Cicero's post reditum speeches: three studies

Sophie Heppel

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ABSTRACT

This thesis is divided into three subject areas. The first section examines Cicero's employment of the terms "amicitia" and "inimicitia". It takes the form of a prosopographical study of all those named. The Republic came before all ties of "amicitia" and "inimicitia". Cicero saw his cause as one and the same as that of the Republic.

The second section is divided into four sub-sections. The first deals with Cicero's references to the Consulship. Consuls must possess certain essential qualities and abide by a code of practice. The second sub-section contains an analysis of Cicero's references to the Tribunate. The Tribunates of Clodius, Milo and Sestius are assessed in detail. Clodius' legislation may be defended. Cicero's attitude towards "vis" is ambivalent. Cicero's references to violence are far more frequent in the Senatorial speech. The third sub-section looks at Cicero's treatment of public meetings and assemblies. Cicero's descriptions of the meetings held in 58 B.C. are compared with those of 57 B.C. They are contrasted with Cicero's ideal. Cicero is keen to draw attention to the consensus that recalled him. Finally, all Cicero's allusions to the Senate are analysed. Cicero exaggerates the extent to which the Senate lost its authority in 58 B.C. Cicero boasts of the consensus in favour of his recall. Cicero extols the comitia centuriata.

The final section analyses Cicero's references to place. This section is divided into three themes. The first theme is "the city lost, the city restored". Cicero employs the connotations of specific places in the city to enhance this central theme. The second theme examines Cicero's comparison between city and country. The country receives great praise. The last theme looks at allusions to the Empire. This reveals the Roman curiosity in foreign lands and prejudice against foreign people.

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Sophie Heppel

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Department of Classics, University of Durham

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INTRODUCTION

The Catilinarian conspiracy in 63 B.C., during Marcus Tullius Cicero's Consulship, marks the beginning of a chain of events which led ultimately to Cicero's banishment from Rome in March 58 B.C. At the end of 63 B.C. the Senate was left with the decision of how to punish the captured conspirators. The details of the debate which took place on 5 December are unreliable. However, C. Julius Caesar's opinion was well known. He bitterly opposed the death penalty and at one point seemed to have won his audience over. As nothing was ever formally resolved, Cicero ordered the conspirators to be put to death. Cicero was hailed "parens patriae" for bringing about the suppression of the conspiracy.

Cicero did not take up a governorship at the end of the year; he remained in Rome. In 62 B.C. P. Clodius Pulcher, a young noble and formerly a friend of Cicero's, was charged with having violated the sacred rites of the Bona Dea and an "incestum" trial against him was set up. At the trial Cicero completely obliterated Clodius' alibi and later, after Clodius' acquittal, charged that the jurors were corrupted. This incident marks the beginning of their "inimicitia".

On Cn. Pompeius Magnus' return from the East in 60 B.C. the coalition between himself, Caesar and P. Licinius Crassus was formed. Cicero was in strong opposition to the collaboration and made his views public. In turn Caesar

made frequent offers to Cicero throughout 60 B.C. to join them but the orator declined.

In 59 B.C. Caesar took up his Consulship and began working to fulfil the promises he had made to his fellow Triumvirs. His conduct made him many enemies; amongst them was Cicero. At the trial of C. Antonius in March of that year, Cicero was said to have made a direct attack on Caesar and his Consulship. A short time later, Caesar, acting as Chief Pontiff, oversaw the adoption of Clodius which brought about his transition to plebeian status and enabled him to stand for the Tribunate of the following year in which he was successful.

Upon taking up his office on December 10 59 B.C. Clodius brought forward two bills concerning Cicero, the second of which formally exiled him by name. The details of these two bills will be discussed in more detail when Clodius' Tribunate is examined. Briefly, Cicero was banished due to his decision, mentioned above, to execute the captured Catilinarian conspirators. This action was said to be illegal because it breached the "lex Sempronia" of Gaius Gracchus in 123 B.C. This law reaffirmed the right of appeal to the people in capital cases and rendered magistrates who transgressed it liable to prosecution.

Cicero had been acting under the cover of a "senatus consultum ultimum" which had been put in place six weeks earlier due to the threat imposed by the Catilinarian affair. There is much confusion surrounding this issue and the extent to which the decree allowed the Consuls extra powers. It is generally believed that

it no more than reminded the magistrates of their duty, that is, to protect the res publica. It did not therefore grant them any extra jurisdiction or permit them to break the laws. However in extreme cases, when the national security was at risk, the Consuls were permitted to take any action necessary to save the state. The basis for Clodius' attack on Cicero in this respect therefore must be that the threat did not affect the stability of the res publica. The conspirators were captured and presumably could have had other effective forms of punishment exacted upon them. This was Caesar's desire and his argument was that to have them executed would set a bad precedent and might seem tyrannical.

The legal arguments do not end here. Clodius' second bill was said to be "privilegium"; that is, it was a measure directed at an individual, naming Cicero specifically, a procedure judged illegal ever since the Twelve Tables. Cicero had however already left Rome, a move he was to regret later. It was seen as an admission of guilt and so Clodius' law was passed in the concilium plebis and Cicero was officially made an outlaw.

For the rest of that year Cicero fell into decline, and the tone of his letters is despairing. A condition of Clodius' law was that no discussion on the matter could take place in that year. Behind the scenes, however, Cicero's closest friends were busy campaigning on his behalf with the result that the new year brought fresh hope to the cause. Nearly all the magistrates of the following year were favourable to Cicero including both Consuls. On July 18 57 B.C. the Comitia Centuriata voted to recall Cicero to Rome. That very day the orator left

Dyrrachium and began his month long journey back to the city. After thanking Atticus for his support, Cicero defines his current position in a letter written in September 57 B.C:

"As regards my political position, I have attained what I thought would be the hardest thing to recover - my distinction at the Bar, my authority in the House, and more popularity with the sound party than I desire....

Now, though I suppose you have had all the news from your family or from messangers and rumours, I will give you a short account of everything I think you would rather learn from my letters. On the 4th of August, the very day the law about me was proposed, I started from Dyrrachium, and arrived at Brundisium on the 5th. There my little Tullia was waiting for me, on her own birthday, which, as it happened, was the commemoration day of Brundisium and of the Temple of Safety near your house too. The coincidence was noticed and the people of Brundisium held great celebrations. On the 8th August, while I was still at Brundisium, I heard from Quintus that the law had been passed in the Comitia Centuriata with extraordinary enthusiasm of all ages and ranks in Italy who had flocked to Rome in thousands. Then I started on my journey amid the rejoicings of all the loyal folk of Brundisium, and was met everywhere by deputations offering congratulations. When I came near the city there was not a soul of any class known to my attendant who did not come to meet me, except those enemies who could neither hide nor deny their enmity. When I reached the Porta Capena the steps of the temples were thronged with the populace. Their joy was exhibited

in loud applause: a similar crowd accompanied me with like applause to the Capitol, and in the Forum and on the very Capitol there was an extraordinary gathering.

Next day, on the 5th September, I returned thanks to the Senate in the House.... I am standing on the threshold of a new life. Already those who took part in my exile are beginning to feel annoyance at my presence, though they disguise it, and to envy me without even taking the trouble to disguise that. I really stand in urgent need of you" (Ad Att.4.1).

This thesis is made up of three independent topics. The first section will examine all Cicero's references to his friends and enemies. Cicero's relationships with all the individuals he names are investigated and his use of the terms "amicitia" and "inimicitia" is critically analysed. The second section covers all Cicero's allusions to governmental institutions, and is divided into four sub-sections: the Consulship, the Tribunate, Assemblies and the Senate. The Consulships of A. Gabinius and L. Calpurnius Piso Caesoninus in 58 B.C. and of Q. Metellus Nepos and P. Cornelius Lentulus Spinther in 57 B.C. are discussed with reference to Cicero's treatment of them in these two speeches. Likewise the activities and legislation of Clodius' Tribunate in 58 B.C. are the subject of detailed analysis as is Cicero's treatment of Clodius himself. The Tribunes of the following year, T. Annius Milo and P. Sestius, are also discussed. The violence in Rome surrounding this period is incorporated into this sub-section. In the third sub-section Cicero's references to the comitia centuriata, comitia, concilia and contiones are analysed with an

examination into the comitia centuriata: its workings and Cicero's attitude towards it. In the fourth sub-section the part played by the Senate during Cicero's exile and the importance of its authority are discussed. The final main section draws attention to all Cicero's references to buildings and areas in Rome. It also compares Cicero's comparison of Italy with Rome and examines Cicero's references to places outside Italy.

Although the three sections are treated separately, they interrelate in certain ways concerning the broader issues. These include two points of law namely, the confusion surrounding the S.C.U. and the possible illegality of Clodius' law exiling Cicero. Also his use of the invective against Piso, Gabinius and Clodius is a recurrent subject of discussion. Violence, although it receives most attention in the chapter concerning the Tribunes, is again a central theme in the work. Cicero's ideals of consensus and concordia also unite the different sections. Finally, the main characters are Pompey, Caesar, Clodius, Piso, Gabinius, Lentulus, Metellus, Milo and Sestius. Their relationship with Cicero and each other and their activities at this time are all subjects of discussion throughout.

There are four basic questions which will be addressed in this thesis. Firstly, in what ways does Cicero hint at the make-up of his popular audience? Secondly, does Cicero employ social prejudices to enhance his argument and if so, to what extent? Thirdly, how much does Cicero's attitude towards his enemies affect his treatment of each theme? Finally, do his needs and aims affect his interpretation of events, references to individuals and the offices they hold?

CHAPTER ONE

Cicero's treatment of "amicitia" and "inimicitia"

"Amicitia" takes on many guises in Roman politics and society. It is difficult to define exactly what political "amicitia" meant and what was expected of an "amicus". In his attempt to disprove the theory of other scholars, that "amicitiae" in the Roman Republic were formed purely for political expediency, Brunt concludes his extensive investigation into the various instances of "amicitia" in the sources by stating that: "the range of amicitia is vast. From the constant intimacy and goodwill of virtuous or at least of like-minded men to the courtesy that etiquette normally enjoined on gentlemen, it covers every degree of genuinely or overtly amicable relation" [1]. "Inimicitia" is a term employed far less in the sources. Personal or political enmity was not openly publicised due to the Roman belief that the res publica superseded all private ties and all "inimicitiae" [2].

Cicero's two post reditum speeches provide a good basis for an investigation into these concepts. As speeches of thanks, Cicero expresses his gratitude to all those who helped him be restored and attacks those responsible for his exile. Thus Cicero's speeches are chiefly concerned with his "amici" and "inimici". It is important to acknowledge Nicholson's work in connection with this first chapter

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[1] P.A Brunt, The Fall of the Roman Republic and related essays (1988), p.381.

[2] op.cit. p.368. D.F Epstein, Personal Enmity in Roman Politics 218-43 B.C., (1987) p.12. This theme will be discussed in more detail below.

[3]. In his work Nicholson has carried out a prosopographical study of each individual named by Cicero in these orations [4]. My study differs in that I will be carrying out a critical analysis of Cicero's employment of the terms and will compare and contrast the two speeches in relation to the theme.

Cicero's references can be divided into five main areas of research namely: Cicero's named "amici", Cicero's named "inimici", Cicero's statement concerning his possible "inimicitia" with Caesar, references to those whose relationship with Cicero had changed during his exile and finally Cicero's lists of types of friends and enemies.

AMICITIA

We need firstly therefore to look at Cicero's employment of the word "amicus". The orator in fact is most conservative. He allows only the chosen few to be called a friend, namely: L. Aelius Lamia [5] (Red.Sen.12.), Cn. Pompeius Magnus [6] (Red.Sen.29 and Red.Quir.16.), P. Servilius Vatia Isauricus [7] (Red.Sen.25) and C. Messius [8] (Red.Sen.21). All four men according to Cicero advocated for his recall. L. Aelius Lamia had been a supporter of Cicero's before being banished by A. Gabinius [9] in 58 B.C. (Red.Sen.12) 6. P. Servilius Vatia Isauricus persuaded

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[3] J. Nicholson, Cicero's return from exile (1992), pp.19-97.
[4] op.cit. p. 45-97.
[5] Aedile 45 B.C.
[6] Consul 70,55,52 B.C.
[7] Consul 79 B.C. Proconsul of Cilicia 78-74 B.C. Cicero tells us that he was present at Verres' trial (2.3.210-211) and praises the ex-Proconsul for his integrity.
[8] Tribune of the plebs 57 B.C. Note that Cicero does not actually call him an "amicus" directly but does allude to the "amicitia" between them.
[9] Consul 58 B.C.

Q. Metellus Nepos [10] to take up Cicero's cause (Red.Sen.25). C. Messius "legem separatim initio de salute mea promulgavit" (Red.Sen.21) even though Clodius had stated that no discussion was to be permitted on the subject [11], and Cn. Pompeius Magnus advocated the orator's return in 57 B.C. (Red.Sen.29 and Red.Quir.16).

Cicero mentions many of the individuals who helped with his restoration [12]; however, he chooses to describe only these four men as friends (amici). The reasons for this description, and the factors which differentiate these men from Cicero's other helpers merit investigation. We know that L. Aelius Lamia was a hereditary friend of Cicero's. In Pro P. Sestio 29 we are told that "his father and I [Cicero] were close friends". Thus Cicero's "amicitia" with L. Aelius Lamia had been handed down to him from the previous generation [13]. This was not uncommon in the Republic; expressions of goodwill to one's elder's "amici" were an important component of social and political etiquette. For example, Cicero's friendship with Ser. Sulpicius Rufus [14] was extended to his son P. Sulpicius Rufus (of the same name) [15]. Thus a history of "amicitia" between the orator and the Lamiae can be traced which justifies Cicero's use of "amicus" to describe L. Aelius Lamia [16].

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[10] Consul 57 B.C.
[11] See sub-section on Tribunate p.69.
[12] See below.
[13] See also Ad Quint.2.13.2; Fam.11.16.2,12.29.
[14] Consul 51 B.C. For evidence of their intimate relationship see their correspondence, for example, Fam.4.1-4,6. Also see Phil.9.1ff.
[15] Commander in chief of the forces at Illyricum during 46 B.C. For evidence of hereditary friendship between him and Cicero see Cicero's many letters to his father in Fam. Also see Fam.13.77.
[16] However hereditary "amicitia" was by no means compulsory or at least was not at an intimate level. The relationship between P. Servilius Vatia Isauricus, his son of the same name (Consul 48 B.C.) and Cicero illustrates this. We have already noted the "amicitia" between Cicero and Servilius senior, but despite the many letters written to his son by Cicero (Fam.13.66-72) he seems to avoid the use of the word "amicus" to describe him. It is in one of his letters to Brutus (3.2.3) that Cicero tells his reader that

Cicero calls Cn. Pompeius Magnus an "amicissimus" who acted "pro me, tamquam pro fratre aut pro parente" (Red.Sen.29). In the other speech (Red.Quir.16) it is clear that Cicero sees himself as a "privatus amicus" of Pompey's and that Pompey "mihi.....dedit, quae universae rei publicae". Another important point is that Pompey is the only "amicus" mentioned in Red.Quir. Thus a highly amicable relationship between the orator and the general is depicted.

How truthful is Cicero being? Through further reading of Cicero's letters at the time it becomes evident that their relationship was less than stable. The references Cicero makes to Pompey's friendship and support in the speeches he delivered after his exile tell a very different story from his personal writings in the period leading to and during his exile [17].

The general's recent cooperation with Caesar over his agrarian bill, which Cicero could not himself support [18], and his part played in the adoption of Clodius [19] (59 B.C.), must have strained any friendship between them. When Cicero returned to Rome from his house in Antium in the middle of 59 B.C., despite Pompey's declarations of goodwill and intentions of protecting him from Clodius, he remained sceptical [20]. Throughout the next year Pompey's coolness toward

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Servilius was a "homine furioso" whom he tolerated "rei publicae causa". Thus no intimate links existed between the two men. See Nicholson, Cicero's return from exile, pp. 77-78.

[17] For examples of Cicero promoting their "friendship" in the return speeches see Dom. 27 and Sest.39. For Cicero's flattery of Pompey see for example, Dom. 110,129; Har.Resp.49.

[18] For Cicero's letters from Antium see Att.2.4-9. Also for Cicero's scepticism see Att.1.19.4; Leg.Agr.2.10-12.

[19] Pompey participated as Augur in the religious ceremony necessary for Clodius' adoption into a new family (Har.Resp.45; Att.8.3.3).

[20] See Att.2.19.4, 2.20, 2.21.6., 2.22.2, 2.24.5.

Cicero continued and Clodius was able to claim his support until at least the spring of 58 B.C. [21]. Pompey was also not at all forthcoming in reply to Cicero's deputation asking him for help immediately following the introduction of Clodius' first piece of legislation against Cicero [22]. It is natural to conclude that Cicero felt let down by Pompey's inaction concerning his exile.

While Cicero was in exile, although he wrote to Pompey, the general never replied and despite Atticus' attempts to convince Cicero that Pompey was favourable to their cause, the orator was once again sceptical [23]. Two of Cicero's letters to his brother, written in 58 B.C., refer to Pompey as a traitor [24]. After Cicero's return there were also comments made by others, according to Cicero, that Pompey had been a treacherous friend of his [25]. Indeed, as Nicholson points out, Cicero's comments in Red.Sen.4 and Red.Quir.14 "contain a veiled reproach" [26]. In these passages Cicero refers to Pompey barricading himself into his house due to Clodius' threats. While the ostensible purpose is to emphasise the breakdown of law and order, the orator is thus also able to imply cowardice on the part of the general.

However, in one letter written in November 58 B.C. Cicero implies Pompey's "voluntas": "Lentulus suo in nos officio, quod et re et promissis et litteris declarat,

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[21] See below and Dom. 66; Sest.39f; Har.Resp.47.
[22] See below and sub-section on Tribunate p.68f, 72f. Also see Att.3.15.4. for Pompey's reply to the deputation.
[23] Att.3.14.1-2; 13.1; 15.1; 18.1.
[24] Ad Q.Fr.1.3.9 and 1.4.4.
[25] Dom.30; Ad Q.Fr.2.3.3 and possibly Att.4.3.5.
[26] Nicholson , Cicero's return from exile, p.52.

spem nobis non nullam adfert Pompei voluntatis; saepe enim tu ad me scripsisti eum totum esse in illius potestate"[27] This notion of P. Cornelius Lentulus Spinther [28] being under Pompey's thumb is not referred to anywhere else in the private or public writings of Cicero. This is hardly surprising as Cicero would not wish to malign Lentulus by implying that his strings were being pulled by someone else. This is also the only instance of Cicero hinting at Pompey's goodwill. This sentiment is not repeated.

We need therefore to examine why Cicero promotes a strong friendship between Pompey and himself in these two speeches. The answer can be partly found when examining the references further. In Red.Quir.16 ("mihi...dedit, quae universae rei publicae") Cicero was able to heighten his own importance by placing himself on a par with the Republic in regard to the beneficence of Pompey. Cicero, as will be explained later, likes to connect himself and his cause with that of the "res publica". Also by exclusively calling Pompey his "amicus" in the popular oration, Cicero could save the compliment for the most important and significant person involved in the campaign to recall him. Cicero had much to gain from publicising a favourable relationship with Pompey. The General was still a main player in the Senate and maintained a formidable popular following.

Most importantly, it was due to Pompey's support that Cicero's recall was approved in the popular assembly [29]. Cicero's reasons for promoting an amicable

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[27] Att.3.22.
[28] Consul 57 B.C.
[29] Nicolson, op.cit.,pp.53-55 for Pompey's actions on Cicero's behalf in 57 B.C. See sub-section on Assemblies for details of this vote.

relationship with Pompey in these speeches are clear; the orator owed Pompey his freedom. As Cicero himself said back in January, 60 B.C.:"Nam illae ambitiosae nostrae fucosaeque amicitiae sunt in quodam splendore forensi, fructum domesticum non habent" [30]. It is possible that that was all his relationship with Pompey was worth, then, and in the following years [31]

P. Servilius Vatia Isauricus is not described as a friend in any of the other speeches Cicero delivered directly after his recall. Indeed it is only in one letter [32] written much later on in 46 B.C. that Cicero admits to their "vetustas necessitudo". In none of Cicero's letters written to Atticus or to his brother Quintus during his exile does he mention his friendship with Servilius. Cicero does heap praise on Servilius both in the other return speeches [33] and in the Verrine orations [34] but their friendship is never again alluded to.

C. Messius is certainly not referred to again as a friend, either in the other speeches delivered upon his return or in the letters. Again Messius is not mentioned in Cicero's letters written during his exile, not even when Cicero lists the Tribunes-designate in 58 B.C. whom he believed would be favourable to him in their year of office [35]. Indeed in Ad Att. 8.2 d he is clearly referred to as Pompey's "amicus" not Cicero's. Even in Ad Att.4.1. written just after Cicero's recall there is no mention of any friendship between the two men.

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[30] Att.1.18.
[31] See Nicholson, op.cit. p.56 for Cicero's later relationship with Pompey.
[32] Fam.13.68.3.
[33] Dom.43,123,132f; Har Resp.2; Sest.130f.
[34] He had been Proconsul in Cilicia 78-74 B.C. For example of praise see 2 Verr.3.210-211.
[35] Qu.Fr.1.4.3.

How can we therefore justify Cicero's clear references to his "amicitia" with these two men in Red.Sen. when he is reluctant to refer to it elsewhere? One possible explanation could be that Cicero's need to advertise his friendship with them was greater in his first speech in the Senate than in the other oration. Cicero had just returned from exile and was in great need of as many "amici" as possible in order to re-establish his position in the Senate. However if that were the case then why does he not call more Senators, who were present to hear the speech, "friends"? Brunt tells us [36] that the Romans, like us, "might politely describe as a friend a person with whom they had no familiarity, but to whom they had, or professed to have, nothing but goodwill at the time". Brunt goes on to say that in his letters Cicero "bestows the name of friend on far too many people to warrant the supposition that he even expected his correspondents to think that they were all his close associates" [37]. Gelzer [38], also makes much the same point. The most likely explanation is that Cicero wished to imply the diversity of his support by drawing attention to his friendship with a Proconsul at one end of the scale and with a Tribune-elect at the other.

There are a few possible explanations why Cicero only calls these four men "amici". Perhaps the orator did not want to take away any emphasis from his relationship with Pompey. Therefore by limiting his use of the word "friendship" Cicero could place more importance on his "amicitia" with the general. Also, as I have just explained, by publicising four individual friendships with a Knight, a

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[36] Brunt, The Fall of the Roman Republic and related essays, pp.360.

[37] B. cites Fam.13.71. "although all whom I recommend ought to have my best wishes, I have not the same reason for such wishes in every case".

[38] M. Gelzer, The Roman Nobility (1975), pp.106.

general, a Consular and a Tribune Cicero was able to promote the widespread nature of his support and friendships. Another explanation, and I believe the most likely one, is that he did not want his recall to seem as if it were purely the result of "amicitia". Cicero wanted to link his recall with the restoration of the Republic and wished to show that he was recalled because "good" had conquered "bad".

It is important to note that P. Cornelius Lentulus Spinther [39], although not referred to in these speeches as an "amicus", is praised in much higher terms than any of the aforementioned individuals. Thus Cicero implies friendship with Lentulus without employing the term "amicus" to describe him. In Red.Sen.5 Cicero refers to Lentulus' "unsurpassed and unexampled courage" ("singulari virtute et praestantissima"). Later in Red.Sen.8 Lentulus is described as "parens ac deus nostrae vitae". This is repeated in the popular oration (Red.Quir.11). Cicero also elaborates on the depth of his gratitude to Lentulus in both speeches (Red.Sen.24, 28; Red.Quir.15, 17). Thus Lentulus was Cicero's friend even if Cicero does not directly call him that in these speeches.

INIMICI(TIA)

Cicero's references to his "inimici" are far less difficult to explain. He actually only directly calls P. Clodius Pulcher [40] his "inimicus"; however, the Consuls of 58 B.C., namely A. Gabinius and L. Calpurnius Piso Caesoninus, are certainly so

[39] Consul 57 B.C.
[40] Tribune of the plebs 58 B.C.

by implication. To begin therefore with the Tribune, Cicero refers to him as "meus inimicus" in both speeches (Red.Sen.4,25. Red.Quir.10). The orator tells his audience that his enemy "ad meam perniciem vocem suam communibus hostibus praebuisset" (Red.Quir.10) [41] and that the result of Clodius' bill (described as "proscriptionem non legem") was that "civis optime de re publica meritus nominatim sine iudicio una cum senatu rei publicae esset ereptus" (Red.Sen.8). Cicero's term "communibus hostibus" is worth noting as it ties in with another main theme, that is, the notion of Cicero's enemies also being enemies of the Republic [42]. Here Cicero's "inimici" are depicted as "hostes". This is particularly harsh treatment. It is clear therefore that Cicero and Clodius did share "inimicitia" and that Cicero was keen to advertise that fact in these two speeches. Indeed by clearly implying that Clodius alone was an enemy of his, Cicero highlights further his hatred of the Tribune.

The "inimicitia" between Cicero and Clodius therefore cannot be doubted: its nature and origins can be traced back several years. We may begin this investigation by noting that, in 63 B.C. at the time of Cicero's Consulship, Clodius and Cicero were friends. "Cicero was a friend of Clodius' and at the time of Catiline's conspiracy had found him most anxious to help and protect him" [43]. However this all changed when the scandal surrounding the Bona Dea festival in December 62 B.C. erupted. Clodius was said to have violated the sacred rites of the Bona Dea and an "incestum" trial against him was set up. Cicero obliterated

[41] See below.
[42] See below and ch. Place p.138.
[43] Plut.Cic.29.1.

the defendant's alibi at the trial [44]. It is possible that Cicero's evidence was fabricated [45]. According to Cicero himself "neque dixi quicquam pro testimonio, nisi quod erat ita notum atque testatum, ut non possem praeterire" [46]. Plutarch's account differs slightly, the author doubts Cicero's motives for giving the evidence he did [47]. Therefore it seems as if it was Cicero who was responsible for the "inimicitia" that followed. Nicholson adds that, according to Crawford, shortly after the trial Cicero again humiliated Clodius on this issue at an "altercatio" in the Senate [48].

Later in 61 B.C. the orator denounced Clodius in the Senate [49] and then after Clodius' acquittal he claimed that the jurors were corrupted, not only to Atticus in private but also in public [50]. This later attack on Clodius was not however unprovoked. As Rundell points out [51], during the period of the trial (62-61 B.C.) Clodius made an unmistakable reference to Cicero's summary execution of Catilinarian ringleaders in 63 B.C. in a series of "contiones" [52]. It was during these meetings, as Rundell also tells us, that Clodius was attempting to disassociate himself from the Bona Dea scandal by focusing on the "potentia" of his enemies [53]. At this point a "battle-royal" developed between the two men and Clodius did not let up in his attack on Cicero's conduct as Consul [54]. It was this,

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[44] Att.1.16.4-5; Plut.Cic.29.1-3.
[45] D.F. Epstein, "Cicero's testimony at the Bona Dea trial", Classical Philology (81) 1986, 229-235. W.J. Tatum, "Cicero and the Bona Dea scandal", Classical Philology, (85) 1990, 202-208.
[46] Att.1.16.4-5.
[47] See Plut.Cic.29.
[48] Nicholson, Cicero's return from exile, pp.19.
[49] Cic.in Clodium et Curionem.See Schol.Bob.86-91,Stangl.
[50] Att.1.16.5; Har.Resp.36-38.
[51] W.M.F. Rundell, "Cicero and Clodius: the question of credibility", Historia (28) 1979, pp.309 (301-328).
[52] Att.1.14.5.
[53] Rundell, op.cit., p.304.
[54] For later attacks see for example Sest.109; Vat,23.

according to Rundell, that led "directly to Cicero's exile". Despite any exaggerations Cicero may indulge in, the truth is that Clodius was ultimately responsible for Cicero's exile [55]. Following Clodius' adoption by Caesar [56] and his election to the Tribunate, he gave notice of a bill to outlaw any person who had put Roman citizens to death without trial [57]; as a result Cicero fled from Rome. Clodius followed up his success with another piece of legislation exiling Cicero by name and confiscating his property [58]. Therefore the "inimicitia" between the two men was a well established one which came about as a result of a criminal trial [59].

The two Consuls of 58 B.C. are implied as being "inimici" by Cicero in the speech to the citizens. In Red.Quir.13 Cicero tells us that A. Gabinius and L. Calpurnius Piso Caesoninus had "auctores se inimicis rei publicae tradidissent" and in Red.Quir. 21 he includes them in his lists of his enemies. The fourth category of his enemies were those "qui cum custodes rei publicae esse deberent, salutem meam, statum civitatis, dignitate eius imperii, quod erat penes ipsos, vendiderunt". Thus the reference to the Consuls is clear. The connection made between himself and the cause of the Republic need only be noted here; a fuller discussion will follow.

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[55] See sub-section on Tribunate p.68.

[56] See below.

[57] Att.3.15.5; Sest.25 and 53-54; Pis.16 and 30.
Cicero had Roman citizens put to death without a trial during his consulship of 63 B.C. and Clodius' bill clearly referred to this act. In Pro Sulla 33 Cicero accepts full responsibility for the deed.

[58] Att.3.4,12,15,20,23; Sest.65 and 69; Dom.47 and 50 and 83. For the question of the legality of this bill see E.S. Gruen, The last generation of the Roman Republic (1974), pp.244-246.

[59] Whether this was Clodius' only reason for victimizing Cicero or not has been the subject of much research. Many believe that he worked as some kind of agent for the "triumvirate" during his Tribunate, see for example Gruen, "P. Clodius: instrument or independent agent?", Phoenix, (20) 1966, pp.120-130. A discussion of this however would be superfluous to an analysis of the "inimicitia" between Cicero and Clodius but is necessary for a discussion of the possible "inimicitia" between the orator and Caesar. See below.

Cicero makes a violent attack on both of the Consuls in the two orations [60]. Red.Sen.16 is an example of the orator's invective against the two leading men in his year of exile [61]. An investigation into Cicero's reasons for this harsh treatment is required. If the reader is to believe Cicero then it seems as if they were involved in an alliance with Clodius. Their aim was to exile Cicero and therefore to bring about the destruction of the state; their reward for this was the allocation of desirable provinces for them to take up after their year of office [62]. There is doubtless exaggeration and bias on Cicero's part, but it was the case nevertheless that they did have an "understanding" with Clodius and that they were involved in some kind of "province-pact" [63]. It was also the case that the orator was exiled during their term of office and that they did nothing to stop it. Indeed both the Consuls supported Clodius at the meeting at the Circus Flaminius (Red.Sen.13) [64]. Cicero is said to have made last minute appeals to Pompey and Piso but both declined to interfere; the best thing, according to Piso, would be for him to leave Rome [65].

Therefore Cicero feels on account of this that they are both his enemies. Had this enmity been long-standing? Cicero describes himself in Red.Sen.17 as an "adfinem" of Piso's (because his daughter had been married to a blood relative of Piso) and he details their relationship in 59 B.C. when Piso was campaigning for

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[60] See sub-section on Consulship. p.51f, 59f.
[61] For a discussion on Cicero's use of the invective against Piso and Gabinius see sub-section on Consulship p.51f, 59f. Also see ch. Place, p.163f.
[62] Red.Sen.4,10,16,18; Red.Quir.11,13,21.
[63] Evidence for the "understanding", Sest.18,24-25,33,55; Plut.Cic.31; Dio 38.16 and 38.30.2. Under one of the laws of Clodius Piso received the province of Macedonia (Dom. 23-24, 55, 60; Har.Resp.58; Plut.Cic.30.1) and Gabinius was assigned Syria (Sest.55; Dom.23 and 70). See sub-section on Tribunate p.70, 74.
[64] See Nicholson, Cicero's return from exile, pp.92.
[65] Red.Sen.17

his election. Piso asked Cicero to act as "custos" for the election; it was a mark of honour to be requested by a candidate to serve in this capacity [66]. There is no reason to doubt Cicero here even if it serves his purpose to emphasise this prior bond between them (it highlights Piso's betrayal) [67]. It may be deduced therefore that this enmity between the orator and the Consul began in 58 B.C.

The same seems to be true of Piso's colleague Gabinius. While there was clearly no "amicitia" between them before 58 B.C., there is also no evidence for any enmity. It is true to say that there must have been some cooperation between the two men back in 66 B.C. when Cicero advocated the "lex Manilia", a bill which continued Gabinius' work of the preceding year in gaining commands for Pompey [68]. In his speech concerning this law Cicero also supported the appointment of Gabinius as Pompey's legatus [69]. Cicero praises Gabinius, calling him a "vir fortis" (52) and later he brings Gabinius' achievements in the sea war to the attention of his audience (58). Indeed Cicero wrote to his brother in late 59 B.C. that the Consuls-designate "se optime ostendunt" [70]. So the Consuls were not, unlike Clodius, acting (in part) as a result of a long-standing "inimicitia".

Why did they turn against Cicero during their term of office? The part the "province-pact" played concerning their behaviour has already been noted but there were also other reasons. Piso was Caesar's father-in-law and Gabinius was an adherent of Pompey's. Pompey, as just discussed, did nothing to prevent

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[66] See Dio 38.16 for Cicero's relationship with Piso and Gabinius.
[67] See below for more details on Piso's betrayal.
[68] Pro lege manilia 52,58. See sub-section on Tribunate p.83f.
[69] Pro lege manilia 57.
[70] Ad Q.Fr.1.2.16.

Cicero's exile and Caesar, as will be discussed next, also did not intervene. With this in mind and with Clodius claimimg triumviral backing, the Consuls' conduct can be explained further.

Cicero refers to his collective "inimici" many times throughout both speeches. He chooses however to single out only Clodius, Piso and Gabinius. It cannot be doubted that these three men were more directly responsible for Cicero's exile than anyone else. It is perfectly possible therefore to justify the orator's use of the word "inimicus" to describe Clodius and his severe treatment of the two Consuls of 58 B.C. The reason why he does not treat more men in the same way is because Romans did not as a rule advocate open "inimicitia". Brunt tells us that open and avowed "inimicitiae" were imprudent and rare and that they usually arose from personal injuries (as in this case) [71]. It was very much a part of political etiquette to seem to have as many "amici" and as few "inimici" as possible. Epstein [72] refers to a letter of Cicero's to M. Antonius [73] written in 44 B.C. in which the orator says that his enmity with Clodius had never been personal: "contendi cum P. Clodio, cum ego publicam causam, ille suam defenderet" [74]. Despite the importance of the context of this letter [75] Cicero is still eager to disguise his hatred even of his most bitter "inimicus".

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[71] Brunt, The Fall of the Roman Republic, pp.370.
[72] Epstein, Personal Enmity, p.23.
[73] Att.14.13b.4. Consul 44 B.C.
[74] Att.14.13b.4.
[75] See Att.14.13.6; 14.13a, for Cicero's reasons for this comment.

CICERO'S POSSIBLE INIMICITIA WITH CAESAR

In light of this, Cicero's uncertain reference to his possible "inimicitia" with Caesar seems odd. "Erat alius ad portas cum imperio in multos annos magnoque exercitu, quem ego inimicum mihi fuisse non dico, tacuisse, cum diceretur esse inimicus, scio" (Red.Sen.32). The context is early 58 B.C. when Clodius called a public meeting at the Circus Flaminius and Caesar was called upon to speak [76]. Cicero then goes on to say immediately afterwards (Red.Sen.33) that there were two parties in Rome (or so it was thought), one of which demanded his surrender due to "inimicitia" with him, while the other was timid in his defence because of fears of a massacre. It may be presumed that Cicero meant for Caesar to be included in the first group. There is no parallel in his speech to the citizens; Cicero possibly was careful not to repeat the remark because he saw even less practical advantage in publicly drawing attention to a possible "inimicitia" between himself and a leading popularis figure.

It is important now to discuss what Cicero's reasons were for implying that Caesar was his enemy in the Senatorial speech and whether there had been any "inimicitia" between them in the past. The answer is a complicated one [77]. Cicero and Caesar's mutual admiration cannot be doubted. Cicero could claim "familiaritas" and "consuetudo" going back to their youth [78]. Stockton points out that during the early years of their political careers they must have seen "a good

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[76] Red.Sen.13; Sest.33.

[77] See Nicholson, Cicero's return from exile, pp.47-51, for more details on Cicero's relationship with Caesar.

