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Making Enemies

The Logic of Immorality in Ciceronian Oratory

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MAKING ENEMIES

ISAK HAMMAR

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The Logic of Immorality
in Ciceronian Oratory

LUND UNIVERSITY 2013

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the National Graduate School of History*

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of Conspiracy. Fresco by Cesare Maccari, 1889

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to my mother, the historian

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Till min mor, historikern.

Baskemölla, augusti 2013

INTRODUCTION

IN 43 BCE MARCUS TULLIUS CICERO, the man considered Rome's greatest orator and one of the leading statesmen of his time, was killed on the orders of his political enemy Marcus Antonius. He was killed as a consequence of his oratory. In the year leading up to his demise, Cicero had attempted to convince the Senate and people of Rome that Marcus Antonius was not only his personal enemy but the enemy of Rome and as such had to be met with military force. The chief instrument of his political endeavor was public speeches. On the speaker's platform however, Cicero not only debated a particular course of action or political point of view but also discussed at great length what kind of man Antonius was. Over the course of his attempt to bring down his adversary he presented his audience with a portrait.

Marcus Antonius was a dangerous man and a man, Cicero argued, marked both by his stupidity and by his violent nature. He was a gladiator and a bandit, a tyrant and a foul beast. But Cicero also depicted his enemy as a man distinguished by his immorality; his lust and sexual corruption, his debauchery and drunkenness, his effeminacy and un-Roman ways. The list of vices was long. Among his friends were the worst of society. His house was full of gamblers and prostitutes. He was a glutton and always drunk. He had no shame and no modesty. The personal immorality of Marcus Antonius was thus made relevant to the political issue at hand as his opponent argued that a life of vice

was an argument for political action. In trying to achieve his own political ends—and perhaps even in attempting to save the failing Republic—Cicero chose to relentlessly and furiously attack the moral character of his enemy. And he was killed for it.

This episode in Roman history might serve to illustrate several aspects of the Roman political culture of the late Republic. The political climate at this point in history was fierce and fundamentally based on conflict between individuals. Whether in the politically charged courts, at the Rostra of the Forum or in the Senate, Roman politicians opposed each other with great intensity, competing for influence at the expense of each other. The stakes were high, the outcome uncertain. The bout between Antonius and Cicero furthermore illustrates the centrality of oratory in this political culture. Oratory was the tool to win in court, gain favor with the populace in elections, and persuade your peers of the right political action. Moreover, oratory was the main weapon in the political rivalries of Republican Rome.

But the duel between Cicero and Antonius might also leave us with several questions about how we are to understand these attacks on Antonius' morality and character. Emphasizing moral faults could, from a modern standpoint, be seen as politically irrelevant and inappropriate, petty even; certainly unworthy of a man of eloquence and philosophy such as Cicero. We might wonder, then, why Rome's greatest orator chose character abuse as a rhetorical strategy. What part did such a "portrait of immorality" play for the decision of the Senate? Furthermore, in what way did moral corruption relate to the political question? What place did immorality have in Roman political culture? Questions such as these are the focus of the following study.

MAKING SENSE OF IMMORALITY

This is a book about Roman immorality and its place in political oratory in ancient Rome during the late Republic. It traces the portraits of immorality that Cicero made of his political and forensic enemies throughout his career. It aims to analyze how and why immorality could be summoned as an argument in oratory. The representation of Marcus Antonius was but the last in a long line of portrayals of individuals in the orator's path; some of these belonged to notorious villains like Gaius Verres and Lucius Sergius Catilina, others were painted of little-known Romans caught in his cross hairs. They are found in speeches not only before senators but also before voters and juries. During his long and illustrious career, Cicero constantly found new targets in his oratory. As prosecutor, defense attorney, and magistrate—always as politician—he engaged in verbal battle with fellow members of the elite. They were, in his depictions, thieves, murderers, conspirators, and, like Antonius, enemies of the state. They were dangerous and deviant. They also had one thing in common—they were all accused of immorality.

Because this is a book about immorality and not about political events or the art of rhetoric, it ascribes no small amount of relevance to these depictions and discussions of immorality. Yet, Cicero's focus on the moral shortcomings of Marcus Antonius might strike us as misplaced and in fact irrelevant. For a long time this was the prevailing view of classical scholarship. The topic of immorality was an unfortunate byproduct of Roman politics and nothing to be taken seriously.¹ As a consequence, it

1 See Pocock 1926, p. 88; Syme 1939, p. 104. For discussions on the views of previous scholarship, see Edwards 1993, pp. 2, 6–11; Vasaly 1993, p. 246; Corbeil 1996, pp. 22–24; Powell 2006, pp. 18–20. See also Stroh 1975, p. 26.

has been either ignored or brushed aside.

The first problem with immorality was the apparent lack of veracity in Cicero's claims. Although some scholars deemed certain of his enemies as simply deserving of the harsh treatment, others were aware that the orator did not let himself be constrained to any, in their opinion, justifiable category of moral delinquents.² More damning was the fact that he himself was accused along the same lines. At the same time, this pointed to a second problem: the recurrence of character charges. Cicero's attacks on the immorality of his adversaries have been read as part of a genre with similar attacks to be found in poems, comedy, and graffiti—not to mention the entire corpus of Ciceronian oratory—alongside charges of tyranny, taunts of cowardice or embarrassing family history, and even derision of someone's lack of skill in public speaking.³ Such invective, scholars began to argue, was unable to tell the scholar anything about the man behind the portrait.⁴ Cicero's exaggerated allegations, like those he made on the character of Antonius, were commonplace and topical, expected as part of the game.⁵ The audience could supposedly identify them as beside the point.⁶ This led some to question its sincerity and

2 See Long 1858, p. 1; Greenwood 1928, p. xiv. For Cicero's attacks on immorality as justified, see also e.g. Hardy 1917, pp. 173, 183, 218; Crownover 1934, pp. 137–138; Wilkins 1950, p. ix; Wirszubski 1961, p. 14; Pritchard 1971; Lewis 2001, p. 145.

3 For abuse in other literary genres, see e.g. Lilja 1965; Richlin 1978; Thome 1993. For character abuse as a literary genre, see Koster 1980, p. 39; Kubiak 1989. For a catalogue of invective, see Craig 2004, pp. 190–191.

4 DeLacy 1941, p. 58. Cf. Sanford 1939, p. 65. See also Yavetz 1963, p. 498.

5 See e.g. Gardner 1958, p. 334; Nisbet 1961, p. 193; Crook 1967, p. 255; Earl 1967, pp. 19, 90; Geffcken 1973, p. 67; Gruen 1974, pp. 137, 275; Koster 1980, p. 129; Crawford 1994, pp. 160, 233. They were also seen as inherited from Greek practice. On this see Corbeill 1996, p. 129.

6 Austin 1952, p. 52; Lenaghan 1969, p. 162; Gruen 1974, p. 137; Craig 2007, p. 336. See also Craig 2004.

influence, others to call it misdirection and manipulation.⁷ A likely reason Western scholarship has tended to lay these kinds of *ad hominem* attacks by the wayside is therefore that they have been seen as provokingly irrational in relation to a political issue or the question of guilt.⁸

In hindsight, it is furthermore probably not a stretch to imagine that certain indecent aspects of Cicero's pejorative portraits have traditionally been found to be an unsuitable topic of study. It has certainly been deemed inappropriate, perhaps even embarrassing behavior on the part of the great orator himself, the man Quintilianus called the name of eloquence.⁹ While Cicero has throughout the centuries been lauded for the beauty of his rhetorical eloquence, he has also been chided for his ugly and brutal verbal assaults.¹⁰ In sum, since the Romans in all these aspects betray a disregard for the truth, logical reasoning, and decorum, modern scholars have tended to ignore this embarrassing quirk of theirs as irrelevant.

Along the same lines, another possible interpretation has been to explain Cicero's portrayals of his enemies as a form of entertainment.¹¹ Certain moral allegations on the orator's stage were, according to such a view, *pro forma* in Roman political culture;

7 See Syme 1939, pp. 148, 151; Nisbet 1961, p. xvi; Novokhatko 2009, pp. 14–15. See also Berry 1996, p. 275.

8 Watts 1931, p. 307; Nisbet 1964, pp. 62–63; Kurke 1989, p. 175. Cf. Kennedy 1972, p. 203. For Cicero's view on the demands of truth in oratory, see *Off.* 2.51.

9 Quint. *Inst.* 10.112. See for instance Butler & Cary 1924, p. 89; Ker 1926, p. 63, n. 1; Lenaghan 1969, pp. 103–104.

10 For reprimands of Cicero, see e.g. Long 1858, p. vi; Watts 1923, p. 47; Waters 1970. Also Gruen 1974, p. 270. See also Syme 1939, p. 149: "In the allegation of disgusting immorality, degrading pursuits and ignoble origin the Roman politician knew no compunction or limit." Cf. Nisbet 1939, *preface*; and p. x.

11 Merrill 1975, p. 41. See also Geffcken 1973.

the orator simply went through the motions.¹² This would, scholars argue, explain the perceived exaggeration. The crowd expected to be amused by the orations in the same way they might have found delight in a suggestive poem, a scandalous play or a vulgar line of graffiti. Classical scholarship has furthermore been satisfied with acknowledging that attacks on the orator's stage was a part of the conflict of Roman politics; in such a harsh political culture people made enemies, and the speaker's platform was an opportunity to get back at them.¹³ Cicero attacked Marcus Antonius simply because he carried a grudge.

It should be stated that all of these previous interpretations have their merits. It is true that moral accusations are found with perhaps surprising regularity in Roman texts and that to a Roman orator a range of suitable tropes were available through rhetorical texts and training. It is also true that some of these attacks have definite entertainment value and seem designed to undermine through ridicule or wit. Lastly, that the speaker's platform was a place for retaliation against rivals seems obvious. Cicero's own demise bears testament to this.

Despite their respective relevance however, these perspectives fail to give any satisfactory answers to the questions I posed at the outset. First and foremost, classifying immoral discourse as a genre has tended to devoid it of any meaning, not least for ancient historians in search of origin, originality, and truth. In the end, it does more to identify than explain. Moreover, such a perspective dictates that statements about an adversary's immoral character should not be distinguished from other types of standard or even formulaic abuse. Charges of cruelty, hypocrisy, and immorality were all genre and were all equally irrelevant.

12 See Syme 1939, pp. 151–152.

13 In general see Epstein 1987. See also Powell 2006, p. 3.

Secondly, taken as a whole, all three perspectives suggest that verbal attacks on immorality were unrelated and unimportant to any political outcome.¹⁴ Immorality might have been intended to provoke laughter or hurt, but not to persuade. The main tendency in Western scholarship, if at all recognizing its presence, has been to question the place of character and immorality in political and judicial debates.

Viewing the topic of immorality as separated from “real” political discourse soon, however, proves to be problematic. The modern distinction certainly collapses when looking at the oratory of Cicero, who, throughout his career, devoted time and energy to argue the immorality of his opponents. As a case in point, he chose moral character as a target in a situation where he perceived the Republic to be at war. Amidst his fatal last political battle, is it reasonable to think that he included arguments everyone identified as beside the point and amusing caricatures of his opponent while at the same time trying to convince his peers to meet him on the battlefield? Clearly, not every mention of immorality was supposed to be met with laughter. Nor are attacks on the immoral character of a fellow member of the elite reserved for individuals with whom, as far as we know, Cicero had vendettas. Surviving rhetorical treatises include discussions of character as a means to persuade and influence. Granted, revenge might at times have been a motive, but seems unable to explain immorality’s place in Roman oratory.¹⁵

Thus the questions posed remain unanswered. If irrelevant, why did Cicero focus his efforts on the topic of immorality? If there was no link between immorality and politics, why go after the moral character of Antonius in the Senate? Regardless of

14 See Pocock 1926, p. 5; Gardner 1958, p. 34; Mouritsen 2001, p. 53.

15 Cf. Dominik & Smith 2011, p. 2.

whether scholars have viewed attacks on immorality as genre, entertainment, or personal hostility, they have tended to offer the same answer to the question of what place immorality had in Roman politics: none. It was a flaw in Roman oratory.

There is however another possibility: that it was not a flaw. Rather, immorality was part of Roman oratory because it made sense to both speaker and audience. It was not beside the point but rather precisely the point.

Pursuing this possibility, the first thing then to ask ourselves is what happens if we take this embarrassing quirk seriously. Not in the sense that Antonius was really as sordid as Cicero claimed, but in the sense that the Romans saw immorality as a legitimate concern and that attacks on immorality therefore were a rational part of Roman oratory. What if a discourse of immorality is not viewed as a byproduct of Roman politics, but as something worthy of study in its own right? In other words, what if we sought to understand this immorality and its place in Roman culture, political as well as general?

APPROACHES TO ROMAN IMMORALITY

The category of “traditional scholarship” above has been sharply drawn in order to illustrate a point and in doing so has been treated somewhat unkindly. The fact that scholars in previous decades searched for the answers to the questions they identified as pertinent is of course only natural—and, as it happens, also necessary. It has opened up for the opportunity to find new ones. In other words, for a new perspective to be fruitful there have to be traditional ones, even if sharply drawn.

Seeking new answers to old problems could entail looking for the meaning of attacks on immorality. In the field of history this

task has been advocated by proponents of a direction known as New Cultural History in which the deciphering of meaning have taken precedence over causality and explanation.¹⁶ The loose term does not describe a coherent school of thought but rather new perspectives, as historians have shown a growing interest in ideas, mentalities, gender, norms, fears, values, and the uses of history. It is a history about how people in the past understood their world, rather than a history defined by events.

In more recent times, modern classical scholarship has moved in precisely this direction. Historians have shown that morality was a major concern of the elite and of the political culture.¹⁷ Additionally, a rise in interest in Roman culture itself has been noticeable and a range of studies have specifically taken an interest in previously marginalized topics such as immorality.¹⁸ These trends in classical scholarship have all converged to open up for the perspective argued in the present study.

In light of this, the search for Roman immorality is not merely a question of explanation but a matter of perspective. The truth is that Roman orators could have had any number of reasons for attacking their peers, unconscious, emotional, or strategic. The point here is that in doing so, they communicated the portraits they constructed of their opponents to a larger community. The perspective advocated in this study is first and foremost that attacks on immorality were meaningful. This means that they made sense to speaker and audience. This in turn, means that immorality also had the capacity of being relevant to both cultural and political issues.

16 Hunt 1989, p. 12. For Roman cultural history, see e.g. Habinek & Schiesaro (eds.) 1997; Kaster 2005; Wallace-Hadrill 2008.

17 Including Hölkeskamp 1987, 2010; Rosenstein 1990, 2006; Steel 2001; Flaig 2003; Connolly 2007a.

18 See especially Richlin 1992; Edwards 1993; and Corbeil 1996. Further references in chapter 1.

Accordingly, it hardly matters if we ultimately champion genre, entertainment, or inimical political culture as explanations. These aspects are, in my view, not mutually exclusive. We are, however, approaching the problem from another angle. That attacks on Antonius' moral character were not unique and can be compared to those aimed at other politicians does not render such attacks meaningless. Rather, the opposite is true. Themes of immorality were a persisting feature of oratory because they resonated with an audience. Humor and entertainment, moreover, would only be successful if the audience recognized what was funny. And hurting someone would only be effective if the attacks carried meaning. These portraits of immorality had to be culturally coherent whether believed or not, whether commonplace or unusual, whether funny or dead serious. They had to make sense.

From this perspective, attacks on immorality found in Roman oratory, were, I argue, both meaningful and filled with meaning. They lacked neither relevance nor substance. When seen in this way, immorality is neither about accurately and truthfully portraying the character of an opponent nor merely a way to entertain an audience or settle a score. Instead, immorality is summoned in Roman oratory because there was a cultural connection to be made between politics and vice. Cicero attacked Marcus Antonius, not because he held a grudge or was trying to throw dust in the eyes of his audience for lack of a better argument, but because character and politics were linked in the Roman mind. In turn, this perspective means that, if you wanted to ridicule or retaliate, immorality—precisely because it was culturally and politically relevant—was a suitable approach. The question then becomes: what was the nature of this link between immorality and politics? And furthermore: how can we study it?

