

POST REDITUM: CICERO'S FORENSIC REPOSITIONING

By

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When I was a new Latin teacher with very much to learn, I frequently called upon a former professor for advice and inspiration. On one of those occasions, he mentioned to me a program in which I could further my studies while working as a teacher and raising my family. Intrigued by the opportunity and challenge, I entered the University of Florida to obtain my doctorate in Latin and Roman Studies. That was in 2004. I owe much to Professor Hans-Friedrich Otto Mueller. *Semper mihi, Molinarius eris.*

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The title of this dissertation is "*Post Reditum: Cicero's Forensic Repositioning.*" I investigate Cicero's technique of constructing characters in select defense speeches while attempting to build his own reputation post exile. Through a careful reading of Cicero's works of 56 BC, especially *In Vatinius*, *pro Sestio*, and *pro Caelio*, I show how Cicero uses character portraits not only for the speech at hand but also as a means of self-promotion.

This work is divided into five chapters, with an introduction and a conclusion. The introduction deals with Roman oratorical practice, the judicial system during Cicero's lifetime, and Cicero's place within that system. I discuss the nuances of courtroom oratory as well as the circumstances influencing Roman judicial decisions.

In Chapter 2, I discuss the span of Cicero's career. The major events of his career are treated here in conjunction with accounts from his own letters. An essential part of this chapter is a discussion of the circumstances surrounding Cicero's exile, the political environment upon his return, and his state of mind as he re-entered the Forum, with his own letters as evidence.

In Chapters 3, 4, and 5, I examine three of Cicero's forensic speeches of early 56. In Chapter 3, I discuss the *In Vatinius*, the first extant forensic speech given by Cicero following his return. In this invective, Cicero attempts to disqualify Vatinius as a witness and further damage his position in Rome. Cicero uses this cleverly contrived negative character construction to reassert his own political position in Rome by showing his audience the true enemy of Rome, Vatinius' patron, Caesar. In Chapter 4, my focus is *pro Sestio*. In his final speech of Sestius' trial, Cicero not only defends Sestius, but also creates a defense on behalf of his own past actions so that he can redeem himself in the eyes of Rome. Then, in Chapter 5, I discuss the *pro Caelio*. Cicero develops a variety of character constructions as he defends Caelius. In this highly entertaining speech, Cicero also produces a strikingly negative characterization of Clodia Metelli. But also, with the *pro Caelio*, Cicero intends to restore himself to oratorical prominence.

In Chapter 6, I examine Cicero's treatment of Publius Clodius in the aforementioned speeches. Although he did not defend or prosecute Clodius during his career, the frequent appearances of Clodius in Cicero's speeches is a significant phenomenon. Their relationship played an important part of late Republican politics.

In the conclusion, I draw upon the details from each oration discussed throughout the dissertation to demonstrate how Cicero used his characterizations of others and himself to rebuild his reputation. In an immediate sense, Cicero's strategy was successful but ultimately the triumvirate prevailed, and Cicero had to knuckle under to it.

CHAPTER 1 INTRODUCTION

Habitavi in oculis, pressi forum; neminem a congressu meo neque ianitor meus neque somnus absterruit...itaque si quam habeo laudem, quae quanta sit nescio, parva Romae est, quaesita in foro; meaque privata consilia publici quoque casus comprobaverunt, ut etiam summa res publica mihi domi fuerit gerenda et urbs in urbe servanda.

–Cicero, *pro Plancio* 66¹

Marcus Tullius Cicero left Rome in spring of 58 following abusive threats (and legislation) by his long-time enemy, Publius Clodius Pulcher.² The day after his departure, a law was promulgated which exiled him from Rome by name and also stripped away his home. Alone and seemingly helpless, Cicero sank into a deep state of depression. His correspondence reveals that he even contemplated suicide. The one-time consul had fallen from his former glory and had been forced to leave his beloved Rome.³

For over a year, Cicero suffered from afar while writing numerous letters and pleading his case. His selfish entreaties aimed at only one goal: to return to Rome.⁴ With a change in political power, at last Cicero achieved his goal, strolling into Rome in grand style at the end of the summer in 57. Nevertheless, when Cicero once again took

¹ All translations in this work are taken from the Loeb Classical Series unless otherwise noted. Chapter 1 epigraph: “I lived in the public eye, I frequented the Forum; neither my doorkeeper nor sleep prevented anyone from having audience of me. In this way, any reputation I possess, and for all I know it is but small, has been won at Rome and earned in the Forum; my private plans have been justified by public events, so that in my home I have had to direct even the vital issue of state policy, and in the city the city has had to be preserved.”

² All dates BC.

³ For an excellent account of this period, see Shackleton-Bailey (1971) and, more recently, Powell and Paterson, eds. (2004).

⁴ While this may seem a bold assertion, Cicero’s letters in exile indicate a preoccupation with his own affairs rather than that of his family, perhaps rightfully so. Evidence of this is the amount of self-reference in the letters rather than familial inquiry. In addition, there are only four extant letters from Cicero in exile to his wife, Terentia (whereas there are three times as many to Atticus).

residence in his beloved city, he did not automatically regain his former prominence, as he had hoped. There was an air of uncertainty in the political arena and, in order to achieve a fully satisfactory return, there was still much work to do.

From September 57 to May 56, Cicero launched a campaign on his own behalf in order to regain his previous status. While the evidence from this period is abundant, there are only a few examples of his normally copious daily letters from this particular time period. Rather, antiquity has given us three deliberative speeches delivered within the first month of his return as well as three forensic speeches, delivered in the spring of 56.⁵

In this study, I intend to examine the different methods used by Cicero in his post-exile speeches to reinstate his formerly influential position in Roman politics. Much has been written about the manner in which Cicero asserts his political opinions in his speeches, yet I concentrate on the ways in which Cicero uses his *post reditum* oratory to test the political climate and then regain lost ground.

However, the extant forensic speeches from 56, the *pro Sestio*, *pro Caelio* and *in Vatinius* do not follow conventional practices of oratory.⁶ Instead, Cicero creates speeches which are focused on the characters involved in Roman politics at this time, and above all, himself.⁷ It is through his ability to paint pictures of others that we can

⁵ In 57, Cicero delivered *Post reditum ad senatum*, *Post reditum ad quirites*, and *De domo sua*. In 56, we have *In Vatinius* and the *pro Sestio*, both delivered in March, and the *pro Caelio*, delivered in April.

⁶ The *foci* of this dissertation are the circumstances surrounding Cicero's exile and the period immediately following, prior to a reversal in Cicero's public policies. This reversal is manifested in his speech *De provinciis consularibus* delivered in the Senate years later probably in May 56, with which Cicero supports the programs and policies of Caesar. Cicero himself reports on his recantation. cf. *Fam.* 1.9.; *Q.fr.* 2.6.

⁷ May (1988) offers a comprehensive examination of character use in a large number of Cicero's speeches, as he treats Cicero's "presentation of character" or 'ethos' as an explanation for his oratorical successes. While May's focus is the texts themselves, he further demonstrates how Cicero creates and maintains his own *auctoritas*. See also Paterson (2004) 79–96 where he argues that Cicero's self

see glimpses of Cicero, or at least, how he intended others to see him. I examine Cicero's depictions in order to reveal how he utilized his forensic expertise to achieve complete restoration after his return from exile. By drawing on details from each speech, including rhetorical figures, literary devices, word play, and placement, I demonstrate how Cicero used his characterizations of others (and himself) to rebuild his reputation.

Following a brief treatment of Cicero's life and career in Chapter 2, I address each forensic speech of 56 in chronological order. First, in Chapter 3, in his speech against Vatinius, a witness for the prosecution against Sestius, Cicero attacks the politics of Caesar in order to reassert his own position in Roman politics. He attempts to take advantage of an assumed weakness in the alliance between Pompey and Caesar, as well as Caesar's absence from Rome, to demonstrate to the people that certain politicians, especially those who do not work on behalf of the State, should not be trusted. Filled with invective, Cicero's speech demonstrates not only Vatinius' character flaws but also Caesar's, as their relationship is the key to Cicero's attack.

In Chapter 4, I examine the concluding speech in the case for Sestius. Cicero seizes this opportunity to retell the stories about his last days in Rome prior to his exile, the crimes committed by the unchecked consuls during his absence, and the overtures made by his family and friends to secure his return. Throughout his narrative, which focuses little on Sestius, Cicero rewards his own past and present allies with character praise while waging a war of words against those who harmed the Republic and who continue to threaten it. With his intentional digressions, Cicero seeks to redeem himself

reference "was a response to the nature of advocacy at Rome and its origin in patronage, where the influence of the patron was at the heart of the system" pp.94.

and his past actions in the eyes of the jurymen and all of Rome. As one of the only true protectors of the State, at least in his own eyes, Cicero's character portrayals reveal the ideal statesman, himself.

In April of 56, Cicero defended another young figure (he was a knight) from his past, Marcus Caelius Rufus. In his speech for Caelius, however, Cicero spends little time building a defense. Rather, he creates two character types, that of *adulescens* and *mulier*. In Chapter 5, I track Cicero's development of these characterizations. His speech leads the jury through an entertaining account of the life and times of one of Rome's future statesmen while destroying the character of a notable (and, according to Cicero, notorious) Roman matron, the sister of his hated enemy, Clodius. The techniques and strategies that Cicero employs in this speech speak to his mastery of oratory and his ability to manipulate the jury for his own purposes. With this speech, Cicero means to restore his oratorical reputation by means of humorous invective at the expense of Clodia Metelli.

Woven among his speeches following his return from exile, Cicero continuously disparages the character, deeds, and family of Clodius. In Chapter 6, I discuss the relationship between Cicero and Clodius. While the focus of this exposition is the manner in which Cicero deals with Clodius in his *post reditum* speeches, I also treat the interactions between the two men as reported in Cicero's letters. With his frequent invective, Cicero seeks retribution for the numerous crimes that Clodius committed both against the State and Cicero himself.

In order to understand how Cicero could have used his speeches to achieve personal and political reinstatement, it is necessary to discuss the Roman judicial

culture, which differs substantially from modern ideals and practice. I begin with the politically charged time when Sulla became dictator because that is when Cicero entered the Forum.

As self-appointed dictator of Rome in the late 80s following a brief civil struggle between himself and Gaius Marius, Sulla immediately began his own reforms to Roman law, restoring more conservative policies. During this time, Roman oratory was conventionally divided into three forms: deliberative, epideictic, and judicial.

Deliberative oratory consisted of speeches concerning public policy. These speeches were delivered at *contiones*, usually convened “for purposes of election of magistrates, ratification or rejection of laws, or hearing judicial appeals” as well as for military reasons.⁸ Although the original meaning of the word *contio* is ‘meeting,’ the term *contio* also came to apply to any speech given at a meeting outside of the Senate, and are often so designated in the Ciceronian corpus.⁹

Formal deliberative oratory in the Senate composed in accordance with the rules of rhetoric was prevalent during the time following the third Punic War, when Greek teachers of rhetoric heavily influenced their Roman students. However, many deliberative speeches were given outside the Curia in the Forum where orators had a much larger audience. Public opinion was important, and this was also a way of influencing legislation in the popular assemblies.¹⁰ Late second century speakers such

⁸ Kennedy (1972) 18. Kennedy’s work is fundamental to for any scholarship on Roman oratory.

⁹ Cicero’s *de Domo Sua* is an example of a deliberative speech.

¹⁰ I use the phrase “public opinion” as Cicero himself may have relied on the idea that the Roman mob determined not only events in and around the Forum but also his future. He said, *Nihil est incertius vulgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum* (*Mur.* 36), “Nothing is more uncertain than the mob, nothing more obscure than the will of the people, nothing more deceptive than the

as Licinius Crassus and the Gracchi brothers made brilliant use of the Forum as a venue for their deliberative oratory.

Epidictic oratory or demonstrative oratory was not common in Rome. Its origin lies with the Greeks who would publicly mourn the loss of Greek soldiers at annual events as members of the state first rather than the family. The closest form of epidictic oratory in Rome is the *laudatio funebris* or funerary eulogy, in which speakers described the virtues of the deceased. Because the literary tradition of these speeches did not value them as works of art, few have survived.

Cicero's main oratorical focus was judicial oratory.¹¹ Criminal courts had long been established by the time Cicero comes to the stage, but the administration of the most important courts, especially the *quaestio de pecuniis repetundis* or extortion court, "became a political football between the conflicting interests of the aristocracy, which furnished [provincial] governors and the knights, the financial class of citizens among whom belonged the members of corporations to farm the provincial taxes."¹² There were other *quaestiones*, divided according to the major crimes in the late Republic. Juries for these courts were made up of citizens from different classes chosen to serve from a panel at the beginning of the year.

Cicero's successes in the courts were the vehicle for his rise to social and political prominence. As a life-long student of oratory, Cicero's understanding of its persuasive influence accompanied his unique command of the art. Cicero himself tells us the

whole political system" [translation mine]. I argue below that Cicero used the public's reaction to his speeches as a gauge for the next speech.

¹¹ As Lintott (2004) 61 summarizes, "Cicero's legal cases ranged from treason, murder, and 'public violence' to disputes about property and debt."

¹² Kennedy (1972) 12.

purpose of forensic speech: *quod saepe iam dixi, tribus rebus homines ad nostram sententiam perducimus aut docendo aut conciliando aut permovedo...*, “As I have often said already, we bring people over to our point of view in three ways, either by instructing them or by winning their goodwill or by stirring their emotions.”¹³

His long-honed oratorical expertise combined with the nature of the Roman court system provided Cicero with a stage on which to reposition himself following his exile. In fact, the advocate’s own persona was a crucial element in any case. Cicero tells us in his *de Oratore*:

Valet igitur multum ad vincendum probari mores et instituta et facta et vitam eorum, qui agent causas, et eorum, pro quibus, et item improbari adversariorum, animosque eorum, apud quos agetur, conciliari quam maxime ad benevolentiam cum erga oratorem tum erga illum, pro quo dicit orator. Conciliantur autem animi dignitate hominis, rebus gestis, existimatione vitae. (de Orat. 2. 182)

The character, the customs, the deeds, and the life, both of those who do the pleading and those on whose behalf they plead, make a very important contribution to a winning case. These should be approved of, and the corresponding elements in the opponents should meet with disapproval, and the minds of the audience should, as much as possible, be won over to feel goodwill toward the orator as well as toward his client. Now, peoples’ minds are won over by a man’s prestige, his accomplishments, and the reputation he has acquired by his way of life.¹⁴

Paterson stipulates, “one of the key features of a speech in a Roman courtroom was the advocate’s attempt to impose his *auctoritas* on the proceedings. So it was acceptable to talk about oneself when appropriate.”¹⁵ Advocacy was usually handled by educated, influential, and wealthy Romans who were often politically ambitious.

Consequently advocates would use these courtroom opportunities to enhance their

¹³ *de Orat.* 2. 310. Translation by May and Wisse (2001) 64.

¹⁴ Translation by May and Wisse (2001) 171.

¹⁵ Paterson (2004) 82. See also n. 4.

prestige. Advocacy was embedded in the Roman social system as part of the patron-client relationship. Personal and political ties, which we see in each of the speeches of 56, were established long before the courtroom event. Therefore, the advocate himself, or more importantly, the advocate's reputation was an essential part of the case. The juries would consider the character of advocates and their clients in their decisions because with each case, the jury was able to make a decision about each defendant's legal fate.¹⁶

This practice differs substantially from modern courtrooms in English and American jurisprudence where character evidence is not normally permitted in order to prove guilt or innocence.¹⁷ That is because modern judicial practices revolve around the burden of proof through means other than character evaluations, which are not based on fact.¹⁸ Roman advocacy relied heavily upon character construction due to the patron-client relationship. Therefore, strong character constructions could be considered by ancient juries to be strong evidence or even proof of guilt or innocence.

¹⁶ Riggsby (1997) 235–252 discusses the influences on juries' verdicts, including the orators' reputations, as well as the importance of truth in juries' decision-making. Other scholars touch upon the various ways that Cicero is able to persuade his juries to vote in his favor: Craig (1993) shows how Cicero used dilemma to feign the complexity of his case for Caelius while simultaneously entertaining the jury. Zetzel (1994) claims that juries voted for Cicero because they were amazed by his audacity. Even the ancient scholar Quintilian reveals that Cicero fooled juries. (*Inst* II. 17. 21)

¹⁷ It is, however, utilized by today's advocates in various circumstances to raise doubt, Riggsby (2004) 178–179. Using the law books of his own state Texas, Riggsby compares modern court rules for the submission of character evidence. It may surprise the average student of courtroom television dramas to realize the extent to which character evidence, at least in Texas, is allowed and even welcome. Key to this explanation is the summary, "Character evidence is allowed to raise doubts (though it may fail to do so), but not to settle them" (178)

¹⁸ For an excellent rendering of this argument, see Riggsby (2004) 176–180. Riggsby explains how Roman juries would have believed that character determines action, would have been oblivious to any need to have proof for acquittal or conviction, and would have even "demanded" character evidence based on inferences made by advocates and witnesses. Hence the power of an advocate's abilities could turn a jury one way or another.

As a result, Cicero filled his speeches *post reditum* with either praise for his own past actions and policies or blame for others' transgressions against the State. He knew that creating such character evidence could rebuild his reputation, since Romans conventionally believed that character was immutable and fixed from birth.¹⁹ But for Cicero to achieve his goal of creating character evidence by means of his forensic oratory, he knew that he had to be able to appeal to the emotions of his audiences. Here, we must pause to consider the concepts of *ethos* and *pathos*.

Ethos is "the presentation of the character of the speaker (or of his client)" and pathos is "the playing upon the feelings of the audience."²⁰ These two concepts, combined with *logos*, or rational argument, made up the three methods with which an audience may be persuaded.²¹ Cicero's development of these concepts matures throughout his career and he tells us in his *de Oratore* about how a speaker may appeal to an audience.

Sed est quaedam in his duobus generibus, quorum alterum lenē, alterum vehemens esse volumus, difficilis ad distinguendum similitudo; nam et ex illa lenitate, qua conciliamur eis, qui audiunt, ad hanc vim acerrimam, qua eosdem excitamus, influat oportet aliquid, et ex hac vi non numquam animi aliquid inflandum est illi lenitati; neque est ulla temperatior oratio quam illa,

¹⁹ *De. Off.* 1. 107–114; *Inv.* 2. 32. For the importance of character or ethos in Roman oratory, see Kennedy (41–42, 57, 100–102). Most authors agree the Romans believed character to be fixed and events to be evidence of character. See also Hands (1974) 313, who uses writings of Tacitus to discuss the issue in relation to Emperor Tiberius' character; May (1998) 6–11, 16, 22, 75, 163, who provides general discussion in relation to the orator and rhetoric. Riggsby (2004) 165–185 shows how the Roman interpretation of character immutability has been used in rhetoric as an element of argument.

²⁰ Wisse (1989) 4.

²¹ These definitions are the common link between Cicero (*de Oratore*) and Aristotle (*Rhetorica*) as the three parts of invention, one of the duties of an orator. For full explanation of the concepts as well as the Aristotilian versus Ciceronian, see Wisse (1989), whose work on *Ethos and Pathos* redefines *ethos*, at least for Cicero and other Roman orators. Wisse finds that Cicero was more interested in an *ethos* "of sympathy", which falls between the rational theory of Aristotle, in which the speaker persuades the listener to think him trustworthy, and that of Quintilian, in which the speaker attempts to gain full sympathies of listeners (by *leniores affectus*, "gentler emotions"). The difference between these two theories is the appearance of the advocate between Greek and Roman oratory.

in qua asperitas contentionis oratoris ipsius humanitate conditur, remissio autem lenitatis quadam gravitate et contentione firmatur. (de. Orat. 2.212)

But there is a certain resemblance in these two kinds (one of which we have to be gentle, the other vehement) that makes it difficult to distinguish them. For something of that lenity with which we conciliate the affections of the audience ought to mingle with the ardor with which we awaken their passions; and something of this ardor needs to communicate with our gentleness of language; nor is there any species of eloquence better tempered than that in which the asperity of contention of the orator is mitigated by his humanity, or in which the relaxed tone of lenity is sustained by a becoming gravity and energy.²²

“So an orator, if he is to employ both ethos and pathos effectively, must take account of their mutual influence.”²³ Cicero understood that the three ways to persuade an audience included rational, reliable arguments dependent upon, but not limited to, emotion. Therefore, Cicero constructed his forensic *post reditum* speeches with a deliberate combination of emotional and reasonable arguments filled with tailored character depictions of self and others in order to win over his audiences. It is in this way that Cicero knew he could win his cases, and this reposition himself in Roman politics.

²² Translation by May and Wisse (2001) 180.

²³ Wisse (1989) 239.

CHAPTER 2
DE CICERONE

Speremus quae volumus, sed quod acciderit feramus.

–Cicero, *pro Sestio* 68¹

Si scelestum est amare patriam, pertuli paenarum satis.

–Cicero, *pro Sestio* 145

In *suo anno*, Cicero attained the highest office in the Roman *cursus honorum*, the consulship.² The difficulties, however, that he endured toward the end of that year, 63, caused Cicero great turmoil for the rest of his life.³ On the day of his departure from the office, he was even denied the traditional speech delivered on this occasion.⁴ Despite praise from many, Cicero had to spend a great deal of time defending his actions.⁵

In a letter to Pompey in April of 62, Cicero wrote,

Sed scito ea quae nos pro salute patriae gessimus orbis terrae iudicio ac testimonio comprobari; quae, cum veneris, tanto consilio tantaque animi magnitudine a me gesta esse cognosces ut tibi multo maiori quam

¹ The first quote of the epigraph is drawn from the *pro Sestio* 68: “Let us hope for what we want, but let us endure whatever happens.” The second is from the *pro Sestio* 145: “If it is a crime to love one’s country, I have been punished enough for it.”

² Cicero reached the consulship as a *novus homo* and in the first year he was eligible. He was the first man of his family “to attain the consulate and hence *nobilitas*” and especially one who “rose from outside the Senate straight to the consulship.” (Oxford Classical Dictionary) See also Scullard (1964) 1–25, Wiseman (1971) 100–107, and Gelzer (1969) 50–53 for more information about the *novus homo*. As a ‘new man’ in Rome, Cicero’s political and social climb is significant and virtually unprecedented. Dugan (2005) discusses Cicero’s ‘self-fashioning’ as a *novus homo* as a “lived experience” and further “theoretical expression in his philosophical works” pp. 4ff.

³ Cicero discovered and stifled a conspiracy to overthrow the Republic by Lucius Sergius Catiline. Five of Catiline’s fellow senatorial conspirators were subsequently put to death without a trial upon the recommendation of the Senate (although there were dissenters, primarily Caesar). Sources for the Catilinarian conspiracy: *Cic. Cat.* 1–4 and *Sal. Cat.*

⁴ *Abeuntem magistratu contionis habendae potestate privavit. Fam.* 5.1–2. Q. Metellus Nepos had demonstrated hostility to Cicero since assuming the office of Tribune in December 63. He deprived Cicero of the power to address the assembly at the end of his term.

⁵ A public Thanksgiving had been declared by the Senate in honor of Cicero’s services to Rome.

Africanus fuit a me non multo minorem quam Laelium facile et in re publica et in amicitia adiunctum esse patiare. (Fam. 5.7)

But I must tell you that what I have done for the safety of the country stands approved in the judgment and testimony of the whole world. When you return, you will find that I have acted with a measure of policy and a lack of self-regard which will make you well content to have me as your political ally and private friend—a no much lesser Laelius to a far greater Africanus.

From across the Mediterranean, Cicero was trying to appeal to the sensibilities of Pompey, whose favor and friendship Cicero needed in order to maintain at least some vestige of his former prestige.⁶

Cicero's letters to his lifelong friend Titus Pomponius Atticus in 61 provide a detailed running account of his actions throughout that year. By the date of the first letter, Cicero reports that Pompey "is very much [his] friend."⁷ Cicero then sends regular updates to Atticus regarding his relationship with Pompey as though it were of vital importance. At times, Cicero reports that Pompey is jealous of his oratorical skills (*Att.* 1. 13. 4) and consular successes (*Att.* 1. 14. 3), as he reintegrates himself into Roman life as a distinguished ex-consul. All the while, Cicero maintains to Atticus that he is busy, almost too busy with public matters to write.

One of the most significant events of 61 was the trial of P. Clodius Pulcher, who had secretly entered Caesar's home during a religious festival reserved for women. Following this trial, where Cicero had provided evidence trumped by later bribery, Cicero seems to be at a peak of self-confidence, for his letters describing the events of the trial boast of his personal initiative in the Senate. Yet his own health serves as a contrast to that of the Republic.

⁶ Pompey spent many years in the 60s in the East from Anatolia to Judea. His task was to bring the region under control.

⁷ *Pompeium nobis amicissimum constat esse. Att.* 1.12.

Along with the full account of the trial contained in his letters, we also see the first of Cicero's gloomy predictions for the Republic. Cicero, nevertheless, remains a steadfast and resolute member of the Roman political establishment. His actions following the trial deprived Clodius, who had been acquitted due to the lavish bribes of M. Crassus, of his quaestorship in Syria alongside P. Piso.⁸ Cicero continued his efforts to rebuild senatorial morale, warning the Senate in May 61 about the character of Clodius, who had viciously attacked Cicero. The exchange between the two men ended in a sullen, silent and dangerous Clodius. (*Att.* 1. 16. 7)

Following this account, Cicero explains his position to Atticus, realizing that the trial may have redirected the anger against Cicero for his consular decisions over to Clodius and those who worked with him (or on his behalf) in obtaining his acquittal.⁹ He also now believes that he has finally obtained a friend and ally in Pompey. Their relationship has yielded positive results for Cicero with the Roman public while irritating the *barbatuli iuvenes*. (*Att.* 1. 16. 8)¹⁰

By December 61, Cicero's outlook for the State had changed decidedly for the worse. *nos hic in re publica infirma, misera commutabilique versamur*, "The state of the commonwealth in which we live here is weak and sad and unstable." (*Att.* 1. 17. 8) With

⁸ *Att.* 1.16.8. *Pisonem consulem nulla in re consistere umquam sum passus, desponsam homini iam Syriam ademi; senatum ad pristinam suam severitatem revocavi atque abiectum excitavi; Clodium praesentem fregi in senatu cum oratione perpetua plenissima grativitas tum altercatione eius modi...*, "I drove Consul Piso from pillar to post, and deprived him of Syria, which had already been pledged to him. I recalled the Senate to its earlier strict temper and roused it from despondency. Clodius I quashed face to face in the Senate in a set speech of impressive solemnity and also in an exchange..."

⁹ *Att.* 1.16.11. *videri nostrum testimonium non valuisse, missus est sanguis invidiae sine dolore*, "It does me no harm that my evidence apparently failed to carry weight. My unpopularity has been reduced by a sort of painless bloodletting."

¹⁰ Cicero often calls the young men who associated with Catiline by various derogatory names. Here, they are "little bearded youth." These associates later become the significant violent forces which work to disrupt public order in Rome. Tatum (1999) 142ff discusses the *Clodiani* in depth.

each letter to his friend, Cicero reported a new calamity. He vigorously defended his role as healer during these unfortunate times but was resolved to the fact that res *Romanas diutius stare non posse*, or as Shackleton Bailey translates, “Rome is doomed.”¹¹ Cicero also announces to Atticus that his work for a harmony among the orders or *concordia ordinum* has failed. (*Att.* 1. 16. 9) This was a fierce blow to Cicero as he had consistently tried to forge a union of the various classes of Rome for the greater good, or for the health of the Republic. With this admission, Cicero himself has admitted failure. Still, he maintains letter-writing therapy with Atticus both from Rome and other locations.¹²

Each subsequent letter almost rewrites the last. The formula of his compositions to Atticus begins with a report on the state of affairs in Rome, how the Senate and the Knights do not work in tandem, how Clodius is actively seeking to be transferred to plebeian status, how his relationship with Pompey is part of Cicero’s larger scheme to maintain his reputation. At various times Cicero writes that he deems himself to be a valuable member of the Senate, yet he criticizes the inactivity of the *boni* because of their lack of action. (*Att.* 1. 19. 6) Each letter does contain extraneous personal items or concerns for Atticus’ affairs, as well as sharp reminders of Cicero’s own policy and his intentions for the immediate future:

Sed mehercule rei publicae multo etiam utilior quam mihi, civium improborum impetus in me reprimi cum hominis amplissima fortuna, auctoritate, gratia fluctuantem sententiam confirmassem et a spe malorum ad mearum rerum laudem convertissem. (*Att.* 1. 20. 2)

¹¹ Shackleton Bailey (1999) 105.

¹² Perhaps in Antium. Shackleton Bailey (1999). This translation gives Antium as a possible location for the Cicero’s letters written in the latter half of 60.

I believe [it] far more advantageous to the State than to myself; namely, to check the onslaughts of rascally citizens upon myself by strengthening the mind of one who stands preeminent in fortune, prestige, and influence, and turning him away from the hopes of wicked men to become an encomiast of my record.

Cicero, of course, is referring to Pompey, with whom he claims he has built a working relationship. In these repetitive epistolary references, Cicero seems to believe that he is safe from the powerful men working for their own personal gain: Clodius, Caesar, and Crassus. Cicero is intent upon maintaining the Republic through his own self-proclaimed selfless actions yet he does not fail to note the benefit he may receive in return.

During Caesar's consulship in 59, Cicero's letters reflect the political discussion in Rome surrounding Caesar's first agrarian bill, which he put before the Senate almost immediately. The initial bill proved to be inadequate and therefore required a supplement later in the year.¹³ Cicero tells Atticus that he believed Caesar expected his support of the bill. This is because Cicero had been visited by Caesar's man, Cornelius Balbus, who presented him with a proposal of sorts in which Caesar claimed to align himself to Cicero's own political views. Cicero's letter indicates that he was suspicious of the proposal and promises Atticus that he will stick to his plan and fight for the Republic at all costs. (*Att.* 3. 2. 3)

So it seems that rather than publicly dispute Caesarian policies, Cicero retires to Antium once again. His letters reflect his happiness there: they are full of personal

¹³ Shackleton Bailey (1999) 141 note 6. "Caesar's first agrarian bill, which he put to the Senate early in his consulship, mainly to find land for Pompey's veterans proved inadequate, and had to be supplemented by a second bill in April." For more in Cicero's letters about the Campanian land bill, see *Att.* 2. 16. 1–2; 17.1, 18. 2; *Q.fr.* 2.1; *Fam.* 1.9.8–10.

literary pursuits, including a work on geography. (*Att.* 1. 19. 6) Yet, his letters are also filled with political concerns.¹⁴

In April of 59, however, Cicero's tone changes following a letter from Atticus, in which he reported conversations with both Clodius and his sister, whom Cicero playfully calls βοῶπις, or as Shackleton Bailey translates: Lady Ox-Eyes. (*Att.* 2. 9. 1) Cicero rants in his letter about how Clodius at last transferred to plebeian status with the help of Caesar and, of all people, Pompey. (*Att.* 2. 9. 1) Cicero contemplates possible scenarios of Clodius' future and what the repercussions may be. Although it is clear that Cicero is upset by the news, he remains hopeful: *patria propitia sit. habet a nobis, etiam si non plus quam debitus est, plus certe quam postulatum est*, "May the country be with me! I have given her, if no more than was due, yet more at any rate than was demanded." (*Att.* 2. 9. 3)

Cicero returned to Rome sometime in May 59. His despair in the first letter to Atticus from Rome is evident. Caesar's regime has solidified control over the Roman government. While Cicero readily reports this to Atticus, he decides again to remain silent publicly. Cicero also informs Atticus that Caesar offered him a commissionership on his staff. His refusal to accept the role fits with the past six months of decisions in which Cicero chose to passively resist Caesar and his actions. Cicero explains in his next letter some of the reasons for his decisions.

Ego autem ne irasci possum quidem iis quos valde amo; tantum doleo ac mirifice quidem, "For my part I have so lost my manly spirit that I prefer to be tyrannized over in peace and quiet as much as is now rotting out fiber than to fight with the rosiest

¹⁴ *Att.* 2. 5. 2; 2. 6. 2; 2. 7. 2–4.

prospect of success.” (Att. 2. 14. 1) Yet according to Cicero, few in Rome share his sentiments. Pompey is the object of hissing at public venues. Caesar receives the same sort of treatment. Cicero seems to patiently observe this situation, although he admits that he may not be able to maintain his silence for much longer.

The timing of Clodius’ attacks, therefore, could not have been more perfect. Cicero had shown some concern over the past few months regarding Clodius’ newfound power but he seems genuinely worried in July 59 as Clodius began to openly threaten him. He repeats his rationale for denying Caesar’s commission:

Videor mihi nostrum illum consularem exercitum bonorum omnium, etiam satis bonorum, habere firmissimum. Pompeius significat studium erga me non mediocre. idem adfirmat verbum de me illum non esse facturum; in quo non me ille fallit; sed ipse fallitur. (Att. 2. 19. 4)

I think I have very firm backing in my old consular army of all honest¹⁵ men, including the moderately honest. Pompey signifies good will towards me out of the ordinary. He also assures me that Clodius will not say a word about me, wherein he does not deceive me but is himself deceived.

Cicero’s tone indicates a sense of resolve. He seems very aware of the situation and his curious place between Caesar and Clodius. Cicero does not want to join the forces which work against the constitution nor does he wish to see the state in ruins. He continues: *Caesar me sibi vult esse legatum. honestior haec declinatio periculi, sed ego hoc non repudio. quid ergo sit? pugnare malo. nihil tamen certi,* “Caesar wants to have me on his staff. That would be more respectable evasion of the danger, which however I do not decline. It comes to this, I would rather fight. But my mind is not made up.”

¹⁵ I do not agree with Shackleton Bailey’s translation of *boni*. Throughout his Loeb editions, he uses ‘honest’ for *boni* whereas I prefer simply ‘honorable.’ *Optimates* were a group of conservative, mostly patrician families who aimed to maintain the status quo in Roman politics. Gardner’s translation in the Loeb edition of the *pro Sestio*, varies between “aristocrats” and “best men,” according to the context.

Cicero is obviously scared of the unknown. He feels that all hope is lost, especially without his friend, Atticus, whom he begs to return to Rome. From this point in his letters, a new program of self-persuasion emerges.¹⁶ Each letter contains news about Clodius, who is constantly threatening, about Pompey, who is consistently reassuring, and about the political situation as a whole, which would be better if the *boni* would do something. In each letter, Cicero urgently requests that Atticus hurry home. Cicero's desperation is complete in these letters, which break off in the late summer or early fall of 59, after he writes, *sed prorsus vitae taedet; ita sunt omnia omnium miserarum plenissima*, "But I am thoroughly sick of life; nothing but misery of every kind wherever you look." (*Att.* 2. 25. 1) The next letter to Atticus is written en route to his exile. (*Att.* 3. 1)

Why did Cicero, the savior of the Republic, become an exile? Why had Clodius threatened Cicero? In order to understand the reason for Cicero's desperation, we must look at his career. As a *novus homo*, Cicero stood on the edge of Roman politics despite his brief, triumphant consular year. Most known for his oratorical brilliance, Marcus Tullius Cicero hailed from the same Italian town as the general Gaius Marius, Arpinum. His well-to-do equestrian father had brought both him and his brother, Quintus, to Rome for the customary studies in literature, rhetoric, and philosophy at a young age. While in Rome, Cicero focused his studies on the Greek classics. Because he was able to observe and listen to great speakers in the Forum such as Antonius and Scaurus, Cicero's passion became oratory. (*Brut.* 305)

¹⁶ *Att.* 2.19–22, 23 excludes mention of Clodius, 24 includes the Vettius affair, 25 focuses on the State itself.

Born the same year as Cn. Pompeius, 106, Cicero served during the Social Wars under Pompeius Strabo, alongside the man's son, who would become Pompey the Great, but was not himself suited for military activities. Due to the internal strife which followed, including a series of proscriptions, Cicero started his career in the courts rather late. His first forensic attempts were minor and unknown to us. It was during this time that the dictator Sulla conducted his proscriptions. An unfortunate case of corruption within Sulla's ranks became Cicero's first real trial. At the behest of the man's aristocratic friends, Cicero defended Sextus Roscius from Ameria, who had been wronged by Sulla's freedman, Chrysogonus, While Chrysogonus received the full brunt of Cicero's oratorical attacks, the young lawyer carefully avoided offending Sulla. The speech was a masterpiece, and with the win, Cicero was on his way to oratorical greatness.

After only a few years of advocacy however, Cicero decided to journey to the East so that he could improve his mind and body, for his health had been poor. During this voyage, Cicero renewed his study of rhetoric and philosophy under various masters in the East. He practiced rhetoric every day; and he was fortunate to have studied additionally under Apollonius Molo of Rhodes (*Brut.* 307) At the close of two years abroad Cicero returned to Rome, refreshed in his theory and practice, ready to continue his career in the Forum.

Shackleton Bailey describes the thirteen years following Cicero's return from the east as "one long canvass—for the consulship."¹⁷ Cicero entered the *cursus honorum* in 75 BC when he was elected to his first administrative role as *quaestor*, and assigned to

¹⁷ Shackleton Bailey (1971) 13. In this treatment of Cicero's life, Shackleton Bailey uses selected passages from Cicero's letters, but not few if no excerpts from his orations or philosophical treatises.

western Sicily. The most important lesson from his time as *quaestor* was the importance of being in Rome, not in the provinces. In fact many years later, in correspondence to a young friend, he wrote, *Urbem, urbem, mi Rufe, cole et in ista luce vive, omnis peregrinatio...obscura et sordida est*, "Rome! Stick to Rome, my dear fellow, and live in the limelight! Residence abroad of any sort...is squalid obscurity." (*Fam.* 2. 12. 2) True, it was not until after his quaestorship in Sicily that Cicero became well-known. Upon the request of the Sicilians, he prosecuted Gaius Verres, a corrupt governor there and a well-connected thief of Greek treasures. Cicero's successful prosecution, and simultaneous defeat of Hortensius, the leading orator of the day, brought the new man into prominence. Because he entered each office *in suo anno*, Cicero enjoyed increasing power and influence in the Roman political arena. Along the way, he mostly served as a defense advocate, making money and a name for himself in his trials.

Cicero reached the consulship in 63, defeating Catiline, who subsequently raised an armed force with the intention of attacking Rome herself. As Cicero tells it, he was able to learn about the impending insurrection and warn the Senate and People about Catiline. His actions saved Rome but in turn led to even greater controversy. Although Catiline himself had escaped from Rome, some of his more prominent senatorial conspirators were apprehended in the city and, upon recommendation by Cicero and the concurrence of the Senate, were put to death immediately.¹⁸ This action would become the thorn in Cicero's side for the rest of his life.

¹⁸ Caesar opposed the execution of the conspirators. *Sal. Cat.* 49–52.

Yet Cicero chose, at least following his consulship, to focus on the positive: his preservation of the Roman Republic. This proved to be a difficult task considering the political environment. Pompey had just been informed that Cicero and his allies had been able to thwart the Catilinarians without his assistance, which hurt his pride and may have spoiled his own plans for a glorious return to Rome from Pontus.¹⁹ At the end of 62, the young patrician, Publius Clodius Pulcher, had dared to enter the home of the Pontifex Maximus C. Julius Caesar during a sacred festival to the Bona Dea, from which men were excluded for an assignation with Caesar's wife. In the business world, there was a struggle between the knights led by Marcus Crassus, a wealthy consular general and the *Optimates*, a group of conservative senators who blocked reform legislation. The political and economic climate was rather challenging, therefore Cicero turned his attention to his literary pursuits.

During this relatively comfortable period in Cicero's life, the Senate "obstinately (and shortsightedly) snubbed the requests of Pompey, Caesar, and Crassus, actions which led to the formation of the coalition among these men known generally to history as the first triumvirate."²⁰ The three men entered into a coalition in order to achieve their

¹⁹ *Fam.* 5.7.3. Cicero makes overtures to Pompey in order to gain his political and personal friendship. Although many modern scholars comment on the relationship between Cicero and Pompey, it is not the focus here. Cicero mentions Pompey often in his letters, especially prior to his exile.