[78] De prov.cons.40; Qu.Fr.2.13.1; Fam. 1.9.12.

deal of each other" [79]. He supports this by informing us that Caesar's aunt Julia was the widow of C. Marius (a fellow townsman of Cicero's) [80] and that Cicero was friendly with L. Aurelius Cotta and C. Aurelius Cotta whose sister Aurelia was Caesar's mother. In a letter written in 44 B.C. to C. Matius, Cicero refers back to his relationship with Caesar in the 50's and their many "familiaris" conversations and letters [81]. Cicero himself sums up his relationship with Caesar when he says "posteaquam sum penitus in rem publicam ingressus, ita dissensi ab illo, ut in disiunctione sententiae coniuncti tamen amicitia maneremus" [82]. Leaving aside any political reasons for this comment [83], it still remains clear that Cicero and Caesar, until the lead up to Cicero's exile and afterwards, were most certainly not overt "inimici". Their mutual respect for each other was unaffected by day-to-day politics.

Thus the reasons for Cicero's implication lie more in the actual events leading to his exile (63-58 B.C.) and are political rather than personal. The two men were in direct opposition twice during Cicero's Consulship in 63 B.C. Firstly, Cicero had defended C. Rabirius on a charge of "perduellio" brought by T. Labienus [84] and Caesar. Rabirius, an aged Senator, was accused of murdering the Tribune L. Appuleius Saturninus in 100 B.C. [85]. This revolutionary Tribune was an active popularis whose untraditional actions had necessitated the declaration of an

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[79] D. Stockton, Cicero A Political Biography (1971), p.19.
[80] Consul 107,104-100,86. See ch. Place p.161f.
[81] Fam.11.27.2.
[82] De prov.cons.40.
[83] This speech was delivered in 55 B.C. and here Cicero argued for Caesar to be left to carry on as governor of Gaul. Cicero had finally succumbed to the mighty will of the newly re-united "triumvirate" and was working as their advocate.
[84] Tribune of the plebs 63 B.C.
[85] Pro Rabirio Perduellionis.

S.C.U. [86]. Saturninus and his associates were rounded up and executed and Rabirius was said to have played a part in these executions [87].

Cicero, in his defence of Rabirius, assumed the role of the Optimate representative and in his speech claimed that this attack on Rabirius masked a revolutionary conspiracy against the Republic [88]. The prosecution of Rabirius on the other hand was a popular move, designed to convince the people that the men who were behind it (the prosecution) were true champions of the sacrosanctity of Tribunes and of the rights of citizens under the law [89]. In addition it deprecated the abuse of executive authority under cover of the S.C.U. This links us directly to the second instance of opposition between Cicero and Caesar in 63 B.C. Later in that year, during the Catilinarian debates, the two men had disagreed concerning the proposed punishment of the captured conspirators. Indeed at one point Caesar had almost won over the Senate to vote against execution [90]. The disagreements between Cicero and Caesar in 63 B.C. illustrate the differences between the two men's political ideology and this distinction contributed to Cicero's exile (see below) [91]. Cicero and Caesar were also in direct opposition over Metellus' legislation as Tribune in 63 B.C. Caesar supported the Tribune's legislation which undermined Cicero's direction over the Catilinarian affair [92].

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[86] For Saturninus' actions in 100 B.C. see T.R.S. Broughton, Magistrates of the Roman Republic vol.1 (1951), pp.575f. For a discussion on the S.C.U. see sub-section on Senate p.99 and sub-section on Tribunate p.72.

[87] De viris illustribus 73.12.

[88] Rab.Per.2f.

[89] Cicero defends this sacrosanctity himself in the post reditum speeches. See sub-section on Tribunate, p.90.

[90] Sall. Cat.51-52; Cic. Cat.4.7-10; Att.12.21.1.

[91] For Caesar as a popularis see In Cat.4.9. On popular ideology see N. Mackie, "Popularis ideology and popular politics at Rome in the first century B.C.", Rheinisches Museum (35) 1992, pp.49-73.

[92] This will be discussed in more detail when considering Cicero's relationship with Metellus.

In 60 B.C. Cicero was offered a place in the coalition himself. Nevertheless he turned the offer down. In a letter written at the end of 60 B.C. he defends his decision to Atticus. "I don't think I can hesitate. I must always find ""one omen best: to fight for fatherland""" [93]. In the following year, as with Cicero's term of office in 63 B.C., Caesar's conduct as Consul in 59 B.C. had led many Senators to resent him; Cicero was no exception [94]. His objections became well known.

The real crunch came however at the trial of C. Antonius [95] in March 59 B.C. Cicero was supposed to have directly attacked Caesar in his defence speech at the trial although the orator in his De Domo Sua (41) publicly denied this and put it down to the misrepresentation of others [96]. This all proved too much for Caesar; if Cicero would not join him and his associates or would not at least agree to keep quiet he was better off out of the way. Cicero's attack on Caesar during C. Antonius' trial directly preceded Clodius' transition to plebeian status which was overseen by Caesar in his official capacity as "pontifex maximus": "Hora nona illo ipso die tu es adoptatus" (De Domo Sua 41) [97]. The transition enabled Clodius to stand for the Tribunate for the following year which would in turn provide the

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[93] Att.2.3.

[94] All the laws passed by Caesar and his agent P.Vatinius (Tribune of the plebs 59 B.C.) were in Cicero's view passed "per vim" and "contra auspicia" (Cic.Vat.16-23), the latter not only because Bibulus (Caesar's fellow Consul) was observing the heavens, but because they were contrary to the "lex Caecilia Didia" (Cic.Sest.135). So Caesar used the threat of force and ignored the auspices in order to see his legislation programme through. The coalition between Pompey, Caesar and M. Licinius Crassus (Consul 70 and 55), formed in 60 B.C. has been named the "triumvirate". Pompey and Crassus supported Caesar in his consular campaign; in return Pompey had his Eastern settlement ratified in a single law (Bell.Alex.68; Att.2.16.2; Vell.2.44.2.); and for Crassus' benefit, Caesar remitted one-third of the contract price to the tax farmers of Asia (Att.2.16.2; Planc.35).

[95] C. Antonius Hybrida had been Cicero's colleague in his consulship in 63 B.C. Since Antonius was strongly suspected of leanings towards Catiline, Cicero, to "buy" his loyalty during 63 B.C., gave him his own proconsular province of Macedonia. Antonius' Proconsulship was disgraced by gross misgovernment. Despite Cicero's efforts, he was condemned.

[96] See Att.2.12.1-2 for Cicero's private views.

[97] Also see Suet.D.J.20.

ideal platform from which he could launch his attack on Cicero. Thus Cicero's downfall had been put in motion.

For the remainder of the year (59 B.C.) Cicero's position gradually weakened under the strain of Clodius' forthcoming attack. Nevertheless Caesar continually offered Cicero positions on his staff as a means of protection. Cicero writes in July 59 B.C.: "Noster autem Publius mihi minitatur, inimicus est. Impendet negotium .....Caesar me sibi vult esse legatum. Honestior declinatio haec periculi; sed ego hoc non repudio" (Ad Att.2.19) [98]. Caesar's motives for offering Cicero protection are worthy of debate. Were they an act of kindness as a result of their long-standing "amicitia" [99] ? Cicero certainly seems to see it that way in his letters to Atticus in the summer of 59 B.C. [100] Or was Caesar just desperately trying to get rid of Cicero? Cicero was after all an obstacle in the way of the "triumvirate" and its aims. The latter seems more likely. Perhaps it was out of respect for Cicero that Caesar did not necessarily want to see him in exile. However, because he could not proceed as he wished to politically while Cicero was present in Rome, Caesar still needed him to leave, and it would be even better if he could go not only of his own free will but also under an obligation to Caesar.

Chronology brings us to the original reference in this discussion, Red.Sen.32. As already mentioned Cicero refers to the public meeting called by Clodius at which Caesar was called upon to give his opinion on what penalty Cicero should pay for his conduct as Consul. Caesar's view was already well known. However at

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[98] For similar references to Caesar's offers see: Att.2.18.3; De Prov.Cons.41.
[99] See above.
[100] Att.2.18 and 19.

this meeting a few years later, although Caesar could not, according to Dio, agree with Cicero's actions he still "did not approve the punishment [i.e., exile] proposed" (Dio 38.17). Whether Caesar was ever as specific as that we do not know. We do not have any other evidence. It seems likely that Caesar employed his diplomatic talents when called upon to speak and neither helped nor hindered either argument. This ambiguity is certainly implied by Cicero in Red.Sen.32.

So Caesar's only "crime" against Cicero and their "amicitia" in the lead up to the orator's exile seems to be his promotion of Clodius' adoption in his capacity as chief pontiff [101]. From the time of his adoption was Clodius acting on Caesar's orders? We can only speculate on this. It seems likely that at the time of Clodius' adoption Caesar did intend to use him as an "agent", but when he realised the limits to which Clodius was prepared to go in order to erase Cicero from political life his conscience got the better of him. It is possible that he only wanted, by overseeing Clodius' adoption, to scare Cicero into accepting his offers of posts. Nevertheless it was the case that Clodius was claiming triumviral support at the beginning of 58 B.C. and they did not deny it.

Why does Cicero even bother to make this comment in Red.Sen.? His other return speeches delivered after Red.Sen. and Red.Quir. tell a different story. In these speeches he seems eager to place the blame for any rumours that Cicero and Caesar had become "inimici" firmly on the misinterpretation of others [102]. In Pro P.Sestio 42 Cicero tells us: "eos, qui plurimum possent, opponi omnibus

[101] This is certainly implied by Cicero in Dom. 39.
[102] See Dom.41 and above.

contionibus falso, sed formidolose tamen auctores ad perniciem meam". Cicero of course had his own reasons for declaring an unbroken "amicitia" with Caesar. He had spoken his mind before and ended up in exile. Cicero had learnt his lesson the hard way and was in no position to be uncooperative. Nevertheless Caesar was not active in the campaign to recall Cicero [103] although the orator claimed to believe that Caesar was "favourable" to his cause [104]. It was also Caesar's key role in bringing about Clodius' adoption which led to his Tribunate and it was that Tribunate which effected Cicero's banishment.

So whilst Cicero's actual comment in Red.Sen.32 concerning his relationship with Caesar can be explained, it is still not known why he says it at all, especially when in his subsequent speeches he makes no mention of any possible "inimicitia" between them. It seems to be only when looking at the reference in its context that we possibly find the answer. The reference comes towards the end of the speech. Cicero is busy defending his flight from Rome by detailing the dangerous situation he and the state were in. Cicero's employment of the term "ad portas" further illustrates Cicero's need to excuse his premature retreat [105]. "Hannibal ad portas" was a proverbial expression and it was Cicero's intention to link the two threats to the City [106]. According to Shackleton Bailey, Caesar "had no considerable force near the City" at that time [107]. By hinting that he could have been an "inimicus" of Caesar's and by referring to Caesar's potential military threat

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[103] Even though he was not present at Rome at the time he still could have used his influence if he had so wished.
[104] Sest. 71.
[105] For Cicero's regret over his early departure from Rome see for example Att.3.8,9 and 14.
[106] Phil.1.11; Fin.4.22; Liv.21.16.1.
[107] D.R. Shackleton Bailey, Cicero (1971), pp.62.

to him and Italy, as he does in Red.Sen.33, Cicero was able to enhance his description further and in turn excuse his banishment [108]. Therefore it served Cicero's purpose to promote the fact that Caesar had a motive for using his military threat.

Cicero and Caesar, despite all this, retained their mutual respect for one another. Their relationship over the thirty years preceding Caesar's assassination and the end of the Republic reveals many insights with regard to "amicitia" when political principles differ. This investigation has shown just how diverse the two men's political ideologies were, with Caesar following the Popularis ideal and Cicero working as an Optimate representative. Cicero had much to blame Caesar for. Caesar's adoption of Clodius and his discretion concerning the punishment of Cicero would have been grounds enough for "inimicitia". The two men were never however overt enemies. Caesar was not the recipient of Cicero's renowned invective. They may have hinted at disharmony and even enmity but their differences were political and neither ever lowered themselves by engaging in personal insult.

CHANGING RELATIONSHIPS

The references to those whose relationship with Cicero had changed during his exile can now be discussed. The association between Cicero and Piso falls under this heading. As already noted, Cicero details his relationship with Piso prior to 58

[108] Also see Har.Resp.47.

B.C. in Red.Sen.17. We are informed of the family connection and the friendly terms on which the two seemed to operate. However Piso deserted Cicero in his hour of need as a result, according to Cicero, of the pact made between Clodius and the two Consuls of 58 B.C. concerning the provinces. In Red.Quir.11 the orator employs irony when he says that the Consuls of 58 B.C. had failed to come to his aid "ne gratiae causa facere viderentur, quod alter mihi adfinis erat, alterius causam capitis receperam" [109]. Although Cicero refers to his family tie with Piso in both speeches, he does so more fully in his speech in the Senate. Cicero therefore implies that he and Piso had been "amici" (Red.Sen.17) but their "amicitia" had transformed into enmity in the year of Cicero's exile and Piso's Consulship (as is implied in Red.Quir.21 "quartum....vendiderunt").

How truthful is Cicero being? An important point to bear in mind is that Caesar was also a relation of Piso's. Piso's daughter married Caesar in 59 B.C. and Caesar helped secure his Consulship for the following year [110]. This is a point which Cicero seems to forget to mention. So perhaps Piso's crime was not as serious as Cicero implies; indeed Piso is more closely related to Caesar in 58 B.C. than he is to Cicero. It was thus out of loyalty to Caesar that Piso saw no need to help Cicero and although the existence of the province-pact cannot be doubted it was however not the only reason for Piso's disloyalty. It suits Cicero's argument to place the blame for his lack of Consular aid firmly on Clodius' bribe of desirable provinces. So perhaps it would be nearer the truth to suggest that, as Piso himself

[109] See Nicholson, Cicero's Return from exile, p.95, n.177.
[110] Dio.38.9.1; Caes.14.8.

alleged [111], Cicero was expressing against Piso and Gabinius the anger which he dared not aim at Pompey and Caesar directly.

Cicero however seems particularly at pains to illustrate his previous connection with Piso, not only in the speech in the Senate but also in the other speech. What advantage therefore did he expect to gain from emphasising Piso's change of allegiance and his reason for doing so?

Cicero publicises the change of allegiance with the aim of discrediting Piso: the Romans did not approve of turning your back on your family or your "amici". As Epstein points out [112] "another limit on "inimicitiae" was the insistence that individuals bound by certain ties which the Romans considered sacred should not be hostile toward one another. One of these ties was friendship". Cicero here is quoted: "nihil enim est turpius quam cum eo bellum gerere, quo cum familiariter vixeris" [113]. Epstein continues that the rule also applied to family and military ties: the family was seen as a sanctuary from "inimicitiae".

Thus Cicero's references to Piso's betrayal illustrate this ideal beautifully. Cicero wishes his attack on Piso to be as effective as possible and so he employs social prejudices to aid him. In addition, by implying that it was the promise of desirable provinces that brought about Piso's desertion, Cicero can condemn him even further. If Piso had changed sides for the good of the state then that would have

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[111] In Pis.75.
[112] See Epstein, Personal enmity, p.27, n.38.
[113] Amic.77.

been admirable [114], but to ignore previous ties and to do it out of greed was considered highly dishonourable [115].

Cicero also informs us of Q. Metellus Nepos' transition from "inimicitia" to "amicitia" with Cicero. Cicero refers to this four times in his two speeches: "Nam Q. Metellus et inimicus et frater inimici perspecta vestra voluntate omnia privata odia deposuit" (Red.Sen.25). Cicero makes similar comments in the other references (Red.Sen.9, 26 and Red.Quir.10).

The "inimicitia" between Cicero and Metellus can be traced back to Cicero's Consulship (63 B.C.). Metellus, who had just returned from fighting with Pompey in the East [116], opposed the summary execution of Roman citizens at the end of the year and was therefore one of the chief critics of Cicero's Consulship [117]. Metellus assumed his office as Tribune of the plebs on December 10th 63 B.C. and he promptly vetoed Cicero's traditional final oration [118]. Cicero therefore just took the customary oath at the end of his term of office [119].

Two days later Metellus renewed his attack by attempting to carry two bills [120]. The first was to give Pompey a command in Italy against the remaining Catilinarians and the second was to allow the general to stand for Consular

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[114] For Cicero's connection between his cause and the cause of the res publica see below.
[115] NB "vendiderunt". Also see Fam.1.19.13. Cicero capitalises on the Roman prejudice against selling. See sub-section on Consulship, p.51f.
[116] See for example Joseph.BJ.1.127.
[117] See Fam.5.2.8 for details.
[118] Fam.5.1 and 2; Pis.6-7; cf.Sest.11.
[119] Fam.5.2.7.
[120] See ch. Place p.143.

election in absentia for the following year [121]. The former bill would have changed the arrangements made by the Senate, under Cicero's guidance, for the deployment of military forces against Catiline. When Cicero realised that Metellus was committed to his attack he took it very seriously and on the 1st of January 62 B.C. he "in senatu...sic cum eo de republica disputavi, ut sentiret, sibi cum viro forti et constanti esse pugnandum" [122]. The two motions were vetoed by Metellus' opposing fellow Tribune M. Porcius Cato and the ensuing uproar was such that a state of emergency was declared for a brief period. Metellus was suspended from office, left Rome, and so rejoined Pompey [123].

Metellus was also, as Cicero points out to his audience in Red.Sen.25, the "frater inimici". Metellus and Clodius were cousins (fratres consobrini). Metellus was also brother-in-law to Pompey; this connection explains much of the adherence between the two men at this time. By the time these speeches were delivered however, Pompey had divorced Mucia (Metellus' half-sister). Thus we may conclude that the "inimicitia" between Cicero and Metellus was the result primarily of political conflicts or "ex magnis contentionibus" as Cicero prefers to call it [124].

Why did Metellus drop his enmity with Cicero in 57 B.C.? The orator was certainly not expecting him to do so. In a letter written to Atticus after the

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[121] For evidence of the first bill see Plut.Cic.23.4.
[122] Fam.5.2.8.
[123] Plut.Cat.Min.26-30. N.B.ch.29 for Metellus' retreat to Pompey. Also see Fam.5.1-2 for more information about Nepos' conduct and retreat and R. Seager, Pompey, A Political Biography (1979), pp.68f. It is interesting also that Caesar, who was Praetor at the time, supported Metellus' legislation and was also suspended from office. Caesar did however apologise and was reinstated (Suet.DJ 16).
[124] Sest.130.

Consular elections in July 58 B.C. Cicero makes this doubt clear [125]. However, later on it seems that Atticus had been given the task of winning Metellus over before he took up his Consulship [126]. According to Cicero in his Pro Sestio Metellus was persuaded to help him by P. Servilius [127] for the sake of the state:"and how, after declaring that our differences in political opinion ("ex rei publicae dissensione") had made him my enemy, his colleague [i.e. Metellus] said that he would sacrifice his resentment to the will of the House and to the interests of the state (temporibus rei publicae)" [128]. This statement is both flattering to Cicero in that he identifies himself with the Res Publica (see below) and to Nepos because it gives him a more honourable reason for his change of allegiance. Dio's account is a little more realistic: "Nepos, accordingly, inspired with fear by his colleague and by Pompey and by the other leading men, changed his attitude" [129].

I think it is safe to say that Metellus would have made himself rather unpopular during his Consulship if he had attempted to block Cicero's recall. Despite Cicero's exaggerations concerning the extent of his support we cannot doubt that the decision to recall him had the support of the majority of the leading men in Rome at the time. Also, most importantly, it would have been utterly shameful for Metellus to be seen to be acting from an essentially personal "inimicitia". Social prejudices play their part in determining people's actions and the Roman ideal of moderation toward one's "inimici" is illustrated here.

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[125] Att.3.12.
[126] Att.3.22.2.
[127] Sest.130
[128] Sest.72.
[129] 39.8.

Why does Cicero wish to highlight this change of allegiance? The first thing to remember is that Metellus was a member of a highly prestigious and authoritative family. Therefore Cicero could politically benefit from stressing an amicable relationship with a Metellan. Also Metellus was Consul at the time of Cicero's speech and so Cicero enjoys being able to claim that both the Consuls of the present year were favourable towards him. Finally, the strength of the previous mutual "inimicitia" between Cicero and Metellus enhances the significance of Metellus' change of stance. Cicero is able to capitalise on that and is thus able to inform his audience that his recall was so important that it took precedence over private feelings of "inimicitia", just as the state did. It seems as though Cicero is trying to say that it was Metellus' duty as Consul to support his recall and therefore be a "good citizen". Thus, again Cicero indirectly links his cause with that of the "res publica".

Therefore the examples of Piso and Metellus illustrate to Cicero's audience and to us that the ties of "amicitia" and "inimicitia" were transient. It is clear that amicable relationships and enmities could be formed and severed and vice versa. What seems most interesting and noteworthy about Cicero's references to Piso and Metellus is the way in which he plays on social ideals and prejudices in order to maximise the effect on his audience. Cicero deliberately ignores Piso's other familial ties with Caesar and concentrates fully on Piso's betrayal of Cicero. By doing this the orator knew that he would be able to gain from his audience sympathy for himself and disapproval of Piso. Likewise, Cicero seems to connect his cause indirectly with that of the Republic in his references to Metellus.

Metellus saw the right path and joined in to support Cicero's recall. Thus Cicero implies that Metellus redeemed himself, not only in his opinion but also in the general opinion, by switching from the wrong to the right cause.

CICERO'S LISTS OF FRIENDS AND ENEMIES

Having discussed Cicero's references to certain "amici" and "inimici" we may now move on to examine his lists of various types of friends and enemies. The relevant chapters are Red.Sen.23 and 33 and Red.Quir.13 and 21. In these lists Cicero's friends are divided into two categories, namely: his close "amici" and his supporters to whom he owed "gratia". Cicero's loyal "amici" are referred to only in the list in Red.Sen.23:"amicitias igni perspectas tuear". They do not feature in any of the other three remaining lists [130].

Who were his loyal friends during his exile? His letters written whilst in exile to his brother Quintus and to his friend Atticus are full of self-pity and the orator chooses to place the blame for his exile on his false friends and their bad advice [131]. From reading these letters it would be easy to conclude that Cicero really had been totally betrayed by all his friends and that he had none left. Indeed we cannot doubt that Cicero does actually have cause to complain as he was let down at the last minute. However, despite Cicero's understandable mental depression, his claims must not be taken too seriously. After all someone must have remained

[130] Although Cicero does mention his general friendships in Red.Quir.13 and 21.
[131] A fuller discussion will follow. The relevant correspondence is Att.3.3-14 and Ad Qu.Fr.1.3 and 4.

loyal to him and worked to bring about the campaign for his recall otherwise it becomes difficult to explain how Cicero's cause managed to take off early in 57 B.C.

At the beginning of 57 B.C. nearly all the magistrates elect were favourable to Cicero's cause. Both Consuls and eight of the ten Tribunes can be included in that category [132]. Again, it is in the letters written during his exile that the answer is to be found. Cicero did have loyal friends in Rome, led by Atticus, who "brought to bear all the very considerable pressure - personal, political, financial - at their disposal" [133]. The orator refers to Atticus' help throughout their correspondence during his exile (Ad Att 3) . An example is Ad Att.3.22. written in late November 58 B.C.: "De Metello scripsit ad me frater quantum speraret profectum esse per te. Mi Pomponi pugna, ut tecum et cum meis mihi liceat vivere, et scribe ad me omnia". However even Atticus' support was not initially forthcoming and Cicero's impatience with him is evident in his letters of April 58 B.C. [134].

Also included in Cicero's "pressure-group" were C. Calpurnius Piso Frugi (Cicero's son-in-law) who died before Cicero was recalled [135] and Q. Tullius Cicero (Cicero's brother) [136]. They were not alone either. In a letter written in June 58 B.C. Cicero tells his brother of the many who write to him "se sperare demonstrant" [137]. Also included among Cicero's faithful friends was Cn. Plancius

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[132] For Sestius and Milo as favourable Tribunes see for example Red.Sen.20 and 30. For the other six remaining Tribunes see Red.Sen.21-22. For Metellus see (e.g.) Red.Sen.25 and Lentulus (e.g.) Red.Sen.28.
[133] B. Rawson, The politics of friendship (1978), pp.113.
[134] Att.3.1-6. See also 3.9-10 for Cicero's later exasperation with Atticus' actions.
[135] Quaestor 58 B.C. For his support see Red.Sen.38 and Red.Quir.7. Also see ch. Place p.174.
[136] Proconsul in Asia 61-58 B.C. For his support see for example Red.Sen.37; Red.Quir.8.
[137] Ad Qu.Fr.1.3.5.

who, as Quaestor in Macedonia in 58 B.C., was Cicero's host at Thessalonica [138]. We may also add L. Lamia to this list. His activities on Cicero's behalf have already been noted.

Why does he only mention these friends once in the lists? Again he does not want to over-emphasise the importance of "amicitia" or indeed of family ties in the campaign for his recall. He prefers his restoration to be represented as the pivotal action in the movement to restore peace and order to the Republic. Another reason also is that Cicero wants to concentrate more fully on his enemies or those he believed to be responsible for his banishment. His deep-seated anger at those who let him down needed to be aired and it was in these two speeches that Cicero had his first opportunity to do so.

Whilst these individuals were Cicero's closest and oldest associates, "amicitia" also refers to many others whom I will call "supporters". This group includes those individuals who have just been mentioned by Cicero in Red.Sen.19-23. The orator owed them "gratia": "bene de me meritis referam gratiam" Red.Sen.23. Again, those to whom "gratiae" is due are not referred to in any of the other lists, although Cicero's debt to those who carried out "beneficia" or "officia" on his behalf are mentioned several times in both speeches [139].

Who, through their services, had helped Cicero be recalled? Who were Cicero's supporters as opposed to his friends? First of all Servilius and Messius may be

[138] Att.3.14 and 22. Also see Red.Sen.35.
[139] For example Red.Sen.2,3,24 and 30; Red.Quir.1,4,23.

included as they were indeed supporters of Cicero but were not necessarily his close friends. They have already been discussed. Also Metellus Nepos can be included in this group for his change of attitude. The support of the other Consul of 57 B.C., P. Lentulus Spinther, has already been noted. Cicero refers to Lentulus' aid many times in both speeches. "Qui ut est designatus, numquam dubitavit sententiam de salute mea se et re publica dignam dicere" (Red.Sen.8) [140]. This support is also mentioned as early as August 58 B.C. in Cicero's letters written during his exile [141]. Lentulus' key role in the campaign to recall Cicero, both as Consul-elect in 57 B.C. and as Consul in 57 B.C., cannot be doubted. It was he who carried a bill through the centuriate assembly for the orator's restoration [142].

In addition to the support of C. Messius, Cicero was able to enjoy that of another seven of the Tribunes of 57 B.C. These included P. Sestius [143] and T. Annius Milo [144]. The bands they organised to oppose Clodius played a crucial role in bringing Cicero's cause to the fore [145]. Sestius' support, as with Lentulus', is noted by Cicero early on in August 58 B.C. (see n.91) and the support of both of them is recorded in Cicero's various correspondences at the time [146]. The remaining five favourable Tribunes of 57 B.C. are: M. Cispius (Red.Sen.21), C. Cestilius (Red.Sen.21), Q. Fabricius (Red.Sen.22), T. Fadius (Red.Sen.21) and M. Curtius Peducaeanus (Red.Sen.21).

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[140] Also see Red.Sen.5,24,26 and 27f; Red.Quir.11,15 and 17.
[141] Att.3.22,23 and 24; Ad Qu.Fr.1.4.5.
[142] See Red.Sen.27; Red.Quir.17. Also see Nicholson, Cicero's return from exile, pp.56-60.
[143] See Red.Sen.20 and 30; Red.Quir.15. For more details on his conduct see sub-section on Tribunate p.86f.
[144] See Red.Sen.19,30; Red.Quir.15. For more details on his conduct see sub-section on Tribunate p.86f.
[145] See Nicholson, op.cit.pp.60-70 for Milo and Sestius's activities.
[146] For evidence of Milo's support see Att.4.3.3; Ad Q. Fr.1.4.3. For Sestius see Ad Qu. Fr.1.4.3.

This was not all. Cicero also individually thanks seven out of the eight Praetors of 57 B.C. In Red.Sen.22 he thanks C. Caecilius Rufus and M. Calidius and in the following chapter he thanks C. Caecilius Cornutus, C. Septimius, Q. Valerius Orca, P. Licinius Crassus and Sex. Quinctilius (Varus). In addition Cicero thanks L. Ninnius Quadratus, Tribune of 58 B.C. (Red.Sen.3) and L. Gellius, Consul 72 B.C., (Red.Quir.17).

All of these individuals therefore fall under the heading of "supporters". Why does Cicero go to such great lengths to mention them all individually in Red.Sen.? First of all most if not all of the people he mentions would have been present when the speech was delivered and so it was only courteous for Cicero to thank them publicly for their services. As Cicero himself points out in Red.Quir.23, the failure to pay due regard to one's benefactors lays one open to the serious charges of being "ingratus" and "impius" [147]. Here of course Cicero is talking about the beneficence of the Roman people collectively, but the same principle applied to individuals as well. Also Cicero probably wanted to illustrate to his audience or at least to his enemies how widespread and popular his cause had become. The orator could boast the support of both Consuls and the majority of Tribunes and Praetors. Again, by individually mentioning so many of his supporters Cicero is able to play down the importance of his "amici" in the whole operation and make his cause seem so popular and widespread that it went way beyond the network of "friendship". Why does Cicero only mention his supporters once in the lists? The

[147] Cf. De Off. 2.63.

reason again must be that Cicero wanted to concentrate on attacking his enemies rather than dwell any more than was necessary on those who had supported him.

Cicero mentions his treacherous friends three times in his lists of friends and enemies; once in Red.Sen.(23) and twice in the other speech (Red.Quir.13 and 21). The audience is further informed that these deceitful friends were driven to their betrayal either through fear (Red.Sen.23, 33; Red.Quir.13) or envy (Red.Quir.13 and 21). Who were Cicero's treacherous friends? We have already seen that Pompey and Caesar come into this category - or at least this was probably how Cicero saw it privately. Publicly however, Pompey was a friend of his and he wished his audience to place the general in that category. Sex. Atilius Serranus Gavianus [148] may also be included: "quem ego maximis beneficiis quaestorem Consul ornaveram" (Red.Quir.12). It was this Tribune who allegedly asked for a night's deliberation concerning Lentulus' motion for Cicero's recall on the first of January 57 B.C. (Red.Quir 12). He was supposedly bribed by Clodius to do so [149]. The nature of these "maxima beneficia" is unknown, as they are not mentioned elsewhere in Cicero's letters or speeches.

Out of these three it is of course only the betrayal on the part of Atilius Serranus on which Cicero is able publicly to comment. The fact that Cicero was let down by nearly all of his partisans on the eve of his banishment cannot be disputed. At the end of 59 B.C. Cicero was able to write to his brother: "Nostra antiqua manus bonorum ardet studio nostri atque amore" (Ad Q.fr.1.2.16.). Indeed in the final

[148] Tribune 57 B.C.
[149] For the alleged bribe see Sest.72 and 74. For evidence of his action on the first of January see Sest.74.

section of this letter to his brother, Cicero details the kind of help he expected from his supporters. He was confident that he would have reliable, solid support from "tota Italia" if he should need it. However Clodius' merciless attack on the orator undoubtedly left many of Cicero's Senatorial colleagues afraid to intervene: after all, the Tribune was boasting of having the support of both Pompey and Caesar. "Nam quid sperem, potentissimo inimico, dominatione obtrectatorum, infidelibus amicis" (Ad Q.fr.1.4.2.). Cicero's other letter to his brother written at the beginning of his exile also suggests that fear was one of the reasons for the treachery of his friends [150].

In the letters to Atticus written during 58 and early 57 B.C. Cicero makes no mention of this motive. However, it remains a major one in his two return speeches (Red.Sen.23 and 33; Red.Quir.13). The fear attributed by Cicero in these passages was a fear of violence. The orator's desperate need to emphasise the ever present threat of violence in Rome at this time, as a perfectly valid excuse for the inactivity of his friends, is illustrated here [151].

The jealousy ("invidia") motive however is a little less easy to believe and explain, especially considering that the orator treats the "invidi" as a group, not as individuals. Cicero nevertheless imputes this motive with great frequency and in a general fashion. His letters at this time are full of references to those he believes were envious of him: "tantum dico, quod scire te puto, nos non inimici, sed invidi perdiderunt" (Ad Att.3.9) [152]. Even after his recall Cicero still could not let it go,

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[150] See also Ad Q. Fr.1.3.5.
[151] See sub-section on Tribunate p.78f.
[152] Also see Ad Q.Fr.1.4; Att.3.7,15.

even in private: "Iam quidam, qui nos absentes defenderunt, incipiunt praesentibus occulte irasci, aperte invidere" (Ad Att.4.1.8). In public Cicero was particularly vocal on the subject (Red.Quir.13 and 21). It is interesting that it is only in the speech to the citizens that Cicero mentions envy as a motive for disloyalty. Obviously fear was a more honourable excuse than envy, and, considering Cicero's need for friends in the Senate at this time, it is not surprising that he attempts to keep his full anger at their betrayal to himself at least when he addresses them directly.

Cicero must have felt that he could be more direct in his attack in his speech to the citizens; the orator could gain sympathy for himself and arouse prejudice against his enemies by advertising a less honourable reason for their betrayal. As we have already ascertained, to act out of personal "inimicitia" was considered socially unacceptable and so Cicero was able once again to capitalise on social beliefs. Whether envy was ever a real reason for the desertion of Cicero in early 58 B.C. is doubtful. Cicero's indignation and immense feelings of self-reproach at the time must be taken into account [153]. Fear, on the other hand, despite the orator's necessary exaggerations, is more believable and certainly more palatable to those Senators present to hear Cicero's speech.

The next type of enemy included in Cicero's lists is the two Consuls of 58 B.C. Cicero includes them in his list of assailants in Red.Quir.21. Cicero's references to them and his reasons for his attack on them both have already been discussed. He

[153] Whilst in exile Cicero realised that he should not have given in so easily (Att.3.7,8,9,13).

aims to punish these "mercatores provinciarum" by "revocando domum atque ab iis provinciarum rationem repetendo". Although it is only in the list in Red.Quir.21 that Cicero makes a clear reference to them specifically we may assume that he also meant them to be included in the last category of enemies to be discussed, namely, his "apertis hostibus" (Red.Sen.23). These open enemies are also included in Red.Sen.33 and Red.Quir.21. Cicero must of course here mean Clodius as well. According to Cicero these men were his bitter enemies due to their "odium" of the "res publica" (Red.Quir.21) [154]. Again, Cicero's desire to concentrate on condemning his enemies explains why most of Cicero's entries in each of these lists concern either his open enemies or his treacherous friends.

CONCLUSION

One thing is clear from all this, the "res publica" took precedence over all ties of "amicitia" and "inimicitia". We are able to see that this tradition has many examples in these speeches [155]. Cicero continuously links his cause with that of the Republic in both speeches and the connection is also made when he refers to individuals who helped him be restored. It is here that he links their "amicitia" with himself and the cause of the "res publica". The relevant chapters are Red.Sen.12 and 21 and Red.Quir.16 and the individuals involved are L. Lamia, C. Messius and Pompey respectively.

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[154] This theme will be discussed next.

[155] Also see Nicholson, Cicero's return from exile, pp.35-37.

The Red.Sen. passages are very similar in content. In Red.Sen.12 Cicero tells his audience that Lamia was "saluti meae pro familiaritate, rei publicae pro fortunis suis amicissimum" and in Red.Sen.21 we are informed that Messius was induced to act on Cicero's behalf due to "amicitia et rei publicae causa". Thus the orator has yet again been able to link together his cause with that of the Republic. As already mentioned, Red.Quir.16 illustrates this common theme once again:"qui [Pompey] mihi unus uni privato amico eadem omnia dedit, quae universae rei publicae, salutem, otium, dignitatem". Therefore the orator is able to place his friendship with Pompey and the Republic on a par with regard to Pompey's beneficence. "The fatherland indeed took all precedence of private ties" [156], so by emphasising the link between his "amicitiae" with these three politicians and the cause of the Republic, Cicero was able to heighten his own importance. By associating these individuals with the cause of the Republic Cicero also helped them in that it gave them a more creditable motive for aiding him. It is also possible that Cicero was playing a game of association with the three men in that by giving them all the same reason for helping him he could imply that they were all equally friends of his.

