at *Fam*. 10.5, 10.6, 12.12, and 12.14), which he translates from *latro* (p. 193).

tyrant and free.[66] It does, importantly, separate Antony from others who had preceded him like Caesar or Catiline, themselves accused of acting tyrannically. Antony was acting in ways that were akin to his predecessors, to be sure, but Cicero still found ways to make the threat new, or at least not to repeat the same argument.

Much of the *Philippics* is spent trying to convince the senate to declare Antony a *hostis*, which would naturally open up new avenues of action against Antony, at the very least allowing for a more proactive war effort. As was already discussed, Cicero had had Catiline declared a *hostis* relatively easily but the same proved more challenging for Antony, likely because his own political standing was much more secure than Catiline's had been.[67] This would have prevented such a declaration from passing the senate.[68] Cicero's desperation to have Antony declared a *hostis* is most evident in his last extant speech, when he asks "How long, then, is this man — who has surpassed all public enemies in his crime — going to lack the name of public enemy?"[69] This declaration is important for reasons that go beyond the rhetorical demands Cicero was facing

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[66] Cicero had previously used the term in speeches: *Red. Sen.* 13 (which labels Gabinius an *archipirata*), *Dom.* 24 (labelling Clodius' followers), and *Verr*. 2.5.64-65, 2.5.67, 2.5.69-70, 2.5.73-75, 2.5.78-79, 2.5.136 (all of which discuss or mention an actual pirate captain whom Verres treated kindly); cf. *Off.* 2.40 (in a discussion about an honor code among thieves and pirates).

[67] There were still many in Rome who at least supported peaceful means against Antony rather than armed conflict; the consuls of 43, Hirtius and Pansa, were likely leaders in this anti-Antony movement; see also Lintott (2008), pp. 406-407.

[68] Lintott (2008) suggests that the declaration of *tumultus* in light of Antony's actions put him on a level with others like the Gracchi, Saturninus, Catiline, and Clodius (p. 394). While this might be true, Cicero has treated Antony as one of these men since at least the *Second Philippic*. Straumann (2016) argues that Cicero developed a theory that bearing arms against the *res publica* was not the primary prerequisite for declaring someone a *hostis*, but behavior more generally. This allowed Cicero to lump men like Sulla, Catiline, Clodius, and Antony together (pp. 99-100); see also Lintott (1968), p. 171.

[69] *quo usque igitur is qui omnis hostis scelere superavit nomine hostis carebit* (*Phil*. 14.6)?

personally. He could, and did, refer to Antony as a *hostis* for some time already, using Antony's actions as proof of his malicious nature.[70] The threat of crucifixion against citizens, like the slaughter at Suessa and Brundisium, was tyrannical in many ways, recalling Verres among many others, but it could therefore stand as evidence of Antony's anti-Roman measures.[71]

Without the formal declaration,[72] Cicero relied on other labels, some of them already explored like calling Antony a tyrant and a chief pirate. Again, Cicero was willing to move beyond the specific actions taken against his centurions to a broader attack on Antony and his character. It was more than Antony's decision to kill Roman citizens in response to defecting legions but a larger campaign against Roman institutions, with the citizenry being only one facet. Antony had slaughtered citizens and he had also plundered temples, acting like a king.[73] The execution of citizens was emblematic of more than an overly punitive commander. Rather, Cicero positions Antony opposite men like Octavian, Hirtius, and Pansa, who are all fighting on behalf of the Republic, which makes their enemy, Antony, "a mad gladiator with a troop of the most shameless bandits [waging] war against their fatherland, against the household gods, against the altars and hearts,

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[70] cf. *Phil*. 4.5., where Cicero uses the defection of the Martian Legion as proof that Antony was a *hostis*, since the legion had derived its name from the god, and if they defected from a legitimate consul, then *they* would be enemies.
[71] *Phil*. 13.21.
[72] Cicero was only able to persuade the senate to declare *tumultus* (*Phil*. 8.1-1, 8.6, 8.32, 10.19, 12.12, 12.16, 13.23, 14.1-3; *ad Caes. iun.* fr 16), which was on its way toward a full declaration of war or the issuance of a *senatus consultum ultimum*; see Lintott (1968), pp. 153-154.
[73] *Phil*. 11.6, the term here being *rex*. The reference to plundering of temples is likely a reference to Antony's embezzlement, which will be addressed explicitly shortly.

against the four consuls."[74] This language nods to other threats to the Roman order, without offering specific names. By labeling Antony a gladiator, it recalls Spartacus, too, a man already briefly discussed as an analogue for Antony's campaign against Roman institutions.

Even when referencing personal enemies, such as Verres and Catiline (who had also waged wars upon the gods, the altars, and the hearths), Cicero does so for their more public ventures, while relegating the allusions to, say, Clodius, relatively minimal. This is yet another indicator that Cicero was making his case against Antony a public concern, but doing so in a way that was unlike his case against Clodius. He returned to the language against Verres and Catiline, of wars against the fatherland and plundering of temples, his fraud against the entire republic. Cicero's concern in the case of Antony is as charged as it was when his own house was on the line; now Antony's actions have had immediate repercussions on the republic as a whole. Antony was the root cause of the Republic's current ills, and rooting him out was the only viable option.[75]

The dangers to the public are one of the main through lines of the entire *Philippics*, unlike the speeches delivered against Clodius, which used personal setbacks to establish a public case. This, more than anything, sets Clodius apart from Cicero's villains, and puts

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[74] *unus furiosus gladiator cum taeterrimorum lantronum manu contra partial, contra deos penatis, contra aras et focos, contra quattuor consules gerit bellum* (*Phil*. 13.16); the *quattuor consules* here refers to the current consuls, Hirtius and Pansa, and the consuls-elect for 42, L. Munatius Plancus and M. Aemilius Lepidus.

[75] Cicero offers the matter rather acutely that Antony is both a menace unto himself and his own house, but also the source of the Republic's current calamities (*Phil*. 2.50). There is no inherent reason to make these two mutually exclusive (Clodius would be a good example of a personal threat with public repercussions), but Cicero tends to focus on the public dangers in the *Philippics*.

Antony in the camp of men like Catiline and Verres. In several ways, Antony evidently conducted himself against Roman tradition and, often, contrary to public interest. In true Verrine fashion, he used the institutional temple functions to his advantage, leading Cicero to accuse him of embezzlement. Without the formal pretrial period afforded to Cicero in the case of Verres, his case against Antony lacks some of the more incriminating evidence that he had used against Verres. Now, Cicero mostly relies on circumstantial, though still damning, evidence, pointing to Antony's swift relief from debt.

The gist of Antony's embezzlement scheme, according to Cicero's accusation, is fairly straightforward. While Julius Caesar was still alive, he had proscribed a number of people and confiscated their property. That property was then sold and the proceeds put in the Temple of Ops, an old divine quality representing abundance.[76] After Caesar was assassinated, Antony, and perhaps Dolabella,[77] had laid their hands on the 700 million sesterces in the treasury, which Caesar had deposited, and then used it to relieve themselves of personal debts.[78] Since Antony had still been in debt as recently as March

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[76] *Phil*. 1.17, 2.35, 2.93, 8.26; *Att.* 14.14.5, 16.14.4; Vell. Pat. 2.60.4; Plut. *Ant.* 15.1 says that Antony drew these funds from Caesar's house. Champion (2017) situates the creation of the Temple of Ops within a larger group of conceptual deities in the Early and Mid-Republic (pp. 146-147 and n. 102); see also Ziolkowski (1992) for the evidence for this temple's foundation in 250 BCE (pp. 122-125). Miano (2015) provides a convincing case for Ops' role as a deity of abundance, rather than agriculture, based on linguistic etymology, ritual, and cultic associations (esp. pp. 102-103, 118-119).

[77] *Att.* 14.18.1.

[78] Ramsey (2003) provides two explanations for Antony's absolution of debt: 1) the money — proceeds from the sale of confiscated goods — was deposited by Caesar, then taken by Antony to repay his own debts, or, 2) Antony's debts — incurred from the sale of confiscated property — were recorded in temple's account books, and Antony then simply expunged the sums he owed (p. 214, s.v. *ad aedem Opis*). For the sake of ease, I tend to use the language of the first option,

15 of 44 but was debt-free by April 1, the speed with which these sums were paid off is a good indicator that he had suddenly come into a great deal of money in little time.[79] Miles' work distinguishes between three kinds of theft relevant to this discussion: there was *furtum*, petty theft or theft of personal property, *peculatus*, theft of public property, and *sacrilegium*, the theft of sacred property.[80] There could be overlap among these kinds of thefts, particularly acts of *sacrilegium* and one of the other two, but in the case of Antony drawing funds from the Temple of Ops, Cicero seems to primarily focus on the act of public theft, despite not using the term in association with this incident.[81]

The framing that Cicero uses to describe this incident is, surprisingly, of two kinds. On the one hand, Cicero makes this case out to be one of profiting off of Caesar's assassination. First, Cicero recalls the source of this money — the proscriptions of Pompeians — by calling it "bloody," or *cruenta*.[82] Later, the fact that Antony made use of this money soon after Caesar's assassination, and did so through apparent forgery, is yet more proof of Antony's questionable actions here.[83] Cicero's personal feelings about Caesar's death aside,[84] he makes Antony here look like he had been intentionally

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though I recognize that the second might well be factually more accurate.

[79] *Phil*. 2.93a; see also *Att.* 14.14.5.

[80] Miles (2008), p. 159.

[81] He does, however, refer to *pecunia publica* twice at *Phil*. 5.11, 8.27. It is also worth noting that Caesar's will called for the distribution of these funds (*Phil*. 1.17), which is why Antony was robbing from the public rather than Caesar or Ops.

[82] *pecunia utinam ad Opis maneret! cruenta illa quidem, sed his temporibus, quondam eis quorum est non redditur, necessaria* (*Phil*. 1.17). While the *cruenta* here must refer to the *pecunia* (for both grammatical and contextual reasons), the proximity to *ad Opis* also suggests a defilement of the temple itself, though this is more of a rhetorical conjecture.

[83] *Phil*. 2.35-36.

[84] Various letters that Cicero wrote give the impression that he was quite satisfied with Caesar's assassination, in itself, but not altogether pleased with the aftermath: *Att.* 14.5, 14.6, 14.9, 14.11,

profiting off of both the Pompeians' and Caesar's deaths, almost suggesting that he was profiting from the recent chaos of the republic. Some speeches later, however, Cicero reframes his arguments against Antony so that his withdrawal of funds from the Temple of Ops becomes emblematic of Antony's larger anti-republican agenda. Thus, despite being housed in the Temple of Ops,[85] Cicero was more concerned with Antony's plundering of public money than concern for offending the deity. This sets Antony apart from Verres in a fundamental way. While both Verres and Antony had abused temple infrastructure for personal gain, Verres' abuse is presented as *sacrilegium*, while Antony's is only presented as *peculatus*.

This scandal only receives significant play in Cicero's argument in one other speech, the *Fifth Philippic*, and even there Cicero's argument is less focused than it was when he first introduced it.[86] Cicero calls Antony's embezzlement, or more specifically the absolution of his debt, "like a portent in how quickly such money, of the Roman people, could vanish so quickly."[87] Even if Cicero's larger argument against Antony is that he has

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14.12, 14.14, 14.18, 14.22, 15.4 §1-4; *Fam*. 6.1. Craig (1993) notes this as one of Cicero's dilemmas; he must distance himself from the conspiracy while still expressing satisfaction at the event (pp. 156-157). Manuwald (2007a), on the other hand, lays out Cicero's position on the matter: he likely was unaware of the planning but present at the assassination itself, and was privately satisfied with the act (p. 10).

[85] Thompson (2010) notes that Ops, together with Saturn, Juno, Ceres, and Vesta combined to form the archetypal Roman configuration of the family (pp. 104-106). While this might be the case in some instances, it is difficult to draw this conception when the entire group is not being appealed.

[86] It is also briefly mentioned at *Phil.* 8.26, citing a mandate from Antony, and *Phil.* 12.12, listing some of Antony's transgressions, including the embezzlement, sale of exemptions (*immunitates*), citizenship (*civitates*), priesthoods (*sacerdotia*), and kingdoms (*regna*). Such venality is perhaps best epitomized, though describing an earlier context, by Sallust (*Iug.* 8.1, 28.1, 35.10).

[87] *...ut portenti simile videatur tanta pecunia populi Romani tam brevi tempore perire potuisse* (*Phil*. 5.11).

a tendency toward criminal activity or acting contrary to the senate's interests, he makes this particular offense out to be one of Antony's worst. By calling it portentous, it loses any veil of neutrality and instead adopts a more menacing tone, even if we were to take the adjective here outside the realm of the divine. But this was only one part of Antony's larger agenda, which was supplemented by his selection of jury-members that could acquit him of wrongdoing here and in other areas. His choice of various disreputable people — dancers, cithara players, Antony's whole troupe — mars the courts in another way.[88] The apparent crime of embezzlement was, naturally, worth decrying, but packing the juries to assure avoidance of punishment only makes the entire situation worse.

This, then, brings the discussion to Antony's agenda as a whole, beyond his embezzlement or other specific crimes. For Cicero, the larger concern is Antony's habit of skirting legality, if not simply acting outside of it altogether. Still considering Antony's plan to pack a jury with his own selection of unsavory individuals, Cicero admits that the law to create this third jury panel would have been objectionable if it had been passed with violence or violation of the auspices.[89] The implication here, of course, is that Antony had passed this law and others like it contrary to the auspices, possibly by means of violence. These tactics pose an obvious danger to the republic generally, if Antony's laws undo the civic order in any way, and the senate in particular, by undermining its authority. Cicero shows concern for both.

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[88] *Phil*. 5.15. This appears after Cicero has moved on to discuss Antony's proposed judicial law (*Phil*. 5.12-16) which would have impanelled a third jury of Antony's selection. Cicero's concern, aside from the makeup of the jury, was that the jury was intended to be partisan toward Antony.
[89] *Phil*. 5.16.

The explicit concern for the senate is, by comparison, rather tame, and will receive proportionate attention. Nevertheless it is worth exploring due to the way in which Cicero situates Antony's contravention of the senate's authority. Whereas, regarding Verres for example, Cicero has been known to make straight appeals to the senate, its legitimacy, power, and authority, in the *Philippics* they are now rhetorically paired with other sources of legitimacy or authority.[90] As an example of this that was just discussed, there is Antony's attempt to circumvent the senate by passing a law against the auspices. Cicero is troubled both by the result of the law and the means of its enactment; both are dangerous but for different reasons.

Other instances display this dual concern for the senate's and another institution's standing, even to the point of minimizing the slight against the senate in favor of another authority. Over a decade earlier, Antony had been serving as the cavalry commander under A. Gabinius, who was proconsul of Syria starting in 57. While serving Gabinius, and without the senate's approval,[91] Antony had traveled to Alexandria to help reinstate Ptolemy XII Auletes on the throne.[92] Part of the senate's reservation was based on an omen, which was interpreted through the Sibylline Books, of lightning striking a statue of Jupiter on the Alban Mount in January of 56.[93] Thus, when Antony obeyed Gabinius'

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[90] In only one instance does Antony flagrantly act outside the senate's authority and that was when he set out for Gaul after becoming quaestor to join Caesar (*Phil*. 2.50). Even here, there is reference to the drawing of lots and other law (*Att.* 6.6.4), but Cicero's focus here on the lack of senate approval (*sine senatus consulto*) appears to be a strict rendering of the facts. Ramsey (2003) parses this issue and the fine line Cicero was walking here (p. 234).
[91] Specifically, the senate forbade installing his 'with a host' (*cum multitudine*, *QFr*. 2.2.2; see also *Fam.* 1.1.3 and Dio Cass. 39.15.2, which uses πλήθει τινί).
[92] Plut. *Ant.* 3.4-6.
[93] Dio Cass. 39.15.1-2.

instruction and campaigned to restore Ptolemy, he did so against the senate and the Sibylline Books.[94]

Looking more comprehensively at Cicero's argument throughout the *Philippics*, the concern is broadly one for the republic as a whole than it is for any individual Roman institution. Several institutions received attention over the course of these fourteen speeches but none receives the attention that they did earlier in Cicero's career. In this way, the *Philippics* share more in common with other speeches like the *Catilinarians*, speeches that are concerned for Roman well-being writ large. Thus, even though the *Philippics* are focused on specific actions Antony has taken, and even shares with the *Verrines* certain crimes like embezzlement, they stand apart in the way that Cicero chooses to address them. He argues more fluidly than he had earlier in his career, sometimes homing in on a single crime, but just as often using various crimes to expound on Antony's larger threat.