THE STUDY OF ROMAN IMMORALITY

In 1967 Donald Earl noted in his book *The Moral and Political Tradition of Rome* that the Romans “were much obsessed with morality.”¹⁹ Despite his claim, the same cannot be said of classical scholarship. Even Earl’s own laudable effort seemingly treats the Roman preoccupation with morality as misguided. Thus, similar modern views have often dictated that whether or not the Romans believed that immorality was of great importance is by and large irrelevant because they were inherently wrong in this belief. Although, the topic of immorality is in no way undetectable in ancient history, it has nevertheless been treated along the same lines as I have suggested above. Immorality at Rome, to be sure, has captivated the imagination of specialists and readers alike, just as it has served as a cautionary tale of the dangers of immorality in every period since the fall of Western Rome, but only rarely has it been the specific focus of any scholarly effort willing to take it seriously.

In more recent years however, scholars have found the subject more fulfilling, and previously disregarded adjacent topics have been revisited. This goes not least for the area of sexual morality and masculinity, the study of *exempla* and the role played by the morality of the forefathers (*mos maiorum*), and topics such as popular morality.²⁰ Some of these developments will be detailed later in the study. At this point it will suffice to introduce three directions in classical scholarship in particular that have paved

19 Earl 1967, p. 11.

20 For sexual morality, see e.g. Langlands 2006; and Williams 2010 with bibliography. For masculinity, see e.g. Gleason 1995; Gundersson 2000; Dugan 2005; and Connolly 2007b. For the role of the moral tradition, see especially Linke & Stemmler 2000; and van der Blom 2010. For popular morality, see Dover 1974 for the Greek example; Morgan 2007; and Knapp 2011.

the way for the present study. First, a handful of scholars have stressed the importance of character in Cicero's speeches, in the courts, and in Roman political culture in general.²¹ *Ethos*, the moral character of the speaker, was an important part of political persuasion. The claim is important as it places morality, and therefore immorality, front and center on the Roman political scene. Secondly, immorality has been convincingly dealt with as a rewarding area for the study of Roman culture *and* politics. There was, as Catharine Edwards has rightly observed, no separation between morality and politics in ancient Rome; instead these modern categories overlapped.²² The view identifies the Roman discourse on immorality not as inherently misguided, but as vital for understanding politics at Rome. Thirdly, after long being overlooked as apt source material for the analysis of culture and meaning, scholars have in recent years turned to Roman invective in order to harvest the "values and presuppositions" articulated by oratorical texts and present in the Roman audiences who were exposed to them.²³ This has entailed posing questions about the meaning of attacks on immorality and its interaction with Roman culture.

In view of this, then, a platform can be created where the importance of character, immorality, and verbal attacks in Roman politics is recognized and from where it is possible to proceed in an attempt to chart the Roman moral concerns that are exposed in our sources and follow, finally, the interaction of this morality with the political culture. This is the task before us.

21 See especially May 1988; Riggsby 1999, 2004. Also Santoro L'Hoir 1992; and Vasaly 1993.

22 Edwards 1993, p. 8. See also Earl 1967, p. 17. Cf. Barton 2001, p. 2.

23 Corbeill 1996, p. 8. Further references in chapter 1.

TRACING ROMAN IMMORALITY

Two premises of this study have so far been reached. First that immorality can be understood as meaningful and influential in Roman politics. If this is true, as I will argue in upcoming chapters, we no longer have any reason to explain its presence in the speeches Cicero delivered against Marcus Antonius. The inclusion of attacks on immorality was rational in Rome's political culture. Second, these attacks themselves carry meaning that can be pursued. This means that they also had an inherent cultural logic or they would not have made sense to an audience. I believe that tracing this logic will help us unlock the link not only between immorality and culture but also between immorality and politics at Rome.

This is a study into the logic behind accusations on immoral character made by Cicero throughout his career. Through a wide variety of character attacks and arguments—forensic and political—I aim to investigate how a shared understanding of what was moral and immoral could be summoned in Roman political oratory. The purpose of this is first to gain insight into a Roman mind world or set of values. But I will also argue that the significance of this goes further than understanding Roman values and norms. I believe a case can be made for the link between immorality and Roman political culture.

The basis for such a study can be illustrated by the following line of reasoning. Let us say that Roman orators attempted to identify opponents as un-Roman in order to politically undermine them. If deviance in a culture is grounds for exclusion, attributing deviant qualities to an enemy would only be logical. It could however be argued that while the task of pointing out difference and deviant qualities in external enemies is relatively easy—certain outward signs such as appearance, custom, and

language being at your disposal—identifying a fellow member of your own social group as deviant requires something more. When attempting to convince an audience that someone who looks, walks, and talks like you is actually different, the proof has to come from somewhere else: it has to be constructed, in a sense, by the orator.²⁴ One possible approach for the orator is to construct a portrait that aims to be effective from what he perceives to be a shared cultural foundation. Morality can be said to be such a shared foundation. The more successful such a portrait is, the more in line with the audience's preconceptions and prejudices it supposedly is. In this study I wish to argue that Cicero not only made enemies in the traditional sense, but that he also made—or, constructed—enemies with his words.

We cannot, unfortunately, evaluate the success of most isolated cases in Cicero's career with any degree of certainty, but, more fundamentally, Cicero was believed to be the most successful orator in his day. Therefore, from such an approach, the portraits that Cicero painted of people he wanted to undermine say nothing of the persons behind the portraits, but speak volumes about what Cicero perceived to be a common set of values and a shared understanding of immorality. However, it is possible to argue that when depicting his adversaries, Cicero did not merely reflect what he thought his audience wanted to hear, but that he *argued* immorality, and in the process influenced, negotiated, and reaffirmed a discourse of immorality present in Rome. A fixed culture cannot simply be laid bare by the historian, but it is possible to follow the immorality argument. And by tracing the logic of immorality that gave these arguments weight, an understanding of the framework of a specific part of said culture can,

24 Cf. Ruffell 2003, p. 52.

I believe, be gained. The possibilities and challenges of such an approach will be discussed in detail in the upcoming chapters of this book.

A MORAL PARADOX?

One aspect of studying Roman immorality remains to be addressed at the outset. Only a quick glance is required to realize that questions of immorality hold a prominent place in Latin literature as it has been passed down to us. Immorality is everywhere to be found. It was evidently a grave concern to the elite. Roman historians clearly saw immorality as the cause of political change. Immorality doomed the kings, the Republic, and in the end the Empire. Poems, plays, and epigraphic material all bear witness to this obsession with immorality. Is Roman immorality hiding in plain sight? The paradox is only strengthened if we look at early Western scholarship in agreement on Roman moral laxity as a reason for decline. How then is it that there are still questions unanswered? How can we gain more insight into this obvious subject?

The topic is not novel. The sources are among the best known in all of Western tradition. The number of books about Cicero is beyond counting. We cannot hope to find concepts or themes in Cicero's speeches uncommented. Still, I believe this study deserves to be undertaken. The reason for this is that I read Cicero and I see these patterns of culture that I have not found discussed to my satisfaction by previous scholarship. Often immorality is everywhere in Cicero and nowhere in books about Cicero. Immorality is either conveniently explained away or ignored altogether. I believe this is a matter of perspective. Immorality's place in Roman politics might strike us as strange. But I argue that we should approach it as logical and that this serves a purpose.

For while cultural history has often been interested in that which stands out as strange in the past, the realm of politics, in classical scholarship at least, has frequently been treated as if outside the reach of the cultural historian. Politics and culture have been separated and the political arena seen as a place of logic, intentionality, and events. Immorality in Roman politics, however, need not be explained away. It needs to be understood.

But this is not a book about Cicero or even about his speeches. It is a book about the mentalities, values, anxieties, and fears that his speeches still bear witness to. It is a book about the cultural framework within which politics at Rome took place. Finally, it is a book about how immorality could be made relevant to the political culture. From this perspective there still remains something to be done.

OUTLINE

In the next two chapters I will address the prerequisites of a study into Roman political immorality. First, I will address the methodological as well as theoretical considerations for the study as well as sketch the relevant previous scholarship. A background chapter will then outline the framework of the political culture during Cicero's long career as well as the conditions for public speaking at Rome.

The study itself is structured chronologically and thematically. The first empirical chapter deals with Cicero's early career and introduces immorality in forensic oratory between 81 and 69 BCE. The following chapter frames Cicero's time at the top of Roman political life and focuses on Cicero's use of immorality in the Catilinarian affair while also developing the discussions on immorality in the Roman courts. The third empirical chapter instead centers on the political conflicts that distinguished Cicero's

return to politics after his ignominious exile and thematically looks at how immorality could be negotiated through certain dominant themes during the time 57–52. The fourth and final empirical chapter returns to Cicero's battle with Marcus Antonius and compares his portrait with those previously analyzed. The last part of the book sums up the study's findings.

Chapter I

METHODOLOGY, SOURCES, AND SCOPE

IN THE INTRODUCTION I SKETCHED the outline of the study of Roman immorality and proposed the value of a change in perspective from explaining political causality to understanding political immorality. At the heart of the endeavor lies the interaction between Roman morality and Roman political culture. The intentions and political maneuvering of Cicero thereby take a step back in favor of a cultural framework within which he acted and that has left traces in his oratory. It is not a study of the truth behind these allegations, nor is it a literary inquiry into the genre of character abuse. Instead of rational intention, I look for cultural coherence. How then can we proceed to study Roman immorality in order to understand it on a cultural level?

When searching for the immorality argument in Roman political oratory, we need a place to start. In this chapter I will suggest initially that one fruitful approach is looking at the way Cicero represents the moral character of his opponents. I furthermore argue that attacking one's adversaries was a culturally significant act that created meaning and that the logic of this meaning can be traced. Finally, theoretically this can be seen as linked to the political culture.

SEARCHING FOR IMMORALITY: PURPOSE

The purpose of this thesis is to trace the cultural logic behind political accusations of immoral character found in Cicero's speeches. The preliminary inquiry centers on how the immoral Roman politician is created by Cicero. The main question is therefore: How does Cicero represent immorality in character in his political and forensic oratory? From this we will be able to broaden the search for the link between immorality and Roman politics with the question of how immorality could be made relevant to the political and forensic issues at hand.

The chain of reasoning that culminates in the upcoming study can be described as follows. Classical scholarship has acknowledged that the competition of the elite was an important political force in the late Republic. This in turn meant that individual members of the elite naturally engaged in conflict with each other in the public arenas of the political culture; in trials, in the Senate, and on the speaker's platform in the Forum before public assemblies. As one of the prime political acts was speeches, the rivalry of the elite resulted in antagonistic public discourse. In the chapters that follow I will show that a prime target of attack in such speeches was morality. From the perspective adopted in this study, these attacks sought to undermine the position of the adversary by depicting him as antithetical to a Roman morality perceived of as shared within the community. In order to be effective, these attacks had to make sense. I propose, that by tracing the cultural logic of these attacks we have an opportunity to gain further insight into a Roman mind world; into values, ideals, and fears, into norms and deviation, and into the negotiation of what it meant to be Roman. This finally would place Roman politics within a larger cultural framework than has previously been the case.

FINDING IMMORALITY: METHOD

There are two distinct aspects of Cicero's representation of immorality on which I have focused in my study. The first is the portraits of immorality Cicero painted of his adversaries. The second is the oratorical reasoning and arguments regarding immorality found within the speeches themselves. The basic methodology for arriving at these two aspects is close reading of Cicero's extant speeches in stages. This has led to a process of distillation whereby each reading the subject matter is narrowed. I started by looking broadly at anything that could be perceived as negative in Cicero's depictions of his main adversaries. This resulted in several wide-ranging portraits of political enemies. Within these I concentrated on issues of morality which in turn gave a set of recurring themes and motifs as well as words and concepts that denoted immorality in a variety of ways. By then following the usage of these themes, words, and concepts, new ones have been added to the "immoral catalogue." It is clear that the study of these words, and their interrelated links, can offer, to paraphrase Earl, a whole complex of *immoral* ideas.²⁵

Important in this regard has been words that in Latin denoted a general immorality and depravity and suggested shame and disgrace in the eyes of the community. Chief among these words are *flagitium* and *improbitas*, but they also include *turpitude*, *dedecus* and others. From these, other words, as well as thematic aspects of immorality, come into focus. They reveal links with other words and ideas and tell us, for instance: the scene where depravity took place, the motives and catalysts for immoral behavior; and, also, the consequences of immoral acts and character. A host of words also signal sexual immorality and are of course

25 Earl 1967, p. 20.

pertinent as well. Reading Cicero's speeches for traces of immorality also revealed certain signs or marks of immorality that presumably identified and illustrated for an audience the character of the adversary.²⁶ I have intentionally left the question of what these signs were to be answered by the upcoming study. From this point, the task has been to pursue the identified notions of immorality as logical by searching for references in the corpus of Ciceronian oratory as well as in external evidence. The latter material is chiefly made up of a general moral discourse found in Latin literature. Furthermore, when possible, this has been discussed in dialogue with the scholarship on the subject. Cultural logic has furthermore been analyzed through the more explicit chain of reasoning that is sometimes found in Cicero's depiction of immorality. In certain instances, Cicero urged his audience to follow his interpretation of immorality. This might for example include his advice to a jury on how to weigh the defendant's character.

Another important aspect has been to look closely at cultural links forged in these depictions. This includes which concepts are repeatedly connected in Cicero's depictions, but also how concepts and themes trigger wider contexts and patterns of cultural relevance. The last stage is comparison between the representations of immorality identified throughout Cicero's career. This will hopefully present us with a framework on which to base the discussion of immorality's place in Roman political culture.

In sum, the method for discussing Roman immorality is looking at polemical discourse and the portraits of political adversaries painted in oratory. By looking at the most extreme examples of enmity we are able to identify our principal source material from which we can broaden the field of study.

26 For the ability of the orator to point to signs of immorality, see also Corbeill 1996, p. 159.

UNDERSTANDING IMMORALITY: THEORY

In terms of interest, perspective and, following that, expected results, this study is rooted in the direction of history known as New Cultural History.²⁷ The name signals neither a coherent theoretical approach nor a school, and although generally accepted, the epithet is somewhat misleading, as there are few similarities between “old” and “new” cultural history, mainly because what unites New Cultural Historians, if anything, are perspectives rather than the topic of “culture.”²⁸ While cultural historians in the past had sought to uncover a *Zeitgeist* or describe a culture as uniform, the “new” cultural historians posed different questions regarding gender, sexuality, identity, and power and often pointed at the problematic categories of older scholarship. The two can be said to be separated by the so-called linguistic turn which moved historical scholarship into adapting new perspectives. Chief among these was arguably to see language as no longer merely reflecting, but influencing and even constructing the reality around us. As pointed out by Lynn Hunt, one of the field’s most influential scholars, words do not simply “reflect social and political reality,” rather they can be seen as “instruments for transforming reality” and therefore linguistic practice can actively be “an instrument of (or constitute) power.”²⁹ This is a primary premise for the study at hand.

27 For New Cultural History, see Hunt (ed.) 1989; Iggers 1997; and in Swedish, Ekström 2009.

28 The name was introduced through the publication of the anthology *The New Cultural History*, edited by Lynn Hunt in 1989. For the name as misleading, see Ekström 2009.

29 Hunt 1989, p. 17. See also Chartier 1982, p. 30. For an example of a similar theoretical approach within the field of classics, see Gildenhard 2011.

Hence, central to the historians writing in this field were *meaning* and *language* while subject matter has traditionally provided less guidance. Cultural history was no longer concerned with an isolated part of social life, separated from politics or economy. Culture, in this sense of the word, did not refer to “high” or “low” culture at a given time or cultural expressions such as dance, theater, or literature. Instead the term culture in New Cultural History, or what has later been dubbed “the cultural turn,” aimed at the experience and understanding people in the past had of their life world. Historians influenced by anthropology and specifically Clifford Geertz saw culture as a system of meaning, or to use Geertz’s own phrase, “web of significance.”³⁰ Language, as noted by George Iggers, became a “semiotic tool” in the search for this meaning.³¹

Placing a study within the wide frame of New Cultural History, however, fails to be very specific. The range of studies conducted under this heading is vast. A way to narrow the study’s theoretical position is through the field known as New Historicism. Culture and language were also vital to this perspective, which grew out of literary theory and which can be said to have developed parallel to and as part of New Cultural History. Its most famous practitioner is Stephen Greenblatt, whose early efforts can be described as a reaction against the decontextualized readings dominant in his field.³² Greenblatt instead argued for the dialectic nature of literary works and their culture. Taking inspiration from the anthropologist Clifford Geertz, New Historicism treats culture as a semiotic system. The perspective has been described in terms of a “shift from materialist explanations of historical

30 Geertz 1973, p. 5.

31 Iggers 1997, p. 126. For an example of analysis of Cicero’s speeches with a similar approach, see Vasaly 1993, pp. 11–12.

