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CICERO, RHETORIC,
AND EMPIRE

C. E. W. Steel

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ABBREVIATIONS

Abbreviations of journal titles follow *L'Année Philologique*.
Other abbreviations used are:

- BEFAR* *Bibliothèque des écoles françaises d'Athènes et de Rome*
- CAH* *Cambridge Ancient History* (Cambridge: Cambridge University Press, 1924-)
- ILLRP* *Inscriptiones Latinae Liberae Rei Publicae* (Florence: La Nuova Italia, 1957-63)
- ILS* *Inscriptiones Latinae Selectae* (Berlin: Weidmann, 1892-1906)
- LIMC* *Lexicon iconographicum mythologiae classicae* (Zurich: Artemis, 1981-97)
- MRR* T. S. R. Broughton, *The Magistrates of the Roman Republic* (New York: American Philological Association, 1951-86; 3 vols.)
- OLD* *Oxford Latin Dictionary* (Oxford: Oxford University Press, 1968-92)
- ORF* *Oratorum Romanorum fragmenta liberae rei publicae*, 3rd edn. (Turin: G. B. Paravia, 1967-79)
- SIG* *Sylloge Inscriptionum Graecarum*, 3rd edn. (Leipzig: S. Hirzel, 1915-24)
- SVF* *Stoicorum veterum fragmenta* (Leipzig: Teubner, 1903-24)
- TLL* *Thesaurus Linguae Latinae* (Leipzig/Stuttgart/Munich: Teubner/K. G. Saur, 1900-)

Quotations of Cicero are taken from the Oxford Classical Text and are cited by small paragraph number.

Introduction

At the time I thought that people in Rome did nothing except talk about my quaestorship. I had dispatched a large quantity of corn at a time of great shortages; I'd been friendly to the businessmen, fair to the traders, generous to the tax-farmers, not predatory in relation to our allies, and had appeared to everyone extremely careful in fulfilling all obligations; various novel honours had been devised for me by the Sicilians. And so I'd left the province in the hope that the Roman people would, unasked, give me everything I desired. But, on coming to Puteoli, in order to continue my journey to land, which as it happened I did just when it was full of fashionable people, I almost collapsed, gentlemen of the jury, when someone asked me what day I'd left Rome and what the news there was. I told him I'd come from my province: he said, 'Of course, yes, Africa I believe.' And I, now getting angry, said disdainfully, 'No, Sicily', someone else, acting as though well informed, added, 'Didn't you know that our friend here was quaestor at Syracuse?' Well, what more can I say? I stopped being angry and pretended I was there to take the waters. But I rather think, gentlemen of the jury, that the episode did me much more good than if everyone had congratulated me. After I'd realized that the Roman people were a bit deaf, but had very sharp and keen eyesight, I stopped worrying about what men would hear concerning me and made sure that they would see me every day: I lived in the public eye, I frequented the Forum, I didn't allow either sleep or my doorkeeper to keep anyone from my presence . . . and so whatever reputation I might have has been won in Rome and acquired in the Forum, and public events too have justified my private plans, with the result that the vital interests of the state needed me as their agent in Rome, and the city needed me to save it by action in the city.¹

¹ *pro Plancio* 64–6: sic tum enim existimabam, nihil homines aliud Romae nisi de quaestura mea loqui. frumenti in summa caritate maximum numerum miseram; negotiatoribus comis, mercatoribus iustus, mancipibus liberalis, sociis abstinens, omnibus eram uisus in omni officio diligentissimus; excogitati quidam erant a Siculis honores in me inauditi. itaque hac spe decedebam ut mihi populum Romanum ultro omnia delaturum putarem. at ego cum casu diebus eis itineris faciendi causa decedens e

CICERO uses this self-deprecating anecdote about his quaestorship at Lilybaeum to illustrate his argument that his client Plancius could and did defeat his more impressive rival Laterensis in the contest for the aedileship without resorting to bribery: Laterensis may have done splendid things in Cyrene, but it is actions at Rome that really count with the electorate. But the story is also a suggestive approach to the connections between Cicero and Rome's empire. The patent falsehood of Cicero's analysis is striking: the Roman people might have no interest in the actions abroad of a quaestor, but they were certainly impressed by overseas conquests, and Cicero's problem at Puteoli was not the location of his public activity but his lack of seniority. Even more significant is his justification of his own, urban, career. Cicero was highly unusual among Roman politicians in choosing not to spend time outside Italy: he chose not to take provincial commands after his praetorship and consulship, and apart from the time in Sicily and his earlier trip to Rhodes his absences were forced upon him: exile, the province of Cilicia, and the vain pursuit of Pompeius during the civil war. And this geographical concentration on the city of Rome is closely entwined with his activity as an orator: oratory is an urban phenomenon, and for Cicero Rome was the only urban context that counted. His surviving speeches were all delivered in the city of Rome, and absences from Rome meant silence in a public arena: it is in these periods, his year of exile in 58–57 and his time as a provincial