In some cases, Antony was accused more on the Clodian model of clearly abusing his position for his own benefit rather than out-and-out criminal activity. This is reflected at numerous points in these fourteen speeches — like with Clodius, personal motivation is a fundamental aspect of Cicero's case against Antony — but one early example is the election of Dolabella to the consulship despite Caesar having already indicated that

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[94] *inde iter Alexandriam contra senatus auctoritatem, contra rem publicam et religiones…* (*Phil*. 2.48). The note for this passage in Ramsey (2003) is helpful at supplying some of the political context and motivation for the senate's decision. Originally the senate had backed Ptolemy's restoration, but after the omen the senate reversed course, possibly to prevent Pompey from assuming command himself (p. 231, s.v. *contra senatus auctoritatem*). For my own purposes, the rhetorical implication remains the same: Antony, in trying to restore Ptolemy Auletes after the omen, had acted against the senate and the Sibylline Books.

Dolabella would be made consul.[95] What Antony had done that was patently illegal was use his position as augur to nullify the results of that election.[96] This is worth dwelling on because, as Cicero indicates quite clearly, Caesar's decision to confer the consulship on Dolabella was already objectionable. Indeed, Cicero uses this to remind his audience that Caesar was always denying he was a king. Despite this, Antony claimed as augur, an office he shared with Cicero, that Dolabella's election was invalid due to some observed auspices.[97]

The problem with this invalidation was twofold. First, Antony had made it known well before the election that he would invalidate the results, suggesting already that this auspicious report was nothing more than politically motivated.[98] Second, Antony had also violated the law by announcing after the election was held that he had observed an omen that invalidated the election's itself, which naturally brings into question the motivations of the announcement.[99] Cicero's concern now is that, at best, Antony was acting ignorantly, but more likely he was simply acting for his own self-interest, and Cicero does not want the well-being of the republic jeopardized by Antony's malfeasance.[100]

Antony's decision to use his office to his own advantage in the case of Dolabella's election was, to the detriment of his own case, not unique. Cicero alleges that Antony had passed laws "by force and contrary to the auspices," without specifying what means were

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[95] *Phil*. 2.80.
[96] *Phil*. 2.81; Craig (1993), pp. 161-162; Mahy (2013), pp. 336-337; Rüpke (2018), p. 154.
[97] *Phil*. 2.82-83.
[98] *Phil*. 2.80, 2.83.
[99] *Phil*. 2.81-82.
[100] *ergo hercule magna, ut spero, tua potius quam rei publicae calamitate ementitus es auspicia; obstrinxisti religione populum Romanum*…(*Phil*. 2.83).

taken to enact law by force or contrary to the auspices.[101] The focus rests, instead, on the laws themselves, and their consequences, which already give reason for concern to Cicero's Roman audience. The laws in question here are likely referring to two laws, the *lex Antonia agraria* and the *lex Antonia de provinciis consularibus*, both of which were ostensibly in accordance with Caesar's own *acta*, but which Cicero aims to demonstrate are, in fact, contrary to Caesar's agenda.[102] The former law, as the name suggests, was an agrarian bill that established a committee of seven members (*septemviri*) to distribute the land, with many of them being partisans to Antony.[103] It was later repealed for being passed by force.[104] The latter law, on the other hand, concerned the length of provincial governorships. It changed the term's length from two years for ex-consuls to five years, meaning that Antony and Dolabella would now have longer terms, and subsequently could garner greater military control. This law directly undid Caesar's own version of the law (the *lex Julia de provinciis*) passed in 46. These are the two laws which Cicero claims Antony had passed *per vim et contra auspicia*, and to these he repeatedly turns his attention throughout the *Philippics*.

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[101] *Phil*. 5.10. Lintott (1968) reads the term *per vim et contra auspicia* as a single idea, since the two concepts are almost always invoked together (pp. 133ff.). Nippel (1995) notes that the senate repeatedly tried to declare laws passed in association with violence considered void, but this was not enough for annulment (p. 53).
[102] Dio Cass. 45.9.1-2; *Phil*. 5.7 addresses these two laws, and Manuwald (2007b) gives a fuller explanation of the laws and their context (p. 573). Lintott (1968) also only posits two laws that were specifically passed through violence, but also notes that other laws might also have been infringed (pp. 147-148).
[103] The names of five of the seven are known: M. Antonius and P. Cornelius Dolabella (the consuls), L. Antonius (tribune of the plebs), Caesennius Lento, and Nucula (*Phil*. 11.13); A certain L. Decidius Saxa and a Cafo are speculated for the final two members. See Broughton (1952), pp. 332-333.
[104] *Phil*. 5.21, 6.14.

Given Antony's possibly illegal laws, his at-best-dubious absolution of debt, his handling of his legions at Brundisium, and his use of armed guards for the senate meeting,[105] his reputation as of early 43 is that of a social outcast and possible *hostis*, at least as Cicero presents it.[106] This makes the prospect of sending an envoy, or, really, making peace with Antony at all, altogether unreasonable to Cicero. Nevertheless the embassy is sent yet peace remains elusive. Thus, around a month or so later, there is debate about sending another embassy, and Cicero delivers a scathing rebuke of the entire plan to make peace with Antony.[107] His justifications this time, now constituting the entirety of the *Twelfth Philippic*, centers around the same incidents from the *Sixth Philippic*, when the senate considered its first envoy.[108] Now, however, Cicero pushes the argument further by imagining the consequences of peace. Pertinent to this discussion are the laws that Antony had enacted, which the senate had since decided were "passed by violence and contrary to the auspices," suggesting to Cicero, at least, that they cannot be restored per Antony's conditions. In effect, then, by determining the laws to have been passed through force and without the proper auspices, the laws themselves were no longer viable nor were the people bound by them.[109]

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[105] *Phil*. 6.3.
[106] Antony is not declared a *hostis* until after the last extant *Philippic*. Cicero's depiction of Antony always bears an implicit, and at times explicit, call for Antony to be declared a *hostis*, but this call only gets louder toward the *Fourteenth Philippic*.
[107] *haec cum ita sunt, etsi hanc legitionem res publica, ut levissime dicam, non desiderat, tamen si tuto licebit ire, proficiscar* (*Phil*. 12.30). Cicero, himself a member of the envoy, does not outright refuse to go as ambassador, but he concludes this speech with fairly transparent rejection of the premise.
[108] Distilled at *Phil*. 12.11-12.
[109] *leges statuimus per vim et contra auspicia latas eisque nec populum nec plebem teneri: num eas restitui posse censetis* (*Phil*. 12.12)?

This line of argument recalls Cicero's argument against Clodius' consecration of his house to Liberty. Then, too, the question was not so much the result of consecration, or at least Cicero's focus was less on the shrine to Liberty in itself, but rather on the process by which Clodius had consecrated the property.[110] To be sure, there is some concern for Antony's ultimate objective here — primarily regarding Antony's hypocrisy in claiming to support the *acta Caesaris*[111] while passing legislation that rejects them — but the recurrent theme for Cicero is the enactment of the laws, their passing *per vim et contra auspicia*. This process, and the fact that Antony resorted to means that were outside the norm in two ways, made his laws untenable. Just as in the case of Clodius' consecration of Cicero's property, the failure to follow protocol properly has nullified the end result. Had Antony passed his laws without violence and according to the auspices, Cicero might still have argued for their hypocrisy and their anti-Caesarian nature but he would have lacked a fundamental flaw in their existence, that they went against traditionally *Roman* practice.[112]

Another instance of this, and one in which Antony was clearly going against both Caesar and established custom, was when Antony established a colony at Casilinum.[113] The founding of a colony, on its face, was certainly uncontroversial, even if it might have

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[110] e.g. *Dom.* 117-118.
[111] I follow Butler's (2002) note that this phrase is often translated uncritically as "Caesar's acts," which elides the legal grey area of the *acta* (p. 104). For this reason, I have mostly left *acta* untranslated.
[112] Regarding Antony's jury law, discussed previously, Cicero contends that the law itself was passed *contra auspicia*, but even if it had been passed accordingly it should be overturned. The point is moot, however, since it should be considered invalid in the first place (*Phil*. 5.16). I take this same rationale for the two *leges* passed ostensibly following Caesar's *acta*.
[113] *Phil*. 2.102.

been for clearly partisan reasons. Cicero's objection, apparently even made in private correspondence with Antony,[114] rested against Antony's evident disdain for the auspices. Based on what Cicero tells us, Antony had written to Cicero about a colony at Capua after he had founded a colony nearby at Casilinum. Cicero's response was that it was against the auspices to establish a new colony where one that was founded with proper regard for the auspices already exists. In the *Second Philippic* — and it seems to be outside of his response to Antony — Cicero reminds Antony that Caesar had already founded a colony at Casilinum and he had done so following the auspices.[115]

In blatant terms here Cicero has expressed his contention with Antony's colony at Casilinum. His reminder of Caesar's already-existing colony is delivered as an aside, likely only meant to barb Antony for claiming to stand in support for Caesar's cause despite violating some long-standing achievements of his. The violation of the auspices involved in establishing Caesar's colony at Casilinum are the main priority in this episode, with the proximity of Capua given close importance.[116] No matter Cicero's

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[114] Referenced at *Phil*. 2.102, thereby made less private, yet we do not possess these letters.

[115] *tu autem insolentia elatus omni auspiciorum iure turbato Casilinum coloniam deduxisti, quo erat paucis anni ante deducta, ut vexillum tolleres, ut aratrum circumduceres…* (*Phil*. 2.102). The "few years earlier" here is a bit of an exaggeration; Caesar had founded this colony as consul in 59 with his *lex Iulia agraria* (Cic. *Phil*. 5.53, *Att.* 2.16, 2.18; App. *BC* 2.10; Dio Cass. 38.1ff; Vell. Pat. 2.44.4).

[116] Cicero's worry that the colony at Casilinum would encroach on Capua should not be ignored, being reminiscent of Rullus' land bill. Capua itself was important to Rome for both logistical reasons, being on the route of the original Via Appia (Davies (2013), pp. 443-444), and for cultural reasons, allegedly founded by a Trojan, Capys, like Rome (Galinsky (1969), pp. 170-172; Farney (2007), pp. 204-205). The tomb of Capys is mentioned by various authors and in connection with Caesar, suggesting its importance as a landmark: Suet. *Jul*. 81.4, App. *BC* 2.116, Dio Cass.44.17, Plut. *Caes*. 63, *Brut*. 15, Vell. Pat. 2.57.2-3, Obseq. 67, Val. Max. 1.6.13, 1.7.2, 8.11.2.

views on Caesar's *lex agraria* that established the colony in the first place,[117] it was still unlawful for Antony to found his own colony on the same site if Caesar's colony was intact. Thus, even in cases where Antony was violating a recently established Roman colony which might have been viewed skeptically when it was founded, the violation of the auspices is itself still worthy of condemnation.

This brings the discussion to one of the keenest examples from Cicero's case against Antony, that he was concerned more with the public good than his own personal animosity. Shortly before Caesar was assassinated he had chosen Antony to be his *flamen*, one among many divine honors he had received toward the end of his life.[118] Per some technical setbacks,[119] Antony had not yet been inaugurated as *flamen*, and indeed would not be for several years until 40, when Octavian and Antony had reached a

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[117] *Att.* 7.7, 7.8. Raaflaub (2010) argues that this land bill was an attempt to form a 'grand coalition' not unlike Cicero's *concordia ordinum* (p. 164). Farney (2007) notes the way Cicero played up a resurgent Capua in his case against Rullus' land bill some two decades previously (p. 194); see also Feeney (2007), who astutely observes Cicero's inflation of Capua to a rival power to Rome, where Syracuse would make more sense (p. 234 n. 45). There is also ample evidence that Cicero saw Caesar as acting like a parricide (*Off.* 3.83), like a tyrant (*Phil.* 2.90, 2.117, 13.17; *Fam.* 12.1.2; *Att.* 10.4.3, 10.12a.2, 14.9.2, 14.14.2, 14.17.6, 16.14.1), and a king (*Phil.* 2.34, 2.80, 2.87, 3.12; *Off.* 3.82).

[118] Dio Cass. 44.6.4; Weinstock's (1971) chapter, "Iuppiter Iulius," provides an in-depth overview of Caesar's divine honors both in Rome and outside in the provinces (pp. 287-317); Koortbojian (2013), p. 4. Too numerous to list here, Caesar's honors included a litany of titles, crowns, and privileges, as well as newly invented or modified institutions, that all point toward a divine status before his assassination.

[119] The chief obstacle was Antony's status as plebeian, and that of his wife Fulvia; inauguration as *flamen Divi Iulii* required marriage by the rite of *confarreatio*, which required patrician parents; this followed the precedent set by the other *flamines*. Weinstock (1971) states that Caesar made Antony a patrician following the *lex Cassia* of 45, "and the condition about the marriage of the parents must have been waived in Antony's case. He was not inaugurated in Caesar's lifetime" (p. 307). It might also be the case that Antony's marriage to Octavia, herself newly made patrician, after the death of Fulvia allowed him to be inaugurated.

détente.[120] Cicero nevertheless uses this opportunity to thread a narrow needle that is essential to his entire case: he must simultaneously mark Antony as deviant from established norms while also not appearing to side with the Caesarians himself.[121]

The way that Cicero was able to satisfy both demands here was to follow the same tack already presented, namely, by depicting Antony as a violator of specific norms with broader, more fundamental ramifications. In this case, Cicero states in lucid terms that he disapproves of the flaminate established for Caesar, and yet Antony is still to be rebuked for shirking his duties as the chosen *flamen*:

> *aut undique religionem tolle aut usque quaque conserva. Quaeris placeatne mihi pulvinar esse, fastigium, flaminem. mihi vero nihil istorum placet: sed tu, qui acta Caesaris defendis, quid potes dicere cur alia defendas, alia non cures? Nisi forte vis fateri te omnia quaestu tuo, non illius dignitate metiri* (*Phil*. 2.110-111).
>
> either entirely abolish religion or preserve it everywhere. You ask if the sacred couch pleases me, or the pediment, or the priest. To me, certainly, none of these is pleasing. But you, who defend Caesar's agenda, what can you say as to why you defend some things but do not care about others?

This, rather succinctly, gets to the crux of Cicero's argument for the entirety of the *Philippics*. Cicero uses specific transgressions as one component of a larger habit of

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[120] It is worth noting that the office of the *flamen Dialis* had been vacant since 87 BCE with the death of L. Cornelius Merula, and that Julius Caesar had been nominated and either never installed or stripped of the office with Sulla's accession (Suet. *Iul*. 1.1; Vell. Pat. 2.43; Beard (1988), p. 742; BNP (1998), pp. 130-132; Wardle (2009), pp. 101-102). Wardman (1982) suggests that this vacancy indicates that Roman men were increasingly seeking religious offices that could advance their careers, and the restrictions imposed on the *flamen Dialis* made this difficult (p. 30).

[121] Cole (2013), p. 173; Craig (1993) p. 164; both espouse this view in reference to *Phil*. 2.110. For Cicero's epistolary views on Antony, see *Att.* 14.13, 14.13a, 14.13b, 15.12, 16.7, 16.11, 16.14; perhaps the strongest is *Fam*. 12.22, where Cicero calls Antony a gladiator.

Antony's that ultimately undermines Roman tradition and stability.[122] The transgression itself might be relatively harmless or insignificant, but across his career Antony proved himself to be a critical threat to Rome and, more importantly, the republic.