32 See in particular Greenblatt 1980, 1988, 1990a; and Greenblatt & Gallagher 2000.

phenomena to investigations of the history of the human body and the human subject” in which discourse analysis has been an important tool.³³ Greenblatt also proposed that there are constant renegotiations of competing representational discourses in a culture.³⁴ Again, the critique was aimed at the idea of history in terms of grand systems or narratives.

Culture has been described by Greenblatt as an “ensemble of beliefs and practices” to which “individuals must conform.”³⁵ The boundaries of a culture are enforced, both positively and negatively, Greenblatt argues, upon which he elaborates an important point:

Western literature over a long period of time has been one of the great institutions for the enforcement of cultural boundaries through praise and blame. This is most obvious in the kinds of literature that are explicitly engaged in attack and celebration: satire and panegyric.³⁶

Greenblatts’ line of reasoning touches on the subject matter of the present study. Attack on character can, in this view, be seen as the enforcement and negotiation of a culture’s boundaries, the “set of limits within which social behavior must be contained.”³⁷ They implicitly in turn hold the beliefs and practices that are enforced. Cicero, when attacking the morality of Marcus Antonius, enforces the limits of his own culture, a point also argued by ancient historians, albeit in different fashion. In other words, Cicero’s intention and conscious strategy is one

33 Gallagher & Greenblatt 2000, p. 17.

34 Greenblatt 1988, p. 8.

35 Greenblatt 1990b, p. 225.

36 Greenblatt 1990b, p. 226.

37 Greenblatt 1990b, p. 225.

thing, the moral boundaries he reflects and creates in his attack are another.

Moving on to methodology, Greenblatt holds that:

Eventually, a full cultural analysis will need to push beyond the boundaries of the text, to establish links between the text and values, institutions, and practices elsewhere in the culture. But these links cannot be a substitute for close reading. Cultural analysis has much to learn from scrupulous formal analysis of literary texts because those texts are not merely cultural by virtue of reference to the world beyond themselves; they are cultural by virtue of social values and contexts that they have themselves successfully absorbed.³⁸

Greenblatt's method echoes the method described in the previous section of this chapter. By establishing links between Cicero's portraits of immorality and other representations found in Roman culture we can arrive at cultural analysis. However, as stressed in the passage above, it all starts with close reading to reveal the beliefs, practices and values of a culture seen as permeating the texts. This relationship between a culture and its text is sometimes referred to with the term "embeddedness."³⁹ Another way of putting it, relating to the passage quoted above, is that the historical texts, whether they are literary works or political treatises, necessarily have absorbed these belief-systems.

New Cultural History and New Historicism, although they share many defining traits, have so far seen little in way of interdisciplinarity.⁴⁰ The main advantage to both perspectives is an

³⁸ Greenblatt 1990b, p. 226.

³⁹ Greenblatt 1990a, p. 164 professes his interest in "the embeddedness of cultural objects in the contingencies of history." See also Gallagher & Greenblatt 2000, p. 25. Cf. Morstein-Marx 2004, p. 15.

⁴⁰ See Maza 2004.

approach to historical texts as not a mere reflection of historical reality, but as actively shaping it. That gives texts significance as a force in the world. Additionally, historians have pointed to the impact of language and speech and that we are right to view this as historical acts comparable to traditional actions. Perhaps most famously, Quentin Skinner has described words and language in terms of speech acts. He has furthermore stated:

One of the most salutary achievements of post-modern cultural criticism has been to improve our awareness of the purely rhetorical aspects of writing and speech, thereby heightening our sensitivity to the relations between language and power. As we have increasingly been made to see, we employ our language not merely to communicate information but at the same time to claim authority for our utterances, to arouse the emotions of our interlocutors, to create boundaries of inclusion and exclusion and to engage in many other exercises of social control.⁴¹

Skinner's claim has validity for my study since it establishes a link between language and political power. Like Greenblatt, Skinner maintains that speech acts can be a force to create a culture's boundaries for inclusion and exclusion. Arguably, this is nowhere more apparent than in cultural acts of attack.

Critique has been raised regarding the nature of cultural meaning. Roger Chartier, for instance, has questioned whether or not a coherent underlying cultural meaning exists which the historian can simply uncover.⁴² Therefore the historical effort does not end with uncovering meaning. Significant, in my view, to both New Cultural History and New Historicism is the perspective that this

41 Skinner 2002, p. 5.

42 Chartier 1985, pp. 689–690.

meaning is not merely fascinating in itself, but crucial to understanding historical development. Lynn Hunt has maintained that the aim should not be to reduce discourse to one “stable system of meaning,” but can instead be to demonstrate how political language can be rhetorically used “to build a sense of community” and “establish new fields of social, political and cultural struggle.”⁴³ In view of this, the question of the relationship and interaction between a cultural and a political sphere is brought to the fore in the current study.⁴⁴ A character attack in oratory is therefore not viewed as merely “rhetoric” or conversely accurate in its depiction, but as an enforcement of a perceived Roman cultural norm. In this, it not only reflects reality, or even values and beliefs, but negotiates and creates them.⁴⁵ Oratory and the representations therein exhort to action against the deviant; to pass a verdict, to exclude, to execute.

The perspective I have so far advocated allows for a better understanding of the interaction between fields that have in the past been routinely separated: culture and morality on the one hand and politics on the other. It offers a way to gauge the relevance of immorality for politics in ancient Rome and a possibility to bring new light to the “web of immorality” that is in fact a conspicuous aspect of ancient Rome.

READING CICERO: SOURCES

The writings left to us by Marcus Tullius Cicero include not only the 58 surviving speeches under primary scrutiny in this study, but over 900 letters and two dozen political and philosophical

43 Hunt 1989, p. 17. Cf. especially Morstein-Marx 2004, pp. 14–15. See also Richlin 1992, p. xx.

44 For this, see Salomon 2000, pp. 138–139.

45 See Greenblatt 1988, p. 8. Cf. Williams 2010, p. 9.

works.⁴⁶ He thereby dominates the source material during the late Republic, and arguably any time in Roman history. With Cicero we are able to follow both major events and day-to-day politics, and gain access to religion, philosophy, and the private world of the Roman family. The circumstances have not always been to Cicero's favor, as scholars have no doubt felt frustration to be left at the mercy of Cicero at every turn. Additionally, he has been possible to evaluate at his own game to a degree unlike any one source probably up to modern times.⁴⁷ Cicero's speeches can be compared to his private letters, personal emotions to philosophical reasoning. His curse has been to alternately and simultaneously be an advocate, a philosopher, and a politician which puts him, from a source-critical standpoint, in a vulnerable position. His agenda and bias have left historians wary of his statements at every stage. His skill as a speaker has cautioned scholars not to take him at his word. His involvement in Roman politics has impaired his objectivity.

For the present question however, Cicero's bias is exactly why he is a valuable source.⁴⁸ His lack of objectivity and premier place in Roman political culture is favorable. His skill as a speaker and agenda in the courts, the Senate, and before the people are the basis for the study. The reason is simple: Cicero wanted to be influential in Roman politics and persuasive in his oratory. In order to reach this level of effectiveness, which his success and fame alludes to, his words ought to have resonated with his different audiences.

46 Standard works on Cicero's speeches include Leeman 1963; Stroth 1975; Classen 1985; Craig 1993. For later studies, see also Craig 2002 with bibliography. All references to Cicero are to the editions of the Loeb Classical Library.

47 See for instance Long 1858, p. vi.

48 See Santoro L'Hoir, 1992, p. 3.

This speaks also to another traditional problem with Cicero as source: his representativeness. Cicero is just one man.⁴⁹ His voice can therefore be viewed as just one opinion and an elite opinion at that. The problem is resolved by the same line of reasoning. In order to persuade, Cicero needed to heed the values and beliefs of his audience. His attacks on the immorality of his enemies therefore can be read not only, or even likely, as his own personal view on right and wrong, but what he perceived to be a shared understanding of morality.

Next comes the question of selection of sources. Why speeches and why both forensic and political speeches? Again, the answer relates to the above line of reasoning. In speeches Cicero openly engaged in a public discourse of morality. His aim was to influence and persuade, not merely project his own world view or private thoughts. In this his is a strong voice. That does not mean that the values expressed therein were shared by all, but rather that he was a part of shaping and supporting a shared understanding of immorality through public speech acts, to follow Skinner. It is an unfortunate circumstance that we have access only to fragments of other speakers, as we cannot exclude the possibility that other competing discourses were part of this public process.⁵⁰ From Cicero's success, however, it is reasonable to infer that his audience accepted the world view embedded to a certain degree. As to why both political and forensic speeches, the answer will hopefully become apparent by the upcoming chapter. Roman political culture incorporated both.

Although every extant speech of Cicero has been read, the criterion for inclusion in the main discussion of immorality is

49 For a collection of the examples of oratorical attacks preceding Cicero, see Koster 1980, pp. 97–112. Also Merrill 1975.

50 For fragments of other orators, see Malcovati 1976.

simple: it either contains a portrait of immorality or a rhetorical discussion on immorality. As stated earlier, I have started with the most obvious examples of antagonisms in Cicero's career, but to a large extent incorporated material from the entire Ciceronian corpus of oratory, including some available only in fragments.

The study is not quantitative and the reason is partly due to the nature of the speeches. Some are short while others span several hundred pages in any modern edition. Some deal mainly with the question of immorality while others mention it in passing. Any attempt to quantify the findings would hence be problematic and moreover fail to address the main question of the cultural logic of the attack on immoral character.

Finally, we have the question of external comparative evidence. The purpose of these sources is to help clarify immorality's place in Roman culture. This part of the study does not pretend to be exhaustive, but rather helpful in the upcoming discussions. I have focused my efforts on the "Roman moralists" where we might expect to find a Roman moral discourse: Sallustius, Valerius Maximus, and Seneca. This at times includes legal evidence although scarce in the Ciceronian era.⁵¹

DEFINING IMMORALITY: CONCEPTS

The conventional way of studying concepts such as immorality is by tracing the Latin usage of the corresponding word. In this instance, the method is inadequate. First and foremost this is the case because we are not looking for what the Romans "meant" by immorality, but instead the research question includes a range

51 Although the focus of this study is cultural and not legal, I would claim that these were often conflated categories in ancient Rome. For this, see McGinn 1998, p. 345; Harries 2007, p. 86. Cf. Barton 2001, p. 19.

of alternative aspects of culture that conforms to a modern category of immorality, i.e. behavior and character traits that somehow are perceived as opposing proper and expected standards of an ethical nature. Secondly, there exists no corresponding word for our “immorality.”

The Latin for morality is *mores*. *Mos* or *mores* often designates both customs and morality in Roman texts.⁵² As no Latin word corresponds to our “culture,” it has therefore been suggested that we can instead speak of *mores* when we look for certain cultural elements in Roman society.⁵³ The complicated interaction between morality and culture is thereby underlined, but *mores* is nevertheless ill suited to yield the answers we are looking for.

What then of *immorality*? In Cicero’s texts there is, as mentioned, no word that directly conforms to our modern notion of this all-encompassing word. From the circumstances I would argue that there are two important distinctions to be made initially. On the one hand, that the present use of the English word *immorality* is as a concept intended to corral cultural notions in the past that we understand as contrary to good and proper behavior in that specific cultural context; on the other, that we are not speaking of immorality in general—certainly a much too broad category—but a specific type of immorality. I would suggest that this subcategory of “everything that is not moral” can be narrowed to mean Roman views of *depravity*. What I intend to study in the upcoming chapters are those moral faults that suggest scandalous, outrageous and shameful behavior and character. While this is also a modern English word that has several

52 Edwards 1993, p. 4. Edwards (p. 29) utilizes the definition suggested by Michel Foucault in *History of Sexuality* where Foucault sees morality as referring to both a set of values and rules of action, as well as the real behavior of individuals in relation to these same sets of values and rules.

53 Wallace-Hadrill 1997, p. 8.

possible corresponding words in Latin, it illustrates fairly well the main focus of the study. This means that murder and political malpractice, while they can be considered immoral acts, are not the focus of the study but rather the morally corrupt character that performs them.

Looking for depravity includes a range of Latin words.⁵⁴ As already mentioned, *flagitium* and *improbitas* denote debauchery and shameful and disgraceful behavior. *Turpitude* similarly indicates baseness and disgrace. *Vitium* means vice or fault. Other words have similar or closely related meaning. *Impuritas* (impurity), *sordes* (the state of being filthy or unclean) can together with *nefarium* signal immoral behavior in conflict with religion, while a word like *immodestia* means excessiveness. In this study, however, I am looking for how language is put to use in practice. How Cicero constructed his portraits is a question of the power of language, but this adheres not to a philological pre-understanding of these words but to their meaning in context. The Latin words are put in play only insofar as they exist in a portrait; that is, in a meaningful context. To be clear, the question is not “what was immoral in ancient Rome,” but how notions of immorality and depravity interacted with cultural, and political, considerations.

As an example, to beat your father is beyond question a moral question in ancient Rome and in modern society, while beating your wife or owning slaves is a moral question today but not necessarily in ancient Rome. Yet it is not of necessity perceived as a vice, as lewd and foul behavior. If, however, we were to equate domestic violence with depravity—with a person’s level of moral corruption—a link could be established and would thereby be

54 For a helpful list of pejorative words used by Cicero, see Santoro L’Hoir 1992, p. 10.

of relevance. There is however no need for sharply accentuated limits to the following discussions on immorality, but rather a guiding light.

Narrowing immorality to correspond to notions of depravity has the benefit of aiming this guiding light at the clear-cut examples of moral trespass from which it is then possible to expand, but it also has another justification: the prominence of certain types of moral trespass in Latin literature. Greed, luxury, and sexuality and other types of behavior that signaled lack of self-control and moral failure are found everywhere in Latin literature. In my opinion, their place in a cultural system of thought has yet to be fully explained, as has their impact on the political culture under scrutiny.

Lastly we arrive at character. By now, we are not surprised to find that the modern concept of character has no single corresponding Latin equivalent. When we speak of character we are therefore searching for subject matter that fall into the modern heading of character.⁵⁵ In Latin, words like *natura*, *habitus*, *animus*, and *persona* capture both nature and attributes of a specific individual. Cicero defines *natura* as those character traits which are bestowed by nature, while *habitus* is qualities acquired.⁵⁶ In the rhetorical treatise *Ad Herennium*, written in the late Republic, the common Latin word is *animus*, which encompasses both intellect and senses. *Persona*, finally, is to be understood as the projected character of the speaker, much like the theatrical mask from whence the term stems. Lastly, *mores* could also signal moral character. *Ethos*, Aristoteles' "moral character," similarly

55 Although it should be noted that "character" in English by no means has a singular meaning and, as in Latin, corresponds to concepts such as nature, morality, authority, and persona.

56 *Inu. rhet.* 1.35.

lacks a Latin equivalent.⁵⁷ Cicero in his later treatise *Orator* uses *mores* and *natura* as substitutes.⁵⁸

The usage and meaning of the words enumerated above are not the focus of the present enterprise. Instead, the modern notion of character has the possibility of encompassing more than just those explicit references to any of the existing words. Finally, we should not assume that the existence of a philosophical or theoretical understanding between said words did not mean they could display overlapping connotations.

SPEECH AS TEXT: DELIVERY, AUDIENCE, AND PUBLICATION

The echoes of Roman orators are faint. Over two millennia stand between us and a performance of oratory in front of a Roman audience. What we have today are not transcripts, but the later copies (and copies of copies) of the texts that were published and circulated in Cicero's day. Some are preserved only in fragments while others have several different and comparable manuscripts.⁵⁹ Roman oratorical performance, to be sure, entailed more than just speaking words from a manuscript. The art of rhetoric demanded that the orator considered tone of voice, style and gestures, and memorization. These aspects of a speech are of course all lost and cannot be recreated.

Classical scholarship has always debated the status of the texts we have today; in particular the question of delivered vs. published speeches.⁶⁰ Moreover, we know that Cicero revised his

57 See May 1988, p. 5. Also Quint. *Inst.* 6.2.8.

58 *Orat.* 128. Not, in other words, *persona*.