The same link is made between "inimicitia" and the "rei publicae causa"; Cicero's enemies were the enemies of the Republic. In Red.Quir.21, the first of Cicero's four categories of assailants are those "qui odio rei publicae, quod eam ipsis invitis conservaram, inimicissimi mihi fuerunt". Red.Sen.6 is similar: again Cicero represents himself as the saviour of the Republic and his enemies as its

[156] Brunt, The Fall of the Roman Republic, pp.368.

destroyers. The remaining three references all make mention of individual "inimici" of Cicero's and their enmity with the "res publica". They take very similar form: in Red.Sen.17 the audience is told that Piso handed Cicero over to the enemies of the Republic, in Red.Quir.10 that Clodius lent his voice to the foes of the state "ad meam perniciem" and finally in Red.Quir.13 that the Consuls of 58 B.C. had "auctores se inimicis rei publicae tradidissent". It was natural for a man like Cicero to draw attention to his patriotism by stressing that all who were hostile to Rome's interests were automatically his enemies [157].

So we have the three named "inimici" of Cicero's being called enemies of the state and three of the four named "amici" (excluding Servilius) having their "amicitia" with Cicero linked with the cause of the Republic. Cicero had much to gain by employing this particular oratorical technique. In all the references Cicero is able to imply that he and the national interest are equal and thus he can support his claim that to restore him was to restore the Republic. Cicero also was able to blacken his enemies by convicting them of the most heinous crime possible, that is, to be seen to be acting against the interests of the state. As Epstein points out "Romans would not tolerate "inimicitiae" when they thought vital state interests, especially the national security, were at stake" [158]. Therefore Cicero yet again exploits this value system to achieve maximum impact.

Cicero had lost political face due to his retreat into exile the preceding year; he had a lot to catch up on. Those who helped him needed to be thanked; those who did not needed to either be attacked or excused depending on the severity of their

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[157] See for example Phil.2.1;12.21; Fam.12.28.3.

[158] Epstein, Personal enmity, pp.12.

crime. He also had to extenuate himself and his conduct. Therefore he plays on the threat of violence in order to secure sympathy from the listener. Cicero's need to present his cause as tantamount to that of the "res publica" affects his treatment of this theme also. Thus Cicero plays on all these things in order to gain credibility with his audience.

CHAPTER TWO

Governmental Institutions

Cicero's treatment of the Consulship and its abuse

Cicero refers many times to the Consulship in his two post reditum speeches. He not only frequently alludes to the present Consuls, but also to those of the preceding year (58 B.C.) and to his own Consulship in 63 B.C. Cicero's treatment of the Consulship in these two orations reveals the orator's attitude toward the office itself and its personnel. As with the orator's treatment of Tribunes, it becomes immediately clear to the reader that it is the office holders of 58 B.C. who according to Cicero abuse their power and the magistrates of the following year (along with Cicero himself) who behave as they ought. Of course Cicero had personal reasons for saying what he does.

There are various themes running through Cicero's two speeches in connection with the Consulship and its abuse. These main themes are: What does and what does not befit the Consul and Consular office? What does a Consul do and how does he do it? What actions should not be undertaken by a Consul? We are able, in these two speeches, to see what Cicero's views were on each of these questions.

We may now begin with the first of the main themes. What befits a Consul/Consular office? Prestige was one of the essential qualities. This prestige could either be personal or due to rank or office. Metellus Nepos is described as

possessing the latter type of prestige: "nobilissimi hominis atque optimi viri, summa dignitas" (Red.Sen.5) and one of his ancestors is also praised for his "summa dignitas" in Red.Quir.6 [1]. Metellus Nepos' fellow Consul is attributed the compliment of having personal prestige as Consul of 57 B.C. In Red.Sen.25 Lentulus' "dignitas" is referred to and in the preceding chapter Cicero tells his audience that Lentulus "excogitaret quem ad modum calamitatem meam non modo levaret, sed etiam honestaret" (Red.sen.24). This idea of lending Cicero's cause prestige is echoed in Red.Quir.16 where Cicero claims that Pompey gave to him "salutem, otium, dignitatem" [2]. Finally in Red.Sen.5 Cicero refers to his own personal dignity.

Fame and glory also befits a Consul and Cicero twice refers to his own name and eminence. In Red.Sen.8 he says that Lentulus was the guardian of his "vitae, fortunae, memoriae, nominis". The same comment is made in Red.Quir.11. Pompey who had been Consul in 70 B.C. also is complimented in a similar way: "Cn. Pompeius, omnium gentium, omnium saeculorum, omnis memoriae facile princeps" (Red.Sen.5). In the other oration the audience are informed that Pompey had no rival in "virtute, sapienta, gloria" (Red.Quir.16). P. Servilius Vatia Isauricus is referred to by Cicero as "clarrissimus" [3].

Courage also was important for any Consul. Again Lentulus is described as being endowed with this quality: "singulari virtute et praestantissima"

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[1] Q. Caecilius Metellus Numidicus, Consul 109 B.C. In 100 B.C. he went into voluntary exile because he refused to take an oath to uphold legislation by Saturninus, and was brought back the following year (Red.Sen.25,37f; Red.Quir.6,9,11; Dom.82,87; Sest.37,101,130).

[2] Consul 70, 55, 52 B.C. For Cicero's relationship with Pompey see ch. Amicitia p.10f.

[3] See ch. Amicitia p.13 for details on Cicero's relationship with Servilius.

(Red.Sen.5). Lentulus' courage is also mentioned in Red.Sen.8 where Cicero tells his audience that Lentulus "hoc specimen virtutis, hoc indicium animi, hoc lumen consulatus sui fore putavit, si me mihi, si meis, si vobis, si rei publicae reddidisset". In Red.Sen.18 Cicero refers to the courage of both Lentulus and Metellus. The courage of L. Opimius is also referred to by Cicero in Red.Quir.11 [4]. It is important to note that, with the exception of the last example, the courage referred to by Cicero in all the other passages is a courage employed by Lentulus and Metellus on Cicero's behalf.

Patriotism is also a necessary quality for any Consul. In Red.Sen.24 Cicero talks of Lentulus' "studio in rem publicam". Indeed Cicero's own public patriotism cannot be doubted as is evident from his many comments in these two speeches concerning the "res publica", its downfall and restoration. Other characteristics include "naturae bonitas" attributed to Lentulus in Red.Sen.25 and "mitissimus" as applied to Metellus in Red.Quir.10. Indeed Cicero's references to the res publica and its apparent downfall and restoration all illustrate the author's need to publicise his own patriotism.

Finally, nobility also befitted a Consul. This distinction is seen as enhancing the office of Consul Cicero advertises the rank of four different Consuls or Consulars in these two speeches. Lentulus' "nobilitas" is mentioned in Red.Sen.25.and in Red.Sen.5 Metellus is referred to as a "nobilissimi hominis" In the other speech P. Popilius Laenas is complimented in the same way (Red.Quir.6) [5].

[4] Consul 121 B.C. This is also an ideological point see ch. Place p.133.
[5] Consul 132 B.C.

What does not befit a Consul? Venality does not befit Consular office [6]. Both Piso and Gabinius are accused of being easily bribed and corrupted. In Red.Quir.13 Cicero tells us that the "duo consules empti pactione provinciarum" [7]. Cicero's choice of words here is particularly damning [8]. In Red.Sen.10 the idea of "selling" is employed again. Here Piso and Gabinius are accused of being "venditores" of Senatorial dignity. At the same time Cicero accuses them of being "mercatores provinciarum", again the word "mercatores" meaning trader has "selling" connotations. Cicero continues this line of verbal attack when he says in Red.Sen.16 that Piso and Gabinius "conspired" in a pact for provinces: "Cum hoc tu coire ausus es .... provinciarum foedere addiceres?". Also both Piso and Gabinius are accused of being "impious nefas" (Red.Sen.18). Thus to conspire, to be sold, to sell and to trade are all acts of venality which do not befit a Consul.

Another characteristic that does not befit a Consul or Consular office is "libidines". Again both the Consuls of 58 B.C. are found guilty of this particular vice. Cicero's main invective against Piso and Gabinius (Red.Sen.10-18) is full of references to the desires of the two unworthy Consuls [9]. In Red.Sen.11 the orator tells his audience that Gabinius from his "primum tempus aetatis palam fuisset ad omnes libidines divulgatum". Further, in Red.Sen.14 Piso is accused of being drawn to Epicureanism "non penitus illi disciplinae quaecumque est deditus, sed captus uno verbo voluptatis" [10]. In the following chapter Cicero has Piso

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[6] Also see ch. Place p.163f for Cicero's invective against Piso and Gabinius.
[7] Also see ch. Amicitia p.19, n.63.
[8] Also see Red.Sen.32. "Pactio" as opposed to "foedus" has fraudulent connotations. The idea of the Consuls being "sold" also has rather unpleasant implications.
[9] For Cicero's use of invective see R.G.M. Nisbet, Cicero In Pisonem Oratio (1961), pp.192-198.
[10] The Epicureans held that pleasure was the end of life.

employing "praefectis libidinum suarum" (Red.Sen.14). Finally in Red.Quir.13 Cicero mentions Piso and Gabinius' "avaritiam" and "libidines".

Personal vice also does not befit a Consul or Consular office. Again Piso and Gabinius are found guilty of this. "Sed fuerunt ii consules, quorum mentes angustae, humiles, pravae, oppletae tenebris ac sordibus" (Red.Sen.10). Gabinius, according to Cicero, squandered his and the public's money (Red.Sen.11), turned his house into a brothel (Red.Sen.11), wore perfume (Red.Sen.12,13 and 16) and was "drunken" and "debauched" (Red.Sen.13 and 16). Cicero also refers to him as a dancer (Red.Sen.13) who spent all his time "in brothels and gourmandizings" (Red.Sen.13). In Red.Sen.14 Piso is described as a "libertine".

It is of course essential to note that Cicero cannot be relied on for an unbiased opinion of these individuals. We must bear in mind the relationship the orator had with each of them in order to understand many of his comments [11]. The important point to note is that the characteristics listed above were seen by Cicero as befitting or not befitting a Consul. The orator had deliberately chosen selected vices and compliments which he knew would provoke the natural prejudices installed in his audiences' mind. Dignity, prestige and rank were important characteristics for a Consul. Corruption, lust and personal vices were not preferred characteristics. Cicero attempts to help his cause and fulfill his aim in his two speeches by advertising the good characteristics of Lentulus, Metellus, Pompey and himself and the bad of Gabinius and Piso.

[11] See ch. Amicitia p.19f.

What does a Consul do? First of all a Consul heals: "Di immortales, quantum mihi beneficium dedisse videmini, quod hoc anno P. Lentulus consul populi Romani fuit, quo quanto maius dedissetis, si superiore anno fuisset! Nec enim eguissem medicina consulari, nisi consulari vulnere concidissem" (Red.Sen.9). A similar point is made in Red.Quir.15: "dubitarem quin is [Lentulus] me confectum consularibus vulneribus consulari medicina ad salutem reduceret?" Finally in Red.Sen.24 the orator informs us that "qui [Lentulus] mihi primus adflicto et iacenti consularem fidem dextramque porrexit; qui me a morte ad vitam, a desperatione ad spem, ab exitio ad salutem revocavit". A Consul also defended. Twice Lentulus is referred to as Cicero's parent and guardian: "Princeps P. Lentulus, parens ac deus" (Red.Sen.8) and "P. Lentulus consul, parens, deus" (Red.Quir.11). Also in this latter chapter the orator tells his audience that the Republic "consulis [Lentulus] fidem tamquam legitimi tutoris imploravit".

A Consul also saves and preserves. In Red.Sen.18 Lentulus and Metellus are praised for having saved the State: "Horum consulum ruinas vos consules vestra virtute fulsistis, summa tribunorum plebis praetorumque fide et diligentia sublevati". This is an interesting contrast between good and bad Consuls. The two Consuls of 58 B.C., Piso and Gabinius, apparently ruined the State and in the following year order was restored by the cooperation of Consuls, Tribunes and Praetors. Lentulus is frequently lauded for his preservation of Cicero and the "res publica". In Red.Sen.8 we are told that Lentulus "preserved" Cicero in order to save the Senate's dignity and authority. The notion that the res publica was

preserved along with Cicero in 57 B.C. is evident here. This is a recurrent theme [12].

How did Lentulus heal, preserve and save Cicero and the "res publica"? In Red.Sen.8 Cicero says that "ut est designatus, numquam dubitavit sententiam de salute mea se at re publica dignam dicere". The orator continues to say that Lentulus regarded Clodius' law exiling Cicero as a "proscriptionem" and that "vero iniit magistratum, non dicam quid prius, sed quid omnino egit aliud nisi ut me conservato vestram in posterum dignitatem auctoritatemque sanciret?". Specifically we are told that it was upon Lentulus' proposal that Cicero was recalled [13] and that it was due to his prestige that so many people came to support his cause [14]. Lentulus also summoned the Senate to a meeting (Red.Sen.25) [15] and "curavit, ut eadem a principibus civitatis in contione postero die dicerentur" (Red.Sen.26). The motion was passed in the Senate and in the "comitia centuriata" and it was this day [16] that "Lentulus mihi fratrique meo liberisque nostris natalem constituit non modo ad nostram, verum etiam ad sempiterni memoriam temporis?" (Red.Sen.27).

Thus Lentulus' role in the campaign to recall Cicero was crucial and the orator advertises the part he played. Lentulus had indeed dedicated his entire Consulship to Cicero's cause and had done little else. We cannot dispute Cicero's facts concerning Lentulus' actions or their importance for the cause [17]. In Cicero's

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[12] See Nicholson, Cicero's return from exile, pp.35-37. Also see ch. Amicitia p.44f.
[13] Red.Quir.17 and 18.
[14] Red.Sen.25.
[15] July 57 B.C. Also see Red.Quir.15.
[16] August 4th 57 B.C.
[17] See also for example Dom.30,70-71; Sest.70,72; Har.Resp.12.

letters written during his exile he never doubts Lentulus' loyalty [18] and often alludes to his manifest goodwill. It was in this way that Lentulus healed Cicero's wounds and by healing and preserving Cicero the Republic had been restored (according to the orator himself of course).

Metellus, however, was a different case. We have already discussed Cicero's rather uncertain relationship with Metellus and this therefore explains Cicero's considerably cooler attitude towards him [19]. According to Cicero he "was a prime mover and supporter of his restoration" (Red.Sen.9). In the popular speech Cicero tells his audience that Metellus assisted his colleague Lentulus in the campaign for his recall (Red.Quir.15). Cicero is keen therefore to promote Metellus' support of his cause although it is clear that the orator was in fact exaggerating. It is likely that Metellus only really consented to Cicero's recall rather than took any major active part in the campaign [20]. Again, by helping preserve Cicero, Metellus had played his part in saving the "res publica".

It was not only the two Consuls of 57 B.C. who saved and preserved the "res publica", according to Cicero, he himself had also done the same as Consul in 63 B.C. [21]. Three times Cicero states that he had saved the Republic. In Red.Sen.17 he tells his audience that he (along with "senatum atque omnes bonos") had saved the Republic from a "pestem", that is, Catiline. In Red.Quir.5 Cicero claims that through the People he had regained a Republic which "aliquando omnes unius opera servatum iudicaverunt". He obviously meant himself. There is a link made

[18] Att.3.22,23,24; Fam.1.9; Q.Fr.1.4.5.
[19] See ch. Amicitia p.32f.
[20] See ch. Amicitia p.33f.
[21] Also see ch. Place p.15f.

by Cicero between Consuls such as himself saving the state and Consuls who preserve it by saving those Consuls. Ex-Consuls P. Servilius Vatia Isauricus and L. Gellius fall into this latter category. We are told that both these men saved Cicero and therefore the res publica. In Red.Quir.17 the orator tells us that P. Servilius Vatia Isauricus [22] "dixisset opera mea rem publicam incolumem magistratibus deinceps traditam, dixerunt in eadem sententiam ceteri". Cicero also tells us L. Gellius [23] said "si ego consul, cum fui, non fuissem, rem publicam funditus interituram fuisse" (Red.Quir.17). Again this is connected with the theme of self-identification with the Republic.

It was as Consul in 63 B.C. that Cicero claims to have saved the republic from disaster [24]. This rather bold boast is a result of the criticism and attack he had received over his handling of the Catilinarian affair. It may be doubted that the threat posed by the conspiracy was as serious as Cicero advertises in his "In Catilinam" speeches [25]. In turn therefore Cicero's claim to have saved the State should be treated with similar caution. Nevertheless, the orator as Consul had overseen the quelling of a serious revolt. Catulus and Cato entitled him "the father of his country" and L. Gellius moved that he be granted the "corona civica". This was a prestigious military honour, awarded for saving a citizen's life in battle [26].

Finally, a Consul sustains and defends. Again Cicero compliments himself for having also done this. Red.Sen.32, 33 and Red.Quir.13 all imply that the same

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[22] Consul 79 B.C.
[23] Consul 72 B.C.
[24] See D. Stockton, Cicero: A Political Biography (1971), pp.84-142 and Shackleton Bailey, Cicero (1971), pp.27-34.
[25] See for example, In Cat.1.1.
[26] See in Pis.6; Plut. Cic. 23.

cohorts of Catiline returned to Rome in 58 B.C. "paene iisdem ducibus ad spem caedis et incendiorum esse revocatas" (Red.Sen.33). Thus Cicero "cum mihi privato confligendum viderem cum eodem exercitu, quem consul non armis, sed vestra auctoritate superaram" (Red.Sen.32). Therefore Cicero links together the Catilinarian affair and the events of 63 B.C. with Piso, Gabinius and Clodius and the events of 59/58 B.C. [27]. By claiming that the State was under the same threat by the same people in both years, the orator was able to commend his own behaviour during both periods [28]. In other words, in 63 B.C. Cicero as Consul had fought the threat to Rome "non armis, sed vestra auctoritate" and in 58 B.C. as a "privatus" he had sacrificed himself in order to spare the State the turmoil of "arma" [29]. This section points to two clear contrasts, one between a private citizen and Consul and the other between Senatorial authority and "arma". Thus the two notions are not compatible with each other and may only exist without the other. The idea is law and order as opposed to physical violence (domestic or otherwise). The "arma" referred to here could be either type. Cicero may mean to allude to the violence within the city over the past eighteen months or to the "arma" of Caesar. Here, I believe, Cicero is referring to the "arma" of Caesar who was posing a potential military threat by keeping some of his army outside the City (Red.Sen.32) [30]. Nevertheless Cicero believed that he could claim to have saved the Republic on both occasions [31].

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[27] See A.W. Lintott, "P. Clodius Pulcher-Felix Catilina?", Greece and Rome (14) 1967, pp.157-169 for a discussion on the connection, if any, between Clodius and Catiline.

[28] Cicero also regretted leaving Rome too soon and not staying to fight it out (Att.3.7,8,9,13).

[29] Also see ch. Place p.150.

[30] See ch. Amicitia p.28f also see ch Place p.138.

[31] In Red.Sen.10 Cicero also links together Gabinius with Catiline and Piso with C. Cornelius Cethegus (conspirator, put to death in 63 B.C.).

How did a Consul defend and sustain the Republic, apart from restoring Cicero of course? The idea of a Consul being a defender and sustainer of the State was also a symbolic one. It was by his "auctoritas" that a Consul of the Republic could defend the State. A symbol of this authority was the Consul's "fasces" [32]. Cicero emphasises the breaking of Lentulus' "fasces" in 57 B.C. (Red.Sen.7 and Red.Quir.14) in order to enhance his argument that the State no longer existed while he was in exile. It is interesting to note how much emphasis Cicero places on this incident in these two speeches. In the Red.Sen. passage Cicero lists six different violence-based situations whilst he was in exile. The incident concerning the "fasces" comes fifth. With the Gods, the Consuls and the Tribunes as the last three entries in the list, we cannot doubt that this series of incidents grows in importance as it develops or that the order is dictated by proximity. The significance of these three institutions cannot be disputed.

The other reference (Red.Quir.14) takes a similar form in that it is also a list of "situations" in Rome during Cicero's exile. Again, the "fasces" incident comes second from last and is surrounded by much the same material (Tribunician assaults and temples aflame). The emphasis Cicero chooses to place on this event is therefore evident. As Nippel points out "Breaking the fasces.... symbolizes either the de facto deposition of a magistrate, or it symbolizes a demonstrative disregard of the magistrate's authority by a crowd" [33]. Therefore the importance of the authority of the Consuls is illustrated by Cicero's emphasis on this incident.

[32] Bundles of rods, usually with an axe, carried by lictors in front of magistrates.
[33] W. Nippel, "Policing Rome", Journal of Roman Studies (74) 1984, pp.23.

How did the role of a Consul differ from that of other office holders? It is clear from Cicero's references in these two speeches that the Consuls were leaders who took charge and who were helped by other magistrates. In Red.Sen.18 Cicero informs us that "horum consulum ruinas vos consules vestra virtute fulsistis, summa tribunorum plebis praetorumque fide et diligentia sublevati". This passage implies a hierarchy of virtues which distinguishes the three separate offices. The Consuls are described as courageous, the ones who made the first bold moves. The Tribunes and Praetors supported them with "fide" and "diligentia". This notion is repeated in Red.Quir.15. Here Cicero tells us that Lentulus took the lead in the campaign to recall him and that the other office holders followed him: "Hoc duce [Lentulus], collega autem eius [Metellus] ..... reliqui magistratus paene omnes fuerunt defensores salutis meae". Finally, in Red.Sen.24, Cicero claims that Lentulus was the first to "extend to me the right hand of his Consular protection". Meanwhile Pompey was the first to make the motion "popular" (Red.Quir.16) and Milo was the first to remove terror from the city (Red.Sen.19) [34]. Thus the Consuls, Lentulus in particular, had a clearly defined job to do and were successful in doing it.

What should a Consul not do? We have seen that a Consul should heal, therefore a Consul should not inflict wounds. Three times Cicero refers to the wounds inflicted on him by Piso and Gabinius. In Red.Sen.9 Cicero mentions these injuries: "Consulari vulnere concidissem". Again in the popular speech Cicero refers to his "Consular wounds" (Red.Quir.15). Finally, in Red.Sen.17 the

[34] See sub-section on Tribunate p.91.

orator says that he "cum re publica non tribunicio, sed consulari ictu concidissem".

Piso and Gabinius, of course, are both accused of inflicting wounds. First of all Piso and Gabinius had betrayed Cicero in his hour of need. It was during their Consulship that he was exiled and due to their inactivity that they did nothing to prevent it [35]. As we have already noted, Cicero puts their action down to the pact for provinces made between them and Clodius (see above). The orator mentions this pact several times (Red.Sen.4,10,16,18; Red.Quir.11,13,21). The two Consuls inflicted wounds on Cicero in other ways too. In Red.Sen.18 the audience are informed that "domus mea diripiebatur, ardebat, bona ad vicinum consulem de Palatio, de Tusculano ad item vicinum alterum consulem deferebantur". Cicero's house on the Palatine was indeed plundered and the goods and chattels were removed to a nearby house belonging to Piso's mother-in-law [36]. Gabinius, a neighbour of Cicero's in Tusculum, was equally guilty [37]. So by allowing Cicero's exile to go ahead without any opposition, by entering a pact for provinces and by plundering Cicero's properties, Piso and Gabinius inflicted wounds on the orator.

This notion of inflicting wounds forms part of a recurrent theme in these two orations, that is, the life and death motif. Several times the orator refers to life and death in these speeches. In Red.Sen.4 Cicero refers to the Catilinarian

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[35] See ch. Amicitia p.18f. Also see below for this "inactivity".
[36] Dom.62; Pis.26.
[37] Dom.124; Sest.93. See Nippel, Public Order in Ancient Rome, p. 74. Here Nippel notes that in Dom.124 Cicero tells us that Clodius had consecrated Gabinius' property. Obviously, Cicero was only intent on attacking Piso, Gabinius and Clodius in these two speeches but drew it out when need in Dom. NB Nippel op.cit. p.10 on early consecrations by Tribunes.

conspirators coming back to life and in Red.Sen.12 Cicero talks of Catiline as if he had "revixisset". In Red.Sen. 24 he states that Lentulus "me a morte ad vitam...revocavit". Also in Red.Quir.11 Lentulus is referred to as "parens, deus, salus nostrae vitae". Earlier in the popular speech Cicero compares his banishment with a serious illness "gravis morbus" (Red.Quir.4) and he also refers both to the wounds inflicted on him by Piso and Gabinius [38] and to the healing of those wounds by Lentulus [39]. The notion of Cicero's exile bringing about both his death and the death of the Res Publica is employed in Red.Sen.18 where Cicero tells us that the State had been killed and he refers to the "funus" of the Republic. The orator's birth is also mentioned. In Red.Quir.5 he thanks his parents for his Consular birth and in Red.Sen.27 says that Lentulus declared July 18th 57 B.C., (the day of the vote in the Centuriate assembly to recall Cicero), his "natalis".

A Consul also should not leave the State without guardians. Piso and Gabinius have been accused of this felony. In Red.Sen.4 Cicero tells us that in 58 B.C. the "res publica sine consulibus esset, neque solum parentibus perpetuis, verum etiam tutoribus annuis esset orbata". In the other oration Cicero makes a similar comment: his fourth class of enemies were those "qui cum custodes rei publicae esse deberent" nevertheless bartered everything due to the province-pact (Red.Quir.21). Also in Red.Quir.11 the orator refers to the Republic as "widowed" or "orphaned" ("orba").

How did Piso and Gabinius fail to guard the Republic? Referring again to Red.Sen.18, we are told that the two Consuls brought the edifice of the State

[38] See above.
[39] See above.

"tumbling down". Also in Red.Sen.11 Cicero insults Gabinius by accusing him of "inspectante ac sedente" while Clodius enacted his law concerning the Aelian and Fufian laws [40]. To look on and to sit is worse than just being inactive and Gabinius' tacit approval of Clodius' actions is made apparent by Cicero. Therefore Piso and Gabinius left the State without guardians by taking a passive role in proceedings and allowing a Tribune to take control. We have seen how Cicero viewed the Consulship as the leading office. It is clear from this that he also saw it as a guardian not just of the state but to other offices including the Tribunate [41]. Cicero's judgement seems a fair one given the scope of Clodius' legislation of 58 B.C. and the lack of legislation on the part of the Consuls of that same year [42].

A Consul should not betray or desert the State. Cicero claims several times that Piso and Gabinius betrayed both the Republic and himself. In Red.Quir.13 the orator informs us that they "se inimicis rei publicae tradissent". In Red.Sen.10 Cicero states that both the Consuls betrayed him even though his cause was also that of the State. Cicero also attacks Piso, accusing him of bribing individuals to desert Cicero and the "res publica" (Red.Sen.32). A similar accusation is made in Red.Sen.16: ""Cum hoc tu coire ausus es, ut consularem dignitatem, ut rei publicae statum, ut senatus auctoritatem, ut civis optime meriti fortunas provinciarum foedere addiceres?" Again Cicero's recurrent theme of identification of self with the State is evident in these references [43].

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[40] See sub-section on Tribunate p.70, 75.
[41] See sub-section on Tribunate p.86.
[42] Broughton, Magistrates of the Roman Republic vol.2, pp.193-196.
[43] See Nicholson, Cicero's return from exile, pp.35-37.

The two Consuls of 58 B.C. deserted the Res Publica in various ways, according to Cicero they betrayed the Republic by betraying him. This opinion is made clear in the references above. Cicero also believed that the two Consuls did not understand the meaning or importance of their office. "Sed fuerunt ii consules, quorum mentes angustae, humiles, pravae, oppletae tenebris ac sordibus, nomen ipsum consulatus, splendorem illius honoris, magnitudinem tanti imperii nec intueri nec sustinere nec capere potuerunt" (Red.Sen.10). Also Cicero informs us that the State was betrayed by Piso and Gabinius due to their involvement in the province-pact. In Red.Sen.18 Cicero tells his audience that the Republic was dead (due to his exile) and that as a result Piso and Gabinius were receiving the "arbitria funeris" which included the plunder of his houses, "aerarium, provinciae, legiones" and "imperia". In this same chapter the orator claims that the "res publica" no longer existed. Thus Piso and Gabinius deserted the "res publica" because of the province-pact and due to their betrayal of Cicero (according to the man himself).

A Consul should not disobey the Senate. While on the one hand Cicero tells us that Lentulus preserved the Senate, in Red.Sen.8 he tells us that Piso disobeyed it. Cicero asks Piso in Red.Sen.17: "Capuaene te putabas, in qua urbe domicilium quondam superbiae fuit, consulem esse, sicut eras eo tempore, an Romae: in qua civitate omnes ante vos consules senatui paruerunt?" A consul also should not ignore the wishes of the Senate. In Red.Sen.16 Cicero states that it was due to Piso's Consulship that "senatui populi Romani non est licitum non modo sententiis atque auctoritate sua, sed ne luctu quidem ac vestitu rei publicae subvenire". This theme is echoed in Red.Sen.12, here Cicero again insults Piso by calling him a

"tyrannus" [44]. It is of course not at all surprising to find that all these references appear in the Senatorial speech.

We need to examine how Piso and Gabinius disobeyed the Senate. Twice Cicero tells us that thanks to Piso and Gabinius the Senate had lost its "auctoritas". In Red.Sen.16 we are informed that "Senatorial authority" was sacrificed due to the province-pact and in Red.Sen.18 Cicero tells us that the "Senate was beaten down and crushed". Despite the rather general accusations above against the Consuls and their "agreement" with Clodius, Cicero did have definite grounds for complaint. As the orator himself says "tu provincias consularis, quas C. Gracchus, qui unus maxime popularis fuit, non modo non abstulit a senatu, sed etiam ut necesse esset quotannis constitui per senatum lege sanxit, eas lege Sempronia per senatum decretas rescidisti, extra ordinem sine sorte nominatim dedisti non consulibus, sed rei publicae pestibus" [45] (De Domo Sua 24). Thus Piso and Gabinius (and Clodius) had broken the law and disobeyed the Senate. Indeed Cicero refers to them as "lawless" in Red.Sen.18.

How did Piso and Gabinius ignore the wishes of the Senate? Cicero several times mentions the wearing of mourning garb by the "boni", the Senate and the Roman Knights. In Red.Sen.12 the orator tells us that although the Senate "decreed that mourning should be worn", (as indeed the "boni" had been doing), and that in turn Gabinius "forbade you [the Senate] to mourn the nation's

[44] See J.R. Dunkle, "The Greek Tyrant and Roman political invective of the late Republic", Transactions of the American Philological Association 98 (1967), pp.151-71 for tyrant invective.

[45] Under the "lex Sempronia" (123 B.C.), the Senate was required to announce the Consular provinces for the following year before the electoral "comitia". No Tribunician veto on this was permitted and the two successful candidates then drew lots to determine which of the provinces would fall to each.

misfortunes openly". Piso is accused of much the same thing: "Te consule, tuis edictis et imperiis, senatui populi Romani non est licitum non modo sententiis atque auctoritate sua, sed ne luctu quidem ac vestitu rei publicae subvenire" (Red.Sen.16). In Red.Quir.13 it is the Senate and the Roman Knights who "flere pro me ac mutata veste vobis supplicare edictis atque imperiis vetarentur".

Finally, a Consul should not fail to safeguard the rights and properties of citizens. Gabinius is accused of this in his attack on the order of the Roman Knights. We have just noted that Gabinius forbade them to mourn in public, but this was not all. The Senatorial audience are also told that Gabinius spoke at a meeting of the Senate and announced that he would "make the Roman Knights pay for the fifth of December when I was Consul and for the punishment that was exacted upon the slopes of the Capitol" (Red.Sen.12) [46]. This same audience is then informed that L. Aelius Lamia, an "equites Romanus", was banished from the City by Gabinius (Red.Sen.12) [47]. This point is re-iterated in Red.Sen.32 where Cicero adds that "nominatim alii compellabantur, alii citabantur, alii relegabantur: aditus templorum erant non solum praesidiis et manu, verum etiam demolitione sublati".

It is clear from this examination of Cicero's treatment of the Consulship in his two post reditum speeches that the orator had very clear cut ideas of how a Consul should and should not be seen to behave. He was, in other words, sure of the values and conduct required of a Consul by his audiences. Thus Cicero felt he

[46] Clivus Capitolinus, the slope leading up to the Capitol, where the Knights mustered in arms to support Cicero on 5 December 63 B.C.
[47] Also see Sest.29.

was able to sway his audiences into opposition to the Consuls of 58 B.C. and appreciation of those of the following year by making public the wrongful acts of the former and worthy deeds of the latter.

Cicero's Treatment of "Tribunatus"

Cicero refers to the various Tribunes involved in his exile and recall many times in these two speeches. It was after all the bill of a Tribune that exiled him in the first place and it was also due, in part anyway, to the active support of the Tribunes of 57 B.C. that Cicero was recalled. Cicero's references to individual Tribunes and the Tribunate as an office can predictably be divided into two groups: namely, those to his enemies and those to the people who helped him. The two groups will be taken in the above order because in this sub-section, contrary to the previous one, it makes a more sensible strategy. I will start therefore by examining the references Cicero makes to the Tribunate of his arch-enemy, P. Clodius Pulcher [48]. The discussion that follows deals with the legislation of the Tribune and its illegalities, his public behaviour and the supporters he acquired.

BAD TRIBUNES THEME

In Red.Sen.13 Clodius is referred to not as a Tribune but as a "latro" who "vocem suam communibus hostibus praebuisset" (Red.Quir.10) [49] and was able "rem publicam lacerare" due to his "scelere" (Red.Sen.3). Cicero's attack on Clodius in these two speeches includes an attack on his legislation of 58 B.C. It is

[48] For a discussion on Cicero's relationship with Clodius see ch. Amicitia p.15f.
[49] NB the use of the word "vocem" and compare this to Red.Quir.13 ("auctores") and Red.Sen.17.

necessary to discuss each of the Clodian bills Cicero mentions in the post reditum speeches and then to consider whether the Tribune had a cogent case for reform.

First of all we are informed of Clodius' banishment of Cicero. This action was carried out by two separate bills. Cicero only refers to the second of the two in these two speeches but it is necessary to discuss the first bill at this point in order for the second one to be fully understood. The first piece of legislation was promulgated some time after January 4th 58 B.C. According to Velleius (2.45.1.), its basic provision was "qui civem Romanum indemnatum interemisset, ei aqua et igni interdiceretur" [50]. The "fire and water" formula is of course a general phrase implying exile and the bill is clearly aimed at Cicero for his execution of Roman citizens without a trial.

As a result of this former bill, Cicero travelled south in early March 58 B.C. and the second bill was promulgated formally exiling him by name [51]. Whilst we do not know the exact wording of this later bill, we are informed that it declared Cicero an outlaw and contained various provisions [52], of which the following four were the main ones: no one was to harbour Cicero within the geographical limits of his exile [53], his property was to be confiscated, his house demolished and a shrine of Liberty was to take its place [54], a geographical limit was set confining

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[50] Thus the reference to Cicero's summary execution of Catilinarian conspirators cannot be doubted. Also see, for example, Livy Per.103; Dio 38.14.4; Plut.Cic.30.4; Dom.50; App. BC. 2.1.5.

[51] Att.3.4,12,15,20,23; Fam.14.4; Sest.65 and 69; Dom.47,50,83; Pis.28-30 and 72; Planc.96-97; Liv.Per.103; Schol.Bob.125,139 and 153 Stangl; Ascon.10C; Plut.Cic.32; Dio 38.17.7.

[52] See A.H.J. Greenidge, The legal procedure of Cicero's time (1971), pp.365f. For a detailed account of the bill see P. Moreau, "La lex Clodia sur la bannissement de Ciceron", Athenaeum (75) 1987, pp.465-492.

[53] Dom.51; Plut.Cic.32; Dio 38.17.

[54] See Dom.Passim.

Cicero to approximately four hundred miles from Rome [55] and finally there was to be no appeal to the Senate or the popular assemblies [56]. Clodius' pretext for this second bill (in comparison with his first bill) was the forgery of the "lex Sempronia" (see below).

Cicero's rather tendentious treatment of the second bill must now be discussed. To begin with Cicero calls it not a law but a proscription [57]. In Red.Sen.4 Cicero lists various situations which, as he believed, described the previous year and towards the end he states that "caput meae proscriptionis recitaretur". Later on in Red.Sen.8 Cicero tells his audience that Lentulus "proscriptionem non legem putavit". In his later speech De Domo Sua Cicero reveals why he employed this particular term. "Proscriptionis miserrimum nomen illud et omnis acerbitas Sullani temporis quid habet quod maxime sit insigne ad memoriam crudelitatis? Opinor, poenam in cives Romanos nominatim sine iudicio constitutam" (43). The validity of Clodius' bill will be examined later [58].