Likely the most famous scene from the *Philippics*, and one of the more infamous about Antony generally, is his conduct at the Lupercalia a month before Caesar was assassinated. On February 15 of every year, groups of young men divided into two ancestral *collegia*, the *Quintiliani* and *Fabiani*,[123] would run around the Palatine while flogging watchers with strips of skin flayed from a recently sacrificed goat. They did this while (nearly) naked, in what is taken to be a sort of yearly fertility ritual.[124] In 44, a third group of *luperci* was added as an honor for Julius Caesar, the *Iuliani*, based on the *gens Julia* and following the familial precedent of the first two *collegia*.[125] The first *magister* of the new *collegia* was none other than Antony himself.[126]

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[122] Cole (2013) reads this as feigned outrage on Cicero's part (pp. 173-174); cf. Koortbojian (2013), who rejects a cult of Caesar as yet fully established (pp. 36-37). I tend to follow Craig's (1993) reading, "either abolish religion altogether or preserve it at every point," by which Cicero is framing Antony as a bad Caesarian (p. 164). This particular attack also makes Antony impious too, thus making him a bad Republican and Roman. This leaves room for an ironic reading, like Cole's, but it seems to align more with the sincerity I read elsewhere throughout the speeches.
[123] Ov. *Fast.* 2.375-8; Fest. 308; Paul Fest. 78; *CIL* VI 1933, 33421, XI 3205; Champion (2017) uses *Fabiani* and *Quinctiales* (pp. 42-43), while Vuković (2016) settles on *Fabiani* and *Quintiliani* after a thorough examination of the available evidence (p. 44); he also settles on *Iuliani* for Caesar's new group of *luperci* (p. 51).
[124] Plut. *Caes.* 61.1-3; Val. Max. 2.2.9. Varro notes that it was originally a purification ritual (*Ling.* 6.13). Weinstock (1971) calls it a "festival of the pastoral community" (p. 332). North (2008) cites Binder (1997) in calling the festival "of the Carnival type" (pp. 148, 154). I tend more toward Hopkins (1991), who argues that different participants might have drawn different meaning from it at any given performance (pp. 480-483).
[125] Dio Cass. 44.6.2, Suet. *Iul.* 76.1. Champion (2017), pp. 42-43; Vuković (2016), p. 51. Weinstock (1971) finds a narrative among the already existing groups of *luperci* with the new *luperci Julii* through familial connection in a shared use of the *praenomen* 'Kaeso,' though I fail to grasp this proposition fully (pp. 332-333).
[126] Plut. *Ant.* 12.2; Dio Cass. 45.30.3; Vuković (2016) pp. 46-47.

At the Lupercalia of 44, Antony, after he had performed his duties as *lupercus*, approached Caesar and offered him a diadem, which Caesar promptly rejected.[127] They repeated this another two times before Antony relented.[128] North offers an interpretation of the Lupercalia as a Carnival festival, rather than a kind of coronation, and equates Caesar in this situation more with a founder of Rome than a prospective king.[129] Neel, on the other hand, interprets the new *Iuliani* group of *luperci* as associated with Romulus and Remus, and Antony's offer of the diadem to Caesar as regal in its character.[130] While North's reading is worth considering, Cicero's response to Antony's gestures at the Lupercalia suggest that he, too, feared a new king at Rome and Antony was hastening that development.[131]

Cicero returns to this scene a few times over the course of his *Philippics*. The reason, unsurprisingly, is because Antony had at least gestured that he desired the most unRoman of desires, a kingship. But this is only one aspect, albeit the greatest, of Antony's

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[127] Weinstock (1971) provides copious evidence that the diadem was originally a signifier of Persian kings, then became Greek under Alexander, and later a Roman signifier of kingship only in the second century (pp. 333ff). Weinstock offers that some might have still seen Caesar's diadem as a signifier of kingship outside Rome, though this was unlikely the majority opinion (pp. 339-340).

[128] *Phil*. 13.31; Plut. *Ant*. 12.2-4; Dio. *Rom. Ant.* 45.31-32; Quint. *Inst. Or.* 9.3.61. Dio Cass. 44.11.2-3 presents Antony hailing Caesar as king (βασιλέα) and Caesar rejecting the diadem, instead sending it to Capitoline Jupiter and saying that Jupiter alone was king of Rome (Ζεὺς μόνος τῶν Ῥωμαίων βασιλεὺς εἴη). Morstein-Marx (2004) offers this scene as evidence of Roman crowd dynamics and that they could have some influence on Roman leaders (p. 123). Here, the audience's response to Caesar's acceptance or rejection of the diadem would be evidence for other parties as to support for or against Caesar.

[129] North (2008), pp. 154-159.

[130] Neel (2015b), pp. 99-101. She notes the unprecedented nature of Caesar's new *collegia* of *luperci*.

[131] Of course, both interpretations are valid; different Romans, in different contexts, might have interpreted the Lupercalia in different ways: see Hopkins (1991), pp. 480-483; North (1982), p. 576.

transgression at the Lupercalia. He was also consul at the time and had run through the streets of Rome naked, flogged onlookers, and delivered a speech in this condition.[132] For Cicero, this meant two reasons to criticize Antony for his behavior at the Lupercalia. On the one hand, more obviously, he immediately rejected Antony's attempts to crown Caesar with a diadem, as this indicated a desire for a kind of servitude.[133] On the other hand, the more difficult of the two, he depicts Antony's performance as *lupercus* as diminishing the standing of the consulship, his other office.[134] While running through the streets nude was certainly a traditional aspect of the priests of the Lupercalia, for Antony to do so while consul smacked of irreverence for his higher office.[135]

This is an important, and subtle, complaint against Antony. Cicero, in his rhetorical framing at least, was as much bothered by Antony's diminution of the consular standing by acting as a *lupercus* as he was by Antony's debasement of himself (and the office) for offering Caesar the diadem. For Cicero's argument on this matter, the two are almost inseparable. In the three clearest mentions of this scene (*Phil*. 2.84-87, 3.12, and 13.31) all three mention his nudity while consul, and two (*Phil*. 2.85-86, 3.12) mention the attempt to give Caesar a diadem. If anything, Cicero's rhetorical attention is focused more on Antony's behavior as consul than he is on his attempt to crown Caesar.[136] Thus,

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[132] *Phil*. 3.12, 2.86.
[133] *Phil*. 2.86, 3.12, 13.31.
[134] *Phil*. 2.85, 3.12.
[135] North (2008) makes the case that Antony's running nude among the *luperci* was not atypical, in itself, except for his age (p. 147); Val. Max. 2.2.9a for example uses the term *iuventus* for the *luperci*. At 39 years old in the Lupercalia of 44, Antony would have been pushing the upper limit of that term.
[136] I would not put too much weight behind this suggestion, though, since *Phil*. 13.31 appears to respond to Antony's own complaint that the *luperci Iulii* had been defunded; it would be

the abdication of personal freedom would have come if Caesar had accepted the diadem, but Antony had personally abdicated the consulship by delivering a speech in the nude, possibly drunk.[137] In hindsight, the diadem and Caesar's rejection of it obviously portend a change from republic toward autocratic rule, and sentiment among certain Romans to support such a shift. This only explains the later accounts. Contemporary reaction, as much as we have it, seems to have been equally appalled by the diadem as Antony's consular conduct.[138]

Despite being one of the most famous scenes from the *Philippics*, this scene only speaks so much to Cicero's overall argument against Antony. Certainly it attests to Antony's preference for personal over public well-being, to how Antony was willing to belittle the consulship, and possibly the republic, for his own reasons. Compressed into one, admittedly rather long sentence, Cicero offers two sides to the current conflict, two sides which are reminiscent to Catiline and his cause above all. He asks, speaking for his audience, what the cause is for the current war, and answers with two options:

> *quae est igitur in medio belli causa posita? Nos deorum immortalium templa, nos muros, nos domicilia sedesque populi Romani, aras, focos, sepulcra maiorum; nos leges, iudicia, libertatem, coniuges, liberos, patriam defendimus; contra M.*

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somewhat out of place to mention the attempted-crowning here.

[137] *Phil*. 3.12.

[138] North (2008) argues that Quintilian's inclusion of this scene (*Inst.* 9.3.61), as well as Cicero's focus on it, demonstrates how it was seen even early on as a significant event in Roman history. The crowning does appear to be the focus for later authors on this scene. See Manuwald (2007b), p. 364, for list of ancient sources on this scene: Quint. *Inst*. 9.3.61, Suet. *Iul*. 79.2; Liv. *Epit*. 116; Vell. Pat. 2.56.4; Nic. Dam. *Aug.* 71-75; Plut. *Ant*. 12, *Caes*. 61; App. *B Civ.* 2.109.456-458; Dio Cass. 44.11.1-3, 45.30-32, 46.17.4-5, 46.19.4-7.

Antonius id molitur, id pugnat ut haec omnia perturbet, evertat, praedam rei publicae causam belli putet, fortunas nostras partim dissipet, partim dispertiat parricidis (*Phil*. 8.8).[139]

> what cause, then, has been offered for the war? We defend the temples of the immortal gods, we [defend] the city walls, we the houses and dwellings of the Roman people, the altars, the hearths, the tombs of [our] ancestors, we the laws, the law-courts, liberty, the wives, the children, the fatherland; M. Antony struggles against that, he fights that so he might upset and overturn all these things, that he might regard the plunder of the Republic a cause for war, that he might partly disperse our fortunes, partly distribute to parricides.

Cicero's framing here makes it obvious that there is only one side worth supporting and it is not Antony's; his side bears no positive aim for which to fight, only the reversal and undoing of the aims of the other side. In his list of objects to be defended, prime place is granted first the temples, then gradually shrinks its focus to the family with the wives and children of the Roman people. The fatherland, capping his side's cause, is nestled closely to the main verb *defendimus*, giving it a summary effect. Antony, in contrast, is concerned mostly with action, and verbs of destruction and corruption at that. If ever there was question as to the motivation of each side, Cicero gives no plausible excuse to back Antony here.[140]

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[139] cf. *Phil*. 3.1 which includes only "the altars and hearths…" (…*contra aras et focos, contra vitae fortunasque nostras*…), making it a much more private fear than a public one; cf. *Phil*. 8.8. For the specific *popularis* argument being made here, see Robb (2010), p. 76.

[140] P. Cornelius Dolabella (Cicero's former son-in-law) is one figure named whose allegiance switches to Antony after initial hesitance, eventually being paired as one of Antony's close allies (*Phil*. 5.10-11, *Att.* 14.17a (*Fam.* 9.14), 14.18, 14.19; *MRR* 317). Together, the "impious pair," in their destruction of temples and slaughter of citizens, are the target of the current war (*Phil*. 11.6). Cicero gives Dolabella his own list against which Dolabella was an enemy, including "the walls of the fatherland, the city, the household gods, the altars and hearths, and nature and humanity" (*Phil*. 11.10; see also 11.30).

By depriving Antony of any worthwhile cause, Cicero simultaneously deprives Antony of any reasonable claim to other allies outside the immediate walls of Rome. In doing so, Cicero can co-opt these lost allies for his own cause, and he does just that to maximum ability. More than any speech studied thus far, Cicero makes his case one where the two sides are clearly drawn, and to support Antony is to forgo any connection not only to Rome and its institutions, as has been seen, but also to humanity writ large. In rather tactical terms, Cicero positions Antony's cause within the larger conflict, indicating that Antony has relatively meager support from the larger Roman world. By March of 43 Antony has three towns with the rest of world against him, including some whom he had trusted for support.[141] Following this purely military assessment, Cicero is on fair ground when he says that Antony is fighting against much of the world; geographically speaking, this is a fair claim.

Over the course of the *Thirteenth Philippic*, Cicero recites portions of a letter apparently sent from Antony, only to give his reply to Antony publicly in the senate. Antony made a comment as to the nature and potential outcome of the conflict, hoping that the immortal gods supported him but looking forward to the punishments of his opponents (i.e., Cicero and the senate) all the same.[142] Cicero's response is incredulity at Antony's optimism, but also quick to check this optimism by saying that "all gods and people, the highest, middle, and lowest, citizens and foreigners, men and women, free

[141] *Phil*. 10.10. The three towns, not listed in the *Philippics*, are Bononia, Regium Lepidi, and Parma (*Fam.* 12.5).
[142] *Phil*. 13.45.

and slave hate you."[143] In clear and concise terms Cicero ends his speech by making Antony out to be an enemy of all the gods and all of humanity. His violations as consul, his dereliction as *flamen*, and his execution of Roman citizens now all fit neatly behind a new cause. Cicero has spent several speeches attacking Antony and his piety, especially in the ways that he conducts himself publicly, only to finally depict Antony as an all-out enemy of the gods.

Cicero and The New Coalition

Cicero's *Second Philippic*, as mentioned, is one of most pointed pieces of invective against Antony. There, and again in the *Third Philippic*, Cicero establishes exactly how and why Antony's actions deserve reprobation. That said, it is also framed in such a way that Cicero can maintain a moral high ground by not making his dispute with Antony a personal one. Whereas his rivalry with Clodius was more manifestly personal, with public repercussions, Cicero's argument against Antony is, from the start, made to be one of public transgressions and public consequences. This carries on, of course, in the other *Philippics*, but is made clearest in his *Second*. Through subtle equivocation, Cicero transforms Antony's crimes against himself and his imagined audience into crimes against the republic.[144] In new ways, Antony has become a larger threat to Rome than any of the previous rivals studied thus far.

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[143] *omnes te di homines, summi medii infimi, cives peregrini, viri mulieres, liberi servi oderunt* (*Phil*. 13.45).

[144] *accipite nunc, quaeso, non ea quae ipse in se atque in domesticum dedecus impure et intemperanter, sed quae in nos fortunasque nostras, id est in universam rem publicam, impie ac nefarie fecerit* (*Phil*. 2.50).

Such an extreme threat to Rome, as was the case with Catiline or Verres, requires a superb defender. Unlike Antony's cause, which largely centers around Antony himself, the cause of the senate and Cicero has a cast of able defenders. As opposed to some previous speeches studied, where Cicero was the primary agent defending the republic, his role is far more subdued in these final speeches. Of course, he still adopts both the role of savior and reluctant defender against Antony. In terms of the amount of time dedicated to himself versus other figures, however, he becomes but one player in these events, with men like Octavian and the consuls, Hirtius and Pansa, playing far greater roles in defending Rome. There were likely a variety of reasons for this, not least because Cicero's place in Roman political life had been waning ever since he was exiled, but certainly after the civil war between Pompey and Caesar.[145]

In keeping with his past self-presentation — and also the presentation of Antony and his allies — Cicero tends to rely on his past events when (re)creating his persona for the *Philippics*. Just as his persona in the *Verrines* played a role during his consulship, and his consular persona helped define his post-exile persona, so too do these all continue to situate Cicero in his final speeches. The circumstances of these speeches differ greatly, especially in the specifics, but Cicero drew from wherever he could to help recall for his audience the person that he used to be, and therefore still could be. More surprisingly,

[145] Tempest (2014) makes a good point that Cicero was not totally resigned from politics after exile, but was more simply resigned from the great public speeches that he was known for (p. 5). In Tempest's view, he was still an active player at the highest levels, even if he often sided with the eventual loser. I find this point worth considering, but would add that receding from public speechmaking also, naturally, reduces the amount of political cachet one can draw on in any speeches that are delivered and/or published. See also Lintott (2008), p. 215.

Cicero at times adopts three different, yet related, characters for himself in his position against the danger of Antony.

The three aspects to Cicero's rhetorical persona all circle around themes discussed thus far, and each somehow answers a threat that Antony and his allies posed to Rome. Throughout the *Philippics*, but especially in the *Second Philippic*, Cicero makes himself out to be a savior of the republic, who puts the interests of Rome and Rome's institutions above his own, all in the name of peace and harmony. At some point in his career Cicero had already used each of these, and in these speeches he is hardly unique. Nevertheless, his persona is perhaps the most refined, if not the best, response to Antony and those that worked with him against Roman interests.

Cicero's opening remarks in his *First Philippic* establish him squarely on the side of peace, despite his recent alleged retirement from politics.[146] He reminds his audience of how he attempted to lay the foundations for peace at the first meeting of the senate after Caesar's assassination. This was the meeting at the Temple of Tellus where Antony, too, had shown promise, abolishing the office of dictator for life. But while Antony soon turned from this promising start, Cicero was constant.[147]

Some few months later when delivering his *Seventh Philippic*, Cicero once again resumes the thread he first stitched in the *First Philippic*. In two ways Cicero reminds his audience of his larger cause, of peace over turmoil. First, he recalls his past career, and

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[146] *Phil.* 1.1.
[147] That is, he still favored peace over war; he also left Rome from April to September 44 (*Att.* 14.1.1; *Fam.* 12.25.3).

the way in which he resorted to speeches rather than arms.[148] This harkens back, in a way, to Cicero's speeches returning from exile. Then, as now, he makes it clear that he goes to the Forum rather than the battlefield; he used oratory instead of an army.[149] To make his point explicit, Cicero calls himself the "foster child of peace," ever an advocate for the cause.[150] He, of course, had some past actions to speak for him in this case as proof. Cicero had actually come back from exile without an army, and he was now speaking against Antony rather than marching in the field.

By arguing to represent peace, and to have done so for some time, Cicero needed to walk a fine line. He had obviously run into trouble in his handling of the Catilinarian Conspiracy, executing some conspirators without trial. In the current tumult, he still cheered on men like Octavian, D. Brutus, and the two consuls Hirtius and Pansa, all of whom were at some point marshaling armies to oppose Antony. Instead of claiming to be a pacifist then, Cicero becomes the representative of peace, as the one who best knew how to achieve enduring peace. He can thus claim that peace with Antony would be too dangerous to risk;[151] Antony's speech appealing to *concordia* while the Temple of Tellus was under guard being but another poignant example of Antony's own duplicitousness.