²⁰ May (1996) 10. For more information and discussion about the first triumvirate, see Sanders (1932), who seeks to prove that Cicero never knew about the secret coalition, using his letters from exile as evidence. He also urges scholars to analyze Cicero's letters without the benefit of modern historical knowledge. Cary (1932) treats Pompey's rise to his return from the East. Gruen (1966) discusses Clodius' role in the triumvirate, arguing for his independence. Mitchell (1973) refuses to accept that Pompey "did work within the traditional framework of the constitution" and that Cicero's aim was to win him over. Gruen (1974) revisits the subject, surveying 78–49 using only "current" contexts as his tools for understanding events. Ward (1977) carefully assesses major events in 59 which led to the development of the first triumvirate, questioning the status quo and interpretations of Cicero's role in the triumvirate, Caesar's role, and the importance of Luca. For a history from Caesar's perspective, see Gelzer (2008), who details Caesar's career up to and throughout his consulship.

own personal and political goals. With Caesar's popularity, Crassus' money and Pompey's prestige, the three resolved to help each other. Caesar also invited Cicero into this alliance, but he was unable to persuade him. (*Att.* 2. 18. 3) Following much negotiating and bribery, Caesar became consul in 59. With the background support of Crassus and Pompey, and an ineffective co-consul, Bibulus, Caesar began to wield his power, with increasing disregard for Republic sensibilities. (*Att.* 2. 18. 1)

In March 59, Cicero spoke against Caesar's methods during the trial of his consular colleague, C. Antonius Hybrida.²¹ Almost immediately after his trial speech, Caesar allowed Clodius to become a plebeian by the passing of the *lex curiata*.²² Because Cicero had withdrawn from Rome after the trial 'to concern himself with the Muses,' his letters are full of constant pleas for information from the city, although he tells Atticus (and himself) that he wishes to avoid such matters. (*Att.* 2. 6. 2) Cicero is very suspicious of the consul, his coalition, and their treatment of Clodius, having been informed of the events in Rome by Atticus. (*Att.* 2. 7. 3) Atticus sustains Cicero's need for information on which Cicero regularly comments, revealing his level of concern for the Republic's future. Then, following the marriage alliance of Caesar and Pompey, Cicero returns to Rome. (*Att.* 2. 18—19) He laments over the new political situation in

²¹ Hybrida was accused of mismanaging his province as well as conspiring with Catiline in 63. Cicero's speech on Hybrida's behalf is lost.

²² *Dom.* 41, *Prov. Cons.* 42; *Suet. Iul.* 20.4. Clodius had been trying to become a plebeian for quite some time prior to Caesar's act, since he wished to hold the tribunate, an office reserved for this class. See Tatum (1999) 87–108 for a thorough account of Clodius' plans and the triumvirs' actions. Ancient sources for Clodius' adoption: *Cic. Dom.* 34–42; *Sest.* 15–16; *Prov. Cons.* 45–46; *App. B. Civ.* 2. 14; *Plut. Caes.* 14. 9; *Dio* 38. 12.1–2, 39. 21. 4. Also, *Cic. Att.* 2.7.2, 2.12.1, 8.3.3; *Dom.* 77; *Leg.* 3.9.21. Recent scholars focus their discussion on Clodius' independence from the triumvirate, although it is clear that the two factions worked together at times, see esp. Gruen (1966) 120–130 and Lintott (1967) 157–169. For political maneuvering surrounding Clodius' adoption, see Seager (1965) 519–531.

the city. (*Att.* 2. 19. 1) Helpless to make a difference, Cicero attempts to form an alliance with Pompey in order to counter the now endless threats from Clodius.

As his first act as tribune of the *plebs* in 58, Clodius enacted a series of laws which proved to be very popular.²³ In order to counter this power play by Clodius, Cicero attempted to block this legislation with the help of another tribune, Ninnius. However, an apparent truce between Cicero and Clodius silenced Cicero for the time being.²⁴ Following Clodius' successes with this legislation, with the Senate subjugated and with the tacit approval of the triumvirs, Clodius dealt his crushing blow to Cicero, promulgating a law which directly attacked him.²⁵ On the same day, Cicero left Rome. (*Sest.* 25)

Cicero lived in exile from March 58 to September 57.²⁶ Campaigns for his recall began almost immediately upon his departure but they were unsuccessful and Cicero's desperation and personal sadness were immense. His letters to Atticus clearly show his state of grief, depression, even contemplation of suicide, which he admitted no less

²³ Dio 38.12.8. Cf. Plut. *Cic.* 30. Clodius' laws, enacted early in his tribunate, appealed to senators and common people. They were the *Lex Clodia de collegiis*; *Lex Clodia frumentaria*; *Lex Clodia de agendo cum populo*; and *Lex Clodia de censoria natione*. See Tatum (1999) 114–135 for a full explanation of these laws and their significance in early 58.

²⁴ In Tatum (1999) 151, part of Clodius' personal and political biography, he elaborates on this possible truce explaining Cicero's need for peace and Clodius' need for a political victory. Throughout his work, Tatum attempts to sort through Cicero's rhetorical slander in order to paint a picture of a typical Roman politician. His work is well-referenced with multiple perspectives of Clodius' activities treated.

²⁵ Clodius introduced the *Leges Clodianae* which threatened to exile anyone who had put Roman citizens to death without a trial. Cicero was clearly the intended target of the law since he had executed the Catilinarian conspirators four years earlier. Although Cicero argued that the *senatus consultum ultimum* had excused his actions, the popularity of Clodius and the lack of optimate support led to his exile. For more about the ingenuity and purpose of Clodius' law, see Tatum (1999) 153ff.

²⁶ *Att.* 3.1—*Att.* 4.1.

than ten times.²⁷ Indeed Cicero's despair was complete.²⁸ From the moment of his exile, though, Cicero was making efforts to insure his eventual return to Rome. His initial letters to Atticus, full of anguish, discuss his travels. (*Att.* 3. 1–7) By the time he reaches Thessalonica, Cicero's tone changes. (*Att.* 3. 1. 8) He began to appeal to his friends for help, yet the threatening political situation in Rome had escalated since his exit. Clodius, perhaps bored with his victory, had resorted to attacking Pompey. Furthermore, due to a condition in Clodius' law *de exilio Ciceronis* which prohibited repeal or discussion of the matter, allies of Cicero needed to wait until Clodius' power over the city ended, prior to affecting any hope for recall.²⁹

The break in Cicero's letters in January 57 does not allow us to gauge Cicero's emotional state as the new consuls and tribunes came into office. The last he hears from Rome is about the debacle on January 23, when Clodius' gangs violently blocked a vote for legislation on Cicero's behalf, renewing his state of utter anguish.³⁰ Certainly, as events in Rome unfolded, Cicero was anxious for real progress. (*Att.* 3. 23)

After this break, in our next correspondence from Cicero, he tells Atticus about his return, describing his journey like a triumph in which he was praised and congratulated by every onlooker. (*Att.* 4. 1. 1) One must examine carefully this initial report of victory in order to obtain a better understanding of Cicero's mindset. After Cicero gives an account of his first days back in Rome, he tells Atticus, *alterius vitae quoddam initium*

²⁷ *Red. Sen.* 17; *Red. Quir.* 13; *Sest.* 20, 42; *Pis.* 11; *Q.fr.* 1.3, 1.4, 1.12; *Att.* 3.7.2; 3.9.2; 3.15.2; *Fam.* 1.19.13. Cf. *Att.* 3.3, 3.4, 3.7.2, 3.9.1, 3.19.1; *Q.fr.* 1.3.

²⁸ *Att.* 3. *valde paenitet vivere*; *Att.* 3. *ego vivo miserrimus et maximo dolore conficior*.

²⁹ *Sest.* 32. cf. *Att.* 3.15.6.

³⁰ *Att.* 3.27. *ex tuis litteris et ex re ipsa nos funditus perisse video*. "I see from your letter and from the facts themselves that I am utterly finished."

ordimur iam quidam qui nos absentis defenderunt incipiunt praesentibus occulte irasci, aperte invidere. vehementer te requirimus, “It is a second sort of life I am beginning. Already now that I am here, secret resentment and open jealousy are setting in among those who championed me when I was away.” (*Att.* 4.1.1) Needless to say, Cicero is cautious.

Once back in Rome, Cicero gave two speeches: *Post reditum in senatu* and *Post reditum ad Quirites*. Carefully measuring his words in the initial speeches of gratitude, Cicero is able to gauge the political climate. In his second letter upon his return, he writes,

Verum iidem illi quos ne tu quidem ignoras qui mihi pinnas inciderant, nolunt easdem renasci. sed ut spero iam renascuntur. (*Att.* 4. 2)

Those same gentry (you don’t need to tell me to tell you their names) who formally clipped my wings don’t want to see them grow back to their old size. However, I hope they are growing already.

Cicero is aware of the forces against him and is resolved to take action in order to return to his deserved status in Rome. He elaborates on his plans for the next year, which include freeing his schedule from too many obligations so that he can reassert himself in the eyes of the people. (*Att.* 4. 2. 6) In his next letter, when Cicero explains the violence to which he has been victim, he remains positive: *nos animo dumtaxat vigemus, etiam magis quam cum florebamus,* “My heart is high, higher than even in my palmy days.” (*Att.* 4. 3) He continues to declare that “with the help of [his] friends against [Clodius’] opposition,” he will be able to overcome his past.³¹

³¹ *Att.* 4.2.7. *amicorum benignitas exhausta est in ea re quae nihil habuit praeter dedecus, quod sensisti tu absens (nos) praesentes; quorum studiis ego et copiis, si esset per meos defensores licitum, facile essem omnia consecutus.*

Cicero returns the favors of his friends, returning to oratory in order to reposition himself and his influence in Rome. In defending Sestius, Cicero has the opportunity to attack Caesar through his henchman, Vatinius. Woven skillfully throughout, Cicero's speech takes aim at Clodius, in every aspect of his existence. Following that victory, Cicero has the chance to slander the Clodians again: Clodius as aedile and his sister, Clodia. His forensic career gave him the confidence to reach out to the Senate, calling into question his true opponent's *acta*. The self-assurance to do so came from his speeches delivered *post reditum*, in which he consistently provided justification for his actions, gratitude to those who stood by him, and criticism of his enemies. Cicero's campaign of reassertion, redemption, and restoration was complete.

CHAPTER 3
REASSERTION: *IN VATINIUM*

Ego te quaecumque rogabo de te ipso rogabo, neque te ex amplissimi viri dignitate, sed ex tuis tenebris extraham; omniaque mea tela sic in te conicientur ut nemo per tuum latus, quod soles dicere, saucietur; in tuis pulmonibus ac visceribus haerebunt.

–Cicero, *In Vatinius*, 13¹

In the *pro Sestio* (96–143) Cicero gives “an elaborate account of the *Optimates*, whose policy he defends as true patriotism.”² This “political manifesto,” which followed the cross-examination of the witness Vatinius, marked a shift in Cicero’s public attitude of Roman politics.³ Political events during the first half of 56 led Cicero to believe that the time was right to develop what he had called in a letter to Atticus *dissensio*.⁴

With the defense of Sestius, Cicero gained the opportunity to deepen the rift between those forces which had contributed to his exile and those which had obtained

¹ “Whatever I ask you will be something about yourself. I shall drag you from your own proper obscurity, not from the dignified company of a great man. And all of my shafts will be so aimed against you that no one else will be wounded as you are in the habit of saying, through your body; they will remain fixed in your lungs and vitals.”

² Gardner (1984) 199.

³ Cicero’s speech *pro Sestio* was the concluding speech of the trial; cf. Gardner (1984) 34. During his consulship, Cicero worked for a *concordia ordinum* or harmony of orders. Unreachable, he shifted his focus to *otium cum dignitate*, which has numerous and much debated interpretations, discussed at the conclusion of Chapter 3. For a sum of the various interpretations on this phrase, see Wirszubski (1954) 1–13. He concludes “that [Cicero] thinks of *cum dignitate otium* primarily in terms of the tranquility of all and the dignity of the ‘best’. This is indeed what the traditional form of aristocratic republicanism normally produced at Rome, and Cicero believes that that form of government can be restored and preserved because there is at the time no real cause for difference between the people and the *principes*.”

⁴ *Att. 2.7.3. una spes est salutis istorum inter ipsos dissensio*, “Our only hope of salvation lies in their falling out among themselves.” Smith (1966) does not regard Cicero’s activity as designed to separate Pompey from Caesar so much as to discredit Caesar’s actions and policies. See Rice-Holmes (1923) 65, who writes a standard history of the period from Sulla to Caesar’s death; How (1926) 148; Dorey (1964) 3, whose work is an indispensable introduction to the rhetoric of Cicero; Stockton (1962) 471, who provides an excellent discussion of Cicero’s importance in the 50s as well as the significance of the *Ager Campanus*; and Smith (1964) 303, who treats Caesar’s consulship as a deciding factor for the events of the next decade, for similar conclusions.

his recall.⁵ The new political atmosphere in Rome, charged due to the failure of the Senate to prosecute Clodius for his violent activities, had led Pompey to confide in Cicero about his troubles. Pompey had been attacked by Clodius on a number of occasions, yet at the beginning of February,⁶ as Clodius prepared to bring Milo to trial on the charge *de vi* (*quod gladiatores adhibuisset ut rogationem posset de Cicerone perferre*),⁷ Clodius had attacked Pompey perhaps at the behest of Crassus, quite possibly his employer.⁸

Only days later, the trial of Sestius began. Because Cicero was aware of Sestius' impending trial, he began to canvas for him even prior to its start. So prepared was he to defend Sestius that he spoke on his behalf in the trial immediately before (that of Bestia)⁹ Cicero calculated the reactions of the Forum throughout this time in

⁵ This rift, deeply embedded in the political landscape, may have presented itself in February 56 when Crassus and Pompey were divided over the issue of Ptolemy XI Auletes' restoration. Ptolemy had bought his status from Caesar (and Pompey) in 59 but had lost the trust of his own people following his imposition of numerous taxes in order to repay Caesar and Pompey for their assistance. Although Lentulus had received this commission, which had probably included some sort of proconsular imperium, Pompey's supporters campaigned on his behalf for the position. *Fam.* 1.1, 1.2, 1.4; *Q.fr.* 2.2.3.

⁶ February 7, 56. cf. *Q.fr.* 2.3; *Fam.* 1.5b. See also Marsh (1927) 35.

⁷ *Sest.* 95; cf. *Mil.* 40. *Q.fr.* 2.3.

⁸ For Crassus' relationship to Clodius, see Marshall (1976) 120, in his political biography of Crassus and Ward (1972) 254, who treats Crassus' role in the late Roman Republic (both perspectives of Crassus, however, fall short of flawless argumentation and the dealings with Cicero in each text are filled with conjecture, especially concerning the acceptance of Cicero's letters as evidence for Crassus' dealings). Also Gruen (1966) 129 offers the revolutionary perspective that Clodius acted without the triumvirs. Crassus defended Sestius alongside Pompey and Cicero, opposing Clodius, whose role in the prosecution is controversial. For a summary of this argument, see Tatum (1999) 206f.

⁹ *Q.fr.* 2.3.6–7. *A.d. III. Idus Febr. dixi pro Bestia de ambitu apud praetorem Cn. Domitium in foro medio maximo conventu incidique in eum locum in dicendo, cum Sestius multis in templo Castoris vulneribus acceptis subsidio Bestiae servatus esset. Hic προωκονομησάμην quiddam ἐνκαίρως de ii, quae in Sestium apparabantur crimina, et eum ornavi veris laudibus magno assensu omnium: res homini fuit vehementer gratia. Quae tibi eo scribo, quod me de retinenda Sestii gratia litteris saepe monuisti. Pridie Idus Febr. haec scripsi,* "On the 11th of February I spoke in defense of Bestia on a charge of bribery before the praetor Cn. Domitius, in the middle of the forum and in a very crowded court; and in the course of my speech I came to the incident of Sestius, after receiving many wounds, in the temple of Castor, having been preserved by the aid of Bestia. Here I took occasion to pave the way beforehand for a

preparation for Sestius' trial. The result is the speech *pro Sestio*, which actually deals very little with Sestius himself. Before Cicero had the opportunity to deliver his political manifesto, it was necessary to counter the evidence given by Vatinius.

“To counter the plea of the defense that Sestius had been driven to use force, the prosecution claimed that Sestius had recourse to arms before he was threatened.”¹⁰

The prosecution's chief witness was Vatinius, well-known to Cicero, having served under him at Puteoli. (*Sest.* 110) However, since that time, Vatinius had developed a connection to Caesar, whom he assisted as tribune in 59. Cicero seized this opportunity to exact revenge upon the forces which worked against him at the time of his exile. He later told his brother, Quintus, following the trial:

Nam defendendo moroso homini cumulatissime satisfacimus et, id quod ille maxime cupiebat, Vatinium, a quo palam oppugnabatur, arbitrato nostro concidimus dis hominibusque plaudentibus. (Q. fr. 2. 4. 1)

In conducting the defense [of Sestius], I cut up Vatinius, by whom he was being openly attacked, as I pleased, with applause of gods and men.

Therefore, Cicero's decision to defend Sestius gave him an opportunity to both attack Caesar through Vatinius, further divide the triumvirate (through his assumed *dissensio*), and reassert his presence in Roman politics.

“The most exciting feature of the case,”¹¹ was the speech against Vatinius, which we have either as a political pamphlet only generally reflecting the actual trial speech or

refutation of the charges which are being got up against Sestius, and I passed a well-deserved encomium upon him with the cordial approval of everybody. He was himself very much delighted with it. I tell you this because you have often advised me in your letters to retain the friendship of Sestius. I am writing this on the 12th of February.”

¹⁰ Gardner (1984) 33. Cf. *Sest.* 84.

¹¹ Pocock (1967) 4. Originally published in 1926, Pocock's commentary for *In Vatinius* is still the authority. See also Maslowski (1992) who has an updated text with commentary of the *In Vatinius*, also, MacKendrick (1995) for textual nuances, and Corbeill (1996) for brief treatment of *In Vatinius*.

as the published record of a part of the speech delivered.¹² The reason for the excitement is the fact that Cicero really spends very little time impugning the evidence presented by Vatinius.¹³ Instead, Cicero assaults Vatinius, surgically cutting through his character while simultaneously building his own position through positive character construction. As Cicero later wrote, in a letter to Lentulus Spinther, his longtime ally:

In omnibus meis sententiis de re publica pristinis permanebam. Ego sedente Cn. Pompeio, cum, ut laudaret P. Sestium, introisset in urbem dixissetque testis Vatinius me fortuna et felicitate C. Caesaris commotum illi amicum esse coepisse, dixi me eam M. Bibuli fortunam, quam ille afflictam putaret, omnium triumphis victoriisque anteferre, dixique eodem teste alio loco eosdem esse, qui Bibulum exire domo prohibuissent, et qui me coegissent: tota vero interrogatio mea nihil habuit nisi reprehensionem illius tribunatus; in quo omnia dicta sunt libertate animoque maximo de vi, de auspiciis, de donatione regnorum. (Fam. 1. 9. 7–8)

I made no account of [Pompey's] wishes and held firmly by my old political sentiments. When Pompey came into town to speak to character on behalf of P. Sestius and witness Vatinius said that I had made friends with C. Caesar because of his success and good fortune, I said in Cn. Pompeius' presence that I thought M. Bibulus' sad plight (as Vatinius regarded it) preferable to any man's Triumphs and victories.¹⁴ At another point in Vatinius' evidence I said that the same people who had not allowed Bibulus to leave his home had forced me to leave mine. My whole cross-examination was nothing but a condemnation of Vatinius' career as Tribune. In it I spoke throughout with the greatest frankness and spirit,

¹² See Pocock (1967) 4–5 for the debate about the nature of the speech. The fact that it is the only record of an *interrogatio* from Cicero speaks of its importance, especially in the context of Cicero's career. This *interrogatio*, an integral part of Cicero's plan for defeating the triumvirate and restoring his prior reputation, was one of the few speeches delivered between his return from exile and May 56, when he withdrew from his fight against Caesar and the triumvirate. Stockton (1962) 471–89 discusses the importance of the ideas of *In Vatinium* as part of rhetoric so damaging to Caesar and likewise emboldening for Cicero, for he challenged the Campanian land laws (in April 56), which then led to the conference at Luca.

¹³ Only the first three and the last two paragraphs actually deal with the case against Sestius and Vatinius' evidence. We only have Cicero's *interrogatio*, so it is unclear if this approach was normal. In his work on the rhetoric of character, Riggsby (2004) 180 writes "The standard response to invective was not refutation but counter-attack." Still, we do not have Vatinius' speech, only Cicero's references to it. If this was standard practice, Vatinius and the prosecution would have expected Cicero's response. I find it hard to believe that Vatinius would have opened himself up to such ridicule.

¹⁴ The comment here regarding Bibulus does not occur in the extant speech *In Vatinium*.

dwelling on the use of violence, the auspices, and the grants of foreign kingdoms.¹⁵

Indeed, Cicero spoke *libertate animoque maximo de vi, de auspiciis, de donatione regnorum*, “with a frankness and spirit dwelling on the use of violence, the auspices, and the grants of foreign kingdoms.” (*Fam.* 1. 9. 7) But, to which man was he referring? In the letter above Cicero relates his actions in an explanation as to why “he changed his tack a little and rallied” to support Pompey, and thereafter, Caesar.¹⁶ Because the letter was written two years following the event, Cicero has retrospective calm. Therefore, he checks his anti-Caesar attitude in the letter so that he will not seem cowardly or inconsistent. Nevertheless, in the speech against Vatinius, Cicero directs his insults at Vatinius, specifically as Caesar’s man. For, “every action of his tribunate imputed as a crime to Vatinius had been committed directly in Caesar’s interests.”¹⁷ It was necessary for Cicero to weaken Caesar by demonstrating that his actions, as well as those of Vatinius (and by comparison, Clodius) threatened the health and stability of the Republic so that he could present himself and his ideas as the medicine.¹⁸ He had

¹⁵ This letter was written in December 54, over 2 years after the trial of Sestius.

¹⁶ *Fam.* 1.9.11; *non putavi famam inconstantiae mihi pertimescendam, si quibusdam in sententiis paullum me immutasse meamque voluntatem ad summi viri de meque optime meriti dignitatem aggregassem* (following the meeting at Luca). Cicero is also explaining how he came to defend Vatinius in 54.

¹⁷ Pocock (1967) 6.

¹⁸ Tatum (1999) 206 argues that “the urge to view trials as solely political and politically defining must be resisted.” It is almost impossible, however, for us to not view trials as politically defining considering their political instigation and aftermath. While this trial’s title concerns the “morose ex-tribune, the defendant” Cicero spends much of his time waging a war of words against Vatinius, demonstrating the evils of Clodius, Piso, and Gabinius, especially within the context of their political roles, defending his own pre-exile actions, and finally, heralding his own (new) political agenda. Clarke (1953) 78: “Criminal trials were often intimately connected with the political struggles of the day, and the verdict was given on political rather than judicial grounds.” For an excellent rendering of the ‘State as sick body’ metaphor in the *pro Sestio*, see May (1988) 90–105, who does not treat *In Vatinium*. Rather, he mentions Vatinius as an enemy of Cicero and Sestius while discussing the *Sest.* 96–143, the *otium cum dignitate* portion of the *pro Sestio*.

hoped that the attacks would be excused as part of a forensic cross-examination or *interrogatio*, as part of his strategy to win over his audience.¹⁹ Yet, following his forensic victory, Cicero maintained his anti-Caesarian position as he made a proposal about the question of the Campanian land in the Senate.²⁰ This land bill, tied to Caesar because it was part of his consular legislation, as well as Cicero's audacity at this time, eventually caused Caesar to close ranks and re-establish the triumvirate, which in turn led to Cicero's "palinode." (*Fam.* 1. 9)²¹

Cicero himself understood best the ramifications of his speech against Vatinius and his following actions in his letter to Lentulus.²²

Num potui magis in arcem illius causae invadere aut magis oblivisci temporum meorum, meminisse actionum? Hac a me sententia dicta magnus animorum motus est factus cum eorum, quorum oportuit, tum illorum etiam, quorum numquam putarem? hac a me sententia dicta magnus animorum motus est factus cum eorum quorum oportuit tum illorum etiam quorum numquam putarem. (Fam. 1. 9. 8)

¹⁹ *de Orat.* 2. 310. Riggsby (1997) 247f identifies that direct attacks on an opponent increases the attacker's prestige while lowering that of the attacked, whether true or not. He cites Cicero's attack on Clodius in the Senate as his evidence (*Att.* 1. 16. 10) For a discussion of the value of truth in Cicero's oratory, see Gotoff (1993) 288–313.

²⁰ Riggsby (2002) 174–180 discusses Cicero's treatment of Caesar *post reditum*, specifically within three contexts: in relationship to Clodius (and the triumvirate, Caesar alone, and in his relationship to Cicero. He asserts that throughout his mentioning of Cicero in the *post reditum* speeches (which include *Har. Resp.*), Cicero was very careful not to offend the general but also may have been pressing him to "behave better in the future." Later Riggsby ties Cicero's treatment of the triumvirate back to this same supposition about Caesar, due to what he says is Cicero's lack of faith in Caesar's "adherence to (Cicero's version of) republican principles" *Op. cit.* Mitchell (1991) 189, 244. While I see Riggsby's idea as quaint, I believe that the context of advocacy cannot be ignored, especially in this invective speech. Riggsby himself cites in his discussion of praise and blame in *In Vatinius*, "the mere making of the charge was an injury to the dignity of the target." *Op. cit.* Riggsby (1997) 247–248. Therefore, as Vatinius is seen in this speech to be representative of Caesar, so Cicero's invective should be seen as an attack on him.

²¹ *cf.* *Att.* 4. 5.1: *παλινοδία*. For more on Cicero's palinode, see Rice-Holmes (1920) who seeks to identify the date and circumstances pp. 39–45; Tupet (1966) 238–253.

²² Mitchell (1991) 174–176 discusses the importance of this letter to Lentulus in the interpretation of the events following the speech.

Was that not invading the innermost citadel of the ruling clique with a vengeance? And could I have shown myself more oblivious to my past vicissitudes or mindful of my political record? That speech of mine caused a sensation, not only where I had intended but in quite unexpected quarters.

Cicero's campaign against those who had harmed his interests prior to his exile began with his speech against Vatinius.²³ From the start, Cicero does not hide his displeasure, stating in § 1 how much he hates Vatinius three times.²⁴ Continuing through § 3, Cicero summarizes the details of the trial and Vatinius' role in it as one who contradicted and perjured himself. While Cicero may seem at the outset to lack control of his emotions, perhaps intentionally, the organization in the speech indicates otherwise.

Cicero carefully conducts his "cross-examination" to attack Vatinius (and Caesar) Proof of such is the frequency of the word *tu*, which occurs 385 times and all refer to Vatinius.²⁵ This tactic also gives Cicero a chance to refer to himself in context, with the words *ego* and *me*, as a character in opposition to Vatinius.²⁶ The numerous ways that

²³ In his speeches immediately upon his return, Cicero begins his campaign of restoration although the speeches lack any confident offense: "Both speeches consist of (1) a comparison with others who endured a similar fate, (2) invective against enemies and expressions of thanks and/or praise of those who have helped him and of his resolve for the future, and (3) a narrative of the decision to depart and the process of his recall" Dyck (2004) 302. Dyck's article is mainly concerned with the ways in which Cicero attempts to explain his voluntary departure into exile in his *post reditum* speeches.

²⁴ *Vat.* 1. 1. *odio tui vincor; cum te non minus contemnerem quam odissem.*

²⁵ MacKendrick (1995) 244. MacKendrick's study of Cicero's speeches (only 23) include background summaries, explanations of the parts of each speech, examinations of the laws involved, and inventories of words and figures.

²⁶ *Vat.* 6, 7, 8, 9–10, 11–12, 37. MacKendrick (1995) 255 shows 42 examples of such antitheses, of which 30 are aimed at Vatinius, of which 8 are linked specifically to Cicero, 7 to Caesar. *Vat.* 1, 6 (twice), 7, 10 (thrice), 29; 13 (twice), 15 (thrice), 30, 33, respectively.

Cicero draws the audience to consider the baseness and treachery of Vatinius indicate that Cicero did not necessarily intend to cross-examine.²⁷

Craig writes, “Any speech that demonstrates in its target the opposites of the four cardinal virtues is an invective in the broadest sense.”²⁸ Although this speech masquerades as an *interrogatio*,²⁹ it is easy to appreciate its fundamentally invective nature when the conventional invective *loci* are found and examined.³⁰ Below is a list of

²⁷ MacKendrick (1995) 244 noted that the speech itself is “invective masquerading as cross-examination.” Corbeill (2002) 197–217, on the other hand, treats the speech as formal invective. Usher (2008) 88 sums that although the title comes down from manuscripts as *In P. Vatinium Interrogatio*, the speaker does not expect answers, and therefore is not a true cross examination. Usher further explains that the speech is a “vehicle for the expression of indignation through apostrophe” although it does not begin until §14.

²⁸ See Burrow (2008) 7, “The Romans took over this threefold classification from Greek rhetoricians, employing the equivalent Latin terms, *judicialis*, *deliberativus* and, for epideictic, *demonstrativus*. Medieval readers would have encountered it in the early Latin handbooks of rhetoric most widely studied in the schools, the anonymous *Rhetorica ad Herennium* and the *De Inventione* of Cicero. Thus: *Tria genera sunt causarum quae recipere debet orator: demonstrativum, deliberativum, iudicale. Demonstrativum est quod tribuitur in alicuius personae laudem vel vituperationem* (‘There are three kinds of causes which the speaker must treat: Epideictic, Deliberative, and Judicial. The epideictic kind is devoted to the praise or censure of some particular person’). The two terms *laus* and *vituperatio* recur constantly in other Latin discussions of epideictic. Quintilian observes that the epideictic has no monopoly of *laus* or *vituperatio*, but he is content with that traditional characterisation nonetheless, even preferring to speak of *laudativum* rather than *demonstrativum*. The latter continued to be the regular term. In his *Etymologiae*, Isidore of Seville explained that ‘demonstrative’ oratory is so called ‘because it “demonstrates” each thing either by praising or censuring it’ (‘quod unamquamque rem aut laudando aut vituperando demonstrat’). Alcuin cites Cicero’s *De Inventione*: ‘*Demonstrativum genus est, quod tribuitur in alicuius certae personae laudem vel vituperium*’ (‘The demonstrative kind is devoted to the praise or censure of some particular person’).”

²⁹ MacKendrick (1995) 244 finds 38 instances of what he calls “‘sheer invective’ usually introduced by *quaero*, ‘I put it to you’.”

³⁰ Powell (2007) 19–20 sums what he calls the stages of invective scholarship: Stage 1, characterized by Pocock (1926) and Syme (1937), in which abuses directed at people were normal, but expected to be taken with a certain amount of grace because invectives do not necessarily have lasting effects. Stage 2, characterized by the works of Nisbet (1961), Crook (1967), and Kelly (1976), in which invective is a construct of the court system and not to be believed. Stage 3, characterized by work of Corbeill (1996), who asserted that invective was a social as well as literary construct for which the intent is humorous because it is believable. Stage 4, characterized by Riggsby (1997) and Craig (2004) for whom invective concerns the performance surrounding the attack, who hears it, how it is presented, and how it is received. It is harmful no matter what the context yet credibility of the speaker (and therefore, belief of the invective) matters more in judicial context.

invective *loci*, as identified by Craig, with *exempla* from *In Vatinius*.³¹ I also include *impietas* as part of the invective *loci* because of the frequency of references to religion.³²

Invective <i>Loc</i> ³³	<i>In Vatinius</i>
embarrassing family origin	§ 1: <i>sordes domesticas</i>
unworthy of one's family	§ 29: <i>contumeliosissime totiens male dicas quotiens te illi adfinem esse dicis</i>
physical appearance	§ 4: <i>te tamquam serpens e latibulis oculis eminentibus, inflato collo, tumidis cervicibus intulisti</i> ³⁴
eccentricity of dress	§ 30: <i>cum toga pulla accumberes...quo more feceris</i>
gluttony and drunkenness	§ 32: <i>famen illam veterem tuam non expleras</i>
hypocrisy for appearing virtuous	§ 3: <i>pro testimonio esse mentitum</i>
bribery	§ 37: <i>legem de ambitu...tu eam esse legem non putes</i>

³¹ Craig (2004) 189f explains: "Nisbet, in an appendix to his commentary on *In Pisonem*, offered a list of such *loci* (11) based in part upon the *topoi* of invective that Süss (first) had located in the practice of the Greek orators that occur in *In Pisonem*, and that are further shown to be literary or conventional by their recurrence in the pseudo-Sallustian *Invectiva in Ciceronem* or the speech of Fufius Calenus at Dio 46.1–28. Later, Merrill collected Cicero's invective *loci* that have antecedents in Roman oratory. So, by combining the sets of *loci* offered by Nisbet, Süss, and Merrill, one can arrive at a working list of practical *loci*, all with antecedents in Greek and Roman practice that Cicero's educated and experienced hearers might expect an orator to use in a *vituperatio*." See R.G.M. Nisbet (1961) 192–7; Süss (1975) 245–262; Merrill (1975) 203–4. Specifically, *vituperatio* is a type of invective in which the author intends to harm the object of the invective, here, Vatinius and Caesar. It is the opposite of *laus*, praise. *Rhet. Her.* 3.10; *Cic. Inv.* 1.7. Corbeill (2002) 200 sums "The purpose of invective [is] the public shaming of a known individual through the open recounting of faults." He cites Koster (1980), who conducted a lengthy study of the topic. Corbeill's work investigates the significance of the "accusations" oft included as *loci* of invective, of which he includes (only) ten common topics. He then reaches further into Cicero asking what behaviors Cicero meant to control with his invective.

³² Craig (2004) chooses not to include *impietas*, disrespect for the gods and their rites, as a *locus* of invective because he follows Nisbet's model. Cicero, however, seethes 25 times (according to MacKendrick (1995) 244ff) about Vatinius' use of augury to delay legislation as well as the prospect of Vatinius himself becoming an augur upon the untimely death of Metellus Celer. Cicero also mentions *auspicia* or auspices 17 times and there are a number of references to Vatinius' nefarious behavior: *Vat.* 14, 20, 22, 25, 32, 34. Achard (1981) 281 points out *impietas* in his invective model.

³³ Craig (2004) also includes avarice, sexual misconduct, cowardice in war, and squandering one's patrimony/financial embarrassment as *loci* of invective. There are no instances of these *loci* found in *In Vatinius*, pp. 189–192.

³⁴ Also, §10: *ista, quae sunt inflata, rumpantur*; § 39: *strumae ab ore improbo demigrarunt et aliis iam se conlocarunt*.

pretentiousness	§ 15: <i>id tu tibi, furcifer, sumes, et Vatini latronis ac sacrilegi vox audietur hoc postulantis, ut idem sibi concedatur quod Caesari</i>
hostility to family	§ 11: <i>licet impune per me... matrem verberaris</i>
aspiring to regnum or tyranny	§ 7: <i>te perditorem et vexatorem rei publicae fero</i> ³⁵
cruelty to citizens and allies	§ 12: <i>mercatores e navi egredientes terres, conscendentis morarere</i> ³⁶
plunder of private/public property	§ 5: <i>rem publicam compilarit</i>
oratorical ineptitude	§ 5: <i>defensio numquam vituperari</i> (implied)
<i>impietas</i>	§ 22: <i>scelere vero atque audiacia tua</i> ³⁷

Vatinius' position as the immediate target and Caesar's as the ultimate target become obvious when Cicero manipulates the direction of the invective to certain aspects of the tribunate rant which reflect directly on Caesar. This is because Cicero seeks to use the politically charged judicial context to expose the policies and procedures of Caesar that were detrimental to the State. By demonstrating that Caesar, through Vatinius, is guilty of acts *contra rem publicam*, Cicero extrinsically ties the character of Vatinius to Caesar, hence connecting the invective against Vatinius to Caesar as well. Cicero explains to his audience, who would have been well-prepared for the invective taking place, that the "source of danger" in the greater context of Rome is the team which has spoken against his defendant and therefore, against the State.³⁸

³⁵ Also, § 11: *tu de altero consulatū gerendo te diceris cogitare; § 19 in illo tuo intolerabili non regno (nam cupis id audire) sed latrocinio.*

³⁶ Also, § 6: *cum tu ceteraque rei publicae pestes armorum causam quaereretis, et cum per meum nomen fortunas locupletium diripere, sanguinem principum civitatis exsorbere, crudelitatem vestram odiumque diuturnum quod in bonos iam inveteratum habebatis saturare cuperetis...*

³⁷ Also, § 14–15: *tantus furor ut, cum inaudita ac nefaria sacra susceperis, cum inferorum animas elicere, cum puerorum extis deos manis mactare soleas, auspicia quibus haec urbs condita est, quibus omnis res publica atque imperium tenetur, contempseris, initioque tribunatus tui senatui denuntiaris tuis actionibus augurum responsa atque eius conlegi adrogantiam impedimento non futura? [15] Secundum ea quaero servarisne in eo fidem? num quando tibi moram attulerit quo minus concilium advocares legemque ferres, quod eo die scires de caelo esse servatum? See also note 29.*

³⁸ Craig (2004) 198.

The whole process provides Cicero with the basis from which to present his political manifesto.³⁹

In his *refutatio*, Cicero speaks directly to the character Vatinius, *nimum es vehemens feroxque natura; venisti iratus...tamquam serpens oculis eminentibus, inflato collo, tumidis intulisti*, “you are too violent and arrogant in disposition...you came here in a rage...like a serpent, with protruding eyes, with a bulging neck and protruding throat, in you came.” (*Vat.* 4) Cicero creates a monster out of Vatinius in the first few lines concerning his physical characteristics and then gives a record of the monster’s actions. The subsequent list of offenses (which Cicero explains were not committed by his own defendant C. Cornelius in a previous trial) calls into question not only Vatinius’ violent methods but also Caesar’s complacent tolerance.⁴⁰ He then says, *tua sunt, tua sunt haec omnia*, “these are yours, these are all yours.” (*Vat.* 5) The double affirmation calls attention to the fact that these crimes were committed not only by Vatinius, but also by his patron, Caesar.

Returning to men who deserve defense, Cicero further supports his past client, C. Cornelius, cleverly playing on the very words spoken by Vatinius in his evidence, that those who had spoken against Cornelius were part of the *boni viri* or “good men.”

Vatinius used the phrase as meaning ‘aristocrats’ or ‘leading conservatives,’ as that

³⁹ Craig (2004) 197–198 tells us that “even in rhetorical textbooks, there is a space for such arguments in judicial oratory; one subspecies of the status of quality, *comparatio* (*Inv.* 2.72–3; *Rhet. Her.* 2.21–2), based purely on what is advantageous, argues that an act which could not be countenanced in itself may be justified by an ensuing positive result.”

⁴⁰ *Vat.* 5. The list of offences not committed by his defendant Cornelius which Cicero mentions: carrying laws in defiance of the auspices; laying violent hands on a consul; occupying a temple with an armed band; throwing a man down the steps of the Temple of Castor, profaning religious observances; emptying the treasury; and plundering the State.

political group had conventionally called themselves.⁴¹ Cicero turned the phrase to his advantage, stating that he had been elected “with remarkable enthusiasm of all the *“optimi viri,”* meaning men who are honorable and just.⁴² He will use this comparative device constantly, portraying himself, not as a political *‘optimus’* but as morally superior to Vatinius. Cicero will further develop this juxtaposition in his political manifesto at the conclusion of the trial.

In § 6–8, Cicero responds to a taunt made by Vatinius regarding why Cicero left the city. Here, as in the previous sections, Cicero makes use of both the ‘I versus you’ and the ‘good versus evil’ strategies. Vatinius rejoiced in renewing the sorrow and grief of others, was eager to take up arms, to plunder and kill, and he delighted in the hatred he held towards honest men. Cicero, on the other hand, as preserver and guardian of the Republic, yielded so that violence would not occur. Once again, as in § 6, Cicero manipulates Vatinius’ words. Vatinius said that Cicero was only recalled “for reasons of State; *rei publicae causa.*” Indeed, claims Cicero, through manipulation of the circumstances, that he was recalled “for the sake of the state; *rei publicae causa.*” Cicero reverses the insult against Vatinius showing that even if he had been an objectionable person (and he was not), the State recalled him because of his usefulness to the State. Further, since Cicero displayed excellent character, it is actually Vatinius

⁴¹ Vatinius had intended to further politicize the trial with his reference to the *optimi*.

⁴² *Sest. 6, quam tu bonis viris displuisse dicis; me cum universi populi Romani summa voluntate, tum optimi cuiusque singulari studio magnificentissime post hominum memoriam consulem factum...*, “[about my defense] which you say displeased ‘Good Men’, I was elected consul with the complete approval of the whole Roman People, with remarkable enthusiasm of all the best men.”

who is “the foulest of men...in all [his] horror and monstrosity...an object of hatred to the State.” (Vat. 6–9)⁴³

Cicero’s *narratio*, the greatest portion of the speech, begins with comparative treatment of the two men’s careers. Cicero uses his own successes and lofty personal position as evidence of his superiority and asks, rhetorically, which of the two men would be better for the State, everything in it, its people and its future. Cicero is careful to mention those elements which had been harmed by Vatinius and Caesar previously: the Republic itself, the treasury, the auspices and the religious observances. A series of insults regarding what Vatinius may have done in his youth follows.

As quaestor, Vatinius is compared to Publius Sestius, who had properly served the State according to tradition. Even Vatinius’ position as quaestor is called into question, for his appointment was made not by popular vote but by a consul, “probably L. Julius Caesar, son of the consul of 90 and so a relative of Vatinius by marriage.”⁴⁴ As quaestor, Vatinius acted as thief rather than guardian and he failed to abide by certain restrictions as he made his journey to Spain on the staff of a governor. Gardner (1984) assumes that Vatinius had been acting in the interest of Caesar on a secret mission based on the loose evidence in Suetonius.⁴⁵

The real abuse heaped onto Vatinius comes in Cicero’s explanation of his tribunate. Cicero’s first question implicates Vatinius in every crime possible: *quod genus improbitatis et sceleris in eo magistrato praetermiseris?* “What kind of iniquity

⁴³ Vat. 9. *omni diritate atque immanitate taeterrimus, odio civitati.*

⁴⁴ Gardner (1984) 255.