In both these two chapters Cicero tells us what the bill stated, although his terminology may be doubted. "Meus inimicus promulgavit, ut, si revixissent ii, qui haec paene delerunt, tum ego redirem" (Red.Sen.4). In Red.Sen.8 Cicero elaborates by saying that it was by this law that "civis optime de re publica meritus nominatim sine iudicio una cum senatu rei publicae esset ereptus." Cicero also

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[55] Att.3.4. See Greenidge, The legal procedure of Cicero's time, pp.365 for the dispute over the exact limitations of Cicero's exile.
[56] Att.3.12. This clause was set up on the door of the Curia (Att.3.5.6). See P. Moreau, ibid, for a discussion on the validity of the ban.
[57] See F. Hinard, Les proscriptions de la Rome rèpublicaine (1985), pp.34,78.
[58] See below.

refers to the clause already discussed whereby there was to be no right of appeal. In Red.Sen.4, in the list mentioned above, Cicero includes that the senators "sententias dicere prohiberemini" and in Red.Sen.8 the orator refers to a Tribune, whose identity is not known, "praeclarum caput recitaretur, ne quis ad vos referret, ne quis decerneret, ne disputaret, ne loqueretur, ne pedibus iret, ne scribendo adesset".

The next piece of Clodian legislation that we are informed of is that concerning the Proconsular provinces. Cicero refers many times to the so called "province-pact" made between Clodius and the two Consuls of 58 B.C. "Duo consules empti pactione provinciarum" (Red.Quir.13) [59]. By the terms of this arrangement Piso and Gabinius were allotted most favourable provinces for 57 B.C. [60]. This law was passed the same day as Clodius' first bill against Cicero [61].

In Red.Sen.11 Cicero quotes Clodius' bill modifying the Aelian and Fufian laws: "ne auspiciis optemperaretur, ne obnuntiare concilio aut comitiis, ne legi intercedere liceret: ut lex Aelia et Fufia ne valeret" [62]. All of which, apparently, were formed as public safeguards against "tribunicios furores" (Red.Sen.11) [63]. This was one of the four pieces of legislation that Clodius proposed having only been in office for a few days. There is some doubt about the details of this legislation but it seems to have removed certain restrictions on the magistrates' right to "watch the heavens" on days when the People were voting and the ban on

[59] Also see Red.Sen.4,10,16,18; Red.Quir.11,21.
[60] For the details see ch. Amicitia p.19, n.63.
[61] For the connotations of "pactio" see sub-section on Consulship p.61, n.8.
[62] Also see Har.Resp.58; Sest.33 and 56.
[63] See below for discussion of this reference (p.84f).

legislating on "dies fasti" [64]. This law thus regulated the use of "obnuntiatio" for political reasons [65].

Finally in Red.Sen.33 Cicero refers to Clodius' law which legalised the "collegia": "servos simulatione collegiorum nominatim esse conscriptos" [66]. This law too was promulgated very early in Clodius' Tribunate. These associations were traditionally guilds for social, mercantile or religious purposes. They had been declared illegal by a "senatus consultum" passed in 64 B.C. during the Consulship of L. Iulius Caesar and C. Marcius Figulus [67].

It is interesting to note that Cicero keeps all his objections about Clodius' legislation, except the bills concerning the province-pact, to the speech delivered in the senate. It was quite typical of Cicero's other pairs of speeches to refer to the legal arguments concerning his enemies' acts more in the senatorial oration. A different "mode of persuasion" is employed in the popular speeches [68].

Thus Clodius is accused of tearing away a good citizen from his home for no real reason. He is charged with bribing the Consuls of 58 B.C. with favourable provincial commands. He is arraigned for breaking down laws which had regulated the actions of Tribunes in the past, and finally he is blamed for allowing slaves to enroll in potentially dangerous clubs. Is this a fair review of Clodius'

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[64] Sest.33,56; Vat.18; Pis.9; Har.Resp.58.

[65] W. Rundell, "Cicero and Clodius: the question of credibility", Historia (28) 1979, pp.312, (301-328). Also see T.N. Mitchell, "The leges Clodiae and obnuntiatio", Classical Quarterly (36) 1986, pp.172-176. A.E. Astin, "Leges Aelia et Fufia", Latomus (23) 1964, pp.421-45. G.V. Sumner, "Lex Aelia, Lex Fufia", American Journal of Philology (84) 1963, pp.337-58.

[66] Also see Sest.34 and 55; Att.3.15.4.

[67] Mur.71; Pis.8.

[68] See Nicholson , Cicero's return from exile, 156, n.11.

reform programme of 58 B.C.? The problem is that Cicero provides our only contemporary evidence for the reforms of Clodius, and it was of course Cicero himself who was the unfortunate victim of two of those laws. Also Clodius' legislation, except the laws directly concerning Cicero, is not referred to in any of Cicero's letters at the time and so we have to rely purely on his return speeches for information on them [69].

The truth is that we cannot dispute the fact that this legislation was introduced by Clodius. Did Clodius have a cogent case for reform? As Cicero himself admits Clodius came up against very little opposition to his legislation in 58 B.C. [70]. The orator puts this down to either fear of Clodius and his gangs or envy of Cicero but it is more likely that Clodius' legislation was not as revolutionary as Cicero would have his audience believe [71].

Despite Cicero's treatment of his banishment in the post reditum speeches, Clodius' legislation can be defended [72]. As mentioned earlier, Cicero had breached the "lex Sempronia" passed by C. Gracchus in 123 B.C. [73]. This law reaffirmed the right of appeal to the people in capital cases and rendered magistrates who transgressed it liable to prosecution [74]. It was Cicero who had argued successfully for the execution of the captured Catilinarian conspirators under the provisions of

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[69] There is however one reference to Clodius' "collegia" bill in Att.3.15.4.
[70] See ch. Amicitia p.42 and Red.Sen.23 and 33 and Red.Quir. 13 and 21.
[71] For a discussion see Rundell, op.cit. pp.311-313. Also see Lintott, "P. Clodius Pulcher-Felix Catilina?", Greece and Rome (14) 1967, pp.163-169.
[72] See N. Mackie, "Popular ideology and popular politics at Rome in the first century B.C.", Rheinisches Museum (35) 1992, p.57 (p.49-72).
[73] See Greenidge, The legal procedure of Cicero's time, pp.323.
[74] Rab.Perd.12; Verr.2.5.163; Cluent.95; Cat.4.10; Brut.128; Rep.1.6; Leg.3.26; Plut.CG 4.1-2.

an S.C.U. during his Consulship in 63 B.C. [75]. Cicero nevertheless naturally had his objections to the bills. He knew that there would be no point arguing against Clodius' first bill and in a letter to Atticus he actually states that "prior lex nos nihil laedebat" [76]. The orator continues to say that he should have ignored it and not left Rome so quickly.

The second bill however is attacked much more by Cicero [77]. His main objection was that the law took the form of a "privilegium", that is, a law directed at one person ("ad hominem"). This type of law was prohibited by the Twelve Tables [78]. Cicero also objected to the fact that the law was passed in the concilium plebis and not by the Centuries [79] and that there had been no prosecution and no trial (Red.Sen.8), and that all moves towards discussion on repeal of the bill were explicitly banned [80]. Greenidge tells us that on these main objections Cicero had the support of leading jurists such as L. Aurelius Cotta [81]. When Cicero was recalled, Clodius' second law against him was repealed [82].

The confusion surrounding the exact magisterial jurisdiction under an S.C.U. is evident throughout the Republican period [83]. In addition, as Wirszubski points out, protesting against executions carried out under an S.C.U. was a typical

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[75] Cat.4. Also see Mitchell, "Cicero and the senatus consultum ultimum", Historia (20) 1971, pp.47-61.
[76] Att.3.15.5.
[77] See Greenidge, The Legal Procedure of Cicero's time, pp.361f.
[78] Leg.3.19.45; Att.3.15.5; Dom.43, 110; Sest.30,65.
[79] Leg.3.19.45; Sest.30,65.
[80] Dom.26; Sest.73; Mil.14,36.
[81] Greenidge,op.cit. 362f. Also see Dom.68; Sest.73f.
[82] Leg.3.19.45; Dom.68; Sest.73f.
[83] D. Cloud, The constitution and public criminal law, CAH9 (2nd.ed. 1994), pp.491-496. Brunt, The fall of the Roman Republic (1988), p.330-334.

popularis action [84]. For example, L. Opimius was held accountable for his actions against the Gracchani in 121 B.C. [85] and we have already discussed the case of Rabirius brought by Caesar and Labienus in 63 B.C. [86]. This whole question was a bone of contention between the Optimates (representing the protection of the State) and the Populares (representing civic rights). As Wirszubski concludes, nothing "justified their [Popularis] claim to be the champions of freedom better than their insistence on the inviolability of the provocatio as against magisterial action supported or instigated by the auctoritas of the Senate" [87].

Therefore Clodius had a case against Cicero and the orator's comments about the legislation need to be treated with caution. Perhaps if Cicero had stayed in Rome after the first of the two bills was introduced he would have faced trial. However his premature retreat was treated as an admission of guilt and as Greenidge says, the repeal of Clodius' second law was a matter of public expediency [88]. Clodius deserves a fairer hearing.

The same however cannot be said about the law passed concerning Proconsular provinces. It must after all have been more than a coincidence that this law was passed at the same time as that exiling Cicero. We cannot doubt the support of both Consuls for Clodius. Also, as we have already discussed, this "agreement" was highly illegal as it breached the Sempronian law governing the allocation of

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[84] C. Wirszubski, Libertas as a popular idea at Rome during the late Republic and early Principate (1950), pp.55-61.
[85] See Broughton, Magistrates of the Roman Republic vol.1, pp.520f. Also see Wirszubski, Libertas, pp.58f and ch. Place p.133.
[86] See ch. Amicitia p.23f.
[87] Wirszubski, Libertas, pp.61.
[88] Greenidge, The Legal Procedure of Cicero's time, pp.362. Dom.69.

Consular provinces [89]. Cicero chooses to advertise this agreement in order to add to his general claim in both these speeches that the Tribunate (along with the Consulship, Assemblies and Senate) did not function as it should in 58 B.C. [90].

Can we defend Clodius' legislation concerning the use of "obnuntiatio" ? The right to "observe the heavens" on comitial days had increasingly become a political weapon and one only has to look back to the previous year in order to find an example of this [91]. One explanation as to why Cicero makes so much of this in his return speeches is that this law could have facilitated his own removal from Rome. How important this reform was we can only guess at, but it did not lead to any great outcry from politicians or people alike.

Clodius' legislation concerning the "collegia" can also be defended. From Cicero's one reference to it in his letters it seems as if he and Atticus had decided at the time that Clodius' law legalising them could benefit themselves and their cause [92]. Indeed in De Domo Sua 74 Cicero proudly tells his audience that there was no "collegium" in Rome that did not support his cause. Publicly however Cicero is of course damning about Clodius' rabble [93]. Therefore we cannot doubt Clodius' use of these associations in order to achieve political dominance. However they were, as Cicero himself admits (see above), an integral part of

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[89] See sub-section on Consulship p.64, n.45.
[90] See sub-section on Consulship p.59f, sub-section on Assemblies p.116f, sub-section on Senate p.101.
[91] See for example Har.Resp.48.
[92] Att.3.15.4. T.P. Wiseman, Caesar, Pompey and Rome 59-50 B.C., CAH9 (2nd ed.)(1994), pp.378, n.39. Wiseman suggests a deal between Atticus and Clodius.
[93] In Dom.79, a link is implied between Clodius' supporters and an association. For evidence of Clodius' gangs see Dom.6,54,89. For a general discussion on this see W.J. Tatum, "Cicero's opposition to the lex Clodia de collegiis", Classical Quarterly (40) 1990, pp.187-194.

politics. Thus Cicero's comment in Red.Sen.33 does not reflect his personal attitude towards the law at the time.

Therefore we can defend Clodius' legislation to a certain extent. Clodius introduced various other measures not alluded to in these two speeches. What seems most interesting is that Cicero does not mention the legislation instigated by Clodius concerning grain distribution [94]. It is especially surprising that there is no reference to it in the list in Red.Quir.14, as would be most apt. This was again one of Clodius' first pieces of legislation by which corn was distributed to the masses free of charge [95]. Although in the past the corn dole had been implemented and made cheaper by Tribunes this was the first time that it had been made completely free [96]. This was surely a radical move on the part of Clodius.

The reason why it is odd that Cicero does not mention it in either of these two return speeches is because it was a very topical subject at the time. As Cicero himself writes: "Postridie in senatu, qui fuit dies Nonarum Septembr., senatui gratias egimus. Eo biduo cum esset annonae summa caritas, et homines ad theatrum primo, deinde ad senatum concurrissent, impulsu Clodi mea opera frumenti inopiam esse clamarent," [97]. Within a week of arriving back in Rome Cicero was able to repay his debt to Pompey by proposing that the general have a

[94] Although in Red.Quir. 18 he does connect the Gods with the drop in the price of grain and his recall.
[95] Dom.55; Sest.25f.
[96] See the legislation of C. Sempronius Gracchus, Tribune of 123 B.C., L. Appuleius Saturninus, Tribune of 103 and 100 B.C., M. Livius Drusus, Tribune of 91 B.C. and finally M. Porcius Cato, Tribune in 62 B.C. It was this well known Optimate who extended the number of recipients of the corn dole at a cost to the treasury of 1250 Talents (Plut.Cat.Min 26.1; Caes.8.4). See G. Rickman, The corn supply of Ancient Rome, 156f.
[97] Att.4.1.4.

special command to deal with the food crisis [98]. This crisis was a direct result of Clodius' law (coupled with a poor harvest in July 57 B.C.) as more and more people came to Rome in order to receive the corn dole. This piece of legislation had popularis connotations and could be used in order to exploit the urban masses. The fact that Cicero does not choose to mention this situation in the popular speech at first seems most perplexing; it was after all the populace who were the beneficiaries of the dole. One possible explanation is that Cicero was addressing an audience who would have little, if any, reliance on the corn dole: firstly, because they were well-to-do, and secondly, because they were not resident at Rome. This theory is attested again later (see below) [99].

It is therefore not at all surprising that Cicero attacks Clodius' Tribunate with the force that he does. Clodius was indeed Cicero's most hated enemy and was ultimately responsible for Cicero's exile. Some of the Tribune's legislation however deserves a fairer hearing. Clodius did not in any way aim to overthrow the government or use any kind of military threat, he was successful in mobilising his support through his legislation. Violence on the streets did increase during this period but none of Clodius' laws, except the one exiling Cicero, was ever annulled.

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[98] Att.4.1.6.

[99] There is a handful of remaining Clodian legislation which is not mentioned in Cicero's two return speeches. The most important of these is the bill restricting the rights of censors in expelling Senators. This is listed in Sest.55 among Clodius' damaging bills. However the law simply decreed that both censors, as opposed to just one of them, must give their "victims" a fair hearing (Ascon.8). The other remaining legislation includes annexing Cyprus and restoring exiles to Byzantium, with Cato in charge of both duties (Dom.20-21). There is debate as to whether this was a way for Clodius to remove Cato with honour.

A discussion on Clodius' Tribunate of 58 B.C. would not be complete without an analysis of his mobilisation of support amongst the urban masses and his subsequent use of violence. Leaving aside the attack by Clodius' gangs on the Tribune Sestius (as this will be discussed later), Cicero makes many references in the two return speeches to the violence or threat of violence posed by Clodius' followers during the orator's time in exile. First of all, Cicero refers to the gangs which Clodius used in order to defend his legislation. In Red.Sen.33 Cicero tells us that "slaves had been enrolled by name under plea of being formed into collegia". In the clause that follows, Cicero states that "all Catiline's forces with scarcely any change of leaders had been led to renew their hopes for opportunities of slaughter and incendiarism". This is echoed in Red.Quir.13 [100].

It is an undisputed fact that Clodius gained his support through the "collegia" whose legitimisation was gained by Clodius early in 58 B.C. [101]. As noted previously, the "collegia" were groups of people based on guilds or brotherhoods, organised through trade, religious or merely local links. The "collegia" were organised round "vici" - the local wards grouped around the streets of Rome. The masters of these colleges were either free or slaves, and even included the tabernarii and artisans. It was through these collegia that Clodius mobilised his gangs of supporters. One of the most notable features of violence in the 50's was the prevalence of gangs headed by noble thugs. These gangs drew upon the many lower levels of Roman society for their members: gladiators and other

[100] NB Military terminology in all three passages, see P. Vanderbroeck, Popular leadership and Collective Behaviour in the Late Republic (80-50 B.C.) (1987), pp.240-1.
[101] Vanderbroeck,Popular leadership, p.112ff.

professional ruffians, slaves, freedmen and the free born poor [102]. Members were armed and trained in street fighting. Clodius gained their commitment by his simple belief that the people of Rome should enjoy their subsidised existence and their voting power within the City in security [103]. Cicero notes some gang leaders [104] and even comments about the spread of supporters throughout the City [105].

The gangs, therefore, once formed and trained were employed by Clodius for various different tasks [106]. All of these tasks are mentioned by Cicero in his two speeches. Mostly, the mobs were used to threaten and or obstruct political proceedings. In Red.Sen.18 Cicero refers to "gangs voting" and "gladiators proposing". Thus mobs were employed to vote in favour of legislation introduced by Clodius [107]. This of course implies that Clodius' gangs were free and not slave as they were able to vote. Later, in Red.Sen.22 Cicero tells us that "Q. Fabricius [108] si quae de me agere conatus est, ea contra vim et forum perficere potuisset, mense Ianuario nostrum statum reciperassemus: quem ad salutem meam voluntas impulit, vis retardavit, auctoritas vestra revocavit". This meeting took place on 11 January 57 B.C. [109] and is described in more detail by Cicero in another speech [110]. Suffice to say, Clodius' gangs were employed on this occasion specifically to obstruct the bill being introduced by Fabricius recalling Cicero. The gangs used force in order to achieve their objective and were successful. The meeting was

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[102] Nippel is not so condemnatory. See P. Nippel Public order in the City of Rome,(1995) p.71.
[103] See Lintott, Violence in Republican Rome 1972, p.77-83, Nippel, Public order in the City of Rome, p.71 and Vanderbroeck, Popular leadership, p.141.
[104] Dom.2,89; Sest.112; Har.Resp.59. See Vanderbroeck, Popular leadership, pp.54-56 on intermediate leaders' status varying from freedman, through freeborn to equestrian.
[105] Dom.129.
[106] All incidents of "vis" in 58-57 B.C. are listed in Vanderbroeck, Popular leadership, p.240-251.
[107] Dom.54; Sest. passim.
[108] Tribune 57 B.C. Vanderbroeck, Popular leadership, pp.145 and 213.
[109] P. Grimal, Études de chronologie Cicéronienne (1967), p.158.
[110] Sest.75-77.

abandoned. One of Cicero's favourite themes is employed in connection with "vis". Twice Cicero tells his audience that his recall was hindered not by the votes of Roman people but by rivers of blood (Red.Sen.3; Red.Quir.14) [111].

Political proceedings were obstructed in other ways too. Cicero makes references to the Senate being held down by the threat of "vis" in 58 B.C. When addressing the Senators in Red.Sen.3 the orator tells them that: "qui illo ipso tempore quum vi, ferro, metu, minis obsessi teneremini". Similarly, in Red.Sen.18 Cicero refers to the Senate as "beaten down and crushed". Clodius inspired some riots in the City and this achieved the desired effect of hindering normal procedures. In Red.Sen.7 Cicero informs us that "cum ferro et facibus homines tota urbe volitantes"; in a similar passage he reveals that "vis et ferrum in foro versaretur" (Red.Quir.14). Often these riots were incited by Clodius about the price of corn in 57 B.C., and this no doubt helped to force action being taken on the problem [112].

Temples were also the scene of some violence during Cicero's absence. Twice Cicero refers to temples being set alight (Red.Sen.7;Red.Quir.14). [113] and in Red.Sen.19 Cicero states that Milo realised that temples needed to be protected [114]. The attack on Sestius also took place in a temple, the Temple of Castor and Pollux (see below p.13). The courts had also, according to Cicero, been subverted

[111] See sub-section on Assemblies p.119.
[112] Dom.11-14.
[113] See ch. Place p.143.
[114] See below

by Clodius' gangs. In Red.Sen.19 the orator refers to legal proceedings as "vis impediret ac tolleret" (also see Red.Quir.14).

Clodius and his followers are also accused of attacking Cicero's home. In Red.Sen.18 Cicero says that "domus mea diripiebatur, ardebat" [115]. Also in Red.Sen.7 we are informed that magistrates' houses were beset [116]. We are also informed that Pompey had to retire to his house due to the threat posed by Clodius' gangs (Red.Sen.4, 5, 29; Red.Quir.14) [117]. These are the activities of Clodius and his supporters as detailed by Cicero in his two return speeches. Three general observations can be made namely: that there are far more references in the Senatorial speech, that the most important chapters, Red.Sen.7 and Red.Quir.14, are similar, and finally that Cicero condemns the violence undertaken by Clodians [118]. The imbalance between the two speeches can best be explained by Cicero's greater need in the Senatorial speech to both excuse himself and his exile. The orator needed to present the City as a violent place filled with fear so that he could play down his lack of support in 58 B.C. His universal theme in these two orations, the non-existent State in 58 B.C., is enhanced by his condemnatory descriptions of Clodian violence. All normality was suspended due to the ever present threat of "vis".

The orator's attack on the Tribunate does not by any means end there. In Red.Sen.3 Cicero alludes (though not by name) to Aelius Ligus who "postea

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[115] See Dom.62; Pis.26. See sub-section on Consulship p.60.
[116] Milo's house was attacked by Clodius' supporters after Cicero's recall, see Att.4.3.
[117] See ch. Amicitia p.11. See Dom.66-7.
[118] See below for discussion.

quam vobis decernendi potestas facta non est per eum tribunum plebis, qui cum per se rem publicam lacerare non posset, sub alieno scelere delituit" [119]. Thus we are informed that Ligus was "hiding behind" Clodius. It was Ligus, according to Cicero, who, on June 1st 58 B.C. vetoed the proposal of L. Ninnius Quadratus to restore him [120]. In this chapter (Red.Sen.3) Cicero's claim discussed earlier that the government did not function as it should is evident. Here we have a direct contrast between Tribunes acting badly (Clodius and Ligus) against Cicero and a Tribune acting as he should (Ninnius) on the orator's behalf. In Cicero's other return speeches he is far more damning of Ligus but here he only warrants one reference [121]. Perhaps the reason for this is that Cicero wishes to concentrate more fully on Clodius.

Sex. Atilius Serranus Gavianus, Tribune of 57 B.C., is alluded to twice in these two speeches; once in Red.Sen.29 and once in Red.Quir.12. The full reference comes in the popular speech. Here Cicero tells us that on the first of January 57 B.C. Serranus had asked for "one night's deliberation" concerning the bill recalling Cicero in order to increase his bribe [122]. Cicero refers to this once in his letters when he is talking about a repeat performance some time later concerning the debate over his house [123]. Cicero's depiction of the Tribune as someone who, though the recipient of "maxima beneficia" from Cicero as Consul, goes against the united Senate, including his own family connections, to gain a mere day's delay for his own financial ends, is particularly damning given the values it appeals

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[119] See Sest.68. See Vanderbroeck, Popular leadership, p.199.
[120] Tribune 58 B.C. For evidence of this proposal see Sest.68.
[121] Sest.68f,94; Dom.49.
[122] See also Sest.74.
[123] Att.4.2.4. Shackleton Bailey ad loc; Att.3.26.1. Shackleton Bailey ad loc.

to. It is interesting that Cicero cares to elaborate on the event in the popular speech. As we have just seen, Cicero preferred to concentrate on the legal issues far more in the Senatorial speech and so this imbalance seems out of place. The most likely explanation is that Cicero wished to shock the people with this revelation of corruption on the part of one of his most active opponents and did not want to insult any of Atilius' friends in the Senate. However both these references to Serranus portray him both as a Tribune and as being very susceptible to bribes [124]. Once more Cicero has added to his claim that the Tribunes opposed to him acted improperly.

This theme of Tribunician corruption is continued further still. Returning to Red.Sen.11 we have an insult directed at the Tribunate of A. Gabinius [125] who would have been arraigned for debt "nisi in aram tribunatus confugisset". This is an interesting expression. We may directly contrast this comment with Cicero's defence of Sestius and references to the attack on that Tribune (see below, p.13). In Red.Sen.7 the orator is keen to advertise the sacrosanctity of the office of Tribune in order to defend Sestius. In comparison, in Red.Sen.11, he attacks Gabinius by telling his audience that he had fled to that office as if to an altar in order to escape his creditors. The notion of an "ara" being a refuge is employed in other Ciceronian speeches [126].

[124] See ch. Amicitia p.41 on Atilius Serranus.
[125] 67 B.C.
[126] Verr.2.2.8; Pro Quinto Roscio comoedo 30; Caec.100.

Further on Cicero tells us that if Gabinius had not been successful in carrying through his law concerning the pirates and Pompey [127] he would have "turned pirate himself" (Red.Sen.11). This comes amid a vicious personal attack on Gabinius. We are able to explain Cicero's attack on Gabinius as it was he who "inspectante ac sedente" while Cicero was exiled (Red.Sen.11.) [128]. Can we however explain these particular references to his Tribunate? Cicero does not refer to Gabinius' financial or legal position prior to his Tribunate in any of his letters or speeches and so we are in no position to judge Cicero's honesty here. All that can be said in the case of the "lex Manilia" is that there must have been some cooperation between Cicero and Gabinius at the time [129]. This all seems to suggest that Cicero is simply venting his anger on Gabinius in any way he can. Compared to the popular speech, the invective against the Consuls of 58 B.C. is a more prominent theme in Red.Sen. and this explains why this reference has no parallel in the popular speech.

In Red.Sen.11 we have two insults to the Tribunate as an office. Firstly Cicero refers to tribunician assaults ("tribunicios furores") and as we have just noted he implies that the Tribunate was some kind of sanctuary for those in trouble. This, coupled with Cicero's derogatory comments about Ligus, Serranus and Gabinius paints a grim picture of Tribunician integrity. Still however Cicero continues with his attack by making derogatory remarks about the Tribunate. The important passages come in Red.Sen.17 and 38 and Red.Quir.9. Red.Sen.38 and Red.Quir.9

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[127] Gabinius promulgated a law which gave Pompey extensive "imperium" in order to fight the problem of piracy in the mediterranean (Pro leg Man.52-58).

[128] See also ch. Consuls p.62.

[129] See ch. Amicitia p.20 for a discussion on the possible cooperation between the two men over the "lex Manilia" in 66 B.C.

are direct parallels dealing with the same subject matter. In both Cicero makes use of the fact that he was recalled by the Senate and Roman People and not by tribunician bills as his exiled predecessors were: "in this respect I far outdid my predecessors in quality and quantity" (Red.Quir.9) [130]. A similar statement is made in the other passage (Red.Sen.38). Thus Cicero implies that to be recalled by a tribunician bill was far less prestigious than being recalled at the instigation of the Senate and the Roman People. The reason why Cicero was recalled by the Centuriate assembly will be discussed later [131]. All this again suggests that Cicero's popular audience consisted of the upper classes and not those likely to attend the "concilium plebis". It is nevertheless worth noting that Cicero is happy enough to advertise the support and actions of the Tribunes of 57 B.C. elsewhere in these two speeches [132].

The prejudice against the Tribunate is however evident in both Cicero's post reditum orations. Nicholson holds that respect for the office of Tribune was the reason why Cicero did not name Clodius or Atilius Serranus [133]. I disagree with this. Firstly I believe that Cicero thought that it was more insulting to leave these people unnamed and therefore imply that they were beneath contempt. Secondly I think that Cicero wanted to insult the Tribunate itself by blaming "this Tribune" or "that Tribune" for the various crimes of which he accuses them. It is almost as if it does not matter who commited the crimes: all that is important is that it was a tribune. Cicero's view on the role of the Tribunate as a "bastion of Roman

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[130] Lex Calpurnia 120 B.C. recalled Popilius. See Broughton, Magistrates of the Roman Republic vol.1, pp.524. Lex Calidia 98 B.C. recalled Metellus (Planc.69; Dom.87).
[131] See sub-section on Assemblies p.126f.
[132] See below.
[133] Nicolson, Cicero's return from exile, p.96.

freedom" [134] will be discussed when looking at the attack made on Sestius and Cicero's treatment of the incident. Cicero himself certainly shunned the office. His views on the Tribunate can be summed up by looking at the reason he gives, in his philosophical work De Legibus, for the office being established in the first place: "To make the humbler citizens believe that they were on a level with the leading men". Cicero continues to say that there were many excellent institutions that still made the commons yield to the authority of the leading citizens [135]. So as long as the Tribunes were kept in check by the Senate, as Cicero has Marcus say, then the existence of the office was tolerable [136]. However it is important to note that this was not necessarily a view held by all Cicero's contemporaries. Indeed many aristocrats were willing to take up the office themselves [137].

GOOD TRIBUNES THEME

We may now move on to examine the second group of references to the Tribunate, i.e., those concerning Cicero's helpers. One of the most active supporters of Cicero's cause was P. Sestius, Tribune of 57 B.C. The main references to Sestius come in Red.Sen.7, 20 and 30 and Red.Quir.14 and 15. Leaving aside the references made to the attack on Sestius, (this will be discussed seperately later), we are told that by his "excellenti animo, virtute, auctoritate" and "praesidio" (Red.Quir.15) he faced terror, violence, assaults, enmities, weapons and firebrands (Red.Sen.7 and 20) and he sustained Cicero with his

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[134] De leg.Ag.2.15.
[135] De leg.3.24f.
[136] De leg.3.23-4.
[137] See T.P. Wiseman, New Men in the Roman Senate 139 B.C. - 14 A.D (1971), pp.159ff.

"clientibus, libertis, familia, copiis" and "litteris" (Red.Sen.20). Twice we are told that Sestius did this for the united causes of Cicero himself, the Roman people and Senatorial authority (Red.Sen.7 and 20).

It is clear therefore that Sestius championed Cicero's cause in every way possible as Tribune (Red.Sen.20). In these references Cicero admits that Sestius (and Milo) employed force in their campaign. It was common knowledge that Sestius and Milo organised rival bands in order to combat those of Clodius [138]. The gang warfare and street fighting of this period is well attested [139]. It was this counter-attack on the part of Sestius (and Milo) that proved to be highly effectual in Cicero's cause [140].

In addition to Sestius' contribution on the streets he also helped Cicero in other ways. In a letter to his brother, Cicero tells him that Sestius will be "a true friend to us" and is "most sincerely devoted to me" [141]. In Pro Sestio 71 the audience is informed that Sestius went to Gaul, as Tribune-Elect, late in 58 B.C., "in order to intercede with Gaius Caesar for my restoration". We also know that at the same period Sestius was involved in drafting and promulgating a bill for Cicero's recall [142].

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[138] Pro Sest.78,84,86,89ff; Har.Resp.6-7; Plut.Cic.33.

[139] See for example Att.4.3.3.

[140] However both Sestius and Milo faced repercussions for their behaviour in 58/7 B.C. The former was accused "de vi" in 56 B.C. for break of the peace but was acquitted. He was defended by Cicero himself (pro Sestio). The latter was accused by Clodius in a "iudicium populi" although we do not know whether the final decision was ever made see, Ad Q.Fr.2.3.1ff; Sest.95; Vat.40. For doubt on final decision see Ad Q. Fr.2.6.15. In 52 B.C. he was condemned under the "lex pompeia" and "lex Plautia".

[141] Ad Q.Fr.1.4. Cicero did not actually like Sestius particularly (see Ad Q.Fr.2.4.1), despite their co-operation over the Catilinarian affair (Sest.9-11).

[142] Att.3.20.3,23.4. As these references reveal, however, Cicero did not approve the form of the proposal.

It is interesting that, apart from Lentulus, Cicero spends more time praising Sestius than he does anyone else. This is even more surprising given the fact that Cicero does not mention Sestius particularly often in his letters at the time, and neither approved of him nor of his handling of the legislation to restore him. The fact remains however that Sestius was probably (along with Milo) Cicero's most active supporter in the campaign and did, as we shall see, put his life at risk as a result [143]. The street fighting between rival gangs did not by any means cease on Cicero's return to the City and so he needed to pledge his support for his loyal Tribune in public. Also support for Cicero in 57 B.C. was widespread and included both Consuls, eight of the ten Tribunes and seven of the eight Praetors [144]. It is possible that Cicero wished to advertise the breadth of his base of support by using Sestius to represent the Tribunician element and Lentulus the Consular one.

There is a huge imbalance in the quantity and quality of the references to Sestius between the two speeches; Cicero has far more to say in the Senatorial speech. The main reason for this probably is the fact that Sestius was present to hear the speech in the Senate, as were all Cicero's adherents. However it seems odd that Cicero should not speak more at length to the populace about the good services of the man who was one of their most important representatives. The violence on the streets was surely as topical an issue with the populace as it was with the politicians. Thus a reference to the support Cicero had enjoyed from Sestius and the debt he owed him would have been most relevant. Again, this problem hints to

[143] For a discussion of the role of the Tribune as opposed to that of a Consul see sub-section on Consulship p.59.
[144] See ch. Amicitia p.37.

us that the orator's audience were those wealthy enough to live outside Rome and who consequently were not as affected by the civil unrest. However if this were the case then we could have expected Cicero to try and shock his popular audience with detailed accounts of urban violence. This would after all have been entirely in keeping with his central theme throughout both speeches, namely, that the Republic did not exist while he was in exile. Perhaps it was the case that Cicero decided to shock them in other ways, as discussed, which both affected them directly and were more believable.

We may now turn to the attack made on Sestius as Tribune to which Cicero refers. We have four references to this event in the two return speeches; Red.Sen.7,20 and 30 and Red.Quir.14. The most detailed reference comes in Red.Sen.7: "fortissimi atque optimi tribuni plebis sanctissimum corpus non tactum ac violatum manu, sed vulneratum ferro confectumque". We are told in Pro Sestio 79 that Sestius went to the temple of Castor in order to announce contrary auspices to the Consul. Further on in that same reference the attack on Sestius is detailed and we are informed that it was Clodius' gangs who were to blame. Amongst other things they beat Sestius, according to Cicero, with "saepta": these were evidently the barriers put in place to divide the voting tribes [145].

[145] See L.R.Taylor, Roman Voting Assemblies (1966), p.47ff. D.R. Shackleton Bailey, Cicero. Back from exile: six speeches upon his return (1991), pp.174. This attack commenced on January 23 57 B.C., after the proposal by Fabricius to recall Cicero (Red.Sen.22; Sest.75 and 78). See Grimal, Études de chronologie Cicéronienne, pp.158.

Again there seems to be a noticeable imbalance between these two speeches concerning this incident. In Red.Sen. 7 Cicero lists various "situations" in Rome during his exile. The list has six entries and the attack on Sestius comes last and is by far the longest (see above). The list concentrates on "vis" related incidences only but it is clear that Cicero wished to emphasise the attack on Sestius by making it longer. A brief reference also occurs in Red.Sen.20 when Cicero informs his audience that Sestius was ready to fight "any violence, any assaults, any danger to his life" for him. Red.Quir.14 takes a similar form to Red.Sen.7 in that it is also a list of "situations" but here the reference is short and not in a particularly noteworthy position.

This imbalance again suggests that Cicero's audience were members of the upper classes. If they were not, then we could have expected Cicero to make far more of the incident in his popular speech. He does not, indeed it is in the Senatorial speech (Red.Sen.7) that Cicero actually refers to the Tribune as "sacrosanct" who was "touched in violation of his office". Surely Cicero would have greatly capitalised in the popular speech on more fully advertising an attack on the people's advocate by his bitterest "inimicus" if they had been poorer members of society. Perhaps it may have been the case that Cicero believed that the Senate would accept his version of events more readily than the people. Also another explanation could have been that Cicero's need to regain his "dignitas" and excuse his exile was greater in the Senate. However the most satisfactory answer seems to be that Cicero's audience were the wealthier citizens, living outside Rome.

The fact that Cicero chooses to mention the inviolability of the Tribunate allows us an insight into his political thought. Whilst we cannot argue at this stage that Cicero was not as prejudiced against the office as his contemporaries, we can nonetheless say that Cicero recognised the symbolic importance of the office. Bearing in mind the surrounding text, it may however be noted that in the De Legibus 3.25 Cicero says that it was in the Senate's interest to restore the Tribune's power after L. Cornelius Sulla's reforms because liberty through the institution of the Tribunes was "granted in such a manner that the people were induced by many excellent provisions to yield to the authority of the Nobles".