prouincia Puteolos forte uenissem, cum plurimi et lautissimi in eis locis solent esse, concidi paene, iudices, cum ex me quidam quaesisset quo die Roma exissem et num quidnam esset noui. cui cum respondissem me e prouincia decedere: 'etiam me hercule,' inquit, 'ut opinor, ex Africa.' huic ego iam stomachans fastidiose: 'immo ex Sicilia,' inquam. tum quidam, quasi qui omnia sciret: 'quid? tu nescis,' inquit, 'hunc quaestorem Syracusis fuisse?' quid multa? destiti stomachari et me unum ex eis feci qui ad aquas uenissent. sed ea res, iudices, haud scio an plus mihi profuerit quam si mihi tum essent omnes gratulati. nam postea quam sensi populi Romani auris hebetiores, oculos autem esse acris atque acutos, destiti quid de me audituri essent homines cogitare; feci ut postea cotidie praesentem me uiderent, habitau in oculis, pressi forum; neminem a congressu meo neque ianitor meus neque somnus absterruit . . . itaque si quam habeo laudem, quae quanta sit nescio, parta Romae est, quaesita in foro; meaque priuata consilia publici quoque casus comprobauerunt, ut etiam summa res publica mihi domi fuerit gerenda et urbs in urbe seruanda.

governor in 51–50, that Cicero the orator is replaced by Cicero the letter-writer. Moreover, a cursory survey of the corpus of speeches might seem to confirm the domestic bias in Cicero's political career; many of the forensic speeches deal with electoral malpractice of one sort or another, and violence in domestic politics, and among his deliberative speeches the Catinarians concern an internal threat to the state and the speeches on the agrarian law relate ultimately to the grievances of the urban *plebs*. Many of Cicero's biographers use his apparent preoccupation with home affairs to draw a distinction between a blinkered Cicero, fatally enmeshed in the minutiae of Roman politics, and the bold and clear-sighted adventurers, above all Pompeius and Caesar, who were redrawing the boundaries of the empire and destroying the Republic along the way.

And yet a large number of Cicero's speeches *do* deal directly with issues arising from Rome's possession of an empire. There are numerous occasions, throughout his career, in which he grapples with foreign, or imperial, affairs: when prosecuting or defending provincial governors accused of extortion, when speaking in cases concerning the claims to citizenship by men not born Roman, and when he contributes to debates before the people or in the Senate concerning the choice of commanders for particular military campaigns. The relevant speeches are the *Verrines*, the *pro Flacco*, *pro Fonteio*, and *pro Scauro* as speeches in *repetundae* trials; the two speeches from citizenship trials, the *pro Archia* and the *pro Balbo*; and the speeches *de imperio Cn. Pompei* and *de prouinciis consularibus*. This book addresses this oddly neglected group of works, which are the chief contemporary sources for the imperialism of the late Republic. Moreover, they offer the spectacle of a key figure in the political life of the late Roman republic grappling with the issues and problems which lie at the heart of the transformation of that political system into a monarchy; and, through the conundrum of a speaker on imperial issues who had extraordinarily little exposure on a practical level to the empire, or to the military activity which was its essential underpinning, these speeches also provide an opportunity to explore the means by which Cicero seeks to present himself as an authoritative speaker and, by extension, as an authoritative public figure.