⁴⁵ Gardner (1984) 256. In notes a and b, since Numidia was not under Roman jurisdiction, no Roman could visit it without the permission of the Senate. Cicero implies here that Vatinius visited Numidia on a secret mission from Caesar. Cf. *Div. Iul.* 71.

and crime did you not commit during your tribunate?” (Vat. 13) Cicero then warns Vatinius not to confuse any of his responses with the “glorious reputation of our most distinguished men.”⁴⁶ Cicero has shifted any potential wrongdoing against Caesar to Vatinius, essentially excusing anything Cicero may say. With this statement, Cicero pulls in the audience, which knew that Vatinius was Caesar’s man. He then adds,

Quaecumque rogabo de te ipso rogabo, neque te ex amplissimi viri dignitate, sed ex tuis tenebris extraham; omniaque mea tela sic in te conicientur ut nemo per tuum latus, quod soles dicere, saucietur; in tuis pulmonibus ac visceribus haerebunt. (Vat. 13)

Whatever I ask you will be something about yourself. I shall drag you from your own proper obscurity, not from the dignified company of a great man. And all my shafts will be so aimed against you that no one else will be wounded, as you are in the habit of saying, through your body; they will remain fixed in your lungs and your vitals.

These unnecessary additions betray Cicero’s intent. His overuse of superlatives in reference to Caesar gives way to sarcasm. Obviously, Cicero understands the gravity of his forthcoming attack, for he alters his delivery from the previous comparisons of § 4–6, 6–9, 9–11, and 11–12. Pocock reports, “As Cicero virtually admits even in this speech, with the air of innocent frankness and a deft ambiguity of argument and expression which is extremely entertaining,” the accusations about to be made are really aimed at Caesar.⁴⁷

Immediately following, Cicero lands a ridiculous blow against Vatinius’ dignity and virility. He states that although Vatinius calls himself a Pythagorean, he participated in monstrous and perverse rites with spirits of the underworld and entrails of young boys, all of which led to his madness. Cicero then offers the question:

⁴⁶ Vat. 13. *ac tibi iam inde praescribo ne tuas sordis cum clarissimorum virorum splendore permisceas.*

⁴⁷ Pocock (1967) 6. Cf. Vat. 15.

qui tantus furor ut, cum inaudita ac nefaria sacra susceperis, cum inferorum animas elicere, cum puerorum extis deos manis mactare soleas, auspicia, quibus haec urbs condita est, quibus omnis res publica atque imperium tenetur, contempseris initioque tribunatus tui senatui denuntiaris tuis actionibus augurum responsa atque eius conlegi adrogantiam impedimento non futura? (Vat. 14)

However much you have engaged in unknown and mysterious rites, however much accustomed you may be to evoke spirits from the underworld, and to appease the infernal deities with the entrails of boys, what monstrous perversity, what madness led you to show contempt for the auspices under which this city has been founded, upon which the whole State and its authority depend, and to declare to the Senate, in the first days of your tribunate, that the pronouncements of the augurs and the pretensions of their college would be no obstacle to your undertakings?"

This line of questioning certainly reflects on Caesar, but I call attention to the degree to which the destruction of Vatinius' character immediately carries over to Caesar. In his note on this line, Gardner (1984) states,

The members of the College of Augurs possessed almost unlimited powers of political obstruction since they pronounced judgment upon the validity of the auspices taken before the transaction of every piece of public business. Although there is no evidence that Caesar formally endorsed this declaration by Vatinius, which was without precedent, and was apparently made on his own initiative, the legislation of 59 was, in effect, carried through by such means.⁴⁸

Gardner's explanation that Vatinius may have acted on his own was first mentioned by Pocock, who stated that it was "unprecedented and most important."⁴⁹ Caesar was doing everything in his power to win over the Senate, so for him to have acted against the Senate would have caused great upheaval. Yet, for Vatinius to act on his own for the benefit of Caesar, would have placed the "technical responsibility" on

⁴⁸ Gardner (1984) 259.

⁴⁹ Pocock (1967) 94.

himself. Still, Vatinius probably did not act on his own because, by his acts and words, the “whole of Caesar’s consular legislation was carried.”⁵⁰

Cicero’s questioning continues, still casting Vatinius as a malefactor. He then takes care to draw attention to Vatinius’ evaluation of his relationship to Caesar:

Et quoniam his locus est unus, quem tibi cum Caesare communem esse dicas, seiungam te ab illo non solum rei publicae causa, verum etiam Caesaris, ne qua ex tua summa indignitate labes illius dignitati aspersa videatur. (Vat. 15)

And since this is the only point in which you claim to have something in common with Caesar, I will separate your case from his, not only for the sake of the State, but for Caesar also, lest a stain from your gross unworthiness should seem to tarnish his worthy name.

Cicero takes specific aim at Vatinius, calling attention to his character and then tying it to Caesar’s character. Here the words used are *indignitate* and its opposite, *dignitati*. (Vat. 15) The dichotomy highlights how the two men are intertwined, each sharing in worthiness and unworthiness. As Vatinius took it upon himself to speak *contra auspices*, Caesar did not act at all on their behalf. Cicero continues, *primum quaero num tu senatui causam tuam permittas, quod facit Caesar? deinde, quae sit auctoritas eius qui se alterius facto, non suo defendat?* “I ask you first whether you entrust your cause to the Senate, as Caesar does; in the second place, what is the authority of a man who defends himself by the act of another, not by his own?” Cicero accuses Caesar of hiding behind Vatinius’ deeds, but also accuses Vatinius of hiding behind Caesar’s prestigious name. Moreover, Cicero is in effect criticizing Caesar for

⁵⁰ Pocock (1967) 94.

not entrusting his cause to the Senate, as he, through Vatinius, whether done willingly or not, sought to achieve his legislation regardless of the consequences.⁵¹

Cicero also draws attention to the authority of Caesar when he uses the word, *auctoritas*. (*Vat.* 15) The close proximity of the words *dignitas* and *auctoritas* in this passage is no accident. Balsdon shows the link, especially through Greek, of the two concepts:

If *auctoritas* is ἀξίωμα in Greek, so possibly is *dignitas*. The two words were very closely linked, the one static, the other dynamic. *Auctoritas* was the expression of one's *dignitas*—though in his early *de Inventione* 2.166, Cicero had put it the other way about: *dignitas est alicuius honesta et cultu et honore et verecundia digna auctoritas*, [“a person's having a widespread reputation accompanied by praise”]. In politics, a man's *dignitas* was his good name. The concept was of overwhelming importance to every outstanding politician of the late Republic.⁵²

Cicero aims in § 15, therefore, to call into question both the *dignitas* and *auctoritas* of Caesar.⁵³ Buried within the rhetorical questioning, entertaining banter, and quick-witted sarcasm directed seemingly towards Vatinius, this attack tarnishes Caesar. Cicero intends to harm Caesar, his consulship, and his reliance upon Vatinius, who has now become a source of humiliation.

⁵¹ We will see another instance of Cicero criticizing Caesar's passivity in the *pro Sestio*. See Chapter 4, note 71.

⁵² Balsdon (1960) 44–46. In his article, Balsdon discusses the significance of and the relationship between *auctoritas*, *dignitas*, and *otium*, specifically at this time in Roman history in order to demonstrate what Cicero meant as he requests *otium cum dignitate* as part of the *pro Sestio*. “A peaceful and contented populace, a responsible, effective, and respected government that was 'otiosa dignitas', 'cum dignitate otium' (*Sest.* 98)” Balsdon then moves his discussion to how Cicero's manifest was changed by his experiences and perspectives following his political surrender in 56. I treat the *pro Sestio* in Chapter 4.

⁵³ Kennedy (1968) 419–436. An orator's success depended not only on knowledge and skill but also upon personal authority. By attacking Caesar's authority, Cicero attempts to increase his own. Cf. note 18. An extension of this idea of personal authority: Cicero intended to destroy the character of Vatinius, whose credibility as a witness was strong because of his association with Caesar. By challenging Caesar authority, Cicero further damages Vatinius, his character, and his credibility as a witness. For dependence upon associations as character evidence, see *Cael.* 19–22; *Planc.* 10–11, *Scaur.* 14.

Cicero next presents a hypothetical situation with the pretense of obtaining the truth. The condition is contrary to fact, implying falsity, but contained in the suggestion are some truths, especially in Cicero's statement that any of Caesar's transgressions should be obliterated from memory. Yet the same allowance, according to Cicero, cannot be given to Vatinius. Caesar's acts however, have already been tied to Vatinius' deeds and therefore the '*seiunctio*' attempted at the beginning of § 15 is now impossible, although another attempt is forthcoming. (*Vat.* 16) With this consistent message used throughout the speech, Cicero intends to mask his attack on Caesar, perhaps as a way to ensure a sort of plausible deniability if questioned about it later or, perhaps because Cicero knew his audience. As many times as he claims to separate Caesar and his greatness from Vatinius and his lowness, the connection between the two men had been established for some time, and the audience would be aware of the sarcasm embedded in the invective.

In § 16, although Cicero seems to focus on Vatinius and his fellow tribunes while they participated in the lawmaking process, the central concern of the section actually addressed Vatinius' unorthodox role as Caesar's plebeian representative in spite of his position as tribune of the commons.⁵⁴ Cicero speaks to the *audacia* of Vatinius but in fact he is addressing Caesar's character, who (once again⁵⁵) either allowed Vatinius the leeway to disregard laws (Aelian and Fufian)⁵⁶ in order to achieve his own goals or

⁵⁴ Cicero comments that Vatinius received his position by default.

⁵⁵ cf. *Vat.* 14–15.

⁵⁶ Sumner (1963) 344, "The Aelian law was concerned with the practice of obnuntiation and intercession with regard to legislative assemblies"; 350: "The lex Fufia...confirmed that legislation must not be promulgated or put to the people in the period of *trinum nundinum* before elections. This was probably declared a period of *dies non comitiales* (even though, by the calendar, it might contain *dies comitiales*). By a logical connection the law confirmed that business must not be transacted with the popular

encouraged Vatinius to create turmoil in the law-making process. His questioning includes asides such as *unus tu* and *praeter te nemo*, which squarely place the blame on Vatinius. Yet then, Cicero calls attention to *duo viri*, who previously failed to follow these laws.⁵⁷ The audience knows that Cicero is referring to the consuls of 58, Gabinius and Piso, although a parallel to Vatinius and Caesar is strongly suggested.⁵⁸ With this allusion Cicero attacks Vatinius specifically as tribune, who helped consul Caesar, by defying the *mos maiorum*.⁵⁹ Furthermore, each reference condemns Caesar because he participated in making Clodius eligible for the tribunate and was instrumental in providing political clout to Vatinius as tribune.

In § 19–20, Cicero lightens his interrogation, bringing up the subject of Vatinius' hopes of achieving the augurate upon the sudden death of Quintus Metellus Celer during Caesar's consulship. Cicero believed that Vatinius was the choice of the triumvirs to fill the vacancy, although it did not occur. While this section serves as a breath of fresh air, or comic relief, to offset the serious and powerful invective of the previous chapters, Cicero does not stop his references to Caesar. The hypothetical situation offered by Cicero provides a look into the situation that Caesar's wishes and acts would have created: ruin of the State. To aggravate the issue even more, Cicero

assemblies on days other than *dies comitiales*. The main purpose of the law was evidently to prevent candidates from influencing the elections by proposing vote-catching legislation. Its author was presumably a tribune of 132, one of the enemies of Gracchus backed by *οἱ πλούσιοι* at the elections in 133."

⁵⁷ Sumner (1963) 343, "It can be stated as a general principle (too often neglected) that when Cicero is speaking *ex parte*, his evidence on constitutional as on other matters must be treated with the greatest circumspection."

⁵⁸ cf. *Sest.* 33.

⁵⁹ Vatinius and Caesar did not follow custom in the design or promulgation of their legislation. Cicero draws attention to their relationship. He implies the connection between Vatinius and Clodius, who acted in the same capacity for Gabinius and Piso.

employs long, drawn out questions, multiple asides, and complex phrasing until he finally delivers an entertaining and sarcastic inquiry:

*Sed quaero, si **ad cetera vulnera**, quibus rem publicam putasti deleri, hanc quoque mortiferam plagam inflixisses auguratus tui, **utrum decreturus fueris**, id quod augures omnes **usque ab Romulo decreverunt**, Iove fulgente cum populo **agi nefas esse, an, quia tu semper sic egisses, auspicial fueris augur dissoluturus.** (Vat. 20)*

But I ask you, after all those other wounds, by which you thought the State was being destroyed, if you had inflicted this mortal blow also by your augurate, did you propose to decree, as all augurs since Romulus have decreed, that when Juppiter lightens it is sacrilege to transact business with the People, or, because you had always so transacted it, did you propose as augur to make a complete end of the auspices?

Cicero teases Vatinius with frequent “ooh” and “aah” sounds (shown in boldface above), taunting him with the notion of an augurship, carefully pointing out that Vatinius is not worthy. While focused on this theme, Cicero turns his focus to the situation surrounding Bibulus and Vatinius’ criminal role in the destruction of the State.⁶⁰

As Cicero sets the stage, he asks Vatinius about Marcus Bibulus, Caesar’s co-consul in 59, who, as Cicero describes, “took no forward steps, nor planned any political enterprise.”⁶¹ Cicero claims to be treading lightly with his explanation here so as not to “offend a powerful person.”⁶² It is obvious that Cicero refers to Caesar. But Cicero at last breaks from cautiousness and launches into a quickened frenzy of explanation as he details the crime that Vatinius committed against Bibulus. The period climaxes with a rhetorical flourish as Cicero concludes with an exaggerated untruth: *...exclusis amicis vi perditorum hominum incitata turpissimo miserrimoque spectaculo non in carcerem,*

⁶⁰ Vat. 21 *ad scelera veniam*, to come to your crimes.

⁶¹ Vat. 21 *hominem certe nusquam progredientem, nihil in re public molientem*

⁶² Vat. 21 *ne tu mihi homo potens irascare.*

sed ad supplicum et ad necem duceretur, “Having been shut off from his friends by the excited violence of a band of scoundrels, a most disgraceful and deplorable sight, (Bibulus) was led to prison, if not to punishment and even to death.” (Vat. 21) Cicero quickly asks whether there has ever been anyone so wicked who would have committed such a crime, referring to Vatinius’ character as “either an imitator of old crimes or an inventor of new ones.”⁶³ Cicero wields this double-edged sword, mimicked by the structure of the line itself, as he introduces the mastermind behind these crimes. This same parallel structure continues through the next period, which is marked by a number of sets of two in opposition. He says,

*Idemque tu cum his atque huius modi consiliis ac facinoribus nomine C. Caesaris, clementissimi atque optimi viri, scelere vero atque audacia tua*⁶⁴ *M. Bibulum foro, curia, templis, locis publicis omnibus expulisses, inclusum domi contineres, cumque non maiestate imperii, non iure legum, sed ianuae praesidio et parietum custodiis consulis vita tegetetur, miserisne viatorem, qui M. Bibulum domo vi extraheret, ut, quod in privatis semper est servatum, id te tribuno pl. consuli domus exsilium esse non posset.* (Vat. 22)

Further, when by these crimes and the like designs and atrocities, committed in the name of that most merciful and excellent man, Gaius Caesar, but really by your own criminal audacity, you had driven Marcus Bibulus from the Forum, the Senate House, the temples and all public places, kept him shut up in his house, and when the life of a consul was no longer protected by the prestige of his power nor by the authority of the laws, but by such defense as a door, such security as the walls of a house afforded, did you not send an usher to drag Bibulus from his house, so that a man’s house, which has always been a sanctuary for a private person, might be no refuge for a consul while you were tribune of the commons?

The parallelism obviously encourages the audience to compare Bibulus and Caesar, which began at the outset of this section, but the opposing pairs also provide a

⁶³ *Vat. 21 utrum veterum facinorum sis imitator an inventor novorum.*

⁶⁴ Again the theme of Vatinius’ audacity comes into play, as Cicero departs somewhat from the invective against Vatinius’ character. Instead, Cicero focuses on Vatinius’ actions as a pawn of Caesar.

better view of Cicero's strategy. Cicero marks and condemns the actions of Vatinius (and therefore, Caesar). He compares them to the actions of Bibulus, who, as a "man of greatest restraint and steadfastness," did not defy Caesar.⁶⁵ Cicero forms his dichotomy between the forces in the State which are currently clashing, the *populares* and *optimates*, as well as deepening the rift between Caesar and Pompey. Cicero even plays on the word *optimi* above, as he refers to Caesar, who generally is not considered a member of the *optimates*.⁶⁶

Cicero cleverly ends § 22 with specific reference to Vatinius as being the tribune of the commons who enacted all of the legislation directed against Bibulus' wishes. At the conclusion his third person narrative about a tribune of the commons who was able to carry legislation, Cicero refers to a consul. This is, of course, a reference to Bibulus, yet Cicero seemingly attacks, in the subsequent line of questioning, one who fits a description of Caesar.⁶⁷ It was Caesar who disagreed with Cicero's execution of the Catilinarian conspirators; who granted the disregard of the auspices, who ignored the Aelian and Fufian laws, who allowed the abuse against Bibulus, and who now terrifies the people.⁶⁸ Indeed, the passage is framed by Cicero's addresses to Vatinius, in his

⁶⁵ *Vat. 21 consul populi Romani moderatissimus et constantissimus.* Gardner (1984) 266 writes "Bibulus was content with passive resistance to Caesar and his partners."

⁶⁶ Caesar's position is complex. He belongs to an old, consular, and therefore, noble family. Many noble families associated themselves with the *Optimates*. Caesar, however, he aligned himself politically with the *populares*.

⁶⁷ *Simulque mihi respondeto tu, qui nos, qui de communi salute consentimus, tyrannos vocas,* "At the same time answer me this, you who call us tyrants, who are not but one heart about the welfare of all..." Gardner (1999) 268 notes that this reference is to Cicero's decision to execute the Catilinarian conspirators. I add that this is also a direct reference to Caesar's voice of dissension.

⁶⁸ *Vat. 23 simulque mihi respondeto tu, qui nos qui de communi salute consentimus tyrannos vocas, fuerisne non tribunus plebis, sed intolerandus ex caeno nescio qui atque ex tenebristyrannus, qui primum eam rem publicam, quae auspiciis inventis consituta est, isdem auspiciis sublatis conarere pervertere, deinde sanctissimas leges, Aeliam et Fufiam...qui consulem morti obieceris, inclusum obsederis, extrahere ex suis tectis conatus sis...sed etiam divitiis nos iam tuis terreas,* Were you not a tribune of the

lowly role of the Caesarian followers and as tribune of the commons. In addition, the powerful invective in § 23 reminds the audience of the manner in which Cicero treated Vatinius at the beginning of the interrogation. Nevertheless, the ambiguity of the central portion of the chapter invites question, especially since Cicero published this speech in order to be sure that he could spread his message to the people.⁶⁹

After inquiring about how Caesar favored Vatinius rather than his co-consul Bibulus, Cicero questions Vatinius about his role in the Vettius affair. Although these chapters are best described as Ciceronian storytelling, throughout, Cicero intertwines random attacks on Vatinius' character while using a variety of character descriptors. Cicero depicts Vatinius as jealous, *vehementer invidias* (Vat. 24); hateful, *commune odium* (Vat. 25); wicked, *tuo scelere* (Vat. 25); and, mad, *tantus furor*. (Vat. 26) A few phrases appear in the vocative as if Cicero pauses and turns to Vatinius. Breaking from the narrative in order to speak directly to the witness certainly adds to the force of Cicero's words while attracting the audience's attention. One of these direct addresses, *impurissime et perditissime hostis*, "you most infamous and abandoned of the enemies of the State," (Vat. 26) comes at the end of the Vettius narrative so that Cicero is able to create tension for what he is about to propose. Cicero accuses Vatinius of strangling

commons but an insufferable tyrant, a nobody sprung from mud and obscurity? You who first, by abolishing the auspices, attempted to destroy this State founded upon these same auspices; who next alone trampled underfoot and reckoned naught those most holy laws, I mean the Aelian and Fufian...you who exposed a consul to death, imprisoned and beleaguered him in his own house, and endeavored to drag him from under his own roof...who not only rose from poverty in the course of your office, but even now terrify us by your wealth? Cf. *Sest.* 40.

⁶⁹ Pocock (1967) limits his commentary regarding §23 to the plethora of names mentioned by Cicero. The list of powerful and prominent statesmen from the past does not help Vatinius or Caesar in any way. Each man described by Cicero in §23 lacked control: *in Gracchorum ferocitate; in audacia Saturnini; in colluvione Drusi; in contentione Sulpici; in cruore Cinnano; inter Sullana arma*. MacKendrick (1995) 239 regards §23 as a passage in which Cicero demonstrates that Vatinius himself emulates some of the same qualities as an optimate because he shares their attitudes toward the auspices, the consul, and their own wealth.

Vettius so that his knowledge of the whole affair would not come to light. Although there is no evidence that Vatinius did indeed murder Vettius, Cicero does make the plausible suggestion following the quite long and complicated account of Vatinius' involvement as planner of the failed event.⁷⁰ Furthermore, Cicero only makes this accusation following a second reference to the planned death of Bibulus (although it was not carried out) at the hands of Vatinius. These accusations speak volumes to the character of Vatinius, even without Caesar to take the blame.

Following the mention of the Vettius affair, Cicero shifts his invective to a variety of subjects; he intends to slander every aspect of Vatinius' life and character. Cicero chastises Vatinius when he suggests that Vatinius proposed laws to help his allies and hurt his enemies. (*Vat.* 27–28) He accuses Vatinius of stealing away not only a condemned man's daughter (in marriage) but also incriminates every member of his family because the law that he promulgates led to the condemnation of that man. (*Vat.* 28)⁷¹ He suggests that Vatinius uses the name of previously mentioned illustrious men to benefit his personal status and implies that he became rich by being allowed to evade a law against extortion sponsored by Caesar. (*Vat.* 29) Cicero even attacks a seemingly insignificant matter, yet a conventional *locus* of invective: Vatinius' dress. (*Vat.* 30–32) With this rather exaggerated and extended recollection of a time when Vatinius wore inappropriate dress to a public festival, Cicero intends to remove the

⁷⁰ *Vat.* 26. *quibus rebus omnium mortalium non voluntate, sed convicio repudiatis fregerisne in carcere cervices ipsi illi Vettio, ne quod indicium corrupti indicii exstaret eisque sceleris in te ipsum quaestio flagitaretur?* And when these proceedings had been repudiated by the whole words, not merely in thought but in open reproaches, did you not cause this same Vettius to be strangled in prison, that there might be no trace of his false information and that no commission to investigate that crime might be demanded against yourself?

⁷¹ Pocock (1967) goes further with this argument. With Cicero's use of the word *familia*, Pocock claims a double meaning: an allusion to Vatinius' hired gladiator band in addition to the physical portrait busts of C. Antonius Hybrida's family.

quality of being Roman from Vatinius, who, according to Cicero, had been out of his mind (*amentia*). (*Vat.* 30) Cicero's devotion to this mundane topic shows the court that Vatinius lacks sound judgment. This technique of releasing the jury and *corona* from paying close attention to the subject matter is a built-in rest from the tension that Cicero masterfully builds throughout his speech.

The lighter tone gives way to a steady aggregation of violations by Vatinius as the speech reaches a climax. In § 33–39, Cicero specifically mentions and demonstrates that Vatinius had attempted to use his relationship with Caesar in order to benefit himself even after he had left his office as tribune of the commons.⁷² In addition, Cicero ties the character of Vatinius to his own most despised enemy, Clodius. The transfer of epithets as Cicero introduces Clodius further blackens Vatinius' actions and qualities.⁷³

Appellarisne tribunos pl., ne causam diceres—levius dixi; quamquam id ipsum esset et novum et non ferendum—sed appellarisne nominatim pestem illius anni, furiam patriae, tempestatem rei publicae, Clodium. Qui tamen cum iure, cum more, cum potestate iudicium impedire non posset, rediit ad illam vim et furorem suum ducemque se militibus tuis praebuit. (*Vat.* 33)

Did you not appeal to the tribune of the commons to save you from answering the charge—I have spoken too lightly, although by itself this would be strange and intolerable—but did you not appeal by name to the **curse** of that year, to the **evil spirit** of his country, to the **storm** that burst over the State, to Clodius who, although he could not, either **by law, by custom, or by authority, obstruct** your trial, had **recourse** to that mad violence of his, and **put** himself at the head of your armed bands.

⁷² *Vat.* 33. *in quo certe iam tibi dicere non licebit cum clarissimis viris causam tuam esse coniunctam.* “And here at any rate you will no longer be able to say that your case is linked with that of the most illustrious men.”

⁷³ It is interesting to note that Cicero does not name Clodius at first here, yet he waits until the end of his first sentence thereby surrounding Clodius' name with his multiple offenses. Variations of the uses of names are used by Cicero throughout this speech when referring to Caesar (usually with the use of sarcastic superlatives) and throughout the previous *post reditum* speeches. See especially Chapter 3. I treat Cicero's character constructions of Clodius in Chapter 6.

The multiple series of tricolon sets emphasize the importance of this connection between Vatinius and Clodius, one the ruin of the state and the other, referred to here as a curse, an evil, and a storm. Cicero's words compare the past actions of Vatinius to the more recent actions of Clodius. Again, Vatinius' actions show his lack of *Romanitas*, since he had been unable to adhere to the customs and laws established by the Roman people as he attempted to avoid prosecution in 58.⁷⁴

Cicero promises, however, to refrain from declaiming against Vatinius, now, ironically, in the late stages of the speech, (*ne quid a me dictum in te*); he will maintain his line of questioning, rather than bring accusations and evidence against Vatinius. Cicero frequently uses sarcasm such as this, irony and dramatic pauses in his speech, as a chance for both Cicero and his audience to take a breath. It also creates more suspense (and irony), as the speech is building to its climax.⁷⁵

Following this promise, Cicero shows how Vatinius' character led to actions which destroyed order and peace in the Forum. Cicero measures Vatinius' disruptiveness against the dutifulness of Gaius Memmius. (*Vat.* 34) The reference to Memmius serves as a contrast to Vatinius, who did not follow long-established constitutional procedures. Evidence of this, which Cicero claimed that he would not provide, is Vatinius' role on Caesar's staff. Even his appointment failed to follow the precedents established by the Senate. Instead, Vatinius received his position as part of special legislation, the *lex*

⁷⁴ *Vat.* 34. *quaero ex te, Vatini, num quis reus in tribunal sui quaesitoris escenderit eumque vi deturbarit, subsellia dissiparit, urnas deiecerit, eas denique omnes res in iudicio disturbando commiserit, quarum rerum causa iudicia sunt constituta*, "I ask you, Vatinius, whether anyone in this State, since the foundation of Rome, has ever appealed to the tribunes of the commons to be saved from pleading."

⁷⁵ As identified by MacKendrick (1995): Irony: *Cat.* 1. 21; 2.4, 12, 14, 16, 23, 24; *Mur.* 57, 61, 74; *Arch.* 10, 11, 25; *Red. Sen.* 8, 13, 14, 17; *Red. Pop.* 10, 11; *Dom.* 47, 54, 71, 79, 82; *Sest.* 16, 23, 44, 56, 72, 76, 79, 80, 84, 93, 111, 116, 127, 134; *Cael.* 33, 36, 37, 38, 48, 50, 52, 62, 67.

Vatinia de Caesaris provincia, which was sponsored by Vatinius himself. This law empowered Caesar to choose his own staff of *legati* for his proconsular governorship of Gaul. Cicero creates a link between Vatinius as lawmaker to Vatinius as traitor. He asks,

Esne igitur patriae certissimus parricida? ne hoc quidem senatui relinquebas, quod nemo umquam ademit, ut legati ex eius ordinis auctoritate legarentur? (Vat. 35)

Are you then beyond all doubt a traitor to your fatherland? Was it your object that not a trace of the Senate should be left in the State? Did you wish to rob the Senate of even that prerogative which no one had ever denied to it, the right of appointing staff-officers by a resolution of the house?

These questions demand answers that Cicero himself provides. Vatinius' actions robbed (*eripueras*) the Senate of its power (*potestatem*). What is left unsaid at this point is the connection between Vatinius and Caesar, whose actions made all of this possible. Furthermore, Caesar's authority granted by the bill, gave Vatinius unconstitutional power, which he used for evil.

Ante te nemo post continuo fecit idem in duobus prodigiis rei publicae Clodius; quo etiam maiore es malo mactandus, quod non solum facto tuo, sed etiam exemplo rem publicam vulnerasti neque tantum ipse es improbus, sed etiam aliud docere voluisti. (Vat. 36)

Before you no one; immediately after you Clodius did the same thing in the matter of two public monsters so that still heavier curses should be invoked upon you. Seeing that you have dealt a cutting blow against the State, not only by your acts but also by your example; that not content with being a scoundrel yourself, you have also desired to teach others to become the same.

Once again, Cicero draws a connection between Vatinius and Clodius. This sentence, coupled with the one that follows, is filled various literary devices, which add to the effect of the words themselves. First, with alliteration of the M sound, Cicero lengthens each word, making Vatinius responsible for the corruption of Clodius, whose

name sits in the middle, as well as for the destruction of the Republic, which is personified as victim. Falling between the heaviness of the M in the sentence above, Cicero hisses Vatinius' deeds with the words *vulnerasti* and *voluisti*, reporting that he wanted to hurt the Republic. He continues (below) with the heaviness of M and again ends with hissing: *perdidisse*, as though Vatinius' ultimate end was the devastation of the Republic. Throughout this passage, Cicero repeatedly calls on Vatinius himself as the originator, instigator, and perpetrator of all recent crime.

Ob hasce omnes res sciasne te severissimorum virorum Marsorum et Paelignorum, tribunus tuorum, iudico notatum, nec post Romam conditam praeter te tribulem quemquam tribum Sergiam perdidisse. (Vat. 36)

For all these offenses, do you know that the Sabines, most austere of people, the Marsians and the Paelignians, most heroic of men, your fellow tribesmen, branded you as dishonored and that, since the foundation of Rome, you are the first member of the Sergian tribe who has lost his tribal vote?

The invective in the above sentence also stings Vatinius, who did not carry his own tribe's vote for tribune.

Cicero emerges from §37 as the opposite of Clodius as well as Vatinius.⁷⁶ His actions as law-abiding citizen rather than law-breaking citizen exaggerate the differences between Cicero and Vatinius, but also between Cicero and Caesar.⁷⁷ In §37, Cicero questions Vatinius' failure to follow one of his laws, the *lex Tullia de ambitu*, which forbade giving gladiatorial shows during candidacy or while holding office. He

⁷⁶ Seager (2007) 31–32 discusses the specific instances of Cicero's presentation of himself as positive character foil to Vatinius, concluding with this instance at Chapter 37. He also considers *Vat.* 5–9, 11, and 29.

⁷⁷ *Vat.* 37. *Atque illud etiam audire de te cupio, quare, cum ego legem de ambitu tulerim ex senatus consulto, tulerim sine vi, tulerim salvis auspiciis, tulerim salva lege Aelia et Fufia, tu eam esse legem non putes, praesertim cum ego legibus tuis, quoquo modo latae sunt paream.* "And I should also like to hear from you for what reason this law against bribery, which passed by the authority of the Senate, which I passed without violence, without neglecting the auspices, without infringing the Aelian and Fufian Laws, is not considered by you to be law, especially when I obey your laws, however they have been passed."

then blasts Vatinius for venturing to create one of his own laws, since he cannot seem to follow any others. Cicero finishes §37 with a connection of Vatinius to an unnamed Clodius, again, marking their relationship as obstructive forces in Rome.⁷⁸

At this point in the speech, Cicero brings his argument to a climax, stating that Vatinius has no regard for anything that he has said, because he will be able to gain “everything [he] desires through Gaius Caesar’s almost incredible affection.”⁷⁹ Yet even Caesar, who had elevated Vatinius to his current status, understands Vatinius’ worth, according to Cicero’s report. Although Caesar did not offer an opinion about the character of Vatinius, he did remark that *Vatinium in tribunatu gratis nihil fecisse; qui omnia in pecunia posuisset, honore animo aequo carere debere*, “Vatinius had done nothing during his tribunate without being paid for it; that a man who thought that money was everything ought to bear the loss of office with equanimity. (Vat. 38)⁸⁰

This comment serves to damage Caesar as much as Vatinius, who served Caesar as a means of payment, while Caesar paid for his legislation. Further, Cicero adds that Caesar did not view Vatinius’ service as worthy at all. This leads to a lengthy explanation about how each member of Roman society, both friend and foe to Vatinius, think him most unworthy; *indignissimum*. The people have these reactions to Vatinius: *vitant, fugunt, nolunt, metuunt, erubescunt*, and he ultimately becomes *odium publicam populi, senatus, universorum hominum*, “publicly hated by People, Senate, and country

⁷⁸ Vat. 37. *num quem putes illius tui certissimi gladiatoris similem tribunum plebis posse reperiri qui se interponat quo minus reus mea lege fias?*, Do you think that a tribune of the commons can be sufficiently like that most loyal swordster of yours, to offer an obstruction and prevent you from being excused under my law?”

⁷⁹ Vat. 38. *te dis hominibusque invitis amore in te incredibili quodam C. Caesaris omnia quae velis.*

⁸⁰ Vatinius lost his bid for the aedileship of 57.

folk to a man.” As he finally has become hated by all, Vatinius will soon be allowed to answer Cicero’s questions. Yet it is necessary for Cicero to draw a comparison between the two kinds of men in Rome as he “returns to the case itself.” The final chapters of the speech, however, are not concerned with the charges against Sestius, at first. Rather, Cicero pulls the characters of this and another recent prosecution together and sets them side by side with the characters for each defense.

Cicero questions Vatinius for having *tanta vanitas, tanta levitas*⁸¹ in his comments about Milo, whose trial was only a month prior.⁸² The charges brought against Milo by *illa taeterrima furia*,⁸³ Clodius, were disrupted and eventually dropped; yet, at one of the preliminary *contiones*, according to Cicero, Vatinius gave *falsum testimonium*. Cicero tells us that Vatinius was eager to give false evidence against Milo, a man whom Cicero describes as *civem singulari virtute, fide, constantia*, but only in certain company. Following this tricolon of praise, Cicero unites the *clarissimus vir* Milo with Publius Sestius, because of their partnership in public affairs. The forging of battle lines is quickly completed by Cicero, who then bonds Vatinius to Clodius, who were parts of the prosecutions, the former against Milo and the latter against Sestius.

Once Cicero has set the pairs of men opposite each other, he brings his speech to a close with another careful play with the term *boni*. Of course, when used by Vatinius at any previous time,⁸⁴ he would have intended for the word to mean *Optimates*.

⁸¹ *Vat. 40 quaero quae tanta in te vanitas, tanta levitas fuerit...*, “Tell me, why were you so untruthful, so inconsistent...”

⁸² February 56.

⁸³ *Vat. 40. ab eadem illa taeterrima furia*, “by that same loathesome fiend.”

⁸⁴ See Gardner (1984) 296 note c.

However, when used by Cicero in § 41 and 42, the term applies to all honest or morally good men, who, by virtue of being decent citizens, follow the rules, customs and practices set forth in the Roman constitution.

The importance of Cicero's reference to events of February 56 in the speech against Vatinius should only be examined in the greater context of the trial against Sestius and beyond: in the Roman political arena. Cicero reported to his brother about the *contio* and following events (of Feb. 56) in the Senate in his letters. (*Q. fr.* 2. 3.) He then recognized the opportunities presented by the many complaints of the Republic.⁸⁵ Using his relationship with Pompey as his leverage, Cicero launched a careful attack on Caesar in his *In Vatinium*, in which he also sets the stage for his audience to hear his new political manifesto in the upcoming *pro Sestio*. Both the forensic situation and the status of Vatinius provided Cicero with enough of a barricade to shield him from any immediate repercussions.

The key to this speech was how to harm Caesar,⁸⁶ who was not present, without offending Pompey, who was present. Cicero's ultimate strategy embraces the lesser figures in Rome, namely Milo, Sestius, Vatinius, and Clodius and how they each fit into the greater system of *populares* versus *optimates*. By showing the connections between Caesar, Vatinius, and Clodius, and then contrasting them to Milo, Sestius, and Pompey,

⁸⁵ *multis querelis de re publica interponendis*, *Q. fr.* 2. 3. 1.

⁸⁶ Caesar granted the quick transfer of plebeian status to P. Clodius, who then set out to remove Cicero from Rome. See Tatum (1999) 87–113 for a complete explanation of the adoption of Clodius.

Cicero managed to create the context for his newly configured plan for the Republic, *otium cum dignitate*. Seager sums up Cicero's definitions.⁸⁷

Cicero only once purports to offer a working definition of the word *popularis*. *Populares* are contrasted with *optimates*: *alteri se popularis, alteri optimates et haberi et esse uoluerunt. qui ea quae faciebant quaeque dicebant multitudini iucunda uolebant esse, populares, qui autem ita se gerebant ut sua consilia optimo cuique probarent, optimates habebantur*.⁸⁸ The polemical character of this definition is already clear in the contrast between *multitudo*—almost always a term of disparagement in its own right—and *optimus quisque*. But the latent hostility becomes much more overt and more pronounced when *optimus quisque* itself is defined. The *optimates* include all those *qui neque nocentes sunt nec natura improbi nec furiosi nec malis domesticis impediti*.⁸⁹ The implied dismissal of *populares* as criminal, naturally wicked, mad, or poor is shortly afterwards rephrased in a positive form when Cicero lists the possible grounds for opposition to the *optimates* values of which he gives a catalogue: *metus poenae, insitus quidam animi furor, and implicatio rei familiaris*.⁹⁰

The manifesto at the conclusion of his defense speech for Sestius became the explanation for why “the best men” should avoid the Caesarian regime. Cicero explains that the *Optimates* were a “union of all law-abiding citizens and of all the most respectable elements in Italy in defense of the established order against unconstitutional designs,” which he had demonstrated by using characterizations of various past and present players in Roman politics to justify his exposition throughout both the speech against Vatinius and the speech for Sestius. (Sest. 96–98) Cicero

⁸⁷ Seager (1972) 1. Seager's intention in his article is to catalogue the occurrences and explain the uses of the word *popularis* in order to gain a better understanding of the how Romans viewed *populares* and *optimates*.

⁸⁸ Sest. 97. “One aimed at being ‘Friends of the People,’ the other ‘Aristocrats.’ Those who wished everything they did and said to be agreeable to the masses were reckoned as ‘Friends of the People,’ but those who acted so as to win by their policy the approval of all the best citizens were reckoned as ‘Aristocrats.’”

⁸⁹ Sest. 96. “All are “Aristocrats” who are neither criminal nor vicious in disposition, nor frantic, nor harassed by troubles in their households.”

⁹⁰ Sest. 96. “fear of punishment, owing to a sort of inborn revolutionary madness, on account of embarrassment in their finances.”

encompasses the whole Roman *populus* as he defines all good men, excluding, of course, the *populares*, whose aim it is to secure brief appeasement.⁹¹ By the creation of this distinction, Cicero sets the stage for his future plan to gradually remove power from Caesar, and eventually emerge as the savior of the Republic again.

⁹¹ *Sest. 97. omnes optimates sunt qui neque nocentes sunt nec natura improbi nec furiosi nec malis domesticis impediti*, "All are Aristocrats who are neither criminal nor vicious in disposition, nor frantic, nor harassed by troubles in their households."

CHAPTER 4
REDEMPTION: *PRO SESTIO*

Pertuli crudelitatem inimicorum, scelus infidelium, fraudem invidorum. si hoc non est satis, quod haec omnia deleta videntur reditu meo, multo mihi, multo, inquam, iudices, praestat in eandem illam recidere fortunam quam tantam importare meis defensoribus et conservatoribus calamitatem.

–Cicero, *pro Sestio* 145–46¹

The year 58 witnessed a great upheaval in Roman politics because of the unchecked actions of tribune Clodius. His dealings reveal alignment with no particular interest save his own. He interfered with judicial, legislative and international affairs, momentarily eclipsing the dominance of Pompey in public life.² If we are to believe Cicero in his speeches *post reditum*, Clodius' actions completely destroyed any semblance of order in Rome.³ To what end Clodius acted is debated,⁴ yet the results led the Senate and even Pompey, who had been ineffectively reassuring during Cicero's impending exile, to initiate his recall. (*Att.* 2. 10. 2) But attempts to recall Cicero were disputed and disrupted by Clodius and his supporters.⁵

¹ "I have borne the cruelty of enemies, the crime of traitors, the perfidy of those who wish me ill. If this is not enough, because all seems to be wiped out by my return I would much rather, I repeat, gentlemen, fall back into the same ill-fortune, than to bring so disastrous a calamity on my defenders and saviors."

² In October of 58, Clodius did not support a bill which was put forth by other tribunes for Cicero's recall (*Att.* 3.23) Clodius interrupted the assembly held to vote on a measure promulgated in December 58 for Cicero's recall (*Sest.* 75) In February and March of 57, public business was suspended (*iustitium*), (*Red. sen.* 6–8) This included the suspension of the senate's reception of foreign embassies. (*Sest.* 75, 85, 89)

³ *Dom.* 40; *Red. pop.* 43; *Har. resp.* 48.