59 For Cicero's fragmentary speeches, see Crawford 1994.

60 For this debate see e.g. Humbert 1925; Settle 1962; Stroth 1975; Riggsby 1999; Ledentu 2000; Craig 2007. Cf. Gildenhard 2011, p. 14.

speeches before publication.⁶¹ This has understandably led to the speeches being treated with certain suspicion. But in fact, Cicero also claims that most speeches were written after and not for delivery.⁶²

The societies of the ancient Mediterranean world were oral cultures. Public speaking was central. Texts were often meant to be read aloud in front of an audience. Ideas, as well as political decisions and results, were spread orally. The audience would have been roughly the same as for the performance itself.⁶³ Cato the Elder, according to Cicero, was the first to systematically publish his speeches.⁶⁴ This ensured that a Roman tradition of speaking was passed on through the generations.⁶⁵ Cicero himself claims to have had access to as many as 150 of Cato's speeches. By the late Republic, another innovative way was to publish a treatise containing the formal framework of being a good Roman orator.⁶⁶

Publication was tied to politics. Circulating your achievements offered a way to project your own oratorical *gloria* and bestowed honor on the orator.⁶⁷ Some speeches were sent to a close circle of friends, others to broader circulation. Cicero also mentions the publication of the Catilinarian speeches in a letter as intended for the rhetorical schools, but we also know that in the heated con-

61 To what extent is debatable. The most conspicuous example is *Pro Milone*, see *Asc. Mil.* 41.9–42.4. See also *Fam.* 9.12.2; *Att.* 1.13.5. See also letter 1.20.6–8 of Pliny the Younger and Riggsby 1995.

62 *Brut.* 91. That Cicero to some extent equated speeches that existed in his day with the delivered oration is clear from *Font.* 38.

63 Craig 2007, p. 265.

64 *Brut.* 60.

65 See *Brut.* 129.

66 For Cicero's rhetorical works as part of the construction of his identity, see Dugan 2005. Cf. Craig 2007, pp. 265–266.

67 For circulation, see Starr 1987.

flicts of the late Republic, political opponents quickly published speeches directed against each other.⁶⁸ This happened during the conflict between Antonius and Cicero in 44 and 43.

When looking for what really happened, the sources can be perceived as frail, even though it should be noted that most modern scholars tend to see the relationship between published and delivered speeches as being a close one.⁶⁹ More importantly, if we are looking for their embedded cultural values, they are as strong as ever. This is true because even if revised, they would not be changed in order to be less cultural coherent. On the contrary, they would be revised to make even more sense. This means that we need not establish a theory of how well the written text corresponds to the spoken words. They were published as “documents of persuasion” and in that they still carry the will to correspond to audience expectations of moral standards.⁷⁰

DEFINING A POLITICAL CULTURE

Although often not defined with any specificity within the area of classics, political culture is a recurring concept in modern scholarship on ancient Rome.⁷¹ So far, I have used political culture in this more general or self-explanatory sense. There are nonetheless

68 Cic. *Att.* 2.1.3, 4.2.2; *Q Fr.* 2.1.11.

69 For arguments, see Riggsby 1999, pp. 178–184. Cf. Morstein-Marx 2004, pp. 26–30.

70 For documents of persuasion see Vasaly 1993, p. 9. Cf. Ramsey 2007, p. 130: “Of course, the written versions of Cicero’s senatorial speeches do reveal, at the very least, what Cicero wanted to take credit for having said at a given meeting, even if we cannot vouch for their strict accuracy as a record of what was actually spoken.” Cf. Zetzel 1993, p. 450.

71 Notable contributions as to the general political culture of Republican Rome include e.g. Nicolet 1980; Wiseman 1985 (ed.); Beard & Crawford 1985; David 1992; Vasaly 1993; Corbeil 1996; Jakobson 1999; Steel 2001; Flaig 2003; Fantham 2004; Hölkeskamp 2004; Morstein-Marx 2004; Rosenstein

certain advantages to venturing into a detailed discussion of the concept, as some of these theoretical aspects serve to highlight aspects that are important in this study.

Originating from the field of sociology, the concept itself has received somewhat more detailed interest from historians of later periods.⁷² In short, the political culture is the framework within which a political agent acts. Another basic definition is that the political culture is the, often invisible, set of rules that guide or direct those engaging in political activity with or without their conscious or explicit understanding. The concept of political culture encapsulates the political mentality, rules, and attitudes that characterize a specific historical period.

Sydney Verba, one of the earliest to develop this concept, offers the following useful definition: "The political culture of a society consists of the system of empirical beliefs, expressive symbols, and values which defines the situation in which political action takes place."⁷³ Another influential scholar, Lucian W. Pye, has stressed that the ideas and attitudes that guide political behavior should not be considered random.⁷⁴ Thus, a political culture is not to be understood merely by outward traits such as voting procedures and election processes, but also a political and cultural mentality. The political culture is not just the fixated political practices but also the belief in them. Given the aim of the present study, it is worth emphasizing the centrality of values in the concept of political culture.

Of relevance is the reciprocal relationship between the agent

& Morstein-Marx (eds.) 2006; and Connolly 2007a, all with further references. Cf. Hölkeskamp 2010, pp. 53–54.

72 At least in Sweden. See Demertzis 1985; Aronsson 1992; Österberg 1993; Harrison 1998. See also Fuchs 2007; and, again in Swedish, Denk 2009.

73 Verba 1965, p. 513.

74 Pye 1965, p. 7.

and the political culture. On this Nicholas Demertzis has suggested that political culture be viewed as something active, encompassing both the stage and the drama at the same time.⁷⁵ This means that the agent, in our case Cicero, is both shaped by the structure of Roman political culture and simultaneously shapes it. From this approach, the political culture is fluid rather than rigid and the political practice that takes place within the political culture, along with the ideas and norms that are articulated in this practice are what define it.

There is thus a basic idea behind the concept that mentality and cultural values have an impact on political life. Aside from the political values of a society as a trait for defining political culture, shared understanding of what arenas are considered political in nature, how political legitimacy is achieved, and what patterns of political action are deemed traditional are also part of any given political culture.⁷⁶

PREVIOUS SCHOLARSHIP

The link between oratory and politics argued in this study means that relevant scholarship is found in different directions within ancient history. Developments in the study of Roman political culture are detailed in the next chapter as part of the background canvas for Cicero's attacks on immorality. The study itself, however, instead finds its natural locus within an emerging field of the study of Roman rhetoric. After a brief outline of some vital developments in this area, I will proceed to the scholarship of more immediate concern for the specific study of Roman character attacks. Three different directions are identified as conver-

75 Demertzis 1985, p. 159.

76 Österberg 1993, p. 127.

ging in this regard: the study of invective, Roman immorality, and character.

In the introduction I argued that immorality in Roman oratory has been neglected. One thing should be made clear: neglect is relative. To be sure, immorality in politics has been put aside of the mainstream, but the vast amount of scholarly work done in classics guarantees that several of the topics, themes, and concepts under scrutiny have been dealt with at some point. It is important to note, however, the fact that scholars have frequently approached these subjects as separate areas of inquiry, while the present study instead focuses on their cultural links.⁷⁷ These works, which include studies of such wide-ranging areas as law, religion, sexuality, humor, and political philosophy, will be referenced when suitable in the empirical chapters. As stated previously, the speeches of Cicero belong to the most examined source material in Western tradition. That said, no study, to my knowledge, has consistently dealt with Cicero's portrayal of immorality in his political and judicial opponents or studied his political use of the immorality argument over the course of his career in order to trace the cultural logic behind this aspect of his oratory. Furthermore, careful consideration of the political use of immorality in Cicero's oratory is much needed. With that in mind, the following rundown of previous scholarship focuses mainly on the body of work that in some shape or form shares, or has allowed for, this perspective.

Approaching Rhetoric

Rhetoric has been both embraced and loathed by the heirs of the classical world, and Cicero as its main representative has often gone along with history's shifts in attitude, either praised for his

⁷⁷ See also Edwards 1993, p. 6.

eloquence or despised for his rhetorical tricks.⁷⁸ For a long time, rhetoric as an art was suspect in a Western intellectual climate that above all else cherished sincerity and sought to uncover the truth. Rhetoric carries with it negative connotations and today, claiming that a statement is “just rhetoric” indicates that it is not truthful or should be discarded as an attempt to sway listeners and manipulate the truth. This dichotomy between truth and rhetoric is misleading. In the present study, it is argued that a more fruitful approach to look at rhetoric is as the attempt to persuade through that which listeners find relevant and coherent.⁷⁹ It is nevertheless worth keeping in mind, that rhetoric in modern perceptions still lies dangerously close to deceit by way of speaking. Moreover, the ancient art of rhetoric, expressed in surviving treatises, does nothing to alleviate such fears.

The surviving systems of rhetoric have been influential throughout the centuries in an almost immeasurable way. But they have also characterized much of the scholarly body of work on rhetoric. An ideal form of speech has often been at the heart of scholarly endeavor. It is therefore worth noting that the theoretical framework of classical rhetoric, as pointed out by Ann Vasaly, still determines to a large degree what scholars see when they look at a Roman speech.⁸⁰ In other words: the theory of rhetoric has conventionally been very good at explaining its historical practice in a more or less uncomplicated manner.⁸¹ Rhetoric has been seen as the mold—the rule book—that oratory imperfectly tries to follow. This resilient perspective can

78 To be sure, authorities in antiquity were mindful of the potential to persuade that lies in rhetoric. See for instance Platon's *Phaedrus*.

79 See also discussion in Vasaly 1993, pp. 246–252.

80 Vasaly 1993, p. 3.

81 Poulakis 1993a, p. 1; Connelly 2007, p. 5.

however be challenged and has so been.⁸²

New perspectives on both rhetorical theory and practice have emerged and as a result rhetoric has experienced a recovery as an academic subject.⁸³ The scope of rhetoric has been widened from entailing merely eloquence in speech, to encompass the persuasive aspects of all texts. In traditional scholarship, John Dugan identifies three genres of rhetorical study as the commentary, the history of oratory, and the cataloguing of tropes.⁸⁴ The critical commentary, Dugan argues, has undergone very little change across the centuries and he sees the canonical works of Kennedy and Lausberg as examples of “traditional works of scholarship that resemble their predecessors in antiquity” and “extensions of the classical tradition of rhetorical scholarship.”⁸⁵ In regard to this pursuit of identification or assessment, Thomas Habinek laments that classical texts all too frequently are regarded “in purely formalistic and aesthetic terms.”⁸⁶ By way of example, Habinek instead focuses his approach on “cultural production of meaning and values” in the texts.⁸⁷ Such an approach, or rather, shift in perspective, owes something to developments in literary criticism that have allowed for a broader understanding of rhe-

82 See Gunderson 2000, p. 2; and Gunderson 2003, p. 14: “An uncritical acceptance of ancient rhetorical criticism can lead to the reproduction of their specific biases as truths.” See also Connolly 2007a, pp. 1–2.

83 Poulakos 1993a, p. 2.

84 Dugan 2007, p. 10. For a different approach to the rhetorical tradition, see Vitanza 1993.

85 Dugan 2007, pp. 11, 12. The former is a diachronic history of rhetoric and the latter a synchronic attempt to organize ancient rhetoric in its entirety. Cf. Gunderson 2009a, p. 9. As a more explicitly conservative or even anti-modern example, Dugan offers Vickers’ *In Defense of Rhetoric* from 1988, a work that he describes as trying to “police the disciplinary boundaries” of the study of rhetoric as he believes in a pure rhetorical tradition, threatened by interdisciplinary attempts. Dugan 2007, p. 12.

86 Habinek 1998, pp. 4–5.

87 Habinek 1998, p. 5.

toric.⁸⁸ In later decades, studies inspired by New Historicism and linguistics, and in particular by Michel Foucault, have surfaced in an otherwise conservative field. This has also led to the extant speeches from antiquity being viewed as texts comparable to other types of ancient literature.⁸⁹ Rather than merely imperfect records of an oration, speeches as texts can be analyzed in the same manner as plays, poetry, or inscriptions.⁹⁰ The field has flourished with these new ideas, even though one should not press an overall transformation of the study of rhetoric.⁹¹ In many aspects, Classics has stayed a conservative discipline and studies with explicit use of modern critical theory or methodology remain scarce.⁹²

None the less, the attitude of scholars has changed and therefore also the approach to rhetoric. The explanatory value of rhetorical theory has accordingly been challenged.⁹³ The belief that persuasion can be bottled, labeled, and sold has diminished. To be sure, the relation between theory and practice can furthermore be doubted. Jon Hesk observes that there is much in the real examples of Greek and Roman oratory that defies explanation and that cannot be predicted on the basis of any rhetorical classification.⁹⁴ Instead of an ideal system of eloquence, rhetorical

88 Dugan 2007, p. 13. Note that Dugan's identifies this broader view of rhetoric also in antiquity. See also Richlin 1992, p. xiv; Connolly 2007a, p. 15.

89 Gunderson 2009a, p. 8.

90 See Gunderson 2009a, p. 8 who argues that it is inadequate to separate speeches from other types of ancient texts.

91 For new approaches to the rhetorical tradition, see Poulakos (ed.) 1993; Habinek 1998; and Gunderson (ed.) 2009.

92 Dugan 2007, p. 15.

93 The rhetorical handbooks, from which so much of our knowledge of the ancient art of speaking stems, were pragmatic in nature. They promised a system for successful persuasion. Catherine Steel has maintained that this pragmatic concern with the end results "is the main reason for its limited use as a critical tool for understanding surviving examples of oratory." Steel 2009, p. 90.

94 Hesk 2009, p. 161. Cf. Steel 2009, p. 84. See also Kirby 1997, p. 18.

theory can be seen as “flexible, alive, and disputed throughout antiquity.”⁹⁵ Moreover, rhetoric is increasingly seen as a cultural construct that dynamically interacts with society as a whole and therefore provides a “cultural/linguistic map of the Roman world.”⁹⁶ Moreover, Joy Connolly has argued that rhetoric is “a useful lens through which to observe and understand the workings of republican politics.”⁹⁷ The present study fits neatly into this evolving part of the field of rhetoric. Rhetoric is not the object of study *per se* but “a launching point” into other aspects of the Roman culture.⁹⁸

In the present study, rhetoric is a launching point into Roman immorality and the object of study is the attacks that Cicero made on the character of his opponents. Interest in these attacks themselves can be located mainly within the study of invective.

Invective

Traditionally, classical scholarship has identified attacks on immorality as belonging to the literary genre of invective. Severin Koster, author of *Die Invektive in der griechischen und römischen Literatur*, offers the following definition of this genre:

Die Invektive ist eine strukturierte literarische Form, deren Ziel es ist, mit allen geeigneten Mitteln eine namentlich gennante Person öffentlich vor dem Hintergrund der jeweils geltenden Werte und Normen als Persönlichkeit herabzusetzen.⁹⁹

95 Gunderson 2009a, p. 14.

96 Dugan 2007, p. 16. See also Ruffell 2003, p. 52.

97 Connolly 2007a, p. 4.

98 See Dugan 2007, p. 16.

99 Koster 1980, p. 39; see also p. 354. Koster’s definition holds merit because it underlines the dependency of oratory in general, and invective in particular,

Invective is a structured literary genre, in which the goal is, through all appropriate means, to publically and personally degrade a person mentioned by name, on the basis of contemporary values and norms.

Although the formalistic nature of invective is often emphasized, as in Koster's definition, other scholars have focused on the intensity of attack as the defining feature of invective.¹⁰⁰ Kathryn Geffcken opts to characterize invective as oratory which "has as its ultimate purpose the destruction of the enemy" and furthermore as "sustained aggression" that uses every type of verbal weapon available to "smash the enemy and emerge victorious over the fallen opposition."¹⁰¹ Often invective furthermore suggests that the attacks are "for their own sake" and have a crude or hyperbolic character.¹⁰²

The study of invective has in recent years moved in the same direction as rhetoric in general, but was for a long time stagnant.¹⁰³

on society, and its values, at large. Cf. Novokhatko 2009, p. 13: "Invective is a literary form that aims to humiliate its object in public by any possible means and which addresses the object by name."

100 There is a conceptual ambiguity to the term itself. When speaking of invective, scholars can denote a type of speech, a particular speech, a vituperative statement or a broad genre transgressing several literary forms. It is routinely equated with *vituperatio* and thus confined within the epideictic genre. See Richlin 1978, p. 80 for different types of invective.