The other Tribune Cicero concentrates on is T. Annius Milo, also in office in 57 B.C. The main references are Red.Sen.19 and 30 and Red.Quir.15. The fullest of the three is Red.Sen.19, where Cicero devotes a whole chapter to his loyal Tribune. Here the audience are told that Milo had attempted to bring Clodius to court on a charge of "vis" but he had found that "ipsa iudicia vis impediret ac tolleret" [146]. Therefore Milo had realised that "audaciam virtute, furorem fortitudine, temeritatem consilio, manum copiis, vim vi esse superandam, primo de vi postulavit". We are further informed that Milo defended the Forum, Senate-House and the temples by his own courage and "maximis opibus et copiis". Milo was, according to Cicero, "qui primus post meum discessum metum bonis, spem audacibus, timorem huic ordini, servitutem depulit civitati". The other two citations are brief references to Milo's courage and resolve.

[146] Also see Red.Sen.6 and Red.Quir.14.

In all three sections Cicero links Milo with Sestius directly and indirectly. The two worked together and everybody knew it [147]. What did Milo do as Tribune? Milo was also, along with Sestius, one of the favourable Tribunes named in Cicero's letter to his brother Quintus at the end of 58 B.C. [148]. We have already discovered that both he and Sestius raised rival gangs against Clodius, as Cicero himself admits here (Red.Sen.19). He also attempted to bring Clodius to trial as again Cicero indicates in the Senatorial oration [149]. However as Cicero tells us in Pro Sestio 89 "A Consul, a Praetor and a Tribune" had suspended all judicial matters [150] and so Milo was "forced" into fighting Clodius at his level.

Although Cicero spends slightly more time on Sestius in these two orations, he seems to praise Milo a little more. This is probably because Cicero preferred Milo, as is evident from their continued good relations throughout the fifties [151]. Again there is an imbalance in the quantity and quality of the references between the two speeches. Again the question concerning Cicero's popular audience best explains this.

Cicero's treatment of Milo and Sestius' use of "vis" may be compared with his descriptions of Clodius. It is here that we are allowed an interesting insight into Cicero's personal interpretation of the events in Rome during his exile. First of all it is important to note that Cicero spends far more time detailing and condemning

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[147] Vat.41.
[148] Ad Qu.Fr.1.4.3.
[149] Sest.89.
[150] These are believed to be Q. Metellus Nepos, Ap. Claudius and Sex. Atilius Serranus Gavianus (or as Gruen believes, The Last Generation of the Roman Republic, p.295, believes Q. Numerius Rufus). See also Att.4.3.2 and Sest.85.
[151] Fam.1.7.7;2.6.4. Lintott, "Cicero and Milo", Journal of Roman Studies (64) 1974, pp.262-267.

Clodius' employment of force than he does referring to Milo and Sestius' activities. As we have already seen, Cicero's references to Clodius's gangs are numerous, particularly in the Senatorial speech. It is clear that Cicero's references to Milo and Sestius' violence are confined to Red.Sen.7 and 20 and Red.Quir.15.

However, it is not just in the quantity of references where we find dissimilarities. Perhaps the most useful passage for illustrating the difference is Red.Sen.19: "qui [Milo] docuit neque tecta neque templa neque forum neque curiam sine summa virtute ac maximis opibus et copiis ab intestino latrocinio posse defendi" [152]. So Clodius and his gangs were "brigands" but Milo stood for high courage.

This chapter and those concerned with praise for Milo and Sestius (Red.Sen.30 and Red.Quir.15) illustrate precisely Cicero's acceptance of their use of force especially when considering the vocabulary he uses when describing acts of violence not carried out by these two Tribunes. For example in Red.Sen.18 Clodius is described as a gladiator. The "vis" of Milo and Sestius is depicted as a necessity for the cause of the Republic, the "vis" of Clodius and others is destructive to the Senate, forum, the courts and the temples (Red.Sen.7,18; Red.Quir.14).

Interestingly there is not such a clear admission in the speech to the citizens. However in Cicero's only reference (Red.Quir.15) to Milo resorting to armed violence he prefers to use the word "praesidio" rather than "vis" which is

[152] In Vanderbroeck's lists of incidents of violence, p.210, Milo is a leader in four cases and is involved in other capacities in seven more.

employed in the other speech (Red.Sen.19) [153]. Therefore he implies that Milo and Sestius acted in the public interest and were even right to act above the Senate and magistrates [154]. Therefore generally speaking we have in both speeches praise and approval for Sestius' and Milo's use of force and condemnation for all other violent acts. The obvious explanation for this is that they were both working for Cicero's recall. However when comparing Red.Sen.19 with Red.Quir.15 we find that Cicero is far more direct and to the point in the former reference. Therefore when Cicero does attest violence in the popular speech he does it directly in order to shock his popular audience.

Although Cicero abhors violence in the City in theory [155] this acceptance on Cicero's part of Milo and Sestius's "vis" is typical of Cicero's attitude towards violence. In Att.4.3. he calls Clodius' gangs a bunch of rowdies and denounces them as bandit scum, yet when Milo's thugs counter-attack, Cicero heartily approves and calls these men "stout warriors". His speech the Pro Milone contains numerous references to the acceptability of Milo's actions against Clodius.

Cicero's defence of Milo and Sestius is threefold. Firstly, he is keen to advertise the fact that Milo did try to get Clodius condemned in the courts "de vi" (see above). In the Pro Sestio speech Cicero stresses that once "ius" and all other conventional institutions are lost then "vis" is justifiable [156]. Thus once the

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[153] Cf Sest.90.
[154] Sest.85, 95. See Nippel, Public order in the City of Rome, p.79.
[155] Leg.3.42; Cf. Mil.13.
[156] Sest.86ff, 92. See Lintott, Violence in Republican Rome 1972, p.62.

conventions of civilisation are disregarded, it is morally and legally acceptable to use force to settle disputes. This therefore is one of the reasons for Cicero's ambivalence in these and other speeches.

Secondly, Cicero also believed that if an enemy aiming at dominance was threatening the very existence of the res publica, then this was another situation when the use of "vis" was acceptable. In the Pro Milone (80) Cicero argued that Milo had defended the Republic at a time when its existence was at stake and magistrates had refused to take appropriate action. The killing of Clodius therefore was a public act and ought to be honoured as tyrannicide. Cicero believed that anyone aspiring to "regnum" deserved the death penalty.

Lintott points out that from stories from earlier Rome it is clear that anyone who became too powerful amongst the masses could be assassinated by a patriotic citizen [157]. In time this was amended to a tyrant being suppressed by a magistrate, with trial if possible. We can see how Clodius and Milo fit into this scenario. Finally, "vis" was acceptable if employed in self-defence. Cicero claims that Milo was acting in self-defence against Clodius. Thus Milo should be honoured.

Lintott makes an interesting comment [158]. He notes that in the return speeches not only does Cicero not complain about Milo's use of force, but he feels he has to explain why he did not use it himself before his departure from Rome (Red.Sen.32-3; Sest.43). Cicero did not wish to seem cowardly by in his retreat

[157] Ibid 54.
[158] Ibid 61.

from the city in 58 B.C. and his regret over his decision to leave prematurely reflects that desire. The orator therefore depicts his departure as an heroic act, one that saved the state from bloodshed.

Cicero's remaining references to the Tribunate are allusions to the various Tribunes who also supported his cause. The only other Tribune whom Cicero singles out (apart from his list in Red.Sen.21), is L. Ninnius Quadratus, Tribune of 58 B.C. [159]. In Red.Sen.3 Cicero tells us that Ninnius was his most loyal supporter in 58 B.C. who had put forward a motion to recall him [160] in that year. He is described as a "fortissimo atque optimo viro". In Red.Sen.21 Cicero lists all the other favourable Tribunes of 57 B.C. (excluding Milo and Sestius): C. Cestilius [161], M. Cispius [162], T. Fadius [163], M. Curtius Peducaeanus, C. Messius [164] and Q. Fabricius [165] (Red.Sen.22). With respect to Fadius and Curtius Cicero talks of their "studia, amore, animo", and the "voluntas" of Fabricius is also alluded to [166]. Another reason why only in the speech in the Senate does Cicero mention the services of these men is becaues one of his motives for delivering the speech was to thank all those who had taken part in the campaign to recall him. Therefore these men were present for the Senatorial oration and were expecting to be thanked for their services.

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[159] Vanderbroeck, Popular leadership, p.214.
[160] Also see Sest.26 and 68.
[161] Nothing more is known.
[162] Also see Sest.76.
[163] See Att.3.23.4.
[164] See Dom.70 and Sest.72.
[165] See Sest.75 and 78.
[166] See Nicholson, Cicero's return from exile for a prosopography on each.

Thus Cicero's defence of the Tribunate only really amounts to the praise he has for favourable Tribunes and his disgust over the attack on Sestius. With the former he is praising the individuals not the office and with the latter he hopes to enhance his own defence rather than that of the office. He had his own personal motives for bringing attention to the attack.

Every reference Cicero makes to the Tribunate in these two return speeches has been examined. It has become evident that Cicero appeals to various shared values in order to enhance his argument both against bad Tribunes and in favour of good ones. Clodius, for example, is depicted as a revolutionary tribune, one who worked against the system and tried to break it down by his uncompromising use of "vis". He is an example of Tribunician corruption, someone who abused the power bestowed upon him. Sestius, on the other hand, represented united tribunician support. He fought for the right cause out of necessity not from a desire for bloodshed. He even withstood personal injury for the cause.

It is clear that Cicero says far more about the Tribunate in his Senatorial speech. His criticisms of Clodius, Ligus and Gabinius are confined to the first oration and he has far more to say about Sestius, Milo and the other favourable Tribunes in this speech than in the popular oration. It is only Cicero's criticism of Serranus that receives more attention in the popular speech. Cicero's boast that he was recalled by Senate and Roman people and not a tribunician bill receives equal attention. All this indicates that Cicero had a far greater need in the Senatorial speech both to air his grievances against Clodius and his tribunician supporters

and to express his thanks and support for Sestius and Milo. One of the main reasons for this is that all those whom he speaks of were present for the Senatorial speech. It is interesting that when Cicero does talk in the popular oration about the Tribunate, he wishes to shock his audience. This again hints that Cicero's popular audience were members of the upper classes.

Cicero's Treatment of "Senatus Auctoritas".

Cicero's references to "senatus auctoritas" are numerous in these two orations [167]. The orator's argument is framed to suggest that Senatorial authority was non-existent during his exile and then was regained in 57 B.C. when he was recalled. Cicero implies that Senatorial authority was lost in 58 B.C. by saying that the Senate was in exile with him and that it had become virtually powerless. At the same time Cicero claims that Senatorial "auctoritas" was regained in 57 B.C. by linking his cause with that of the Senate; the cause of the senate was restored along with Cicero. Thus Cicero's treatment of Senatorial authority takes similar form to that of Tribunes and assemblies.

The Senate consisted of 600 ex-Quaestors and ex-Tribunes [168]. It functioned as the "consilium" of the Consuls and individual magistrates were normally expected to consult it before putting legislation to the People [169]. The Senate claimed the right to declare a "Senatus Consultum Ultimum" (S.C.U.) [170]. Indeed this was a very contraversial issue at the time of these two speeches. It was while acting under a S.C.U. that Cicero had had the Catilinarian Conspirators put to death during his Consulship in 63 B.C. [171]. The debate as to whether Cicero had acted

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[167] By "senatus auctoritas" I mean the general sense of senatorial authority which is excellently illustrated by Cicero's usage in Red.Sen.34. A "senatus consultum", if vetoed by a Tribune, can also described as a "senatus auctoritas" (Fam.8.8.6).

[168] For a discussion on the composition and function of the senate, see H.F. Jolowicz and B. Nicholas, Historical Introduction to the Study of Roman Law (1972), pp.30-45.

[169] See Wirszubski, Libertas, pp.21.

[170] For the constitutional position and significance of the S.C.U., see M.I. Finley, Politics, pp. 3-6; Lintott, Violence in Republican Rome, pp.149-174; Wirszubski, Libertas, pp.55-61. See also D. Cloud, The Constitution and Public Criminal Law, CAH9, pp.494-496.

[171] See sub-section on Tribunate p.68.

constitutionally had plagued him ever since and had ultimately resulted in his exile [172]. The Senate also negotiated with foreign ambassadors and sanctioned special expenditures. Its decrees lacked the force of law, and its status was advisory [173].

Beard and Crawford however highlight the "inadequacy of the traditional advisory approach" by taking two examples to illustrate their point namely: Caesar in Gaul in the 50's and Pompey in the East 66-63 B.C. [174]. Cicero certainly seems to present his case indirectly as an example of this inadequacy. Clodius is described by the orator as ignoring the wishes of the Senate and he depicts the Consuls Piso and Gabinius as virtually making the Senate a hostage in 58 B.C. whilst the captors had a free hand in affairs of the state. Beard and Crawford go on to explain why the Senate was seen to be so important. The Senate retained a symbolic importance throughout the late Republic. It did this due to the belief that "in the late Republic it was the only area in which consensus might still conceivably be achieved" among the upper orders of the Roman State. Cicero's exile can also be made an example of this notion as it was the consensus within the Senate that brought Cicero back. "Secondly the Senate remained a force for integration in Roman society" This again is illustrated by Cicero's recall. In these speeches Cicero repeatedly states that he was recalled by Lentulus, the Senate and the Roman people.The orator implies a chain of events which resulted in his recall; the Consul proposed the bill. the Senate approved it and recommended it to

[172] See ch. Amicitia p.15f, 32. Also see T.N. Mitchell, "Cicero and the Senatus Consultum Ultimum", Historia (20) 1971, pp.47-61.
[173] For the formal powers of the Senate, see A. Greenidge, Roman Public Life (1901), pp.272-288.
[174] M. Beard and M. Crawford, Rome in the Late Republic (1985), p.60-61.

the populace who in turn voted in favour of it. Thus the integral role of the Senate is depicted [175]

What practical part did the Senate play in Cicero's exile and recall? By Cicero's account we are informed that the Senate was ineffective in assembling any kind of counter-attack on Clodius and his legislative programme of early 58 B.C. [176]. However the orator does hold the Senate, along with Lentulus, responsible for his recall [177]. This account is essentially true. We have already noted the lack of resistance to the Tribune and Cicero's explanation of it [178]. Also, bearing in mind any exaggeration on Cicero's part, we cannot doubt that his recall was called for by a virtually unanimous Senate. After all, Cicero had the support not only of both Consuls but also of Pompey and eight of the ten Tribunes [179].

In this light, the first of Cicero's two main claims, that Senatorial authority was lost in 58 B.C., may now be discussed. Firstly we have two direct statements by Cicero that the Senate and its authority were in exile with him. In Red.Sen.8 Cicero states of himself: "una cum senatu rei publicae esset ereptus" by Clodius [180]. He then continues to say Lentulus made it his priority "ut me conservato vestram in posterum dignitatem auctoritatemque sanciret". In Red.Sen.34 Cicero lists all the other things he believed were also absent from Rome: "Mecum leges, mecum quaestiones, mecum iura magistratuum, mecum senatus auctoritas, mecum

[175] For examples of Cicero's references to the Senate recalling him to Rome see Red.Sen.3,24,25,39; Red.Quir.12,17,18.
[176] For examples of the ineffectiveness of the Senate in 58 B.C. see Red.Sen.6,16,18,20; Red.Quir.14.
[177] See above.
[178] See sub-section on Amicitia p.41f.
[179] For details on the support of all these individuals see ch. Amicitia.
[180] For a discussion of the Clodian bills exiling Cicero see sub-section on Tribunate p.67f, 72f.

libertas, mecum etiam frugum ubertas, mecum deorum et hominum sanctitates omnes et religiones afuerunt." It is important to note that nowhere does Cicero directly admit that he had been banished; he must not confess that he underwent a justified punishment. He prefers to say that he was absent from the city or was seized from Rome.

Cicero also claims that the Senate was not only in exile with him but was also ineffective in 58 B.C. In Red.Sen.6 he says that the Senate "passed no measures" due to the violence in Rome and in Red.Sen.33 Cicero claims that due to the threat of violence the "senatum ducibus orbatum". In Red.Sen.20 Cicero states that Sestius pleaded on his behalf when "causam senatus exagitatam contionibus improborum" [181]. Finally, in Red.Quir.14 Cicero lists violence-related situations in 58 B.C. and "nihil valeret senatus" is at the top although I believe that the items on the list increase in importance as they continue [182].

The sudden ineffectiveness of the Senate is not only blamed on the threat of violence but also on the two Consuls of 58 B.C. and their pact for provinces [183]. In Red.Sen.16 Cicero tells his audience that "ut consularem dignitatem, ut rei publicae statum, ut senatus auctoritatem, ut civis optime meriti fortunas provinciarum foedere addiceres?" As a result, "senatui populi Romani non est licitum non modo sententiis atque auctoritate sua, sed ne luctu quidem ac vestitu rei publicae subvenire." Cicero makes a similar comment in the other oration (Red.Quir.13).

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[181] See sub-section on Tribunate p.78f.
[182] For details on the threat of "vis" see sub-section on Tribunate p.78f.
[183] See ch. Amicitia p.19 n.63.

This was not all that was sacrificed by the pact for provinces made between Clodius and the two Consuls of 58 B.C. In Red.Sen.18 the orator informs his audience that at the time he was exiled and the "agreement" was being processed "operis suffragium ferentibus, eodem gladiatore latore, vacuo non modo a bonis, sed etiam a liberis atque inani foro, ignaro populo Romano quid ageretur, senatu vero oppresso et adflicto, duobus impiis nefariisque consulibus aerarium, provinciae, legiones, imperia donabantur" [184]. Cicero's categories here resemble those he employs to describe his ideal state in the De Re Publica 2.57: "nisi aequabilis haec in civitate conpensatio sit et iuris et officii et muneris, ut et potestatis satis in magistratibus et auctoritatis in principum consilio et libertatis in populo sit, non posse hunc incommutabilem rei publicae conservari statum." Thus in the De Re Publica the three elements were magistrates with "potestas", the Senate with "auctoritas" and the people with "libertas". In Red.Sen.18 Cicero describes legislative activity in 58 B.C. being an invalid expression of participative "libertas populi", the Senate's "auctoritas" as inoperative because it was "oppresso et adflicto" and the magistrates are described as abusing their "potestas" [185].

Cicero makes two further similar comments which imply that the Senate had lost its "auctoritas" due to the conduct of Piso and Gabinius. Firstly, in Red.Sen.17 he tells us that all Consuls before Piso "senatui paruerunt". This is however rather untrue and it seems as if Cicero has forgotten Caesar's activities as Consul in 59 B.C. Secondly in Red.Quir.11 Cicero attacks the two Consuls by saying that although they were "semper ut referrent flagitati sunt" due to the

[184] See sub-section on Tribunate p.80.
[185] See Brunt, The fall of the Roman Republic, pp.324.

"province-pact" they "totum illum annum querelas senatus, luctum bonorum, Italiae gemitum pertulerunt".

Cicero naturally exaggerates. It is clear from these references that, when Cicero says that the Senate was in exile and could no longer make decisions, he means that they could not make decisions concerning himself and his restoration [186]. Other matters, despite the increase in violence [187], seem to have been dealt with in the usual way [188]. We have already noted how Clodius' legislation met with little opposition (see above). Also we have no evidence to suggest that the elections of 58 B.C. were hindered as they were four years later [189].

Were the Consuls of 58 B.C. really "under constant pressure to refer the matter [to the Senate]" (Red.Quir.11)? Whilst we cannot doubt the link between the "province-pact" and Piso and Gabinius' lack of support for Cicero's cause [190], we may question whether the Consuls were under great pressure to refer the matter to the Senate in 58 B.C. It is true that support for Cicero's cause did grow throughout 58 B.C. and this, as we have already discussed [191], resulted in nearly all the magistrates of 57 B.C. being favourable towards the orator. We know that L. Domitius Ahenobarbus discussed a measure to recall Cicero in the summer of 58 B.C. [192] and that L. Ninnius Quadratus supported Cicero's cause throughout his Tribunate in the same year [193]. Q. Terentius Culleo also attempted to annul the

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[186] Also see below.
[187] See sub-section on Tribunate p.78.
[188] See Grimal, Études de Chronologie Cicéronienne, pp.144-157.
[189] See Att.3.12. Also see Grimal, op.cit. pp.110, 152.
[190] See ch. Amicitia p.19.
[191] See ch. Amicitia p.37f.
[192] Att.3.15.6.
[193] Att.3.23.4; Red.Sen.3.

law exiling Cicero, [194] and the help of C. Calpurnius Piso Frugi and Cn. Plancius has also been recorded in these two speeches [195]. Thus the considerable support for Cicero cannot be questioned. However whether the pressure on the Consuls was "semper" (Red.Quir.11) is unlikely. We must not forget that a clause of the Clodian bill exiling Cicero stated that any discussion on the matter was forbidden [196]. Indeed Cicero's letters towards the end of 58 B.C. seem to suggest that the orator's allies were concentrating on gaining the support of the magistrates-elect rather than trying to announce any new legislation favourable to Cicero for the present year [197].

Why does Cicero choose to emphasise this lack of Senatorial authority? It is of course not just in these two speeches that Cicero claims that the Senate and therefore the State did not exist. De Domo Sua 130 is another example of this sentiment. This passage includes two of the three elements in De Re Publica 2.57 ("libertas populi" and "senatus auctoritas". It is also not just in this period of his exile that he states that the Res Publica had been destroyed [198]. Cicero's need to excuse his exile and delayed recall is again the main reason. By claiming that the Senate was no longer able to use its "auctoritas" to keep a check on magistrates, Cicero could place the blame for his predicament firmly on those he felt were directly responsible, that is, Clodius, Piso and Gabinius. Therefore he is able to explain his lack of support in 58 B.C. without blaming anyone else; Cicero could not afford to lose too many friends. He can also attempt to regain some of his lost

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[194] Att.3.15.5.
[195] For Piso see Red.Sen.38 and Red.Quir.7. For Plancius see Red.Sen.35.
[196] See sub-section on Tribunate p.69.
[197] Att.3.22.
[198] Att.2.21.1; Qu.Fr.1.2.15; 3.4.1,5.4.

"dignitas" by pursuing this argument. Another reason also is that Cicero, as we will see, is most anxious in these two orations to stress a link between his recall and the restoration of Senatorial authority: thus for auctoritas to be regained, it must in the first place have been lost.

What is clear from all this is that the Senate mattered, whether it lost its authority or not. Cicero's many references to it in these two orations illustrate this. In Pro Sestio 98 and 137 Cicero claims that the Res Publica rested on, among other things, the authority of the Senate. In the second of these two passages Cicero tells us that the Roman ancestors "senatum rei publicae custodem, praesidem, propugnatorem conlocaverunt; huius ordinis auctoritate uti magistratus et quasi ministros gravissimi consilii esse voluerunt; senatum autem ipsum proximorum ordinum splendore confirmari, plebis libertatem et commoda tueri atque augere voluerunt" [199]. Thus in Cicero's view the Republic depended on the authority of the Senate and this explains Cicero's emphasis on it in these two speeches.

We may now return to Cicero and the second of the two main themes. In both these orations Cicero frequently links his recall with the restoration of Senatorial authority. In Red.Sen.8 Cicero tells his audience that the Consul, Lentulus, having entered office, "non dicam quid prius, sed quid omnino egit aliud nisi ut me conservato vestram in posterum dignitatem auctoritatemque sanciret?" [200]. Thus, Cicero's recall brought about the restoration of "dignitas" and "auctoritas" for the

[199] Also see Dom.130.
[200] For Lentulus' actions as Consul in 58 B.C. see sub-section on Consulship, p.53f.

Senate, not the other way around as is recorded elsewhere (Red.Sen.3,25,39. See below).

Cicero also includes in these speeches four references to individual men striving to restore Cicero and "senatus auctoritas". Three references are made to Sestius doing this. Cicero reveals in Red.Sen.7 that there were some men left in Rome, including Sestius, "quos neque terror nec vis nec spes nec metus nec promissa nec minae nec tela nec faces a vestra auctoritate, a populi Romani dignitate, a mea salute depellerent". A similar statement is made in Red.Sen.20. Here Cicero names Sestius and tells us that he faced all kinds of threats "pro mea salute, pro vestra auctoritate, pro statu civitatis." Therefore Cicero yet again has managed to place his own cause on a par with that of the Senate and the Republic [201].

In Red.Quir.16 we are told that Pompey delivered a speech to the People in which he "hortatusque est, ut auctoritatem senatus, statum civitatis, fortunas civis bene meriti defenderetis." This speech was given at a "contio" in July 57 B.C. in support of the legislation which recalled Cicero [202]. The same three elements - Cicero, the Senate and the Republic - are employed here as they are in Red.Sen.20. Returning to Red.Sen.20 and Sestius, we find Cicero claiming that the Tribune pleaded for the Senate so that "nihil tam populare quam vestrum nomen, nihil tam omnibus carum aliquando quam vestra auctoritas videretur." Cicero then continues to say that Sestius defended and helped him. Thus again the

[201] See ch. Amicitia p.44 for a discussion on Cicero's link between his cause and that of the Republic. For Sestius' actions as Tribune see sub-section on Tribunate p.86.
[202] See Sest.107 and 129.

two causes are linked. His use of "vis" during these turbulent years was no more commendable or less damaging to the Senate than Clodius' [203].

Twice Cicero talks of Senatorial authority recalling him to Rome. In Red.Sen.25 Cicero holds the dignity of Lentulus and the authority of the Senate responsible for the Italian votes in support of his recall. In Red.Sen.24 he holds the Senate solely responsible for this. In Red.Sen.39 the orator varies the theme a little "Qua re cum me vestra auctoritas arcessierit, populus Romanus vocarit, res publica implorarit, Italia cuncta paene suis humeris reportarit". Thus the orator wishes his audience to believe that, due to the campaign to recall him, Senatorial authority had finally been regained.

Cicero also advertises the consensus in the Senate at this time concerning his recall: "tantus vester consensus de salute mea fuit" (Red.Sen.5). Cicero implies this consensus several times in the popular speech. At the beginning of the speech (Red.Quir.1) he says that he was recalled due to the "iudicio deorum immortalium, testimonio senatus, consensu Italiae, confessione inimicorum, beneficio divino immortalique vestro." Referring back to Red.Quir.16 and Pompey's speech to the People, we are told that the general informed his audience that the Senate, the equites and all Italy were pleading with them to help Cicero. Also in this chapter Cicero claims that his cause was being pleaded for by "consules, praetores, tribuni plebis, senatus, Italia cuncta". Before this in Red.Quir.12 Cicero dates this Senatorial consensus at the beginning of 57 B.C. In

[203] See sub-section on Tribunate,p.92f.

all these references Cicero deliberately advertises the unanimity of the support for his cause in order to fulfill his need to regain some of his lost "dignitas".

Cicero continues this line of defence when he says that it was with a "frequentissimus senatus" with "uno dissentiente, nullo intercedente", that Lentulus "dignitatem meam quibus potuit verbis amplissimis ornavarit" (Red.Quir.15) and the Senate approved Lentulus' proposal in the summer of 57 B.C. to recall Cicero [204]. Cicero's need to regain his lost dignity is also evident in his references to earlier individuals who had suffered exile. In Red.Sen.38 and Red.Quir.9-10 Cicero boasts that his recall was unique because it was due to a decree passed in the Senate not due to a Tribunician bill [205]. Thus to be recalled from exile by the consensus of the Senate was something to boast about.

As Nicholson points out the themes of "concordia ordinum" and "consensus Italiae" run right through both speeches [206]. This political ideal of "concordia ordinum" is particularly prominent in Cicero's writings during his Consulship [207]. Briefly, it means cooperation among all social orders [208]. Cicero "envisioned an open system..... in which the traditional constitution would be protected by a stable alliance among all good citizens: a "consensus omnium bonorum"

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[204] "Frequens senatus" was also a technical term meaning a meeting of the Senate which required a quorum to be present. See R.J.A. Talbert, The Senate of Imperial Rome (1984), pp.137, n.19 and J.P.V.D. Balsdon, "Roman History, 58-56 B.C.: Three Ciceronian problems", Journal of Roman Studies (47) 1957, pp.18-20.

[205] See sub-section on Tribunate p.85.

[206] See Nicholson, Cicero's return from exile, p.41.

[207] See for example In Cat.4.14-24.

[208] See E.D. Eagle, "Catiline and the Concordia ordinum", Phoenix (3) 1940-1941, pp.15-30.

encompassing Senators, knights and plebs together: Romans and Italians alike" [209].

Was it true, did the Senate unite in Cicero's cause? For the first time we may be less critical of Cicero's honesty. The campaign to recall him had been so successful that he had the backing of enough magistrates to make his claim believable. After all he could not really lie as he was adressing the men whose opinions he was talking about. The orator's testimony is credible.

Why does Cicero keep nearly all his references to the loss of Senatorial authority to the speech in the Senate? Surely the Senators themselves did not wish to be told that they had lost their cherished "dignitas" whether it was true or not? However, as I have already said, Cicero needed to state that the authority had been lost in order to advertise the fact that it had been regained due to his recall. Cicero's need to explain his recent exclusion from Rome was also greater in the Senate and so the excuse that the Senate had lost its authority is employed more by him in this speech. The orator also needs to justify the lack of support he had in 58 B.C. but he does not wish to blame too many people directly so he chooses to blame the Consuls of that year and Clodius and their attack on the Senate.

Cicero's references to Senatorial authority being regained due to the consensus his cause had brought about are more evenly divided between the two speeches.

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[209] Nicholson, Cicero's return from exile, p.40.

Obviously Cicero was as keen to advertise that in the Senate as he was to the People. It may be noted that Cicero talks more about the consensus in the Senate to the People than he does in the Senate. Perhaps the populace needed more reassuring that an end to civil strife and disorder had been achieved whether it was the truth or not. After all, the Senate was widely regarded as a focus of authority and a locus of consensus and so Cicero did not want to undermine it in public. This would also explain why there are so few references to lost senatorial authority in the popular speech.

To conclude, it is only when considering Cicero's needs as a recently recalled exile that we can fully understand and interpret his treatment of "senatus auctoritas". His essential need to excuse his exile and to regain his dignity explains every reference Cicero makes to the Senate in both speeches. However, despite all Cicero's exaggerations we are not able to dispute that his testimony is essentially true.The Senate had lost some control in 58 B.C. and it did unite in Cicero's cause in 57 B.C.

Cicero's Treatment of Public Meetings and Legislative Assemblies.

The legislative assemblies of the Roman Republic naturally played a major part in Cicero's political career around the time of his exile. By votes cast in these gatherings Cicero had been elected Consul for 63 B.C., had been exiled in 58 B.C. and had of course just been recalled in the summer of 57 B.C. Contiones also played an important part in Cicero's fate at this time. It was in these meetings that Clodius' bill exiling Cicero and Lentulus' proposal recalling him had been discussed.

In these two speeches, Cicero refers several times to the comitia centuriata, comitia, concilia and contiones. A brief definition of each of these terms is necessary at this point. Contiones were formal or informal meetings at which issues and bills were discussed but not voted upon. Anyone could attend a contio and all were free to defend or oppose a measure. As a rule, contiones were held by Tribunes but any opposing magistrate could call his own meeting [210]. As we have seen, Contiones need not be held with Rome (Red.Sen.13,17,32) [211].

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[210] See Taylor, Roman Voting Assemblies (1966), p.15-33. Also see Vanderbroeck, Popular leadership , p.144-146.

[211] See below.

The terms comitium (usuually employed in plural - comitia) and concilium are not so easy to define [212]. Having analysed every occurrence of each of these two words in Republican literature Farrell concludes that comitia "is the normal word used to refer to any Roman voting assembly". Concilium on the other hand denotes "any exclusive, homogeneous gathering" and "is often applied to Roman assemblies which are exclusive in some sense, particularly assemblies of the plebs". Cicero in these two speeches only mentions comitia twice and a concilium once. The two allusions to comitia refer to elections. In Red.Sen.17 Cicero refers to Piso's election in 59 B.C. to the Consulship [213] and in Red.Sen.11 we may take "concilium" and "comitia" to mean meeting and election [214].

The crucial legislative assembly in the context of Cicero's two speeches is the comitia centuriata. The comitia centuriata was the most important legislative assembly in the Republic due to its composition and powers [215]. It comprised the whole populus and elected men to the highest offices: Consuls, Praetors and Censors. The comitia centuriata was an important legislative assembly in early Roman history. However, in 287 B.C. the lex Hortensia gave legal status to plebiscites voted on the initiative of a Tribune. This resulted in the number of Centuriate laws diminishing. Indeed the vote to recall Cicero is the only known vote to take place in that assembly between 70 and 49 B.C. [216].

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[212] For a detailed discussion on this question see J. Farrell, "The distinction between comitia and concilium", Athenaeum (74) 1986, pp.407-438. Taylor, op.cit. p.60.
[213] See ch. Amicitia p.19.
[214] See below.
[215] See C. Nicolet, The world of the citizen in Republican Rome (1980), pp.207-317. Also see Taylor, Roman voting assemblies, pp.85f.
[216] ibid 103. Also see below.

Voting was done in centuries with the most wealthy voting first. As soon as a majority was reached, voting was suspended. This system has been the focus of much debate. As Yakobson points out, many scholars believe that the urban plebs "was "practically disfranchised" in this assembly" [217]. He includes a long list of all those included in this school of thought. Yakobson however argues against this belief that the propertied classes dominated activity in the Centuriate assembly. He points out that the extent of electoral bribery in the late Republic is not compatible with the view that the urban plebs had no real power in the comitia centuriata.

Yakobson questions two main assumptions: that those registered in the top property classes were rich and that the top centuries voted together with no disagreement. He argues against these two assumptions and states that the middle classes must have been included in the first 89 centuries because he believes that the census rating of the first class was not as high as some scholars believe [218]. The actual figure is a subject of debate. Given the fact that the equites had 400,000 HS, a jump down to the first class at 50,000 HS or 40,000 or still more 25,000 [219] means that the next lowest class had (as a minimum) only one-eighth or one-tenth of the wealth of their neighbouring class. This seems a huge, almost unbridgeable gulf, and a figure of 100,000 HS seems more probable [220]. The comitia centuriata is traditionally seen as an oligarchic body,and I see no reason to undervalue the wealth of the first class centuries. This view has considerable

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[217] See A. Yakobson, "Petitio and largitio: popular participation in the Centuriate assembly of the late Republic", Journal of Roman Studies (82) 1992, p.32.
[218] op.cit.p.44.
[219] J.W. Rich, The supposed manpower shortage of the later second century B.C., Historia (32) 1983, pp.313 (287-331).
[220] See M. Crawford, Coinage and money under the Roman Republic 1985, 149-51 who argues for a wealth qualification of 100,000 HS for the first class.

bearing on the question of who Cicero's audience were and who voted Cicero back from exile. This subject will be dealt with later in this chapter.

Cicero in his later philosophical work, De Legibus, details the various principles which should be observed concerning public meetings and assemblies. It is important to note however that the concepts detailed in this work form part of a theoretical ideal and were not necessarily ever a reality. First of all "quae cum populo quaeque in patribus agentur, modica sunto, id est modesta atque sedata" (3.40). The orator continues to say that the presiding officer should be present, speak in turn, be brief and be conversant with public affairs (3.40-41). "Vis abesto" and "parere iubet intercessori" (3.42). "Auspicia servanto, auguri parento" (3.43). "Deinde de promulgatione de singulis rebus agendis, de privatis magistratibusve audiendis" (3.43). Finally Cicero refers to The Twelve Tables (9.1-2) and two of the laws included in that document: "tum leges praeclarissimae de duodecim tabulis tralatae duae, quarum altera privilegia tollit, altera de capite civis rogari nisi maximo comitiatu vetat" (3.44). This quotation and the text that follows will be discussed in more detail later.

This idealised theoretical picture presented by Cicero in the De legibus is one that was shared by Optimates. The meetings Cicero describes of 58 B.C. are the complete opposite to this ideal. Therefore Cicero is deliberately playing upon the prejudices and beliefs of his two audiences. The orator's references can be divided into two main themes: firstly that assemblies failed to function as they should in

58 B.C. and secondly that their malfunction was rectified in the following year (57 B.C.). I will begin with the first theme.