This narrow line plays its part earlier in the *Philippics*, too, when Cicero was arguing to keep Caesar's acts in place. Despite his own misgivings about some of Caesar's acts from before he was assassinated, Cicero nevertheless thought them worth keeping for the

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[148] *Phil*. 7.7; Yakobson (1999), p. 45.
[149] *Red. Sen*. 38; *Red. Pop.* 20-21; *Off.* 1.77.
[150] *ego igitur pacis, ut ita dicam, alumnus, qui quantuscumque sum (nihil enim mihi adrogo) sine pace civili certe non fuisse* (*Phil*. 7.8).
[151] *Phil*. 7.8.

time being. When considering the consequences that could arise should the senate repeal Caesar's various laws and acts, Cicero sought the way toward peace by following the status quo, at least in the short term.[152] In some cases, Cicero openly disagreed with Caesar's laws, yet still thought they should be kept for the sake of harmony.[153] Thus, in order to maintain peace, Cicero is willing to forgo his own personal preference on the laws. Likewise in his handling of Antony, where immediate peace might be appealing, but long-term peace requires immediate conflict. In the pursuit of peace sacrifices must occasionally be made.

Another example of Cicero's clear attempt to put the public's interests over his own comes in the *Second Philippic*, in response to Antony's own actions. As discussed, Antony had been shirking his duties as the *flamen divi Iulii* and Cicero made sure to remind his readers of this.[154] As with Caesar's laws and acts Cicero was not especially keen on the office to begin with, or at least not the divine honors granted to Caesar, yet still he argued for their remaining in place.[155] While never explicitly stated, there are two reasonable justifications. The first, in line with the discussion thus far, would be that Cicero wanted to maintain order by continuing the divine honors as granted. The second, related to this, ties in to the persona of Cicero as the selfless public actor.

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[152] *Phil*. 1.16.
[153] [*leges*] *quae iubent ei qui de vi itemque ei qui maiestatis damnatus sit aqua et igni interdici* (*Phil*. 1.23). Ramsey (2003) calls the defense at *Phil.* 1.24, where Cicero defends defends Caesar's laws again, ironic (p. 133, s.v. *publicam contineri*). While this reading seems plausible, it might also be that Cicero defends Caesar as opposed to Antony because he does not want *further* legal uncertainty.
[154] *Phil*. 2.110. Koortbojian (2013) sees this as evidence that Caesar's cult had not been officially enacted (pp. 36-37); it is just as easy to see this as Antony's personal failure.
[155] *Phil*. 2.111.

An example of this is Cicero's own dedication to duty in comparison to Antony's obviously dereliction, and also questionable motives, regarding his position as *flamen*. Antony had abandoned his responsibilities, bringing into question the degree to which he was sincere in his advocacy of the cult of divine Julius or merely looking for his own means of enhancing his status. Cicero, on the other hand, reminds Antony and his imagined audience that the most illustrious stage of his career, his consulship, had not even truly been his to have.[156] The consulship belonged instead to the senate, and his own actions had been done with their approval and authority.[157] For this, Cicero goes on, the senate thanked him like a father, acknowledging a debt to Cicero for saving their lives, their children, and the republic.[158]

The list of men who had approved of Cicero's consulship is long. It includes men like P. Servilius, Q. Catulus, M. Crassus, Q. Hortentius, C. Piso, and culminates with Pompey. They had all approved of Cicero's actions, he tells his reader, and in the case of Pompey, personally thanked him for saving the *patria*.[159] The debt they owed him was like that of a son to a father, recalling again Cicero's status as *pater patriae*, as well as, it is likely, the status of recently deceased Caesar. In swift succession then Cicero aligns a number of

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[156] *Phil*. 2.11.
[157] There is some truth to this argument, but it is also a clever dodge both from the consequences of Cicero's consulship, for which he was banished, and from his own attempts to exult his consulship by some ill-received means; cf. Courtney (1993), fr. 5a, where Cicero is admitted to the council of the gods.
[158] *Phil*. 2.12.
[159] Cicero also notes that Caesar's legions recognize Cicero as inviolable for his saving of the *patria* (*Phil*. 2.60). I follow Ramsey's (2003) reading of the phrase "*sanctus essem*" as approaching *sacrosanctus* (p. 248, *s.v.* 60.18, *sanctus*).

esteemed, and now dead, former consuls, as well as the recently assassinated Caesar, into a single coalition against Antony.

This maneuver follows the earlier discussion, that Cicero expands his complaint of Antony into a larger, more collective one, but it also allows him to recall his status as consul and *pater patriae* and as savior of the republic, and use these against those threatening that republic. Despite his alleged recession from active politics, Cicero now makes a final appeal to his former status, but in doing so he is able to reclaim some small portion of it again and put it to active use. He can remind his audience in early February of 43 that he had gone up against Clodius, a pernicious citizen and a criminal, lustful, impious, insolent, and villainous, while some like Q. Fufius Calenus had thought him blameless, moderate, and innocent.[160] Many of these terms, at some point, were used to describe Antony, his allies, or both. Cicero's use of them in connection to Clodius, or Antony's association with Catiline, instantly associate these men together and help to conjure up the image of Cicero as the savior of the republic, or at least one who is willing to resist the criminal, the impious, and the insolent.

Ultimately for Cicero this is what he hopes to project, and has hoped to project over the years. Against Verres he made a public corruption trial into a far grander affair than it nominally was by considering the larger consequences of Verres's actions as governor and the precedent for future generations those actions could serve if left unpunished.

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[160] *Uno in homine, Q. Fufi, fateor te vidisse plus quam me: ego P. Clodium arbitrabar perniciosum civem, sceleratum, libidinosum, impium, audacem, facinersoum; tu contra sanctum, temperantem, innocentem, modestum, retinendum civem et optandum* (*Phil*. 8.16). The sarcasm here is, I think, clear. It is also worth pointing out in passing that Calenus is alleged to think of Clodius in much the same way the Caesar's legions think of Cicero, namely, *sanctus.*

During his consulship he was the all-seeing, ever-fighting consul, who acted above all for Roman, not personal, interests. Against Clodius his personal complaints become public, with yet another dangerous precedent in contention, only now it was the abuse of public office and public action for clear personal motivation and personal gain. When facing Antony, and the sort of coalition Antony has gathered around himself, Cicero follows a similar tactic. He reassures his audience that he will continue putting his full efforts behind stopping Antony:

> *equidem non deero: monebo, praedicam, denuntiabo, testabor, semper eos deos hominesque quid sentiam, nec solum fidem meam, quod fortasse videatur satis esse, sed in principe civi non est satis, curam consilium vigilantiamque praestabo* (*Phil*. 7.20).
>
> for my part, I will not fail: I will warn, I will instruct, I will give notice, I will always call people and the gods to witness what I perceive, I will answer for my faith — which might seem to be sufficient but in a leading citizen is not enough — my care, counsel, and vigilance.

These efforts have already earned him high praise. He reported during his *Fourth Philippic* about the events in the senate that morning, how he had expressed his own compulsion to stop Antony's nefarious war on the altars and hearths,[161] and convinced the senate to take measures against Antony. In doing so, he tells us in the *Sixth Philippic*, the people unanimously shouted that he had saved the republic a second time, the implication being that the first was against Catiline.[162] By Cicero's account, this would have been enough had he died that day. Given the amount of value put on working for the public

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[161] *Phil*. 3.1.

[162] *Quo quidem tempore, etiam si ille dies vitae finem mihi adlaturus esset, satis magnum ceperam fructum, cum vos universi una mente atque voce iterum a me conservatam esse rem publicam conclamastis* (*Phil*. 6.2).

good, this should come as no surprise. Even though there were others more active in the efforts against Antony, especially those marshaling forces to stop him, Cicero could claim some satisfaction knowing that the people had approved of his attempts to stop Antony's nefarious war on their altars and hearths.

This brings in the discussion of those working with Cicero, sometimes even ahead of Cicero, to check Antony. The chief figures are D. Brutus, a young Octavian, Hirtius and Pansa, and Sulpicius Rufus. The Martian and Fourth Legions also bear rhetorical significance, but will be addressed toward the end of the chapter. The common characteristic among all these figures, including the legions, is the way in which they all, in some way, work on behalf of the republic or for the public good, as Cicero defines it. As was true for Verres, Catiline, and Clodius, Antony is presented as focused only on short-term, personal gain, rather than the long-term stability of the republic. For this reason, any person or group who acted for those ends inherently acted against Antony. This includes the gods themselves.

The gods act as personal defenders, whether in a collective or individually, far less in the *Philippics* than in the speeches previously examined. Part of the reason for this could be the sheer number of human actors aiming to defend Rome at this time, who are occasionally close to divine agents in their own way. Indeed, this is the extent of the gods' own actions over the course of these speeches, to send or otherwise guide those humans that are defending Rome. Cicero asserts that it is the gods who, in coordination

with the Roman people, will free the city from Antony; indeed, they have presented Rome the opportunity to defeat Antony early on in the *Philippics*.[163]

The primary means of provision, assessed by the number of lines Cicero devotes to their discussion, are men like D. Brutus and Octavian. These men were, in some capacity, working against Antony and therefore on behalf of the Roman people and the city itself. In the case of Octavian, being so young, he was an unforeseen protection.[164] Together with D. Brutus, they acted as bulwarks against the onslaught of Antony and his rapacious tendencies. Octavian acted as the last best defense for the city of Rome, while D. Brutus was soon to be in Cisalpine Gaul where he would defend against a besieging Antony. The stakes, for Cicero, are the total loss of either Rome or Gaul should either of these men fail in their efforts.[165]

D. Brutus, perhaps more than Octavian, was an interesting figure for Cicero to praise so openly. His role in the assassination of Julius Caesar was not a secret,[166] but his actions after the assassination, especially those against Antony seemed to outweigh his role as assassin. In clear terms Cicero gave his audience an ultimatum: if Antony was a legitimate consul, then D. Brutus was an enemy for opposing him, but if Antony was an enemy, D. Brutus was a savior of the republic.[167]

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[163] *quorum opprimendorum di immortales incredibilem rei publicae potestatem et fortunam dederunt…his auctoribus et ductibus, dis iuvantibus, nobis vigilantibus et multum in posterum providentibus, populo Romano consentiente, erimus profecto liberi brevi tempore* (*Phil*. 3.36).
[164] *Phil*. 13.18.
[165] *Phil*. 3.34.
[166] Plut. *Caes*. 64; Suet. *Iul*. 81.
[167] *si consul Antonius, Brutus hostis; si conservator rei publicae Brutus, hostis Antonius* (*Phil*. 4.8).

At the start of January, 43, still before the battle of Mutina, Cicero argued that D. Brutus deserved honors, even if no honors might ever be enough to match his service.[168] For blocking Antony from Gaul and thereby defending Roman interests, Cicero wanted an "everlasting testimony to his great and outstanding deed."[169] As with others before him, D. Brutus' actions deserve long-lasting recognition, even if he had arguably helped usher in the current state of turmoil by taking part in Caesar's assassination. By opposing Antony and keeping him from Gaul, and doing so for the public's benefit, he had apparently proven his worth in at least Cicero's estimation.

In a more surprising turn, both Marcus and Decimus Brutus were given a pass for the subsequent actions of the latter Brutus. Indeed, the entire family of Bruti, Cicero contends, seem to have been "given to the republic as if by the favor and service of the immortal gods, either to establish or to save the freedom of the Roman people."[170] While this line is directed, primarily, at D. Brutus — it comes after a brief defense of the magistrate, and before the explicit conditional just discussed — the inclusion of the "family and name of Bruti" includes M. Brutus but also L. Junius Brutus, killer of Tarquinius Superbus and founder of the republic.[171] It is also worth noting that the Bruti are treated as almost the polar opposite family to the Antonii, discussed earlier. In this

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[168] *Phil*. 5.36.
[169] *habeat ergo huius tanti facti tamque praeclari decreto nostro testimonium sempiternum* (*Phil*. 5.37).
[170] *est enim quasi deorum immortali beneficio et munere datum rei publicae Brutorum genus et nomen ad libertate populi Romani vel constituendam vel recuperandam* (*Phil*. 4.7).
[171] In his *Second Philippic* Cicero heaps praise on Brutus for killing Tarquin, calling the deed outstanding and divine (*praeclarum atque divinum*) and worth imitation (*ad imitandum est*); "for, although it was enjoyed well enough for the consciousness of the most wonderful deed, nevertheless I do not think that immortality should be shunned by a mortal" (*Phil.* 2.114). This sentiment is repeated in his letters at various points: *Att*. 14.4.2, 14.6.2, 14.11.1, 14.12.2, 14.15.

context, it is much easier to see both how the Bruti might be worth commemoration; their progenitor founded the republic, and after assassinating Caesar D. Brutus was now attempting to save that same republic by opposing Antony.[172] Their civic-mindedness, or rather their more selfless objectives, seem to be a divine sign of some kind, even if they still should not receive divine honors.[173] Again, this makes them antithetical to the Antonii, with L. Antony acting as a *portentum* of the gods' hatred. In the case of D. Brutus, it seems as though he was sent by the gods as a defender of Cisalpine Gaul. A very similar dynamic is at work in the case of Octavian, with the shadow of Caesar looming in the background.[174]

One of the most consistent themes throughout the *Philippics* is Cicero's praise of Octavian as a literal godsend. Like the Bruti family Octavian is also described as having marshaled an army of veterans "by the favor of the immortal gods, divine spirit, talent, and great determination" to resist Antony's men.[175] His actions to stop Antony give Cicero pause; he is unsure, even, what deity might have sent Octavian at the nadir of their

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[172] Of course, D. Brutus might well have argued that the assassination of Caesar was also for the Republic's benefit. A letter to Atticus (*Att.* 14.11.1) seems to indicate that Cicero was happy with Caesar's assassination, calling the assassins not *heroes* but *di futuri*; cf. *Att.* 14.6.1.

[173] *Phil*. 1.13. As Cole (2013) notes, this might speak more to Romans' aversion to granting divine honors to humans than to Cicero's (pp. 171-172).

[174] Manuwald (2007a) catches the private hesitance Cicero had toward Octavian (pp. 94-95); see *Att*. 16.1.1.

[175] *cum C. Caesar deorum immortalium beneficio, divina animi, ingenui, consili magnitudine, quamquam sua sponte eximiaque virtutue, tamen approbatione auctoritatis meae colonias patrias adió, veteranos milites convocavit, paucis diebus exercitum fecit, incitatos latronum impetus retardavit* (*Phil*. 5.23). It should be noted here that Octavian is also observed to have acted not alone, but with Cicero's approval, and that Antony's men are referred to as 'bandits,' which degrades their status and adds urgency to Octavian's mission.

hope.[176] Octavian stepped forward, at the opportune moment and stood between Rome and its ruin at Antony's hands. In a very real sense, following Cicero's line of thought, Octavian and his army were the sole reason that Antony had not been able to reach Rome and reduce its citizens to the same fate as those of Suessa and Brundisium. His services, like those of D. Brutus, should have earned him serious reward and the senate agrees to Cicero's proposal to discuss divine and immortal honors to match the divine and immortal efforts.[177]

In March of 43, at perhaps the height of the conflict, Cicero singled out Octavian for his service, this time making it clear that it was his ability to separate his personal quarrels from the public necessity that set him apart from so many others. In delivering the *Thirteenth Philippic* Cicero quotes extensively from a letter of Antony's. Antony had apparently made a call for allies, with the goal of avenging Caesar's death. This is unsurprising. Cicero's response to this call is a clever reversal of expectation regarding the young Octavian. Octavian is all the more impressive because he has refrained from pursuing personal retribution for Caesar's death; the favor of the gods is indeed more evident because of Octavian's apparent restraint. For Cicero, service to the native country trumps service to one's father and Octavian has performed better than might be hoped.[178]

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[176] *Phil*. 5.43. Pandey (2013) states that Cicero disapproved of Octavian's divinity but was not afraid to use it to get at Antony (p. 414).
[177] *Phil*. 4.4.
[178] *Quo maior adulescens Caesar, maioreque deorum immortalium beneficio rei publicae natus est, qui nulla specie paterni nominis nec pietate abductus umquam est et intellegit maximam pietate conservatione patriae contineri* (*Phil*. 13.46).

In his last *Philippic* to survive, delivered after the battle of Mutina when Pansa was mortally wounded, Cicero continues to extol Octavian for defending against Antony. At this stage of the conflict, Cicero advocates for Octavian to be hailed as *imperator* for his deeds. The young commander, once again described as "begotten for the republic by the favor of the immortal gods," has proven himself and his selfless aims, but unlike the consuls Hirtius and Pansa he lacks a title fitting of his service.[179] To be hailed as *imperator* would help satisfy that need.