101 Geffcken 1973, p. 66. Cf. Richlin 1978, p. 79: "[The most straightforward invective is] that which has the primary and practical purpose of disgracing a certain person."

102 Cf. Powell 2006, p. 16. See also Ruffell 2003, p. 57.

103 Merrill 1975, p. i. Early standard works include Süß 1910; Nisbet 1961; Opelt 1965; Geffcken 1973; Merrill 1975; and Koster 1980. Richlin 1992; and Corbeill 1996 further developed a cultural perspective on invective. Lately see chapters on invective by Corbeill 2002b; Craig 2004; and Arena 2007. See also the recent work by Novokhatko 2009; and the edited volumes Booth 2006; and Smith & Covino 2011. For a summary of the scholarly tradition, see Powell 2006.

One reason perhaps can be attributed to the view, advocated by Ronald Syme that political speech was viewed as “screen and sham” concealing oligarchic maneuverings. Invective, the “grosser forms of abuse and misrepresentation,” thus, are of little concern to real politics and scholars have accordingly ignored it.¹⁰⁴ The lack of interest in these statements can also be explained by the fact that they were identified as part of a literary genre. The same *topoi* could be found not only in speeches but also in satire, graffiti, and epigrams. Since all politicians, including Cicero himself, were subjected to similar attacks it could of course not be trusted to accurately portray his opponents. One of the most influential scholars on the subject, R. G. M. Nisbet, famously described invective as showing “more regard for literary convention than historical truth.”¹⁰⁵ It should not be taken seriously. Scholars for a long time heeded his words.¹⁰⁶ Similarly, Crook maintained that invective was part of a political and judicial “game” that had its own rules and did not directly relate to other contexts.¹⁰⁷ All this ensured that invective was not seen as playing any part in Roman politics. On top of that, Erich Gruen not only agreed that “invective was commonplace” but added that “hyperbole would be recognized for what it was.”¹⁰⁸ According to such a view, the Romans did not take invective seriously either.

There are other possible reasons for the neglect of invective. In describing past scholarship on political abuse, Anthony Corbeill identifies two sets of attitudes—those who have chosen to judge Cicero, finding invective unrefined and unworthy of the political

104 Syme 1939, p. 151. Cf. Pocock 1926, p. 80.

105 Nisbet 1961, p. 193. Cf. Earl 1967, p. 19. On genre, see however Powell 2006, pp. 17–18.

106 Corbeill 2002b, p. 198, n. 7.

107 Crook 1967, p. 255.

108 Gruen 1974, p. 137. See also Austin 1952, p. 52.

system of the Roman Republic, and those who have tried to make apologies for him.¹⁰⁹ Invective was, at best, an embarrassing trait of Roman oratory. The importance and meaning of invective was thus effectively undermined. A main objective for the scholarly works on invective instead became to catalogue its contents. In 1910, Süß adopted ten categories of invective from the Greek rhetorical tradition.¹¹⁰ These were later made to correspond better with the Roman tradition by Nisbet.¹¹¹ Lastly, Christopher Craig has formulated, based on Süß and Nisbet, a list containing seventeen categories of types (or *loci*) of invective. This list includes: embarrassing family origin; unworthiness of one's family; physical appearance; eccentricity of dress; gluttony and drunkenness; hypocrisy for appearing virtuous; avarice; taking bribes; pretentiousness; sexual misconduct; hostility to family; cowardice in war; squandering one's patrimony; aspiring to tyranny; cruelty to citizens and allies; plunder; and finally, to be noted, oratorical ineptitude.¹¹² These, then, are the stock-themes of invective.¹¹³ Instead of context and meaning, identifying and categorizing invective emerges as the central task, something which has prompted criticism.¹¹⁴ More recently, Jeffrey Tatum has also stressed this dualism in the scholarship: "Modern approaches to Roman invective either stress its conventionality by making typo-

109 Corbeill 1996, pp. 22–23. See also Steel 2006, p. 106.

110 Süß 1910, pp. 245–62.

111 Nisbet 1961.

112 Craig 2004, pp. 190–191. Cf. Geffcken's list consisting of family, appearance, character, vices and evil deeds. Geffcken 1973, p. 70. See also Game 1909.

113 Craig 2007, pp. 335–336 argues that the audience expected these themes whereby they identified the speech as an invective. This however, he states (p. 337), does not reduce invective to a "mechanical counting process."

114 See Steel 2006, p. 124 on the "inherent limitations of any approach to Ciceronian invective which attempts simply to catalogue themes and techniques." See also Corbeill 2002b, p. 201. Cf. May 1996, p. 143.

logies of it or attempt to explore its sociological premises and implications.”¹¹⁵ As regards immorality, the typologies are vague.

From the above, it should be clear that previous scholarship on invective was for a long time content with identifying its content while leaving its cultural implications uncommented. There have however been, of late, some different approaches to the study of invective after the more philological studies in the tradition of Opelt and Koster.¹¹⁶ Some of these studies have been inspired by New Historicism.¹¹⁷ The genre perspective has also been questioned. Invective, according to Robin Seager, should not be understood as a “sharply delimited genre,” but as “a mode of discourse” the orator could employ according to the demands of the situation.¹¹⁸ Rather than just an end in itself, it was a natural part of forensic and deliberative oratory.¹¹⁹

The scholar who broke new ground in the field was Amy Richlin. Although her primary focus was Roman satire, she treated invective as a related genre in her dissertation.¹²⁰ In *The Garden of Priapus*, first published in 1983 she proceeded to investigate the connection between sexuality and humor and in doing so, took a novel perspective on invective as an area for scholarly

115 Tatum 2011, p. 167. As examples of typological works, Tatum offers Süss 1910; Nisbet 1961; and Craig 2004. Sociological approaches include Richlin 1992; and Corbeill 1996.

116 See for instance several of the articles in Booth 2006 and in particular the contribution by Javier Uría. See furthermore Dugan 2005; and Gildenhard 2011.

117 Booth 2006, p. xxi.

118 Seager 2006, p. 25. Craig 2007, p. 338 in comparison sees the genre as a part of a “zero-sum game of prestige.” Note that Craig allows for the extended value of *ad hominem* attacks in forensic and deliberative oratory. Contra: Ruffell 2003 who argues for the broader cultural implications of invective.

119 Arena 2007, p. 149.

120 See Richlin 1978.

study.¹²¹ Instead of ignoring invective, she held that the Romans considered verbal abuse a valid means of political expression and one which they took seriously.¹²² She also stated that the “frame of thought” that informs satire and invective “bears on Roman institutions that are not primarily sexual, like political systems, the military and religion.”¹²³ Thereby, she included attacks on immorality in the political culture. In her wake, scholars have pursued and studied invective with renewed interest, using it to analyze gender, identity, and elite anxieties.

The perspective advocated by Richlin was developed further by Anthony Corbeill. In his prominent work on humor, Corbeill refuted that Roman audiences did not believe the attacks of Roman orators.¹²⁴ Instead he opted for another interpretation: that humorous invective should be read as a rhetorical utility aimed at making a social outcast of its victim. By demonstrating in oratory that the target of invective behaved contrary to expectations and the well-being of the Republic, the orator could isolate his opponent and place him outside the boundaries of society.¹²⁵ The audience, Corbeill claims, is made part of this process

121 Later revised in 1992. References are to this edition. See also Richlin 1984.

122 Richlin 1992, p. 103. See also Gildenhard 2006, p. 174: “Invective seems to have been an accepted mode of discourse in Republican Rome.”; and Steel 2011, p. 35: “The systematic denigration of political enemies and rivals was an accepted part of Roman political culture.”

123 Richlin 1992, p. 210; see also p. 104.

124 Corbeill 1996, p. 5; with further arguments on p. 24. Also Corbeill 2002b, pp. 198–199. On the persistent question of the veracity of invective, see Craig 2007, p. 336 who argues that to the audience truth was of secondary importance, if in fact not irrelevant. Ruffell 2003, p. 48 suggests that whether or not the “audience ‘really’ believed or disbelieved” these attacks was not the point, but what mattered was whether someone was outmaneuvered by an opponent.

125 Corbeill 1996, pp. 4, 9. See also Corbeill 2002b, p. 198: “Through the extra legal means of invective, the public speaker employs language to exclude the potential law-breaker from the community of the elite.” Cf. Powell 2006, p.

by the orator and the representations of immoral politicians must have had support, in terms of beliefs and values, what the author calls biases, in the audience in order to be effective.¹²⁶ Such a perspective seems a far cry from viewing invective as merely a convention or an isolated genre to be ignored. Instead, it includes invective in communal processes of both identity and politics. To Corbeill, these expressions had no less impact than “serious political discussion” in the creating and enforcing of the norms of the Roman community and he holds that they had “tangible effects in the political sphere.”¹²⁷ His work is distinguished by his ability to convincingly analyze Roman elite morality—a result of Corbeill’s view that oratory can be seen as a cultural product.

Scholars have now revisited invective with a renewed sense of urgency. Several books that deal with Roman, or ancient, sexuality and gender have taken an interest in invective because of the frequent sexual themes and vocabulary.¹²⁸ These studies have analyzed invective as a means to study sexual morality and identity. Simultaneously, an interest in invective as a phenomenon and genre of rhetoric has also resurfaced.¹²⁹ Where scholars in the past shunned invective—whether because of its insincere, hyperbolic, topical, or ungentlemanly quality—modern approaches have recognized harsh personal attacks as crucial in understanding Roman culture and politics.

It is easy to get a sense in the scholarly tradition that invective

20, who argues, in response to Corbeill, that: “invectives brand their victims not as excluded, but as deviant members of the in-group.” Further remarks by Ruffell 2003, pp. 47–48; and Arena 2007, p. 157.

126 Corbeill 1996, p. 5.

127 Corbeill 1996, pp. 9, 24.

128 See e.g. Santoro L’Hoir 1992, pp. 9–46; Langlands 2006, pp. 281–318; Williams 2010.

129 See the edited volumes by Booth (ed.) 2006; and Smith and Covino (eds.) 2011.

explains what has been perceived as an idiosyncrasy. Invective as a modern category is in its traditional function a literary understanding of the nature of certain statements that otherwise seem confusing or out of place. Its value has been in acknowledging the existence of a (lamentable) cultural tendency of severe and intense personal assailment apparent in several genres of public discourse in ancient Rome—which can then be brushed aside. This in turn means that when looking for invective the scholar has a preconceived notion of what to look for and what to find. Furthermore, invective once found in the material is *explained* beforehand; as a genre, as convention, as something expected, and as something, subsequently, to be ignored.¹³⁰ For these reasons I will not in the upcoming study routinely identify statements in oratory as invective, but as statements about immorality. In this way, there is no initial assumption about the difference between hyperbolic and “subtle” claims about character, but that these interacted in Roman moral discourse. While invective implies the exaggerated and extreme, Powell has rightly noted that there are types of attacks in the speeches of Cicero for which the term invective is simply not appropriate.¹³¹ So, there appears to be an advantage to maintaining a difference between character portrayal and character abuse. Finally, this means that rather than starting the study with the *loci* suggested by Craig, these are instead available for comparison after the speeches themselves have been analyzed.

The object of study is not invective, but immorality. While it is important not to conflate these two, this also means that the modern categories of invective will at times overlap with “non-invective” in the upcoming study. For this purpose, invective is

130 In my view, invective also signals a conscious oratorical strategy being employed, whereas the object of this study is the meaning embedded in these statements, not the meaning necessarily intended.

131 Powell 2006, p. 2.

understood here as particularly intense character claims and holds no given explanatory value for the study at hand. Moreover, the question of the status of these attacks can be approached from a different perspective: as claims about immorality.

Immorality

As previously argued, immorality has not been a frequent object for scholarly endeavor; the relationship between immorality and politics even less so. An early study on the topic was Donald Earl's *The Moral and Political Tradition in Rome* (1967) in which the author emphasized precisely that to the Romans there was no sharp distinction between morality and politics or economics.¹³² In particular Earl studied the relevance of *virtus* for the nobility. To Earl, however, or what he referred to as the “modern enquirer” attempting to “distinguish [...] the political particular from the moral general,” the “apparent moral platitudes mask a political reality.”¹³³ Attacks on immorality were seen by Earl as a convention.¹³⁴ Nevertheless, in his final paragraph, Earl defends the study of the Roman tradition of blurring morality and politics, “[b]anal and cliché-ridden though it may appear to us” and argues that studying this tradition “can teach us much about the way in which the Roman mind worked and explain much about Roman actions and reactions.”¹³⁵

132 Earl 1967, p. 17. See also Earl 1961; Walbank 1965; Lind 1989, 1992; and Astin 1988. For morality and emotions in the Roman aristocracy, see Kaster 2005. For morality in imperial ideology, see Charlesworth 1937; and Fears 1981. For Cicero's rhetorical construction of morality and immorality, consult also Gildenhard 2011.

133 Earl 1967, pp. 20, 56; see also pp. 77 and 118–119. Earl saw Roman politics as fundamentally dictated by the oligarchy (pp. 14–15).

134 Earl 1967, p. 90; also p. 19.

135 Earl 1967, p. 132. Note the book's final sentence: “Not infrequently the

In *The Politics of Immorality* (1993), Catharine Edwards proceeded on the same supposition—that understanding morality was critical to understanding politics, but instead focused on the inversion of the *virtutes* that had occupied Earl. Hers was thereby arguably the first book to take immorality as a serious scholarly endeavor in its own right; that is, as rewarding the discourse of immorality interest in and of itself and not something obstructing the scholar's view.¹³⁶ Edwards traced the Roman obsession with morality that Donald Earl had noted and that I cited in the introduction, but without regarding it as inherently erroneous.¹³⁷ Her perspective advocated that although certain claims about immorality, for instance in oratorical duels, were not necessarily taken to be the “literal truth” this is not the same as holding them to be “empty or meaningless.”¹³⁸ Edwards, like Richlin, clearly linked claims of immorality with Roman political life and with power.¹³⁹

The study of Roman immorality has in particular one area thrived in recent decades: sexuality. The topic has been made the focus of numerous monographs, articles and edited volumes.¹⁴⁰

nature of a society is most clearly revealed in its most cherished clichés.”

136 Edwards 1993, p. 12. For earlier works on immorality, see Friedländer 1862; Litchfield 1914.

137 Cf. Lintott 1972.

138 Edwards 1993, pp. 10–11. Just as important to note is Edward's defiance against using ancient sources to reconstruct a person's behavior which she rightfully saw as a flaw in previous scholarship (p. 11). See also her comments on “colorful characters” as metaphors rather than real people (p. 36).

139 Edwards 1993, p. 27; see also p. 28: “Morality was still one of the most important spheres for the representation and negotiation of power relations.” Cf. Connolly 2007a, p. 4.

140 See e.g. Ariès & Béjin (eds.) 1985; Cantarella 1992; Richlin 1992; Hallett & Skinner 1997; Dupont & Éloi 2001; Skinner 2005; Langlands 2006; Williams 2010. See also Kiefer 1934. For Greek sexuality, see the standard works of Dover 1978; and Halperin, Winkler & Zeitlin (eds.) 1990. Articles on the subject are too numerous to include here.

Much of the classical debate was stimulated by the work of Michel Foucault.¹⁴¹ As previously discussed, Richlin argued for the relevance of sexuality for the broader cultural milieu, and for politics in particular. In her work on *pudicitia* (“chastity” or “sexual virtue”) Rebecca Langlands similarly observes that the study of sexual morality, because it is embedded in power structures and relations of power, provides insight into Roman culture in general.¹⁴²

Character, Ethos, and Self-fashioning

The third direction within the study of rhetoric with particular bearing for the present study is the importance attached to rhetorical character.¹⁴³ In his landmark study on the subject, James May equated *ethos* broadly with our modern “character” and argued that it was an “abiding and essential element in the art of verbal persuasion.”¹⁴⁴ May furthermore held that character, or *ethos*, was an overlooked aspect of considerable importance in Cicero’s oratory.¹⁴⁵ He went on to show how Cicero’s rhetorical arguments centered on the *ethos* of himself, his clients, and his opponents.