The aim of this book is to examine Cicero's analyses of

imperial problems. I argue that he is operating, in the speeches, with a concept of empire which depends not on territory, but on the power wielded by individuals, and that this in turn means that the problems which arise in the running of empire can be presented as the result of personal failings rather than endemic to the structures of government: questions of morality rather than administration. Cicero's lack of experience in the field might, it could be suggested, point him in this direction; and it seems, too, to have been the mindset of most of his contemporaries, Pompeius being the most convincing exception. But a moralizing view of empire which concentrates on the failings of individuals is not simply, I contend, the result of incomprehension. Comparison with Cicero's letters and philosophical work suggests that the presentation of empire in the speeches is the result of a conscious simplification to enable Cicero to avoid having to make public choices about the exploitation of imperial resources which could alienate many of his supporters. The terms of his contribution to the imperial debate are formed by his weaknesses as a politician as much as by his strengths: and insofar as he was active in shaping the views of his contemporaries on imperial issues one can trace a paradoxical connection between Cicero's attempts to maintain his position as a politician who did not have direct access to the spoils of empire and the ultimate collapse of the republican system of government, which gave Cicero access to public life, under the attacks of war-lords fuelled by imperial conquest.

I. I. ROMAN IMPERIALISM AND THE FALL OF THE REPUBLIC

Roman imperialism is a subject of perennial scholarly interest. Much of the interest has been on the process of expansion, seeking to answer Polybius' opening question in his *Histories*, how it was that the Romans could have conquered almost the whole of the known world.² In particular, there has been

² See e.g. E. S. Gruen, *The Hellenistic World and the Coming of Rome* (Berkeley: Univ. of California Press, 1984); A. N. Sherwin-White, *Roman Foreign Policy in the East, 168 B.C. to A.D. 1* (London: Duckworth, 1984); J. S. Richardson, *Hispaniae: Spain and the Development of Roman Imperialism* (Cambridge: Cambridge Univ. Press, 1986); J.-L. Ferrary, *Philhellénisme et impérialisme* (Rome: BEFAR 271, 1988); R. M. Kallet-Marx, *Hegemony to*

vigorous debate about the Romans' motives in expansion, centring on the validity of the 'defensive imperialism' thesis as an explanation for their increasing involvement in the Greek world during the middle Republic.³ Other work has looked at the economic consequences of empire, and in particular at the opportunities which the empire afforded for the enrichment of individual Romans.⁴ When imperialism in the late, as opposed to the middle, Republic is considered, there is a broad scholarly consensus that the empire was one of the key factors in the collapse of the republican system of government: the administrative structures of a small city state were no longer capable of running an extensive and largely overseas empire, and the ad hoc solutions to this problem led to the phenomenon of the warlord.⁵ Struggles between rival warlords—Marius and Sulla, and then Pompeius and Caesar—led to civil war; Sulla attempted to restore oligarchic government, but Caesar did not, and even his assassination failed to halt the concentration of power in one man.

It is not only modern scholars who treat empire as a factor in the fall of the Republic. Already Polybius sees the expansion of Rome and the wealth to which the ruling classes now have access as sources of political instability and change.⁶ There is a strong tendency also among Roman writers to explain historical change by moral decline, which in turn is a result of foreign riches. Once the republican system of government has come to an end, Sallust and Livy both connect the change of

Empire: The Development of the Roman Imperium in the East from 148 to 62 B.C. (Berkeley: Univ. of California Press, 1995). Polybius states his question, more pungently than my paraphrase, at 1. 1. 5.

³ The 'defensive imperialism' thesis challenged by W. V. Harris, *War and Imperialism in Republican Rome* (Oxford: Oxford Univ. Press, 1979); cf. the discussions of J. A. North, 'The Development of Roman Imperialism', *JRS* 71 (1981), 1–9; J. W. Rich, 'Fear, Greed and Glory: The Causes of Roman War-Making in the Middle Republic', in J. W. Rich and G. Shipley (eds.), *War and Society in the Roman World* (London: Routledge, 1993).

⁴ E. Badian, *Publicans and Sinners* (Oxford: Blackwell, 1972); I. Shatzman, *Senatorial Wealth and Roman Politics* (Brussels: Latomus, 1975).

⁵ C. Meier, *Res publica amissa*, 2nd edn. (Frankfurt: Suhrkamp, 1980); P. A. Brunt, 'The Fall of the Roman Republic', in *The Fall of the Roman Republic and Related Essays* (Oxford: Oxford Univ. Press, 1988); contra E. S. Gruen, *The Last Generation of the Roman Republic* (Berkeley: Univ. of California Press, 1974).

⁶ 6. 57; 18. 35; 31. 25. 2–8; 39. 1. 10–12.

government to the results of degeneration due to empire.⁷ But although Cicero appeals to the virtues of an idealized past in his treatises, his *speeches* on empire show us a politician attempting to be persuasive when dealing with the issues without the benefit of hindsight. They are thus a valuable corrective to the mournful schematization of a Livy or a Sallust.