The results of Octavian's efforts should earn him due praise, but part of Cicero's support for Octavian seems to stem from Octavian's apparent motives. Again, he forwent avenging Caesar's assassination and instead directed his attention to Antony and his allies. More than that, Octavian diverted his inheritance toward defending the republic by raising an army of veterans.[180] In the face of Antony's terror, not least his killing of civilian officers in Brundisium, Octavian proved his divine intelligence and vigor by marshaling an army in opposition. Moreover, his use of his inheritance for this cause, to defend the republic, is another marker of his outstanding nature. Despite his age,

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[179] *Caesarem, deorum beneficio rei publicae procreatum, dubitemne appellare imperatorem* (*Phil*. 14.25)?

[180] *C. Caesar adulescens, pane potius puer, incredibili ac divina quadam mente atque virtute…firmissimum exercitum ex invicto genere veteranorum militum comparavit patrimoniumque suum effudit: quamquam non sum usus eo verbo quo debut; non enim effudit: in salute rei publicae collocavit* (*Phil.* 3.3). It should be noted here that Cicero does change his words (*effudit* becomes *collocavit*) to obvious effect. It raises the question of whether Cicero was here responding to rumor or accusation that Octavian was spending his inheritance in a more licentious manner.

Octavian's swift action warded off Antony's threat and for that the title of *imperator* seems only fitting.[181]

Much like Cicero during his consulship or the actions of the anti-Clodians after Cicero's exile, Octavian, too, is marked as an agent of *concordia* without always naming it.[182] Whether this was Cicero's own creation or he was adopting the rhetoric of Octavian or a supporter, Cicero nevertheless made the case that Octavian had taken up the cause of the senate, the people and all of Italy, gods and humans.[183] In this way, and based on the results so far by early January of 43, Cicero argues that Octavian deserves the rewards which Pompey had received when Pompey himself had been slightly older than Octavian, namely to be given the authority of a propraetor.[184] Manuwald's comment that this request is made with recognition of extreme situation is duly noted; Octavian was young to be granted such power, but the exigent circumstances could demand extreme

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[181] Cicero invokes Octavian as having brought safety to the Republic (*O C. Caesar — adulescentem appello — quam tu salutem rei publicae attulisti, quam improvisam, quam repentinam* (*Phil*. 3.27)).

[182] Weinstock (1971) analyses the proposed temple of Concordia Nova, voted in Caesar's honor in 44, and the development of the concept of *concordia* in recent Roman politics (pp. 260-265). He also points out that Cicero was certainly not the only politician to appeal to *concordia* as he did during his consulship; the First Triumvirate, for example, had been founded under Concordia's auspices, and would be a symbol of the Second Triumvirate (p. 266). Connolly (2007) demonstrates how "Cicero's ideal orator absorbs contemporary conventions of taste from his observations of Roman society and its habits. As he proceeds to advertise those conventions to his audience, he makes his self-mastery a symbol of *concordia*: he becomes a walking lesson in self-government and proof against the accusation of self-aggrandizing tyranny" (pp. 165ff). Under this reading, *concordia* is more than simply an aspirational (and rhetorically potent) goal, but also a kind of lived practice.

[183] *Caesar autem annis multis minor veteranos cupientis iam requiescere armavit; eam complexus est causam quae esset senatui, quae populo, quae cunctae Italiae, quae dis hominibusque gratissima* (*Phil*. 5.44). This allies Octavian in sentiment with M. Lepidus, recently described as giving hope for "peace, tranquility, harmony, and liberty on account of his vigor, authority, and fortune" (*Phil*. 5.41).

[184] *Phil*. 5.44-45.

measures.[185] Just as Cicero modeled himself on Pompey in years prior, now he models the young Octavian on the great Roman general, even though Octavian was now younger than Pompey when Pompey was first granted a triumph under Sulla.

Age is no matter for Cicero, in fact, and he argues that Octavian deserves immortal praises for his immortal deeds.[186] His youth is further proof of the greatness of his achievements; Cicero corrects himself after first calling Octavian a young man, an *adulescens*, and instead calls him a boy, or *puer*.[187] Thus, not despite his age, but because of it,[188] Octavian has performed immortal deeds and deserves rewards and honors that match that service. In his *Fourth Philippic*, Cicero tells his contional audience that the senate has accepted his motion — offered in the *Third Philippic*[189] — that Octavian be granted honors due to him, along with others who had been defending the republic like the Martian and Fourth Legions. In his *contio* after the senate meeting, though, Cicero elaborates by saying the senate will consider honors due to Octavian, "godlike and immortal to match his godlike and immortal services."[190] This formulation is not new in Cicero's oratory; he used similar phrasing in his *Post Reditum* speeches, as analyzed in the previous chapter. The major difference here is the use of Octavian's age as contributing to the magnificence of his deeds.

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[185] Manuwald (2007b), p. 703.
[186] Alexander becomes a useful analog (*Phil*. 5.48).
[187] *Phil*. 3.3, 4.3.
[188] Manuwald (2007b), p. 495.
[189] *Phil*. 3.38-39.
[190] *qui ei pro divinis et immortales meritis divini immortalesque debentur* (*Phil*. 4.4). The phrase recalls *Phil*. 3.14, *propter eorum divinum atque immortale meritum*, referring to the legions that defected from Antony.

The connecting thread between Cicero's allies in his recall from exile and the actions of those against Antony is their apparent motivation. Then, as in the *Philippics*, Cicero depicts his allies as acting for the republic as much as they were acting against Antony. Hirtius and Pansa, the consuls of 43, are both treated as near-equals to Octavian. Hirtius is regularly paired with Octavian, not only as one of the few to defend the acts of Caesar, but also as an ally to that gift from the gods in the pursuance of peace.[191] On his own, Hirtius is praised for risking his own well-being to save Rome's. The consul was recently ill, and recovering slowly,[192] yet he still tried to defend the republic despite his illness. The Roman people, for their part, had made vows for Hirtius' recovery.[193] In a small way, Hirtius was repaying the people for their prayers by defending them against Antony.[194]

Hirtius defended more than the Roman people in his defense of the city, and Cicero was clear in this regard, too. In the *Fourteenth Philippic* Cicero describes Hirtius as a defense against those wicked enemies "threatening this temple of Jupiter Optimus Maximus and the others of the immortal gods, the roofs of the city, the freedom of the Roman people, our life and blood."[195] Delivering this speech before the Temple of Jupiter

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[191] For the defense of Caesar's actions, see *Phil*. 10.16; for a defense of Caesar's *acta* for the sake of peace, see *Phil*. 1.16, 2.100. Ramsey (1994) suggests that Cicero is intentionally vague when discussing Caesar's *acta*, cf. *Att*. 16.16C.2 (p. 132). On the pairing with Octavian, a godsend, Cicero asks the following: *an vos A. Hirtium, praeclarissimum consulem, C. Caesarem, deorum beneficio natum ad haec tempora, quorum epistulas spem victoriae declarantis in manu teneo, pacem velle censetis* (*Phil*. 12.9)?

[192] *Fam.* 12.22.1.

[193] *Phil*. 7.12, 10.16; for his illness, see also *Phil.* 1.37, 8.5, and 14.4.

[194] Simón (2011) notes briefly that Hirtius and Pansa's actions that year were futile for failing to perform the *feriae Latinae* properly, citing Dio Cass. 46.33.4 (p. 116).

[195] *hostisque nefarios, huir Iovi[s Optimi] Maximi ceterisque deorum immortalium Temples, urbis tectis, libertati populi Romani, nostrae vitae sanguinique imminentis prostravit* (*Phil*. 14.27).

Optimus Maximus, Cicero has made Hirtius into the figure he claimed as consul in 63.[196] This should not suggest that Cicero was falling back on old tropes in his *Philippics* — we simply lack the evidence to make such a claim with any certainty — but rather that Hirtius has risen to a level that Cicero felt adequate for himself against Catiline. If Antony was a new Catiline, then Hirtius was one figure who could become the new Cicero. Hirtius and Pansa had earned a fifty-day thanksgiving at every sacred couch, in Cicero's view, for preserving "the republic, the city, the temples of the immortal gods, the goods, fortunes and children of all."[197] Like Octavian's age, Hirtius' illness is further proof of his greatness, and for surmounting his own personal health for that of the republic, he deserves a *supplicatio* far greater than Cicero's own during his consulship.[198]

Starting early in 43 the senate debated whether to send an embassy to Antony — a move which Cicero opposed — and ultimately sent Ser. Sulpicius Rufus, L. Marius Philippus, and L. Calpurnius Piso Caesoninus.[199] The latter two returned just before February 2, while Sulpicius Rufus died during the mission, for which service Cicero wishes to honor him.[200] Cicero offers a tight logic in his *Ninth Philippic* to justify

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[196] cf. *in Cat.* 1.33. For the practice of delivering a speech before the Temple of Jupiter Optimus Maximus, and the practice of the senate deliberating war on the Capitolium, see Ulrich (1994), pp. 60-61.

[197] *cumque rem publicam, urbem, templa deorum immortalium, bona fortunasque, omnium liberosque conservarint dimicatione et periculo vitae suae: uti ob eas res bene, fortiter feliciterque gestas C. Pansa A. Hirtius consules, imperatores, alter ambove, aut si aberunt, M. Cornutus, praetor urbanus, supplicationes per dies quinquaginta ad omnia pulvinari constituat* (*Phil*. 14.37).

[198] This is partly due to the increasing length of *supplicationes* in the intervening years; it might have seemed paltry to ask for a fifteen-day thanksgiving at this point after others far longer had already been granted to others.

[199] Broughton (1951), pp. 350-351.

[200] *Phil*. 9.1; more specifically Cicero expresses regret in having not honored him in life, but now

Sulpicius' due honors. First, he points to statues on the rostra, awarded either for saving for republic or dying in service to the republic.[201] Cicero is careful to emphasize that these statues reward service to the republic, or specifically lives lost for the republic, not the active shedding of blood.[202]

As with the discussion of Hirtius or Octavian, Cicero puts the selfless actions of Antony's opponent in the forefront. His doing this both highlights the actions of Cicero's allies and makes Antony seem all the worse for acting so apparently out of self-interest. Much like Hirtius, Sulpicius Rufus, too, had gone out on envoy despite having some serious illness.[203] Rather than blame the senate for sending an ill ambassador, who subsequently died in service of the republic,[204] Cicero instead sees Sulpicius as all the more praiseworthy for serving the state despite his own health. He allegedly told his son and Cicero that he honored the authority of the senate more than his own life, and would therefore go as ambassador; his son was moved by *pietas* and obviously Cicero admired this decision for him to bring it up now before the senate.[205] This son's *pietas* could serve as a memorial in its own right for Sulpicius Rufus' service, and the son would certainly be a kind of memorial for Sulpicius' own good character, Cicero argues,[206] but

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sees it necessary to honor him in death.
[201] *Phil*. 9.4, pointing to statues for an embassy to Veii in 438 (Livy 4.17.2-6; Plin. *NH* 34.11.23) and a statue of Cn. Octavius, who led an embassy to Syria in 163 (Polyb. 31.2.9-14, 31.8.4-8; App. *Syr*. 46).
[202] *Phil*. 9.5.
[203] *Phil*. 9.2.
[204] cf. *Phil*. 9.8; Manuwald (2007b) pp. 1070-71.
[205] *Phil*. 9.9.
[206] *Phil*. 9.12.

nevertheless he proposes a bronze statue for Sulpicius Rufus on the rostra and a tomb on the Esquiline.[207]

Throughout Cicero's *Philippics*, then, it is easy to see who receives praise and who is castigated. Moreover, it is also easy to see why certain figures are singled out for their actions, positively or negatively. D. Brutus, Octavian, Hirtius, and Sulpicius Rufus each receives high praises, in different ways, but all for their service to the republic. This whole discussion revolves around the issue of how to act for the republic's benefit. Throughout his many speeches he made the argument that what was good for the republic would be to follow the authority of the senate, and to generally act for the good of the Roman people rather than oneself and one's immediate circle of associates. M. Brutus and C. Cassius both act on the edge of this line. They were among the ringleaders in Caesar's assassination — their (in)famous *libertas* coin being a clear reminder of that[208] — and yet Cassius and Brutus are also occasionally singled out and praised for taking action against Antony.

Despite M. Brutus acting outside of strict legal requirements, or sometimes only anticipating the senate's own wishes,[209] Cicero still found his actions worth praising precisely because they were taken against Antony and for the well-being of the republic. Looking back to when Cicero called the Brutus family as a beneficence from the gods to

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[207] *Phil*. 9.16-17.
[208] RRC 508/3.1; Dio Cassius 47.25.3; Arena (2012), pp. 39-42. Balbo (2013) notes that both Brutus and Cassius made appeals to *libertas* in speeches soon after Caesar's assassination (p. 322).
[209] Brutus had gone to Macedonia to oppose Dolabella's cavalry despite having his own province of Crete (*Phil*. 11.27).

establish Roman *libertas*, it makes more sense of the way that he also reevaluates M. Brutus. Even if he was acting outside the strict limits of the laws, in this case his provincial appointment, he was only doing so in anticipation of the senate's declared intent.

Cassius' case is even more cut and dry. He had gone to Syria to stop Dolabella, now on the outs with Cicero despite being his former son-in-law,[210] without firm orders by the senate to do so. In this sense, Cassius too was acting outside of the law, but Cicero offers another interpretation. Considering Brutus' and Cassius' movements against Dolabella's army, Cicero reasons aloud,

> *qua lege, quo iure? eo quod Iuppiter ipse sanxit, ut omnia quae rei publicae salutaria essent legitima et iusta haberentur. est enim lex nihil aliud nisi recta et [iam] a numine deorum tracta ratio, imperans honesta, prohibens contraria. huic igitur legi paruit Cassius, cum est in Syriam profectus*… (*Phil*. 11.28).
>
> by what law, by what right [has Cassius acted]? By that which Jupiter himself has sanctioned so that all things be considered lawful and right which are beneficial to the republic. For the law is nothing else except a reason guided and drawn by the will of the gods, governing proper [actions] and prohibiting the opposite. This law, then, Cassius obeyed when he set out into Syria…

In a short few sentences Cicero gives Cassius the justification needed to continue his mission in Syria, while at the same time positioning him against Antony and his cause. This sentiment recalls part of Cicero's case against Antony, that laws passed through coercion hold no real standing. A law might stand for something worthwhile, but unless it was passed without violence or vice, it is not truly a good law.[211] Thus, despite

[210] *Phil*. 11.10.
[211] *Phil*. 5.10.

acting outside of strict legal parameters, Cassius (and M. Brutus) have a kind of legitimacy in Cicero's reasoning here — that is, they might not have been following laws passed by men like Antony, but they were following legal parameters established by Jupiter[212] — while Antony might have a legal footing as consul but lacks legitimacy by disturbing the republic.

Cicero rarely makes his argument one about specific legal justification in his *Philippics*, but toward the end of his *Sixth Philippic* he makes the stakes of the conflict abundantly clear. He states without equivocation that it is not right for Romans to be slaves, that the gods wanted them to rule other nations.[213] As mentioned before, Antony aims to overturn everything which Cicero argues they wish to defend, namely the temples of the gods, homes of the Roman people, altars, hearths, their liberty, wives, children, and the fatherland itself.[214] By Cicero's reasoning, if Antony were to be victorious, he would bring all of these things into jeopardy. Rather than resign himself or his audience to an inevitable defeat, Cicero encouraged his contional audience that they would defeat Antony, chiefly because of their piety and concord, two long-used concepts in Cicero's oratory, and closes with a direct appeal to their collective liberty.[215]

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[212] *Leg.* 2.11 clearly strikes at this point: laws that are good and will benefit the citizenry are divine and approach the eternal, while statutes passed through force or to the detriment of the citizenry are not true laws. See also Harries (2002), pp. 54-55; Dyck (2004) pp. 273-275; Ando (2008), pp. 76-80; Atkins (2013), pp. 165ff; Noethlichs (2015), pp. 13-14.
[213] *populum Romanum servire fas non est, quem di immortales omnibus gentibus imperare voluerunt* (*Phil*. 6.19).
[214] *Phil*. 8.10.
[215] *aut vincatis oportet, Quirites, quod profecto et pietate vestra et tanta concordia consequemini, aut quidvis potius quam serviatis. aliae nationes servitutem pati possunt, populi Romani est propria libertas* (*Phil*. 6.19); cf. *Phil*. 3.29, 4.16; Wooten (1983), pp. 84-85.