From the study of the Roman judicial system, May’s arguments were confirmed and further developed by Andrew Riggsby. He agreed that scholars in fact “must reconsider the status of the distinction between argument about the charge and argument about character.”¹⁴⁶ Attempting to separate the two is anachronistic:

141 For critique of Foucault’s treatment of ancient Rome, see Richlin 1992 and 1998.

142 Langlands 2006, p. 5; see also p. 318.

143 Generally see Süss 1910; Solmsen 1941; Kennedy 1972; McClintock 1975; Wisse 1989; Leeman *et al.* 1981–1996.

144 May 1988, p. 1. See Langlands 2006, p. 282.

145 See also Morstein-Marx 2004, p. 259; and Connolly 2007a, pp. 58–59.

146 Riggsby 2004, p. 176. Also Kennedy 1972, p. 41.

It has long been observed that Roman courts allowed and seem even to have demanded discussion of matters that would be excluded as irrelevant and/or prejudicial in an Anglo-American court. High on the list are the character, reputation, and past life of the defendant. A century ago this could be adduced as proof of the corruption or primitiveness of the Roman courts.¹⁴⁷

Riggsby has convincingly shown that what he calls the ethical argument was instrumental in Cicero's oratory.¹⁴⁸ That there exists a discrepancy between on the one hand the emphasis on character in Roman rhetoric and surviving examples of oratory, and on the other the scholarly disregard for character as argument has been attested by other studies as well. Kathryn Tempest has shown how character appeal was not only effective in Cicero's oratory, but that it was rooted within Greek practice.¹⁴⁹ Nancy Worman has argued that "contrary to received wisdom on the topic, the language of abuse has a more fundamental role to play in the forging of oratorical techniques than do elevated or laudatory modes."¹⁵⁰ Furthermore, she claims that rhetorical tactics of pillory and exclusion "form the core of classical oratory in practice," regardless of the attempts of both Aristoteles and later theorists to emphasize the importance of "projecting beneficence" and "employing pleasant vocabulary and cadences."¹⁵¹ In

147 Riggsby 2004, p. 176; May 1988, p. 10: "By Cicero's day, the speaker's ethos had become an important source of proof in the courtroom." Also McClintock 1975, p. 40.

148 Riggsby 1999, pp. 37–38, 169.

149 Tempest 2007. See also Worman 2009, p. 40: "Athenian orators made frequent use of fictionalizing and abusive tactics that denigrated their opponents' status and stature, both in forensic cases and in the Assembly." Cf. Santoro L'Hoir 1992, p. 27.

150 Worman 2009, pp. 30–31.

151 Worman 2009, p. 41.

other words, strategies suggested in theory as well as the practice of orators should not be disregarded as “rhetorical tricks” that merely throw dust in the eyes of the audience, but as evidence of the weight ascribed to character in Roman political culture and society at large. It is not a “simple genre feature” and it was certainly not irrelevant.¹⁵²

The understanding that public character was a crucial aspect of Roman oratory and politics has led scholars to pursue the question of how an orator such as Cicero presented and in essence fashioned himself to the Roman audience.¹⁵³ Through this type of oratorical self-fashioning, or self-presentation, the aristocratic orator constructed his identity within his public discourse. There was, as John Dugan has argued, a cultural understanding of the speech as a reflection of the speaker.¹⁵⁴ Roman rhetoric, according to Patrick Sinclair, was not only about persuasion, but also self-invention.¹⁵⁵ The self-image projected by the orator functioned as an aristocratic marker. A dignified and morally proper impression was in itself a means of persuasion. In his work on Cicero’s self-fashioning as a new man, a *novus homo*, in Rome, Dugan sees these rhetorical strategies, found in Cicero’s rhetorical treatises and speeches, that is, both in theory and practice, as deliberate. The orator fashions himself both to shape Roman culture and to position himself within the same discourse.¹⁵⁶

152 Riggsby 2004, p. 167.

153 See Sinclair 1993; Gleason 1995; Riggsby 1995; Gunderson 2000; Kros-tenko 2001; Dugan 2005; Kurczyk 2006; Also Hölkeskamp 1987. Cf. Leach 1990.

154 Dugan 2005, p. 3. See *De or.* 2.184.

155 Sinclair 1993, p. 561.

156 Dugan 2005, pp. 3, 13; see also p. 18: “Roman rhetoric itself is a discourse consumed with questions of the projection of identity, the formation of the self, and the proper use of speech for social acculturation and advancement.”

The concept, pioneered by Stephen Greenblatt, has found traction within classics.¹⁵⁷ Maud Gleason has stressed the complexity and interconnected whole as regards self-presentation, “in which conscious choices interact with instinctive responses to traditional paradigms to produce a carefully modulated public identity.”¹⁵⁸ In a more novel philological approach, Brian A. Krostenko has emphasized the extraordinary importance of what he calls the “social performance of identity” to the culture of the Roman elite and to the Latin rhetorical tradition.¹⁵⁹ Bottom line, rhetoric and identity are seen from this perspective as fused, and by studying the first, scholars have sought the latter. The morality or immorality of the speaker in ancient Rome, from such a view, interacted with and shaped the culture at large.

IMMORALITY IN ROMAN POLITICAL CULTURE

How then do we place the present study in relation to previous scholarship? What do we know and what knowledge can we hope to gain?

To be sure, we have, not least through the efforts of the above mentioned scholars, a good knowledge of Roman anxieties about their morality. To this discussion, the present study will hope to add and conceivably accentuate certain themes, but also in several ways build upon them. More important is the attempt to connect the dots through the link of what I refer to as cultural logic; a link I believe can be shown to explain not only the prominence of immorality in Roman oratory, but also show the implementation of immorality as persuasive argument in Cicero’s

157 See Greenblatt 1984.

158 Gleason 1995, p. xxvi.

159 Krostenko 2001, pp. 1, 5.

speeches and thereby in the political culture where he acted.

The tripartite approach to previous scholarship signals the natural locus of the impending work. Verbal abuse, immorality, and character together form the platform from which to take the next step. Three remarks are initially worth making in relation to the works I have cited above. First, it should be clear by now that I wish to take a broader approach to character attack than merely as verbal abuse. In this I want to include several speeches outside the canon of invective and moreover, a host of statements and claims on immoral character not identified as invective or as abuse. There is, from my perspective, no obvious reason that aggressive and non-aggressive arguments in oratory, however defined, reveal different moral standards, and with this approach I want to reduce the rift between relevant and irrelevant statements of character and corral a larger body of source material that in different manner debates and communicates Roman views on immorality.¹⁶⁰ The focus on immorality also means that certain types of invective are of little importance. Character and morality, rather than genre and convention, take center stage.

Secondly, the task at hand moves from the general discourse of immorality detailed by Edwards to political practice by looking at Cicero's implementation of this moral discourse in *Realpolitik*. This is not a study of rhetorical theory, but oratory; that is, practice. In turn this will deepen the understanding of this moral discourse but also bridge moral and political culture. The question is how immorality could serve political goals and attempt to produce political outcomes.

¹⁶⁰ The same goes for the tendency to equate invective with aggressive humor, as Richlin 1992 and Corbeill 1996 does (although neither treats it as merely laughworthy), a perspective I believe has merits but in this study creates limitations. See also Hickson-Hahn 1998.

Thirdly, I aim to build on the understanding of character as fundamental in rhetoric and focus on the immoral aspects of negative *ethos* with a complete study of Cicero's speeches. A question in this study becomes how character can be undermined through the use of immorality and how the immoral politician can be portrayed; a portrayal that closely interacts with a moral culture but has consequences for the political culture.

As a final point, there is reason to stress the important efforts already made by several scholars on the subject of this thesis. Several perspectives and conclusions argued by the aforementioned authors have provided vital inspiration for how to view Cicero's speeches. At the same time these studies have all made one thing clear—the conversation on Roman immorality has in fact just begun.

Chapter II

ROMAN POLITICAL CULTURE

MARCUS TULLIUS CICERO WAS BORN in 106 BCE in the town of Arpinum, located roughly 100 kilometers southeast of Rome.¹⁶¹ As a *novus homo*, a new man without the dignity of prominent ancestors, the climb on the political ladder was particularly arduous. Cicero would eventually do better than most of his peers. But his success would come at a price. He would master the game but also fall mercilessly from its highest point.

In this chapter the political culture in which Cicero acted throughout his career will be outlined. The main question is in what way immorality was a part of the struggle for power in ancient Rome. The task is not linear as there are contested aspects of how politics at Rome actually worked. Three aspects of Roman political culture are of primary concern: power, oratory, and morality. How did politics work in ancient Rome? What function did oratory have in regard to politics? And finally: what role did morality play on the political stage?

Understanding Roman character defamation in public speeches begins here, with the realization that it was an accepted part of Roman politics, firmly fixed in its individualistic, competitive, and moral political culture.

161 For the life of Cicero, see Plut. *Cic.* For modern biographies, see e.g. Gelzer 1969; Stockton 1971; Rawson 1975; Mitchell 1979 and 1991; Habicht 1990; Everitt 2002; and now Tempest 2011.

POLITICAL POWER IN THE LATE REPUBLIC

Rome by the time of the late Republic had grown from a small village into a vast empire. Although we can roughly reconstruct parts of this historical narrative, the details of the drastic transformation are by and large lost. Nevertheless, in many ways it seems the political culture had retained several of its defining traits and was, more importantly, characterized by its ideological roots in a Roman past. History, tradition, and politics were intimately linked in Republican Rome.

The past was important because it served as a moral guide to the Romans.¹⁶² The early history of Rome, albeit legendary, was valuable to the Roman historian Livius because of the lessons of morality contained therein.¹⁶³ To the Roman aristocracy and their system of values, the actions of their forefathers, described in Rome's history, were an important source in determining proper political behavior. The elite measured themselves against the past. Therefore, morality and politics were also fused together in a fundamental way through the link of history.

Before we can argue that portrayals of immoral character in oratory were important in Roman politics we must locate the place of both oratory and morality within the political culture. To do this, we must first establish the basic rules of the political game. Who could play? What arenas of politics existed? What acts on the political stage were possible? In order to understand Cicero's portrayal of Marcus Antonius as well as those he constructed earlier in his career, we need to understand the nature of the political culture that pitted individuals against each other and compelled them to moral attack.

162 Raaflaub 2006, p. 128. See also Dugan 2005, p. 11.

163 Liv. Praef. 6–13. For the early history of Rome, see e.g. Cornell 1995; Oakley 2004; Forsythe 2005; Raaflaub 2006.

The Roman Republic

By the time Cicero entered Roman politics the Republic had started to show signs of weakness. The Romans collectively held that after being ruled by kings for almost 250 years they had in the year 509 BCE cast out the last of the Etruscan kings and replaced monarchy with a republic. The idea of a *res publica*, a “common thing,” proved a powerful one. The Roman people were ideologically joined as a community in the serving of the state. Equally powerful was the fear of a return to monarchy and tyranny. The Romans set out to create a political system that guaranteed this would not happen.

The early Republic was characterized by the aristocratic rule of the patricians over the plebeians.¹⁶⁴ The patricians monopolized the political and religious offices that had supplanted the authority of the king. The plebeians, who made up the bulk of the Roman army, rallied together in what is known as the Struggle of the Orders and had, by the middle of the fourth century BCE, balanced the scales and gained entrance to the world of politics. The new political class during the middle Republic was a fusion between the patrician *gentes* and wealthy plebeians. This class, known as the nobility, distinguished themselves by service to the *res publica* and leadership in the many wars that both fueled and were fueled by the political competition among the elite. The political system of Republican Rome which we find in the Ciceronian era had by this time in fundamental aspects been set.¹⁶⁵

The last era of the Republic felt the strain of being a world power, but Rome had nevertheless been unwilling to change

164 For a recent challenge to the traditional division of the Republic, see Flower 2010.

165 North 2006, p. 259. Due to our lack of contemporary evidence, the details of the political system before the third century are obscured.

its political culture at the core. The Roman historian Sallustius pointed to the lapse in morality which followed from being the world's mistress, a causal explanation that, while its merits can certainly be argued, serves to illustrate morality's place in Roman history.¹⁶⁶ For the present purpose it will suffice to consent that several factors connected to imperial expansion—social, economic, political, and military—together formed a background that coalesced to create instability.¹⁶⁷

In 133 BCE, the year traditionally signaling the start of the late Republic, Tiberius Gracchus was slain by members of the elite after opposing the Senate. The breach of tradition was believed to have been cataclysmic by contemporary spectators and later students of the fall of the Roman Republic alike. A new precedent had been set. The political consensus that had characterized the earlier centuries was replaced by political violence.

The late Republic was torn by inner conflict on both a military and a political scale, all the while Rome continued to war both abroad and against its former allies on the Italian peninsula. In the 80's BCE, just when the young Marcus Tullius Cicero was coming of political age, the military dynasts Gaius Marius and Lucius Cornelius Sulla were waging war with armies no longer loyal to the Senate, and in the aftermath political violence reigned, violence that was repeated years later in Cicero's death. When Gaius Julius Caesar followed Sulla's example and made himself dictator after vanquishing his enemies in the Civil War of the 40's, he was slain by members of the aristocracy. In the eyes of history, if not to the Romans themselves, the *res publica* died with him.

166 Sall. *Iug.* 41; *Cat.* 10. Cf. Wallace-Hadrill 1997, p. 9.

167 For modern interpretations, of which there are many, see e.g. Meier 1966; Gruen 1974; Beard & Crawford 1985; Brunt 1988; Flower 2010.

Although the breakdown of the Roman political culture can too easily be ascribed to a teleological chain of reasoning where the Republic is doomed the minute political decorum is breached, we need not doubt that the intensity of the political struggle during the late Republic escalated.¹⁶⁸ Even if, on the surface, the political system was the same, friction within it contributed to a more antagonistic political reality. The stakes were higher. During Cicero's career violence became part of the political game. One of his political enemies took to the battlefield against his *patria* and another employed street gangs as a political tool. The growing influx of wealth became even more intertwined with the struggle for office.¹⁶⁹ Other means of gaining influence were pursued, some which resulted in armies on a battlefield, some with clashes in the Forum.

By the time Marcus Tullius Cicero entered the political stage, the political culture under scrutiny was at any rate harsh and relentless. And during his long career, which we will in a sense follow from the most antagonistic and polemical aspects, time and again, the new man from Arpinum experienced this more than most.

The Political System

*Now in all political situations we must understand that the principal factor which makes for success or failure is the form of a state's constitution: it is from this source, as if from a fountain-head, that all designs and plans of action not only originate but reach their fulfillment.*¹⁷⁰

Polybios, second century BCE.

168 For the teleology of violent narratives in Roman history, see Hammar 2014 forthcoming.

169 Rosenstein 1990, p. 2.

170 Polyb. 6.2. Translation by Scott-Kilvert (1979).

To the Romans, there was an imperative continuity from the past to the present, guided by the ways of the forefathers, the *mos maiorum*.¹⁷¹ The political system that the young Marcus had to learn to navigate was seen as naturally evolved through the wisdom of the ancestors. This meant that the Roman Republic had no written constitution. Instead it had, according to Christian Meier, a “growing constitution” (*gewachsene Verfassung*).¹⁷²

There were theoretically three nodes of power in the political system of ancient Rome: the Senate, the voting public, and the magistrates. The ancient commentator Polybios saw it as a system which incorporated aristocratic, democratic, and monarchic aspects.¹⁷³ This to him was the reason Rome was so successful. In modern scholarship it has been a long-standing issue which of these to emphasize.¹⁷⁴

Executive power lay with the magistracies while the Senate’s role was primarily advisory. Basically, the voters of Rome elected magistrates who interacted with the Senate to decide state business. It was a system of checks and balances designed not to allow a concentration of power in a single individual. Needless to say, the system had failed by the time of Cicero’s demise.

Elections to magistracies followed the *cursus honorum*, the common career path for politicians. For a young aspiring politi-

171 North 2006, p. 257. For *mos maiorum*, see Linke & Stemmler 2000.

172 Meier 1966, p. 56. Cf. Hölkeskamp 2010, pp. 15–16. See also Bleicken 1995.

173 Consult in general book 6 of the *Histories* and in particular chapters 6.9. and 6.10. For a thorough discussion of the value and risks regarding Polybios, see Lintott 1993, chapter 3. For critique of Polybios’ account, see Nippel 1980.