In Red.Sen.11, as already discussed [221], Cicero mentions the Clodian law which limited the use of obnuntiatio: "ne auspiciis optemperaretur, ne obnuntiare concilio aut comitiis, ne legi intercedere liceret: ut lex Aelia et Fufia ne valeret". This law was promulgated early in 58 B.C. and as Cicero points out it stated that there should be no obstruction to "concilio aut comitiis" by the announcement of an adverse omen. Cicero's tone in this passage is naturally condemnatory; he needs to present this bill as being an impediment to the normal precedure of decision-making. It is worth noting Cicero's method of actually quoting the law verbatim here. It was obviously done in order that his audience be reminded of the horrible prohibitions that overturned the sacred nature of the "auspicia". Cicero wishes to emphasise that the age-old institutions are now being interfered with or suspended. This is a tactic employed elsewhere in Cicero's speeches [222]. Thus Cicero chooses to use this piece of information in order to enhance his general argument in these two orations that the system of government had broken down at this time. Accordingly, Clodius' law concerning the Assemblies and the auspices can be directly contrasted with Cicero's views ("auspicia servanto, auguri parento") in De Legibus 3.43 (see above) [223].

Contiones also did not follow the correct procedure in 58 B.C. One of those contiones was the meeting called by Clodius early in 58 B.C. at the Circus

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[221] See above and sub-section on Tribunate p.70, 75.
[222] See for example, Sest.33; Cf.Vat.37 where Cicero quotes one of his own laws.
[223] See also Leg.3.27.

Flaminius [224]. This meeting was held here, outside the City walls, so that Caesar, having just assumed his Proconsular imperium, could attend and speak [225]. This meeting is referred to in Red.Sen.13, 17 and 32, and it is the earliest of these references that concerns us here. Cicero's description of Gabinius' conduct at this meeting is a far cry from his comments in De Legibus (see above). The principals described by Cicero in this work are fouted by Clodius. "Vini, somni, stupri plenus, madenti coma, composito capillo, gravibus oculis, fluentibus buccis, pressa voce et temulenta: quod in cives indemnatos esset animadversum, id sibi dixit gravis auctor vehementissime displicere" (Red.Sen.13) [226]. Thus Gabinius appeared at a meeting drunk and debauched.

"Moderation" is not one of the characteristics Cicero employs to describe Gabinius' behaviour at another contio in 58 B.C. In Red.Sen.12 the Consul is accused of speaking at a meeting in terms that Catiline "dicere non esset ausus". Cicero continues to tell us that Gabinius "poenas ab equitibus Romanis esse repetiturum" for their support of his cause. Finally, in Red.Sen.20 Cicero informs us that P. Sestius pleaded with the People when he saw that "causam senatus exagitatam contionibus improborum". No doubt Clodius is implied here as one of the "improborum". This presumably was at the beginning of 57 B.C., when Sestius first entered the Tribunate.

Was it just the public meetings that were affected by this apparent lack of order? Cicero did not think so. In Red.Sen.6 he tells his audience that his return was

[224] See ch. Place, p.146.
[225] See ch. Amicitia p.22.
[226] See sub-section on Consulship p.51f.

"non populi Romani suffragiis, sed flumine sanguinis intercludendum" [227]. Cicero continues to say, amongst other things, that whilst he was in exile "nihil populus suffragiis declaravit" and that "mutum forum videbatis". This, according to Cicero, describes the political scene at Rome in early 57 B.C. So it was not just the meetings that were disrupted, according to the orator at least, but voting was also suspended.

The votes being blocked were however popular votes, that is, those cast in the comitia centuriata or comitia tributa. The Concilium plebis was unaffected. In Red.Sen.18. he details Rome's position at the very time that his exile was confirmed and his property was being confiscated (March 58 B.C.): "cum iisdem operis suffragium ferentibus, eodem gladiatore latore, vacuo non modo a bonis, sed etiam a liberis atque inani foro, ignaro populo Romano quid ageretur, senatu vero oppresso et adflicto, duobus impiis nefariisque consulibus aerarium, provinciae, legiones, imperia donabantur" [228]. It is worth noting the similarity between the list at the end of this passage and another list in Pro Sestio 98 where Cicero names all the various institutions which all right thinking boni are in favour of. Thus Clodius is accused of giving away as a bribe to Piso and Gabinius all the things most important to the boni.

All these references however illustrate Cicero's desperation to excuse his exile and delayed restoration [229]. The orator needs to present the meetings and

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[227] See below for a discussion of this comment.
[228] Piso received the goods from Cicero's house on the Palatine (Dom.62; Pis.26) and Gabinius received those from his villa at Tusculum (Dom.124; Sest.93).
[229] Also see Sest.65.

assemblies of the preceding year as being without any form of order. He must explain away the lack of activity on his behalf and to do this he needs to imply that those who had wanted to help him were prevented from doing so. Cicero states that there were no longer any observances concerning "obnuntiatio", that those addressing contiones were drunken and debauched individuals, that the Roman People were unable to vote, that bills were proposed by either gladiators or "improbi" and that these measures were voted on by gangs.

It is most interesting that all these references come in the Senatorial speech. Not even in Red.Quir.14, where Cicero lists the troubles Rome faced, does he mention this important matter. Indeed we may directly compare Red.Sen.6 and Red.Quir.14. In the former oration Cicero tells his Senatorial audience that his return was blocked "non populi Romani suffragiis, sed flumine sanguinis". In the popular speech the orator prefers to say that his return was blocked by the "corporibus civium trucidatis flumine sanguinis". By comparing Cicero's comments in Red.Sen.6 and 18 and those in Red.Quir.14 it becomes clear that the orator wished to emphasise the threat of violence far more in the popular speech. His emphasis in the Senatorial oration is more on the political situation.

Why does Cicero not mention the contiones and assemblies held in 58 B.C. in the popular speech? Cicero's need to extenuate his recent situation was greater in the Senate. By stressing his contention that the assemblies were not running as they should Cicero could back up his claim that all order was lost. Also, Cicero needed to extenuate the inactivity of some of his fellow Senators on his behalf in

58 B.C. He could do this by demonstrating that the State was being run by corrupted Consuls who were working with a perverted Tribune. This account therefore could then be contrasted with Cicero's own ideal of the Consuls being guided by the Senate and in turn directing an acquiescent populus [230]. Finally, Cicero must have known that the People did not want to hear that they had been tricked by "improbi" whether it was true or not. The orator did not wish to offend anyone. If however Cicero's audience mainly consisted of the upper classes, as some of his comments concerning the Tribunate and Place seem to suggest [231], then they may well not have been present in Rome to attend these various contiones. If that were the case then one would expect Cicero to try to shock and fool his popular audience into believing that order had been lost to that extent. But Cicero did not have anyone to excuse in the popular speech. He had not been maltreated by the upper classes of Italy.

We may now contrast what Cicero says about the meetings and assemblies of 58 B.C. with his descriptions of those of the following year. In these references we find many similarities to Cicero's comments in his De Legibus. The references can be divided into three main areas: firstly Cicero's references to the "beneficia" of the Roman People, secondly, his allusions to the many contiones held at this time and finally his comments in Red.Sen.27-28 concerning the vote to recall him in the Centuriate assembly.

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[230] In Red.Sen.24-26 Cicero praises Lentulus for his actions and here (particularly in ch.25) we may detect Cicero's ideal when he describes Lentulus summoning the Senate and then calling the citizens to vote for his recall.

[231] See Conclusion.

In Red.Quir.16 Cicero tells us that he was supported by "consules, praetors, tribuni plebis, senatus" and "Italia cuncta". All of whom "vestris maximis beneficiis honoribusque sunt ornati". Thus a link between "beneficium" and "suffragium" is implied. This passage also hints at the "mixed constitution" ideal. In Red.Quir.4 Cicero implies the same connection between "beneficium" and "suffragium": "Iam vero honos, dignitas, locus, ordo, beneficia vestra". Finally in Red.Quir.17 Cicero claims that it was due to the "beneficium" of the Roman People that he had held the Consulship [232]. By these references Cicero is keen to advertise the normal and correct functioning of the voting assemblies. All these references come in the popular speech: thus the electoral role of the People was being appropriately acknowledged [233]. It is important to note that one of the ways of praising certain policies is by saying that the Senate or assembly which decided upon them was full, as if unity and consensus are good things themselves [234]. It is clear that Cicero wishes to present the Senate and comitia centuriata as full when they decided to recall him.

Cicero's allusions to the contiones of 57 B.C. now need discussion. In Red.Quir.11 it is implied by Cicero that Lentulus "senatum aut populum est cohortatus" to interest themselves in Cicero's cause. Cicero dates this on the Kalends of January 57 B.C. In Red.Sen.29 Cicero tells his audience that "apud universum populum" Pompey had announced that he (Cicero) had saved the state. This theme of the "universus populus" is also employed in Red.Sen.24 and

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[232] Also see Red.Sen.2.

[233] G. Achard, Pratique Rhétorique et idéologie dans les discours "optimates" de Cicéron, Mnemosyne (68) 1981, p.69 notes Red.Quir. 1 and 25 "cuncta suffragiis".

[234] See Achard, op.cit., 67ff.

Red.Quir.5. We are also informed in Red.Sen.29 that Pompey "non solum hortatus sit, verum etiam obsecrarit" the people of Rome [235]. This also refers to the meeting at the very beginning of 57 B.C. where Pompey delivered to the people a speech similar to that he had given in the Senate shortly before. Further on in Red.Sen.31 Cicero reveals that Pompey "populum Romanum supplex obsecrasset". This presumably was later in July 57 B.C. when the general had returned from gathering support for Cicero in Italy [236]. Thus Cicero depicts the meetings of 57 B.C. as illustrating his ideal in that men of the highest standing spoke and consequently swayed their audiences to the correct view.

This theme is continued. In Red.Sen.26 we are told that: "Atque illo die cum rem publicam meis consilis conservatam gravissimis verbis et plurimis iudicassetis, idem consul curavit, ut eadem a principus civitatis in contione postero die dicerentur: cum quidem ipse egit ornatissime meam causam perfecitque astante atque audiente Italia tota, ut nemo cuiusquam conducti aut perditi vocem acerbam atque inimicam bonis posset audire". In Red.Quir.17 Cicero describes the meeting which took place at the same time as the vote to recall him ("eodem tempore...eodem ex loco"). Here Cicero tells his audience that they heard speeches and statements by "summos viros, ornatissimos atque amplissimos homines, principes civitatis, omnes consulares, omnes praetorios" in support of his cause. Thus Cicero wished to illustrate his overwhelming support.

[235] This notion of begging the Roman people as if godlike is also employed in Dom.30.
[236] Also see Dom 30.

Cicero then details the speeches made by two of these "principes": P. Servilius Vatia Isauricus [237] and L. Gellius Poplicola [238]. The former is described as a "gravissimus vir et ornatissimus civis" who claimed that the State had been saved by Cicero. This sentiment, according to the orator himself, was "dixerunt in eamdem...ceteri". Gellius, a "clarissimus vir" also stated the same opinion: "quia suam classem attemptatam magno cum suo periculo paene sensit, dixit in contione vestrum, si ego consul, cum fui, non fuissem, rem publicam funditus interituram fuisse" (Red.Quir.17).

There has been some debate concerning Cicero's use of the word "classis" here. Shackleton Bailey, in his translation of the work, takes it to mean "fleet" as does Broughton who cites the above passage as sole evidence for Gellius' legateship in 63 B.C. under the command of Pompey against the pirates [239]. Nicholson states that "Gellius apparently uncovered a plot by the participants of the so-called First Catilinarian Conspiracy to obtain possession of his fleet." The evidence he cites however does not substantiate his claim [240]. Paulus Manutius took "classem" to mean a class or division of the Centuriate Assembly of which Gellius was "custos" [241]. This version is more in keeping with the general context of the passage. Cicero, in Red.Quir.17, describes a contio on the eve of his recall vote in that assembly and lists all the Consuls and Consulars who spoke in his favour (also see Red.Sen.26). Thus the context of the passage points towards Manutius' theory.

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[237] See ch. Amicitia p.13.
[238] Consul 72 B.C.
[239] Shackleton Bailey, Cicero, Back from exile: Six speeches upon his return, p.33. Broughton Magistrates of the Roman Republic vol.2, p.170 says that Gellius "apparently still held command of a fleet in Italy in 63 B.C."
[240] Nicholson, Cicero's return from exile, pp.147, n.104.
[241] Cf. Red.Sen.17.

However if this were the case, as Wolf (and Nicholson) point out, why does Cicero refer to the danger Gellius subsequently faced [242]? This objection to Manutius cannot be ignored and must be the deciding factor in this question.

We have a striking contrast between Cicero's descriptions of meetings in 58 B.C. and those of the following year. In 57 B.C. assemblies and contiones followed the correct order. In this year men of the highest ranking, rather than gladiators or drunken Consuls, spoke at peaceful meetings and swayed their audiences with their oratory. The audiences were then able at last to come and show their support for Cicero's cause by voting for his recall.

This ideal is also evident when Cicero talks of the People rallying around and joining Cicero's campaign [243]. At the end of the Senatorial speech Cicero compares his recall with that of three past exempla. The orator here boasts: "Nulla de illis magistratuum consensio, nulla ad rem publicam defendendam populi Romani convocati, nullus Italiae motus, nulla decreta municipiorum et coloniarum exstiterunt." In the following chapter Cicero states that the Roman People had "vocarit" for him. Thus Cicero wishes to depict a fully united populace calling out for him at contiones and at the comitia centuriata by their votes.

The remaining references to be discussed all concern the comitia centuriata, the only legislative assembly Cicero mentions. Here we find clear parallels between these speeches and the De Legibus. In Red.Sen.27 Cicero praises the assembly:

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[242] F.A. Wolf, M. Tulli Ciceronis quae vulgo feruntur orationes quattuor (1801), p.115 (non vidi). I am drawing here upon the discussion in Nicholson, Cicero's return from exile, p.147, n.104.

[243] As is his political ideal of "concordia ordinum".

"comitiis centuriatis, quae maxime maiores comitia iusta dici haberique voluerunt." Indeed it is not just in this passage that Cicero lauds this assembly. In the Twelve Tables (9.1-2) the assembly referred to as the "Comitiatus Maximus" [244] is probably to be identified with the Comitia Centuriata [245], though this is not accepted by all modern scholars [246]. Cicero himself, as no great surprise, also makes the link between his Consular election in the Centuriate assembly and his recall. "Ut eaedem centuriae, quae me consulem fecerant, consulatum meum comprobarent" (Red.Sen.27). The same fact is utilised in Red.Quir.17. By stating that the same centuries voted for him both times, Cicero must mean that the first 97 centuries did [247]. Cicero was Consul prior. As there were 193 in total, 97 century votes was the number needed in order for a majority to be reached . The first 89 centuries to vote were first class centuries, the equites and one century of artisans. Therefore 8 more century votes from the lower classes was required for an overall majority [248]. Thus Cicero implies that the same was true in the vote to recall him. So Cicero can advertise the overwhelming support for his cause, and as previously noted this support was firmly entrenched in the upper classes.

Cicero continues his boast: "Quando tantam frequentiam in campo, tantum splendorem Italiae totius ordinumque omnium quando illa dignitate rogatores [249], diribitores [250] custodesque [251] vidistis?" (Red.Sen.28). His point has

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[244] See Leg.3.11, 44.
[245] Rep.2.61; Sest.65 indicate that Cicero himself accepted this identification.
[246] R.E. Mitchell, Patricians and Plebeians, (1990) pp.175-177.
[247] Asconius, 94C.
[248] See Taylor, Roman Voting Assemblies, pp.84, for a useful chart of the composition of the assembly.
[249] Literally asked men for their opinion before the advent of the secret ballot. See Taylor, op.cit. pp.2,8,34,39.
[250] Of the voting tablets.
[251] See Taylor, op.cit. pp.79 and Red.Sen.17. These men gathered and counted the votes.

been made; his election and this bill were so important and so popular amongst the upper classes that the votes were cast in the most prestigious assembly, by the same, united centuries and this voting procedure was overseen by men of distinction.

Needless to say, Cicero owed his recall and Consulship to the votes cast in this assembly. Indeed this assembly was very rarely used for legislative purposes in the late Republic, Cicero's recall being one of the very few non-electoral matters that was resolved in it [252]. Thus Cicero's boast can easily be explained and can almost be forgiven. His recall was the only known law to be passed in the Centuriate assembly between 70 B.C. and 49 B.C. [253].

There is disagreement amongst scholars concerning the reason why Cicero was recalled in the Centuriate assembly. Nicolet suggests two possible reasons for this: "in the first century B.C. we only know of the law recalling Cicero from exile, which was no doubt passed in this way to give it more authority and perhaps to give scope to Cicero's partisans, who were certainly more numerous in the first classes than in the last" [254]. Whilst a vote cast in the Centuriate assembly no doubt carried more prestige than one cast in the concilium plebis, this explanation does not take into account either the constitutional and legal problems surrounding Clodius' bill of outlawry [255] or the popularity of Lentulus' proposal to recall Cicero.

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[252] C. Nicolet, The world of the citizen in Republican Rome, pp.228.
[253] Taylor, Roman Voting Assemblies, pp.103.
[254] Nicolet, op.cit., 283.
[255] See sub-section on Tribunate p.72.

According to The Twelve Tables: "Privilegia ne irroganto. De capite civis nisi per maximum comitiatum ollosque quos [censores] in partibus populi locassint ne ferunto" (9.1-2) [256]. This is repeated in De Legibus 3.44-5, where Cicero elaborates taking his own case as an example. "Maiores...in privatus homines leges ferri noluerunt; id est enim privilegium; quo quid est iniustius, cum legis haec vis sit, scitum et iussum in omnis? Ferri de singulis nisi centuriatis comitiis noluerunt; descriptus enim populus censu, ordinibus, aetatibus plus adhibet ad suffragium consilii quam fuse in tribus convocatus quo verius in causa nostra vir magni ingenii summaque prudentia, L. Cotta, dicebat nihil omnino actum esse de nobis; praeter enim quam quod comitia illa essent armis gesta servilibus praeterea neque tributa capitis comitia rata esse posse neque ulla privilegii" [257]. Therefore it seems as if it was due to constitutional reasons that the vote was cast in the Centuriate assembly.

Also Nicolet doubts the popularity of Cicero's recall. I do not believe it is right to do this. Yakobson employs the example of Cicero's recall vote in order to illustrate an atypical vote in the Centuriate assembly; the voting would have been far more divided in an election [258]. According to Taylor the reason why Cicero was recalled by Centuriate vote at the instigation of Lentulus and the Senate was because a Tribunician proposal would have been subject to a veto by either Q.

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[256] Also see Dom.43.

[257] L. Aurelius Cotta, Consul 65 B.C. It is implied here that Cotta was seen as a "iuris consultus" (see R.A. Bauman, Lawyers in Roman Republican Politics (1983), pp.126). A popularist would no doubt have disagreed with this last sentence (see sub-section on Tribunate p.6.).

[258] A. Yakobson, "Petitio et largitio: Popular participation in the Centuriate assembly of the late Republic", Journal of Roman Studies (82) 1992, pp.44.

Numerius Rufus or Atilius Serranus [259]. Thus the pretext for the vote in the Centuriate assembly was because it concerned the "caput" of a citizen and because Clodius' law exiling Cicero was invalid [260]. This is the most likely explanation, as Clodius still had faithful Tribunes in 57 B.C. who could have vetoed any proposal.

Why does Cicero only praise the Comitia Centuriata in the speech delivered in the Senate? This seems particularly difficult to answer especially considering that Cicero's popular audience seem to have been members of the upper classes and therefore those who would have voted first in the Centuriate assembly. Of course the members of the Senate present to hear Cicero's speech in the House would also have been members of the "great assembly". The most likely explanation is that Cicero's need to regain his "dignitas" was greater in the Senate. The orator felt he could attempt to do that by drawing attention to the prestige of the assembly that recalled him.

Therefore, to conclude, it is yet again Cicero's needs as a recent exile that dictate what he has to say about public meetings and legislative assemblies in these two speeches. We have found that all Cicero's references to meetings and assemblies fall into two clear categories: those referring to 58 B.C. and Clodius and Gabinius and those referring to 57 B.C. and Lentulus, Metellus, Pompey and the Comitia Centuriata. In the earlier year "contiones" were held by Tribunes ("gladiators" Red.Sen.18) and were addressed by drunks (Red.Sen.13). In the

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[259] Tribunes of 57 B.C. both anti-Cicero. See Broughton, Magistrates of the Roman Republic vol.2, pp.201-202. For Atilius see ch. Amicitia p.41.

[260] Taylor, Roman voting Assemblies, pp.103-104. See Mitchell, Patricians and plebeians, pp.175ff and 186ff for this as a pretext.

following year they were held by Consuls (Lentulus and Metellus) and addressed by "principes" such as Pompey "the leading man in our society" (Red.Sen.4). In 58 B.C. the audiences at "contiones" were arraigned and even banished (Red.Sen.12), in the following year they were "cohortor" (Red.Quir.11) and "obsecro" (Red.Sen.31). At assemblies in 58 B.C. no votes were cast (Red.Sen.6), unless by gangs (Red.Sen.18), in 57 B.C. the Comitia Centuriata was employed (Red.Sen.27) and all voters were united (Red.Quir.17).

CHAPTER THREE

Cicero's Treatment of Place

Place plays an important role in these two orations, often being employed by the orator for dramatic effect. Cicero's references may be either direct or indirect and may be to places in the city, Italy or the Empire. In her work examining Cicero's oratorical use of representations, Vasaly discusses the importance of place and its symbolic function in many of his key speeches [1]. Following Vasaly's example, I will divide up this study into three main subject areas. Firstly I will discuss the theme of "urbs amissa, urbs restituta" [2], secondly that of city and country [3] and finally I will examine Cicero's references to places outside Italy. The preliminary question of where these speeches were delivered needs to examined before discussing these three themes.

To begin with the first of the two speeches, the Senatorial speech, Cicero tells us: "Cum venissem ad portam Capenam, gradus templorum ab infirma 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. Postridie in senatu, qui fuit dies Nonarum

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[1] A. Vasaly, Representations, Images of the world in Ciceronian Oratory (1993).
[2] Vasaly, op.cit.p.75-80.
[3] Vasaly,op.cit.p.156-190.

Septembr., senatui gratias egimus" [4]. Thus Cicero does not explicitly reveal the location of the speech. We may however eliminate the Temple of Jupiter Optimus Maximus on the Capitoline hill [5]. If the meeting had been held there, we may assume that Cicero would have said in the above letter that he returned to the Capitol the following day. Also, in the Senatorial speech, Cicero mentions that Lentulus summoned the Senate to the Capitol (Red.Sen.25), again we may argue that he would have said that the Consul held the meeting "in this same place". Finally, although Cicero refers many times to the "Immortal Gods" in both speeches, it would surely have been fitting for him, if the speech had been delivered on the Capitol, to specify the God Jupiter in the Senatorial speech as indeed he does in the other oration (Red.Quir.1) [6].

The Senatorial speech must have been delivered in a central and reasonably large place in order to hold the number of Senators present. The Senate had to meet in an inaugurated "templum" so that the auspices could be taken. It is possible that it was delivered in the Temple of Concordia [7]. This religious building was situated in the north west corner of the Roman Forum, near the Comitium and Curia [8]. It was also large; 45 metres wide, 24 deep. Although Talbert records that there is no reference to any meeting being held here between the restoration in 7 B.C. and A.D. 192, we may not necessarily exclude it from our investigation [9]. This, of course is not taking into account any meetings in the

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[4] Att.4.1.
[5] See below.
[6] For references to the Immortal Gods see, Red.Sen. 2,9,30,34; Red.Quir.1,5,18 and 25.
[7] See S.B Platner and T. Ashby, A Topographical Dictionary of Rome (1929) pp.138-140 and L. Richardson, A New Topographical Dictionary of Ancient Rome (1992), pp.98f.
[8] J.E. Stambaugh, The Ancient Roman City (1985), pp.112.
[9] R.J.A. Talbert, The Senate of Imperial Rome (1988), pp.119.

late Republican or Augustan periods. In_Pro Sestio 26 the orator mentions a meeting of the Senate in the Temple of Concord in 58 B.C. Indeed it would have been most apt for Cicero to have delivered his speech in this temple.

Not only does Cicero refer to the Immortal Gods several times in the Senatorial speech (see above), he also mentions temples noticeably more frequently in the first oration (Red.Sen.7,19,32). Also, of course, the name of the building had special connotations, particularly for Cicero. We have already discussed Cicero's ideal of "concordia ordinum" and his advertisement of it in these two speeches [10]. It was also fitting that it was in this temple that the famous Catilinarian debate took place on December 5th 63 B.C. [11]. Again in these deliberations Cicero used the platform to publicise his political ideal: "Omnes adsunt omnium ordinum homines, omnium generum, omnium denique aetatum; plenum est forum, plena templa circum forum, pleni omnes aditus huius templi ac loci" [12]. Cicero's desperate need in 57 B.C. to defend his decision on December 5th 63 B.C. could also have been helped by this setting [13]. In Pro Sestio 26 Cicero refers to the Temple of Concord as "quod ipsum templum repraesentabat memoriam consulatus mei".

Another reason why it would have been appropriate for Cicero to have addressed the Senate in the Temple of Concordia is that the building itself had very specific connotations. These implications are threefold. Firstly, there is again

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[10] See sub-section on Senate p.109.
[11] Cat.3.21; Sall.Cat.46,49.
[12] Cat.4.14.
[13] See sub-section on Tribunate p.80.

the notion of "concordia" [14]. M. Furius Camillus is connected with this temple by both Ovid (Fasti 1.641-4) and Plutarch (Camillus 42). In the latter source we are told that at the instigation of Camillus as dictator, the assembly "voted to build a Temple of Concord". The year was 367 B.C. and the building commemorated the decision by the Senate to allow plebeians to stand for the Consulship [15]. Thus it celebrated concordia between patricians and plebeians. Secondly, there is the connection between Camillus and Cicero. Earlier in 390 B.C. Camillus was hailed, according to Livy, as "Romulus ac parens patriae conditorque alter urbis" (5.49.7) for having saved the city from the Gauls. The title "parens patriae" was one that had also been bestowed on Cicero in 63 B.C. after the suppression of the Catilinarian affair [16]. Finally, L. Opimius rebuilt and extended the temple in order to celebrate the victory of the Optimates over C. Gracchus and his supporters in 121 B.C. [17]. Thus Cicero could have exploited the ambience of the place in order to reassert Senatorial authority over revolutionary Tribunes. This was, after all, one of the orator's main aims in these speeches.

It is important to note however that the authenticity of the evidence in support of Camillus' earlier temple has been the subject of much debate. Momigliano doubts the existence of the earlier monument and bases his argument mainly on the fact that the building is not referred to by Livy when the reconciliation

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[14] For instances of "concordia" that Cicero would have been aware of at the time see G. Achard, Pratique rhétorique pp.35ff, 72ff.

[15] Plut.Cam.42.

[16] See sub-section on Consulship p.56.

[17] For evidence on Opimius and the Temple of Concord see App. BC 1.26; Plut. CG 17.6. For the extension of the Basilica Opimia, a building said to have been extended at the same time by Opimius which was near to the Temple of Concordia or even adjoining it see, Varro LL 5.156 and Sest.140. Also see Platner and Ashby op.cit.p.81 and Richardson op.cit.p.54.

between the plebs and the patricians is discussed (6.42) [18]. Levene however, suggests that it would have been "out of place to have a reference to the temple" because the concordia was both short-lived and partial and the next book discusses the renewed conflict between the two ranks [19]. Both scholars therefore assume that the building had Camillan connotations. Levene's contextual analysis is the more convincing. So whilst we may be able to explain the absence of a reference to the temple in Livy, we still are not able to say whether the Camillan building ever existed.

However, because Cicero never refers to the surroundings as the Temple of Concordia and does not therefore take advantage of the aforementioned connections and connotations it seems more likely that the speech was delivered in the "Curia Hostilia" [20], one of the more frequently used meeting places of the Senate. In fact, as Cicero does not mention where he was when he gave the speech, it was most likely to have been delivered in the least unusual location. It may be noted that in another speech delivered by Cicero near the time of his return from exile Cicero discusses an attempt in 154 B.C. to dedicate a statue in the Senate-House to "Concordia" and also to dedicate the Senate-House itself to her (De Domo Sua 130-131; 136-7). Cicero makes the most of this incident to give a persuasive link between the Senate, "concordia" and obedience to authority on the part of the then Censor C. Cassius and the contrasting behaviour of

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[18] A. Momigliano, "Camillus and Concord", Classical Quarterly (36) 1942, pp.115-117. Also see A. Ziolkowski, The Temples of Mid-Republican Rome and their Historical and Topographical context (1992), pp.22-24.

[19] D.S. Levene, Religion in Livy (1993), pp.210-211. Also see his review of Ziolkowski in Journal of Roman Studies (84) 1994, pp.220-221.

[20] Varro LL 1.155, Livy 1.30.2; 4.21.9 (R.M. Ogilvie, A commentary on Livy Books 1-5 (1965), p.123). Also see below.

Clodius. Thus this building also had specific, relevant connotations which Cicero could have brought to his audience's aattention if he had wished to.

It seems impossible to judge from the evidence the exact location. An important point to remember however is that wherever the speech may have been delivered it would have been within an enclosed area. Important Senatorial business needed to be kept within four walls and the noise of the city and Forum had to be excluded. Thus Cicero's Senatorial audience would not have been able to see the places he mentions but would only have been able to envisage them.

The location of the popular speech is also unknown [21]. Cicero does not mention the speech in his relevant letter to Atticus (quoted above) and there is no other testimony to it. We also do not know when the speech was given; indeed, some scholars have even doubted whether the oration was ever delivered [22]. However as Nicholson points out, Cicero would not have returned to Rome without addressing "the Roman people who were so warmly displaying their joy at his return" [23]. The city was celebrating the "Ludi Magni" at the time of the two post reditum speeches [24]. These games were extended by one day by Camillus in 367 B.C. [25] Rome and the Forum would have been full of Romans and Italians present for the games. A scene similar to that depicted in the fourth Catilinarian (quoted above), where people are crammed into the Forum to hear Cicero speak may be

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[21] See Taylor, Roman Voting Assemblies, pp.15ff on contiones.
[22] R.Y. Tyrrell and L.C. Purser, The correspondence of Cicero (1904-33), 2.4. Nicholson, Cicero's return from exile, pp.127f.
[23] ibid.
[24] Grimal, Études de Chronologie Cicéronienne, pp.166.
[25] Livy 6.42.12.

envisaged [26]. Therefore I believe that Cicero delivered the speech from the Rostra to his audience assembled in and around the Comitium [27]. This was a designated area for "contiones" and was slightly cut off from the main, busier area of the Forum [28]. The Rostra represented the usual, traditional platform from which public meetings were addressed.

THE CITY LOST, THE CITY RESTORED

We may now turn to the first of the main themes for discussion; the city lost, the city restored. Vasaly identifies this Ciceronian theme in the orator's third Catilinarian [29]. There are many similarities between this speech and the post reditum orations. Vasaly sums up her chapter by saying: "Cicero's aim in all this is clear: to make it appear that Rome had passed through a crisis so grave that its salvation was a new beginning and its unchanged aspect was a testament to Cicero, its saviour and ""refounder""" [30]. Cicero does much the same in the two later orations and here he employs not just the Catilinarian threat in order to enhance his claim but also the idea that his recall in 57 B.C. coincided with the restoration of peace and order in Rome. Thus Cicero uses the sight or the image of the unharmed city as proof of his achievements.

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[26] For similar scenes see Pro Lege Man.44; Pro Cael.21; Pro Mil.3; Pro Sulla 28.
[27] See Platner and Ashby, op.cit. pp.450-451 (Rostra) and pp.134-137 (Comitium) and L. Richardson, op.cit. pp.334-335 (Rostra) and pp.97-98 (Comitium).
[28] Stambaugh, op.cit. pp.112.
[29] See above.
[30] Vasaly, op.cit. pp.80.

First of all the orator needed to advertise the "threats" Rome had been "saved" from. Twice Cicero refers to the Republic being threatened in 63 B.C. during the Catilinarian conspiracy. In Red.Sen.4 Cicero alludes to the Catilinarian conspirators who were executed on December 5th 63 B.C. as "hostes atque interfectores rei publicae". Also in Red.Quir.15 Cicero tells his audience that 63 B.C. had been "illis ipsis rei publicae periculosissimis temporibus". Thus Cicero is keen to advertise the threat he had saved Rome from during his Consulship.

Cicero several times implies that the city was lost in 58 B.C. both before and during his exile. The "civitas" and the "urbs" are personified by the orator. In Red.Sen.6 the "civitas" is described as "tacita et fracta" and a little further on Cicero talks of the "lamentatio et gemitus urbis" at his exile and continues: "nondum palam factum erat occidisse rem publicam, cum tibi arbitria funeris solvebantur" (Red.Sen.17-18) [31]. The Res Publica also faced threats. In Red.Sen.16 Cicero claims that the "rei publicae statum" had been lost due to the province-pact made between Piso, Gabinius and Clodius in 58 B.C. [32]. A similar sentiment is recorded in Red.Sen.34 where Cicero claims that the Res Publica had been "exterminata" from the city. This is a particularly appropriate turn of phrase, since the idea (ex + terminus) is of driving beyond the boundary,or exiling the res publica, just as Cicero had been exiled. Finally in Red.Quir.14 the orator says that due to a range of problems "rem publicam esse nullam putavi."

[31] This theme has many parallels in Cicero's orations, see G. Achard, op.cit. p.76, n.44.
[32] See sub-section on Tribunate p.70.

However the two threats were different. In the third Catilinarian (25) Cicero makes the point that before Catiline, all enemies of the "res publica" had wished to flourish within the State whereas Catiline wanted to destroy it. This theme also runs through the two post reditum speeches. In Red.Sen.11 Gabinius is called a traitor "intra moenia" [33]. Again in Red.Sen.19 Clodius is described as a "hostis domesticus" [34] and his allies are called "communibus hostibus" (Red.Quir.10). Finally in Red.Quir.13 the orator claims that the Consuls "constrictum domesticis hostibus dedidissent" [35]. It is however interesting that Caesar is described as a possible enemy who was "ad portas" [36]. Cicero wished to excuse his premature flight from Rome in 58 B.C. by alluding to Caesar's external (and internal) threat whether it was ever a reality or not [37].

The places which Cicero mentions in connection with the lost city theme are significant. Buildings and locations which symbolise civic life are: Forum, temples and Senate-House. In Red.Sen.19 we are informed that Milo realised that "neque templa neque forum neque curiam sine summa virtute ac maximis opibus et copiis ab intestino latrocinio posse defendi." This idea is repeated in Red.Quir.14 where Cicero tells us that "vis et ferrum in foro versaretur" and "deorum immortalium templa incenderentur" and in Red.Sen.7 where we are again informed that "deorum templa inflammata" [38]. The Forum is also described as "mutum"

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[33] For "hostes in moenia" also see Livy 9.22.3.
[34] See Achard, op.cit. p.343.
[35] "Domestici hostes" is a relatively unusual term and seems almost paradoxical (also see Sest.11 and 39, Sul.32, Flac.95, Vat.25, Phil.14.12) The expressions "mala domestica" and "externi hostes" are more frequent in Latin literature. See for examples of the former expression Sest.51,97; Verr.2.1,5; Livy 34.7.2 and for the latter 60.4.1.
[36] See ch. Amicitia p.28.
[37] For Cicero's regret over his retreat into exile see Att.3.7,8,9,13. For a discussion of Cicero's relationship with Caesar and the internal and external threat of the latter see ch. Amicitia p.28f.
[38] Also see Sest.75-76.

(Red.Sen.6) and "vacuum" (Red.Sen.18) and the Curia is characterised as "elinguis" (also in Red.Sen.6). Also "aditus templorum erant non solum praesidiis et manu, verum etiam demolitione sublati" (Red.Sen.32). So Cicero confines his use of place to the Forum, the Senate-House and the temples in order to enhance his claim that the city had been lost due to violence and disorder. As Vasaly points out the ""captured city"" topos was a commonplace of ancient oratory" [39]. However this theme mainly applied to literal captures by foreign enemies, not an insider such as Clodius.