⁴ Gruen (1966) gives an excellent summary of the debate which began with Pocock (1924), who maintained that Pompey was the peacekeeper while Clodius was a pawn of the *populares*. Marsh (1927) argued that Crassus used Clodius to disrupt Pompey's political future as part of the ongoing feud between the two men. Further, Clodius' attack on the Julian laws was meant exclusively to harm Pompey. These arguments followed another work by Pocock (1927), who argued that Crassus and Caesar worked hand in hand throughout this time period and that the legislation was never in danger. Yet the ancient sources also debated this issue: Dio 38. 12.1–3; 38.14.3; 39.6.1; Plut. *Cato Min.* 31.2; 33.3–4; *Cic.* 30.3; *Caes.* 14.9; Suet. *Iul.* 20.

⁵ *Sest.* 53–66. Cicero spends this section of his speech narrating the events of 58, noting the acts of the consuls, Piso and Gabinius, who failed to check Clodius' actions.

At the end of 58, Cicero's entreaties to Pompey may have made a difference due to events in Rome, and so Cicero tells us that tribune-elect Publius Sestius made a journey to Caesar on Cicero's behalf, in an attempt to secure Cicero's return. (*Sest.* 71) Perhaps this plea set matters in motion because those who had been vocally opposing legislation to recall Cicero were relatively silent in 57, when the newly elected consuls and tribunes favorable towards Cicero's cause encountered less resistance in their campaign to recall him. However, this progress was slow because of tribunician vetoes as well as Clodius' physical interference. He had hired gladiators to appear at the *forum*, *comitium*, and *curia* effecting a murderous upheaval from which Cicero's brother barely escaped. (*Sest.* 75–76) It was during the first half of 57 that Sestius and Milo, another tribune of the plebeians, began to resort to the same violent methods used by Clodius to disrupt political order.

When Sestius was charged with *vis*, or political violence *contra rem publicam* on February 10, 56, Cicero immediately sought to serve as his advocate because he wanted to return the favors offered by Sestius to aid in Cicero's recall. (*Sest.* 3)⁶ This charge was another aspect of the battle between Clodius and Cicero, each man fighting not only for power in Roman politics but also for personal *dignitas*.

Cicero, as usual, was the last to speak in defense of Sestius.⁷ His task was to answer the prosecution's charges by means of a *confusa atque universa defensione*, "comprehensive and general defence." (*Sest.* 5) May (1988) expertly explains the

⁶ See Lintott (2008) 430–431 and (1968) 114–115, 119 and Riggsby (1999) 79–119 for discussion of the laws *de vi*. Lintott studies the use of Cicero's works as historical evidence, providing excellent background information for various events treated very briefly elsewhere. Riggsby discusses the circumstances and players of crimes and trials in the late Republic. Each treat the laws on which many of the late forensic trials are based, including the *pro Sestio*, *pro Caelio*, and *pro Milone*.

⁷ cf. *pro Caelio*.

nuances of this trial speech, noting how Cicero made the most of this opportunity to defend not just Sestius, but even more, to defend himself and his own actions prior to exile, and to offer a “stunning manifesto of his political philosophy.”⁸ Yet May’s concern is character themes, specifically certain metaphors in which he shows that the state had been harmed by Clodius and his allies, then saved by Cicero.⁹ By healing the wounds to the Republic and setting the ship of state back on the conservative course, according to May, Cicero takes the opportunity to “justify his exile and rebuild his *persona*.”¹⁰ The motifs treated by May, however, are subsets of a greater scheme throughout the speech.

May tells us that Cicero employed the framework of good versus evil. Indeed this theme is repetitive in each aspect of the speech. His explanation shows how Cicero set the *optimates*, including himself, Sestius, and also the personified Republic against the *populares*, Clodius, Gabinius, Piso and the anarchy which they fomented.¹¹ I argue that as Cicero does this, he is actually waging war on his enemies in order to redeem himself in the eyes of his peers. The speech is in part a dutiful defense on behalf of Sestius, yet, Cicero himself tells us *ut in hac confusa atque universa defensione nihil ab me quod ad vestram quaestionem, nihil quod ad reum, nihil quod ad rem publicam pertineat praetermissum esse videatur*, “[I shall do my utmost to see] that while making this comprehensive and general defence, I may seem to have overlooked nothing which

⁸ May (1988) 90. In May’s work on Cicero’s use of character, he examines the prevalent issues of character presentation in select speeches (only 23; May excludes *In Vatinius* and others) as they relate to Cicero’s presentation of his own character as orator and *novus homo*.

⁹ For the *pro Sestio*, May (1988) focuses on two specific metaphors: the ship of state and the body of the state. Cicero continuously employs these metaphors throughout the speech.

¹⁰ May (1988) 90.

¹¹ May (1988) 105.

is relevant to your investigation, to the accused, or to the public interest.” (Sest. 5) He will address these concerns while escalating his attack upon those people whom he believes responsible for his exile, a continuation of his strategy that permeates his previous *post reditum* speeches. While making his attack, Cicero will use the characters of all the key players in the war: Sestius, Clodius, Piso, Gabinius, Cicero himself, and even Rome.

Before explaining how Cicero moves to attack his enemies in the *pro Sestio*, it is necessary to understand the political climate of the trial and how Cicero’s position in Rome gave him the impetus to move against his enemies. We know that Cicero’s time in exile was full of humiliation and despair; so it would make sense that his return would feel like a glorious victory for him. (*Att.* 4. 3) In a letter to Atticus, he describes his reentry into Rome:

Ad urbem ita veni ut nemo ullius ordinis homo nomenclatori notus fuerit qui mihi obviam non venerit, praeter eos inimicos quibus id ipsum, se inimicos esse, non liceret aut dissimulare aut negare. cum venissem ad portam Capenam, gradus templorum ab infima plebe completi erant. A qua plausu maximo cum esset mihi gratulatio significata, similis et frequentia et plausus me usque ad Capitolium celebravit in foroque et in ipso Capitolio miranda multitudo fuit.

So I arrived at the outskirts of Rome. Not a man whose name was known to my nomenclator, no matter what his rank, but came out to meet me, except for enemies who could neither conceal nor deny the fact that they were such. When I reached the Porta Capena, I found the steps of the temples thronged by the common people, who welcomed me with vociferous applause. Like numbers and applause followed me to the Capitol. In the Forum and on the Capitol itself the crowd was spectacular. In the Senate on the following, Nones of September, I delivered a speech of thanks to the House.¹²

¹² *Att.* 4.5; cf. *Sest.* 131.

Nicholson (1992) describes the occasion as “a ceremonial one. The primary factor in the rhetorical situation was Cicero’s need to present himself officially before the senate and people in this pair of full-dress speeches formally inaugurating his return to public life.”¹³ Nicholson refers to the two immediate speeches *post reditum*, composed and read aloud, within which Cicero establishes those elements that will appear throughout the speeches of the next year: gratitude, self-justification, and attack.¹⁴ Initially, Cicero does not dive into the politically unknown waters; rather, he carefully dips his toes into the shallows, barely penetrating the surface in order to put himself back into the political and social dialogue.

Nicholson argues that the *post reditum* speeches “roar with triumphant confidence as Cicero proudly returned to Rome and prepared to resume his old influence and rank as a leading senior statesman. He adopts a bold tone as though scarcely conscious of his public humiliation.”¹⁵ Cicero’s audacity, I contend, is a rhetorical strategy which actually reveals that he was very aware of his humbling situation. Cicero, therefore, designed the *post reditum* speeches deliberately, creating an essential foundation from which the invective in his later forensic (and epideictic) speeches grows.¹⁶

¹³ Nicholson (1992) 23. Nicholson’s discussion of the period immediately following Cicero’s exile is one of few works that examines the themes of Cicero’s *post reditum* speeches: *Ad Senatam* and *Ad Quirites*. His introduction to the period, which includes a discussion of the authenticity of the speeches, supersedes that of Nisbet (1939) He then discusses the background, strategies, and effects of the two speeches.

¹⁴ Planc. 74. Cicero claims that this was *propter rei magnitudinem*. Dyck (2004) 301 suggests that Cicero had lacked practice and therefore needed to write his script in order to be able to recall those whom he wanted to thank.

¹⁵ Nicholson (1992) 129.

¹⁶ Shackleton Bailey (1991) 4 writes that these speeches are “bombastic, repetitive, full of self-praise and self-pity, they undeniably deserve some of the harsh things that have been said of them. But they are not all bad... And whatever Cicero’s exile had done to him, it had not deprived him of his command of Latin words, which even Mommsen had to recognize.”

Part of the craft of the *post reditum* speeches is described by Catherine Steel in her recent article investigating Cicero's strategy of naming. She asserts, "The problem was that Cicero could not assume that his return from exile was also an automatic return to the *status quo ante* in terms of his position and authority within Roman politics."¹⁷ I agree with Steel that Cicero's situation was a precarious one, especially since there were many issues that Cicero had to deal with, above all, his enemies, who, aside from Piso and Gabinius, currently in their respective provinces, were still present in Rome.

Those senators in attendance at the occasion of Cicero's first *post reditum* speech would have known well about the circumstances surrounding his exile, and they probably would have been interested in how Cicero would handle himself in his initial political appearance, particularly in response to his own absence.¹⁸ The irony of the situation of his exile is not lost on scholarship. Nisbet (1939) discusses the situation upon Cicero's exile: "When Cicero complains that he was outlawed without a trial...the reader remembers, as his enemies remembered, how closely this corresponded to his alleged offence."¹⁹ Did Cicero make this connection? Either Cicero himself did not see the similarities between Clodius' attacks and his own defense of the State or he was merely hoping for the best. Regardless, his actions toward the end of 59 showed steadfast resolve until his spirit was broken. (*Att.* 3.1.1) And then, upon his return,

¹⁷ Steel (2007) 106. Steel's article on naming in Ciceronian invective *post reditum* is part of a collection of works by various scholars on the subject of Ciceronian invective across his corpus.

¹⁸ For an excellent, brief summaries of Cicero's speeches, see Usher (2008).

¹⁹ Nisbet (1939) xii. Nisbet's introduction to his text and commentary of the *De Domo Sua* is a valuable source of original and early criticism of the time period from the exile of Cicero to immediately following his return.

Cicero had the opportunity to, as Nicholson claims, “roar with triumphant confidence.”²⁰ He does not however, and his speech reflects this strategy of hesitance.

His opening is full of gratitude, similar to an award acceptance, and then he “offers a detailed account of the senate’s doings during his absence which involved reference to eighteen specific individuals, *none of whom is named* [italics mine].”²¹ Steel relays the intricacies of naming versus not-naming in the speech, noting the effects that it would have had on Cicero’s audience: keeping the audience attentive, forcing the audience to think about to whom Cicero refers, and drawing attention to the roles of those unnamed. It is important, however, also to note the effect of this strategy on Cicero’s position in the arena that he is attempting to re-enter. Cicero places his account of events, so well known and understood that names are unnecessary, at the forefront of senators’ minds while re-creating a dialogue (in which the senators, and subsequently, the people retell the story of Cicero’s exile and events leading to his return, according to Cicero’s perspective).²² It forces his audience to revisit, ponder, and reconsider the events which led up to Cicero’s exile, and furthermore, to evaluate the events which took place while Cicero was gone and what events led to his return.²³

²⁰ Nicholson (1992) 129.

²¹ Steel (2007) 109.

²² Steel (2007) uses the term “canonical” to describe Cicero’s technique here, pp. 110. Cicero has the opportunity to re-tell the events surrounding his exile, thereby becoming the canon of events remembered by the Senate and People.

²³ This same strategy will be part of Cicero’s tact in his speech *pro Sestio*, as he introduces a nameless enemy, then introduces the enemy accompanied by an additional evil act, and then tells about the person, in depth, recapitulating the crime.

As the initial *post reditum* speech unfolds, harsh invective against both Piso and Gabinius, which will reappear in the *pro Sestio* speech in even more severe form, gives way “to more positive emotions; [implying] that [Cicero] prefers tranquility to hostility.”²⁴

Quae cum libenter commemoro, tum non invitus non nullorum in me nefarie commissa praetereo. non est mei temporis iniurias meminisse, quas ego, etiam si ulcisci possem, tamen oblivisci mallet. alio transferenda mea tota vita est, ut bene de me meritis referam gratiam, amicitias igni perspectas tuear, cum apertis hostibus bellum geram, timidis amicis ignoscam, proditores vindicem, dolorem protectionis meae reditus dignitate consoler. (Red. Sen. 23)

It is a pleasure to put such acts on record. On the other hand, I am little loath to pass over the scandalous crimes committed against me by certain persons. To call to mind my wrongs would sort ill with my present position; I should prefer to forget them, even were it in my power to avenge them. My whole life should be lifted to a different plane; I should show gratitude for services received, I should cherish the friendships that have been proved sterling in the fire, I should wage war against our avowed foes, pardon my timorous partisans, forbear to expose traitors, and mollify the resentment roused by my departure by the magnanimaty of my return.

Cicero claims that he will change the course of his life, not recalling the past, even forgetting the injustices done to him. His refusal to name names supports that notion. However, he does say that he will ‘wage war with open enemies,’ a direct threat, but to whom? Steel’s focus is Cicero’s use of names; she writes, “Namelessness is the key to the effect...here it works by concealing the identity of those to whom Cicero is referring,” which “contributes to a vaguer sense of menace.”²⁵ Cicero portrays himself as a peacekeeper, yet he focuses on the violent intentions of his enemies who are responsible for the (past and) current state of affairs. For, if Cicero had not fled Rome, he would have been forced to “fight against the same army (*exercitus*) that he had

²⁴ Steel (2007) 113.

²⁵ Steel (2007) 113.

defeated, not by arms, but with the senate's authority."²⁶ By limiting his use of force to words and in defense of the State, he creates a divergence between the kind of war that he must wage and the kind that his enemies choose to wage.²⁷ Cicero shows us throughout his *post reditum* career that he wishes to avoid military confrontation, yet he will still confront the nameless menace.²⁸

By completing this initial step in his re-entry into the Roman political world, Cicero creates a crucial dialogue within his senatorial audience, which is well aware of his general intentions, yet still in the dark as to their specifics. He deliberately continues the association of Clodius,²⁹ unnamed here, with Catiline, from "the Bona Dea scandal in which Cicero identified Clodius' supporters with Catilinarians, and Clodius himself as a successor to Catiline and Lentulus," referring to events from 63.³⁰ This carefully designed speech, one which he wrote beforehand and then read aloud to the senators, was consciously constructed in order to elicit a specific response: either the confidence to remain in pursuit of his program or the apprehension by which to fall back into the shadows. The response of the senators gave him the courage to continue his program, which included his speech to the people just a few days later.

In that speech Cicero once again relays his same message, although with less passion and more vagueness. By not naming his enemies, who, according to the

²⁶ Lintott (2008) 37.

²⁷ This is the exact argument of his defense on behalf of Sestius.

²⁸ See also *Sest.* 36–50.

²⁹ I treat Cicero's relationship with Clodius in Chapter 6.

³⁰ See *Red. Sen.* 32. The military imagery is employed by Cicero throughout the *post reditum* speeches. For more about the similarities between Clodius and Catiline, see Tatum (1999) 40 who sums up the ancient and modern sources. Tatum also treats Catiline as an element in Ciceronian invective, pp. 142–145, 277 (n.117).

speech, come in four unique categories,³¹ Cicero has the flexibility to “present himself as someone who is capable of taking revenge – that is, one who possesses the necessary courage and strong position to do so – but without committing himself to a particular course of action.”³² Again, Cicero contributes to a dialogue, this time among the *Quirites* who witnessed his oration, and surely some of the same senators who had witnessed the previous speech.

It is important for Cicero to distinguish himself from notable politicians who have returned from exile in the past, namely Gaius Marius, who upon his return, publicly conducted a vengeful bloodbath, proscribing his enemies and seizing their estates.³³ Even though Cicero is not known for his military prowess, he must make his intentions known to the people, which he does. Unlike Marius, Cicero will wage a war of words:

But between Marius and myself there is this difference: he took vengeance on his enemies (*inimicos*) by just the means wherein he was strongest, that is by arms (*armis*); I shall use speech, as I have been wont to do. The former art finds its place in war and civil strife (*in bello et seditione*), the latter in peace and tranquility (*in pace atque otio*).³⁴

³¹ *Red. Pop. 21: me quattuor omnino hominum genera violarunt, unum eorum, qui odio rei publicae, quod eam ipsis invitis conservarem, inimicissimi mihi fuerunt; alterum, qui per simulationem amicitiae me nefarie prodiderunt; tertium, qui propter inertiam suam eadem adsequi non possent, inviderunt laudi ei dignitati meae; quartum, qui cum custodes rei publicae esse deberent, salutem meam, statum civitatis, dignitatem eius imperii, quod erat penes ipsos, vendiderunt*, “My assailants may be comprehensively divided into four classes. There are, first, those who have become my bitter enemies owing to their hatred of the republic, because its preservation by me was contrary to their wishes; there are, secondly, those who outrageously betrayed me by assuming the mask of friendship; third comes the class of those who were envious of my credit and reputation, which they were prevented by their own lack of energy from attaining; while the fourth consists of those who, through their position constituted them the guardians of the republic, bartered away my prosperity, the security of the community and the prestige of the empire which was committed to their care.” As Cicero describes these men, the names of Caesar, Pompey, Clodius, and Piso and Gabinius come to mind respectively in each category. However, the namelessness of Cicero’s enemies served its purpose, as his audience was certainly trying to guess about whom Cicero was referring.

³² Steel (2007) 117.

³³ See Scullard (1963) 66–70 for more information about this time period.

³⁴ *Red. pop. 20–21 sed hoc inter me atque illum interest, quod ille, qua re plurimum potuit, ea ipsa re inimicos suos ultus est, armis, ego qua consuevi utar oratione, quoniam illi arti in bello ac seditione locus*

What occurs in the period immediately following, including approximately three weeks of fervent discussions among the Romans, both commoners and senators, is unknown. Nicholson writes that the “results were neither substantial nor long-lasting,” yet he is speaking about the time until May 56, a period of at least six months, when we know that Cicero makes an about-face in terms of political affiliation.³⁵ Nicholson does suggest that Cicero received some “warmth [that] makes it clear that his peers and the public at large accepted the validity of his self-defense, and that they acknowledged the fundamental injustice of his exile and loss of status to a malicious political persecution.”³⁶ This short-term acceptance gave him confidence to continue with his intentions as stated in his speeches to the Senate and People.

Cicero’s next speech, *De domo sua*, falls between the deliberative and forensic genres because of its lack of personal defendant, although Cicero general defends his own actions in order to regain his home and property on the Palatine, confiscated upon his exile, and destroyed by Clodius. In this speech, Cicero attempts to convince a panel of *pontifices* that his property should be returned to him and that he should receive compensation for his home.

It is very interesting to note that by this point in the Ciceronian *post reditum* speeches, Cicero had not yet mentioned the name of Clodius as his enemy. I contend that he intended to do so in order to test the political waters; and, the situation had not

est, huic in pace atque otio. Quamquam ille animo irato nihil nisi de inimicis ulciscendis agebat, ego de ipsis amicis tantum, quantum mihi res publica permittit, cogitabo. These same sentiments appear throughout the first third of the *pro Sestio*.

³⁵ Cicero retracted his previous position in the speech concerning legislation of the consular provinces, an unexpected acquiescence to Caesar. Cf. *Har. Resp.* 47.

³⁶ Nicholson (1992) 130.

yet presented itself where Cicero could *openly* attack Clodius. Following the speeches to the Senate and People, Clodius made a serious allegation, claiming that the current grain shortage was due to the increased number of strangers (supporters of Cicero) in Rome as well as divine disapproval of the law recalling Cicero.³⁷ Cicero turned the allegation into an opportunity to reaffirm his leadership role in politics by proposing that Pompey be put in charge of the corn supply in an unprecedented position with powers for the next five years. Yet alternative proposals, especially from Clodius, and the college of *pontifices* forced Cicero to defend his recall, the presence of his supporters, and the bill which allowed his return and the return of his property. (*Att.* 4. 1. 7)

On September 29, 57, at a meeting of the pontifical court, the two enemies came face-to-face, perhaps the first formal and public meeting between Cicero and Clodius since the Bona Dea trial of 62. From the time of Cicero's return to the time of this meeting, Clodius' presence in Rome would have been obvious, even potentially contentious, to all. Yet, by not naming him in the previous speeches, Cicero intentionally waited to see how the public and senatorial opinion would respond. The confidence with which Cicero now attacks Clodius confirms public and senatorial approval of his recall.

The opportunity to openly wage war came in his speech regarding the return of his property on the Palatine, which had been stripped from him by Clodius after his exile. However, it seems that Clodius' power waned after that initial victory in early 58. Since then, Clodius had initiated a quarrel with Pompey by essentially kidnapping one of his

³⁷ *Dom.* 90; *Att.* 4.1.4; *Dio* 39.8. In July 57 the Senate issued a decree which maintained that a law should be put forth to the people who would allow Cicero to return to Rome and receive his confiscated property. Clodius alone was the dissenting voice in the Senate. The vote was taken on August 4 in the centuriate assembly. Both Pompey and Lentulus worked hard to pass the bill. See also Shackleton Bailey (1971) 72 and Stockton (1971) 192–194.

wards, a prince of Armenia, which was an affront against his *auctoritas*.³⁸ He openly attacked Caesar's legislation of 59, pushing the limits of the *boni*. In August 58 Clodius even plotted against Pompey's life. Pompey then withdrew from public life until Clodius was no longer tribune. Nevertheless, Clodius further pursued Pompey's ally, Gabinius, whose *fascēs* were broken by Clodius' men.³⁹ Because the Senate could not tolerate a tribune demeaning a consul, Clodius subsequently lost some of his support. Thereafter, motions to recall Cicero were passed, which in effect further weakened Clodius' power. With his campaign to restore his property, the timing for Cicero's attack on Clodius could not have been more perfect. His position had been weakened by his own transgressions.⁴⁰

According to Quintilian, Cicero and Clodius each had the opportunity to speak to the jury regarding the property on the Palatine, perhaps even in debate form.⁴¹ Whether on the same or different day is unknown; yet, Nisbet tells us that "Clodius delivered an abusive speech, and apparently was present during the rest of proceedings (since Cicero at intervals turns and addresses him)."⁴² Cicero responds to Clodius in a lengthy speech which does not focus on the issue of his property until the last third. Instead,

³⁸ As reported by Tatum (1999) 169f, Clodius tried unsuccessfully to return the son of the king to his father in Armenia. When both Pompey's men and Clodius' men met on the Appian Way in the struggle for custody of the prince, one of Pompey's associates was killed. Clodius' open attack on the *auctoritas* of Pompey made them quick enemies. Tatum also explains that the Senate would not act on behalf of Pompey in prosecuting Clodius for his act, further enraging Pompey while passively substantiating Clodius.

³⁹ Nisbet (1939) xix–xx.

⁴⁰ Lintott (1999) 197 n. 3 writes that the recall of Cicero was a "classic example of country defeating city" as Pompey canvassed Italy after the decree in support of Cicero's recall was read in Capua. Cicero used Pompey's current popularity swell to his advantage here.

⁴¹ *Easdem causas ut quisque egerit utile erit scire. Dom 3.*

⁴² Nisbet (1939) xxii.

Cicero “places the issue of his house within the wider context of Clodius’ continuing prominence,”⁴³ which essentially places Clodius on trial. This strategy also forces the *pontifices* to view the proceedings and their decision as concerning a matter of state. The continuation of this theme is also seen in the later speeches against Vatinius, and for Sestius and Caelius. Cicero thus begins his campaign to promote his own political restoration.

After a brief opening in which he defends his proposal in favor of Pompey as corn supply regulator, Cicero attacks “the validity of Clodius’ election to the tribunate and, consequently, on the validity of the bill of banishment. (*Sest.* 34–42)”⁴⁴ Yet the most striking instances of invective are found outside the deliberate attack on Clodius’ position and legislation; they are attacks against his character. In § 26, 79 and 104, Cicero uses Clodius’ name “to evoke a web of recollections about his character and behavior in an official context.”⁴⁵ These powerful assaults scattered throughout the whole of the speech in addition to the ascension of Pompey to commander of the grain supply and overwhelming victory, caused Clodius to counterattack later in 57. We know that he attempted to disrupt the rebuilding of Cicero’s home in November following this proceeding and furthermore, that he made frequent violent attacks against Cicero as he moved about the city.⁴⁶

⁴³ Steel (2007) 117.

⁴⁴ Shackleton Bailey (1991) 37.

⁴⁵ Steel (2007) 119.

⁴⁶ *Att.* 4.3.2ff. Cf. *Sest.* 85; *Cael.* 78; *Mil.* 38, 87. Lintott (1999) 198 argues that once Cicero and Pompey had “wrested the corn supply from Clodius and his supporters...it is not surprising that Clodius resorted to extremes of violence in the winter of 57–56 in order that he was still a force to be reckoned with.” See also Stockton (1971) 196ff and Tatum (1999) 193.

In a letter to Atticus after delivering the *De domo sua*, Cicero claimed that the speech was one of his finest and that he wanted to have it published as soon as possible. (*Att.* 4. 3) While the exact publication date is unknown, Cicero obviously wished to place the speech permanently into contemporary social and political dialogue, to inflict further damage on Clodius. Also in this letter, Cicero tells Atticus of the dealings following the proceedings about the return of his properties. He feels slighted by the insufficient monetary sums awarded to him and claims that the people who had previously *pennas incidereant, nolunt easdem renasci* “clipped [his] wings don’t want to see them grow back.” (*Att.* 4. 2. 5) Cicero responds *sed, ut spero, iam renascuntur*. “However, I hope they are growing back already.”⁴⁷

After only a month or so since his recall, Cicero feels positive about his return from exile because of general senatorial and public responses to his recent speeches.⁴⁸ He even tells Atticus of his plans to campaign for the position of censor, if the mood is right in the city. Perhaps the speech for Sestius was part of Cicero’s plan to redeem himself in the eyes of the voters for that campaign. In doing so, Cicero has another opportunity to capitalize on his recent successes as well as to revisit the themes from these speeches *post reditum*. Yet this time, in a defense speech, Cicero also launches an offensive attack.

Enough time has passed for Cicero to measure Clodius’ strength. He therefore now believes that he can begin his post-exile assault upon the factions which had contributed to both the exile and the trial because they are one in the same. The first

⁴⁷ Shackleton Bailey (1999) 297.

⁴⁸ Evidence for this generalization is the fact that Cicero immediately reentered the political arena and won back his property.

half of the speech for Sestius includes a narrative of events leading up to Cicero's own exile, one carefully woven together with events leading to the trial. This technique creates an association intended to gather sympathy for both Cicero and Sestius.

Cicero begins this battle by introducing a common character device in his speeches, a casual observer,⁴⁹ who would happen upon the trial and wonder why *nequaquam satis multi cives forti et magno animo invenirentur qui auderent se et salutem suam in discrimen offerre pro statu civitatis et pro communi libertate*, "no sufficient number of brave and great-hearted men could be found who would dare to expose themselves and their very lives for the general liberty." (Sest. 1) Of course, speaking about himself and his client, Cicero establishes both himself and Sestius as part of this group. He then invites the casual observer to take a "comprehensive look"⁵⁰ at the defenders in their new battlefield as he "draws the judges into the conflict by stressing that they must choose sides."⁵¹ The language of the *exordium* is full of war imagery. Cicero indicates that "brigandage"⁵² disrupted the peacefulness of the State.⁵³ Those defending the State, such as Cicero and Sestius, are "waging desperate struggles" in order to maintain peace.⁵⁴ But he interjects that the judges do not necessarily need to "recall or ponder individuals' misfortunes case by case," which is

⁴⁹ *Div Caec* 1; *Cael* 1; *Rab Post* 1; *Sex Rosc* 1.

⁵⁰ *Sest. 1, uno aspectu.*

⁵¹ Kaster (2006) 107. Kaster's recent text with commentary offer an updated translation of the Gardner (1984) Loeb edition as well as detailed notes and explanations for much of the background information needed to obtain a full understanding of the *pro Sestio*.

⁵² *latrocinio. Sest. 1.*

⁵³ *latrocinio. Sest. 1.*

⁵⁴ *maestos sordidos...dimicantes. Sest. 1.*

precisely what Cicero intends to do. In fact, Cicero wants to instigate his own version of the war to those who *fortissimis atque optimis civibus periculum moliri de se nihil timere*, “devise danger for the bravest and best citizens while entertaining no fear for themselves.” (Sest. 1)

Cicero asks the judges to excuse his sharp tongue as he takes on a role that owes its character more to *pio dolori et iustae iracundiae*, “dutiful sorrow and just indignation.” (Sest. 4) Escalating the importance of his own character, Cicero adds to his excuse that he is bound by duty:

Nam neque officio coniunctior dolor ullius esse potest quam hic meus susceptus ex hominis de me optime meriti periculo, neque iracundia magis ulla laudanda (est) quam ea quae me inflamat eorum scelere qui cum omnibus meae salutis defensoribus bellum esse sibi gerendum iudicaverunt. (Sest. 4)

For no sorrow can be more closely united to duty than this of mine, which has been caused by the peril of a man who has done me the greatest service; nor does any indignation deserve greater praise than this of mine, which has been fired by the villainy of those who have decided to wage war against all the champions of my welfare.

Here, Cicero further establishes his defensive role (as one of necessity) even though he claims not to “address individual charges” as his colleagues had already done.⁵⁵ Cicero plans to address the character of Sestius, who was fortunate enough to have been tribune when the state had been *in ruinis, eversae et afflictae*, “in ruins overturned and battered.” (Sest. 2) Yet it is through contrast with Cicero’s and, by association, Sestius’ enemies, that Cicero draws the character of Sestius.

Cicero begins his treatment of Sestius with a discussion of the man’s father, who was wise, scrupulous and strict. (Sest. 6) These attributes were of course passed to

⁵⁵ *singulis criminibus.* Sest. 5.

Sestius, who married well, and then had loyal children. (Sest. 6) He was even able to retain the support of his father-in-law when his wife died and he remarried. (Sest. 7) Cicero moves into a discussion of Sestius' service as quaestor to C. Antonius Hybrida, Cicero's consular colleague. (Sest. 8) This passage must have been difficult for Cicero, as he stumbles a bit over the activities and behaviors of his colleague, who may have been a tacit supporter of Catiline during his attempted coup. This fact actually works in favor of Sestius, who was able to persevere and not be spoiled by any of Antonius' questionable activities. Cicero then favorably mentions Sestius' abilities as a military commander when he heroically saved Capua from Catilinarian attack. (Sest. 9) Appealing to a jury composed of fathers, Cicero has Sestius' son read out a letter of gratitude from the Capuans to the court. This use of a recited letter reoccurs in the next section as Cicero's own letter, one in which he asks Sestius to return to Rome to assist him in the capture of Catiline, is read aloud. (Sest. 11) The mode of discourse, far removed from the events of the present trial, illustrates Sestius' courage, spirit. (Sest. 13), and ability to follow orders during a time when Cicero's directives saved the state from the Catiline. Cicero continues to emphasize his excellent character, citing examples such as Sestius' honesty as quaestor in Macedonia, his dedication as tribune four years later and finally to the matter at hand. Sestius is introduced as an ideal young Roman, who conducts himself and his affairs honorably.

Following his brief treatment of Publius Sestius, the family-minded citizen, whom Cicero named in the first fourteen sections no less than seventeen times, Cicero asks his audience: *qua in oratione si asperius in quosdam homines invehi vellem, quis concederet, ut eos, quorum sceleris furore violatus essem, vocis libertate perstringerem?*

“If in doing so, I were to choose to attack some people with more than usual asperity, who would not grant me the freedom to bruise with my speech those whose frenzied crimes did me violence?” (Sest. 14) This rhetorical question tells the audience exactly what Cicero intends to do: he will mount an assault against his enemies. Immediately following, however, Cicero says that he will use act *moderate*, “with restraint”; he wants that his enemies *lateant*, “stay hidden” so that we may *simus obliti*, “let bygones be bygones.” (Sest. 14) By combining the force of an attack with the quality of patience, Cicero demonstrates to his audience that he (and his defendant) did not start this war. But Cicero will do what is necessary in order to defend himself, Sestius, and the state. This is why he must recount events in the distant past to begin his case.

Cicero considers the charge against Sestius as an attack upon himself because Sestius acted on Cicero’s behalf while he was in exile. § 14 is a second sort of *exordium* as Cicero repeats themes mentioned in the first with “minor modifications.”⁵⁶

Kaster comments,

At this point in a conventional defence speech, the advocate would give his version of the acts that provoked the charge, stressing the aspects favourable to his case, explaining, downplaying, or suppressing those that were not, and in general ‘spinning’ the tale as effectively as he could; and that is what Cicero does, though not in a conventional way.⁵⁷

Cicero designed his strategy so that he would be able to recount the events, actions and behaviors of his enemies, which were *contra rem publicam*, in order to show that Sestius’ actions against his enemies were *pro re publica*.

⁵⁶ Kaster (2006) 141.

⁵⁷ Kaster (2006) 141.

Cicero's "promised attacks on the character [of his enemies]...are not simply narrated but stated and then restated, amplified and generalized, to make them seem monumental wrongs."⁵⁸ As part of the strategy, Cicero uses military imagery and vocabulary to show that the violence⁵⁹ committed by his enemies warranted the actions of Sestius and others friendly to Cicero on behalf of the state.⁶⁰ As Cicero develops the war theme throughout the speech, he uses general imagery of (Clodius') men fighting in combat situations against the State. Further, he expresses his own opposition to these hostile criminal activities in order to encourage his audience to sympathize with him personally as well as his defense.⁶¹ Once Cicero has introduced and developed this theme, he then launches his political manifesto, essentially an "us versus them" declaration which encourages the jury to choose a side, Cicero's side.

In the first occurrence of his strategy Cicero recounts when *intentus est arcus in me unum, sicut vulgo ignari rerum loquebantur, re quidem vera in universam rem publicam*, "a bow was bent against [Cicero] alone but in reality against the entire

⁵⁸ Kaster (2006) 145.

⁵⁹ Since the case is one *de vi*, the word *vis* in its various forms occurs throughout the speech, yet Cicero "is at pains to stress the paradox of Sestius, the victim of violence, being on trial for the use of it." MacKendrick (1995) 214. Cicero focuses his use of the word on Clodius and his gangs in 34, 82, 88, 135, and especially against Cicero in 40, 53, 64, 75, 127, and 133.

⁶⁰ As in MacKendrick (1995) 218: The sense of *defendo* travels 20 times from battlefield to law court, mostly in reference to Cicero (*Sest.* 4, 14, 26, 31, 44, 67, 75, 146) With *contendo* and its relatives, the meaning travels from battlefield to a civil venue in various ways (*Sest.* 38, 40, 44) Negative examples of *orno*, *ornamentum* surround Gabinius and Piso as enemies of the Republic (17, 60, 83, 110, 134). *Evertto*, to overthrow, occurs throughout: of the Republic (5, 16, 67, 86), the Empire, Rome itself, Cicero's home (17, 35, 121, 145).

⁶¹ As in MacKendrick (1995) 215: *Scelus*, 'crime' occurs 30 times. What constitutes one for Cicero in this speech? Attacking Cicero himself (14, 17, 53, 133), attacking his defenders (4), being disloyal to him (145), attacking his brother (76), attacking Capua (9), or the Republic (17), confiscating the property of the friendly king of Cyprus (2); Gabinius' and Piso's general rascality, and their making deals for provinces (17, 25, 53 (twice), Clodius' plot to murder Numerius and blame the opposition (82). In reference to Clodius' actions see 15, 22, 29, 53, 68, 106.

commonwealth.” It was the unnamed Clodius, described as *furibundi, irati, and inimici*, “mad, angry, and an enemy” who showed this aggression after he was transferred from patrician to plebeian status. (Sest. 15) Caesar himself approved the legislation which allowed a patrician (Clodius) to become a plebeian, and thus paved the way for him to become a tribune of the plebs. The imagery of the bow, showed his audience how he was under attack by both Caesar and Clodius, here, both unnamed. The strategy, explained by both Steel and Kaster independently, puts the unnamed parties into a realm of the unknown, thereby assigning them sinister status.⁶² However, the audience is fully aware of the people to whom Cicero refers. This rhetorical device adds suspense to the performance and piques the interest of the audience.

The established enemy (Clodius) now has the reins of government, and so the weapons change. This enemy, because he lacks vigor (Sest. 16), must recruit two more of Cicero’s (unnamed) enemies to his cause in order to perform wicked crimes against both nature and the state. Who would harm the state? Not just any men did the wicked enemy enlist, but two consuls (Sest. 17), who have the *fascēs* as weapons, which they use in the wrong ways: *ad delendum senatum, adfligendum equestrem ordinem, extinguenda omnia iura atque instituta*, “to confound the Senate, to humiliate the Equestrian Order, to abolish all the laws and institutions of our ancestors.”⁶³ The force of these long winded, heavily alliterative words would have sounded dolorous and cumbersome, indicative of the impending doom of the republic.

⁶² Kaster (2006); Steel (2007).

⁶³ The *fascēs* were bundles of wood rods tied together with red wraps and carried by the consuls’ attendants called lictors. These rods were symbols of power both “to compel obedience and to punish disobedience.” Kaster (2006) 153.

Cicero describes the first of these two consuls, still unnamed, as effeminate, not worthy of possessing the *fascēs*. (Sest. 18) His actions indicate that he is virtually a criminal, already a debtor and monster. His colleague is worse: he looks regal and worthy yet this is a deception. (Sest. 19) These are the first glimpses the audience gets of the enemies of Cicero, of Sestius, and, by association, of the state. Cicero mentions them again as he restates and amplifies the evil qualities that each man possesses.⁶⁴ Patriots follow even the weakest of rulers, Cicero continues, because of their sense of duty to the state. Still, this second consul does not even have a sense of duty, because he agreed with philosophers:

Sapientes omnia sua causa facere, rem publicam capessere hominem bene sanum non oportere, nihil esse praestabilius otiose vita plena et conferta voluptatibus. (Sest. 23)⁶⁵

The wise do everything for their own interests; no sane man would engage in public affairs; nothing was preferable to life of tranquility crammed full of pleasures...

Cicero does not think that this man could harm anyone, but he summarizes what he and the other two men were capable of in his introduction to their deeds:

Si gladium parvo puero aut si imbecillo seni aut nudum vel fortissimi viri corpus accesserit, possit acie ipsa et ferri viribus vulnerare, sic, cum hominibus enervatis atque exsanguinibus consulatus tamquam gladius esset datus, qui per se pungere neminem umquam potuissent, ii summi imperii nomine armati nudatam rem publicam contrucidaverunt. (Sest. 24)

If you gave a sword to a little boy or a weak old man or a cripple, he could harm no one by making a frontal attack but could wound even the bravest man with the weapon's powerful blade if he came upon him unarmed; just so, when the consulship was given like a sword to people without strength

⁶⁴ Cicero introduces Gabinius and Piso in 14–17 and then expounds upon his first introduction with detailed information about each man independently and then together: their personal qualities (18–20a), rise to power (20b–23), actions as consuls (24–26), the laws they instituted (27–33) and illegal happenings under their rule (33–35).

⁶⁵ Again, Cicero uses the heavy gerundives to make his point about Gabinius and Piso.

and vigor, who on their own could never have stabbed anyone, they found the commonwealth exposed, and they cut it to pieces, armed with the title of supreme power.

The weapons of the two consuls, and their compact with the tribune, harmed the state. Cicero claims that they sealed their pact with his sacrifice, when Clodius immediately introduced legislation which compelled Cicero to leave Rome. The people of Rome fought back, however, with the weapons of citizens: demonstrations, mourning dress, and tears (*Sest.* 25) This sets the stage for the defenders of the republic, 'patriots' like Sestius, to come to its (and Cicero's) rescue. (*Sest.* 25–26)

At this point in the speech Cicero explains the circumstances of his own exile at the hands of these three men, still unnamed. Cicero's tactic keeps the audience listening and here, as he recalls their suffering, Cicero explains that their misery was caused by Cicero's absence, Clodius' actions, and by *operarum suarum gladiis et lapidibus*, "swords and stones of his hirelings." (*Sest.* 27) Cicero compares one henchman, the consul Gabinius, to Catiline, Cicero's former (and defeated) enemy, because he attempted to make a speech threatening the Roman knights for defending Cicero. Gabinius had banished a harmless son of a friend of Cicero's, a dutiful citizen. Cicero in this instance not only shows that the consulship was used as a weapon against the friends of Cicero but also demonstrates how even lawabiding citizens can suffer punishment. Cicero's examples establish the need for more lawful resistance in Rome to men whose actions make them enemies of the state.

It is not until § 31 that Cicero brings the audience back to the present. Here Cicero ceases his storytelling to remind the audience that he is defending the named Publius Sestius, who is presently the one suffering as a defendant, who devoted himself

and his force (*vim*) to secure the return of Cicero. (*Sest. 31*)⁶⁶ Here Cicero deftly ties Sestius to himself, as each defended the State from the same enemies. This clever aside in mid-thought plays with the audiences' emotions, giving them an opportunity to take a breath during the fretful narrative about their own suffering, at the same time as Cicero prolongs the suspense to hear the names of the yet unnamed enemies. Cicero promises to reveal the relevance of his digressions, and then plunges immediately back into the narrative.