174 Theodor Mommsen, in particular, stressed the role of the magistrate, while scholars such as Gelzer and Bleicken instead regarded the Senate as the most politically potent of the three. Millar is the singularly most persistent champion of the People’s power. As noted by Lintott 1993, p. 66, however, the Roman’s themselves were hardly in agreement on this issue.

cian like Cicero, this meant that there was a fixed political ladder to climb. For every step on this ladder the number of individuals elected for each year was reduced, increasing competition. Together the magistrates performed the tasks of everyday politics, public religious acts, and maintenance of the city itself. The final step on the *cursus*, that of *censor*, is of particular interest as this office entailed the “moral review” of the members of the Senate.¹⁷⁵ Immorality could literally be cause for political exclusion in the upper echelons of power in ancient Rome.

In Roman political culture, religion and politics were intertwined and there existed, parallel to a politician’s ascent on the path of honors, a religious career.¹⁷⁶ Ritual communication was a vital part of Roman public life, and priests and augurs played the role of arbiters as regard the legitimacy of different forms of political action.¹⁷⁷ This also meant that the same members of the elite were simultaneously magistrates and priests.

Most magistrates and priests in Cicero’s day were also senators. In theory, this kept the magistrates from disobeying the body and thus constituted a conservative factor in the political culture. After a one-year term, consuls and praetors were given officials

175 See Cic. *Leg.* 3.7; Liv. 4.8.2. For the office of *censor*, see Astin 1988. Cf. McGinn 1998, pp. 27–28.

176 For religion in Rome, see e.g. Beard, North, & Price 1998; Ando (ed.) 2003; Rüpke 2004 and 2006. Rüpke 2004, p. 194 suggests that to “talk about ‘Roman religion’ is to talk about cultural practices that fit our notion of religion.” Scholarship of the Roman Republic has often held an apprehensive view of Roman religion and particularly those areas that concern state business. The possibility of manipulating the will of the gods, of which the Romans were well aware, has been seen as proof of the impiety of the Romans. Consequently, its importance has been downplayed. Brunt, for instance, holds that Cicero was “devoid of personal piety” and that religion was a matter of paying “lip-service.” See Brunt 1988, pp. 58, 60. For an example, see also Scullard 1959, p. 212.

177 Rüpke 2006, p. 233; Flower 2004a, p. 10; North 2006, p. 267. For religion and oratory, see in particular Gildenhard 2011, p. 246.

duties by the Senate as pro-consuls and pro-praetors. For a consul or praetor this typically meant the governing of a province, something which in turn presented the opportunity to recover some of the cost of running for office.

For Cicero to begin his climb on the political ladder he first had to be elected. There were several voting assemblies, each with its different conditions.¹⁷⁸ It was the assemblies alone, so Polybios tells us, that could pass legislation and annually elect the officials that held the executive power of magistracies.¹⁷⁹ The voting system was skewed towards the elite of the city and the political weight of an individual vote depended highly on the social status of the Roman who cast it.¹⁸⁰ Furthermore, the assemblies could only accept or reject the propositions put forward by the presiding magistrate.

Beside the voting assemblies there also existed a “public meeting” called *contio*.¹⁸¹ The *contio* had no formal legal role and functioned as a mode of communication between the political group and the people at large. These meetings were summoned by the magistrates (who were the only ones allowed to speak without a formal invitation), and included public announcements, speeches, and arguments for or against issues at hand.

The third node of power was the Roman Senate. It was made up of ex-magistrates and therefore contained the collected political experience of the *res publica*. Habitually this body, consisting

178 See Taylor 1966; Lintott 1993. For voting practices, see also Yakobson 1999.

179 Polyb. 6.14.10.

180 Hölkeskamp 2010, p. 19.

181 The ancient commentator Aulus Gellius claims that the difference between *comitia* and *contio* was that in the former you ask the people something which they then order or forbid, while at the latter you speak to the people without asking them anything. Gell. NA.13.16.1. See Taylor 1966, pp. 2–3. For the role played by the *contio*, see Pina Polo 1989; Mouritsen 2001; and Morstein-Marx 2004.

of 300 members (600 after Sulla's reforms), was convened by a consul or praetor who consulted it on political issues. The power of the Senate was based on *mos maiorum*, not any formal framework. This, however, was hardly an impediment but instead meant that their influence was "practically unlimited."¹⁸² They ruled, in the words of Ronald Syme, "not in virtue of written law, but through *auctoritas*."¹⁸³

One more political arena was of major importance in the Republic: the law courts. Roman trials were infused by politics.¹⁸⁴ The Roman courts were also exclusive to matters concerning elite behavior and all crimes were in this sense political by default.¹⁸⁵ For a young ambitious Roman, the first step on a political career was typically the arena of the courts. A standing criminal court, called *quaestio perpetua*, was not introduced in the Roman Republic until 149 BCE, but soon became the most frequent institution for criminal justice.¹⁸⁶ Criminal prosecution could also be put before an assembly of the people by a magistrate. The original purpose of the *quaestiones perpetuae* was to deal with the increase in provincial misconduct by governors through *repetundae*—extortion. The most notorious example of this is Gaius Verres whom Cicero prosecuted early in his career. By 80 BCE the crimes dealt with by this court also included treason (*maiestas*), embezzlement (*peculatus*), and electoral transgressions (*ambitus*). The number of jurors, made up from the higher segments of society, varied but could range up to over a hundred. Each side was represented by

182 Hölkeskamp 2010, p. 18; also p. 26. See also van der Blom 2011, p. 49.

183 Syme 1939, p. 10.

184 On this, see in particular Alexander 2006, pp. 101–102.

185 See Riggsby 1999, p. 14.

186 The standard account is Riggsby 1999. For a general overview of the Roman judicial system, consult e.g. Lintott 2004; Alexander 2006. A notable attempt to reconstruct the trial from the perspective of the prosecutor through the defense speeches was made by Alexander 2002. See also Powell 2010.

one or more orators who held at least one speech each. By its very nature, the system was “strongly adversarial.”¹⁸⁷

In sum, the setup was simple. Win elections, perform your duties as magistrate and join the Senate. In reality, of course, this was easier said than done. But questions remain: How did one get elected in the first place? Who rose on the political ladder? What drove the individual politician? And which node of power was in control?

Power in Practice

The brief outline of Roman politics sketched above illustrates how it was supposed to work. But scholars have not taken the system at face value. In order to discuss the political culture of the late Republic we must also retrace previous and current debates in classical scholarship. The question of how this system in actuality worked has loomed large.

With his Nobel Prize-winning effort *Römische Geschichte* as well as his *Römische Staatsrecht*, Theodor Mommsen laid the groundwork for much of the last century’s classical studies of Rome.¹⁸⁸ In particular, Mommsen had emphasized how office holding among the elite and the Roman legal structure were crucial elements in shaping Roman politics. The idea of two opposing parties struggling for supremacy—the *optimates* and the *populares*—also lingered in the work of later scholars.¹⁸⁹

In 1912 Matthias Gelzer put forward another theory that was to become pervasive. Two concepts, *amicitia* (“friendship”

187 Riggsby 1999, p. 15.

188 See Mommsen 1881–1886, and 1887–1888.

189 Today scholars tend to define these concepts not as ideology, but as political behavior, or rather strategies. See for instance; Morstein-Marx 2004; and before him Yavetz 1969. Now, however, see Wiseman 2009.

or allegiances) and *clientela* (the patronship of the elite toward their clients), were seen as imperative factors in the political realm.¹⁹⁰ The notion was that through complicated networks of dependencies, the Roman aristocracy decided the outcome of any election without having to rely on the populace.¹⁹¹ It proved a persuasive theory and was of course difficult to falsify because such networks would never have reached the sources. Scholars nevertheless deemed it possible to lay bare these invisible webs of *fides* through the prosopographical method pioneered to a large degree by Friedrich Münzer¹⁹² and a few decades later by Ronald Syme.¹⁹³ This meant the meticulous research of biographical details that revealed such connections and exposed, if not parties in any by default anachronistic meaning, but political factions or *factiones*. The prosopographical school produced innumerable impressive studies that, on the level of rigorous detail at least, scarcely seem possible to match today.¹⁹⁴ Yet, one of its most influential practitioners, Erich Gruen, cautioned that classical studies were perhaps becoming too schematic.¹⁹⁵

190 Gelzer 1912.

191 See e.g. Earl 1967, p. 17: "It was through this complex nexus of personal and extra-constitutional relationships that the nobility controlled not only the people of Rome but the whole of Italy."

192 Münzer 1920. A criticism directed against Münzer, as stressed by Hölkeskamp 1987, p. 13 is that he simply assumed the existence of aristocratic parties. Millar in turn, albeit calling Hölkeskamp's effort "indispensable," criticized the same work for assuming instead assertions that were set out by Gelzer in 1912. Cf. Millar 1989, pp. 141–143. For Millar's specific comments on Gelzer see, Millar 1986, p. 2. On this debate, now see Hölkeskamp 2010.

193 Syme 1939.

194 See e.g. Scullard 1935, 1951; Badian 1958; Gruen 1968, 1974; Broughton 1972.

195 See Gruen 1971. In particular, Gruen criticized the otherwise influential Scullard. See Gruen 1968, p. 2, n. 3, however see also Gruen 1968, p. 279. Further arguments contra by Lintott 1993, p. 167. See also Nicolet 1980,

Needless to say, if the oligarchy can manipulate their outcome as it pleases, elections become virtually meaningless. If a political culture is “fixed,” dominated by acts behind the scenes, public oratory becomes “a screen and a sham” in the words of Ronald Syme.¹⁹⁶ For a long time this was the view of ancient historians. Roman politicians duped the populace with words while quietly deciding the fate of politics among themselves.

A challenge to the stability of *factiones* had been formulated by Christian Meier in 1966 but Gelzer’s theory only unraveled after what can be described as a one-two punch.¹⁹⁷ Peter Brunt in his work *The Fall of the Roman Republic* published in 1982, rejected the idea that at the center of Roman political culture lay the ever powerful patron-client dichotomy, deciding its fate. This, it has been conceded, can be seen as a paradigm shift.¹⁹⁸ The question of course was what to put in its place. A provocative answer came from Fergus Millar, who by this time had already stated his criticism of the closed-circuit politics of Republican Rome in a series of articles.¹⁹⁹ Following Polybios, he argued that there were obvious democratic elements in ancient Rome, thereby reintroducing the *populus Romanus* in discussions of power, defining it as the sovereign body of the Roman political system.²⁰⁰ He too argued that scholars had put too much emphasis on *amicitia* and *clientela*, the influence of which could

pp. 6–7 for the risks of a “cynical” view inherent in prosopography. Cf. Alexander 2007, p. 102.

196 See Syme 1939, pp. 7–8; for “a screen and a sham,” see p. 15.

197 Meier 1966. See also Bleicken 1981.

198 See for instance Craig 2002; and Alexander 2007, p. 103.

199 See Millar 1984, 1986, 1989, and 1995. See also Millar 1998.

200 Millar 1998, p. 4. On democracy in Rome, besides Millar, see in particular Lintott 1987; North 1990a, 1990b; Jehne (ed.) 1995; and in that volume, Flaig 1995; and Hölkeskamp 1995; Mouritsen 2001; Morstein-Marx 2004; and for the most fervent critique of Millar’s view, now Hölkeskamp 2010.

not, at the very least he held, be proven. Both these shifts were followed by intense debate.²⁰¹ The traditional way of seeing politics was dubbed a “frozen waste theory” by John North.²⁰² Karl-Joachim Hölkeskamp, however, maintained that much of this was in reality ground that had already been covered.²⁰³ Millar’s claims risked putting a new scholarly “orthodoxy” in the place of the one he criticized, argued Hölkeskamp.²⁰⁴ While it is true that Millar might have gone too far, the prevailing perspective he sought to undo could likewise be accused of being extreme in its rigidity.²⁰⁵ More importantly, he helped invigorate classical scholarship. For the present study the question of whether Rome was democratic or not is beside the point, but Millar and Brunt both challenged the view that politics was determined independently of the voting public. This in itself is of significance.

Voices called for a middle ground. Alexander Yakobson held that surely it was meaningful to venture further than a simple dichotomy between oligarchy and democracy.²⁰⁶ Michael Alexander also pointed out the needless extremes and hoped that a consensus would emerge that acknowledged the importance of oratory in shaping public opinion, while still recognizing that “public opinion was decisive, and could be shaped only within limits set by the people.”²⁰⁷

201 For an overview, see Jehne 2006, pp. 14–23.

202 North 1990b, p. 278: “Its implication was that voting behavior in the assemblies could be regarded as completely divorced from the opinions, interests, and prejudices of the voters themselves.” Contra: Harris 1990, p. 291; Hölkeskamp 1993, p. 17, n. 12; 2004, p. 16, n. 21. Morstein-Marx, however, is more positive to North’s view. See Morstein-Marx 2004, p. 6; and furthermore, p. 32, n. 115.

203 Most significantly by Meier 1966. See Hölkeskamp 1993, p. 15.

204 Hölkeskamp 2004, p. 16.

205 For this, see Morstein-Marx 2004, p. 6.

206 Yakobson 1999, p. 231.

207 Alexander 2007, p. 101.

Several scholars also argued for such an interpretation. Hölkeskamp maintained that there existed a political hierarchy in Rome that was based on a meritocratic consensus.²⁰⁸ But this competitive elite, albeit one still relying on factions, also depended on culturally symbolic “capital” to maintain their social supremacy.²⁰⁹ Egon Flaig argued for a ritualistic culture in which the assemblies produced consensus rather than decisions.²¹⁰ In his study of mass oratory, Robert Morstein-Marx arrived at a similar conclusion. There existed an elite hegemony over Roman politics and the public discourse was paternalistic and unequal. But he also stresses the competitive aspect of public speech, as all politicians were forced to try and win the favor of the voters. Even though others contested this, such a perspective effectively put oratory back in the game.²¹¹

The discussion about where power was situated in Republican Rome begs the question of how to define both elite and people. To be sure, Rome was timocratic and divided its citizens into property classes.²¹² For anyone lacking financial status, the stage of public affairs was efficiently closed off. Likewise, the voting public was

208 Hölkeskamp 2004, p. 113: “Ihre Identität als ‘Meritokratie’ wurde durch ein reiches Repertoire von Ritualen und sonstigen symbolischen Formen der (Selbst-)Repräsentation reproduziert und geradezu immer neu konstruiert, die der Sichtbarmachung und damit dem Einsatz des kulturspezifischen ‘symbolischen Kapitals’ als ‘Kredit’ dienten.” (“Their identity as ‘meritocracy’ was, through a series of rituals and specific symbolic forms of (self-) representation, reproduced and therefore always constructed anew, where the visualization and input of culturally-specific ‘symbolic capital’ served as ‘credit’.”)

209 Hölkeskamp argues for the formation of this competitive elite in Hölkeskamp 1993, p. 37. See also Hölkeskamp 2004, p. 74.

210 Flaig 1995, 2003.

211 For an opposing view, see Mouritsen 2002 who argues for limited political participation. See for instance Mouritsen 2002, p. 128; for the political role of oratory, see for instance pp. 54–55.

212 For this, see for instance Nicolet 1980.

always a minority in Rome.²¹³ In that sense, the elite constituted a small segment of a minority of the people living under their rule. Christian Meier has offered an enduring definition of the elite by proposing that “Wer Politik trieb, gehörte zum Adel, und wer zum Adel gehörte, trieb Politik.”²¹⁴ Politics, meaning the management of the *res publica* by individuals through magistracies or the Senate, was the exclusive, and excluding, venue of the elite. This political elite also sat in juries, held religious office, and acted as patrons to those further down in the system. Clearly, democratic tendencies were few at best. But there is another way of interpreting the relationship between elite and people, one in which the Roman people were in fact given an important political role. For this perspective, the key was political competition.

Aristocratic Competition

In the aftermath of scholarly battles over democracy and oligarchy a new perspective gained traction where Roman political culture was seen as characterized by aristocratic competition.²¹⁵ To be sure, the competitive nature of Roman politics had long been acknowledged in classical studies of the Republic.²¹⁶ The intense rivalry was described by Polybios as a special characteristic of

213 Nicolet 1980, p. 3.

214 Meier 1966, p. 47. (“Whoever dealt with politics was part of the aristocracy, and whoever was part of the aristocracy dealt in politics.”) Though criticized by Millar 1998, p. 4 as circular.