The conjuring of *libertas* into this debate is important to Cicero's larger case against Antony, especially as a quality granted to the Roman people by the gods themselves.[216] Rather than claim that his own *libertas* was under threat, as was more the case with Clodius and his exile, Cicero instead made appeals to Rome at large, and the city's own proclivity for freedom from subjugation.[217] This direction toward a collective was seen before in men like Octavian or the consuls, Hirtius and Pansa. It is also, I think most clearly, evident in the two legions which had defected from Antony and ultimately joined Octavian. The Martian and Fourth Legions, though legally under Antony's control, had defected to Octavian when they were offered more money, and perhaps to chance of avenging Caesar.[218] Cicero does not portray the two legions as defectors in this way, but rather as noble defenders of the republic; they acted in response to Antony's own manifestly selfish actions.

The Martian and Fourth Legions had defected from Antony to Octavian by the time Cicero delivered his *Third Philippic*. It seems likely that these two legions defected due to already existing circumstances, such as their previous duty to Caesar and Octavian's offer of payment for their service, yet Cicero nevertheless makes their decision a political one.[219] In the *Philippics*, Cicero argues fairly frequently that the legions had acted at least

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[216] cf. Sumi (2005b), p. 87.
[217] Manuwald (2007a), pp. 96-97.
[218] Manuwald (2007b), p. 339.
[219] See Manuwald (2007b) for the check on Cicero's rhetorical decision to make the legions politically motivated rather than practically so (p. 339). Boterman (1968) briefly covers the specifics of the legions' extenuating circumstances, such as the legions' original destination of Parthia under Caesar, but quick pivot to Octavian (pp. 173-174). Keaveney (2007) looks at mutiny in the Second Triumviral period, with initial focus on the Martian and Fourth Legions before looking at later examples (pp. 85-92).

justifiably, if not legally.[220] The most basic argument, one that is linked strongly with Cicero's overall project in the *Philippics*, is that the two legions fight for Rome and the republic and therefore their defections can be excused.[221] Just as the consuls or Octavian could be supported simply for their defense of the Republic, so too could the legions' actions be considered on the same level. Indeed, the Martian and Fourth Legion were acting under Octavian's command, so they were still acting within *some* institutional order, even if it was not the one to which they were legally bound.

Part of Cicero's argument here is that the public interest exceeded the immediate interest of the two legions, that they were prompted by political motivations instead of practical or monetary ones. At the same time, however, he makes an argument here that he could not make for individuals like Octavian, namely the fact that they served under a specific general. For Antony, losing these two legions was considered a personal loss. At least, Cicero is quick to remind him and the audience that this was not the case, but rather that they were never truly Antony's and thus they were not his to lose anyway.[222] Implicitly, this reminder once again calls Antony into question for making a claim to something that could never be his, this time some Roman legions. More explicitly this stands to reinforce Cicero's argument that the legions were justified in defecting. Since they had never been Antony's in the first place, and since they were acting for the welfare of the Roman people, their defection was hardly that at all.

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[220] Altogether, one or both legions are mentioned in some capacity at *Phil*. 3.6, 3.7, 4.5, 4.6, 5.4, 5.28, 8.10, 10.12, 11.20, 13.14, 14.31-35.
[221] *Phil*. 3.6, 4.6, 5.4, 11.20. See also Manuwald (2007a) for a brief explication of this argument regarding *privati*, though I think the same reasoning applies to the legions too (pp. 98-99).
[222] *Phil*. 3.6, 10.12, 13.14.

As though their actions were not clear enough, Cicero explains at different points in his *Philippics* that, like Octavian, the Martian Legion has divine consent in their actions. More than Octavian, though, is the inherent divine association given to the Martian Legion, which gets its name from Mars himself granting the Martian a kind of divine dictate.[223] In his last surviving *Philippic* Cicero returns to his high praises of these legions when requesting that a statue built in honor of the Martian and Fourth Legions.[224] Cicero's most immediate request is for a large statue to honor the legions but he soon expands upon this request to grant the soldiers a more permanent monument.

Switching his addressee from the senate to the soldiers themselves Cicero gives them comfort in their actions against Antony and, more importantly, in their fallen comrades from the Martian Legion. He tells these soldiers that Mars, who birthed the city, also birthed his namesake legion, and that those who died did so fighting for their homeland, thereby securing for themselves a place of the pious.[225] Cicero's proposed monument for

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[223] Cicero argues that the Martian Legion received its approval from the Quirites in acting against Antony, a proven "enemy, bandit, and traitor" (*hostem illum et latronum et parricidam patriae*; *Phil*. 4.5-6). Later, he reminds the Senate that they had promised rewards to "those heaven-sent and divine legions, the Fourth and Martian" (*illas caelestis divinasque legiones, Martiam et quartam*; *Phil*. 5.28). Lewis and Short mark this as the only instance of the word *caelestis* used in Cicero "as a complimentary term applied to eminent persons and their qualities;" the word itself is not unique to this passage, however — even cited elsewhere in the *Philippics* — and therefore I do not treat it as a new use here.

[224] *Phil*. 14.31ff.

[225] *o fortuna mors quae naturae debita pro patria est potassium reddita! vos vero patriae natos iudico; quorum etiam nomen a Marte est, ut idem deus urbem banc gentibus, vos huic urbi genuisse videatur. in fuga foeda mors est, in victoria gloriosa. etenim Mars ipse ex acie fortissimum quemque pignerari solet. illi igitur impii quos cecidistis etiam ad infernos poenas parricidi luent; vos vero qui extremum spiritum in victoria effudistis piorum estis sedem et locus consecuti* (*Phil*. 14.32).

them, then, is meant to be a reminder for future generations of their service to the republic against Antony:

> *erit igitur exstructa moles opere magnifico incisaeque litterae, divinae virtutis testes sempiternae, numquamque de vobis eorum qui aut videbunt vestrum monumentum aut audient gratissimus sermo conticescet. ita pro mortali condicione vitae immortalitatem estis consecuti* (*Phil*. 14.33).
>
> therefore a huge structure will be built and letters inscribed, as eternal witness of your divine virtue, and the kindest discourse about you, of those who see or hear your monument, will never cease. So you have attained immortality in exchange for a mortal life.

If ever there was a question about Cicero's praise of the legions, he settles that by the end of his final *Philippic* by making the equation clear: the Martian Legion lost many men fighting valiantly, as though Mars himself had selected them, and for that they will achieve a kind of immortality. At the very least, Cicero wants the legions to receive their due honor — he has been urging this for some time already[226] — but he also gives solace to the idea that his proposed monument would later be used as an altar of Virtue.[227]

Before ending his last *Philippic* Cicero presents a clear option to the senate about honoring the two legions, but in doing so he tips his hand somewhat. The actions of the legions, ever since they first deserted Antony, could be justified for both religious and political reasons. Either Mars himself or the Quirites had given consent to their decision. In the end, the justification for this shift is spelled out in plain letters. The legions had fought for the republic against Antony and his bandit allies, and therefore they had earned immortality for themselves. This immortality comes in two forms, either as an altar of

[226] *Phil*. 3.7.
[227] *Phil*. 14.35.

Virtue or among the pious, but in both instances it is well above what had originally been requested, simple honors.

Perhaps the most succinct outline of the entire *Philippics* comes roughly in the middle, when Cicero gives two sides to the larger conflict. On the one side, come promises of blood, slaughter, crime, and actions hateful to gods and humans alike; on the other come promises of freedom, justice, the courts, peace, and dignity. The one side is destined to be short-lived, the other is honorable, glorious, full of joy and piety.[228] It should come as no surprise that Antony offers the former while Cicero and his allies offer the latter. Repeatedly over this series of speeches Cicero provides two distinct coalitions and only one that is remotely appealing. This dichotomy comes closest to a summary of the entire series as one could get form the orator's own pen and deciding which coalition to support is rather obvious.

Conclusions

Cicero's argument against Antony, though ultimately futile since it led to his proscription,[229] shares some similarities to previous cases already studied that were more successful for Cicero. Antony is depicted as an enemy of the public well-being, who was willing to abuse his religious offices and force legislation contrary to the auspices. He reneged on his promises to support Caesar's *acta* — bad for Cicero more because of the

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[228] *nos libertatem nostris militibus, leges, iura, iudicia, imperium orbem terrae, dignitatem, pacem, otium pollicemur. Antoni igitur promissa cruenta, taetra, scelerata, dis hominibusque invisa, nec diuturna neque salutaroa: nostra contra honesta, integra, gloriosa, plena laetitiae, plena pietatis* (*Phil*. 8.10).
[229] Plut. *Cic*. 46.3ff, esp. 48.4; App. *B Civ*. 4.19-20; Dio Cass. 47.8.2-3.

breach of trust than the failure to support the *acta*, per se — and considered public property like the legions under his command to be his own. These concerns, though differing in the specifics, are not dissimilar from previous rivals of Cicero like Verres and Catiline. Cicero, on the other hand, is a different person than he has so far presented himself. He is still one hero fighting to save the republic, but now his own role against Antony is as a marshaller of public sentiment.

On the front lines are men like Octavian, Hirtius and Pansa, and Sulpicius Rufus. These men, likely because of their political positions, have more direct influence on the outcome of the conflict with Antony in a way that Cicero could not. Thus, when put up against Antony and his allies like L. Antony, the coalition of men whom Cicero supports becomes a force fighting to save the republic. Their actions, in every instance, were made for the betterment of Rome or at least its preservation. Octavian is presented as a divine agent, sent to defend the republic against Antony's destruction. The consuls and Sulpicius Rufus deserve everlasting honors for their efforts in the field. By comparison, Cicero plays a much more confined part in this fight than he had in years past.

Just as important of a distinction in these speeches are the specific challenges to divine institutions which Antony has made for some months now. With the rise of Caesar to *divus Iulius*, and even his political reshuffling as dictator, the Rome of 44/43 was a very different one from 57/56, let alone 70 when Cicero was prosecuting Verres for corruption. This meant that there were new practices or institutions that did not exist only twenty-six years earlier. Nevertheless, taking the example of Antony's failure to act as *flamen divi Iulii*, Cicero defends some of these new institutions for the public good. On

the other hand, certain transgressions, such as Antony's theft of Caesar's deposit in the temple of Ops, are considered more for their immediate public repercussions than they are for the possible religious transgression. These speeches, more than any studied thus far, are concerned above all with the republic as a whole, its institutions and the public's well-being. Religious devotion is a major component of that, but is now only one part of a larger whole.

My speculation for this shift is that recent political developments, especially the increased factionalism of recent decades,[230] created a new source of power within the Roman mindset that had previously been occupied by deities. This is to say nothing of the divine nature of individuals like Caesar or Octavian at the time, only that the concentration of power and wealth around a few individuals led to a deference to those individuals' power and authority. To offer a hypothetical, if Antony had plundered Caesar's deposit from the temple of Ops in 70, Cicero might well have appealed to Ops as a deity of abundance and Antony's theft from the temple as a threat to Rome's prospects of future abundance. But in 44/43, the situation had changed and now Cicero was as much concerned for the public's loss, since they were the intended recipients of the money, as he was about Antony's use of Caesar's assassination and the republic's turmoil for his own personal gain. The temple of Ops only factors in as a setting.

Of course, this speculation is impossible to prove, and it might have been a rhetorical decision rather than the result of political and religious changes. But, on the whole, the matter is easier to understand. The death of Caesar marked a change in Cicero's speeches,

[230] Sall. *Iug.* 41.

where his own views on matters took second position after the interests of the republic. This explains both the argument against Antony, as one concerned with his own enrichment and standing with no regard for public good, and also the support of others fighting against Antony, all deserving some form of immortal praise.

Again, these speeches were not as effective as those studied in previous chapters. Cicero failed to convince the senate that Antony should be declared a *hostis* until he delivered over a dozen speeches against him. He failed to dissuade the senate from sending an embassy to deal with Antony peacefully. And, of course, these were the speeches that led to his head and hands being nailed to the rostrum once Antony and Octavian had formed the Second Triumvirate with Lepidus. It could well be that Cicero's decision to downplay Antony's religious transgressions in his *Philippics* in favor of a more politically oriented approach were the reason that his speeches failed to persuade. Once again, this is impossible to prove. What is possible to assess is that this change seems to mark a recognition on Cicero's part that circumstances around him called for different rhetorical strategies. Perhaps Cicero only miscalculated and maintaining a similar rhetorical strategy as before would have met more success. As published, however, the failure of his *Philippics* to persuade, and his ultimate death, only shows how different Rome now was.

Conclusions

Cicero's final set of speeches, despite all their efforts, failed to stop Antony and his personal ambitions. That job fell to the young Octavian Caesar, who finally defeated Antony at the Battle of Actium in 31 BCE after a brief alliance followed by years of conflict. Instead, Cicero's *Philippics* seem to have hastened his own demise rather than Antony's. This, as much as anything else, offers further evidence that Cicero's speeches, or those of any other elite orator, were not simply a cynical ploy at popular manipulation, but, more likely, earnest attempts to persuade an audience into taking a certain course of action. They are not necessarily avenues to viewing Cicero's own inner convictions, a conclusion that I have attempted to avoid throughout my dissertation, but they do provide us a semblance of what Cicero thought his audience could or would believe.[1] This is a point from which my investigation began and where I now, importantly, must return.

Over the course of my dissertation, I hope to have demonstrated that the gods, their temples, priests, and worship were a constant concern and a common reference throughout Cicero's career. These references could be positive or negative — that is, someone might have been pushing to support traditional worship or acting against it — which only furthers the idea that these references held a broad-based appeal. It was not simply a matter of Cicero stoking the anxieties of his audiences by, for example, describing Catiline's dagger, which was sworn to stab the consul. On the contrary, Cicero often turned his attention to matters that might otherwise seem irrelevant to the issue

[1] Riggsby (2004), p. 167.

immediately at hand, but for the orator (and hopefully his audience) these issues would prove to be fundamentally vital. The case against Verres is perhaps the best instance of this, where Verres was on trial for corruption while governor of Sicily. A major component of Cicero's case against the former governor involved explicating his numerous transgressions of Sicilian and Roman religious tradition. These further underline Verres' financial misdeeds as governor and potential misdeeds after returning to Rome.

Cicero's repeated appeals to various religious ideas and institutions, I argue, were not the attempts of a rational elite Roman controlling his more gullible audience. The fact that he used this kind of language for both senatorial and public audiences is strong evidence that this kind of argument was not restricted to the masses. Instead, such religious appeals served some purpose for Cicero as he attempted to persuade his audience to adopt a particular viewpoint or course of action.[2] To put this another way, I have avoided the problem of reading Cicero's speeches to find his own beliefs or convictions and attempted to draw from them conclusions about what Cicero thought his audience might have been willing to accept.[3] This leaves open the possibility that Cicero was a serious advocate (or not) for every word he uttered or published but this is a question that is largely unanswerable.

[2] Martin (2009) offers the same point for Demosthenes (p. 3).
[3] Heibges (1969), pp. 446-447.

In the context of Cicero's orations, the overwhelming concern when he moves into a religious register of discourse is for the stability of Rome.[4] Though not always cited in its own right, the Roman concept of *religio*, as Michels aptly put it, could "move men to action or it [could] restrain them."[5] This is true of actions that themselves fall under the definition of *religio*, but can also also apply to discussions of *religio* as well. The actions of others were framed in such a way that Cicero's audience could accept his proposed course of action, and thereby his religious framing, or reject it. Cicero's success rate suggests that they were receptive to his arguments, that his argument fell within their own shared frames of reference. At the same time, over the course of my study there was a noticeable change in his discourse, which also suggests a shift in his audience's boundaries of acceptable discourse. This shift is likely due, in part, to the speeches Cicero had previously delivered.

To recall a concept first mentioned in the introduction, one that was has since been operating in the background, it is important to return to McGuire's idea of lived religion. While a total rejection of top-down organizational patterns would, I think, be too much — and McGuire does not seem to reject them totally either — her emphasis on the plasticity of personal religious identity is shrewd. Her rejection of a definition of "religion" as something like a systematized and ordered institution that governs the beliefs and practices of its followers is particularly useful, especially in pre-Reformation Europe and even pre-Christian Rome. This aligns rather neatly with others like Nongbri

[4] Linderski (1993) says that Roman state religion was concerned with *salus publica* or the preservation of the *pax deorum* (pp. 55-56).
[5] Michels (1976), p. 43.

who have questioned the institutional forms of "religion" that have been anachronistically applied to the Roman world.