Now that Sestius and Cicero share the role of defendant, because Cicero's fate is also Sestius', Cicero can reveal the names of the enemies: tyrannical Piso and cruel Gabinius, entrenching himself and his defendant opposite them. (*Sest. 32*) While the conventional types of consuls help maintain the peace and prosperity of the state, these two violated tradition. Among their deeds: watching the "madman, that curse of his country" legislate measures against [Cicero] and against the commonwealth. (*Sest. 33*)

§ 34 is the climax of Cicero's explanation of their evil:

Isdemque consulibus inspectantibus servorum dilectus habebatur pro tribunali Aurelio nomine collegiorum, cum vicatim homines conscriberentur, decuriarentur, ad vim, ad manus, ad caedem, ad direptionem incitarentur.... arma in templum Castoris palam comportabantur... . armati homines forum et contiones tenebant, caedes lapidationesque fiabant. (Sest. 34)

And while the same consuls sat and looked on, a levy of slaves was conducted at the Aurelian tribunal for the alleged purpose of forming clubs, as street by street people were enlisted, formed up into squads, and incited

⁶⁶ *ac si in exponendis vulneribus illis de me ipso plura dicere videbor, ignoscitote; nam et illam meam cladem vos et omnes boni maximum esse rei publicae vulnus iudicastis, et P. Sestius est reus non suo, sed meo nomine: qui cum omnem vim sui tribunatus in mea salute consumpserit, necesse est meam causam praeteriti temporis cum huius praesenti defensione esse coniunctam,* "And if in laying open these wounds, I seem to say rather much about myself, you must pardon me. For both you and all loyal citizens held that the disaster that befell me was the greatest possible wound to the State, and that Publius Sestius is a defendant not on his own account, but on mine; and since he devoted all the strength his tribunate gave him to promoting my welfare, my cause in past time must needs be linked with the defense of Sestius in the present."

to violent assault, murder, and plunder.... Weapons were openly stockpiled in the temple of Castor.... Armed men controlled the forum and the assemblies of the people, murders were committed, and people were stoned.

The person responsible, because of the ineffectiveness of the consuls, becomes the ultimate enemy, also the hand behind the prosecution for *vis*. Cicero dramatizes the irony of the situation, for this is exactly the charge against Sestius:

unus omnem omnium potestatem armis et latrociniiis possidebat non aliqua vi sua, sed, cum duo consules a re publica provinciarum foedere retraxisset, insultabat, dominabatur, aliis pollicebatur, terrore ac metu multos, plures etiam spe et promissis tenebat. (Sest. 34)⁶⁷

One man alone held all power with the help of arms and brigandage, not by any force of his own, but after he had diverted the two consuls from the interests of the State by the bargain over the provinces, he behaved insolently, played the tyrant, made promises to some, kept his hold on many by fear and terror, on still more by hopes and promises.

Cicero pauses again, at the climax of his narrative about his enemies, this time to provide a defense of his actions and intentions when Clodius and the two consuls came to power. This consular *apologia* in § 36–50, which gives Cicero the opportunity to expand the brief arguments of the same sort offered in the previous *post reditum* speeches,⁶⁸ is approximately the same length as his depiction of his enemies and their deeds. (Sest. 15–35) “Cicero first acknowledges an apparent weakness in his position: in this case, the feebleness of his withdrawal (Sest. 36), in the latter, the inconsistency of his stance and then affirms that the apparent weakness in fact manifests the most

⁶⁷ Note the language used here (a tricolon): *armis et latrociniiis* and *vi* show how Clodius used his power against the State. Cicero also employs tricolon *crescens* (with three increasing verbs) and then *descens* (with three decreasing ablatives – the tools he used to harm Rome) in the conclusion of the period which mimicks Clodius’ domination first over the consuls, then the people: *insultabat, dominabatur, aliis pollicebatur, terrore ac metu, plures etiam spe et promissis*.

⁶⁸ *Red. sen.* 33–4; *Dom.* 96–9.

honorable strength and patriotism.”⁶⁹ In severe contrast to the deeds of Cicero’s enemies, he uses favorite fellow *novus homo* Gaius Marius (again)⁷⁰ as an historical example or ‘paradigmatic case,’⁷¹ in this justification for his own actions. Cicero twice manipulates the figure of Marius as it suits him in this speech. The *exemplum* of Gaius Marius is ambiguous because of the extent and characteristics of his career in Roman politics. Here he cites the example that uses Marius as an enemy, who forced his counterpart, Metellus Numidicus to withdraw from Rome rather than see her succumb to violence. Marius, backed by Saturninus, thought he was acting in the interest of the people. By contrast, Cicero becomes like Metellus, and an additional *exemplum*, M. Aemilius Scaurus, whose actions prevented civil war, whereas his own enemy, Clodius, seems to seek out civil war with his actions. (Sest. 37)

Cicero’s explanation continues through § 49. During the continuation of his *apologia*, he consistently compares himself to a strong fighter who chooses not to go to battle while simultaneously representing himself (and Rome) as the victim of Clodius’ violence. The language in each chapter is clearly military: *erat autem mihi contentio non cum victore exercitu, sed cum operis conductis et ad diripendam urbem concitatis*, “I had to contend not with a victorious army, but with gangs of hirelings, made eager to plunder the city.” (Sest. 38) And later, *quos homines si...vi armisque superassem, non verebar, ne quis aut vim vi depulsam reprehenderet aut perditorum civium vel potius*

⁶⁹ Kaster (2006) 202.

⁷⁰ Carney (1960) 82–113 examines how Cicero uses Marius as an *exemplum* in his speeches.

⁷¹ Carney (1960) 103. Kaster (2006) 205 notes that Marius is Cicero’s favorite *exemplum*, using him throughout his speeches for various reasons. Marius, too, was a new man who saved Rome but in the end led Rome into a civil war to increase his own powers. Op. cit. Sull. 23; Red. Pop. 9; Leg. 2; Div. 1. 106.

domesticorum hostium mortem maereret sed me illa moverent, “if I had overcome these men by force of arms..., I had no fear that anyone blame me for repelling force with force, or that anyone would lament the death of abandoned citizens or rather enemies in our midst...but the reasons....(Sest. 39)

These reasons which bothered Cicero were the words of Clodius, who had used the names and reputations of three powerfully influential Romans for political leverage. This so-called first triumvirate was formed in 60 in order to benefit each member, Caesar, Crassus, and Pompey, in a unique way.⁷² Cicero was perfectly aware of the capabilities of Pompey, his friend since their days spent in the camp of Pompey’s father and also those of Crassus, his current colleague in the defense of Sestius. Clodius played the three against Cicero, claiming that one of them had a very large army in Italy, while the other two could raise their own armies quickly. And he made Cicero and all Romans believe that *signa legionum*, “standards of the legions,” were being brought against Rome. (Sest. 42)

The digression about the triumvirs is an extension of the tactic used by Cicero in his *exemplum* of Marius, Saturninus and Metellus. There, Cicero carefully points out that Marius was a worthy foe, a consular, former savior of the country, and was accompanied by the tribune Saturninus, who was “an alert fellow and a popular

⁷² For more information and discussion about the first triumvirate, see Sanders (1932), who seeks to prove that Cicero never knew about the secret coalition, using his letters from exile as evidence. He also urges scholars to analyze Cicero’s letters without the benefit of modern historical knowledge. Cary (1932) treats Pompey’s rise to his return from the East. Gruen (1966) discusses Clodius’ role in the triumvirate, arguing for his independence. Mitchell (1973) refuses to accept that Pompey “did work within the traditional framework of the constitution” and that Cicero’s aim was to win him over. Gruen (1974) revisits the subject, surveying 78—49 using only “current” contexts as his tools for understanding events. Ward (1977) carefully assesses major events in 59 which led to the development of the first triumvirate, questioning the status quo and interpretations of Cicero’s role in the triumvirate, Caesar’s role, and the importance of Luca. For a history from Caesar’s perspective, see Gelzer (2008), who details Caesar’s career up to and throughout his consulship. Riggsby (2002) 95–116 discusses Cicero’s treatment of the triumvirate both as one entity and the three individuals.

champion of the people's cause, [and] at least personally temperate."⁷³ Marius and Saturninus,⁷⁴ while mentioned as enemies, were worthy of Metellus' fear and subsequent actions. Cicero compares them to the consuls Gabinius and Pius, both unworthy: "monsters, whom poverty, huge debt, irresponsibility, and wickedness had consigned [them] to the tribune as chattel bound hand and foot."⁷⁵ Clodius and the consuls, unworthy foes, needed to use the names of the most powerful men in the Republic in order to affect the exile of Cicero. Cicero has thus spent roughly thirty chapters speaking of the evil power of Clodius and his hired thugs. By giving credit to Clodius and his supposed leverage, the triumvirate, Cicero magnifies their importance and consequently, their evil status. The triumvirs also become public enemies of Cicero.⁷⁶ Even though he treads lightly about his relationship with each man and their actions, just by using them in his speech, Cicero has tied their actions to Clodius. As evidence of his feeling regarding these men, I cite Cicero's digression concerning how they treated Marcus Portius Cato, also a vocal anti-Catilinarian, and harsh foe of the

⁷³ *Sest. 37, res erat cum L. Saturnino, iterum tribuno plebis, vigilante homine, et in causa populari si non moderate at certe populariter abstinereturque versato*

⁷⁴ Lucius Appuleius Saturninus was a tribune of the plebs in 103 and 100, He assisted consul Marius with an agrarian law which provided land for the veterans of his campaigns against the Germans. With these *exempla*, Cicero's audience would have made a connection between Caesar, Clodius, and the resistance of Bibulus.

⁷⁵ *Sest. 38, sed duo importuna prodigia, quos egestas, quos aeris alieni magnitudo, quos levitas, quos improbitas tribuno plebis constrictos addixerat.*

⁷⁶ Lintott (1999) 198 n. 1 exonerates Crassus from this union somewhat because Crassus seemed to stay on the political fence. Crassus did not enjoy any military successes like those of Pompey and may have tried to aggravate him by using Clodius as a henchman, but there is much argument that Clodius was an independent agent. See also Gruen (1966), Tatum (1999). I believe that Cicero's statements here do group the triumvirate (even Crassus, who defended Sestius with Cicero) and Clodius into the same faction, *contra rem publicam*, because Cicero had always opposed its existence and he aims to show later in his speech that such alliances harm the State. Crassus' political alliance with Caesar and Pompey has been difficult to uncover. I treat this section of the speech, known for its message of *otium cum dignitate* in Chapter 3.

populares. Cato's removal from Rome, conveniently honorary, must have really hurt Cicero, who at the time had already become an exile.⁷⁷

Taking all of these factors in consideration, Cicero's agenda here also must serve another purpose: He is in effect declaring his independence from the three, especially now during his triumphant return, while simultaneously weakening Clodius' position as one who uses rumor and hearsay to accomplish his goals. The reference to Catiline, who mounted his conspiracy using similar means and was unsuccessful due to Cicero's actions, reinforces Cicero's position. (Sest. 42) Furthermore, although Cicero did succumb to Clodius' strategy, his actions still mirror those of the conservative Metellus. This is very important in the early spring of 56 as Cicero is forensically re-establishing his role in Roman politics.

Cicero's unnecessary mention of Caesar, Crassus and Pompey, whose alliance failed ultimately to benefit Rome, also corresponds with his previous citation of Gabinius, Piso, and Clodius, who tried to attack the state. (15–35) Again, the imagery is military. The verbs, highly alliterative with numerous instances of the pluperfect subjunctive —*isse*— suffixes (and similar sounds), hiss with the excitement of 'What if this had happened? What if I had done this?'⁷⁸ In each instance, the proposed situational alternatives yield defeat, yet then, as the narrative reaches a climax, Cicero launches his own volley of questions. This bombardment of rhetorical questions

⁷⁷ Unlike Cicero who could not be swayed by Caesar's offer to join a commission (*Att.* 2.18.3), Cato proudly accepted a post in Cyprus, recently annexed by Rome from Ptolemy XI Auletes of Egypt.

⁷⁸ *defuisse. vicissent; interfectus esset; dixisset; decertassem, fuisset imposuisset, maluissem; concidissem.* (Sest. 43) *Senatum consules, credo, vocassent, quem totum de civitate delerant; ad arma vocassent, qui ne vestitu quidem defendi rem publicam sissent* (abbreviated form of *sivissent*); *a tribuno plebis post interitum dissedissent, qui eandem horam meae pestis et suorum praemiorum esse voluissent.* (Sest. 44)

mimicks the cacophony on a battlefield and, perhaps, the tormented mindset of Cicero while deciding to leave Rome.

The denouement of his *apologia* comes with another round of *exempla*, although here, following his fierce attacks, Cicero employs a mythological reference followed by historical *exempla* of revered heroes. (Sest. 44) The tricolon of examples here completes a tricolon of allusions in the narrative, which focuses on the episode involving the most powerful men in Rome: Crassus, Pompey, and Caesar, who failed to save Cicero from his exile.⁷⁹ Cicero may be implying that their powerful reputations which were effectively misappropriated by Clodius, were nothing more than criminal inactivity that could only be solved by his departure. Therefore, Cicero's *apologia*, or what he called *omnem rationem facti et consilii mei*. (Sest. 36) does indeed give "all the reasons of [his] conduct and decision" and places the triumvirs at the center of his blame.⁸⁰ Kaster writes, "Cicero suppresses the triumvirs' actual indifference or hostility while yet explaining their influence" and I add, inactivity.⁸¹

His tactic of showing how very powerful men had been essentially impotent when the state needed them most also climaxes with an *exemplum*, this time, and once again, of Marius. In contrast to the enemy that Cicero described at the beginning of his *apologia*, he now utilizes Marius as a savior of Rome. Cicero describes Marius, his fellow Arpinate, as active even into his old age. § 50 is filled with a lively narrative of

⁷⁹ The structure of the *apologia exempla*: Marius, Saturninus, Metellus (36–38); Crassus, Pompey, Caesar (39–41); Erechtheus, Gaius Mucius, Publius Decius (44).

⁸⁰ Kaster (2006) 211.

⁸¹ Kaster (2006) 211. Although we cannot know exactly what the triumvirs' response was to Cicero's dilemma as he faced Clodius and the consuls, Kaster does show that Cicero's frequent asides (to the extent possible, *quoad licuit* (39); who was not obliged to be estranged, *nullo...alienus esse debebat* (39), et al.) were characteristic of the care he took in treating these men in his *post reditum* speeches. The three are only also mentioned together in *Har. resp.* 47, "much to the same effect."

Marius' struggles as he made his way through the marshes and saved himself in Africa to ultimately benefit Rome. (Sest. 50) Immediately following his depiction of Marius, Cicero inserts himself as a recent-day Marius, braving the greatest challenges because "the safety of the State depended on his life, so that it may be said that he lived at the risk of the State; risk to his life would have brought risk to the State."⁸²

Following his *apologia*, Cicero claims to return to the events which led to the charge against Sestius. (Sest. 51) This transition is the calm following the storm of questions in the previous section, where Cicero carefully recapped his argument. He also gives his audience a chance to pause before he describes the events of 58. Again the imagery of war is substantial, as Cicero claims through a series of *praeteritiones* that Rome will no longer need to fear "consuls" such as Gabinius and Piso, a "wicked man" claiming to have the backing of "patriots, while they remain silent, nor terrorize civilians with threat of armed military force, nor a general by the city gates," now that Cicero has returned.⁸³ He says,

Quae cum omnia atque etiam multo alia maiora, quae consulto praetereo, accidissent, videtis me tamen in meam pristinam dignitatem brevi tempore doloris interiecto rei publicae voce esse revocatum. (Sest. 52)

Although all of these things have come to pass—and other, much more serious things that I intentionally set aside—you see that the commonwealth has nonetheless called me back, after a brief interval of grief, to the worthy standing that I previously employed.

This rather bold statement, buried in the peaceful intermission between Cicero's *apologia* and the events of 58, is the first of its kind since his return. Cicero has just

⁸² Gardner (1984) 99 note d.

⁸³ *Primum non est periculum ne quis umquam incidat in eius modi consules, praesertim si erit iis id quod debetur persolutum. deinde numquam iam, ut spero, quisquam improbus consilio et auxilio bonorum se oppugnare rem publicam dicet illis tacentibus, nec armati exercitus terrorem opponet togatis; neque erit iusta causa ad portas sedenti imperatori qua re suum terrorem falso iactari opponique patiatur.* Sest. 52

completed what will become one-third of his first defense speech *post reditum*. In it, rather than provide a true defense of his client, Cicero gave the onlookers, the jury, and the Roman Forum itself, the sights and sounds of its savior. This, I believe, is the endpoint of the *praemunitio* of Cicero's speech *pro Sestio*.

A *praemunitio* or 'advance fortification' is intended to be an anticipatory view of character, in which the speaker usually provides a glimpse into the defendant's life and career in order to establish that the defendant is indeed blameless. "In doing so, he tried to set aside any doubts the prosecutor had raised under that heading, and any other doubts or side issues that might hinder him from presenting the relevant facts of the speech in the most useful way."⁸⁴ Rather than provide advance fortifications for Sestius in his *praemunitio*, Cicero pleads a case on his own behalf in order to redeem himself in the eyes of Rome. In this speech, and in his next (*pro Caelio*), Cicero forcefully departs from the conventional speech structure. Granted, the conventional structure was more of a guide than a straitjacket, Cicero nonetheless seized the opportunity presented by the defense of Sestius to give an account of his own life and career immediately prior to his exile for the purpose of his own political redemption. He fills this elaborate narrative with invective (against Clodius and his accomplices) and blame (on the triumvirs) to help his audience understand and perhaps forgive his past crimes.⁸⁵ This section of the *pro Sestio* contains a tactic frequently employed in defense speeches: the mourning family. (*Sest.* 53)⁸⁶ Cicero pointedly seeks the sympathy of his audience in order to prepare them for the attack forthcoming.

⁸⁴ Kaster (2006) 23.

⁸⁵ i.e. the reasons for his exile.

⁸⁶ cf. *Sest.* 6; *Cael.* 4–5; *Sull.* 19–20; *Flac.* 106; *Clu.* 12

Sed ut revertar ad illud, quod mihi in hac omni est oratione propositum, omnibus malis illo anno scelere consulum rem publicam esse confectam...cum ego me e complexu patriae conspectuque vestro eripuissem et metu vestri periculi, non mei, furori hominis, sceleri, perfidiae, telis minisque cessissem patriamque, quae mihi erat carissima, propter ipsius patriae caritatem reliquissem. (Sest. 53)

But to return to the object which I have set before me throughout the whole of my speech, to show that in that year the State was ruined by all manner of evils through wickedness... When I had torn myself away from the arms of my country and from the sight of you; when, through fear of danger to you, not to myself, I had yielded to a man's madness, to his crime, perfidy, arms and threats, and had left my country, which was dearer than anything else to me, for the very reason it was so dear.

Cicero personifies the Fatherland as he reluctantly departed from her embrace.

The imagery of parent and repeated use of *patria* further suggest a child-parent bond.

The depictions of his own selflessness mirror that of a parent sacrificing self for a child, yet the imagery is reversed, since Cicero is the child of his *patria carissima*. This sad farewell, extended by the hissing sounds of the “ss” heard earlier in the descriptions of the possibilities proposed by Cicero when he was considering the attacks of his enemies, once again engages the audience and prepares them for what comes next.

Once Cicero explains his departure, he and his family become the passive victims of Clodius and his gangs. The verbs concerning Cicero in § 54 are all passive voice while his enemies actively use force against him.⁸⁷ The focus moves from Cicero to his attackers because Cicero intends also to utilize this *praemunitio* to advance his planned attack on his enemies in the *narratio* which follows. (Sest. 56–92)

Because Cicero designed the beginning of his speech as a device of redemption, he has built the confidence needed to continue with his defense of Sestius, which truly

⁸⁷ *Passi sunt; me perculso, vexabatur uxor mea, liberi quaerebantur, gener reiciebatur, bona deripiebantur eaque deferebantur, consules epulabantur, laetabantur, commoverentur. Sest. 54.*

lies between § 55 and § 95. His successful strategy was to show that Clodius was guilty of physical violence against the Republic, so that no deed which opposed those actions against the Republic could be considered an act against it. However, an important aspect of his strategy was the character portraits painted in his *praemunitio* of redemption. By making Gabinius, Piso and Clodius the embodiments of evil, criminal behavior, and war-like violence, all of their activities leading to 58 and following until Cicero's recall were *contra rem publicam*.⁸⁸ They acted against Cicero, who always worked on behalf of the state. Therefore, their actions harmed Rome. Cicero's *patria carissima* suffered at the hands of his enemies. When Cicero describes the actions of those forces which countered evil, especially Sestius, as well as Milo and others, he speaks of heroes vanquishing evil. It was through these clever characterizations of himself, his enemies, his allies, and the state that Cicero was able to create a battle between good versus evil and successfully defend Sestius. It also gave Cicero the opportunity to elevate the status of a certain kind of Roman in his *ethica digressio* which follows in § 96–143.⁸⁹

⁸⁸ A definition of *vis*, discussed at length in Riggsby (1999) 79–119.

⁸⁹ Much scholarship about the *pro Sestio* focuses on Cicero's political manifesto in § 96–143, specifically questioning and discussing what Cicero meant by "*otium cum dignitate*". For background information, see Gardner (1984), Kaster (2006) 31–40; May (1988) 90–105; Remy (1928) argues that in the *Pro Sestio otium cum dignitate* applies to the State and the government, whereas in all other instances it applies to individuals. Wirszubski (1954) explains and condenses prior arguments to derive that it the words mean "tranquillity of all and the dignity of the 'best', in true republican fashion. What was meant by Cicero he avoids. Balsdon (1960) 43–50 asserts that it meant Cicero desired "a peaceful and contented populace, a responsible, effective, and respected government"; Lacey (1962) 67–71 argues passionately that Cicero's *otium cum dignitate* is "a call to defend *lex* and *ius* against *vis*, and to urge the young to take to the optimate way with courage and energy." For this study, I intentionally avoided discussion of the meaning of *otium cum dignitate*, treating it instead as central to Cicero's political manifesto in which he defines the roles of *populares* and *optimates* in order to attempt to break apart the union of Caesar, Crassus and Pompey. I briefly discuss this part of the speech in Chapter 3.

At the conclusion, in what is called a *commiseratio*, Cicero appeals to the jury, restating his personal request for justice. After pleading on behalf of fathers and sons, friends and companions, Cicero glorifies the State above all the rest: *ipsa res publica, qua nihil est sanctius*, “the commonwealth itself – the most sacred of all things.” He then establishes himself as partner of Rome, his ultimate character creation, in his final statement: *vos me reficere et renovare rem publicam* “It is your [judgment] to restore me and make the commonwealth new.” (Sest. 147) By their judgment, the jury did indeed restore Cicero, who redeemed himself in their eyes, but ultimately failed to rejuvenate Rome.

CHAPTER 5
RESTORATION: PRO CAELIO

*Nemo qui breviter arguetque incluso adversario laxaret iudicum animos
atque a severitate paulisper ad hilaritatem risumque traduceret.*

–Cicero, *Brutus* 322¹

Ego nihil dicam nisi depellendi criminis causa.

–Cicero, *pro Caelio* 31

The string of forensic successes experienced by Cicero following his return to Rome had given him great courage. He wrote:

*nos adhuc in nostro statu quod difficillime recuperari posse arbitrari sumus,
splendorem nostrum illum forensem et in senatu auctoritatem et apud viros
bonos gratiam, magis quam optaremus consecuti sumus. (Att. 4.1)*

Of my general position it can thus far be said that I have attained what I thought would be most difficult to recover, namely my public prestige, my standing in the Senate, and my influence among the boni, in larger measure than I had dreamed possible.

The two weeks following his victory in the case of Sestius were filled with even more politically charged trials.² This busy time for Cicero and his supporters must have given him the confidence about his newly strengthened public position because, in the next trial, he deliberately attacked the noble and influential family of the Claudii.

In his defense of Marcus Caelius Rufus, the high-living, young, and aspiring Roman politician, Cicero launches bitter invective against both Clodius and his sister, Clodia Metelli. The charges *de vi*, a collection of alleged offenses both international and domestic in nature, forced a trial during the *Ludi Megalenses*, a festival honoring the

¹ From the *Brutus*: “[There was] no one who with brief and pointed jest at his opponent’s expense was able to relax the attention of the court and pass for a moment from the seriousness of the business in hand to provoke a smile or open laughter.” From *pro Caelio*: “I will say no more than what is necessary to repel the charge.”

² Milo prosecuted Sextius Cloelius just prior (*paucis his diebus*) to the trial for Caelius, (*Cael.* 78) Cicero successfully defended Publius Asicius of the murder of Dio of Alexandria, (*Cael.* 3–4).

Magna Mater.³ The circumstances of the trial, the citizens involved, and the manipulations of each by Cicero have led to general acceptance by scholars of Caelius' innocence.⁴ In defense of this tendency, there are few words besides those of Cicero regarding the events and characters involved with this scandalous trial. And, it is obvious that Cicero's presentation controlled both the ancient jury and the modern analysts.⁵

Could Caelius have committed murder? Was he even capable of such a deed? The Roman jury acquitted him of the charges; yet, was he totally innocent? The Roman legal system assumed innocence until guilt was proven⁶; and scholars have largely focused on the unlikelihood of the major charge, the attempted poisoning of Clodia Metelli. Very little consideration has been given to the possibility that Caelius was guilty on some, if not all charges in the indictment. Scholars have been misled, as was the ancient jury, by, among other contrivances, Cicero's exceedingly clever and witty denial of the poisoning charge in the comic scene he paints of the supposed transfer of the drug at the Senian bath. (*Cael.* 56–69) Rather than be seduced by Cicero's rhetorical masterpiece, I aim to uncover his purpose and explain his methods.

³ Var. *L.* 6. 15.

⁴ E.g. Austin (1960) 152–154. Austin's text with commentary (in its 3rd edition) has become the authoritative text for the *pro Caelio*, offering a detailed introduction and numerous appendices to give every reader a full understanding of the circumstances surrounding the trial, the prosecution, the defense, the charges, and the effects. For Caelius' innocence, see also Crownover (1934) 137–147, who writes from a different era. Her argument is almost humorously subjective and very antiquated. I chose her discussion as evidence of Caelius' innocence as it is indicative of much of the pre-WWII scholarship. It is not until post-modernist and more feminist views of the later 1980s and following that scholarship appreciates, with perhaps a bit more objectivity, the circumstances of the trial and our sources for it.

⁵ Craig (1989) 314 presents Cicero's dilemma and its solution in this article. So that he does not reveal Caelius' immoral behavior, Cicero depicts Clodia as a spurned lover paving the course for Cicero to detail an affair without truly admitting it, invent an exhaustive argument, and validate to his own version of events through his repetition.

⁶ Clarke (1953) 64–65, 78.

There were numerous political considerations involved in the trial. Scholars agree that the charges were made to prevent Caelius from prosecuting Atratinus' father, Lucius Calpurnius Bestia, whom he had prosecuted previously (and unsuccessfully) for electoral malpractice in the praetorian election of 57 B.C.⁷ According to Roman law, when one citizen was being charged with a crime, he could not make a charge against another. Thus, scholars believe that Bestia's son Atratinus levied the charge of *vis* against Caelius in order to block a second suit against his father. Following the Cicero's argument, Craig argues that the prosecution misused the charge of *vis*, that the charges of gold and poison were fabrications, and that the prosecution's plan was simply to destroy Caelius' character.

The defense initiated by Cicero seems to support this idea, because only a fraction of the speech is dedicated to the actual legal defense of Caelius (only about 29 chapters of the 80). But there are serious problems here. First, who was Caelius, really? From this speech we learn that the young man was an apprentice in politics and rhetoric under both Crassus and Cicero, though briefly distracted from his mentors by Catiline's influence. Caelius had not been mentioned previously by Cicero in his letters. But, indeed, he was a rising star in the forum, having successfully prosecuted Cicero's consular colleague, C. Antonius Hybrida, prior to Cicero's exile. Did his rising star status warrant character destruction by others?

Alexander gives a more objective explanation regarding the severity and number of the charges:

⁷ This is one of the very few instances recorded in which a man who had been acquitted previously would be tried again for the same crime. Alexander (1982) discusses the few occurrences in his article.

We know relatively little about the *vis* laws. We cannot discern whether all the allegations, if true, would have constituted violations of the *vis* law under which this trial was conducted; clearly, some of them could have been handled under other laws. We also cannot know to what extent the jury was likely to take a strict legalistic position, or whether they would regard any violent conduct as falling within their purview. But they ought to have found Caelius guilty if they decided that he had violated the law in any way, so the prosecution was not risking much by including everything that might impress the jurors as a violation of the *vis* law.⁸

Since the Romans believed that bad character led to criminal acts, in order to create a more solid case against Caelius, the prosecution stacked up charges against his character. The prosecution alleged eight specific offenses against Caelius: “civil disturbances, assault, property damage, the murder of Dio, an attack on a senator, an attack on senatorial wives, receiving gold to buy poison and a plot to murder Clodia.”⁹ These were bundled together by the prosecution and they filed these as charges under the *vis* law.¹⁰ But some, or all, may well have had some basis in truth.¹¹

⁸ Alexander (1982) 164, working from the hypothesis that “the prosecutor was not limited by any list of charges submitted at the beginning of the trial, as to the charges he was allowed to bring before the jurors in his oration(s) and presentation of testimony” and presents that forensic speeches for which scholars have assumed little legal significance may have had more trial-related significance than previously thought.

⁹ I use Alexander’s words here for a summary of the charges (1982) 164. Op cit. Austin (1960) 152.

¹⁰ There is controversy as to which *vis* law governed this trial, the *lex Lutatia* or the *lex Plotia*, and, furthermore, as to the jurisdictional relationship between the two. Second, scholars disagree as to which allegations against the defendant are part of a general denigration of the defendant and which represent charges relevant to the business of the courts; the fact that Cicero weaves in and out between the two complicates the analysis. The skill with which Cicero misleads the jury by mixing refutation of real charges with character defamation is well explicated by Stroh (1975) 243–95.

¹¹ Several scholars make this same statement but none move past it. See Austin (1960), Gotoff (1986), who argues that Cicero contrived his case to be a response to the prosecutors’ claims in a defining strategy in which he created a defense through practical *inventio* in order to achieve a win for his client. He does not go beyond the statement because the aim of his discussion is practical criticism. Ciruolo (2003) uses Austin as his basis for background information. I have not found a scholar who challenges the innocence of Caelius or seeks to challenge the veracity of the charges against him. This is due to lack of evidence and Cicero’s crafty manipulation of the facts of the case as we know them. In a paper presented at ACL Nashville 2007, I treated Caelius’ character and potential proclivity to have committed the charges against him. I have included much of this argument in Appendix B.

According to Cicero, the charges were fictitious and merely a way to destroy the character of Caelius. Yet Cicero needed to make this argument in his speech in order to 1) obtain an acquittal for his client (and therefore a win for himself) and 2) justify his greater purpose: the character assassination of Clodia. In order to do this, Cicero contended that only the last two charges were real¹² (*Cael.* 30, 51) while brushing off the others as irrelevant slander.¹³ As a result, his defense focused on the charges made by Clodia.¹⁴ Yet Cicero did not actually defend his client against these last two charges but, rather, he used the circumstances and the trial to conduct an attack on Clodia. This also explains why Cicero radically departed from the standard speech outline.¹⁵

In his own *de Inventione*,¹⁶ Cicero lays out the conventional structure of forensic speech. The *pro Caelio*, however, excludes the *narratio* and *divisio*, the parts of the speech which normally follow the *exordium*. He focuses less on the facts of the case and more on the characters of Caelius and Clodia, since Cicero was not interested in defending Caelius *per se*. Cicero's newly restored status in Roman politics and recent events have given him the impetus to "answer his opponents, to divert the attention of the audience and to induce the right atmosphere," in which to make an attack on those

¹² Alexander (1982) "It is hard to believe that that Crassus, who handled the first three (charges) in his defense speech (*Cael.* 23) had no legally relevant charges to refute."

¹³ I propose that Cicero's insistence upon this is part of his strategy for acquittal.

¹⁴ Heinze (1925) 60, among others, interpreted §25–27 as building blocks for Cicero's line of defense, specifically that Cicero responds to the speeches of the prosecution, namely Herennius Balbus, when he focuses on the charges relating to Clodia. In response, Gotoff (1986) 123 brilliantly summarizes a caveat against accepting a defense advocate's words as truth: "Information adduced and presented by the advocate, whether concerning the facts of the case, the characters and attitudes of the principals in the trial, the charges and laws involved, or the conduct of the trial, represents the highly controlled and manipulated result of a very practical application of *inventio*."

¹⁵ Ciruolo (2003) xxxi.

¹⁶ *Inv.* I.20–109.

who had harmed him.¹⁷ Yet why did Cicero direct the majority of his speech against Clodia and not her brother?

The effect of the *pro Caelio* speech in itself proves Cicero's intentions. It resulted in a long-lasting, commonly accepted characterization of not only Clodia,¹⁸ but also her brother, Clodius, Caelius, as well as Atratinus, and the other ingeniously contrived personae in the speech. First mentioned passively as the instigator of the trial and then casually labeled "Palatine Medea" (*Cael.* 18), Clodia suffered severe blows when Cicero used scathing invective against her as a defensive strategy. Because of his invective, ancient and modern scholars alike have focused on this anti-Cornelia as the bad girl of faltering Republican Rome. Few scholars have departed from Cicero's characterization or tried to defend her.¹⁹

¹⁷ Clarke (1953) 78.

¹⁸ Clodia also has been so infused and confused with Catullus' fictional Lesbia that the real woman may be lost forever. See Skinner (1983) 275. Also see Appendix A for a summary of the identification of Catullus' Lesbia and her possible connection to this trial.

¹⁹ Dorey (1958) 175 sums the past defenses of Clodia: "R. Heinze (1925) 193–258 and E. Ciaceri (1930) 1–24 have shown that Cicero deliberately magnified Clodia's part in the prosecution. Heinze holds that the prosecution of Caelius was the result of a combination between Bestia's friends and family and the family of Clodia, and he goes on to say that Cicero tried to gain a tactical advantage by giving the impression that Clodia was the heart and soul of the prosecution, and that it all derived from her, pp. 197. It is doubtful, however, whether Clodia's family gave any official backing to the prosecution. Cicero's remark in *Pro Caelio* 68, *tandem aliquid invenimus quod ista mulier de suorum propinquorum sententia atque auctoritate fecisse dicatur*, implies that they did not, but Cicero's word, in such circumstances, carries very little weight as evidence. However, there can be no doubt about Cicero's contempt for the performance of P. Clodius, the subscriptor. This Clodius was clearly a man of very little oratorical ability or standing, and it is inconceivable that, had Clodia's family been giving their official sanction to the prosecution, they would not have selected some more weighty and responsible representative. It seems that he was some nonentity whom Clodia had induced to appear to give the impression that she had the support of her family." Dorey asserts, "Clodia's motives for lending herself to the prosecution's schemes have always been portrayed as vindictive spite and the desire to revenge herself on Caelius for casting her off. But there is no authority for this view apart from Cicero himself, and to implant in the minds of the jurors the idea that Clodia was a vengeful cast-off lover was an essential part of his case." His discussion of the charges and their implications show how and why the ancient jury could have been so easily swayed as was modern scholarship.

Before examining her character as portrayed by Cicero here, we must ask ourselves, why did Clodia open herself to ridicule, given the possibility that Cicero could indeed ruin her reputation? If she was as clever as Cicero himself claims her to be, and if we assume as most do that she is the *docta puella* of Catullus, why would Clodia align herself with a prosecution that may have only peripherally involved her brother?²⁰ Clodius seems to have been implicated at least tangentially to the prosecution, led by Atratinus.²¹ The dutiful son, Atratinus was also politically motivated to charge Caelius in order for his father to avoid prosecution by Caelius. Yet Austin states, "Clodia was the real force behind it."²² His contention is based on Cicero's statements in this speech rather than on sound historical evidence. Still, how were the Clodii and Atratinus connected? Why would the additional element of poisoning provided by Clodia's claim add any substance to the indictment?

Rather than treating the charges of gold and poison as peripheral additions to the other charges *de vi*, perhaps they were the heart of the case against Caelius because he was indeed guilty. T.A. Dorey's explanation, a departure from much of the scholarship, provides an alternate viewpoint into the mindset of Clodia. Rather than a vengeful lover, who had been jilted by a younger man, Dorey argues that Clodia may

²⁰ Austin (1960).

²¹ Gruen (1974) discusses further involvement of Clodia's family in the trial. His exposition of the last "generation" of the title is the period 78 to 49. Gruen's aim is to examine those years from a contemporary Roman point of view while attempting to untwist the perspective of Cicero, treating the time period both chronologically and thematically. His main hypothesis contrasts a majority of scholars, who believe that the destruction of the Roman republic was gradual.

²² Austin (1960) viii. See also Salzman (1982), who attempts to show that Cicero uses the setting of the Ludi Megalensis to further attack the Clodii family with yet another reference to their unorthodox religious behavior. Again, scholars accept only Cicero's explanation of the reason for the trial.

have grown tired of Caelius' attacks and initiated the attack on him,²³ thereby inciting his fury against her. This initial challenge to accepted scholarship may have influenced the more recent views of Marilyn Skinner, who holds that the Clodia of Cicero's speech, as well as Catullus' poetry, falls into the realm of literary creation rather than historical truth.²⁴ Skinner establishes that Clodia was an independent and influential woman who wielded the often envied power of a self-sufficient sexual being. Consequently, Clodia joined the prosecution because she was a victim of Caelius, as the charges state, and therefore sought to seek justice for the crimes against her.²⁵ In so doing, she required the assistance of her brother. Skinner further states,

[Clodia] did adhere to the recognized norms of conduct for the noblewomen of her generation even when she involved herself in supposedly "masculine," as opposed to domestic and "feminine," pursuits... Her interest in the career of her brother is not in itself strange... Interceding for one party in disputes involving members of her family could conceivably be viewed as an extension of women's duty to petition for the welfare of relatives.²⁶

Yet here I argue that rather than providing evidence in a case which Clodius may have merely joined to be a thorn in Cicero's side, the point needs to be made that initially Clodia could have asked her brother to support Atratinus lest Caelius elude prosecution for his crimes against her and, by extension, her family.²⁷ Inciting Clodius

²³ Dorey (1958) 178.

²⁴ Skinner (1983) 273–287.

²⁵ Wiseman (1979) 122 states "whatever the limitations imposed by their respective careers, other things being equal (Clodius') brothers Appius and Claudius – and his sisters too, for that matter – would stand by Clodius in a time of crisis." I think the same would apply to Clodia's time of crisis here.

²⁶ Skinner (1983) 273–287. The *Laudatio Turiae*, CIL VI 1527, is strong evidence for this role.

²⁷ Dorey (1958) 178 explains a number of reasons for the presumed enmity between Cicero and Clodia, specifically citing that 1) Clodia may have been involved with the plundering of Cicero's house on the Palatine upon his exile (*Dom.* 62, *Red. Sen.* 18, *Sest.* 54); 2) Clodia wanted Cicero to divorce Terentia and marry her (*Plut. Cic.* 29.); and 3) Clodia may have misrepresented Cicero to the Metelli in 62 to hurt Cicero (*Fam.* 5. 2. 6.) I find these citations to be entirely circumstantial.

further against the defense team were the recent speeches made by Cicero.²⁸ Clodius therefore agreed to help Atratinus in his prosecution in order to support his sister. His involvement was simple and detached, since he did not have to be present during the trial.²⁹ He then lent his man, a lesser P. Clodius, as part of the prosecution's team.³⁰

When the Clodii joined Atratinus in the prosecution of Caelius, Cicero joined the defense. Why else would Cicero have chosen to involve himself with the ungrateful youth who had disappointed him by associating with Catiline and defeating him in the case which led ultimately to his departure from Rome?³¹ Certainly these events were fresh in Cicero's mind, since he had been speaking openly and copiously about the circumstances of his exile since his return.³² The opportunity to complete his political restoration comes full circle with the opportunity to attack Clodius' family. Therefore, in the establishing the defensive strategy, Crassus and Caelius himself deal with most of

²⁸ See Chapter 3 for speeches leading up to and including *pro Sestio*; Chapter 6 for the relationship between Cicero and Clodius.

²⁹ As stated, the trial took place during the *Ludi Megalenses*, April 3–4, 56 BC. For more about the role of this festival in Cicero's speech, see Salzman (1982). Clodius, *curule aedile* in 56 BC, could not be at the trial due to his civic and ritual responsibilities at the festival. See Tatum (1999) for the most comprehensive look into the life of Clodius.

³⁰ Cicero refers to the P. Clodius present at the trial, and probably a speaker for the prosecution, in §27. Austin (1952) 153–154 writes that it would be improbable for Cicero's comments in §27 to stand as is if the P. Clodius present was indeed Cicero's "arch-enemy." Also, because Clodius was *aedile* during 56, he was most likely not in attendance at the trial in the Forum, but rather overseeing the *Ludi Megalenses*, see note above. This was probably a "less prominent member of the *gens*."