In a much later work (44 B.C.) he addresses Caesar "in camera" saying "hanc enim, C. Caesar, causam si in foro dicerem eodem audiente et disceptante te,quantam mihi alacritatem populi Romani concursus adferret!..... Spectarem curiam, intuerer forum, caelum denique testarer ipsum. Sic, cum et deorum immortalium et populi Romani et senatus beneficia in regem Deiotarum recordarer, nullo modo mihi deesse posset oratio" [40]. Thus we may infer that the Curia, Forum and temples were seen as highly important and were typically employed by orators in order to sway their audience and embellish their argument [41]. Cicero's choice of adjectives to describe the Forum and Curia are interesting. The importance of public oratory in the Roman Republic is illustrated by Cicero in his treatment of the Forum and Curia. These were places where politicians and advocates would speak. Cicero personifies them by describing the Forum as "mutum" and "vacuum" and the Curia as "elinguis". Thus Cicero aimed to aid his

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[39] Vasaly, op.cit. pp.77. Here the author cites Quint.8.3.67-70;Her.4.12,51;Plut.Sull.14.2-5; Hom.Il.9.590-94; Dio Chrys.32.89; Sall.Cat.51.9. Also see G.M. Paul, "Urbs Capta: Sketch of an Ancient Literary Motif", Phoenix (36) 1982, pp.144-155.

[40] Pro Deiot.6.

[41] Also see Dom.5; Har.Resp.6; Sest.85,90; Vat.22.

cause by stating that all public speaking had ceased during his term of exile. Also "vacuum" is a particularly striking term to employ to the Forum which presumably was normally thronged.

We have just noted that the Forum is described by Cicero as "mutum" (Red.Sen.6) and "vacuum" (Red.Sen.18) and in need of defence (Red.Sen.19) due to "vis" (Red.Quir.14). What did the Forum mean to Cicero's two audiences? The Forum was the political, legal, business and social centre of the city [42]. It was here the Senate and Roman people met to discuss legislation. It was in the Forum that candidates for election canvassed and politicians attempted to gain support for their proposals. Politicians and people would meet in the Forum and the people often cheered or sneered at the statesmen [43]. Cicero describes the Forum as "omnis aequitas continetur" and according to Stambaugh "the most common activity in the Forum Romanum... was legal" [44]. Stambaugh continues to detail the kind of legal activity that dominated the Forum in the Republic. "On a typical busy day, Praetors and lesser judges presided over civil and criminal cases, the jury seated on benches on the Forum paving..." [45]. The Forum was also the setting for business deals and money transactions [46] and was flanked either side by "tabernae".

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[42] See Platner and Ashby, op.cit. pp.230-236 and L. Richardson, op.cit. pp.170-174.
[43] For evidence of politicians carrying out political business in the Forum see Red.Sen.14,15; Dom.49 and Sest.79.
[44] Cat.4.2. Stambaugh, op.cit. 105.
[45] For evidence of legal activity in the Forum see Vat.34.
[46] Pro Leg.Man. 19.

It is because the Forum played such a crucial part in political and civic life that Cicero is keen to highlight the violence that took place there during his exile [47]. Cicero also wished his audience to compare this description with the present scene. We have already noted Cicero's own account of his triumphant arrival in the Forum and the crowds present to welcome him back [48]. Whilst Cicero no doubt exaggerates, we may nevertheless accept that the Forum was full of people present for the games. The contrast therefore could then be made by his audience and Cicero could enhance his claim that his recall coincided with the restoration of peace and order in Rome.

It is interesting that it is only in the Senatorial speech where Cicero says that the Forum was empty and "mutus". There is no corresponding comment in the other speech. There are various possible explanations for this. Firstly, Cicero's need to explain away his exile was greater in the Senate. By claiming that all business in the Forum had been suspended, Cicero could aid his overall aim in the speech, that is, to excuse his recent situation. This seems seems the most likely justification for the imbalance. It is also possible that Cicero's audience were predominantly Italian. However if the audience had been essentially rural, they would have been largely unaffected by the political situation in the Forum and would not have been present in Rome at the time of which Cicero spoke. Thus a reference may have been superfluous.

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[47] For a discussion of Cicero's account see Gruen, The Last Generation of the Roman Republic, pp.440-441.
[48] Att.4.1.

The Curia is described as "elinguis" (Red.Sen.6) and in need of being defended by force (Red.Sen.19) [49]. What did the Curia mean to the orator's Senatorial audience? I have already mentioned that the Curia was the Senate-House and was the usual meeting place for that body. Cicero calls it "summum auxilium omnium gentium" and "templum sanctitatis, amplitudinis, mentis, consilii publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab universo populo concessam uni ordini" [50]. The Curia was situated in the northeastern corner of the Forum and was built on high ground so as to dominate the comitium and Forum as a whole [51]. In 80 B.C. it had been enlarged by L. Cornelius Sulla in order to accommodate the increased number of Senators necessitated by his reform programme [52]. Sulla's reforms reasserted Senatorial authority and so the Curia was a sign of that authority. It was therefore symbolic that when Clodius died in 52 B.C. his body was carried to the Curia by his supporters and burned with it [53].

It is of course not surprising that the two references to the Curia come in the Senatorial speech. Again Cicero's overwhelming need to excuse his exile in the Senatorial speech is clear. By declaring that the Senate-House was under siege the orator could add to his claim that Senators were unable to come to his aid even if they had wanted to. As with the imbalance concerning Cicero's references to the Forum, this hints to us that his audience was made up of Italians who would have been unaffected by the situation in the Curia.

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[49] Also see Dom.13; Har. Resp.6; Sest.90, 144; Vat.8.
[50] In Cat.4.2; Mil.90.
[51] Platner and Ashby, op.cit. pp.142-143 and Richardson, op.cit. pp.102-103.
[52] For the reforms of Sulla see Broughton, Magistrates of the Roman Republic vol.2, pp.74f. For Sulla's changes see E.B. Van Deman, "The Sullan Forum", Journal of Roman Studies (12) 1922, pp.1-31.
[53] Mil. 13,33,90.

Temples, according to Cicero, were set on fire (Red.Sen.7 and Red.Quir.14), access was barred (Red.Sen.32) and they needed moral and physical defending (Red.Sen.19). Unfortunately we do not know which temples Cicero is talking about, nor do we have any evidence to support Cicero's claim that some were set on fire. There is only one incident during this time involving a temple that we have any specific evidence for. This is the attack made on the Tribune Sestius in the Temple of Castor and Pollux in 57 B.C. [54]. Cicero refers to this incident four times (Red.Sen.7,20,30; Red.Quir.14). This temple was the meeting place for the Consuls and we know that Sestius "venit in templum Castoris, obnuntiavit consuli" but was attacked by Clodius' gangs [55].

The Temple of Castor and Pollux was situated in a deliberately very prominent position; in front of the Temple of Concord, facing the Forum [56]. It was also the setting for contiones and voting assemblies [57]. Indeed two meetings in particular stand out for being particularly relevant. Firstly, the meeting in 62 B.C. at which Metellus, aided by Caesar, attempted to read out his two bills concerning Pompey's command against the Catilinarians and the general's bid for the Consulship of 61 B.C., was held here [58]. It was at this gathering that Cato was reported to have rushed up the steps of the temple and placed himself between Metellus and Caesar, thus preventing his fellow Tribune from announcing his

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[54] See sub-section on Tribunate p.89. This temple was dedicated in 484 B.C. to commemorate the divine aid of the Gods Castor and Pollux (Liv.2.20.12,42.5). It was rebuilt on a larger scale in 117 B.C. See Platner and Ashby pp.102-105 and Richardson, pp.74-75.

[55] Sest.79.

[56] Taylor, Roman Voting Assemblies, pp.28.

[57] For evidence of meetings of the Senate in the temple see 2.Verr.1.129; Val.5. For evidence of "contiones" and voting assemblies see Phil.3.27; De Or.2.197.

[58] See ch. Amicitia p.33.

legislation [59]. Secondly, Clodius' bill exiling Cicero, and much of the Tribune's other legislation, was also said to have been passed in the Temple of Castor [60]. Thus the temple had popularis connections. It also, according to Cicero at least, played a noticeable role in the political struggles that centred in the Forum at that time [61].

By referring to the attack on Sestius, Cicero hoped that his audience would visualise the temple in which the crime took place. He also wished his audience to form a mental association between that temple and everything that was, in his view, wrong or unlawful. Thus Clodius' and Metellus' legislation is placed on a par with the attack on a Tribune and the violence in Rome in general. Cicero's references to the temple and the incident concerning Sestius illustrate the rhetorical technique of "enargeia" [62]. This technique is one aspect of "vivid description". The orator, in his use of enargeia, intends to invoke images in his audience's minds' which in turn would enhance and embellish his argument [63]. Thus Cicero encouraged his audience almost to become eye-witnesses to the event and in turn he hoped that they would be all the more shocked.

No other specific incidents can be linked with Cicero's sweeping allusions to temples being attacked and endangered. However, attention must be paid to the significance which temples had for Romans of Cicero's day. Temples certainly

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[59] Plut.Cat.Min.27-29; Dio 37.43.
[60] Dom.110; Sest.34; Pis.23.
[61] Har.Resp.27; Dom.54,110; Sest.34; Pis.11,23; Mil.18.
[62] Quint.4.2.63-65; 6.2.32.
[63] A.J. Woodman, Rhetoric in Classical Historiography, pp.25. See A. Vasaly, op.cit. pp.89-104 for a detailed discussion of this topic.

constituted an integral part of Roman life. As we have discussed, the Senate met in temples and these buildings could symbolise the generosity or military prowess of politicians. Dedications from successful generals were placed in the Temples and some were museums of artworks of many types [64]. The Roman calendar was full of religious festivals and feast days and we cannot doubt the great importance the Gods held in Roman life [65]. On these days the temples were open for people to address the Gods individually in prayer [66]. On such occasions temples were the site of official expressions of civic religion.

Temples were prominent landmarks in Rome, with many located both in the Forum and throughout the city's neighbourhoods. No doubt Cicero's references to Temples in his two post reditum speeches were mainly in order to shock his audience. Indeed Beard and Crawford point out that Cicero, as representative of the Gods [67], naturally depicted his enemies, such as Clodius and Catiline, as adversaries of the Gods [68]. Thus by describing Clodius' violent actions in and around temples he is depicted as an opponent to the Gods. The orator also wanted to show his audience that the disturbances had even disrupted the homes of the Immortal Gods. As with his references to the attack on Sestius, Cicero intended his audiences to picture, or indeed in the popular speech gaze upon, the prominent Temples within the Forum complex. These were the Temple of Castor,

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[64] Horace, Odes 3.26.1.
[65] Stambaugh, op.cit. pp.213f.
[66] Livy 30.17.6.
[67] Att.1.16.6.
[68] Beard and Crawford, Rome in the Late Republic, pp.32. Phil.1.10; 3.4; In Cat.1.5.

Vesta, Saturnus and Concordia and of course the Temple of Jupiter Optimus Maximus on the Capitoline hill [69].

At first glance it might seem odd that Cicero does not mention the temples more often in the popular oration. Indeed he only refers to them once in the speech. One explanation could be that Cicero's audience might have been able to see the unharmed temples from where they stood to hear Cicero's speech and would therefore not have found Cicero's testimony believable. Another could be that this speech was partly written in advance and therefore Cicero would not have known exactly from where he would be addressing the people. Again as with Cicero's references to the other places we have so far discussed, his need to excuse his exile and delayed recall controls what he says in the first oration. He wants the majority of his Senatorial audience, in public at least, to be excused for their lack of activity on his behalf. Thus by advertising the disturbances in Rome during his exile he was able to excuse them.

The city was not only lost due to violence in the Forum. In our investigation so far we have discovered that Cicero also employs Senatorial authority, the Tribunate, the Consulship and Assemblies to boost his claim that the city was lost in 58 B.C. Cicero mentions two other places in connection with this main theme, namely the Circus Flaminius and the Tribunal of Aurelius. Three times Cicero refers to the meeting called by Clodius held at the Circus Flaminius early in 58

[69] Stambaugh, op.cit. pp.112.

B.C.(Red.Sen.13, 17 and 32) [70]. This meeting place was situated just outside the city walls (c.750 metres west of the Forum) thus enabling Caesar, who had already assumed his Proconsular imperium, to attend [71]. In the chapter on Assemblies and Public Meetings I used Cicero's description of this meeting to illustrate one of Cicero's themes, that is, that "contiones" did not follow the correct procedure in 58 B.C. Cicero's adverse description of Gabinius' conduct at this meeting has also already been considered [72].

It is interesting to note the implications this site would have evoked. In 449 B.C. the plebeian tribal assembly had met here to end the tyranny of the decemvirate [73]. As early as this, the site was connected with the plebs and its architectural simplicity became symbolically important as a rallying place for that order. As Censor in 220 B.C. C. Flaminius gave to the people of Rome the Circus Flaminius as a gift [74]. This site had very strong plebeian associations. The plebeian assembly met here and the plebeian games were also celebrated at this site [75]. Non-plebeian activities also took place there. The Circus Flaminius was a market place and bankers had tables set up there [76]. Funeral orations were delivered there and triumphal donatives and displays were exhibited [77].

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[70] See Platner and Ashby, op.cit. pp.111-113 and Richardson, op.cit. pp.83. On contiones in the Circus Flaminius see T.P. Wiseman, "The Circus Flaminius", Papers of the British School at Rome (42), 1974, p.4.

[71] Sest.33. See ch. Amicitia, p.22, 26f.

[72] See sub-section on Assemblies p.116f.

[73] Taylor, Roman Voting Assemblies, pp.20. Livy 3.54.14-15 (Ogilvie, A commentary on Livy Books 1-3. p.497).

[74] Livy Per.20.

[75] For evidence of meetings of the people see Att.1.14.1; Sest.33; Plut.Marc.27; Livy 27.21.1. For evidence of the games see Livy 40.52.4; Val.Max.1.7.4; Varro 5.154.

[76] Att.1.14.1; Mart.12.74.2; CIL 6.9713.

[77] Dio 40.2.2; Livy 39.5.17; Plut.Luc.37. For the nature of the Circus Flaminius see T.P. Wiseman, op.cit., pp.3-4.

It is clear why Cicero chooses, yet again, only to mention this meeting in the Senatorial speech. Firstly, as we noted before when discussing Caesar's amicitia with the orator [78], Cicero is keen in the Senatorial speech to draw attention to the possible military threat posed by Caesar in early 58 B.C. By referring to the meeting in the Circus Flaminius, Cicero indirectly alludes to the danger once more. Cicero is able to remind his audience that a general with "imperium" attended a meeting to discuss his downfall. Secondly, as noted earlier, in the other oration he concentrates more on the political situation and his legal objections to his banishment [79].

Finally, Cicero also mentions the Tribunal of Aurelius. In Red.Quir.13 we are informed that "Ego, cum homines in tribunali Aurelio palam conscribi centuriarique vidissem, cum intelligerem veteres ad spem caedis Catilinae copias esse revocatas." Cicero later reveals that these men were slaves who were enrolled by Clodius to help him carry his reform programme through [80]. Grimal refers to this as the "organisation of new collegia at the Tribunal of Aurelius" and gives the date 14th December 59 B.C. [81]. The exact location of this tribunal is unknown. Stambaugh places it in the south east end of the Forum [82]. The impression however from Cicero is that it was more central, near the Temple of Castor. In De Domo Sua 54 Cicero mentions the two buildings within the same

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[78] See ch. Amicitia p.22.
[79] See sub-section on Tribunate p.71.
[80] Dom.54; Sest.34; Pis.11. See below.
[81] Grimal, Études de chronologie Cicéronienne, pp.145. For Clodius' legislation lifting the ban on "collegia" see sub-section on Tribunate p.71 and 75.
[82] p.112. Also see Platner and Ashby, op.cit. pp.539-540 and Richardson, op.cit. pp.400-401.

chapter. This could explain why people place it in the same area of the Forum. One would expect the Tribunal to have some kind of connection with the Catilinarian conspiracy. However it is not mentioned at all in any of Cicero's orations delivered during his Consulship. It has been suggested that the urban Praetor used it to hold preliminary hearings for a trial and to appoint judges and juries [83]. Considering that no similar comment is made in the other speech and that the site seems not to have any direct connotations which Cicero could have easily exploited, Cicero's reference to the Aurelian Tribunal therefore seems perplexing. However Cicero wished his popular audience to make the comparison between the proper, legal usage of the Tribunal as just explained and its improper usage as revealed in Red.Quir.13. The employment of the term "centuriari", which has stong military overtones, emphasises this comparison further still. In Red.Quir.13 Cicero attacks Clodius in three further ways by suggesting that old Catilinarians were back to support Clodius, that someone such as Clodius was imitating official procedures and finally he alludes to the blatancy of Cicero's actions in a prominent place ("palam").

The lost city theme has now been dealt with. Cicero has, as Vasaly says he does in the Third Catilinarian, made it appear that "Rome had passed through a crisis" in 63 B.C. and 58 B.C. He has achieved this by making general comments about the threats posed by Catiline, Clodius and the two Consuls of 58 B.C., by implying that the city and Republic were in ruin and finally by illustrating this claim with specific examples of places within the city. We may now move on to

[83] L. Richardson, "The Tribunals of the Praetors of Rome", Mitteilungen des deutschen Archaeologischen Instituts (Romanische Abteilung) (80) 1973, pp.219-233.

discuss how Cicero attempts to claim that the city was restored during his Consulship and in 57 B.C., with particular regard to place.

Cicero several times claims to have saved Rome from destruction in 63 B.C. "Quo verbo senatum atque omnes bonos tum, quum a patria pestem depellerent, crudeles demonstrabas fuisse" (Red.Sen.17). In Red.Sen.26, Red.Quir.5 and Red.Quir.21 the orator takes all the credit for preserving the State. Cicero not only tells us that Metellus said that the orator had saved Rome (Red.Sen.26) but he also informs us that Pompey said much the same (Red.Quir.16) as did P. Servilius (Red.Quir.17) and L. Gellius (Red.Quir.17) [84].

The city was also restored in 57 B.C. Cicero illustrates this by identifying his recall with the restoration of the State. In Red.Sen.4 Cicero thanks the Senate by saying "numquam dubitastis meam salutem cum communi salute coniungere." He says much the same to his popular audience "Itaque dum ego absum, eam rem publicam habuistis, ut aeque me atque illam restituendam putaretis" (Red.Quir.14). A similar comment is made at the end of the speech (Red.Quir.25).

How did Cicero save Rome from destruction? A common theme runs through the two speeches. In Red.Sen.32 Cicero tells us that as Consul he had encountered the same army that he was faced with in 58 B.C., and that he had fought them "non armis, sed vestra auctoritate." He repeats himself a little later in Red.Sen.34 "nolui, cum consul communem salutem sine ferro defendissem, meam

[84] See ch. Amicitia.

privatus armis defendere." Thus the two different threats are given an equal footing. In Red.Quir.13 Cicero praises himself for saving the Republic by not resorting to arms in 58 B.C. The orator also claims to have saved the State by returning to Rome peacefully unlike examples from the past. In Red.Quir.10 Cicero compares his plight with those of P. Popillius Laenas [85], Q. Caecilius Metellus Numidicus [86] and C. Marius [87]. He informs us that their return "inimicis interfectis, magna civium caede facta" whereas his coincided with the Proconsular appointments of Piso and Gabinius and the Consulships of two excellent men. Later, in Red.Quir.20, Cicero compares his example solely with Marius' case and says that the difference between the two was that Marius "ea ipsa re inimicos suos ultus est, armis: ego qua consuevi utor oratione."

The two post reditum speches therefore have this theme very much in common with Cicero's Third Catilinarian. Vasaly says of this latter oration that Cicero, by declaring to his audience that they could see Rome restored, "signaled his intent to make the city itself an integral part of the perceptible proof that formed the chief subject matter of the oration. The sight of the city rising up around them is to be a sign to his audience of Cicero's great victory over the conspirators: that he had crushed them "without slaughter, without bloodshed, without an army, and without a battle" (23) and that he had "preserved both city and citizens whole and unharmed" (25)" [88]. We may conclude that this was also the case in the post reditum speeches.

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[85] Consul 132 B.C., banished 123 B.C.
[86] Consul 109 B.C., voluntary exile 100 B.C.
[87] Consul 107 B.C., exiled 88 B.C.
[88] Vasaly, op.cit. pp.77.

Apart from the image of the city in general, what particular images would Cicero have invoked in order to sway his audience? We have already discussed how Cicero exploits the problems in the Forum, temples and the Curia in 58 B.C. The image or sight of these restored or most likely unharmed buildings, could help his case. Cicero continually thanks the people, the Gods and the Senate for his recall and these expressions of gratitude would have brought to mind these particular buildings in their present "whole" state. Vasaly suggests that, in the third Catilinarian, the image of Camillus, whose statue was positioned on the Rostra, could also have been exploited by Cicero [89]. This is also possible in the popular speech. We have already discussed the part played by Camillus in 390 and 367 B.C. (p.2-3). Cicero not only wanted his audience to make the comparison between Camillus and himself but also to contrast the two as well. Camillus had saved Rome using force whereas Cicero had not resorted to arms in his battle (p.13).

What places does Cicero directly refer to in connection with this theme? Cicero mentions the Campus Martius in the Senatorial speech (Red.Sen.28). Here, as in Red.Quir.17, Cicero is boasting yet again of the support he had for his recall in 57 B.C. He asks "Quando tantam frequentiam in campo, tantum splendorem Italiae totius ordinemque omnium, quando illa dignitate rogatores, diribitores custodesque vidistis?" This refers to the vote by the Centuriate assembly on July 18th 57 B.C. to recall Cicero [90]. The Campus Martius was the traditional voting

[89] Vasaly, op.cit. pp.80.
[90] Grimal, Études de Chronologie Cicéronienne, pp.165.

place for this particular, prestigious assembly [91]. It was located just behind the Capitoline hill, not therefore visible from the Forum [92]. Cicero, however, was keen to depict a full, prestigious voting area for this important vote. We must note that it was the prestige of the Centuriate assembly rather than the Campus Martius that Cicero praises here and also that some of those in the audience would have been voters on the occasion to which Cicero refers.

At the very beginning of the popular oration (Red.Quir.1) Cicero mentions that he prayed to Jupiter and the other Immortal Gods. This was presumably when he made the "sacrifice" to go into exile in early 58 B.C. When he referred to Jupiter Cicero would have wanted his audience to look up and see the god's statue on the top of the Capitoline hill. In 65 B.C. this statue had been struck by lightning and Cicero had himself seen to it that it was erected on top of a column in the Capitolium the day before he delivered the third Catilinarian. It could therefore be seen from the Forum below [93]. Cicero states that this statue was erected by order of the soothsayers, who "ac se sperare dixerunt, si illud signum quod videtis solis ortum et forum curiamque conspiceret, fore ut ea consilia quae clam essent inita contra salutem urbis atque imperi inlustrarentur ut a senatu populoque Romano perspici possent" (In Cat.3.20). Thus the statue was seen as a protector of the city (In.Cat.3.22) and Cicero was keen in his popular speech to advertise a link between himself and this monument.

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[91] See sub-section on Assemblies p.124. Also see Platner and Ashby, op.cit. pp.91-94 and Richardson, op.cit. pp.65-67.
[92] Vasaly, 17.
[93] Div.1.21 and 2.46.

The Capitol is mentioned three times in the Senatorial speech. In Red.Sen.25 we are told that Lentulus "vos frequentissimos in Capitolium convocavit" (c.19th June 57 B.C.). This description may be placed in direct contrast with Cicero's account of the "elinguis curia" in Red.Sen.6. This is the only occasion in these two speeches on which Cicero divulges the location of a Senatorial meeting. It comes as no surprise therefore that the triple Temple of Jupiter, Juno and Minerva on the Capitoline had very specific, favourable connotations [94]. This edifice was the oldest religious building in Republican Rome and although it was burnt down several times it always retained its original plan. It was believed to have been founded by the Etruscan kings and dedicated by the Consuls in the first year of the Republic (509 B.C.) [95]. Stambaugh notes that this building was "a reminder of the ambitious urbanism of the Etruscan kings, but also a reminder of the founding of the Republic, whose magistrates had dedicated it to the protection of the new order" [96]. Thus Cicero's decision to name this meeting place was motivated by the implications invoked by the building itself. Again Cicero has made an indirect link between his cause and that of the Republic. The audience is also expected to compare Cicero's description of Clodius, a Tribune, calling a "contio" at the Circus Flaminius with his account of Lentulus, a Consul, calling together a full Senate to the Temple of Jupiter, Juno and Minerva on the Capitoline.

The Capitoline hill is associated with the Roman Knights in the Senatorial speech [97]. Twice Cicero tells us that Gabinius said at a public meeting that

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[94] See Platner and Ashby, op.cit. pp.297-302 and Richardson, op.cit. pp.221-224.
[95] Livy 2.3; Dionysius of Halicarnassus 4.61.
[96] Stambaugh, op.cit. pp.17.
[97] Platner and Ashby, op.cit. pp.95-98 and Richardson, op.cit. pp.68-70.

"Nonarum Decembrium, quae me consule fuissent, clivique Capitolini poenas ab equitibus Romanis esse repetiturum" (Red.Sen.12). Cicero repeats this comment in Red.Sen.32. The "Clivus Capitolinus" was the road leading up from the Forum up to the Capitol [98]. Cicero's comments here are ambiguous. Shackleton Bailey and Achard believe that Cicero is referring to the demonstration by the Equites in support of Cicero's actions on December 5th 63 B.C. [99]. This seems a logical interpretation; Cicero was keen to recall any show of support for himself and his Consulship. The image of an united order climbing the slopes of the Capitoline in support of the orator would have been desirable picture to portray.

It is also possible that the orator is referring to the prison ("carcer") at the foot of the "clivus Capitolinus" where the conspirators would have been executed. The prison was located next to the Curia and Cicero's Senatorial audience would have been expected to envisage this building which was actually very close to them [100]. Cicero may well have made a deliberately ambiguous allusion to the "Clivus Capitolinus". We may also contrast Cicero's comments concerning the Capitoline with Red.Sen.18. All the references to the Capitoline hill (Red.Sen.12,25,32) illustrate Cicero's need to bring to his audience's attention his support both in 63 B.C. or in 58 B.C. His comments therefore are positive. In direct contrast, in Red.Sen.18 Cicero tells his audience that "uno eademque tempore domus mea diripiebatur, ardebat, bona ad vicinum consulem de Palatio....deferebantur" [101].

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[98] Vasaly, op.cit. pp.65.

[99] Shackleton Bailey, Cicero. Back from exile: six speeches upon his return, pp.11, and Achard Pratique rhétorique, p.77. Also see Cat.4.14.

[100] Stambaugh, op.cit. pp.112.

[101] See sub-section on Consulship p.60 and sub-section on Tribunate p.68.

The Palatine hill was situated close to the Forum, to the south [102]. It would therefore have been clearly visible to anyone in the Forum and must therefore have been a familiar sight to any Roman. The Roman Forum was situated at the foot of these two hills, nestled between the two hills [103]. Thus Cicero employs their two contrasting images to represent his two contrasting themes.

All Cicero's references to the Capitoline hill, excluding his allusion to Jupiter, come in the Senatorial speech. This at first seems perplexing, especially when we consider that Cicero's popular audience, assembled in the Comitium, would have easily been able to see the twin peaks of the Capitoline rising up. This discrepancy is again however best explained by the fact that Cicero's need to publicise the support he acquired both in 63 B.C. and later in 57 B.C. was stronger in the Senate. This imbalance also hints at the possibility that Cicero's popular audience were essentially Italians. After all they had remained faithful to Cicero and needed less convincing.

We have now discussed all the references Cicero makes to places in connection with our first main theme. It is clear that much of what Cicero says or implies in relation to specific places is dictated by the particular connotations each individual place possessed. The images Cicero chooses to develop in the minds of his audience are well known. The Forum, Curia, temples, Circus Flaminius and Palatine hill were famous landmarks for people and Senators alike. These places were either visible or were easily brought to mind. Cicero's aim is unmistakable;

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[102] Platner and Ashby op.cit. pp.374f and Richardson, op.cit. p.279-282.
[103] Vasaly, op.cit. pp.17.

to equate his downfall with the possible destruction of the most important monuments in the city. The Capitoline hill and the Campus Martius were equally conspicuous and had favourable connotations. This is exploited by Cicero in order to add to his argument that his recall was unanimous.

2. CITY AND COUNTRY

The second main theme will now be discussed, that is, city and country. "There is hardly a topic in Latin literature that appears more frequently or in a greater variety of guises than that of the contrast between the mores of the country and those of the city" [104]. Vasaly continues: "Roman writers of all periods seemed never to tire of praising the simple, honest existence of the farmer and pastoralist while bewailing the growing corruption of city life. Although this chorus of praise for the country resounds often, it is not without a countertheme; there appears almost as frequently in Latin literature extravagant praise for the city of Rome." This motif runs through Cicero's two post reditum speeches in a variety of guises, the most frequent of which is the orator's descriptions of individual people.

In what ways does Cicero praise Italy? Cicero, in general, describes Italy in a very positive light. Indeed Italy is favourably set in comparison to Rome. In Red.Sen.24 Lentulus and the Senate are held responsible for "omnes ex omnibus agris atque oppidis cives totamque Italiam ad unius salutem defendendam excitaret?" Thus the audience are left with the vision of an united country being

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[104] Vasaly, op.cit. pp.156.

roused from their fields and towns to come to the city in order to vote for Cicero's recall [105]. This description seems somewhat idealised but is repeated many times over. The idea of consensus throughout Italy is a common theme [106]. "Tota Italia" is a phrase employed in Red.Sen.26 and 28 and "cuncta Italia" appears in Red.Sen.24 and 39 and Red.Quir.10 and 16. All refer to the united support of Italy for Cicero's cause. Twice Cicero mentions the "consensus Italiae", both references occur in the popular oration (Red.Quir.1 and 18). Finally in Red.Sen.25 Cicero goes a step further when he says that "illa incredibilis multitudo Romam et paene Italia ipsa venisset" in order to vote in his favour.

Again another ideal is introduced with reference to Cicero's support in Italy. We are frequently informed that the towns and colonies were approached by Pompey in 57 B.C. who pleaded with the inhabitants to come to Cicero's aid [107]. "Hodierno autem die nominatim a me magistratibus statui gratias esse agendas et de privatis uni, qui pro salute mea municipia coloniasque adisset....sententiam dixisset eam, quam vos secuti mihi dignitatem meam reddidistis" (Red.Sen.31). Cicero refers to this action again in Red.Sen.29 and Red.Quir.16. In Red.Sen.27 we are informed that the Senate decreed that the people who had come to the city from the country towns should be officially thanked.

Three times Cicero mentions the unanimous opposition by the Italians to his own exile. At the end of the Senatorial speech Cicero, having compared his exile

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[105] See Achard, op.cit. pp.54-60, 72ff.
[106] See sub-section on Senate, p.108.
[107] Pompey mobilised the Italians favourable to Cicero to come to Rome in order to support the cause. Dom.25,30; Pis.25,27,80; Mil.39.

with examples from the past, states that in their cases "nullus Italiae motus, nulla decreta municipiorum et coloniarum exstiterunt" (Red.Sen.38). Cicero repeats himself in the popular speech: "Nullus in eorum reditu motus municipiorum et coloniarum factus est: at me in patriam ter suis decretis Italia cuncta revocavit" (Red.Quir.10). In the following chapter Cicero refers to the "Italiae gemitum" (Red.Quir.11). Whilst we cannot doubt that Cicero had strong links with the leading men from the municipalities, we may however note Cicero's exaggeration here. We have no other evidence to suggest any kind of demonstration on the part of the Italians at this time.

Finally, in Red.Quir.4 Cicero extolls the virtues of Italy: " Quae species Italiae! quae celebritas oppidorum! quae forma regionum! qui agri! quae fruges!" This quote is an example of a frequent literary topos, that is, "laus Italiae". This recurrent rhetorical theme can be linked with various Latin authors [108] and according to Thomas it "was, or at some point became, a rhetorical set piece" [109]. The most specific example of this theme comes in Virgil's Georgics (2.136-76) where the poet compares Italy to other lands [110]. This passage allows us the clearest insight into the question of the make-up of Cicero's popular audience. It is interesting that there is no parallel passage in the Senatorial speech even though many of the Senators had roots in the country municipalities. This again hints to us that Cicero's Red.Quir. audience consisted, although not necessarily entirely, of Italians.

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[108] For example see Varro R.R. 1.2.3-6; Propertius 3.22; Strabo 6.4.1; Vitruvius 6.1.10-11; Dion.Hal.Ant.Rom.1.36-37; Pliny N.H.3.39-42; 37.201-2; Aelian V.H. 9.16.

[109] R.F. Thomas, Virgil Georgics,(1988), pp.179-180.

[110] See R.F. Thomas, Lands and Peoples in Roman Poetry and Ethnographical Tradition,(1982) pp.36-69. Also see R.A.B. Mynors, Virgil Georgics,(1990) pp.119f.

The countryside, of course, was responsible for the grain supply of all Italy and the city and the reference to grain here is one of three in these two speeches. In Red.Sen.34 Cicero includes the "frugum ubertas" in a list of things that were in exile with him. He goes on to imply that they returned with him to the city. In Red.Quir.18 the orator claims to have the support of the Immortal Gods who blessed his return by "frugum ubertate, copia, vilitate". Despite these comments, Rome had in fact been facing grain shortage problems due to a bad harvest in Italy in July 57 B.C. As a result, riots erupted in the city a few days after Cicero's return. At a meeting of the Senate Cicero announced his support for Pompey's command of the grain supply [111].

As with all the references discussed so far in connection with this theme, Red.Quir.4 represents an ideal. We have so far been told that the Italians, although grieved by Cicero's banishment, were roused by Pompey and as a result were united in their support for the cause. They then travelled to Rome in order to demonstrate that support by voting for Cicero's recall. The Italian countryside is praised with reference to the fertility of her land. Thus Cicero's references to Italy and her inhabitants may be placed in direct contrast to much of what Cicero says concerning the city in 58 B.C. After all Rome is depicted as being tumulultuous and ridden with violence and despotism. Italy, on the other hand, was unaffected by the turmoil of Rome in that year.

[111] Att.4.1.

Thus there is the idea in Cicero's work that the "mores" of Italy are alien to and uncorrupted by the vices and troubles of Rome. Cicero, in his much earlier speech, Pro Roscio, makes the connection between place and behaviour [112]. In chapter 75 he defends his client, a property owner from Ameria who had been falsely accused of murdering his father, by claiming that "in rusticis moribus, in victu arido, in hac horrida incultaque vita istius modi maleficia gigni non solere." So because of the simple, virtuous ways of country life, Roscius could not possibly be guilty of the crime. Earlier in the speech Cicero had said that country life coupled with the occupation of land cultivation was "quae vita maxime disiuncta a cupiditate et cum officio coniuncta est" (Rosc.Am.39). High praise for the country and its inhabitants was commonplace in Ciceronian oratory and his two post reditum speeches are no exception [113].

It is in the introductory passages of the second book of the De Legibus where Cicero's deep attachment to the rural countryside and to the life of the old municipal towns is best illustrated. Cicero was himself of course an Italian and his home town of Arpinum is implied in Red.Quir. in connection with his fellow townsman, C. Marius: "fortissimum virum, municipem meum, C. Marium" (Red.Quir.19) [114]. Arpinum is located seventy miles east of Rome on a hill top in

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[112] For the importance of this speech in Cicero's political career see T.N. Mitchell, Cicero: The Ascending Years,(1979) pp.52-92. Also see De Off.2.51.

[113] Vasaly, op.cit. pp.156f.

[114] For a detailed survey of Cicero's references to Marius and their relationship see T.F. Carney, "Cicero's Picture of Marius", Wiener Studien (73) 1960, pp.83-122 and "The Changing Picture of Marius in Ancient Literature", Proceedings of the African Classical Association (10) 1967, pp.5-22.

central Italy and is the setting for the De Legibus. At the beginning of this work Cicero praises his birthplace [115].

Why does Cicero only mention Arpinum in the popular oration? There are two obvious reasons for this imbalance. Firstly, Cicero is more keen to advertise the link between himself and Marius in the popular oration because the latter was seen by the people as a national hero whereas many Senators would remember his career with aversion (see Red.Sen.38). This point is illustrated by the distinct difference between the two speeches in the way Cicero treats Marius. The General is flattered and praised in Red.Quir.7,9,10 and 19 and these passages may be compared with Cicero's rather less complimentary reference in Red.Sen.38. Secondly, although Cicero had great affection for his birthplace (see above), he claimed to have two fatherlands: "unam naturae, alteram civitatis" (De Leg.2.5). He continues to say that Rome "necesse est...praestare, qua rei publicae nomen universae civitatis est; pro qua mori et cui nos totos dedere et in qua nostra omnia ponere et quasi consecrare debemus." So Cicero had a greater and prouder loyalty to Rome and prized her history and traditions all the more because he was still seen as a foreigner and as a "novus homo". Cicero therefore may not have wanted to publicise his Italian connection unnecessarily before his Senatorial audience, even though many of them would also have had the same links.