The inflation in the system of special commands was the crucial area where the possession of empire contributed to the end of the Republic, and two of Cicero's speeches, *de imperio Cn. Pompei* and *de prouinciis consularibus*, directly address issues arising from this development. In the former, delivered in 66, Cicero argues in support of a law giving Pompeius exceptionally wide-ranging powers, which in the event enabled him to bring large tracts of land under Roman control and establish a formidable personal power base, and in the latter, some ten years later, Cicero supports Caesar's desire to be allowed to retain the command which was giving him the opportunity to emulate in Gaul Pompeius' eastern successes.

The other speeches which I examine deal with issues, provincial misgovernment and access to citizenship, which are not on the surface so crucial to the transition from Republic to Empire, but which were matters for considerable concern and debate about the running of the empire at the time when Cicero spoke. The *repetundae* trials are ultimately concerned with the duties of the holder of *imperium*, and with the mechanisms by which the Roman state can control such individuals. This is precisely the same issue, albeit on a smaller scale and relating to more obscure people, as the one raised by the exceptional commands held by Pompeius and Caesar. How to control the behaviour of governors was a considerable problem: we know of a large number of convictions on extortion charges and it would be overly cynical to deny that the Senate was concerned about the behaviour of its members.⁸ Various attempts at legislation from 149 BC onward did not eliminate the problem, but it

⁷ See esp. Sallust, *Catiline* 10–13, *Jugurtha* 41–2; Livy, *Preface*; A. W. Lintott, 'Imperial Expansion and Moral Decline in the Roman Republic', *Historia*, 21 (1972), 626–38; B. Levick, 'Morals, Politics, and the Fall of the Roman Republic', *G&R* 29 (1982), 53–62.

⁸ On the development of *repetundae* legislation, see A. W. Lintott, 'The *Leges de Repetundis* and Associate Measures under the Republic', *ZRG* 98 (1981), 162–212.

is clear that the possibility of being prosecuted for corruption was a considerable anxiety even for governors who kept their hands clean. However, the autonomy of governors in the field meant that the only actual constraint on their behaviour was the threat of prosecution, and the legal system in Rome was sufficiently uncertain, and indeed corrupt, that it was if not an empty at least a far from compelling threat. Moreover, measures to control corruption were liable to subversion even when they were not ignored. A good example of this comes from the notorious case of Brutus' loan to the Salaminians: it was illegal to lend this money, and so Brutus covered himself by a special senatorial decree.⁹

Claims to the citizenship did not play any prominent part in the final round of civil war, but this had been, on most accounts, the grievance which had sparked the Social War, which in turn had contributed to the turbulence of the last fifty years of the Republic. The conclusion of the Social War had led to the extension of the franchise throughout Italy, but without any transformation in the structures of Roman government to accommodate a vast number of new citizens who were not resident in the city.¹⁰ The logical next step was the granting of citizenship to those domiciled outside Italy, and in ad hoc ways this was beginning to happen. A law was passed to enable Pompeius Magnus to grant citizenship in Spain, and both Crassus and Caesar attempted to raise the peoples beyond the Po from the Latin status they had acquired in 89 to full Roman citizenship.¹¹ Yet there was in fact no further enfranchisement of significant numbers after the resolution of the Social War until Caesar's dictatorship. The citizenship cases in which Cicero appeared were thus not simply anomalies, but nor were

⁹ See Sect. 5.1 below.

¹⁰ On citizenship in general, see A. N. Sherwin-White, *The Roman Citizenship*, 2nd edn. (Oxford: Oxford Univ. Press, 1973); on the enfranchisement of Italy in particular, H. Mouritsen, *Italian Unification* (London: *BICS* suppl. 70, 1998).

¹¹ Crassus attempted to enrol the Transpadanes as citizens while he was censor in 65: that is the deduction from Dio 37. 9. 3. (Dio says merely that the censors disagreed about the issue, to the extent that they both resigned their office, and does not say which censor was proposing it. It seems much more probable, however, that Crassus was in favour and Catulus resisted, than vice versa.) For Caesar and the Transpadanes, see Sect. 5.2.2 below.

they standard and frequently encountered situations: rather, they touched on a potentially explosive area which was none the less ignored in the political debates of the post-Sullan period.