³¹ In his speech in defense of Hybrida, Cicero may have offended Caesar. That very day in 59 BC, Clodius was allowed by Caesar to transfer to plebian status. This gave Clodius the opportunity to become tribune of the plebs. He then began his campaign to remove Cicero from Rome, (*Dom.* 41).

³² Cicero's campaign to re-establish his reputation began with the speeches *Post Reditum, de Domo Sua*, and *pro Sestio*; each mentioned causes and effects of his exile. The first speech of this post exile period that we have in which Cicero does not include this material is the *pro Caelio*. I argue that the absence of this theme indicates Cicero's comfort level in Rome.

the charges, leaving to Cicero the charges of gold and of poison directly involving Clodia, which are a major component of the speech.³³

Cicero could not change or lie about the events that happened at the Senian bath, yet he could exaggerate them into a comedic scene as part of his *fabula* for the jury. Indeed, much of the latter part of the speech is devoted to Clodia's involvement. (*Cael.* 30–70) He knew that in order to gain an acquittal for his client (another win for Cicero's reputation), he needed to discredit the party with the most leverage and power. Clodia was the key witness for the prosecution because she was a victim of the defendant. Cicero, however, uses her vulnerability to ruin her by means of his inaccurate portrayal of her as *meretrix*, *Medea*, and *mulier*.³⁴

In a reversal of sorts, I give more credit to Clodia. She was not only the emotional victim of Caelius, but also the physical victim. Should scholars ignore the possibility that she managed to escape his attempted murder of her? Because Cicero alone controls the jury's perspective of this matron's character with his own invective, scholars have not given Clodia any chance for respect or credibility. The method of his *inventio* is to establish two stock characters: *adulescens* and *mulier*. Through the use of these two words, as well as their context, placement, and apposition, Cicero's speech emerges as a tool by which a culpable man is raised above suspicion and a victimized woman is made a laughable object of invective. This strategy provided Cicero with another means to attack Clodius and his family. The defense constructed by Cicero in the *pro*

³³ In *Cael.* 1–3, 29–31, Cicero specifically mentions the charges of gold and poisoning, whereas in § 30–70, Cicero discusses the influence of *mulier* (Clodia) over the *adulescens* (Caelius). See below.

³⁴ Cicero uses *meretrix* sparingly and for dramatic effect, but esp. in 1, *Medea* in 17, and *mulier* throughout as an epithet connoting evil.

Caelio was one based on character, not on factual guilt or innocence, and was specifically designed to suit Cicero's political purposes.

Looking at the proceedings from Clodia's point of view, the trial offered her a chance to help prosecute the man who tried to kill her. The prosecution presented their case first. By the time that Cicero spoke, the jury had heard all of the prosecution's speeches and then the speeches of Caelius, speaking on his own behalf, and of Crassus. Cicero began his speech with a casual "brushing aside" of the previous issues of the trial and teased his audience with the real reason for a trial on such a festive day, when he implies that the trial was caused by a woman, or, even worse, a prostitute. Oohs and aahs must have greeted Cicero's quick yet scathing words *meretriciis opibus*. (*Cael.* 1)³⁵ In order to make up for the lack of holiday mood in the court, Cicero immediately drew the crowd's attention with his promise of providing an entertaining spectacle.

As stated previously, Cicero was riding high on the successes of the past month.³⁶ His strategy was set from the beginning: discredit Clodia and hurt the Clodians.³⁷ His speech allowed him the scope to create a defense using insinuation rather than fact. As if the situation and involved persons were too easily understood by Cicero, in his *exordium*, he invents two new, additional characters that he alone will have the opportunity to control and manipulate in order to capitalize on all of the circumstances of

³⁵ The use of *meretrix* here would have also served to diminish the credibility of Clodia as a witness for the prosecution.

³⁶ Cicero's successes included the defense of both Sestius and Asicius.

³⁷ In his own *de Inventione*, Cicero comments on the necessity of appealing to the jury through establishment of character in order to achieve good will: *benevolentia quattuor ex locis comparatur: ab nostra, ab adversariorum, ab iudicum persona, a causa*. (22) and in *Orator*, a way of creating an association between advocate and juror so that one can identify with the other to achieve good will: *ad benevolentiam conciliandam paratum* (128).

the trial. At the heart of his argument is his first creation, a personified *adulescentia*, quickly introduced in his opening.³⁸ Cicero had initially used a shock technique to reel in his audience, introducing the casual passerby, a *homo ignarus*, unaware along with everyone within earshot of himself, of the crimes of the *meretrix* mentioned at the very center of his opening. Certainly, this scandalous word (*meretriciis*, *Cael.* 1) was called out with great emphasis, gesture and volume. By twisting the trial into a show, Cicero explains very quickly that his client, identified by his youth and a triplet of modifiers reminiscent of the passive, unknowing passerby, did not “do” anything. The only reason any of them, including members of the court, are present on this holiday, is because of the charges instigated by the *meretrix*. She becomes the wicked mistress while Cicero becomes the benevolent master guiding the audience out from under her spell.

Cicero uses the *ignarus*, a tool similar to the narrator in a Plautine comedy, to provide himself with an opportunity to immediately create a farcical atmosphere in which he can blame both Atratinus and the unknown *meretrix* for why the people present at the trial could not be at the Ludi Megalenses. This unknowing passive man, appalled at why any Roman would be in court on a holiday quickly learns the reason: not the actions of the *adulescentem illustri ingenio industria*, but those caused by a man’s son, Atratinus, and also Clodia. ‘Youth’ victimizes the men of the trial, even including the seventeen year old Atratinus, the subject of the second half of Cicero’s *exordium*.³⁹ By spending time with the slight invective against Atratinus, Cicero attacks Youth, and

³⁸ I will also consider Cicero’s use of *adulescentia* (3, 6, 15, 28, 30, 39, 41, 42, 43, 70, 76, 79, 80), its adjective form, *adulescens* (1, 2, 5, 7, 10, 15, 18, 24, 38, 39, 47, 49, 50, 61, 69, 73, 75, 76, 78) as well as other vocabulary which refer specifically to the “young man.” The diminutive *adulescentulus* is used in §34 and §36; *luventus*, youth, the age of youth (13, 25, 29, 30, 36, 42, 48); *luvenis*, young man (67). See note 39 below for specific occurrences of *adulscen*— used throughout.

³⁹ Cicero mentions Atratinus by name four times total in §1, 2, and 7.

taking the role of master, he teaches Atratinus how to overcome Youth, and therefore his obvious inability to be successful in his prosecutorial endeavor. The quick switch from stinging invective to sweet parental kindness confuses, entertains, and creates a mood of empathy towards Cicero on the part of the jurors, a tactic carefully constructed. (*Cael. 2*)⁴⁰

Cicero also refers to the ‘Youth’ of Caelius, those like him, and any sort of youthful characteristics, as if Youth wielded its own power. Cicero utilizes *adulescens* and *adulescentia* no less than 39 times in his speech.⁴¹ Although in his *exordium*, Cicero

⁴⁰ *Sed ego Atratinus, humanissimo atque optimo adulescenti meo necessario, ignosco. (Cael.2)* Calling attention to Atratinus gives Cicero more credibility as he takes on a magisterial role in order to appeal to the jury. The excusatory tone of this passage would have been insulting to a hopeful, dutiful young prosecutor, and hurt his personal credibility.

⁴¹ *Cael. 1: sed adulescentem illustri ingenio, industria; 2: adulescenti meo necessario; 3: hic introitus defensionis adulescentiae M. Caeli; 5: Nam quod est obiectum municipibus esse adulescentem non probatum suis; 6: quorum in adulescentia forma et species fuit liberalis; 7: pudor patiebatur optimi adulescentis in tali illum oratione versari; 10: Hoc enim adulescente scitis consulatum mecum petisse Catilinam. Ad quem si accessit aut si a me discessit umquam (quamquam multi boni adulescentes illi homini nequam atque improbo studuerunt); 15: sed vix deserti adulescentis cohaerebat oratio; numquam coniurationis accusatione adulescentiam suam potissimum commendare voluisset; 18: hanc adulescenti causam; 24: sed etiam adulescentes humanissimi et doctissimi; 28: sed qui totam adulescentiam voluptatibus dedissen...; et ipsa natura profundit adulescentiae cupiditates; 30: erat enim meum deprecari vacationem adulescentiae veniamque petere; 34: Mulier, quid tibi cum Caelio, quid cum homine adulescentulo, quid cum alieno?; 36: Vicinum adulescentulum aspexisti; 38: quae etiam aleret adulescentes et parsimoniam patrum suis sumptibus sustentaret; 39: sic tu instituis adulescentes? ob hanc causam tibi hunc puerum parens commendavit et tradidit, ut in amore atque in voluptatibus adulescentiam suam collocaret, et ut hanc tu vitam atque haec studia defenderes?; 41: multas vias adulescentiae lubricas ostendit; 42: sit adulescentia liberior; dederit aliquid temporis ad ludum aetatis atque ad inanes hasce adulescentiae cupiditate; 43: quorum cum adulescentiae cupiditates defervissent; quorum partim nimia libertas in adulescenti; quae multis postea virtutibus obiecta adulescentiae...; 47: consularem hominem admodum adulescens in iudicium vocavisset; 49: cum hac si qui adulescens forte fuerit; 50: cum hac aliquid adulescentem hominem habuisse; 61: Datum esse aiunt huic P. Licinio, pudenti adulescenti et bono, Caeli familiari; 69: est enim ab aliquo adulescente fortasse non tam insulso quam non verecundo; 70: hac nunc lege Caeli adulescentia non ad rei publicae poenas, sed ad mulieris libidines et delicias deprecatur; 73: Voluit vetere instituto eorum adulescentium exemplo; 75: fama adulescentis paulum haesit; 76: in adulescentia vero tamquam in herbis significant, quae virtutis maturitas et quantae fruges industriae sint futurae. Etenim semper magno ingenio adulescentes refrenandi potius a gloria quam incitandi fuerunt; 78: honestissimum adulescentem oppressisse videatur; 79: Quod cum huius vobis adulescentiam proposueritis; 80: aut adulescentiam plenam spei maximae.*

claims that a *meretrix* was at the heart of the trial, the subject of his *praemunitio*,⁴² used in place of a *narratio*, focuses around Youth, the root of any character flaws, and subsequently the *meretrix*, the guilty party behind any alleged transgressions of Caelius.⁴³

Ac mihi quidem videtur, iudices, hic introitus defensionis adolescentiae M. Caeli maxime convenire, ut ad ea, quae accusatores deformandi huius causa, detrahendae spoliandaeque dignitatis gratia dixerunt, primum respondeam. (Cael. 3)

I think, gentlemen, that the defense of a young man like Marcus Caelius can best be introduced if I begin by answering what his accusers have said to disgrace my client and to strip him and despoil him of his good name.

The opening of Cicero's *praemunitio*, filled with harsh consonants of N and D, actually sounds like an attack, being launched carefully against the people who have put Caelius in his current situation, not because of something he did but rather due to his *adulescentia*. The *adulescens* engaged in various activities because of the influence of his *adulescentia*, and therefore Caelius should be excused of any blame. Cicero's defense begins on behalf of *adulescentiae M. Caeli*, the Youth of Marcus Caelius. (*Cael. 3*) Cicero mentions Caelius' father, his family in mourning garb, and the townspeople, who were his character witnesses as the *fundamenta firmissima*, (*Cael. 5.2*), explaining away any objections that the *adulescentem* lacks dignity. Does Cicero mean that the *adulescentia M. Caeli* did not lack dignity or the *adulescentem* himself?

⁴² An anticipatory review of character and career is usually used after a *narratio*, or explanation of the facts of a case.

⁴³ Rather than mention (and perhaps overuse) the word *meretrix* again, Cicero lets his audience wonder if he actually used that word to begin with as he launches into a lengthy explanation and defense of the 'Youth' of Caelius from many different angles. The suspense created by the single, quick use of what was a very slanderous term for a Roman matron, would have helped Cicero maintain his *corona*, or circle of gathered audience members.

The careful movement between the two terms and in the nearly synonymous use makes it difficult to distinguish Caelius from his characterization throughout the *praemunitio*.

Cicero also inserts various asides completely off topic from the case at hand, as in the next few sections, to maintain the attention of his audience. With his defense of only three aspects of Caelius' youth, he pauses, stating, *videor mihi iecisse fundamenta defensionae meae...neque enim vobis satis commendata **huius aetas** esse posset* (*Cael.* 5), "I seem to have laid the foundations of my defense...for age of this one would not come before you with suitable recommendation if..." With the change in subject so quickly, the *aetas* becomes the focus, then his father, then the townspeople. With an abrupt stop, Cicero then speaks about himself, virtually adopting Caelius as his own child. Cicero forces the jury to identify Caelius with himself, incorporating all of the same characteristics of a young man, who is not from Rome, who suffers a reputation perhaps compromised by his father's actions, yet who is nevertheless reinforced by supportive fellow townsmen. By using this transference from Caelius to himself, yet then immediately jumping to his own public successes and recognitions, Cicero transfers his current power and authority back to Caelius. This build up prepares the audience for the next topic: *objectum de pudicitia*. (*Cael.* 6)

As the master again, Cicero once more refers to the age and youth of Caelius, although he mentions Youth as positive attributes which cannot detract from the defendant. On the other hand, in an underhanded attack, Youth becomes a liability for Atratinus, once again the subject of Cicero's tutelage, as he offers advice and caution to the young prosecutor in this trial. Instead of focusing on the slanders, Cicero addresses Atratinus, here, for the second time, excusing him from his role as prosecutor in such a

scandalous case, and again, playing the role of the understanding adult teacher. (*Cael.* 7) His condescending tone sets the questionable sexual morals of Caelius against the immature intentions of Atratinus,⁴⁴ redirecting attention from Caelius. Why? Was it because Caelius was in fact guilty of such evil deeds, or even worse? This aside completely discredits Atratinus, making him look like an inexperienced member of the court whereas the youthful Caelius is an experienced member of society.

The diversion technique proved rather effective in avoiding any real attention to and defense for Caelius' sexual morals. Cicero removed any scrutiny of Caelius' reputation so that the jury had no time to think about the lack of any real argument. He then immediately moved into a long exposition pertaining to Caelius' involvement with Catiline, still another diversion.⁴⁵ Between § 6, which contained Cicero's personal aside about his own struggles, and §11, in which Cicero carefully dances around the subject of Catiline's role in Caelius' life, there are over a dozen different words or phrases which draw attention to age, time, and youth.⁴⁶

Then again in §11, Cicero belittles Atratinus and, by association, his efforts for the prosecution, and gradually reduces the suggested sexual exploits of Caelius to the point

⁴⁴ Prill (1986) states that Cicero's focus on Atratinus was "clearly used (to) praise the prosecution as a means of securing (the) good will (of the jury)...Cicero stood ready to forgive (Atratinus)." Prill argues that Cicero wished to do this to put himself in a good light for his *insinuatio* to follow when he creates the character trial of Clodia, both a foil to himself and, he hopes, Caelius. Yet, it is my argument that by doing so, Cicero created the role of "all-knowing master of ceremonies" for his intended farcical production soon to come. This tactic reveals Cicero's awareness of his need, as Prill argues, to secure good will, but also to make his version of events more trustworthy and entertaining. His 'master of ceremonies' role sets himself apart from the severity of Herennius Balbus.

⁴⁵ It seems that Cicero cannot help boasting of his own reputation in this reference to Catiline. Caelius may have been involved with Catiline for a time, but this rather long exposition again diverted the jury from the indictments at hand.

⁴⁶ *Cael.* 6: *natum, in adulescentia, 7: aetas, pudor adulescentis, agam lenius, te parentemque; 8: seiungas, erubescas, ingenii; 9: brevis, aetas M. Caeli, patris diligentia disciplinaque munita, virile togam, a patre continuo ad me esse deductum, in illo aetatis flore; 10: adulescente, adulescentes, illud tempus aetatis, annus.*

where he is merely a boy in a crowd of other *adulscentes*. (*Cael.* 11) It is only when Caelius became a member of the crowd, out from under the wings of Cicero and Crassus, the experienced surrogate fathers taking care of their wayward youthful *tiro*, that finally Cicero admits that Youth desired Catiline,⁴⁷ without using Caelius' name until the very end of the first sentence in §12, within a crowd young men just like him. By hiding Caelius' name, Cicero skates around the damaging admission and is able to focus on Catiline's reputation by drawing attention to his strengths.⁴⁸ This tactic keeps the jury blameless; focusing their attention on those Catilinarian charms which may have fooled even them when Catiline conspired against the state. While explaining Catiline away (*Cael.* 12.2–14.4), Cicero does not once mention Youth or Caelius.⁴⁹ Instead he refers to himself, the master orator, admitting that even he fell under Catiline's friendly enchantments. Being a friend is not a crime, argues Cicero. By referring to himself, Cicero distances himself as master teacher from his student Caelius, influenced only due to his impressionable age, only a friend of the conspirator.

As Cicero moves from the influence of Youth over Caelius to his activities as a young prosecutor in Rome, the frequencies of *adulescen-* become understandably less frequent since Cicero is addressing his more adult activities which are under attack: the slanders of electoral malpractice and extravagant living. These sections are

⁴⁷ *Tot igitur annos versatus in foro sine suspicione, sine infamia studuit Catilinae iterum petenti. Quem ergo ad finem putas custodiendam illam aetatem fuisse? Cael.*11. "It was only after he had constantly for so many years frequented the Forum without reproach or dishonor that he attached himself to Catiline, then a second time candidate for the consulship. How long do you think that his youth should have been protected."

⁴⁸ Ciruolo explains that this characterization of Catiline is an outright lie, as compared to the character drawing done by Cicero *In Catilinam*.

⁴⁹ Riggsby (1999) 104 discusses the technique that Cicero uses here of constructing a different reality for the jury. He argues that the context of the trial, including the festival date, the characters of the persons involved as well as the charge itself aid in the creation of his "desired theatrical metaphor."

characterized by specious logic and incessant transference of blame. Cicero buries the weakest aspects of his case in the middle sections, where they can more easily escape notice by the jury. It is indeed here that Cicero discusses the more mundane arguments of the case intermixed with directions on how the jury and the audience should react to the prosecution's witnesses and defense arguments. The character of Youth has almost been forgotten when it is at last re-introduced into the dialogue immediately before the entrance of Cicero's next character. In §29–31, Cicero makes frequent use of Youth, citing it as three times as the source for indiscretion. There are those who "had given up their youth entirely to sensuality" and then grow up and become respectable "for, by common consent a young man is allowed some dalliance, and nature herself is prodigal of youthful passions..." He begs the jury to not judge youth, but the defendant.

Sed vestrae sapientiae, iudices, est non abduci ab reo nec, quos aculeos habeat severitas gravitasque vestra, cum eos accusator erexerit in rem, in vitia, in mores, in tempora, emittere in hominem et in reum, cum is non suo crimine, sed multorum vitio sit in quoddam odium iniustum vocatus. (Cael. 29)

But your good sense, gentlemen, must not allow you to be diverted from the defendant. Your ideals of strictness and responsibility provide you with a sting; and, since the prosecutor has aroused it against a *topic*, against vices, morals and this age, you must not direct it against a *person* who is facing a charge, when undeserved odium has been called upon his head, through no fault of his own but through the failings of many others.

First, Cicero draws attention specifically to the jurymen. Their wisdom, severity and seriousness counteract the vices of youth, giving them the power to make a proper decision regarding the case. Cicero dismisses all previous charges made by the prosecution, stating that they are merely charges against youth, directed against a person who must answer to the transgressions of the many. Yet, Cicero must be sure

to request that Caelius not be made into a scapegoat for the crimes of others. And so he continues.

Using the cunning device of *praeteritio*, Cicero says that he does not dare to respond to criticisms as he could. (*Cael.* 30) He explains what he could do in order to publicly seek forgiveness for Caelius' character flaws: he could take refuge in his client's youth, he could seek freedom from blame. He claims not to do this, not once, but three times, throughout the first half of § 30.

Itaque severitati tuae, ut oportet, ita respondere non audeo; erat enim meum deprecari vacationem adolescentiae veniamque petere; non, inquam, audeo; perfugiis non utor aetatis, concessa omnibus iura dimitto...
(*Cael.* 30)

And therefore I do not venture to reply as it is fitting to your severe remarks—for my answer might have been to plead the indulgence allowed to youth and to ask you to pardon it—I say, I do not venture to do that; I do not seek refuge in the plea of his youth; I renounce the rights which are granted to all.

The curious arrangement of this first sentence: *erat enim meum deprecari vacationem adolescentiae veniamque petere; non, inquam, audeo* is explained by Ciruolo. “*erat...meum*: “it was mine” + infinitive, “I could be”: *erat* is unusual and highly idiomatic: it basically expresses a present unreal condition (here the protasis or *si*—clause goes unexpressed): “I could be doing this, if I wanted to.” We would expect *esset* according to the usual rule for present unreal conditions.⁵⁰ Cicero explains his choice not to excuse youth in order to draw attention to both his mastery of the situation as well as the forthcoming explanation for the whole trial at hand. The suspense throughout § 28–31 heightens with each period.

⁵⁰ Ciruolo (2003) 121.

Cicero refuses to use Youth as a defense, stating that he sees in the faces of the jurymen the disgust they have for Caelius' character. But they should put these flaws aside and see that the charge before them today was levied by someone worse.

Tantum peto, ut, si qua est invidia communis hoc tempore aeris alieni, petulantiae, libidinum iuventutis, quam video esse magnam, ne huic aliena peccata, ne aetatis ac temporum vitia noceant. (Cael. 30)

All I ask is that, however discreditable young men's debt, excesses and profligacy may be generally regarded at this present time (and I see this feeling is a strong one), don't let the offences of others and the vices of his age and of the times harm Caelius.'

So while claiming not to use Youth as an excuse, Cicero immediately does so. His statement, however, is hidden behind his "reply with the most scrupulous care to the particular charges which are brought against [Caelius] in person."⁵¹ Cicero reveals his motivation: he plans to attack the prosecution, namely its font, Clodia.

Following the conclusion of a *praemunitio* on Caelius' behalf, Cicero focuses on his second character creation, the *mulier*. And although he tries to explain to the jury in the first half of § 30 about what he has not done, even though he already did, and what he will do, but has promised not to do,⁵² now that the jury is sufficiently confused, Cicero makes swift and direct discourse regarding the charges against which he will defend Caelius. Yet more specifically, Cicero launches his attack on the lady who made the charges,⁵³ one involving gold and the other of poison. (*Cael. 30*) At first, Cicero names her frequently. By doing so, he makes the jury and audience aware of her ancestry and

⁵¹ From the Loeb translation, Gardner (1984) 443. *Atque ego idem, qui haec postulo, quin criminibus, quae in hunc proprie conferuntur, diligentissime respondeam, non recuso. Cael. 30.*

⁵² *Cael* 30.1–2 Cicero claims not to take refuge in Youth, but he has already done so (1–30.2). He also claims to not blame others for his client's trial 30.1–2, but he will do so between 30.3–8.

⁵³ A point I have disputed. Cicero's claim is that the charges stem from Clodia as a jilted lover, yet I argue that they originated with her because Caelius attempted to poison her.

affiliations. She is both a Claudian and a Metellan, two of the most powerful and well-known families of the Roman Republic.

As Cicero introduces Clodia, he says her name twice, Caelius' not at all. In fact, when Cicero refers to Caelius' involvement with Clodia in § 31, he only uses Caelius as "he." This technique removes Caelius from any wrong-doing, or any "doing" at all.⁵⁴ All of the actions described by Cicero make Clodia the active participant by the repetition of her name, while Caelius remains in the background as a passive observer. *Sunt autem duo crimina, auri et veneni; in quibus una atque eadem persona versatur. Aurum sumptum a **Clodia**, venenum quaesitum, quod **Clodiae** daretur, ut dicitur.* "However, there are two charges, of gold and of poison; in which one and the same person is involved. Gold was taken from Clodia, poison which was sought, would be given to Clodia, as it is said." By excluding Caelius' name, and virtually deleting his involvement in the crimes implicated by the charges with the passive construction of the verbs both here and later (*Cael.* 31), Cicero blames Clodia for the charges.

Here, it is important to remember what semantic advice Cicero gave to Atratinus earlier in the speech:

Sed aliud est male dicere, aliud accusare. Accusatio crimen desiderat, rem ut definiat, hominem notat, argumento probet, teste confirmet; maledictio autem nihil habet propositi praeter contumeliam; quae si petulantius iactatur, convicium, si facetius, urbanitas nominatur. (Cael. 6)

But abuse is one thing, accusation is another. Accusation requires ground for a charge, to define a fact, to mark a man, to prove by argument, to establish by testimony. The only object of slander, on the other hand, is to insult; if it has a strain of coarseness, it is called abuse; if one of wit, it is called elegance.'

⁵⁴ *Auro opus fuit.* *Cael.* 31.2. In addition to the passive voice, Cicero also utilizes the impersonal construction.

Cicero explained that he would be defending his client with wit.⁵⁵ Here he begins his defense with a carefully constructed play on figures in Roman society. Following the expanded defense of the Youth of Caelius in § 1–30, Cicero now focuses on Clodia, *muliere...de qua [Cicero] nihil dica[t] nisi depellendi criminis causa*, “a woman, about whom Cicero will say nothing except for what is necessary to repel the charge.” (*Cael.* 31) To conclude §31, Cicero specifically names Clodia as the reason that all of them are participating in a trial that day. His defense, however, becomes offense. Cicero insults Clodia violently, although not for the first time but in a variety of ways, each representing the type of invective used later in the speech.⁵⁶ First, Cicero refers to *hac sola*, she alone is the reason; next, *ista muliere remota*, without her there would be no trial; then, *mulieris viro – fratre volui dicere*, an incest jab; and finally, by calling Clodia *amicam omnium*, he cheapens Clodia, reducing her to the *meretrix* to whom he casually referred in §1. And all of this, Cicero tells the jury, he does *modice*.

At this point, it is necessary to pause, if only to consider the clear disregard for civic and social decency that Cicero has displayed. Is he truly out to destroy Clodia? He claims to be merely defending his client. What was the jury thinking? Or was this type of invective really a show, expected by the audience? Yes, Caelius had been under Cicero’s care for a time, but he had wandered far. The force and severity of the invective reveal that Cicero’s decision to defend Caelius was indeed intended to be a medium in which to produce the show about to begin. The remainder of the speech, with its contemptuous invective, could only be staged successfully (and without severe

⁵⁵ Gotoff (1993) 125 explains this passage best: “Cicero’s division of the prosecution’s case between *maledicere* and *accusare* comes (here). The textbook clarity of the distinction is an invitation to the audience to consider the accusation unproven and the moral charges irrelevant.”

⁵⁶ *Cael.*1 *opibus meretricibus*; *Cael.*17 as Medea.

recourse) in the court. He creates his spectacle using three *personae* to address Clodia.⁵⁷

First, Cicero digs up the memory and the mask of Appius Claudius Caecus, an ancestor of Clodia. This *senex caecus*, all the more powerful because of his ability to see despite his blindness, calls upon Clodia: *Mulier, quid tibi cum Caelio, quid cum homine adolescentulo, quid cum alieno?* “Woman what were you doing with Caelius, what were you doing with a man barely a youth, what were you doing with a stranger?”⁵⁸ Cicero implies that Clodia’s behavior is inappropriate, wrong, and immoral. His tricolon attack is made without a verb, each phrase placing a ‘different’ person in Clodia’s company, thereby multiplying her sin. Furthermore, the use of *mulier* is damning.⁵⁹ Both the use and application of *mulier*, from this point in the speech onward, become negative, callous, and derogatory.⁶⁰ By calling upon her in this severe manner, Caecus draws attention to what Clodia is. As Woman, she is set opposite to Caelius, the *adolescentulus*. Cicero places Clodia in the older, command position contrasted with the use of the diminutive form of *adulescens*. She, therefore, assumes all responsibility

⁵⁷ At 30.9, Cicero does point out that he is responding to the two charges levied by one *persona*, which Shackleton Bailey translates as ‘character,’ as if Cicero meant manipulate the characters of the defense and prosecution from the outset. Prosopoeia is the literary device in use here.

⁵⁸ i.e. a man who is not part of the family unit.

⁵⁹ The word *mulier*, is derived from the Latin word for soft, *mollis*. Lewis and Short give a second definition as stemming from its use in Plautus., *Bac.* 4,8,4. There, it is used as a “term of reproach, a woman, a coward, a poltroon.” Cicero is indeed creating comic farce. In the *OLD*, the second definition is: a woman who is married or has had sexual experience (opp. *virgo*); while the third is: the woman who cohabits with a man, his wife or mistress.

⁶⁰ Once Caecus has used it in this manner, he has given Cicero permission to do so as well. This is because the *commemoratio antiquitatis exemplorumque prolatio*, Cic. *de Orat.* I. 120. See also *de Orat.* I. 18, 201, 256 for the need for an historical education. As the elder and first persona used by Cicero, Caecus educates Clodia, who apparently needs such instruction, while also providing instruction to Caelius, Atratinus, and even the jury. This tactic affirms Cicero’s position as master, since he is channeling the persona of Caecus while also diminishing the credibility of the prosecution.

for the relationship which will unfold throughout the remaining speech. Caecus then mentions the kinds of other male family members with whom Clodia could have had a more acceptable relationship. Caecus also reminds Clodia that she had been married to one of Rome's most distinguished citizens. Throughout this section (*Cael.* 34), Cicero makes frequent use of *tricolon* to describe the superlative character of her dead husband, Metellus Celer, as well as the nature of his *gravitas*.⁶¹ This man, along with Roman heroes, represented by *imagines viriles*, are coupled with the virtuous women of Roman history (Quintia Claudia and the vestal virgin Claudia) in order to establish which characters possess modesty and respect.⁶² Rather than utilize the now loaded word, *mulier*, Cicero must employ more suitable descriptors, and therefore, he strips them of their negative *womanhood*. The two references demonstrate to the jury and the audience that Clodia is everything that these two perceptually pristine women are not. Cicero highlights their chastity, one as *virgo*, the other as a domestic model. Their actions provided help to the selfless, distinguished men-heroes of Rome, and their reputations have been revered through time. Caecus' character uses rhetorical questions to inquire about Clodia's reputation because of her activities, while comparing her unfavorably to the respectable famous women of her own family whom, as Cicero explains, Clodia has dishonored through her alleged lascivious behavior.

⁶¹ *Cael.* 34. *Clarissimi ac fortissimo viri patriaeque amantissimi...omnes prope cives virtute, gloria, dignitate suberabat.* The use of the word *gravitas* is mine here. *Gravitas* is a word commonly used by Romans to represent the seriousness of a man's character and lent to his good reputation.

⁶² See Wiseman (1979) 95–96 on the comparison of Clodia to Quintia Claudia, who argues on the historiography of the period and the negative connotation of the Claudii name. Also, Fraschetti (1999) 23–33 gives thorough background information on Quintia Clodia, her popularity, and her association with Clodia.

As previously mentioned, once Cicero has put his invective *mulier* into the mouth of one of Clodia's family members, he is then allowed to continue to treat Clodia in the same way. He does just that in §35, *iam enim ipse...nulla persona introducta loqu[itur]*. In his direct address to Clodia, he calls on her not only to reveal her motives for the charges, but also her motivations behind every life decision, which Cicero hypothetically provides for her. Turning the tables completely on her, Cicero names Clodia as the one responsible for the entire prosecution. The last periods of § 35, with its extensive list of Clodia's alleged activities, quickened by ten elisions would have sounded like cannon fire, frenzied words to match the *mente effrenata* which Cicero puts forth as the reason for Clodia's appearance in court.

It is at this point that Cicero has successfully transformed Clodia into a villain. It is because of her that the jury is working on a holiday. It is due to *her* actions. Yet, Cicero has not completely explained Clodia's part in the charges. For this reason he must introduce two additional *personae*. In order now to appeal to the younger, less rigid members of the jury, first Cicero becomes in § 36 Clodius, her *minimum fratrem*, a young opposite of Caecus. As stated earlier, Cicero and Clodius were enemies. The underhanded invective produced throughout Cicero's playacting as Clodius is severe. Yet, the most important part of his questioning is his treatment of Clodia as *maiore sorore, mulier*, who *vicinum adulescentulum aspexisti...voluisti*. He asks, *quid clamorem facis?* The 2nd person verbs make Clodia accountable and while speaking to her as a bothersome younger brother would, Clodia ages into a ruthless lecher. As instigator of the relationship between herself and Caelius, she is the evil, older woman; he, the innocent, attractive youth, *devinctum*. Clodius' words reveal her as an angry,

jealous, scorned woman. He calls her *molesta*, one who has motive to destroy Caelius, described as physically beautiful – normally an asset for a Roman man. Later, when Cicero mentions Clodia's beauty, it is a curse. (*Cael.* 49)

The last of the *personae* portrayed by Cicero are the two types of fathers from Roman comedy. Cicero manipulates two possible forms of Caelius' father, in order to draw attention to Clodia's faults as a woman and Caelius' excuses as a youth. By using stock characters from a well-known theatrical tradition, Cicero creates the comical images of wise fathers who teach an errant son in opposite ways, one strict, one indulgent...yet the son is equally without blame.⁶³

First in § 37, Cicero further widens the age gap between Clodia and Caelius by drawing attention to Caelius' boyhood, engaging the strict father, who questions his activities, even going so far as to allege that Caelius should share the blame for the affair with such an older, disreputable woman. But it is not Caelius' actions that are the focus; rather, the severe father blames his son for not taking action when the "allurements" of the "courtesan" became known to him.⁶⁴ Unlike the previous *personae*, who speak and question without response, Caelius has the chance, through his advocate's farce, to respond to his father's concerns. With this opportunity for a response, "Caelius" slanders Rumor in the city, the woman herself, and her brother!

Next, Cicero introduces the indulgent father also a stock figure from Roman comedy. (*Cael.* 38) Using the device of *praeteritio*, the indulgent father excuses the son who is beyond reproach. He speaks nothing *in istam mulierem*, but someone 'unlike'

⁶³ Perhaps from Caecilius Statius, a comedy writer c. 291–168 B.C. In his *De optimo genere oratorum*, i. 2, Cicero calls him *fortasse summus comicus*.

⁶⁴ Cicero used the genitives of *meretrix* and *mulier* in §37, which assigned the ownership of the disreputable qualities to Clodia.

her. Here, Cicero names all of the accusations and abuses levied earlier or about to be levied against Clodia. The extent of the slander is magnified as Cicero even draws attention to the various stages of womanhood, all of which this woman 'unlike' Clodia possesses. She is *vidua libidinosa meretricio more*; an "amorous widow living a loose life." At last the father generously excuses the behavior of any man who gave in to such a woman.

Rather than have Caelius respond to the indulgent father, Cicero allows the audience to respond to his lenience. They ask: is this the moral code to which you adhere? To which Cicero answers with a justification fit for any one of his defendants, returning himself as advocate to the stage. Cicero becomes more solemn, attempting to teach Clodia, the jury, and his audience about that qualities that define the great men, just like Caelius, of Roman history. It is here that *mulier* and *adulescens* are frequently opposed in a struggle for dominance. Cicero focuses on *adulescens* in § 39–47, describing the educational processes that produce great men, and how they can be and have been interrupted by certain excesses, impediments and forces. Cicero craftily excludes any mention of *mulier* from these chapters so that he may focus on the characteristics of great men. Throughout this exposition however, Cicero returns to explaining away the vices of youth, building up the importance of the public, moral, and rhetorical education of the *adulescens*. When he specifically refers to Caelius, in §44, Cicero does not use or refer to *adulescens*, creating the separation from the vices of Youth and the now *mature* Caelius. Here, Caelius is described with anaphora, alliteration, and tricolon as having the knowledge and skills necessary to overcome those forces which can impair success. This leads to Cicero's depiction of Caelius'

character. This combination of both great men and the man that Caelius will become climaxes with a flourish in § 47 where Caelius actively participates in the duties of a righteous Roman citizen.

This climax is cleverly positioned immediately before Cicero describes those very sins and people which can impede the moral fortitude of Rome's best men.

Huc unius mulieris libidinem esse prolapsam, ut ea non modo solitudinem ac tenebras atque haec flagitiorum integumenta non quaerat, sed in turpissimis rebus frequentissima celebritate et clarissima luce laetetur.

There is one woman whose amorous passions are so degraded that, far from seeking privacy and darkness and the usual screens for vice, she revels in her degraded lusts amid the most open publicity and in the broadest daylight.

Cicero has created the ultimate enemy: a person who, possessing all the evils which threaten the future of the youth of Rome, commits her sins no matter where she is and therefore, within Rome itself. It is the lust of a single woman that has caused such destruction. Now, returning to the *mulier*, Cicero will not name her.⁶⁵ Instead, he describes a typical prostitute's activities, a theme repeated from § 1, while referring to a certain one's beauty, the tool by which a youth is seduced and defiled. When finished, Cicero immediately addresses Clodia, who had even hurt Cicero himself. (*Cael.* 50) With the careful positioning of these topics from the education of an *adulescens* to the corruption by a *mulier*, Cicero has positioned even himself, as a victim of Clodia.

For the next twenty periods, Cicero makes light entertainment about the alleged transfer of poison at the baths. (*Cael.* 51–69) These chapters serve as comic relief from

⁶⁵ *Cael.* 48. *mulierem nullam nominabo*. Naming is a strategy which Cicero utilizes in his other *post reditum* speeches. See Steel (2007) and Nicholson (1992) for further use as naming as a strategy, esp. in speeches *post reditum*.

the previous grave didactic oratory. There is little mention of *mulier* or *adulescens*, as if Cicero has completed his task. These sections are full of faulty logic, misdirected blame, and slapstick. Cicero frequently tells the jury that his client would certainly not have been so *stupid* to have been associated with such people in such activities. Aside from comic relief, Cicero has turned the tables once again on Clodia, for it is her story of the poison transfer that becomes farce. She ultimately looks stupid.

Keeping within the rhetorical conventions for the conclusion of his speech, Cicero revisits his carefully crafted opposition: young man versus woman. Following the comic farce, his jury has all but surrendered themselves to his brilliant performance. The opening of his conclusion, the peroration, § 70 is full of witty sarcasm, or is it? Cicero tells his jury that *iam intellegitis, quantum iudicium sustineatis, quanta res sit commissa vobis. de vi quaeritis*, “You can now appreciate how serious a matter has been entrusted to your decision. You are inquiring into a change of violence.” This is a half-hearted jab at the fact that the trial is being held on a holiday. Perhaps Cicero did design this period as such. With a second reading, however, Cicero seems serious. Within his speech, he has outlined and detailed just how important this hard-working youth is to the future of Rome. He says that Caelius has the potential to be a great man who will serve Rome well. And now, the significant threat of a woman may stand in the way of his greatness. The introductory thoughts of Cicero’s *peroratio* indeed revisit the argument that *hac nunc lege Caeli **adulescentia** non ad rei publicae poenas, sed ad **mulieris** libidines et delicias deponitur*, “Is it under this law that there is now a demand for the sacrifice of Caelius’ youth, not for punishment in the interest of the State, but to

satisfy the wanton whims⁶⁶ of a woman?” (*Cael.* 70) It is at this point that Cicero has reduced the judgment to *adulescens* versus *mulier*. Or rather, Cicero has convinced the jury that the case before them was “not worthy of their attention, and therefore, the vote simply indicated a victory.”⁶⁷

Yet I ask, why is Clodia made guilty? Why do we rejoice in Cicero’s victory at the expense of Clodia? The answers are hiding in centuries of scholarship, which for too long has been entranced by Cicero’s clever tactics and slippery oratory. Furthermore, the ancient Roman world has given rise to scholarship which has delighted in the sexual life of Clodia, often also considered to be the famed Lesbia of Catullus.⁶⁸ The focus of Cicero’s speech was never a defense against the charge of *vis* but rather a systematic trivialization of the charges as a whole and an intentional character assassination of the primary witness, Clodia and her brother as well.

Cicero was very aware of the tactics he needed to employ to gain an acquittal for his client, and so he appeals to those who must make that decision as his speech concludes. In § 76–80 the uses of *adulescentia*, *adulescens*, or any reference to Caelius’ youth are illustrated by a vivid metaphor. Cicero compares Caelius to a plant, striving to become ripe, strong and prosperous. As a plant (*Cael.* 76) passively growing, Caelius had to endure the rocky soils of the Palatine, the weeds of its

⁶⁶ Clever hendiadys separates and therefore magnifies Clodia’s indiscretions: *libidines et delicias*.

⁶⁷ Riggsby (1999) 100. Riggsby studies the way that Romans viewed and handled four different charges (crimes): *vis*, murder, *repetundae*, and *ambitus*. He then demonstrates in his final chapter that the Roman legal system was highly political, and did not serve purposes similar to modern legal systems where courts are intended to curb criminal acts.