BeDuhn recently approached the idea of identity in Late Antiquity along similar lines as McGuire, reaching corresponding conclusions to McGuire through other evidence. For BeDuhn, who is specifically considering early Christianity, "each new adherent represents a tiny axis around which a religious system makes a slight adjustment toward its collective form, and its as yet undetermined future."[6] While there are certainly differences between the Christianity of Late Antiquity and the customs in the first century BCE, the sentiment of BeDuhn's argument, I think, transfers well. For my own purposes, Cicero is but one axis within the larger Roman religious system even if he can occasionally seem like the most dominant in our sources.[7]

One major difference between Cicero and, say, a forgotten Roman from the Forum, is that Cicero could affect the views of other Romans more easily with his numerous speeches, whether they were restrained to the confines of a court proceeding, the limited number present at a senate meeting, or a larger public in a *contio*. Even if we reject the elite manipulation model, as we largely have, it is important to remember that Cicero and other leading orators could influence their audiences in the speeches they delivered. The speakers attempted to connect with their audience before guiding them toward a specified course of action, rather than dictating commands with total subordination,[8] and in this

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[6] BeDuhn (2015), p. 33.
[7] Morrell (2018), p. 207.
[8] As referenced in the introduction, Taylor's (1961) chapter "Manipulating the State Religion" is a clear example of this, especially pp. 77-78.

process they exerted more influence on the discourse than any random Roman off the street.

All this is to say that both in the context of Roman oratory and Roman religion, as we might define it, an orator took a more pronounced position in the larger cultural questions than other singular Romans, but also that the people, in some capacity, played their own important part in the process. It is important to recognize that the orator was in a kind of negotiation with his audience,[9] so that his proposals might or might not have prevailed but they necessarily fell within the parameters of acceptable terms. This applies both to his rhetorical argument, specifically the immediate demands of the speech, as well as whatever religious material he might have incorporated into the speech, relevant or not to the rhetorical demands. Together, an orator and his audience participated in a kind of feedback loop, where each could influence the other and neither had total control over their frames of thought.

As has already been mentioned, Cicero is only one writer among many whose works have survived and even more whose works have been lost. This leaves out all of the nameless people who lived in Rome but left us nothing from which to assess their lives. While it is important to avoid the "Everest fallacy," coined by Keith Hopkins,[10] there is still value in reading Cicero's speeches for their rhetorical arguments and other content. Just as we can read Cicero to understand one orator's presentation of concepts like *auctoritas* or *dignitas*, so too can similar methods be used to shed some light on *religio* or

[9] Bourque (2002), p. 22; Short (2012), p. 21; BeDuhn (2015), p. 33.
[10] Hopkins (1983), pp. 41-42.

pietas.[11] Outlined in my introduction, something that seems compatible with lived religion and allows for a good deal of democratic power in Rome is the idea that Cicero tailored his speeches to persuade his audiences.

Evidence of this negotiation between orator and audience is a speech like the *de Haruspicum Responsis*, which is clearly on a question of religious importance. It is also present in the *In Verrem*, which is ostensibly about settling the Sicilians' complaints of Verres' malpractice but simultaneously depicts him as a serious violator of traditional Roman and Sicilian norms. Cicero is careful to delineate Verres' various financial crimes *and also* how he plundered the temple of Ceres for personal gain. While the *de Haruspicum Responsis* has been thoroughly explored for its valuable information on Roman religion, I hope to have demonstrated that it is not unique in the corpus of Cicero's speeches for the amount or kind of religious references Cicero made. Indeed, if there is one common trend in my observations, it is that most of Cicero's religious references are tied to a larger concern for Roman stability and Roman identity; he is concerned about Rome's well-being and what passes for being "Roman" as much as anything.[12]

By means of this rhetorical negotiation, Cicero and his audience, knowingly or not, were determining the contours of what should be considered proper action. Certain actions were prohibited by statute; electoral bribery was illegal through various laws

[11] May (1988) is an invaluable resource for the former study.
[12] For the negotiation involved in the term "Roman," see Revell (2016), pp. 38-39.

concerning *ambitus* and *sodalicia*, for example.[13] Other actions were prohibited only after they had been committed and because it was decided that such actions could hurt Rome's commonwealth. These are, of course, normative actions and are not limited to actions which endanger what was cordoned off as "religious" in the introduction of this work — Rome's institutions, practices, and beliefs that pertain to the gods, spirits, or the supernatural . However, it is in this sense that Cicero and his audiences, thus Romans more broadly, could determine concepts like *pietas* or *religiosus* on a given basis.

Within the confines of the speeches studied for this dissertation, there are a few themes that emerge. The first, and most prominent, is that Cicero was gravely concerned with Rome and its larger institutions like the courts and the senate throughout his career. One way to sustain these institutions, and thus to sustain Rome itself, was to perform the correct rites and rituals for the correct god(s) and at the correct time. A clear example of this would be making sure that the *ludi Megalenses* were performed without slaves interrupting, as Clodius had allowed, or ensuring that Antony serve as *flamen divi Iulii*, despite Cicero's other misgivings about Caesar in other contexts. Once a ritual or office had been successfully established, Cicero seems to have wanted it continued for Rome's sake.[14]

This same argument also applies for rituals and practices that we know were not originally Roman. In other words, Cicero ardently supports some customs that came from, say, Greece or Phrygia, but he always does so under the pretense that *Roman*

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[13] Riggsby (1999), pp. 21ff.
[14] Rüpke (2018), p. 217.

interests were at stake. To look at but two examples, when Verres plundered a statue of Ceres from her most sacred temple in Henna, Cicero framed this violation as a threat both to Sicilian and Roman tradition. Rome, too, had an important temple of Ceres near the Aventine but she was an imported deity all the same. Nevertheless Cicero made his case against Verres into a case for Roman stability. The same is also true of Clodius' disruption of the *ludi Megalenses* with bands of slaves. Like Ceres, Magna Mater was not a native Roman deity and yet Cicero highlights her importance for the city. Thus, whether it was a relatively new institution like the *flamen divi Iulii* or a more established one like the games of Magna Mater, a common strategy of Cicero's oratory was to frame the debate in terms of Roman interests, even if the ultimate origins of the institution came from abroad.

In this way, Cicero's speeches offer useful insight into how the orator thought that his audiences conceived of their own rituals and whether or not they should accept practices that might deviate from already-established traditions. Though the term Romanness, or *romanitas*, never appears in Cicero's speeches, the concept of what it meant to be a Roman nevertheless runs throughout the vast majority of them. While Cicero had a limited audience relative to Rome's larger population, even in his most widely received speeches, the interaction between orator and audience suggests that his speeches were necessarily a venue where the bounds of *romanitas* could be determined.[15]

Likewise, the word *pietas* was a relatively uncommon one in the speeches studied, yet the question of whether or not Cicero's rivals were fulfilling their religious duties or conducting themselves with due restrain is a theme that was repeatedly used by the

[15] *Pace* Bendlin (2000), p. 129.

orator. Cicero's audiences heard his speeches with preconceived definitions for ideas like *pietas* or *romanitas* (or, indeed, *bonus* and *dignus*) and Cicero met his audience with his own definitions. The result meant that certain actions, rituals, or institutions would be checked, if they were determined to run afoul of the audience's approval, or maintained, if the audience determined that the given ritual or institution was within their bounds of acceptability.[16]

That is not to suggest that rituals or institutions were preserved in amber, never evolving or subtly changing over time. On the contrary, I have studied Cicero's speeches to demonstrate precisely the opposite,[17] that Cicero was in constant contention with other Romans as to what should be considered acceptable practice. Again, his attack against Antony as *flamen divi Iulii* is perhaps one of the clearest examples of this. The office itself was new when Cicero lambasted Antony in his *Philippics*, yet Cicero still used it as a point of contention and proof that Antony was inconsiderate of Roman interests. While Cicero might have ultimately lost that argument when he was proscribed, Antony did eventually become inaugurated as *flamen*.[18]

On the other side of things, Cicero was also prone to celebrating those who had performed their duties as or beyond what was expected of them. This included himself, as when he was consul and claimed that he had divine support for his consular agenda — his reputation as arrogant might precede him here. His praises also extend to others, naturally, like those who helped to see him return from exile. Lentulus Spinther was one

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[16] Rüpke (2018), pp. 13-15.
[17] As has Rüpke (2016), p. 99.
[18] Plut. *Ant.* 33.1; Weinstock (1971), p. 399.

of a handful of allies in this effort and Cicero attempted to immortalize his actions. For carrying out Cicero's rebirth to Rome and his family, Cicero calls Lentulus Spinther *pater ac deus*, hearkening back to Cicero's title of *pater patriae*, a title shared with men like Romulus and Marius. The level of praise varied depending on the effort involved (and the recipient of the praise), but Cicero repeatedly argued for recognition of those that exerted extraordinary effort for the public good. They could be remembered with honorifics such as a statue or thanksgiving, or possibly called *pater ac deus* or *pater patriae*.

The ally who received the highest praises was, perhaps unexpectedly, the young Octavian. Relatively new to the scene, Octavian was fighting to legitimate his status as Caesar's heir, which initially saw him in rivalry with Antony and thereby an ally of Cicero's. For his service against Antony, Cicero describes Octavian as a godsend for the cause. In many ways, Octavian is described in the way that Cicero described himself during his consulship or his other allies when returning from exile. Since they were all apparently acting for the good of the republic, the gods must (surely) support them.

Other studies have examined the ways in which Cicero's praise of Octavian in the *Philippics* paved the way toward Octavian's ultimate path toward becoming Augustus and then deified. One thing I hope to have demonstrated here is how Cicero's praise of Octavian is, while certainly the most elevated, well within the bounds of previous praise for himself or other allies. This is also true of Octavian's, later Augustus', claims to have restored Rome's traditional religious customs. Many have demonstrated that there was as

much rhetoric in Octavian's claims of restoration as there was reality.[19] But the rhetoric is just as important as the realized restorations; the rhetoric appeals to a wider audience's desire for maintained tradition in the first place.

This is one of the primary difficulties in studying Roman religion in the late republic, namely how to account for Octavian's sudden popularity without making his coming role as emperor (and, eventually, deity) seem inevitable. So, too, is Christianity going to arise and replace many of Rome's traditional rites and practices with its own even if Cicero never could have predicted it.[20] While my own work here has focused on Cicero and his speeches, thus entirely eschewing the question of Christianity and also somewhat that of Octavian, I hope that its results can yet prove beneficial to those studying later iterations of Roman religion. After all, identity generally, and religious identity in particular is multivalent.[21] A study of Cicero's speeches yields an understanding not only for those speeches but potentially other speeches by other orators, perhaps later thinkers and writers, and even the laypeople of other generations.

Before ending, there are some gaps in my dissertation that should be mentioned, some more intentional than others. The first, and most obvious, are numerous other speeches by Cicero such as the *pro Lege Manilia* or Cicero's Caesarian speeches (the *pro Marcello*, *pro Ligario*, and *pro Rege Deiotaro*). These were intentionally left out of my dissertation for expedience rather than neglect or contrary evidence. The speeches I chose were

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[19] Rüpke (2018), most recently, noting that while Augustus certainly did highlight his priestly offices and altars dedicated to him, military power was the true lynchpin (p. 186).
[20] Ando (2013), p. 85.
[21] Davies (2004), pp. 4, 9-10.

specifically those that proved to be pivotal for Cicero's career, though he would not necessarily know this while composing the speeches. Likewise, focusing on Cicero also fails to provide us with a full picture of what Roman oratory more broadly might have looked like and I would not claim as much. The fragments and recreated speeches that we do have only offer us a glimpse at the possibilities of religious content in the speeches by other orators from other periods.

Another area that was largely neglected by my study is the more private realm of Roman religion, which contained practices like magic, private votives, and household shrines.[22] This was, partly, due to the focus of Cicero's attention in his speeches; he is largely concerned with Rome and its public institutions and supporting Roman piety is one way to defend Rome. There were a few instances where these more personal areas of Roman religion were important in Cicero's arguments — Catiline's dagger might have had magical overtones, Cicero occasionally references personal prayers that he made, he placed his personal Minerva statue on the Capitol before banishment — but they rarely amount to more than secondary or tertiary points in his argument. This is likely why, perhaps more than other reasons, the study of Roman religion is so biased toward the civic model in the first place: Cicero himself was concerned with the civic welfare and he is a prominent source.[23]

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[22] Ando (2013) is critical of the "civic compromise" model of Roman civic religion for this oversight (p. 87).

[23] Tatum (2013) cautions against being misled by Cicero, "who habitually alleged that vast political forces were arraying themselves against whatever case he undertook" (p. 140). Scheid (2016) carefully resists both the *polis*-religion model and the notion that Roman religion was "some communal anchorage for the expressing of piety" (p. 2). While I appreciate Scheid's

To counter this inclination toward Cicero, many scholars have looked to other kinds of evidence, including material evidence. This turn has been enlightening. What I hope to have done over the course of these pages is to demonstrate that there is plenty of room for Cicero in the lived religion model. His apparent concern might have been for the Roman commonwealth, and his audiences might have shared that concern for many of his speeches, but that concern is only one pull on the axis of Roman religious identity. Accepting the lived religion model of Roman religion, proposed by McGuire and adopted by Rüpke, it seems that Cicero can settle into the larger system of Roman religion without exerting too much influence, or at least without outright manipulating his audience. Even more so, his arguments can provide some insight into what his audience regarded were important boundaries of practice and custom.

Cicero and his audience, no matter the status of the members of said audience, were in constant negotiation regarding acceptable practices and institutions. Cicero's voice might have exerted more influence than the average Roman's, but he was always restricted by his own ability to persuade his audience. They, for their part, also acted in shaping his arguments, most obviously in their decision to accept his argument, but more subtly by influencing the larger discourse within which Cicero operated. Together, and

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critiques of these theories, I also hesitate to accept some of his critiques. For example, he uses the idea that foreigners could participate in civic cults as evidence that there was more to Roman religion that civic identity (pp. 54ff). I might argue, to the contrary, that these cults were not restricted by citizenship, per se, and that participation in such cults (among other factors) could bring one on the road to becoming "Roman." In other words, citizenship and civic identity were (and are) not the same thing.

only gradually, Cicero and his audiences shifted the bounds of acceptable practice and changed what it meant to be a good, pious Roman.

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Appendix

Cicero's Chosen Successor in the *Pro Murena*

The *pro Murena* was delivered in the thick of the Catilinarian Conspiracy, sometime after Catiline had fled from Rome but before the conspirators had been caught.[1] Cicero's defense of L. Licinius Murena against the charge of *ambitus* should provide exactly the study needed to test the theory that Cicero created his opponents as religious transgressors in order to counter with his own defense. This speech, in many ways, proves to be more nuanced. There are passing references throughout to themes already discussed in Chapter 2, but the *pro Murena* lacks the strong religious argumentation of the *Catilinarians* or even the *de lege agraria*, especially in reference to Cicero. The *pro Murena* continues with themes developed in other consular speeches but leaves the religious angle comparatively dull. It focuses, instead, on the consequences of convicting Murena, who is presented as the one person capable of continuing Cicero's consular project.

The main purpose of Cicero's speech is to argue that the charges against Murena for electoral malpractice be dismissed and that Murena must become consul to continue protecting Rome from Catiline's plots. He quickly dismisses the three primary accusations lobbed by the prosecution, that Murena had association with Asia, that he was a dancer, and that had a relatively unimpressive family background.[2] Each of these

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[1] *pro Murena* 84. The closest Fantham (2013) gets to a firm date is after November 9 of 63 BCE (p. 5), while May (1988) puts it in the last two weeks of November (p. 58 n. 31); the exact date cannot be established with greater certainty.
[2] *Mur.* 11.

accusations is rejected without much effort: Murena's time in Asia had earned his family *honos* and *gloria* since his father had earned a triumph there; the prosecution's claim that he was a dancer showed no evidence of precursory activities like drinking and partying; and Rome has a long history of plebeian families that earned great reputations.[3] Other accusations, like Murena receiving a Vestal's seat at the games, are dismissed as signs of affection rather than electoral malfeasance.[4] With these accusations rebuffed, Cicero spends the majority of his speech emphasizing the necessity of Murena's inauguration.

Cicero had a vested interest in seeing Murena succeed him as consul. His opening remarks make it clear that Cicero had prayed that Murena's election would bear well for Cicero's trust, the office of the consulship, the Roman people and the plebs.[5] So much was the custom. In speaking on behalf of Murena, though, Cicero prays again, this time to the gods that Murena be acquitted and to the judges that they agree with the Roman people's vote to have Murena as consul, which would bring about peace, tranquility, rest, and harmony.[6] Already Cicero is elevating his audience to a level that grants them a nearly divine authority. He prayed to the gods to see to Murena's election and now he prays to his audience to see the election results validated.