These speeches offer, therefore, a way into key political debates of the late Republic. Who should command the Republic's armies, and what controls, if any, could be imposed on the commanders? What was the appropriate remuneration for a provincial governor, and how should the state intervene to balance the wishes of its representatives and the welfare of its subjects? What were the criteria for being a Roman citizen?

This last question—who is a Roman?—relates to an area which is currently receiving a great deal of scholarly attention, namely the effects of Roman conquest and empire upon the cultural and ethnic identities of both the Romans and their new subjects.¹² This material, however, tends to be concerned either with the Hellenization of Rome in the second century BC or with the Romanization of the empire during the 'Empire', that is the period of monarchic government after 27 BC. There is a curious gap in between, part of a wider historiographical phenomenon which makes events at *Rome* the key to understanding the late Republic, and indeed which concentrates on the transformation of republican government into monarchy to the exclusion of other historical developments of the last century BC. And insofar as attention is directed outside Rome, it is to the military activity which can be invoked as an important factor in this historical process. Cicero's tactics in his citizenship and *repetundae* speeches suggest considerable anxiety about the nature of Roman identity: important evidence for the wider debate on culture and empire which has not hitherto been fully exploited.

¹² E. S. Gruen, *Culture and National Identity in Republican Rome* (Ithaca: Cornell Univ. Press, 1992); S. E. Alcock, *Graecia Capta: The Landscapes of Roman Greece* (Cambridge: Cambridge Univ. Press, 1993); E. Gabba, *Aspetti culturali dell'imperialismo Romano* (Florence: Sansoni, 1993); S. Swain, *Hellenism and Empire: Language, Classicism, and Power in the Greek World, AD 50–250* (Oxford: Oxford Univ. Press, 1996); D. J. Mattingly (ed.), *Dialogues in Roman Imperialism* (*JRA* suppl. ser. 23, 1997); R. Laurence and J. Berry (eds.), *Cultural Identity in the Roman Empire* (London: Routledge, 1998); G. Woolf, *Becoming Roman* (Cambridge: Cambridge Univ. Press, 1998). For a non-classical perspective, cf. E. Said, *Culture and Imperialism* (London: Chatto and Windus, 1993).

I.2. APPROACHES TO CICERO

Cicero's speeches would, then, provide valuable material for the study of late republican imperialism. But I should stress that this book is not intended as a direct contribution to the debate on Roman imperialism, nor even, primarily, is it about the conceptualization of empire at the end of the Republic; the focus of my inquiry is about the practice of oratory: the strategies through which Cicero makes oratory a politically effective tool.

To study Cicero's speeches as 'politically effective tools' is a question-begging exercise, and leads straight to the problem of how best to contextualize oratory: to provide readings of speeches which take account both of their generic conventions and of their aims. Another, cruder, way of expressing this is to ask how one can provide readings of the speeches which are both historical and literary.

The dominant mode of literary criticism of Cicero's oratory is, perhaps unsurprisingly, rhetorical. The focus of this kind of work is, ultimately, on the question of how Cicero constructs effective arguments, and the approach is often to apply the rules of the genre, the rhetorical theory which Cicero had absorbed during his training, in order to understand his mature practice. So Craig explores Cicero's use of one particular form of rhetorical argument, *dilemma*; Berger, the construction of narratives within speeches; May, his manipulation of *ethos*; Cerutti and Loutsch, the dynamics of a particular part of a speech.¹³

A purely rhetorical approach can be very illuminating in relation to a specific part of a speech, but has quite severe limits if one is attempting to make sense of an entire speech. As Vasaly points out, the precepts of rhetorical theory are a framework, which was not only used but also transcended by

¹³ C. P. Craig, *Form as Argument in Cicero's Speeches: A Study of Dilemma* (Atlanta: Scholars Press, 1993); D. Berger, *Cicero als Erzähler: forensische und literarische Strategien in den Gerichtsreden* (Frankfurt am Main: Lang, 1976); J. May, *Trials of Character: The Eloquence of Ciceronian Ethos* (Chapel Hill: Univ. of North Carolina Press, 1988); S. M. Cerutti, *Cicero's Accretive Style: Rhetorical Strategies in the Exordia of the Judicial Speeches* (Lanham: Univ. Press of America, 1996); C. Loutsch, *L'Exorde dans les discours de Ciceron* (Brussels: Collection Latomus 224, 1994).