⁶⁸ A point well-disputed in Wiseman (1985). Wiseman’s 1985 work is the first systematic and successful attempt to read the poems of Gaius Valerius Catullus in his own context. The first three chapters deal with late Republican attitudes and behavior, an account of Clodia Metelli, and the trial of M. Caelius, each from angle that Catullus could have witnessed these events. Wiseman also argues that Catullus’ Lesbia was not Clodia Metelli, a point with which I agree. See Appendix A for a brief summary of this debate.

residents, and the drought of sound judgments. But Caelius is the future of Rome (*Cael.* 78), climbing his way through various positions within the *cursus honorum*, and mingling with the current great men. Throughout the metaphor, Cicero sustains his references to Caelius' youth. And at last, when he is closing in on the end, Cicero is careful to remind the jurors of the *mulier*. He begs to the jury not to allow themselves to be influenced by a woman (*Cael.* 78), or to allow Caelius to suffer on account of her. Even at the end, Cicero does not fail to use *insinuatio*, with which he upholds the blasphemous rumors that Clodia maintained an incestuous relationship with her brother, Clodius.⁶⁹

Cicero's manipulation is still incomplete, however. In §79–80, the jury is once again reminded of Caelius' potential as Cicero's words burst with imagery recalling an almost stream-of-consciousness evolution of life: father, son, child, family, country, roots, and ripening plants. At last, Cicero recalls to the jury what they stand to gain by voting on Caelius' behalf: the fruits of his labors. By explaining what they will have with an acquittal, in contrast, there will be no benefit with a vote for condemnation.

Cicero's rhetoric won the day. We must remember that he created a trial that he could win.⁷⁰ Yet, the fruits promised to the jury during the *Ludi Megalenses* failed to ripen, for Caelius' end came soon thereafter. How ironic it is that Cicero assures the jury that they will make the best decision in an acquittal. His claim:

⁶⁹ See Wiseman (1969) for an explanation of these rumors of the Claudian family. This early work, easily superceded by what follows in 1985, is an attempt to answer *the* Catullan questions: Did Catullus himself arrange the poems as we have them now (and if so how?) and when were the poems composed, and who, at that time, was Lesbia?

⁷⁰ I find it very interesting how some of these same themes, especially the criminalization of female accusers, exist in modern courtrooms.

Promitto hoc vobis et rei publicae spondeo, si modo nos ipsi rei publicae satis fecimus, numquam hunc a nostris rationibus seiunctum fore. Quod cum fretus nostra familiaritate promitto, tum quod durissimis se ipse legibus iam obligavit. (Cael. 77)

I promise you this, and I pledge the State that, if I myself have served the State well, he will never swerve from my political principles. This I promise, relying on the friendship between us, and also because he has already bound himself by the strictest of covenants.

In fact, Caelius did break from Cicero, socially and politically. It is the end of Caelius and subsequent information about him which further removes his credibility. Caelius wavered in his allegiances to Gaius Caesar and Pompeius Magnus during the 50s. After feigning allegiance to Caesar, Caelius fled with his friend Curio south and was killed by Caesar's troops during an uprising they had fomented.

What of Clodia? Did her public humiliation force her from the public literary map? We do not have much evidence of her activities following the trial. The only evidence concerning her is a letter, years later to Cicero's trusted correspondent Atticus regarding the possible sale of her properties near the river.⁷¹ Without her voice, however, we do not truly know of her end.

What of Cicero? Following this victory, he entered the Senate on 5 April 56.⁷² Obviously empowered by his recent successes, he proposed that the Senate review Caesar's Campanian land bill. In doing so, he set into motion a series of events which led to the reformation of the accord between Pompey, Caesar, and Crassus. Cicero had not correctly identified Pompey's wavering position toward Caesar in previous

⁷¹ *Att.* 12, 29.2, 42.2.

⁷² Cicero tells us this meeting took place on the Nones of April, the day after the conclusion of the trial for Caelius. For a retrospective account of this event in the Senate and its immediate consequences, see *Fam.* 1.9.9.

months.⁷³ While Cicero thought that he was pushing Pompey further away from Caesar, in reality, he gave Pompey reason to seek out a renewal of their alliance.⁷⁴

With the land bill on the Senate's agenda for a meeting set for the Ides of March, Cicero left Rome for brief retreat (*Att.* 4.6), during which time he wrote to Atticus about various trivialities.⁷⁵ Cicero's tone in these letters is light and carefree, quite different from those of only a year prior. Even the talk about Pompey, who apparently had visited with Cicero in Cuma and Puteoli, lacked any real concern. Cicero seems in control of his surroundings, the situation, and restored to his pre-exile life.

⁷³ Cicero in fact wrote that Pompey left him after their brief meeting in Puteoli *cum mihi nihil ostendisset se offensum*, "without giving me any indication of displeasure" (*Fam* 1.9.9)

⁷⁴ Mitchell (1969) 298 attacks the standard view of Cicero's political activity in the time period prior to the meeting at Luca stating that the discussion of the *ager Campanus* was not very important; Cicero's proposal to postpone the debate was insignificant; the defense of Sestius and the attack on Vatinius had no unusual significant political overtones. Mitchell also argues that Cicero's position was one of "uneasiness, indecision, and caution—unhappiness and perplexity amid the hopeless dissensions which then permeated Roman politics." He also suggests that "Cicero has been given a prominence in the course of politics before Luca which he clearly does not deserve, and he has been credited with a boldness and initiative which he did not possess in this period."

⁷⁵ *Att.* 4.6, 4.10, 4.6. cf. *Q.fr.* 2.6.

CHAPTER 6
RETRIBUTION: *DE CLODIO*

Quod simul ab eo mihi et rei publicae denuntiabatur.

–Cicero, *In Clodium et Curionem*, frag. 3¹

*multa feci verba de tota furore latrocinioque P. Clodi. tamquam reum
accusavi multis et secundis admurmurationibus cuncti senatus.*

–Cicero, *Q. fr.* 2.1.3²

Clodius' intense yet brief life greatly affected the policies and programs of Cicero.³

That the two men were enemies, there is no doubt. The degree of their enmity, however, is the stuff of legend. As such a central figure in Cicero's life, especially for the times immediately before, during, and after his exile, it is necessary to take a look at how Cicero draws Clodius.

Clodius descended from a long line of consuls whose prominence was virtually as old as the Roman Republic herself. His large immediate family, stricken fatherless in 76, was left to the care of the eldest son, Appius Claudius.⁴ The family received the patronage of Licinius Lucullus (*cos.* 74), who married one of Clodius' sisters. While Clodius enjoyed some of the benefits of his family's name, he did not follow a straight

¹ *Schol. Bob.* 86.17 St. *In Clodium et Curionem*, frag. 3 as it appears in Crawford (1994) 239. Translation is my own: "Because it was threatened by him both toward me and the Republic."

² Again, my translation as the Loeb does not do the selection justice: "I spoke at length about all of the fury and banditry of P. Clodius. I impugned him as if guilty with many favorable murmurs of the whole senate."

³ I use the words of Tatum (1999) 246 whose seminal work on the life and times of Clodius are without a doubt, the most comprehensive as well as entertaining.

⁴ Clodius had two brothers and three sisters. The identity of their mother is debated. See Shackleton Bailey (1977). The literature written about Publius Clodius is extensive: Heaton (1939) preface; Taylor (1960); Lintott (1967) chronicles Clodius' rise to power in an attempt to understand his significance in Roman politics and to learn about Clodius' persona; Gelzer (1968) provides a history of the republic from Caesarean perspective. Gruen (1966) examines Clodius' independence as a Roman politician; Rundell (1979) discusses the difficulty of discerning who the true Clodius was from extant texts. The most comprehensive work on Clodius is Tatum (1999).

path to fame. He served his brother-in-law abroad for a short time, and then moved on (perhaps in shame).⁵ He returned to Rome after assisting Q. Mucius Rex in Cilicia and, after a failed prosecution of L. Sergius Catilina, he joined L. Licinius Murena's staff in Gaul. Clodius, who befriended Murena, assisted him in his campaign for consul in 63, during Cicero's consulship, for which his reputation became tainted with notions of electoral bribery. During the Catilinarian conspiracy, while Murena was tried for electoral malpractice (with Cicero defending), Clodius stood by both his friend and the Republic, deeds that were muddied in Cicero's later invectives.

Although Cicero and Clodius undoubtedly knew each other, or at least knew of each other, prior to 62, it was not until the aftermath of the Bona Dea scandal that their relationship grew to mutual hatred.⁶ During the rites of the Bona Dea, a cult limited to women only and celebrated in December of 62, Clodius entered the house of the Pontifex Maximus, C. Julius Caesar, and disrupted the ritual, seeking a rendezvous with Caesar's wife, Pompeia. The earliest account of this event is a letter from Cicero to Atticus, in which he merely mentions the event rather casually.⁷ It is only after much time that the matter escalates into a forensic drama, also apparent in Cicero's letters.⁸ Indeed Cicero expresses concern over the legal proceedings surrounding the event.⁹

⁵ Clodius staged a revolt against his brother-in-law, L. Lucullus, in 67. Plut. *Luc.* 33–34. See also Tatum (1991), Tatum (1999) 43–48.

⁶ Plutarch claims that they were friends. *Cic.* 29.1.

⁷ *Att.* 1.12.3. *P. Clodium Appi f. credo te audisse cum veste muliebri deprehensum domi C. Caesaris cum sacrificium pro populo fieret, eumque per manus servulae servatum et eductum; rem esse insigni infamia,* "I imagine you will have heard that P. Clodius, son of Appius was caught dressed up as a woman in C. Caesar's house at the national sacrifice, and that he owed his escape alive to the hands of a servant girl – a spectacular scandal."

⁸ The Bona Dea affair escalated for a number of reasons: Clodius' familial clout made him a difficult person to prosecute; there was difficulty in determining a charge against Clodius, because there was no specific law which he allegedly broke; the issue of Clodius' actions and trial became the central political

As reported by Cicero, the political debate which surrounded Clodius attracted great attention. Supporters of Clodius attempted to make a cause out of the legal issues, questioning the authority of the Senate, and therefore calling for others to doubt the power of certain individuals in the Senate. At the time, especially considering the recent Catilinarian conspiracy and trials following, Cicero's voice was one frequently called upon as he was a leading figure in the Senate. Clodius' supporters pulled¹⁰ Cicero into political battles which he did not want.¹¹ They also tied all undesirable aspects of the Senate, and the Senate's power, to Cicero, focusing on his decision to execute the Catilinarian conspirators without a trial. Cicero's only choice at this point was to attack Clodius and every individual who supported him in order to defend both himself and his past actions.

Despite evidence to the contrary, in a stunning turn of events according to Cicero, Clodius was acquitted due to large scale bribery by Crassus.¹² This caused uproar in

issue because of the factions that formed surrounding the issue. For more on the background and circumstances of the Bona Dea scandal, see Tatum (1999) 62–84; Tatum (1990); Moreau (1982); Scullard (1981) discusses the significance of the religious observances surrounding the Bona Dea.

⁹ *Att. 1.13.3. vereor ne haec invidia a bonis, defensa ab improbis magnorum rei publicae malorum causa sit*, "I am afraid that what with neglect by the honest men and resistance by the rascals these proceedings may be productive of great mischief in the body politic."

¹⁰ *Att. 1.13.3. operae comparantur*, "gangs of roughs are in formation"; *Att. 1.14.5. operae Clodianae pontis occupant*, Clodius' roughs had taken possession of the gangways."

¹¹ *Att. 1.16.1. Saepe, ita me di iuvent! te non solum auctorem consiliorum meorum, verum etiam spectatorem pugnarum mirificarum desideravi*, "Upon my sacred word, I often longed to have you by, not only as an advisor to follow but as a spectator of those memorable bouts."

¹² *Att. 1.16.5. Nosti Calvum ... illum laudato rem meum, de cuius oratione erga me honorifica ad te scripseram. Biduo per unum servum et eum ex ludo gladiatorio confecit totum negotium; arcessivit ad se, promisit, intercessit, dedit. Iam vero (o di boni, rem perditam!) etiam noctes certarum mulierum atque adolescentulorum nobilium introductiones non nullis iudicibus pro mercedis cumulo fuerunt*, You know Baldhead...my encomiast, of whose complimentary speech I wrote you. Inside a couple of days, with a single slave (an ex-gadiator at that) for a go-between, he settled the whole business—called them to his house, made promises, backed bills, or paid cash down. On top of that (It's really too abominable!) some jurors actually received a bonus in the form of assignments with certain ladies or introductions to youths of noble family."

both the Senate and Cicero's letters, where he claims that the event shook the very foundation of the Republic.¹³ Inflammatory exchanges between Clodius and Cicero, during the trial and beyond led to savage enmity between the two men. In the following excerpt, we can see how Cicero triumphantly reported to Atticus about an exchange between himself and Clodius, whom he blasts as a coming Catiline. A fierce and slanderous exchanged followed.

Erras, Clodij; non te iudices urbi, sed carceri reservarunt, neque te retinere in civitate, sed exsilio privare voluerunt. Quam ob rem, patres conscripti, erigite animos, retinete vestram dignitatem. Manet illa in re publica bonorum consensus; dolor accessit bonis viris, virtus non est imminuta; nihil est damni factum novi, sed, quod erat, inventum est. In unius hominis perditio iudicio plures similes reperti sunt." Sed quid ago ? paene orationem in epistulam inclusi. Redeo ad altercationem. Surgit pulchellus puer, obicit mihi me ad Baias fuisse. Falsum, sed tamen quid hoc? "Simile est," inquam, "quasi in operto dicas fuisse." "Quid," inquit, "homini Arpinati cum aquis calidis?" "Narra," inquam, "patrono tuo, qui Arpinatis aquas concupivit"; nosti enim Marinas." Quousque," inquit, "hunc regem feremus ?" "Regem appellas," inquam, "cum Rex tui mentionem nullam fecerit?"; ille autem Regis hereditatem spe devorarat. "Domum," inquit, "emisti." "Putes," inquam, "dicere: Iudices emisti." "Iuranti," inquit, "tibi non crediderunt." "Mihi vero," inquam, "XXV iudices crediderunt, XXXI, quoniam nummos ante acceperunt, tibi nihil crediderunt." Magnis clamoribus adflactus conticuit et concidit. (Att. 1.16.9–11)

'Clodius, you are mistaken. The jury has not preserved you for the streets of Rome, but for the death chamber. Their object was not to keep you in the community but to deprive you of the chance of exile. And so, gentlemen, take heart and maintain your dignity. The political consensus of honest men still holds. They have gained a spur of indignation, but lost nothing of their manly spirit. No fresh harm has been done, but harm already there has come to light. The trial of a single wretch has unmasked more like him.' But what am I thinking of? To come back to our exchange: Our little Beauty¹⁴ gets on his feet and accuses me of having been at

¹³ Att. 1.16.6. *rei publicae statum fixus et fundatus elapsus scito esse de manibus uno hoc iudicio*, the settlement of the republic, which seemed unshakably established has slipped through our fingers in this one trial.

¹⁴ This is a reference to Clodius' cognomen Pulcher. Cicero used *pulchellus*, the diminutive form. Corbeill (1996) 79. See n.77 for an explanation of the origin of the *Pulcher* cognomen. cf. 2.1.4, 2.18.3, and 2.22.1 for Cicero's uses of the diminutive *pulchellus* to describe Clodius. He does not use this name for Clodius following his return from exile.

Baiae—not true, but anyhow, ‘Well,’ I reply, ‘is that like saying that I intruded on the Mysteries?’¹⁵ ‘What business has an Arpinum man with the warm springs?’ ‘Tell that to your consul,’ I retorted; ‘he was keen enough to get certain of them that belonged to an Arpinum man’ (you know Marius’ place of course). ‘How long,’ cried he, ‘are we going to put up with this king?’ ‘You talk about kings,’ I answered, ‘when Rex¹⁶ didn’t have a word to say about you?’ (He had hoped to have the squandering of Rex’s money.). ‘So you’ve bought a house,’ said he. I rejoined, ‘One might think he was saying that I had bought a jury.’ ‘They didn’t credit you an oath.’ ‘On the contrary, 25 jurymen gave me credit and 31 gave you none—they got their money in advance!’ The roars of applause were too much for him and he collapsed into silence.

It is from this period that we have fragments of a Ciceronian speech known as *In Clodium et Curionem*.¹⁷ In these fragments are found comic and bitter invectives against Clodius, mostly relating to the Bona Dea scandal, in many of the traditional invective *loci*. One example below is a play on Clodius’ cognomen, *Pulcher*, “beautiful.”

Sed, credo, postquam speculum tibi adlatum est longe te a pulchris abesse sensisti. (In Clod. 25)

But I’ll bet that after the mirror was handed over you realized you were far from being among the beautiful.

Geffcken has demonstrated how many of the fragments align with the comedic elements found later in the *pro Caelio*.¹⁸ Cicero expressed regret as to the circulation of this text while in exile, yet Tatum reports that he held onto the content of the speech

¹⁵ Here, Cicero reminds the audience of Clodius’ illegal entrance into the festival of the Bona Dea, which was supposed to be unknown to men.

¹⁶ Cicero refers to Clodius’ brother-in-law, Q. Marcius Rex (cos.68) who had recently died and left Clodius out of his will. Shackleton Bailey (1999) 86.

¹⁷ The exact date of this speech is unknown. Geffcken (1974) 58 tells us that it “was composed sometime not long after 15 May 61...it reflects an advanced stage of the hostility which Cicero increasingly felt toward Clodius as the first half of 61 went by.” McDermott (1972) claims that Cicero published the speech immediately following the Bona Dea trial and does not focus much on Curio. Whatever fragments we have, they were written before July 58, when Cicero tells Atticus that he thought he had suppressed publication of a speech, but failed to do so. For more about this fragmentary speech, see Crawford (1994).

¹⁸ Geffcken (1995) 70–89. Geffcken argues that the invective begun by Cicero with his speech *In Clodium et Curionem* laid the foundation for the comedic overtones and invective in the *pro Caelio*.

until Clodius made an appearance in the Senate in July 61, indicating a premeditative deliberativeness on Cicero's part.¹⁹

For the remainder of 61, there is little mention of Clodius in Cicero's letters. When he resurfaces, in a letter dated January 60, Cicero first reports that Clodius is seeking to transfer to plebian status. Cicero seems to dismiss the attempt and repeats the rumor, almost exactly in his next letter, dated March of 60. Again commenting on the impending downfall of the republic due to this and other recent events, Cicero appears to resign himself. It is following this that he travels to Antium to work on an autobiographical account of his consulship. (*Att.* 2.1) Nonetheless, Clodius' affairs intrude into his thoughts and letters for he tells Atticus of a time, prior to his departure, in which he "knocked the stuffing out of [Clodius]...when the subject was raised in the Senate." (*Att.* 2. 1. 5) In this same letter, Cicero claims to be teaching "the ruffian" some manners, even exchanging jokes with him. This record provides us with early evidence of Cicero's '*non consulare*' humor and distaste for Clodia, sister to Clodius and wife of Metellus Celer. (cos. 61)

It is fair to say that Clodius and his activities haunt Cicero throughout the period following the Bona Dea scandal. Cicero felt understandably threatened by him due to his family's *nobilitas* as well as his desire to seek plebian status, a reason for which, as Cicero surely must have considered, was for Clodius to become a tribune. His attempts, however, did not come to fruition until three months into Caesar's consulship.

Caesar and Bibulus became consuls in 59. Despite Bibulus' designs, Caesar and his tribune, Vatinius, immediately resorted to violent, *popularis* tactics in order to

¹⁹ Tatum (1999) 88.

facilitate his legislation. The Senate did not quickly respond to these devices, mostly because of their shocking nature. But in March 59, Cicero, while defending his consular colleague C. Antonius for his association with the Catilinarians, used his trial speech to publicly denounce Caesar's programs.²⁰ "His defense of Antonius took the shape of a contumacious diatribe, exposing the threat posed to the republic by the triumvir's violence and in particular denouncing Caesar virulently."²¹ The results of the trial only served Cicero's ego for Antonius was condemned. Caesar, however, suffered immense damage to his *dignitas* and, in retribution, initiated the *lex curiata*, which sanctioned Clodius' adoption by a plebeian. (*Att.* 2. 7 .2) With the triumvirate firmly in place and Clodius poised to become tribune, Cicero departed from Rome for academic pursuits.²²

After Clodius announced his candidacy for the tribunate, he began to attack Cicero, having returned to Rome in late 59. Despite reassurances from Pompey, who promised Cicero that Clodius would not harm him, Clodius' power and threats grew. Yet Clodius' allegiances were in question until the aftermath of the Vettius affair. "The threat against Pompey's life restored the great man—and his coalition—to popular favor."²³ And because Vettius had named Cicero as one of the conspirators in the attempted murder of Pompey,²⁴ the friendship between the two men was in jeopardy. Clodius seized the opportunity to establish a political relationship with the triumvirs.

²⁰ *Att.* 1.12.1. Cicero here expresses his desire not to work with Antonius again, perhaps an indication of dislike for Antonius.

²¹ Tatum (1999) 103ff.

²² *Att.* 2ff.

²³ Tatum (1999) 112.

²⁴ *Att.* 2.24.3; *Sest.* 41.

Following this newly forged alliance, Clodius became tribune, and immediately endeavored upon a legislative program to gain the favor of the urban *plebs*. He introduced four laws, which helped establish his power and prestige in Rome.²⁵ Dio tells us that Cicero attempted to block this legislation, but instead made a compromise with Clodius on his word that he would not harm Cicero.²⁶ It is curious that Cicero does not report this deal with the tribune, probably so as to not admit such coercion and betrayal. Yet later, in a letter to Atticus, Cicero does regret his actions prior to his exile, specifically in relation to the legislation of Clodius. Unfortunately, our knowledge of this time is limited.

It is clear enough, on the other hand, that Clodius' next pieces of legislation were explicit attacks on Cicero.²⁷ In order to guarantee his success by means of their proconsular provincial assignments, Clodius procured the support of the consuls, Piso and Gabinius, whom Cicero later vehemently attacks for their role in his exile.²⁸ Thereafter, Clodius proposed *the lex Clodia de capite civis Romani*, "which reaffirmed every citizen's right of *provocatio* by interdicting from fire and water anyone who had put to death a Roman citizen without trial."²⁹ Clodius easily secured support for his law, and thus placed the responsibility for the Senate's past actions regarding the execution of the Catilinarian conspirators solely onto Cicero. Immediately following, he appointed M. Portius Cato to a post in Cyprus. This appointment garnered the backing of the *boni*, of

²⁵ On the first day of his tribunate, 10 December 58.

²⁶ Dio 38.14.

²⁷ cf. *Sest.* 25.

²⁸ See Chapter 4 on the *pro Sestio*.

²⁹ Tatum (1999) 153.

whom Cato was a leading figure. All the while, Caesar remained camped just outside Rome, giving his passive support to Clodius' *acta*, and still awaiting Cicero's decision about joining his staff. (*Att.* 2.19) Backed into a corner politically, threatened with hostility at every turn, and having been advised to acquiesce, Cicero refused Caesar and left Rome on the day the legislation against him passed. (*Sest.* 53)³⁰

With Cicero and Cato both absent from Rome, Clodius' victory was complete. Unfortunately, he straightaway turned his political triumph into a personal vendetta by promulgating a new law: the *lex Clodia de exsilio Ciceronis*. This law stripped Cicero of his property, his friends, and his future at Rome, while making it a crime to institute his recall. Clodius even demolished Cicero's home on the Palatine and erected a shrine to *Libertas* in its place. The patrician tribune Clodius had totally and utterly defeated Cicero at last.

Perhaps he was obsessed with power, perhaps he enjoyed contests, or maybe it was because his tribunate was only a few months old, but Clodius was not finished. Repositioning his focus and receiving more silent acknowledgement from the senatorial elite, Clodius began to harass and annoy Pompey by attacking his former conquests and challenging his past successes. The tactics used by Clodius mirrored those from his trial in 61, Caesar's in 59, and his own during the promulgation of his early legislation as tribune. So vicious were his activities to upset Pompey's life in Rome that the general eventually retreated to his house where he remained until the days Clodius was no longer tribune and the new consuls came to power.

³⁰ Clodius' bills *de capite civis Romani* and *de provinciis* were passed on March 20. A few days later, he passed another bill which formerly declared Cicero an exile (*de exsilio Ciceronis*). This second law was passed by the *concilium plebis* in April.

Elections of 58 had produced magistrates favorable to Cicero in 57, especially Lentulus Spinther, who worked tirelessly for Cicero's recall, much to the dismay of Clodius. He did not end his fierce presence in the streets nor did he stay away from the political arena. On January 23, a day on which had expected a vote to institute Cicero's recall, bloody violence broke out in the Forum. (*Sest.* 75) This was followed by a fierce attack against tribune Sestius. (*Sest.* 77) Both tribunes Milo and Sestius resorted to establishing their own hired street protection in order to shield themselves and their homes from Clodius' gangs.

With a lack of necessary order and increased daily violence, the Senate began to acquiesce to Spinther's entreaties, allowing him to make motions in favor of Cicero and his return. Despite Clodius' numerous last minute attempts to prohibit Cicero's recall,³¹ the Senate and People welcomed Cicero back to Rome in late summer of 57. And so begins Cicero's campaign for justice.

Upon his return, Cicero's initial speeches *in senatu* and *ad quirites* focused on gratitude. His carefully sculpted oratory utilized various techniques which play on the knowledge of his audience. By specifically recalling or withholding information, Cicero creates suspense as he refers to those people who either helped or harmed him prior to and during his exile. He also creates a dialogue with his audience; a necessary feature of these speeches. Cicero displays both knowledge and courage while giving the initial *post reditum* speeches. He needs these qualities to affect his redemption, restoration, and reassertion within the Roman political arena. Cicero also succeeds in demonstrating that he is able to deliver retribution through these speeches. (*Quir.* 21)

³¹ *Red. Sen.* 25f., 31, *Dom.* 30, *Sest.* 129f; *Sest.* 108; *Plut. Cic.* 33.3, *Pomp.* 49.3.

The state, however, was in crisis, as a rise in grain prices caused unrest. Clodius sought to blame Cicero in the Senate. He roused the mob against him in a setting where he lost control and even the consul was harmed.³² As a result, many senators stayed away from the Forum on the following day when, with Clodius' forces quelled by Pompey's and the Senate filled with his supporters, Cicero proposed a measure which asked Pompey to solve the grain crisis. Pompey may have been taking advantage of the debt Cicero owed him for his past efforts, which put Cicero in a difficult position. While Clodius focused his efforts on arousing hatred against Cicero, Pompey used Cicero's popularity upon his recall to counter Clodius' violence. Yet it would seem that all Cicero really wanted to do was recover his home. (*Att.* 3.15.6)

With his next speech, *De domo sua*, Cicero fights for the return of his property. As this is Cicero's first forensic speech upon his return from exile,³³ he spends the first two-thirds of the speech reacclimating himself to the forensic arena through a detailed exposition of the recent events in his life.³⁴ Sprinkled frequently throughout these topics are venomous attacks against Clodius' actions, family, and especially his character.³⁵ Since Cicero had already delivered a speech focusing on the *Bona Dea* affair, the material he presents here, while not new to many of the pontiffs who are listening, had

³² Clodius' relative Q. Metellus Nepos was consul. He had declared himself in favor of Cicero's return in late summer 57. cf. *Sest.* 130; *de prov. cons.* 22.

³³ Given before the College of Pontiffs at the end of September, 57. MacKendrick (1995) 147.

³⁴ MacKendrick (1995) 175 calls this speech an exercise in "self-justification."

³⁵ MacKendrick (1995) 158ff. "Cicero makes heavy use of invective and pathos, emotionalism, and appeals to pity. Especially noteworthy is his use of sexual innuendo, with emphasis on Clodius' alleged incestuous relations with his sister (25, 83, 92). Probably the frequent references to *stuprum* (50, 105, 125: a general word for sexual immorality) allude also to Clodia. Clodius himself is called a public prostitute (49), and there are frequent allusions to oral sex (25, 47, 105, 139). Clodius' and his sister's immorality is apparently contagious: his gang is contaminated (108), and marriage into his family makes the unfortunate in-law superlatively impure (135).

to be presented in a way for Cicero to win the pontiffs' favor. This speech is all about how Cicero spins the past so that he may have a future.³⁶ Of course, legality plays an important role, since the pontiffs' charge is to determine whether Cicero's former property, now home to a shrine to *Libertas*, was ever properly consecrated in order to determine if Cicero is entitled to recover the property now.³⁷

It is important to remember that Clodius was present during Cicero's speech. This fact makes the invective all the more striking because Cicero may actually have been looking at Clodius while insulting him. Some of the terms and phrases used to defame Clodius at the beginning of the speech include *labes et flamma de re publicae* (*Dom.* 1), *ille demens* (*Dom.* 2), and *funesta pestis*. (*Dom.* 5) Thereafter, Cicero focuses his invective on Clodius' programs and policies. The speech is divided almost evenly into three topics: a justification of Pompey's appointment as grain commissioner (*Dom.* 1–31), the illegality of Clodius' adoption (*Dom.* 32–99), and, at last, the consecration of his house. (*Dom.* 100–141) The major complaint against him is his gross and immoral nature. The assaults made by Cicero are often sexual and familial in nature.

Hic non illudit auctoritati horum omnium, qui adsunt, summorum virorum non vestra, pontifices, gravitate abutitur? ex isto ore religionis verbum excidere aut elabi potest? quam te eodem ore accusando senatim, quod severe de religione deverteret, impurissime taeterrimeque³⁸ violasti. (Dom. 104)

Doesn't this man mock the authority of all these men who are present, men of the highest stature? Doesn't he misuse your dignity, priests? Can any word of religious scruple fall or slip from this mouth of yours? With the

³⁶ Cicero makes the connection between Clodius and Catiline throughout the speech *Sest.* 13, 62, 72, 75.

³⁷ Cicero's focus is the illegality of Clodius' adoption, which removes any credit from his tribunate. He also counters the *lex Clodia de exsilio Ciceronis* due to its language and content, for Clodius' law was hastily and poorly written. cf. Tatum (1999) 192.

³⁸ cf. *Vat.* 9 for use of this word, *taeterrimus*, to refer to Clodius.

same mouth, you have violated these scruples most uncleanly and most foully by accusing the senate because it made a severe decree concerning religion.

With this piece of invective in which Cicero draws attention to Clodius' mouth, he taints any past or future words that might come from it. Clodius' has used his mouth to violate religion and morality. This passage follows a number of passages which describe the impure activities of others, especially those related or friendly to Clodius, who have also used their mouths without discretion. This especially applies to Clodius' right hand man, Sextus Cloelius. By mentioning the relationship that Clodius has with Sextus Cloelius, a man of lower stature than Clodius, Cicero can then create an unholy and immoral connection between them, further removing Clodius' actions from the good of the city, especially in terms of religiosity.³⁹

Cicero creates that connection with constant assaults on Cloelius' character:

Scilicet tu helluoni spurcatissimo, praegustatori libidinum tuarum, homini egentissimo et facinosissimo, Sex. Clodio, socio tui sanguinis, qui sua lingua etiam sororem tuam a te abalienavit, omne frumentum privatum et publicum, omnis provincias frumentarias, omnis mancipis, omnis horreorum clavis lege tua tradidisti; qua ex lege primum caritas nata est, deinde inopia. Impendebat fames, incendia, caedes, direptio: imminebat tuus furor omnium fortunis et bonis. (Dom. 25)

You, forsooth, passed a law by which you made over all supplies both public and private, all the corn supplying provinces, all the contractors, and all the keys of the granaries to Sextus Cloelius,⁴⁰ a man deep in destitution and crime, a foul glutton who sampled your debaucheries for you, who shared your blood, and who by his tongue had estranged even your sister

³⁹ Corbeill (1996) 112.

⁴⁰ Sextus Cloelius, or perhaps Sextus Clodius, as earlier texts refer to him, was an associate of Clodius. He was responsible for much of Clodius' legislative writings and contracts. He may have been a freedman of Publius Clodius. Shackleton Bailey (1960) 41–42 uncovers the relationship between the man and his name, identifying him as Cloelius, rather than a freedman of Clodius. Damon (1992) extends Shackleton-Bailey's argument seeking to discover more information about Cloelius and further refuting others' assertions such as T. Loposko (1989) 498–503 who claims to settle the question by identifying the Sex. Clodius with a freedman of P. Clodius, one Damio.

from you—a law whose first-fruits were high prices, and whose aftermath was famine.

By means of the relationship between the two men, Cicero has exposed their public and private crimes, implying favoritism in law, sexual improprieties, and a lack of competence in each.⁴¹ He also creates a connection between the improper machinations of Clodius' mouth to that of Cloelius, whose command, according to Cicero, had been stripped as a consequence of the appointment of and approval of Pompey.⁴²

As Cicero establishes Clodius' relationships in his speech, he does not fail to point out a most shocking and repeated type of invective in the *De domo* centered around the relationship of both Clodius and Cloelius with Clodia, his sister.⁴³ Indeed the word, *soror*, occurs ten times.⁴⁴ Cicero employs this strategy in order to cripple the pontiffs' opinion of Clodius (and his family). He does not fulfill the obligations within his family; rather, he violates them. By showing the priests that Clodius has not conformed to

⁴¹ See Corbeill (1996) 112–124 for a full explanation of the sexual innuendo of this speech.

⁴² *Dom. 26. Queritur etiam importuna pestis ex ore impurissimo Sex. Clodi rem frumentariam esse ereptam, summisque in periculis eius viri auxilium implorasse rem publicam a quo saepe se et servatam et amplificatam esse meminisset! Extra ordinem ferri nihil placet Clodio. Quid? de me quod tulisse te dicis, patricida, fratricida, sororicida, nonne extra ordinem tulisti?* “And the inconscionable scoundrel actually grumbles that the administration of supplies has been snatched from the filthy maw of Sextus Clodius, and that in her gravest peril the republic has implored the aid of a man who, she remembers, has often preserved and glorified her. Clodius is opposed to the passing of any extraordinary measure. What! You slayer of father, brother, sister! Was not the measure which you say you passed concerning myself an extraordinary measure?”

⁴³ Cicero does not use Clodia's name at all in the speech.

⁴⁴ In various forms: *qui sua lingua etiam sororem tuam a te abalienavit* (25); *sororicidia* (26); *invenient hominem apud sororem tuam occultantem se capite demisso* (83); *eundemque dictitare Minervam esse sororem meam. Non tam insolens sum, quod lovem esse me dico, quam ineruditus, quod Minervam sororem lovis esse existimo; sed tamen ego mihi sororem virginem adscisco, tu sororem tuam virginem esse non sisti. Sed vide ne tu te soleas lovem dicere, quod tu iure eandem sororem et uxorem appellare possis* (92); *Adfuit is, si modo adfuit, quem tu impulisti, soror rogavit, mater coegit.* (118); *ne valeat id quod imperitus adolescens, novus sacerdos, sororis precibus, matris minis adductus, ignarus, invitus, sine conlegis, sine libris, sine auctore, sine fictore, furtim, mente ac lingua titubante fecisse dicatur* (139)

social and familial religious norms, Cicero discredits the religious behaviors of Clodius. This should in effect, according to Cicero, invalidate the construction of the shrine to *Libertas* on Cicero's former property. Tatum sums it best, "His combination of antiquarian legalism and quasi-philosophical moralism went a long way toward providing what was at least an apparently legitimate basis for rejecting Clodius' all-too-traditional claims."⁴⁵

The pontiffs agreed with Cicero. But this was not necessarily good news for him, because he suffered considerably from Clodius' unchecked rage following the pontiffs' decision.⁴⁶ He and his gangs attacked Cicero's new home construction project, Cicero himself, and the homes of Milo and Cicero's brother Quintus.⁴⁷ The Senate was even forced to meet on 14 November 57 to discuss the issue of Clodius' violent activities and the upcoming elections. (*Att.* 4.3.5) Despite strong feelings against Clodius, his powerful family intervened, claiming that the elections must be held as usual. Milo countered this sentiment, charging Clodius *de vi* and making daily *obnuntiationes* to block the elections, but they were finally held in mid-January. Milo could no longer bring Clodius to trial because as aedile, he was immune from prosecution. His popularity and his power remained intact.

Milo, on the other hand, was not immune from prosecution. In early February, Clodius brought charges against Milo for violence during his tribunate. The prosecution may have been motivated by current events, but the politically charged atmosphere of

⁴⁵ Tatum (1999) 192.

⁴⁶ Cicero also complains about the monetary settlement provided to Cicero by the pontiffs. It wasn't enough. *Att.* 4. 2. 5.

⁴⁷ *Att.* 4. 3. 2ff.

the trial resulted in violent outbursts by both Clodian and Pompeian bands.⁴⁸ One contributing factor to this violence was the appearance of Pompey, who served as one of Milo's advocates.⁴⁹ The trial was suspended and rescheduled for later in February. During the interim, the Senate met again to discuss the violence. Because the Senate was united against Pompey due to an impending political battle in order to secure the transfer of an additional proconsular imperium in Egypt for him, Pompey's actions at Milo's trial were condemned.⁵⁰ This censure destroyed Pompey's plans and elevated Clodius' status.

Although Milo's trial was moved to May, Clodius achieved his goal. Pompey was once again embarrassed. Clodius' union with Caesar was strong, as were his ties to Crassus.⁵¹ Cicero, however, expressed his grief (*dolor*) as a result of his failure to help Pompey achieve this assignment in Egypt. He had also failed to return Pompey's favor to him.⁵²

Only a few days after the disturbance at Milo's trial, Publius Sestius, fellow tribune of Milo, was charged *de ambitu* and *de vi*. In his speeches, both the *pro Sestio* and *in Vatinius*, Cicero claims that Clodius had a hand in the prosecution.⁵³ By claiming that

⁴⁸ Dio. 39. 18. 2.; Cic. *Q.fr.* 2. 5. 3.

⁴⁹ And Cicero.

⁵⁰ For Cicero's account of the controversy surrounding this special commission to Egypt, see *Fam.* 1. 1. 3, 1. 2. 1f., 1. 4. 1f, 1. 6; *Q.fr.* 2. 2. 3. Pompey had already been appointed the task of *cura annonae*, or care of the grain supply.

⁵¹ The allegiances of M. Licinius Crassus are always in flux, as a prudent businessman and leading advocate, he aligned himself according to his own needs.

⁵² *Q.fr.* 2. 2. 3.

⁵³ Based on past scholars' weak arguments, Tatum (1999) 206 questions Clodius's involvement for lack of motive. Sestius was originally tried both *de ambitu* and *de vi*, which may have been instigated by Clodius, but the trial continued only on the charge *de vi*. Also, as Tatum points out, the prosecution seems to praise Milo's tribunate during the trial, a tactic which could have only helped Sestius (*Sest.* 86f,

Clodius was involved, even peripherally, with the prosecution, Cicero acquired the opportunity to slander Clodius. After all, he had not spoken against Clodius in court since the *de Domo*, months prior. Furthermore, Cicero had witnessed Pompey's humiliation at the behest of Clodius, a clear sign that either Clodius' power had superseded Caesar's hold on him or that Caesar's support for Pompey had waned. It is in this situation that Cicero finds an opportunity to attack Clodius, who apparently needed to be put in his place, to reassert his own standing as a leading advocate by defending Sestius, and to lend political clout to the *optimates* so that they once again resume power in the State.

The concern here is the attack on Clodius in both speeches *de Sestio*. What we have as the speech against Vatinius occurred first. It is clear rather early in the speech that Cicero intends to launch invective. The assault on Vatinius is bitterly fierce; that on Clodius, on the other hand, is indirect.⁵⁴ What is curious, however, is how Cicero defines Vatinius' crimes. One of Vatinius' first assaults on Cicero, he argues, was when he colluded with Clodius in 58 to exile Cicero.⁵⁵

Vatinius is an object of Cicero's hatred because of his actions supporting Clodius. Following the initial assault, Cicero focuses his speech on how Caesar and Vatinius

90, 135; *Vat.* 40) This may have led Vatinius to think that the prosecution and defense were in collusion, and which Cicero laughs away. (*Vat.* 3. 41) Further, in *Fam.* 1.9, Cicero only mentions his success from the Sestius trial in terms of Vatinius's embarrassment and Caesar's defamation. I stand by Tatum's argument, too, because of the context. Although I am cautioned against producing a timeline, the indictment against Sestius came on 10 February, in the midst of Clodius's charges against Milo, a more violent and formidable enemy. Vatinius helped Clodius in the prosecution of Milo. Gardner (1984) 330.

The presence of any Clodius, even a minor one such as the prosecutor, helped Cicero prepare a speech, within which he intended to make a production about the status of the Republic, as he does at the last third of the *pro Sestio*. Cf. Pocock (1926) 134ff, and Seager (1979) 120.

⁵⁴ Cicero's need to maintain self-control as well as to address the witness in this speech precludes severe attack on Clodius, for the time being. He knows that he will also give the concluding speech.

⁵⁵ *Vat.* 1.

broke laws in 59, during Caesar's consulship. By attacking the legislation during that time, and especially Caesar's illegal methods to pass the legislation, Cicero implies that Clodius' tribunate and resulting power were all invalid. Each mention of Caesar would have reminded the jury of his support of Clodius, and henceforth, Clodius' violence. The detailed account of Vatinius' acts on Caesar's behalf led to the courtroom, when Vatinius was indicted in 58.