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[3] *Mur.* 12-17.
[4] *Mur.* 73. DiLuzio (2016) notes this passage as the possible influence for later improvements to conditions and, separately, that later there was an expansion of reserved seats to all priesthoods (pp. 141-142); see also Gallia (2015). With little effort, it is easy to imagine a case made against Murena taking a Vestal's seat and how that is a violation of the Vestal, though this would be pure speculation.
[5] *Mur.* 1.
[6] *...eaque res vobis populoque Romano pacem, tranquillitatem, otium concordiamque adferat* (*Mur.* 1). These are the same things that Cicero promises in his own inaugural speech against Rullus' agrarian legislation.

Soon after this, Cicero bluntly states that he has beseeched his audience as he did the gods.[7] He says, without any hedging, that his judges have replaced the gods in their power over Murena:

> *quae cum ita sint, iudices, et cum omnis deorum immortalium potestas aut translata sit ad vos aut certe communicata vobiscum, idem consulem vestrae fidei commendat qui antea dis immoratlibus commendavit…* (*Mur.* 2).
>
> with things as they are, judges, and since all the power of the immortal gods has either been transferred to you or certainly shared with you, so the same consul commends him to your trust, who before commended him to the immortal gods…

At least within their authority over Murena's fate, the judges are made into a replacement for the gods.[8] Cicero had already conducted the customary auspices after the election for Rome's well-being, now he made a similar plea to his judges. Again, at least in their decision on this case, Cicero has literally translated the power of the gods onto his audience, where they share that power with the gods. Such a power transfer is reminiscent of Cicero's speech defending Rabirius, where, there too, his audience — this time a jury addressed as *Quirites*[9] — has a power that approaches the gods'.[10] For Murena's case, the judges' decision acts like a repeat of the election, so that his acquittal will allow him to be consul and see to Rome's welfare, while conviction would prohibit

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[7] cf. *Red. Pop.* 18; most references in the *Catilinarians* (*in Cat.* 3.23, 3.29, 4.18, 4.24) are appeals to the audience as allies and defenders of Rome.
[8] Cole (2013), pp. 32-33.
[9] The trial fell under the jurisdiction of the *quaestio perpetua* for cases of electoral bribery, *ambitus*. A praetor would preside over the case, with jurors drawn from the senators, *equites*, and *tribune aerarii*, i.e., the upper class (Riggsby (1999), pp. 17-18 and n. 71; Alexander (2006), pp. 242-245).
[10] Of course, there is some distinction made in the *pro Rabirio perduellionis*, where Cicero says that the *potestas* of the people approaches the *numen* of the gods (*Rab. perd.* 5), whereas here they share the same *potestas*. This empowerment also recalls the speeches *post Reditum*, which will be delivered some 6 years later.

the same opportunity.[11] This, too, brought their power close to the gods' as even an election had a divine feeling to it.[12]

The first century to vote, the *centuria praerogativa*, was chosen by lot and its vote was considered to be an omen for the rest of the voting centuries.[13] This cast a divine feeling over the *comitia* itself and also the results. When Murena was elected, already it might have been considered a divinely ordained outcome. Once Cicero had performed the customary rituals for the consuls-elect, that they bring good fortune to Rome and the consulship, Murena had been imbued with a legitimacy that the judges would now be rejecting with their own power should they convict him.[14] Their decision, should they acquit him, would be like a repeat of the election, and therefore they would share some authority with the gods. Their conviction of Murena, as Cicero argues, would speak against the gods' choice of Murena in the first place.

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[11] Cicero describes a guilty verdict as a total defeat for Murena, who would have shamed his family, and interjects his description by saying "may Jupiter avert this omen" (*Mur.* 88).
[12] Elections have been a contested area of scholarship. The debate largely questioned the amount of influence the populace at large had on the outcome of elections, or whether elites were knowingly competing among themselves. Mouritsen (2001) has called elections largely apolitical, apart from standard political divisions (pp. 92-93, 117). Nevertheless they were still highly competitive among the elite, especially in the later Republic when outcomes could drastically effect the fortune of chosen magistrates (p. 126; see also Yakobson (1999), p. 48, pp. 211-212). Following Yakobson's (1999) interpretation, elections might have been highly competitive among the elite, but they remained a viable avenue for popular influence and control (p. 11); see also Millar (1998).
[13] *Mur.* 38. Sumi (2005) argues that the randomized *centuria praerogativa*, combined with the rigid tribal voting order and the recording of the first voter of the first tribe, made elections a performance of popular sovereignty (p. 24).
[14] Cicero notes early in his speech that the religious actions performed on election day were suitable to the dignity of the republic, emphasizing their importance and the seriousness with which they were taken (*Mur.* 1).

Perhaps the thing that best addresses Murena's election is his role as consul and his duty to bring good fortune to Rome. When Cicero was speaking in his defense, Catiline had already been exposed for his plots against Rome; at the very least, his absence acted as an admission of guilt. At this stage in the conspiracy, Cicero is the chief strategist that is outmaneuvering Catiline and his allies, but his term as consul is soon ending. Murena could be the person to continue Cicero's cause at stopping the conspiracy. Cicero promises that Murena, if acquitted, would devote himself to peace and the preservation of the republic, and to putting an end to Catiline's conspiracy. He asks that the judges "not tear away from the hereditary rituals of Juno Sospita, to whom all consuls must perform rites, her familiar and most able consul."[15] In order to best stop Catiline, Murena must be acquitted and allowed to conduct the usual rituals to Juno Sospita, a goddess who oversaw Rome's defense.[16]

The best way to secure Rome's safety, Cicero contends, is for Murena to put an end to Catiline's plot of overthrowing the republic.[17] In order to achieve this, Murena must be

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[15] *Mur.* 90. As Farney (2007) notes, Murena was a native of Lanuvium, known for its temple of Juno Sospita (pp. 69, 72). Orlin (2010) points to this passage as a possible explanation for Liv. 8.14, where Livy says that "the temple and grove of Juno Sospita should belong in common to the Roman people and the citizens living in Lanuvium" (p. 43; Orlin's translation); for a shared cult of Juno Sospita, see also MacBain (1982), pp. 43ff.; Schultz (2006), p. 22. Juno Sospita did not receive her own temple in Rome until 194 BCE (Orlin (2010), p. 43; Stamper (2005), p. 61).

[16] Schultz (2006) argues persuasively that Juno Sospita was a military deity rather than a fertility one. She traces Juno Sospita's appearance in Rome from a treaty with Lanuvium in 338 BCE at the end of the Latin War and looks her physical attributes (goatskin helmet, shield and spear) on coins to make her case (pp. 22-27). Holland (2012) supports Schultz's assessment with Cicero's *de Nat. Deor.* 1.77, where Romans can only conceive of the goddess with her military accoutrement (p. 210). For Cicero to cite Juno Sospita, he reinforces his own role as consul, and the consul's role as defender of Rome, whether that consul is himself or Murena.

[17] As McKnight (2017) correctly notes, this is outside of the concern of an *ambitus* trial, and yet it is a strong element to his argument (p. 256).

acquitted and allowed to serve as consul. Twice, Cicero directly connects Murena's fate with that of the republic. He warns of the men that Catiline had left behind in Rome, like the Trojan horse within their walls, who only hope to see Murena's conviction before they carry out their attack.[18] Given the timing of this speech, after the *Second Catilinarian*, Cicero has established the threat of Catiline's allies left in Rome. By pinning the Catilinarians' attack on Rome onto Murena's conviction, Cicero is playing with the fear of his audience, nudging them to acquit his friend.

The second time that Cicero associates Murena's acquittal with Rome's safety is shortly after the first, but he adds to the formula. Rather than attest to the conspirators' hope for conviction, Cicero promises that Murena could stop Catiline if he is acquitted, but that a conviction would allow Catiline to avoid punishment during his own consulship, only to return to Rome the next year to wreak havoc.[19] By framing the outcome so clearly, Cicero puts the safety of Rome entirely in the hands of the judges.[20] This grants them a great deal of power, akin to their divine power already described, but it also makes their decision a relatively obvious one to make.[21] They should choose Rome's safety, which necessitates Murena's acquittal. Only he can stop Catiline once Cicero has left office.[22]

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[18] *Mur.* 78-79.
[19] *Mur.* 84-85.
[20] In fact, he says as much at *Mur.* 83.
[21] It is reminiscent of the line Cicero uses at *Rab. perd.* 5, when he says that the state is governed more by the gods' will than human reason, but that his judges for that case had a power that "most closely approached the power of the gods." By giving the judges so much power, Cicero elevates them closer to the gods. While there is no explicit comparison made here, he does put the safety of the Republic into the hands of his judges, which grants the same effect.
[22] Earlier in the speech, Cicero provides a military reason for Murena's ability to stop Catiline: he

Catiline and his coterie are a constant presence in the *pro Murena*, despite the trial itself being concerned with Murena's election misdeeds. For Cicero, this should come as no surprise; it only speaks to how serious of a problem Cicero considered Catiline to be. The threat is tamer than it will become by the end of the *Fourth Catilinarian*, but there are aspects of it that are consistent throughout Cicero's consular orations. As he occasionally argues in the *Catilinarians*, Catiline is not the ultimate threat in his conspiracy, but rather his many allies that have infested Rome. This is the tack chosen when defending Murena. Catiline may be a threat, but the true threat are the many conspirators left in the city. Their threat is more widespread than many want to admit, theirs is the Trojan horse already in the city, waiting for Murena's conviction.[23]

The brazenness with which Catiline's men act is also highlighted to better delineate their threat. Already, Catiline and his band of youths had walked around the Campus Martius with swords such that Cicero wore a breastplate for his own protection.[24] Now his men had infiltrated the city, the Forum, and in the shrine of the republic, the senate-house.[25] When they threaten the senate-house in the *pro Murena*, Cicero makes them threaten both its obvious political function but also their religious role, too. This is, perhaps, the passage which most strongly connects Cicero's defense of Murena with his speeches against Catiline. For the majority of the *pro Murena*, the conspirators are a

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fought against Mithridates, a threat only Pompey truly appreciated, and can do the same against Catiline (*Mur.* 34).

[23] Cicero calls them a pollution, or *contagio*, which he also uses at *Mur.* 78.

[24] *Mur.* 52. Hall (2014) discusses this instance and a similar tactic in *Rosc. Am*. 13 where Cicero feigns being the target of political violence for his own benefit (p. 35).

[25] *hostis est enim non apud Anienem, quod bello Punico gravissimum visum est, sed in urbe, in foro, di immortales sine gemitu hoc dici non potest, non nemo etiam in illo sacrario rei publicae, in ipsa, inquam, curia non nemo hostis est* (*Mur.* 84).

hidden, internal threat to the republic, but in the *Catilinarians* they are a direct threat to Rome's institutions, both political and religious, following a man who is his own religious aberration.[26] Here the conspirators are in the middle of the two so that the they threaten the senate as a religiously sanctioned political representation of Rome but are yet remaining in the shadows.

Again and again Cicero reiterates the internal and domestic nature of the conspirators' threat. Whether on the Campus Martius or waiting for Murena's conviction, the conspirators are deeply interwoven within the fabric Rome so that their threat is hard to fully comprehend. After comparing them to the Trojan horse, he tells the judges that the plans have been laid to "destroy the city, slaughter the citizens, and extinguish the name of Rome." Citizens are planning to attack their *patria* and the only person who can end their attacks, after Cicero's term ends, is Murena.[27] For this reason, Cicero defends Murena.

There is, finally, Cicero's own role that is worth briefly mentioning. Just as Murena's consulship would guarantee peace, harmony, and rest for Romans, Cicero's own motivations follow the same line. His justifications for defending Murena are of two sorts; he has personal reasons, such as friendship and defending Murena's name, and more public reasons. These public reasons are to defend peace, rest, harmony, freedom,

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[26] At this point in the *Catilinarians*, Catiline has been relegated from his position as the primary threat. The same is true within this speech, in which Cicero says that they need not fear Catiline, only his allies in the city (*Mur.* 79; *Cat*. 2.11).

[27] *Mur.* 80. Here Cicero hesitates on the term *cives* to describe the conspirators, especially since they are intending to attack their fatherland. Elsewhere, he refers to them as *hostis* (*Mur.* 83, 84). The phrase *nomen Romani* is also used at *Verr.* 2.5.149 and 2.5.150 regarding Verres' threat to Rome's standing.

safety, and the lives of everyone, for which he works night and day to protect.[28] Cicero ascribes these same goals to Murena at the start of his speech. With this speech, Cicero's third to refer to peace, harmony, and rest, he indicates his consular legacy.[29]

As a defender of these ideals of peace and harmony, Cicero plays second to Murena in this speech, certainly to draw an acquittal from the judges. The *Catilinarians* are filled with references to Cicero as a togate general that has eradicated Catiline from the city with only the power of his speech. The *pro Murena*, while taking place in the middle of the conspiracy, is nevertheless more muted in the way Cicero projects his own persona. Of course, he works night and day to preserve peace and harmony of the republic. His vigilance rivals the gods' in the way that he constantly tries to stamp out the plots of the conspirators.[30] But Murena, too, is vigilant.[31] Moreover, having fought against Mithridates, he has the military experience needed to end the conspiracy completely.

Within the confines of this speech, it is military prowess above all that leads to great success. Comparing success on the battlefield and in the Forum is unbalanced from the start, for the art of the orators fall silent when war looms.[32] Cicero has not led any great armies nor defeated any great enemies. The best he can claim for himself thus far is

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[28] *ego quod facio, iudices, cum amicitiae dignitatisque L. Murenae gratia facio, tum me pacis, oti, concordiae, libertatis, salutis, vitae denique omnium nostrum causa facere clamo atque testor* (*Mur.* 78).
[29] Contrast these with, say, his speeches against Verres, where upholding the dignity of the courts was a greater focus.
[30] *Mur.* 82.
[31] *Mur.* 32. At *Mur.* 52, Cicero argues that Servius lost the election to Murena precisely because the people did not think he would pursue Catiline actively enough.
[32] *Mur.* 22.

running Catiline out of the city with his *First Catilinarian*.[33] Rather than claiming for himself the persona of the togate general with near-omniscience, Cicero here defers to Murena and his own prowess. By doing this, he concedes his own military experience to Murena's and, thus, his importance for stopping Catiline after Cicero's consulship expires.

Cicero's concession in the *pro Murena* serves its own end for the greater project against Catiline. By elevating Murena above his own level, Cicero makes his acquittal that much more necessary. Since Cicero had already assisted in Catiline's self-imposed exile from the city, having someone better equipped to stop the conspiracy should have been an easy decision. This is similar to the way that Cicero made the judges' decision easier by attributing to them a divine authority that would ultimately decide Rome's well-being. While they could have chosen to convict Murena — it would have been within their power — doing so would have jeopardized Rome's security. Cicero makes the judges' decision for them by presenting only two options.

The *pro Murena* is a peculiar speech within Cicero's consular orations.[34] In it, Cicero plays a diminished role, especially when compared to the *Catilinarians* delivered around the same time. The goals of his consulship remain the same as he aims to defend the peace and harmony of the republic, but Murena is an equal defender of this project to Cicero. Murena is presented as a substitute Cicero, who can continue the policy already

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[33] This is possibly why Cicero adopts the guide of a togate general in the *Catilinarians*; he recognizes the perceived greatness of generals over orators.
[34] Cape Jr. (2002) is careful to point out that the *pro Murena* is not technically one of Cicero's intended consular orations as published (p. 119).

enacted against the conspiracy with great success, but with the military background to see its completion.

The conspiracy itself is treated as a major threat to the ideals Cicero and Murena claim to be defending. The conspirators are waiting for Murena's conviction to commit their acts of atrocity, but they are waiting in plain sight. They are in the forum and the Curia, not confined to the shadows or their houses.They only explicitly threaten Rome's religious institutions insofar as the senate-house is a shrine for the republic.

To the same degree, Murena does not possess the same religious authority that Cicero claims for himself in the *Catilinarians*. His only claim at religious legitimacy comes from Cicero's customary election rituals. The greatest religious authority is granted to the judges. The people's election of Murena, in the first place, was like an omen. Now, with the power of conviction, they possess an authority that rivals the gods' own. This is a power that is all but transferred to Cicero's case against Catiline, where the audience allies with Cicero and the gods to end the conspiracy.

On its own, the *pro Murena* is a relatively straightforward speech that more or less directly addresses the question of whether Murena was fit to be consul. More than, say, the *Verrines*, Cicero maintains a straightforward argument rebutting accusations that Murena cheated his way to the consulship or even that he was unfit for office. Read within the context of Cicero's other consular orations, though, the broader themes stand out, especially the presence of Catiline and his allied conspirators. The relative lack of religious evocations to describe either Cicero or the conspirators only highlights such language when it does occur in the other speeches.