The Italian town of Minturnae is also mentioned by Cicero in connection with Marius. "Cum in paludibus demersus concursu ac misericordia Minturnensium

[115] See Leg.2.3-4.

corpus ac vitam suam conservaret" (Red.Quir.20). Minturnae was a town in Latium, situated by the river Liris about three miles from the sea. Red.Quir.20 refers to Marius' eventful yet successful retreat from Rome to Africa in 88 B.C. [116]. Cicero compliments the inhabitants of Minturnae here by describing them as being "misericordes" [117].

All Cicero's references in praise of Italy have now been discussed. Apart from the comment he makes about the people of Minturnae (Red.Quir.20) and the particularly relevant passage in Red.Quir.4, Cicero's praise of the country tends to be indirect and more general. Italy was after all unaffected by much of what happened in the capital city and Cicero's exile would not have had any great bearing on rural life. It was the Italians who had travelled to Rome and voted for Cicero and his praise of Italy is recognizable as a recurrent theme in these two speeches. We may now see how these references compare with his comments concerning Rome in 58 B.C. and the men of authority in that year.

Much of what has already been discussed in this chapter and in the preceding chapters has illustrated how Cicero presents the city of Rome as corrupt, violent and bereft of any leadership in 58 B.C. [118]. Cicero's invective against Piso and Gabinius has already been discussed in relation to the orator's treatment of the Consulship [119]. However a brief reminder is necessary at this point in order to see

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[116] Plut. Mar.35.5-43.3 (especially 37, 38 and 39) and Appian B.C. 1.57.1-70.7. Also see T.F. Carney, "The Flight and Exile of Marius", Greece and Rome (8) 1961 no.2, pp.98-121.

[117] Also see Planc.26.

[118] See above.

[119] See sub-section on Consulship p.51f and 59f.

how Cicero presents his enemies as having many of the vices connected with urban life [120].

Cicero says that because of their "egestas", "avaritia" and "libidines", Piso and Gabinius betrayed him. In Red.Sen.11 Gabinius, we are told, "primum tempus aetatis palam fuisset ad omnes libidines divulgatum, qui ne a sanctissima quidem parte corporis potuisset hominum impuram intemperantiam propulsare." Piso is accused of the same behaviour in Red.Sen.14-15 where Cicero informs his audience that "idem domi quam libidinosus, quam impurus, quam intemperans ono ianua receptis, sed pseudothyro intromissis voluptatibus" (Red.Sen.14). In Red.Quir.13 Cicero says that it was because of Piso and Gabinius' "avaritia" and "libido" that they betrayed him. Gabinius is even accused of turning his house into a brothel (Red.Sen.10 and 13) and employing slaves as "praefectis libidinum suarum: hi voluptates omnes vestigant atque odorantur: hi sunt conditores instructoresque convivii: iidem expendunt atque aestimant voluptates sententiamque dicunt et iudicant quantum cuique libidini tribuendum esse videatur" (Red.Sen.15). Again both are found guilty of attending or giving excessive feasts (Red.Sen.13 and 15) and Gabinius is accused of being a drunk (Red.Sen.13 and 16).

This lifestyle had allegedly left them both not just poor but also very heavily in debt (Red.Quir.13). Gabinius' luxurious lifestyle in particular left him so much in

[120] The idea that urban luxury created vice was a commonplace. The Stoic and Epicurean philosophers of the late Republic believed that unrestrained desires led to the corruption of an individual. See Fin.1.59 for the Epicurean belief that excessive desire was a disease of the mind and Fin.3.35. for the Stoic equivalent.

debt that he "in aram tribunatus confugisset" (Red.Sen.11) [121]. This profligate lifestyle led them to betray both Cicero and the Republic (Red.Sen.10 and 17). Finally Gabinius, due to his habits, "contempsit hanc prudentissimam civitatem, ut omnes suas libidines, omnia flagitia latere posse arbitraretur, si modo vultum importunum in forum detulisset" (Red.Sen.15).

Their physical appearance is also abused by Cicero. In Red.Sen.13 Piso is described as "incultum, horridum maestumque." In Red.Sen.12 Gabinius, we are told, was a "cincinnatus ganeo" and in the following chapter his hair is referred to again. Here Cicero describes Gabinius' appearance at the meeting at the Circus Flaminius: "madenti coma, composito capillo, gravibus oculis, fluentibus buccis" (Red.Sen.13). Gabinius' hair, perfume and drunkenness is mentioned once more a little later in Red.Sen.16.

This is how Cicero presents the two Consuls of 58 B.C. Due to the luxuries available to them in the city they become greedy. These excesses turn them into debauched individuals who do not know how to conduct themselves in private or public and who wandered around the Forum flaunting contempt for all. Cicero's exaggeration of course must be noted at this point [122]. His deep hatred of the two men is understandable: they were after all responsible (with Clodius) for the exile of the orator during their year of office [123]. What concerns us here however is the way in which Cicero chooses to describe these two "inimici". Cicero's descriptions

[121] See sub-section on Tribunate p.83.
[122] See sub-section on Consulship p.51.
[123] See ch. Amicitia p.19f.

of Piso and Gabinius contain noticeably many similarities with his treatment of three different individuals in his Pro Roscio speech.

Before discussing this speech we may note that Clodius is also connected with urban vice. In Red.Sen.33 we are told that the Tribune had enrolled slaves under the cover of "collegia" (also see Red.Quir.13, and p.12). Thus the audience are informed that Clodius' (and Catiline's) supporters were not free born. This idea of rousing up slaves in support of a cause was a predominantly urban phenomenon [124] and Catiline is accused of the same thing [125].

In his defence of Roscius, Cicero attempts to attack those behind the accusation by detailing their vices, - vices which, according to Cicero, were a direct result of urban living. The individuals involved are T. Roscius Magnus, T. Roscius Capito and L. Cornelius Chrysogonus [126]. To begin with, in Pro Roscio 75 Cicero makes this general observation: "In urbe luxuries creatur, ex luxuria existat avaritia necesse est, ex avaritia erumpat audacia, inde omnia scelera ac maleficia gignuntur." We can already therefore detect a common theme running through this speech and the post reditum orations.

What in particular does Cicero say about each of the three named above? Like Gabinius and Piso (Red.Sen.13,14 and 15), Chrysogonus held lavish banquets served by an excessively high number of slaves (Pro Rosc.134). Like Gabinius

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[124] Plut.Paull.38.4. Also see N. Purcell, The City of Rome and the Plebs Urbana in the Late Republic, CAH9 (2nd.ed.), pp.644-688.
[125] Cat.1.27.13.
[126] See Vasaly, op.cit. pp.156f.

(Red.Sen.15), Chrysogonus struts around the Forum in contempt of all (Pro Rosc.135) and again like Gabinius (Red.Sen.13 and 16), Chrysogonus had hair that was carefully arranged and smelling of perfume (Pro Rosc.135). Thus Chrysogonus is branded with the vice of "luxuria". Capito and Magnus, on the other hand, are attributed the vices of "avaritia" and "audacia". These two are accused of being greedy several times by the orator (Pro Roscio 86,87,88,101,118) and again a parallel can be found in Cicero's treatment of Piso and Gabinius (Red.Quir.13). This greed led Capito and Magnus to become both depraved and treacherous (Pro Roscio 118) as indeed it did Piso and Gabinius (Red.Sen.10,11,13 and 17).

Thus Rome is employed as the setting for the many urban vices discussed here. While Cicero does not, in the post reditum speeches, directly blame the city for the debauchery he attributes Piso and Gabinius, it is nevertheless implied in the categories of vice he employs. This implication is supported by the very close connection these two speeches have with the Pro Roscio. Vasaly adds to her discussion on this topic that in other Ciceronian speeches his "urban scoundrels operate on a variety of levels of wealth and power, although they all share a lower-class morality" [127]. She continues to break down the various types of scoundrel and we find that Piso and Gabinius fit into two of these quite well. Piso falls into what Vasaly calls the "intermediate level", those men of intelligence, cunning and even some education but not "boni viri" as their behaviour suggests. Amongst Cicero's abusive comments concerning Piso he employs the word

[127] See Vasaly, op.cit. pp.166, n.17.

"versutus" to describe Piso's "affectation of austerity" (Red.Sen.13) and in the next two chapters he sneers at Piso's so-called Epicurean philosophy as mere brutish indulgence in low pleasures (Red.Sen.14). Gabinius matches Vasaly's final category of rogue, that is, "the sophisticated young men of good family and bad morals." According to Vasaly these men wore long togas and had perfumed hair and "are identified by Cicero as dangerous traitors residing within the body politic." Gabinius, as we have seen, is described in this way.

We have so far seen how Cicero presents city and country life as two direct contrasts. Rome is indirectly blamed for the corruption of Piso and Gabinius and Italy represents an ideal of quiet, rural life. Whilst the references already discussed in relation to this second main theme do make up the majority of Cicero's allusions to Rome and Italy, the orator is however not consistent throughout the two speeches. Cicero makes a few negative points concerning Italy and also, of course, praises Rome. I will begin with the country.

Cicero continues his attack on Piso by connecting him with the Capua of old [128]. In Red.Sen.17 Cicero asks Piso "Capuaene te putabas, in qua urbe domicilium quondam superbiae fuit, consulem esse, sicut eras eo tempore...?" What did Cicero hope to achieve by making this connection between Piso and Capua? Capua was an Italian town situated roughly one hundred miles south of Rome in Campania. It was seen by the Romans as a treacherous colony that had

[128] See Vasaly, op.cit. pp.217f.

betrayed its alliance with Rome by opening its gates to Hannibal in 216 B.C. [129]. The Capuans had surrendered to Hannibal and thus opened the way for his march to Rome. More recently in 63 B.C. Cicero had sent Q. Pompeius Rufus and Sestius, with a military force, to Capua. The city had become a high risk spot because of its gladiatorial games and because Rome had recently sent gladiators there [130]. The revolt of Spartacus had also started there.

The reputation this earned the Capuans is detailed in Cicero's De lege agraria. In this work, delivered in 63 B.C., Cicero argued against a bill proposed by the Tribune P. Servilius Rullus to set up a land commission [131]. In chapters 77-84 Cicero refers to the treacherous and violent men destined to settle the new Capua and in chapters 85-97 Capua is depicted as the focal point of opposition to the State. We are informed that the new colonists will resemble the Capuans of old who betrayed Rome. Arrogance and inertia were integral parts of the common view held in Rome of Capuans. This view had lasted for generations. It was also the natural productivity of the Campanian land, the sophistication of Capua and the supposed riches of the area that led to the opinion that Campanians were corrupted [132].

So by connecting Piso with Capua Cicero could hope to exploit prejudice already quite likely present in the minds of many of his senatorial audience against the town's inhabitants in order to enhance the odium felt for Piso. It is interesting,

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[129] For the surrender of Capua see Livy 7.31; 23.2.4;23.7.2. For the recapture of Capua in 211 B.C. see 26.1.1,3.10f.
[130] Sall.Cat.30.7; Sest.9.
[131] Leg.Agr.1,2,3, passim; Att.2.1.3; Sull.65; Pis.4.
[132] Leg.Agr.92, 95-97. J. D'Arms, Romans on the bay of Naples, pp.16.

but again not at all surprising, that it is only in the Senatorial speech that Cicero mentions Capua. This once more suggests to us that the orator's popular audience consisted of Italians, many of them possibly Campanians, who would not have appreciated Cicero's rather disagreeable comments concerning their homeland. Both Piso and Pompey were Duovirs of Capua in 58 B.C., however Cicero's reluctance actually to name the colony in connection with Piso is clear in Red.Sen.29 [133]. It is evident from these two references that Cicero wished to connect Piso with the old Capua and Pompey with the new colony [134]. The new Capua had voted in favour of Cicero's recall [135].

We have already discovered that Cicero represents Italy as being unaffected by events in Rome. Indeed for the large part this was the case. However Cicero contradicts this theme just twice when he tells his Senatorial audience that Gabinius had removed his goods from his villa in Tusculum (Red.Sen.18) and that the "municipia" were in fear of "vastitas" in 58 B.C. (Red.Sen.33). The former reference is of personal consequence to Cicero, the latter an exaggeration [136]. It is important to note when considering these two references that Cicero needed to excuse his premature flight into exile early in 58 B.C. [137]. By claiming that the troubles in Rome had become so serious that they had even spread into Italy, Cicero was able (in part) to satisfy that need. Again the absence of a similar comment in the popular oration suggests to us that Cicero audience were Italians who would have found the orator's remark in Red.Sen.33 less easy to believe.

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[133] For evidence of Piso as Duovir in Capua see Sest.19.
[134] For the difference see In Pis.25.
[135] Also see Mil.39.
[136] Gabinius owned a villa close to Cicero's, which he later rebuilt. Dom.124; Sest.93.
[137] See above.

Cicero, of course, praises Rome in these two speeches. His praise however, apart from his comments at the beginning of the popular speech (Red.Quir.4), is surprisingly indirect. In Red.Quir.4 Cicero talks of the love and joy the city inspired and refers to its "pulchritudo urbis". Cicero also naturally expresses his happiness and gratitude at being reunited with his "patria" (Red.Sen.1,27,28; Red.Quir.10). The city is also indirectly praised for producing glorious men like Pompey ("virtute, gloria, rebus gestis Cn. Pompeius, omnium saeculorum, omnis memoriae facile princeps." Red.Sen.5) and Marius ("custode civitatis atque imperii vestri." Red.Quir.9). Rome was also responsible for illustrious men like P. Servilius ("gravissimus vir et ornatissimus civis." Red.Quir.17) and L. Gellius ("clarissimus vir" Red.Quir.17). It also produced excellent men like Lentulus ("singulari virtute et praestantissima." Red.Sen.5) and Metellus ("nobilissimus homine atque optimus vir." Red.Sen.5).

Cicero's praise of the city is evident throughout both these speeches. It is however not as obvious or as frequent as the orator's compliments concerning Italy. Indeed we may conclude on this second major theme that Cicero's desire to condemn those he felt were responsible for his exile, dictates his treatment of Rome and Italy. Cicero's patriotism cannot be doubted; we have already noted his unquestionable loyalty to the city [138]. His argument in these two speeches nevertheless is centred around the turmoil in Rome in 58 B.C. and his condemnation of Clodius, Piso and Gabinius.

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[138] See above.

3. THE ROMAN EMPIRE

It now remains for us to discuss the final theme, that is, the Roman perception of the world. How did the Romans of Cicero's day perceive themselves within the world and Empire? In Red.Sen.2 Cicero tells us that he owes grateful affection to the Roman people: "carissimos habere debemus" to the Roman people "cuius honoribus in amplissimo consilio et in altissimo gradu dignitatis atque in hac omnium terrarum arce collocati sumus." Thus the Senate of Rome is depicted as being at the centre of the whole world. We find on further investigation that this idea is frequently employed in Ciceronian oratory. It is a well known fact that Romans saw themselves as living in the centre of the world. Admittedly Italy did occupy the centre of the Mediterranean and Rome stood in the middle of Italy but "it was political perception rather than climate or geography that most powerfully reinforced the idea of Roman centrality" [139]. Vasaly continues to say that due to Pompey's campaigns in the East and Caesar's success later in the West, the Romans believed that the "whole world" had succumbed to them "and that this domination had been divinely ordained" [140].

The Empire is mentioned twice by Cicero in the popular oration. In Red.Quir.9 Marius is described as "custos civitatis atque imperii vestri" and in Red.Quir.21 we are informed that Piso and Gabinius bartered away, amongst other things, "dignitatem eius imperii" in their pact for provinces [141]. The imbalance between

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[139] Vasaly, op.cit. pp.134.

[140] For Pompey's campaigns see Sest.67; Balb.16; Imp. Pomp. passim. For Caesar's contribution see Prov.cons.32-35; Balb.64. For the idea of world empire in Ciceronian oratory see Imp.Pomp.53; Mur.22; Cat.3.26, 4.11; Sull.33; Leg.agr.1.18; Mil.90; Phil.6.19.

[141] See sub-section on Tribunate p.70, 74.

the two speeches must be noted. Cicero employs the word "empire" in order to compliment his fellow townsman Marius by hinting at his military achievements and also in order to condemn his enemies as much as possible. It is clear that the orator believed that this tactic could be more usefully employed in the popular speech where his audience would appreciate its importance.

Romans not only believed that they lived in the centre of the world but also that they lived above an underworld. In Red.Sen.25 Cicero tells us that P. Servilius "auctoritatis et orationis suae divina quadam gravitate ad sui generis communisque sanguinis facta virtutesque revocavit, ut haberet in consilio et fratrem ab inferis, socium rerum mearum, et omnes Metellos, praestantissimos cives, paene ex Acheronte excitatos" [142]. Acheron was a river of Thesprotia in southern Epirus which disappeared underground at several points. It was therefore reputed to lead to Hades [143].

So the Romans believed that they were superior to other nations. What were their attitudes towards foreigners and how does Cicero exploit their prejudices? We have already noted how Cicero describes Marius' retreat to Africa in 88 B.C. in Red.Quir.20 [144]. The journey was apparently made "cum parva navicula" and when the hero arrived there he "quibus regna ipse dederat, ad eos inops supplexque" [145]. We have also already seen how Cicero is keen to link himself

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[142] The brother referred to here is Q. Metellus Celer, Praetor in 63 B.C. and Consul of 60 B.C. See Broughton, Magistrates of the Roman Republic vol.2, pp.166 and pp.182f respectively.
[143] Herod.5.92.7; Virg. A.7.312; Hor.C.1.3.36.
[144] See above p.20.
[145] Cf.Sest.50. "Regna" refers to Marius' settlement of affairs in Numidia after the Jugurthine War in 105.

with Marius and his military achievements in the popular speech. Cicero's reference to Africa in Red.Quir.20 illustrates this eagerness. This reference in Red.Quir.20 to the kingdoms of Africa illustrates Marius' reversal of fortune; once he had been in a position to bestow them, now he approached them as a suppliant. Cicero wants to emphasise the fact that Marius had been great once (as had he).

Having just mentioned their Arpinum link in the previous chapter Cicero not only wished to remind his audience of the General's past achievements in the Jugurthine War [146] but he also wanted to impress them by linking Marius with Africa itself. As Balsdon tells us, if a Roman looked around the world he saw "humanitas" in Greece and Rome and all other Romanised places. "These were the children of light; everywhere else was shrouded in the darkness of barbarism" [147]. Africa, although a Roman province, was remote enough still to be regarded as was one of these barbarous and consequently mysterious places [148]. Cicero therefore hoped to enhance Marius' achievements playing upon the natural Roman curiosity about strange and foreign lands. Likewise, Cicero may well have had a similar motive when he mentions the remote Roman provinces of Pontus and Bithynia (Red.Sen.38) in connection with one of Cicero's most active campaigners, the orator's son-in-law C. Calpurnius Piso Frugi. Piso was Quaestor in 58 B.C. but gave up his magistracy in order to aid Cicero's recall. He however died in the following year [149]. Cicero also of course wished to publicise the fact that his son-in-law had sacrificed all advantages out of family duty to help Cicero.

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[146] Sall.Jug.passim.
[147] J.P.V.D. Balsdon, Romans and Aliens,(1979), pp.63-64.
[148] Fam.9.7.2.
[149] Broughton, Magistrates of the Roman Republic vol.2, pp.197.

This particular technique however could work the other way. Whilst the Romans were curious about the Empire they were also prejudiced against her inhabitants. It is yet again Calpurnius Piso who is the victim of this kind of attack. In Red.Sen.14 he is referred to as a "Cappadocem modo abreptum de grege venalium" [150]. The Cappadocians, according to Balsdon, were the "commonest target of abuse", apart from making good litter-bearers [151] they could barely speak correct Greek and "were as a rule both stupid and dumb" [152]. Again Cicero plays on the prejudices of his audience in order to attack Piso in yet another way.

This is not all. Piso's Gallic lineage is also referred to. "Is nequaquam me quidem cognoram enim propter Pisonum adfinitatem quam longe hunc ab hoc genere cognatio materna Transalpini sanguinis abstulisset" (Red.Sen.15). In Red.Sen.13 Cicero had called Piso "Caesoninus Calventius". This was Piso's maternal grandfather's name who was a Cisalpine Gaul. Shackleton Bailey calls this remark a "facetious insult" [153]. Indeed this comment seems particularly shocking when we consider that many senators would have had connections with Cisalpine Gaul [154]. What was Cicero hoping to achieve by all this? Cicero was playing on the social snobbery against the Gauls. In addition, the Gauls were the traditional enemies of Rome. In Pro Fonteio they are described as "inimicissimis atque immanissimis" (41) and a little later "inimicissimis populo Romano nationibus et crudelissimis" (43). Indeed Caesar was currently campaigning in

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[150] For evidence of Cappadocian slaves see, Mart.Epigr.10.76; Hor.Epist.1.6.39. We may also note that it was just as damning for Cicero to call Piso a slave as it was a Cappadocian. See R.G.M. Nisbet, In Pisonem Oratio, (1961) pp.194.

[151] Mart.Epigr.6.77; Petron.Sat.63.5.

[152] J.P.V.D. Balsdon, Romans and Aliens, pp.66-67. See Lucan, The Mistaken Critic, 14.

[153] Shackleton Bailey, Cicero Back from Exile, six speeches upon his return, pp.11.

[154] Wiseman, New Men in the Roman Senate 139 B.C.-14 A.D., pp.188f.

Gaul [155] and in 63 B.C. P. Cornelius Lentulus Sura, as Praetor and Catilinarian, attempted to incite the Gauls to revolt against Rome [156]. In this speech the Gauls are presented as a "savage, cruel and angry lot who believe they can intimidate the Roman judicial system with their fierce threats" [157]. Cicero's description of Piso in the two post reditum speeches reveals some parallels with this account. Piso was also an enemy of Rome who (along with Gabinius) "nomen ipsum consulatus, splendorem illius honoris, magnitudinem tanti imperii nec intueri nec sustinere nec capere potuerunt" (Red.Sen.10). By linking Piso with Gaul Cicero intended to add to his claim that Piso was not just his enemy but also an enemy of the State.

Finally Piso is also linked with the Greeks. "Cum vero etiam litteris studere incipit et belua immanis cum Graeculis philosophari, tum est Epicureus" (Red.Sen.14). Cicero's use of the term "Graeculus" here, as opposed to "Graeci" (the usual term for the Greeks), is contemptuous. The term meant a "little Greek" or "Greekling", and was commonly used to describe the Greek hangers-on in Roman society [158]. Whilst the Romans, including Cicero himself, had great admiration for the Greeks of the past and their many talents [159], there was much contempt held at Rome for the degenerate Greek of the day: "Verbi enim controversia iamdiu torquet Graeculos homines, contentionis cupidiores quam veritatis" [160]. Later in De Oratore 1.102, L. Licinius Crassus asks P. Sulpicius

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[155] Caes.BG 2; 3.1-7; Livy Per.104; Val.Max.3.2.17; Plut.Caes.20.
[156] Cat.3.4.8-16.
[157] Vasaly, op.cit. pp.196.
[158] See Sest.110, 126.
[159] See for example, Pro Flacco 9.
[160] De Or.1.47, Cf.221; Juv.3.78.

Rufus "quid? mihi nunc vos...tanquam alicui Graeculo otioso..?" [161]. Thus we can see why Cicero is keen to link Piso with this social group.

All Cicero's derogatory remarks concerning Piso's ancestry and company come in the Senatorial speech. None of the personal slurs included in this speech are repeated in the popular oration. I believe there are two reasons for this distinct imbalance between the speeches. Firstly, it is in the Senatorial speech rather than the other oration where Cicero attacks the two Consuls of 58 B.C. Piso and Gabinius are only implied once in the latter oration (Red.Quir.11), whereas Cicero's invective against them in the former speech constitutes a large part of the narrative. The reason for this is that Cicero's need to regain his "dignitas" and blame those directly responsible for his exile was greater in the Senate. Secondly, whilst Cicero's popular audience would certainly have been Roman citizens, they were also Italians. Cicero's aspersions linking Piso with Cappadocia, Gaul and Greece might have not received such a warm welcome from his rural audience. It is interesting to note that whilst Cicero attempts to praise Marius in the Red.Quir. speech by mentioning foreign lands in connection with his military achievements he also attacks Piso in the Senatorial speech by linking him with places that naturally invoked prejudices against their inhabitants.

Having examined and discussed every reference to places in Cicero's two post reditum speeches we have now settled one of the questions raised in the introduction. Cicero's popular audience most definitely consisted of Italians. Also

[161] Crassus, Consul of 95 B.C. and Sulpicius Tribune in 88 B.C.

we can see that Cicero's various needs in these two speeches dictate what he has to say. The orator's need to explain away his premature retreat into exile and the exile itself is evident in Cicero's treatment of place. Also his need to extenuate his delayed recall and the inactivity on the part of many Senators affects his treatment of individual places. We may add to this list of needs Cicero's desire to condemn Clodius, Piso and Gabinius and at the same time to regain his "dignitas". These speeches were first and foremost speeches of thanks and Cicero's need to express his gratitude to the many individuals who aided his restoration also greatly influences his treatment of places in Rome, Italy and the Empire. It is only on close examination of these places, their history and connotations, that we may fully understand and interpret Cicero's dealing of places.

CONCLUSION

This investigation has attempted to show that Cicero's two post reditum speeches may be divided into two overall themes: the breakdown of the state in 58 B.C. and the restoration of order in the following year. These themes arise directly from Cicero's various needs and aims at the time he delivered the two speeches. It has been established that Cicero's needs are essentially to thank his friends, to attack his enemies, to justify his actions in the past and the activities of others and to restore his "dignitas". It is now possible to examine each of these separate aspects and to summarise how the orator attempts to fulfil them.

Cicero's need, or duty, to thank those responsible for his recall is of course the reason for these two orations. His praise of and gratitude to his supporters is central throughout. Cicero individually thanks all those who had been favourable towards him over the past eighteen months and his gratitude towards his chief supporters is displayed in the form of abundant praise. The orator commends in particular Lentulus, Metellus, Sestius and Milo. Cicero boldly claims that Lentulus saved the res publica (Red.Sen.8) and Metellus' change of attitude towards Cicero is presented not as a reluctant decision due to pressure but as an act of patriotism. Again Milo and Sestius are described as heroes for fighting for the right cause (Red.Sen.7,19,20 and 30; Red.Quir.14 and 15). This is reflected in Cicero's readiness to praise Sestius' bravery when he was attacked in the Temple of Castor

and Pollux (Red.Sen.7,20 and 30; Red.Quir.14). The virtues of all four men are extolled by Cicero; the orator intends this to be directly contrasted with the vices of his enemies.

Secondly, Cicero aims to attack those he blames for his exile. He does this in the form of fierce invective against his chief enemies and general references to his collective "inimici". Cicero employs various prejudices in his attack on Clodius. To begin with, he is described as a "hostis" of the state (Red.Quir.10), an enemy within the city walls. Clodius is also accused of bringing to a halt all normal proceedings including meetings of the senate and people and all legal procedure.

Cicero uses the same technique with regard to Piso and Gabinius. These two men are charged with as many personal vices as Cicero is able to mention (Red.Sen.10-15 and 17f). Thus the orator seeks to evoke disapproval from his audience(s). As Consuls they are accused of deserting and betraying the state; their conduct is described as treacherous to the Republic (Red.Sen.10,16 and 32; Red.Quir.13). Cicero employs the Roman prejudice against foreigners by publicising the non-Roman lineage of Piso (Red.Sen.13 and 15). He also attacks Piso by claiming that he had ignored previous ties of friendship when he had been offered provinces by Clodius (Red.Sen.17). More generally, Cicero refers to his collective enemies as treacherous friends who were led to betray the orator and therefore the Republic either from fear of Clodius and his gangs (Red.Sen.23 and 33; Red.Quir.13) from jealousy of Cicero (Red.Quir.13 and 21). Neither of these

are particularly flattering excuses. Cicero hoped his audience(s) would agree that he had been let down without good reason.

Cicero's third main need is to justify. This is divided into three separate needs. Cicero was chiefly concerned with justifying his conduct as Consul, his premature retreat from Rome, his exile itself, his lack of support in 58 B.C. and his delayed recall. The orator chooses to link the first two together in order to defend his actions. He alleges that the same armies had come back to Rome to fight for Clodius in 58 B.C. as those employed by Catiline a few years earlier (Red.Sen.12; Red.Quir.13). Cicero asserts that he saved the state on both occasions by not resorting to arms (Red.Sen.32 and 34; Red.Quir.13). He depicts his decision in 63 B.C. and his retreat from Rome as sacrifices made by him in order to maintain peace in the city. In addition Cicero makes a brief but effective reference to the possible external military threat which he claims Caesar was using (Red.Sen.32). This enhances his claim that he had sacrificed himself for the state by leaving Rome peacefully in March 58 B.C. Thus Cicero sees himself as a protector of Rome.

Cicero was keen to attack the bill exiling him. He went about this by referring to it not as a law but as a proscription (Red.Sen.4 and 8). Therefore he brought to his hearers' attention the question surrounding the legality of Clodius' law. He also attacks the bill by stating that its author and his supporters were enemies of the res publica (Red.Sen.6 and 17; Red.Quir.10,13 and 21). He thus implies that his exile was a crime against the state. By claiming that his exile was brought

about at a time when gladiators were proposing laws and gangs were voting on them (Red.Sen.18) and when the fear of violence was affecting the normal procedures of decision making, Cicero could explain away how he became an exile. As he says, his "death" marked the "death" of the commonwealth (Red.Sen.18).

Much of this ties in with Cicero's need to play down the lack of support for his cause in 58 B.C. He achieves this also by drawing attention to the threat of violence during the year and thus implies that his supporters were hindered from taking action due to fear for their lives. A similar point is made in connection with the Senate. In Red.Quir.11 Cicero says that the two Consuls of 58 B.C. were under pressure to take action but were unable to do so due to their involvement in the province pact. This idea is repeated in Red.Sen.16 where the orator states that the Senate and Roman people were not allowed to show him any support because it was forbidden by the Consuls. If this is added to a reminder of one of the main themes in the two speeches, that is, that the res publica no longer existed during Cicero's exile, the orator's line of argument becomes clear. The support was there but was unable to show itself.

Finally, Cicero needed to explain why it took so long to recall him when his support seemed overwhelming in 57 B.C. Again Cicero puts this down to the threat of violence and the lack of order in Rome during his exile. This is reflected in Cicero's claims that his recall brought about the restoration of the res publica and that he and the Republic were brought back to life in August 57 B.C.

Specifically Cicero blames one of the Tribunes of 57 B.C., Serranus, for holding up procedures in the Senate (Red.Quir.12).

The orator's fourth and last main aim in these speeches was to his restore his "dignitas". He attempted to do this by advertising the support he had for his cause and by linking his cause with that of the res publica. Cicero was very keen to publicise the extent of his support. He talks of the whole senate being united in his cause in Red.Sen.5 and 16 and Red.Quir.1 and 12. It was not just in the senate that consensus was achieved. Italy is also depicted as coming together and uniting in Cicero's cause (Red.Sen.24, 26, 28 and 39; Red.Quir.10 and 16). Cicero is also keen to bring attention to the consensus of the Italians and Roman people in the vote to recall him. In Red.Sen.28 he boasts of the "throng" of people who turned out to vote. Finally, Cicero attempts to restore his "dignitas" by bringing the attention of his audience(s) to the fact that he was recalled by the comitia centuriata. The orator was able to boast that his recall was so important that the vote had to be carried out in the "comitia centuriata" (Red.Sen.28; Red.Quir.17). Thus Cicero felt that he could heighten his prestige in this way.

This is how Cicero fulfils his aims in his two post reditum speeches. The orator is very thorough which implies that the needs detailed above were desperate. However, the strength of these needs varied between the two speeches. A general comparison of the two works in this respect is therefore necessary.

When there is a noticeable imbalance between the two speeches, it is usually the case that the Senatorial speech contains more references than the popular oration. This is certainly so when looking at all the references connected with Cicero's need to excuse his exile and delayed recall. In the first instance, all the allusions to Consuls disobeying the Senate come in the senatorial speech. Every reference to assemblies not proceeding as they should is confined to the first speech. All Cicero's references to the Curia and Forum being empty and void come in the speech to the Senate and Cicero spends far more time in the former oration detailing the violence in Rome during his exile than he does in the speech to the citizens.

This all points to the conclusion that Cicero's need to excuse his exile and delayed recall. was greater in the senatorial speech. It also reflects Cicero's other need to play down the lack of support amongst the senators for his cause in 58 B.C. He knew he had to find a way to excuse their inactivity and this is how he chose to do it. It naturally follows therefore that he would spend more time in the first speech on this theme. It also implies that his popular audience were not those directly affected by the running of politics in Rome or the increase in violence. This is discussed below.

The imbalance concerning the attack on Sestius may also be explained in this way. It was useful for Cicero to have a specific example of violence in order to enhance his claim that all order had been lost in Rome during his exile and in turn

to fulfil his need to remove the blame for his exile from inactive senators. Sestius was an example of what could happen if anyone dared to confront Clodius.

Cicero spends much more time in the first speech thanking his allies and attacking his enemies. There are various reasons for this. The most obvious one is that all those concerned, with the exception of Piso and Gabinius whose provincial commands have been well publicised by Cicero, would have been present to hear the speech delivered in the Senate. Cicero's emphasis on his invective against his chief enemies in the Senatorial speech can best be explained by the presence of some of them and his need to advertise their wrongful acts within earshot of some of their allies. The orator is keen to bring to his audience's attention the province pact and the legal controversy surrounding the bill exiling him by name.

Cicero hints at the make-up of his popular audience by choosing to emphasise certain subjects in one speech and not in the other. With regard to this imbalance, I have concluded that Cicero's popular audience was chiefly made up of upper class Italians. For example, Cicero mentions the alleged bribe that Serranus took in order to hinder proceedings in the Senate in his favour much more fully in the popular oration (Red.Quir.12). This was designed to shock. Also, Cicero chooses not to mention the attack made on the Tribune Sestius in the popular oration. This seems odd but again it can best be explained on the assumption that Cicero's audience may not have been particularly interested in or affected by events in Rome, and therefore were not those living in the city. This also explains why

Cicero does not emphasise the violence in Rome, and does not employ the idea that the city centre was empty and void.

Cicero spends much more time praising Italy in the popular speech (Red.Quir.4) than he does in the other oration: this also hints strongly at a predominantly Italian gathering. Cicero also only directly attests consensus throughout Italy in the popular oration. Finally, Cicero confines his slurs against Capua and places in the empire to the senatorial speech. Therefore it is clear that Cicero did not wish to offend any of his popular audience in his attack on Piso.

Throughout this thesis much of the imbalance between the two speeches has been explained by Cicero's greater need to excuse his exile and delayed recall in the Senatorial speech. This therefore again implies that Cicero's popular audience were predominantly Italian and needed less convincing as they had been and would remain faithful to Cicero. This is why Cicero is chiefly concerned in the popular oration with thanking his audience and boasting of their support in order to gain glory. The fact that Cicero's need was greater in the Senate in turn tells us that Cicero did not feel confident with regard to his status within the governing class and also that he regarded the recovery of his authority in the Senate as paramount. Clodius and his followers were still present in the city. and although scotched by Cicero's recall, were still an important element in the political and social affairs of the time. This explains Cicero's emphasis in the Senatorial oration on excusing his fellow Senators, either by publicising the increase of violence in the or by implying that they themselves were virtually held hostage by Clodius,

Piso and Gabinius. Cicero needed the approval of his peers in the Senate and this is how he sought it.

Therefore influence within the Senate was essential in order for Cicero to continue effectively in public life; this was his firm intention. Cicero makes the same claim when he writes to Atticus and says that he had recovered what he thought would be the most difficult, namely, " my public prestige, my standing in the Senate, and my influence among the honest men"(Ad Att.4.1.). The importance of these three elements is well illusrated by Cicero's two post reditum speeches.

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Quotations in English from Red. Sen. and Red. Quir. are normally from Shackleton-Bailey's translation (sometimes slightly modified). For all other quotations in both English and Latin I have used the text of the Loeb Classical Library.