In § 33–34, Cicero goes to great lengths to describe the courtroom hostility that resulted when Vatinius had illegally appealed to a tribune of the plebs, Clodius, *ne causam diceret*, to avoid trial.⁵⁶

Appellarisne tribunos pl. ne causam diceres—levius dixi; quamquam id ipsum esset et novum et non ferendum—sed appellarisne nominatim pestem illius anni, furiam patriae, tempestatem rei publicae, Clodium. Qui tamen cum iure, cum more, cum potestate iudicium impediere non posset, rediit ad illam vim et furorem suum ducemque se militibus tuis praebuit.

Did you not appeal to the tribune of the commons to save you from answering the charge—I have spoken too lightly, although by itself this would be a strange and intolerable—but did you not appeal by name to the curse of that year, to the evil spirit of this country, to the storm that burst over the State, to Clodius, who, although he could not, either by law, by custom, or by authority, obstruct your trial, had recourse to that mad violence of his, and put himself at the head of your armed bands.

Cicero assails Clodius while in his capacity as tribune, the office which Vatinius and Caesar had allowed him to undertake, and the office which Vatinius, too, had abused. He then describes Clodius with a tricolon of insults, referring to his cruel methods. These methods are further exploited as Cicero illustrates events in the forum under Clodius' regime:

⁵⁶ The charge against Vatinius was probably *maiestas*. Vatinius may have violated the *lex Licinia Iunia* with his ratification of Pompey's settlement of the East. See Gardner (1984) 284. Pocock (1924) 161–179 defends Vatinius and Clodius for their actions concerning this trial on the grounds that the prosecution did not follow past protocol in the assignment of the *quaestor*, or court president.

In short, in order to upset a trial, [has any person] committed all those excesses, which were the very reason why the trials were established? Do you not know that the presidents of neighboring courts were turned out of their seats? That in the Forum, in broad daylight, in view of the Roman People, a court of law, magistrates, old customs, laws, judges, a defendant, a penalty, were set at nought?⁵⁷

Cicero aims to demonstrate that while this courtroom drama unfolded years prior, it could have occurred just days prior. As Cicero reminds the jury that Vatinius had sought favor from Clodius, he also recalls events from the trial *de Milone*.⁵⁸

For the remainder of the speech against Vatinius, whenever possible, Cicero makes use of a different and colorful phrase to describe Clodius while naming him. Among the phrases used: *illius tui certissimi gladiatoris*, that most loyal swordster of yours; *cum Clodianas operas et facinerosorum hominum et perditorum manum videris*, when you see Clodius' hirelings and his band of criminals and scoundrels...⁵⁹ In contrast to the speeches *post reditum*, the use of Clodius' name throughout the *In Vatinium* demonstrates that Cicero no longer feels concern for how the public will view him. Cautious upon his return, months have passed since Cicero's recall, giving him the confidence he needed to slowly chip away at Clodius' character.

Comparatively, the *In Vatinium* is a short speech, designed as an *interrogatio* and delivered as a *vituperatio*. It provides the jury with a taste of what is to come, with the final speech *pro Sestio*. Cicero "devoted over half of it to a full narrative of the events which led to his banishment, and to the early and unsuccessful state of the movement

⁵⁷ *Vat. 34. eas denique omnes res in iudicio disturbando commiserit, quarum rerum causa iudicia sunt constituta; ...iudices quaestionum de proximis tribunalibus esse depulsos, in foro, luce inspectante populo Romano quaestionem, magistratus, morem maiorum, leges, iudices, reum, poenam esse sublatam.*

⁵⁸ Cf. *Q.fr. 2. 3. 2.*

⁵⁹ *Vat. 37 and 40, respectively.*

for his restoration,” a time period in which Clodius was the main character in Roman politics.⁶⁰

The invective in the *pro Sestio* has developed from that in the *de domo*. In addition to committing incest, Clodius is now represented as a prostitute.⁶¹ In order to reach his position as tribune (and now as aedile), Cicero claims that Clodius sold himself for favors, both to Caesar and the consuls of 58, as well as to prominent politicians. In an early mention of Clodius’ character, Cicero recalls the most scandalous character assignments from Clodius’ past.

Sed cum scurrarum locupletium scorto, cum sororis adultero, cum stuprorum sacerdote, cum venefico, cum testamentario, cum sicario, cum latrone. (Sest. 39)

But I had to deal with a debauched favourite of wealthy rakes, a lover of his own sister, a priest of profligacy, a poisoner, a forger of wills, an assassin, a brigand.

Cicero describes his enemy as *illa furia*.⁶² The explicit name-calling aimed to remind the jury of Clodius’ character makes him all the more menacing. Because Cicero uses Clodius’ name as an adjective, the references to any violent act immediately become associated to Clodius, his actions, his crimes, or his bands of men. These references number in the hundreds. Conversely, Cicero presents himself as having avoided harmful tactics, now twice. For his actions prevented Catiline’s bands from assaulting Rome and his submission to Clodius prevented a bloody battle between their factions prior to his exile. Further, while Clodius’ name is not utilized, Cicero

⁶⁰ Gardner (1984) 299.

⁶¹ Sest. 39, 46, 48, 52.

⁶² Sest. 39. Cicero uses many insults when he refers to Clodius throughout the speech.

wields the names of those friendly to him, Sestius and Pompeius, frequently.⁶³ It is essential in this speech that Cicero demonstrates the two sides of the battle as his narrative unfolds. This will prepare the jury and his audience to accept the political manifesto which concludes the speech.⁶⁴

After Cicero has placed all blame for the disruption in the city on Clodius, he shifts his focus to demonstrate that Clodius did not allow order to be restored. Clodian laws become Clodian crimes.⁶⁵ Cicero then essentially draws a line in the sand, claiming that Clodius' band resolved to murder Pompey in order to block legal procedures.⁶⁶ Cicero divides the jury, the audience, and the *factiones* in Rome: one can either be with "that demented and abandoned enemy of modesty and decency" or against him, and stand for peace, order, and safety.⁶⁷

Recall that the only evidence of Clodius' participation in this trial is his prior association with Vatinius and Cicero's own claim. Yet Cicero speaks as though he addresses Clodius. He asks,

Gladiatores tu novicios, pro exspectata aedilitate suppositos, cum sicariis e carcere emissis ante lucem inmittas? magistratus templo deicias, caedem maximam facias, forum purges? et cum omnia vi et armis egeris, accuses

⁶³ P. Sestius' name is used 45 times throughout the speech. Pompey received a dozen nods. Even other Ciceronian enemies: Caesar (7), Gabinius (5) and Piso (3) are named.

⁶⁴ *Sest. 66. damnatis de vi restitutio, consulatus petitio ipsi illi populari sacerdoti comparabatur. haec gemebant boni, sperabant improbi, agebat tribunus plebis, consules adiuabant.*

⁶⁵ *Sest. 68–69: sceleris Clodiani...legem Clodiam.* Because Cicero does not frequently use Clodius' name throughout the speech (he uses epithets or nicknames: *sacerdos, ille tribunus*), the use of Clodius' name becomes significant, especially when used so close to each other. Cicero is drawing this parallel with the word 'Clodius,' for which, by the infrequent use, Cicero develops a negative connotation. 'Clodius' becomes a bad word.

⁶⁶ *Sest. 69.* Clodius passed a law which prevented measures to recall Cicero. Pompey's life was threatened. After which, he withdrew from public until the end of Clodius' tribunate.

⁶⁷ *Sest. 73. illum amentissimum et profligatissimum hostem pudoris et pudicitia.*

eum qui se praesidio munierit, non ut te oppugnaret, sed ut vitam suam posset defendere? (Sest. 78)

Are you to send in the Forum before daybreak your raw gladiators, provided for an expected aedileship, with a pack of assassins discharged from prison? Are you to drive magistrates from the Rostra? Are you to wreak great slaughter? Are you to empty the Forum and, after you have done all this by force of arms, are you to accuse one who protected himself with a guard, not to attack you, but to defend his own life?

The interrogation forces not only the persons at whom Cicero was pointing his finger while speaking but also each member of the jury and audience to decide what kind of activities define them. He follows these deliberately quick bombarding questions with a narrative about Sestius, who had suffered through a sudden attack by *manus illa Clodiana*.⁶⁸ The crimes of Clodius and his band are compared to those of Sestius. Acting in defense of the Republic he countered Clodius and his *manus, gens, facinora, and exercitus*.⁶⁹

Almost a month passed between the trial of Sestius, acquitted unanimously, and that of Caelius. During this time, Cicero remained busy in the courts, while Clodius' activities are unknown.⁷⁰ The success of Cicero at the trial of Sestius, which concluded in mid-March, surely would have been a blow to Clodius, despite his current role as aedile. Cicero, on the other hand, slowly rebuilt his senatorial and forensic relationships. Then, on the festive *Ludi Megalenses*, Cicero defended Marcus Caelius

⁶⁸ The Clodian band also violated religious law when they attacked Sestius, who, as a tribune, was an untouchable. Sest. 79. cf. Q.fr. 2.3.6. Within this brief exposition, the word Clodiana is used twice, first in reference to Clodius' henchmen, and second in reference to the Clodian brothers, Appius and Publius. See Gardner (1984) 146ff.

⁶⁹ Sest. 79, 81, 82, 87, respectively. Cicero mentions Sestius beneficial role 11 times in these sections.

⁷⁰ Gardner (1985) 403 states that if Clodius did have a hand in the prosecution, it may have been another political scheme in order to further aggravate and discredit Pompey, who had desired a position in Egypt. Caelius had been implicated in the death of Dio, part of a delegation from Egypt to Rome. One of the charges against Caelius was *de Dione*, for conspiracy to commit his murder with P. Ascinius, successfully defended by Cicero between the trial for Sestius and this one.

Rufus on charges *de vi*, brought by a lesser P. Clodius.⁷¹ Here was another opportunity for Cicero to destroy the character of his enemy, Clodius.

The types of invective in the *pro Caelio* differ from the *pro Sestio* because of the nature of the cases. As the last speaker, Cicero allowed his colleagues to deal with the main charges of the case, whereas Cicero focused his attention on those which related to Clodia Metelli, the sister of Clodius and widow of Q. Metellus Celer, consul in 60. Understandably, the nature of the invective relates to Clodia as well. The references to Clodius and his past activities also sting the character of Clodia in order to damage her credibility as a witness.

The only mention of Clodius by name is in § 17, where Cicero explains Caelius' living situation. The other references to Clodius are in his capacity as Clodia's brother, a development of the relationship between brother and sister established in the *De domo sua*. Cicero explains to the jury,

Quid est aliud quod nos patroni facere debeamus, nisi ut eos, qui insectantur, repellamus? Quod quidem facerem vehementius, nisi intercederent mihi imicitiae cum istius mulieris viro—fratre volui dicere; semper hic erro. (Cael. 32)

What other course is open to us who are his counsel than to refute those who attack him? And that I should do with all the more vehemence, were I not hindered by my personal enmity to that woman's husband—I mean her brother; I always make that slip.

Cicero claims that he will not attack Clodia through a vehement refutation of the charges. Yet by merely mentioning that he will avoid this, Cicero announces his intentions. The slip foreshadows Cicero's treatment of Clodia through various *personae*.

⁷¹ See Chapter 5 on the *pro Caelio*.

She is visited by two of her relatives: Appius Claudius Caecus and Publius Clodius.⁷² Caecus speaks condescendingly while Clodius wonders why Clodia has brought Caelius to trial for such trivialities.⁷³ Cicero's purpose in conjuring up Clodia's family members is to remove himself from responsibility for the mocking invective he will deliver.

Through Caecus, Cicero reminds the court about the Claudian *gens*, illustrious and respected for its numerous consulships.⁷⁴ He also recalls the upstanding character of Clodia's dead husband, whom she was suspected of poisoning. Caecus further draws a comparison between Clodia and Quintia Claudia, the model of a Roman matron. He asks, *Cur te fraterna vitia potius quam bona paterna et avita et usque a nobis cum in viris tum etiam in feminis repetita moverunt?* "Why did thy brother's vices move thee rather than the virtues of thy father and thy ancestors, kept alive since my time by not only the men but also the women of my family?" (*Cael.* 34) The question remains unanswered. With each reminder from Caecus, he begs the jury to see the contrast between both Clodia and her brother, who then "appears" himself.

Cicero's portrayal of Clodius suits the relationship between owner and tenant that was demonstrated earlier in the speech. (*Cael.* 17) The introduction that Cicero offers, however, is highly exaggerated.

⁷² *Cael.* 33–35.

⁷³ The introduction of *personae* adds a comedic element to the invective, by which Cicero appeals to the jury. The Clodian characters are balanced later by visits from the two types of comedic fathers, who appear to deal with Caelius' transgressions.

⁷⁴ Allen, Jr. (1937) argues that the spelling of Clodius' name comes from his decision to stand as tribune (in 59) signifying a break from his patrician family to seek a plebeian office. This is refuted in Riggsby (2002) because Clodius had used the name prior to that event. Riggsby offers a systematic discussion of all previous theories, including phonetics, and synthesizes them to produce the idea that Claudius became Clodius upon a change in political stance.

Ex his igitur tuis sumam aliquem ac potissimum minimum fratrem, qui est in isto genere urbanissimus; qui te amat plurimum, qui propter nescio quam, credo, timiditatem et nocturnos quosdam inanes metus tecum semper pusio cum maiore sorore cubitavit.

[Therefore I] take one of your present relatives, and by choice your youngest brother, who is in that respect a perfect man of the world; who loves you most dearly; who, I suppose, being prey to a sort of nervousness and certain idle terrors in the night, always when a little fellow went to bed with you, his elder sister.

Cicero clearly means to draw the relationship between Clodius and Clodia as incestuous, a continuation of his past implications. Nevertheless, the tone of the passage (sarcastic), word use (frequent superlatives), and recurrent alliteration (m) tell the jury that Cicero means to say so much more about the family. Clodius has substantially departed from the values of his past, the revered *consulares*, who kept Rome safe rather than ruin her. He has corrupted the lives of many, including his own sister, with whom he maintained an improper relationship.

And then, because of his shortcomings both as a man and citizen, Clodius fails to address his sister with the upright and morally sound values that both Caecus and even Cicero embodied while talking to her. *Quid tumultuaris, soror? quid insanis? Quid clamorem exorsa verbis parvam rem magnam facis?* “Sister, why are you making such a to-do? Why do you shout so loud, why do you fuss about a trifle?” (*Cael.* 36)

Cicero represents Clodia as guilty for the events that she now has brought to the attention of the court. It is her failure to conduct herself as a proper Roman matron which has put her into this position. As the living, present relative of Clodius, she too has been affected with his madness, for she has become crazy (*insanis*). With these references, Cicero damages the Clodian *gens*.

In his forensic speeches *post reditum*, Cicero embarks on a campaign of deliberate and bitter invective against Clodius, at last named as his enemy.⁷⁵ Throughout these speeches, the methods of invective against Clodius vary according to the purposes of each speech. Cicero relies on the dialogue which occurs among the Roman elite between the speeches in order to gauge his next action. It is this dialogue, initially riddled with tension, which Cicero counted on so that he could continue to undermine the Clodius' position in Roman politics. By doing so, Cicero carefully employs a kind of retribution, or payback against Clodius. Probably more so than anyone else in his time, Cicero knew the power of forensic oratory as a tool to disseminate political and personal agendas. Therefore, it is only through his systematic character assassination of his enemy that he can complete his own character reconstruction and by association, a rebuilding of the *res publica*.

⁷⁵ Cicero does not mention Clodius by name in the deliberative *post reditum* speeches.

CHAPTER 7 CONCLUSION

Ea nos cum iacentia sustulimus e medio, sicut mollissimam ceram ad nostrum arbitrium formamus et fingimus. Itaque ut tum graves sumus, tum subtiles, tum medium quiddam tenemus: sic institutam nostram sententiam sequitur orationis genus idque ad omnem aurium voluptatem et animorum motum mutatur et vertitur.

–Cicero, *de Orator*, 3. 177¹

Ego me hercule mihi necessitatem volui imponere huius novae coniunctionis, ne qua mihi liceret labi ad illos qui etiam tum cum misereri mei debent non desinunt invidere.

–Cicero, *Att.* 4.5²

In January 56, as Cicero turned 50, he entered the Forum to rebuild a career that had included the highest office in Rome. At first, his appearances were marked with violence.³ Nevertheless, he attended Senate meetings and participated as he had prior to his exile. (*Q. fr.* 2.3.7) Later that month, Sestius, the tribune who had fought for his return was charged *de ambitu* and *de vi*. On the next day, while defending Bestia,⁴ Cicero laid the foundations for his defense of Sestius. In so doing he defeated his former student, Caelius, and won his first forensic case since his return. Then, in March, the trial of Sestius began.

At last Cicero had the opportunity to explain the events surrounding his exile, so he immediately tied Sestius' cause to his own:

¹ Translation by May and Wisse (2001) 278: The way we speak is sometimes grand, sometimes plain, and sometimes we hold to the middle course. Thus, the style of our speech follows our thought as we have established it, changing and turning to delight the audience's ears in every way, and to stir up all kinds of emotions in their souls.

² "The truth is, I wanted to bind myself irrevocably to this new alliance so as to make it quite impossible for me to slip back to those people who won't give up their jealousy even when they out to be sorry for me."

³ The initial trial *contio* for Milo. *Q.fr.* 2.3.7.

⁴ Caelius had accused L. Calpurnius Bestia of *ambitus* (electoral bribery) in February of 56. cf. *Q.fr.* 2. 3. 6.

Si in exponendis vulneribus illis de me ipso plura dicere videbor, ignoscitote; nam et illam meam cladem vos et omnes boni maximum esse rei publicae vulnus iudicastis, et P. Sestius est reus non suo, sed meo nomine. (Sest. 31)

If, in laying open these wounds, I seem to say rather much about myself, you must pardon me. For both you and all loyal citizens held that the disaster that befell me was the greatest possible wound to the State, and that Publius Sestius is a defendant not on his own account, but on mine...

But prior to his speech for Sestius, the trial gave Cicero the chance to attack a witness for the prosecution who had helped exile him. Against Vatinius, Cicero did not merely criticize, but pushed past the case at hand to criticize those powers responsible for his exile. His invective, either as a response to testimony or as propaganda, was an attempt to sever Cicero's character from those he criticizes. As he constructed this separation from those whom Vatinius represented, Cicero reasserted that the offenses described in this invective outweighed any he himself may have committed. Cicero cut up Vatinius to the applause of gods and men.⁵ With Caesar abroad in Gaul, and Pompey next to him serving as a character witness for Sestius, Cicero had a plan: create dissension between these two triumvirs.

In his concluding speech for Sestius, Cicero did not actually present his defense for Sestius until Chapter 71. This digressive oratory was a tool by which Cicero attempted to redeem his own persona in the eyes of his audience. He did so by revealing the truly evil forces in Rome: the consuls Piso and Gabinius, and their tribune, Clodius. These men, who were connected politically to Caesar, Vatinius, and Clodius, combined to work against the *mos maiorum*, wreaking havoc in the city and

⁵ Q.fr. 2. 4. 1 *concidimus dis hominibusque plaudentibus.*

beyond. Cicero offered men like Pompey, Sestius, Milo and above all, himself, as the only answers to this malevolence. Sestius was acquitted.

Following three successful trials, Cicero gained great confidence in himself.⁶ Then, in early April, he defended M. Caelius Rufus, his opponent in Bestia's trial. Because of the circumstances of the trial, Cicero had to invent a new case, focused on his own ideal of the good, versus the evil characters of *adulescens* and *mulier*. By associating himself with *adulescentia*, Cicero attempted to restore his position in politics as the good that is in constant battle with the evil, represented by the Clodians. This trial, spread over the festival days of the Ludi Megalenses, allowed Cicero, the jury, and his audience to enjoy themselves with the forensic stage play concocted by Cicero and gave him another victory to enjoy.⁷

On the day after his speech *pro Caelio*, Cicero "took a leading part in a senatorial debate"⁸ in which he proposed "that the question of the Campanian land should be referred to a full House on the Ides of May."⁹ Cicero knew two years later as he revealed in his letter to Lentulus that he had caused an uproar with his proposal. But did he know then?

num potui magis in arcem illius causae invadere aut magis oblivisci temporum meorum, meminisse actionum? Hac a me sententia dicta magnus animorum motus est factus cum eorum, quorum oportuit, tum illorum etiam, quorum numquam putaram... (Fam. 1. 9. 8)

⁶ Cicero had also defended Publius Asicius, a man accused of murdering Dio of Alexandria (*Cael.* 23)

⁷ Geffcken (1995) 23, "Cicero aims to entertain his audience, to suggest the enjoyable world of the comic theater, and by reference to comic characters, he leads the audience into looking at parties of the trial in his own way.

⁸ Gardner (1958) 525.

⁹ *Fam.* 1. 9. 8. *quin etiam Marcellino et Philippo consulibus Nonis Aprilibus mihi est senatus assensus, ut de agro Campano frequenti senatu Idibus Maiis referretur.*

Was not that invading the innermost citadel of the ruling clique with a vengeance? And could I have shown myself more oblivious of my past vicissitudes or more mindful of my political record? That speech of mine caused a sensation, not only where I had intended but in quite unexpected quarters.

Since his triumphant return, Cicero had managed to speak on separate occasions to the Senate and people. He regained possession of his home and property; he won a series of cases; and, he influenced important legislation for his friend Pompey. Throughout these speeches, a vengeful Cicero was able to weave coarse invective against his enemy Clodius and expose his crimes. Clodius, for the time being, was quiet. Cicero had won. His campaign of reassertion, redemption, restoration and retribution was complete.

Cicero had succeeded in repositioning himself in Roman politics through his expert forensic oratory. He created and manipulated the characters of Sestius, Caelius, Vatinius, and Clodius, each in different ways, yet all for the same purpose: to rebuild his own reputation. In doing so Cicero meant also to rebuild that which was most important to him, the *res publica*. This effort, although clever, was not able to overcome the power of the triumvirate. Following Cicero's proposal in the Senate, Pompey, Caesar and Crassus had rejoined forces at Luca.¹⁰ Their accord, strengthened at the Luca conference following the attacks made on Vatinius and in the Senate by Cicero, checked Cicero's short-lived prominence. He wrote two years later, "*Collegi ipse me et cum ipsa quasi re publica collocutus sum*, "I took stock. It was like a dialogue between me and my country." (*Fam.* 1.9.10) He did not attend the meeting of the House on the Ides of May.

¹⁰ Suet. *Div. Iul.* 24.1.

Thereafter, he composed a letter to Pompey. This letter is now referred to as Cicero's palinode. Although we do not have it, Cicero tells us about it in subsequent letters to Atticus. (*Att.* 4. 5, 4. 6) "If I speak on politics as I ought, a slave if I say what is expedient, and a helpless captive if I say nothing—how am I supposed to feel?"¹¹ These events were followed by Cicero's speech *De provinciis consularibus*, in which Cicero uttered complimentary approval of Caesar and his activities in Gaul.

At the end of 56 BC, following Cicero's political reversal, Cicero delivered speeches that lacked his previous ingenuity and zeal, which eventually presaged his withdrawal from politics.¹²

¹¹ *Att.* 4. 6. 2. *ego vero qui, si loquor de re publica quod oportet, insanus, si quod opus est, servus existimor, si taceo, oppressus et captus, quo dolore esse debeo?*

¹² Speeches such as *Pro Balbo*; *De Consularibus Provinciis*, and even *Pro Vatinius*.

APPENDIX A
SUMMATION OF THE CLODIA/LESBIA DEBATE¹

By the time my research had entered the conversation concerning the *pro Caelio*, the characterizations of Clodia Metelli had already been thoroughly confused with the Lesbia of Catullus. No brief treatment can do this debate justice yet it seems appropriate here to attempt a summary of the conversation.

Apuleius first identified the Lesbia of Catullus as Clodia in his writings about other poetic mistresses. (l.10) His source was Suetonius, whose lost treatise *De poetis, de scortis illustribus* disclosed their identities. Suetonius' source was Hyginus who was writing in 47 BC as the director of the Palatine Library after Varro. A friend of Ovid, Hyginus wrote *De vita rebusque illustrium virorum*. Although each of these sources named a Clodia as Lesbia, they did not provide which of the three Clodiae was *the* Clodia. Nevertheless, many scholars agree with the traditional identification of Lesbia as Clodia Metelli from the connections found in Cicero's *pro Caelio*.²

Various passages from the other speeches of Cicero, especially those concerning her brother, Clodius, have been used by scholars to trace the relationship between the Clodii and Cicero.³ Also used in this identification is the poetry of G. Valerius Catullus datable to this same time period. Catullus refers to a Caelius and a Rufus, although it is unclear whether these men were the one and same M. Caelius Rufus.⁴ The poems

¹ I am indebted to my class and my professor at the University of Florida during the summer of 2009 for the excellent debate and conversations concerning this topic. Special thanks to Melissa Burgess, who created notes and bibliography with which I created this summary.

² *Cael* 36, 38, 68, 78.

³ *Sest.* 16, 19, 116. *Q.fr.* 2.3

⁴ *Cat.* 58, 69, 77, 100. Dettmer (1997) and Noonan (1979) both maintain that these characters of Catullus were M. Caelius Rufus. Wiseman (1985) disputes this, saying neither one was Caelius of *pro Caelio*.

distinguish the men as one a friend, the other as an enemy of Catullus, yet scholars have also assumed that the girls mentioned in the poems are each Lesbia.⁵ This assumption, coupled with the very strong evidence given by the initial line and the subject of Catullus' poem 79, *Lesbius est pulcher*, have encouraged scholars to create the narrative surrounding Clodia Metelli as Lesbia.

Since Cicero depicted Lesbia as a beautiful, intelligent, rich, powerful and spoiled, and the Catullus of Lesbia has been interpreted as sharing some, if not all of these attributes, the identification is very easily achieved. Couple this with the tendency of romanticized Rumor to prevail, even in scholarship, and the Lesbia/Clodia Metelli story is difficult to ignore. However, Wiseman's arguments, which stem from his refusal to accept the neatly arranged chronology of Catullus' life based upon dating of the poems in conjunction with Clodia Metelli's public life, have suggested that Clodia Luculli, the younger sister of Clodia and one-time wife of L. Licinius Lucullus, is Lesbia. Wiseman cites as his evidence much of the literature surrounding the daily events of Cicero recorded in his letters as well as the events surrounding Clodius, when he served under Lucullus in Asia and following, during the Bona Dea scandal of 61 BC.⁶

There is also a third sister of Clodius, a lesser Clodia married to Q. Marcius Rex. Each of the three Clodiae had been either divorced or widowed prior to the trial against Caelius, which may mean that the references in Catullus to a married Lesbia would

⁵ Catullus only uses the name "Lesbia" in poem 58.

⁶ Wiseman's (1969) explanation is by far the most objective and complete. His work predates the recently printed Dyson Hedjuk (2008), a new sourcebook for Clodia. See Dixon (2001) for the argument that Lesbia was a fictional character.

preclude each of the Clodiae, from what we know about them.⁷ Further complicating the debate is the dating of Catullus' poems.

The most important aspect of the Clodia/Lesbia scholarship as it relates to this paper is the fact that much of the scholarship has conflated the historical figure of Clodia Metelli with the fictional Lesbia. This is the predominant view. It is rather enticing to associate the woman scandalized by Cicero with Catullus' lover, yet as Skinner (1983) maintains, objectivity should at least be attempted while examining the primary sources.

⁷ *Cat.* 68b and 83.

APPENDIX B CAELIUS' GUILT

Cicero went to great lengths for Caelius. Their relationship, explained by Cicero himself in the *pro Caelio*, began with Caelius' education in the art of Roman law and rhetoric while Caelius was a young man. (*Cael.* 9) Cicero tells the jury that both he and Crassus were surrogate father figures for Caelius. The short explanation for why Cicero (and Crassus) defends Caelius is rather misleading. Cicero attempts to create by association a new set of *comites* for Caelius, specifically himself, a very successful orator, and Crassus, a very wealthy and influential Roman. This tactic insulates the upcoming associations with both Catiline (*Cael.* 10–15) and Publius Ascius. (*Cael.* 23–24) As the audience, we also are to assume that Caelius was a model student of Cicero's. Yet, it is the placement of this sentence, between the father and Catiline that eliminates any question of Caelius' character while under his tutelage.

What can we learn about Caelius' character? Is it possible to determine what kind of man Caelius was without the portrayal provided in this context by Cicero? Most of the sources about him are posthumous, including one by Cicero:

Nec vero M. Caelium praetereundum arbitror, quaecumque eius in exitu vel fortuna vel mens fuit; qui quamdiu auctoritati meae paruit, talis tribunus plebis fuit, ut nemo contra civium perditorum popularem turbulentamque dementiam a senatu et a bonorum causa steterit constantius. quam eius actionem multum tamen et splendida et grandis et eadem in primis faceta et perurbana commendabat oratio. graves eius contiones aliquot fuerunt, acres accusationes tres eaeque omnes ex rei publicae contentione susceptae; defensiones, etsi illa erant in eo meliora quae dixi, non contemnendae tamen saneque tolerabiles. hic cum summa voluntate bonorum aedilis curulis factus esset, nescio quomodo discessu meo discessit a sese ceciditque, posteaquam eos imitari coepit quos ipse pervererat. (Brut. 273)

Marcus Caelius again was a man whom I should not pass over, whence chance or choice determined the end of his political career. So long as he had regard for me and my counsel, in his capacity as tribune, he held out with incomparable firmness on the side of the senate and the best men of the state against the turbulence and madness of the most reckless demagogues. [A delivery uneven and unconciliatory] was offset by a style brilliant and impressive, conspicuous especially for its cleverness and wit. He made some important public speeches and three merciless prosecutions, all of which arose out of political ambition and rivalry. His court speeches on behalf of himself and others, although inferior to those which I have mentioned, were not negligible, indeed quite tolerable. He was made curule aedile with the full support of conservative men, but to my sorrow after my departure he fell away from his own past standards, and imitating the example of men whom he himself had misled, he brought about his own fall.

Velleius Paterculus also commented about Caelius and his associates, *vir eloquio animoque Curioni simillimus sed in utroque perfectior nec minus ingeniose nequam*,¹ “A man most similar to Curio in eloquence and spirit but in each more polished and not less brilliant.” Quintilian commented: *Caelius dignusque vir cui et mens melior et vita longior contigisset*,² “Caelius was a worthy man whom both a better mind and a longer life could have touched.”

These authors agree that Caelius should have made better decisions with his abilities and talents. From these sources, we can see that Cicero does not allow the audience to see the real Caelius. All mention of his decisions and character are masked in verbose defense.

Caelius’ speech in his own defense reveals the same type of vicious invective used by his master. The only place to find what seems to be honest communication from Caelius is in the series of letters to Cicero several years after the trial, most of

¹ *Hist. Rom* 2.68.1.

² *Inst. Orat.* 10.1.115 for more fragments, see *ORF* 162.

which were sent to Cicero while he was serving reluctantly as governor of Sicilia.³ It is from these seventeen letters to Cicero, written between the years 51–48, that I have tried to uncover hints to the real character of Caelius. The letters detail some of the prominent political happenings in Rome, court cases, news from Caesar in Gaul, as well as some minor gossip, which Caelius offers to Cicero with his own commentary and opinion. Much attention focuses on Caelius' bid for the aedileship. He nearly begs Cicero to supply him with panthers for games upon which subsequent electoral victories would demand.

For the most part, it is rather difficult to dig under the pleasantness between Caelius and Cicero in order to expose the skeletons in Caelius' closet. However, it can be argued that Caelius, as reporter of the activities at Rome for Cicero, attempted to portray himself in the best light, not only to impress his friend with his literary skill, but also to display his abilities in the Forum.⁴ The private correspondence served as a stage on which Caelius could perform.⁵ When he describes court scenes that he witnessed to Cicero, Caelius utilizes the present tense, 1st person verbs, and swift action, providing Cicero with a lively first-hand account of the event.⁶ On the other hand, when Caelius disapproves of an occurrence or a person, his narrative slips into

³ *Fam.* 8.1.1.

⁴ *Fam.* 8.1.1. Quod tibi discedens pollicitus sum me omnis res urbanas diligentissime tibi perscripturum, data opera paravi...

⁵ The likelihood of this argument should be considered as Caelius completed his *tirocinium fori* under Cicero and given the relation of the *Pro Caelio* to matters of the stage. See Geffcken (1995). As Cicero uses allusions to the stage he gives the jury the comic show it missed being stuck in the courtroom rather than at the Ludi Megalenses. Geffcken does suggest that Cicero paints Caelius as an almost colorless figure, therefore making him resemble the typical, boring adulescens of comedy. I do not see this representation, rather, the opposite, as Cicero tries to avoid admitting Caelius' youthful transgressions, his character comes alive. However, for reasons of the defense, Cicero must repress his youthful urges.

⁶ *Fam.* 8.8.1. *at ego, simul atque audivi, invocatus...occurro...surgo...facio...quoque interponam et illam fabulam narrem...*

passivity and therefore, a pointed disdain or rather, a feeling of personal helplessness for his subject.⁷

But the letters were not just a stage for Caelius; in fact he treated politics in the letters as aesthetic performances.⁸ In reporting the situation at Rome, Caelius often gives advice and makes comments concerning various topics, a task requested by Cicero, yet his literary expositions are delivered as if Caelius was a member of an audience. Rome, specifically where the Senate met and the goings-on in the Forum, were the stage. Caelius' task was similar to that of a theater critic or political columnist. Each evaluation would have been slanted to serve his own interests best, yet his narrative as communicated to Cicero served as part of a literary performance, and again it must be remembered that the events as reported were manipulated by Caelius to serve his own purposes. "[His] exposition can be understood as an instance of aesthetic performance and, thus, as indicative of an ideology in which one-upmanship is valued, in which wittiness and deliberate social posturing serve as a vehicle for members of the elite to distinguish themselves and compete with one another."⁹ Caelius sought to climb the political and social ladder at all times.

Since much of what Caelius reports to Cicero involved others in Rome, the situations that he describes which concern himself are of particular interest to this study. In one letter, he offers advice to Cicero regarding the public matters of Dolabella, a

⁷ *Fam* 8.5.1. *hanc autem nemo ducit rationem, sed omnia desiderantur ab eo, tamquam nihil denegatum sit ei quo minus quam paratissimus esset, qui publico negotio praepositus est.*

⁸ Walters (2003) 10.

⁹ Walters (2003) 3.

possible suitor for Cicero's daughter Tullia, in regards to his prosecution of Appius.¹⁰ He writes, *unum illud monere te possum, si res tibi non displicebit, tamen hoc tempore nihil tua voluntate ostendas et expectes quem ad modum exeat ex hac cause denique. invidiosum tibi sit si emanarit*, "The only advice I can give you is this: even if you are not against the idea in principle, don't show your hand in any way just now. Wait and see how he comes out of this case finally. It would not be good for your reputation if the thing leaks out; and if any hint is forthcoming, it would get more publicity than would be decent or expedient." (*Fam.* 8.6.2)

Caelius goes on to advise his friend about damages to his reputation as a result of this matter. So while Caelius seems genuinely concerned for Cicero, as it is in a matter pertaining to his reputation, Caelius himself would very well also be affected, as Cicero's man in Rome.

As previously stated, throughout Caelius' bid for the curule aedileship, he frequently entreated Cicero for panthers from Cicilia for use in his games. By the end of his requests, Caelius' mood seems to have soured to *turpe tibi erit pantheras Graecas me non habere*, "It will be bad for you that I do not have Greek panthers." (*Fam* 8.6) This is may be lighthearted jest; yet, the placement in the letters is interesting. It comes right after a plea from Caelius for Cicero to put a good word on his behalf to Appius Clodius, a friend of Cicero who had recently been charged by Dolabella for electoral corruption.¹¹ It reveals that Caelius' letter-writing happened in stages.¹² By doing so, he

¹⁰ Shackleton Bailey (1979) 398.

¹¹ *Amabo te, si quid quod opus fuerit Appio facies, ponito me in gratia.* *Fam.* 8.6.5.

¹² *Fam* 8.6.5. Caelius reports news that happens since he began a letter: *hoc nondum fecerat cum priorem partem epistulae scripsi.*

used his information as a bargaining tool to get what he wanted from Cicero. Since Caelius had not been able to give up his request for panthers,¹³ his statement here is matter-of-fact, firm, and uncompromising. This was due to Caelius' envious admiration for Curio, a colleague with whom was in competition. Caelius surely was disappointed that he could not put on the same spectacle with panthers as Curio. (*Fam.* 8.8.10)

At the end of the correspondence between Cicero and Caelius, one event in particular has revealed much about the deviant character of Caelius. After describing the poor treatment he had been getting at Appius' hands, and the quarrel that escalated from this, Caelius relates to Cicero that Appius, Domitius, and Servius Pola have decided to prosecute him on trumped up charges under the *lex Scantinia*, a law that penalized homosexual acts among freeborn citizens. In the passage that follows, Caelius describes Pola's announcement of the charge and his own subsequent actions.¹⁴

Vix hoc erat Pola elocutus cum ego Appium censorem eadem lege postulavi. Quod melius caderet nihil vidi. Nam sic est a populo et non infimo quoque adprobatur ut maiorem Appio dolorem fama quam postulatio attulerit. (*Fam.* 8.12.3)

The words were scarcely out of Pola's mouth when I charged Censor Appius under the same statute! It's the greatest success I ever saw. All Rome (and not just the lower orders) approves; so that Appius is more upset by the scandal than by the prosecution.

These actions may speak to Caelius' cunning in politics but it may also reveal his willingness to stoop to any level to protect his own reputation, which, Wiseman

¹³ Caelius mentions the panthers in *Fam.* 8.3, 8.9, 8.8, 8.6, and 8.7 over the course of one year.

¹⁴ Walters (2003) 98.

comments, had been put on public display here.¹⁵ In this final letter to Cicero, Caelius' writing seems most inflamed with emotion. He concluded the letter: *a te peto ut meas iniurias proinde doleas ut me existimas et dolere et ulcisci tuas solere*, "I ask that you may grieve over my injuries in the same manner that you think that I should grieve and avenge yours. (*Fam.* 8.12.4) This statement almost mirrors an earlier one made by Cicero, and this is where I believe we can deduce that Caelius was capable of nearly anything. Cicero wrote: *te vero, mi Rufe, diligo, quem mihi Fortuna dedit amplificatorem dignitae meae, ultorem non modo inimicorum sed etiam invidorum meorum, ut eos partim scelerum suorum, partim etiam ineptiarum paeniteret*, "My dear Rufus, you are Fortune's gift to me. You raise me in men's eyes, you punish not only my enemies but my enviers, making some sorry for their villainies and others for their ineptitudes". (*Fam.* 2.10.3)

Cicero and Caelius confirmed to each other that Caelius has done great service for Cicero. Each man would do virtually anything for the other. At this, almost the end of Caelius' brief life, Cicero relied upon Caelius for news of the political happenings at home similar to the way that Caelius depended on Cicero for an acquittal years before. There is no mention of Caelius' previous activities in his correspondence, as he would have been foolish to reveal them, yet the cunning, wit, and foresight displayed in his letters along with the careful design of his writings in order to gain social and political status, tells us that Caelius could have been exactly the kind of man who was capable of *just about anything*. Was he capable of poisoning Clodia?

¹⁵ Wiseman (1979) 116 says that "Appius Clodius exposed the sexual morals of young men like Curio and Caelius Rufus." He cites *Fam.* 8.12.1–3 and 8.14.4 as evidence. He continues: "Appius was guilty of the vices he attacked." *Cic. Dom* 111–2.

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Frequently used abbreviations:

AJP	American Journal of Philology
CJ	Classical Journal
CP	Classical Philology
CQ	Classical Quarterly
CW	Classical Weekly
G&R	Greece and Rome
HSCP	Harvard Studies in Classical Philology
JRS	Journal of Roman Studies
TAPA	Transactions of the American Philological Association

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BIOGRAPHICAL SKETCH

Jaime Claymore was born in Ft. Lauderdale, Florida, to Kirk and Nancy Madsen. After spending most of her youth in southern Florida, Jaime attended Florida State University, from 1994—1999. She graduated *magna cum laude* with a Bachelor of Arts in classical civilization and anthropology in 1997. After a semester as a graduate student in the department of Anthropology Department, Jaime moved into the College of Education. While working as a student teacher in Tallahassee, she married Carl Claymore in 1998. Jaime then received her Master of Social Science Education in 1999 and became a curriculum writer for the Florida Heritage Education Project under the State of Florida Department of Education.

The Claymores moved to southern Georgia at the end of 1999, where Jaime taught social studies and Latin for six years. She then entered the University of Florida as a graduate student in the distance learning program in the Classics Department, in January 2005. Thereafter, the Claymores, with their two young children, transferred to Lawrenceville, Georgia, where she taught Latin and History at Norcross High School and Mill Creek High School. She now teaches Latin at Mountain View High School, where she also serves as JCL Sponsor, Facilitator of Professional Development and Director of the Advisement Program. Jaime has attended numerous professional conferences, as a presenter for the American Classical League and the Foreign Language Association of Georgia. She is an active participant in Latin language advocacy in northern Georgia as well.

Upon receipt of her PhD in Classical Studies from the University of Florida in May 2011, Jaime continues to teach and be an advocate for Latin in Gwinnett County, Georgia.