215 For valuable general discussions on aristocratic competition, see Wiseman (ed.) 1985; Beard and Crawford 1985; Hölkeskamp 1987, 1993, 2004; Harris 1990; North 1990b; Rosenstein 1990a, 1990b, 1993, 2006; Williamson 1990; Flaig 2003. See also Yakobson 1999.

216 Rosenstein 1990, p. 255 gives credit to Syme and *The Roman Revolution*. See Syme 1939, p. 12: “The competition was fierce and incessant.”

Rome and thus had a long tradition.²¹⁷ Nevertheless, the idea of aristocratic competition as an explanatory principle for Roman political culture has during the last decades nevertheless replaced the predominance of cooperation between blocks, parties, families, or factions and in its stead put an individualistic approach to the nature of Roman politics.²¹⁸ As a consequence, more power has been awarded to the people as it was to them the ambitious politician had to turn in order to be elected.²¹⁹

Aristocratic competition meant that the individual member of the elite was engaged in constant rivalry with his peers over the offices of the *cursus honorum*. The magistracies were coveted because they allowed a politician to carry out public acts that bestowed glory on the Republic and therefore on him. The conditions were naturally adversarial and the competition continuously grew as the stakes rose with election to each office. Every step on the magisterial ladder allowed fewer winners each year. For instance, from a body of eight praetors there could only be two consuls elected annually and the final step, the censorship, was only available every five years.

The motivation for the individual politician was esteem and subsequently inclusion into the highest ranks of society. The signif-

²¹⁷ Polyb. 6.52.

²¹⁸ The main doubt that can be formulated about the influence of aristocratic competition is arguably based on the *fasti*, the nominal lines of consulship, which, it has been argued, at least in the middle Republic, contained only a small number of families, thereby strengthening the view of a closed oligarchial political culture. Study of the *fasti*, however, also indicates that there was no guarantee for an aristocrat to gain the highest office and that a considerable portion of members of consular families failed to do so. For this, see particularly Hopkins and Burton 1983. The authors also argue that the competition was probably fiercer on the lower levels of the *cursus honorum*. Cf. Lintott 1993, p. 167. See also Badian 1990.

²¹⁹ Beard & Crawford, p. 5. For the reciprocal relationship of the elite and *populus*, see also Gleason 1995, p. xxi.

icance placed on personal achievement by the members of the upper strata in Roman society can be attested by inscriptions as early as the third century onwards.²²⁰ Another impetus was to sustain the status of the individual's family, which depended on the ability of the younger males to gain access to the higher magistracies and thereby live up to their successful forefathers.²²¹ The following chain of reasoning illustrates how competition and rivalry worked during the Republic. The elite's aspiration for personal glory and distinction in the public eye (*gloria*), a good name and reputation (*fama*) in turn rewarding social worth (*dignitas*) and political authority (*auctoritas*), forced them to persuade the voting public to trust them with official duties within the state that could offer the opportunity to help the *res publica*. Cicero was also aware of this. There is no one, he declared in his rhetorical treatise *De oratore*, in such a famous state as Rome, that does not believe the pursuit of moral worth (*dignitas*) to be a fundamental ambition.²²² This *dignitas*, this societal distinction, was conferred by holding office, and by merits and achievements acknowledged by the community.²²³ The people in turn voted for whoever they thought could be most useful to Rome, thereby giving *populi beneficium* or "the people's support."²²⁴ The aristocracy competed with a specific set of aristocratic values of which *virtus*, courage and manliness, was the most prominent.²²⁵ For Hölkeskamp this is how the political function of the *populus* should be understood, as bestowing the honors

220 For examples of early evidence of these values, see Wiseman 1985a, pp. 3–10.

221 Rosenstein 1990, p. 176.

222 *De or.* 2.334.

223 See *De or.* 2.347.

224 See *De or.* 1.194.

225 For *virtus*, see McDonnell 2006 with bibliography. Also Earl 1961, 1967; Lind 1992; and Alston 1998. For the concept of *vir* in Cicero's speeches, see especially Santoro L'Hoir 1992, pp. 12–15.

of high office (*honores*) on the elite for which they raced, thus legitimizing them as a “political class.”²²⁶ The hierarchic system of prestige embraced by the aristocratic segment of society allotted real political functions to the Roman people.²²⁷ Service to the state alone, chiefly on the battlefield, but through inner political actions as well, rendered esteem (*dignitas*) in Rome.²²⁸ Ancestry, for instance, could be a reason for regard, but only, it seems, insofar as the forefathers had been of service to Rome.

There is an example, persistent in modern scholarship, of the values with which the elite competed in an anecdote in Plinius’ *Historia Naturalis*.²²⁹ During the funeral oration for his father in 221 BCE, Quintus Metellus enumerated first the political offices his father had held and then his accomplishments. He had been an excellent warrior, the best orator, and the bravest general. He carried out the greatest affairs under his own authority (*auspicio suo*) and reached the highest honor and wisdom. He had been considered the foremost senator of the state. He acquired great wealth in an honorable way and had been survived by many children. Last, he had been the most renowned (*clarissimum*) citizen of the state.²³⁰ Notable is the place given to oratory, second only to being a first-rate warrior.

226 Hölkeskamp 2004, p. 82; 2011, p. 30. Cf. Connolly 2007b, p. 96. See also Yakobson 1992, p. 50.

227 Hölkeskamp 2010, p. 92.

228 See Cic. *Rep.* 1.2. This point stressed for instance by Meier 1966, p. 46: “Der Anspruch auf *dignitas*, das heißt auf Ehre und gesellschaftliche Geltung war tief und gründlich auf den Staat bezogen, war nur durch Bewährung als Staatsmann, Feldherr und Diplomat—und eventuell als Jurist und Priester—zu begründen.” (“The demand for *dignitas*, that is to say, for honor and societal worth was deep and fundamentally related to the state, and was grounded solely on the qualification of being a politician, commander and diplomat—and possibly an advocate or priest.”)

229 See for instance Wiseman (ed.) 1985a, pp. 3–4.

230 Plin. *HN.* 7.139–140.

This perspective allows a more reciprocal flow of power and influence without denying that Roman society was unequal and controlled to a large extent by the political aristocracy. The elite were forced to present themselves time and again to the scrutiny and judgment of the people whose opinion in this sense really mattered.²³¹ This arguably meant that they subscribed to the definitions of the aristocracy as regards who was worthy to lead, but failure to live up to public expectations, not only in terms of skill or formal qualifications, but also perhaps more importantly, moral character, spelled failure at the polls and failure to achieve the esteem needed to be part of the upper echelon of power and prestige.²³² From this perspective, public influence was fueled by the competitiveness of the elite.

The stakes of this game added to the competitiveness. The opportunities for advancement were few and the costs of failure could be devastating. Financial considerations therefore played an important part in this, as political campaigning was expensive. Reaching the top echelon of the political pyramid, on the other hand, promised ample opportunity for enriching oneself.

The Roman funeral amply illustrates the way in which the elite strove to manifest their superiority. Political action and its actors could be experienced by not only members of the elite but also by ordinary citizens.²³³ Status in this visual culture relied heavily on the perception of fellow citizens.²³⁴ Spectacle, oratory, and visual reinforcement became important in projecting status in Republican Rome and an essential factor of the political system.²³⁵

231 Yakobson 2006, pp. 386–387.

232 Rosenstein 2006, p. 372.

233 Hölkeskamp 2010, p. 72. Cf. Flaig 2003, p. 146: “Die gerichtlichen Duelle waren begehrte Spektakel.”

234 Flower 2004, p. 322; Bartsch 2006, p. 117.

235 Flower 2004b, pp. 322–323.

Through the spectacle, in the form of games, processions, and rituals, the elite not only reinforced aristocratic values, but also the shared values of the community. The triumph was no doubt the most extravagant and therefore powerful example of this.²³⁶

The rivalry of the Roman elite was the inherent force that compelled Rome, lacking government, written constitution, or salaried office-holding, to build roads, markets and temples, acts which bestowed *gloria* on the benefactor. But also trivial administrative tasks of everyday public affairs were carried out by the aspiring aristocrat. In the end, as Nathan Rosenstein compellingly puts it, “the city harnessed individual ambition to meet its essential needs.”²³⁷

ROMAN ORATORY

For the more powerful a man was as a speaker, the more easily did he obtain office, the more decisively superior was he to his colleagues in office, the more influence did he acquire with the leaders of the state, the more weight in the Senate, the more notoriety and fame with the people. [...] The praetorship and the consulship seemed to offer themselves to them, and even when they were out of office, they were not out of power, for they swayed both people and Senate with their counsels and influence.²³⁸

Tacitus, *Dialogus de Oratoribus*

236 For the Roman triumph, see Beard 2007; Östenberg 2009.

237 Rosenstein 1993, p. 313.

238 Tac. *Dial.* 36: *quia quanto quisque plus dicendo poterat, tanto facilius honores adsequeretur, tanto magis in ipsis honoribus collegas suos anteibat, tanto plus apud principes gratiae, plus auctoritatis apud patres, plus notitiae ac nominis apud plebem parabat. [...] hos et praeturae et consulatus vocare ultro videbantur, hi ne privati quidem sine potestate erant, cum et populum et senatum consilio et auctoritate regerent.*

In Republican Rome of the first century BCE a politician was by definition an orator.²³⁹ Oratory in turn defined the aristocracy.²⁴⁰ For the study of Cicero's political use of immorality in his speeches, it is important to emphasize that the nature of the political culture was inevitably integrated with oratorical performance and, consequently, so was the competition of the aristocracy. Whereas traditional scholarship for a long time viewed oratory as having little bearing on Roman politics, modern scholarship now recognizes it as perhaps the main political act in Roman political culture.²⁴¹ The career of an individual was tied to his success as an orator. Political power, to a large extent, came from oratory.

The orator was a deep-rooted powerful figure in Roman cultural consciousness, a bulwark against tyranny and a protector of the Republic.²⁴² Cicero identified Brutus, the man who according to legend had put Rome on its Republican path by throwing out the last king in the sixth century, as the first Roman orator, an honor which tells us something about how politics and oratory were viewed in ancient Rome.²⁴³

Oratory at Rome was also, in the fullest sense of the word, political action. The chief arena for this political action was the Forum.²⁴⁴ But the central stages acknowledged by the political

239 On Roman oratory in general, see e.g. Leeman 1963; Steel 2001, 2006; May (ed.) 2002 with Craig 2002; Habinek 2005; Connolly 2007a. For different aspects of oratory and politics in the Roman late Republic, see also the edited volumes of May (ed.) 2002; Powell & Paterson (eds.) 2004; Dominik & Hall (eds.) 2007; Berry & Erskine (eds.) 2010; and now Steel & van der Blom (eds.) 2013.

240 David 2006, pp. 421–422.

241 See e.g. Millar 1998; Jehne 2000; Fantham 2004; Morstein-Marx 2004; Dugan 2005; Steel 2006; Alexander 2007.

242 Dugan 2009, p. 179.

243 *Brut.* 53.

244 May 2002b, p. 53.

culture were all invariably oratorical in nature. Whether in front of a jury at a trial, the people at a *contio*, or on the Senate floor, the premier platform for politics in the Roman Republic was the speaker's platform. Decisions were taken, verdicts were given, and laws were passed as result of individual efforts of oratory.²⁴⁵ As there were no dogmatic religious texts, no comprehensive book of law, and no written constitution, decisive action was to a large degree dependent on choosing the way suggested or the interpretation argued in public speeches. Public discourse hence carried tremendous force.

Public discourse in Rome was controlled by the elite. The opportunity to speak in front of the *populus* was by definition an elite prerogative. But the aristocratic code of behavior—the basis for their supremacy and the yardstick of excellence—projected by oratory, was only powerful insofar as the larger community shared those values and accepted the merits.²⁴⁶ This meant that certain boundaries were fixed for the orator. He had to appeal to common cultural values. “Political life,” Harriet Flower has noted, “consisted of involvement with this community of shared concerns and values.”²⁴⁷ The power of a speech depended on its ability to resonate with the beliefs and values of its audience.²⁴⁸ The success and failure of an orator was related to his ability to tap into the convictions and prejudices of his audience, the voters, jury members, and senators.

245 Dugan 2009, p. 178.

246 Cf. Hölkeskamp 2010, p. 70.

247 Flower 2004, p. 2. Also Dugan 2009, p. 180: “The identity of the orator is part of a larger imagined community that he constructs in his speech, a *res publica* [...], to whose nature and values Roman oratory repeatedly returns.” Cf. Morstein-Marx 2004, p. 14.

248 See Vasaly 1993, pp. 245–246; Corbeill 1996, p. 5; Riggsby 1999, p. 19; and Williams 2010, p. 20. Also Koster 1980, p. 39; and Uría 2006, p. 60. Cf. Jakob 2007, p. 297. Cf. however Morstein-Marx 2004, pp. 17–18.

Oratory and rivalry also went hand in hand. The competitive culture of Rome routinely pitted individuals against each other in the various arenas that existed.²⁴⁹ Conflict was an inherent part of Roman oratory in the race for prestige. This polemical quality could take different forms. As part of the prosecution at a trial you were expected to attack the defendant but you were also in natural oppositions to the side of the defense. When defending a client, a strong offense could often be a good defense. On the Senate floor, opposing views could easily come to verbal blows, and a way to make a name for yourself before the Roman people was by verbally attacking another member of the aristocracy. Success as an orator was for these reasons tied to verbal attack.²⁵⁰ Direct personal verbal aggression thus seems built into the Roman political culture of the late Republic.²⁵¹

We know very little of Roman oratory in the early and middle Republic.²⁵² David argues that the earliest orators were characterized by brevity and *gravitas*, i.e. a serious and stern quality.²⁵³ Their power of oratory was founded in *ethos*, in ancestry, offices held, and military achievements, and while such aspects continued to be crucial to Roman political culture, in the middle of the second century BCE a simple stating of merits was confronted by a more elaborate type of oratory infused by Greek discipline. David argues that in order to be successful, the orator could no

249 Rosenstein 1990, p. 49; Gleason 1995, p. 159.

250 Arena 2007, p. 150.

251 May 1988, p. 13: "Cicero seems at times to have made it his primary concern and chief rhetorical aim to disarm his adversary's authoritative character." See also Richlin 1992, p. 13: "character assassination was one of the primary goals of any orator on the offensive."; and Edwards 1993, p. 11: "This kind of abuse was a major element in the arsenal employed in the agonistic rituals of Roman political life."

252 For early Roman oratory, see Sciarrino 2007.

253 David 2006, p. 428.

longer simply rely on a good record of accomplishments or the name of his family, but had to “prevail in rhetorical duels.”²⁵⁴ For the young Cicero to be able to compete in the arenas of Roman political culture, he had to learn the rules of rhetoric.

RHETORIC AT ROME

In the ancient world, rhetoric, the art of persuasion, was believed to be of fundamental importance.²⁵⁵ It played a vital role in shaping the societies of the Mediterranean world, influencing culture and knowledge.²⁵⁶ Rhetoric was seen as a prerequisite skill of every Greek and Roman politician, but also something that could be approached from a philosophical standpoint.²⁵⁷ It had two sides, one practical, and the other intellectual, and meant more than just speaking well; it was part of the moral upbringing and identity of the governing classes.²⁵⁸

Rhetoric could be classified and systematized.²⁵⁹ General argu-

254 David 2006, p. 422.

255 The term rhetoric is routinely used to denote both the theory behind oratory, persuasion, or eloquence, and the rhetorical action itself and its content. In this study I will refer to the abstract theoretical perspective on oratory as rhetoric and the practice as oratory. For definitions of rhetoric and oratory, see Connolly 2007a, p. 2: “Rhetoric arises from the practice of oratory”; and Habinek 2005, p. vi; Gunderson 2009, p. 3. This approach defines rhetoric primarily as a system for classifying and organizing persuasive discourse. Cf. Steel 2009, p. 77.

256 For the various roles played by rhetoric and oratory in Rome, see Habinek 1998; Poulakos (ed.) 1993; May 2002b; Gunderson 2009.

257 *De or.* 1.128.

258 David 2002, p. 422: “Rhetoric was as much an art of aristocratic behavior and of the ethos of leadership as it was an art of speaking.” See also Gunderson 2003, p. 5; and 2009, p. 110. For the education of the Roman elite, see Corbeill 2001, 2002; Connolly 2009. For intellectual life during the late Republic in general, consult Rawson 1985.

259 Such an approach in itself was a way of claiming authority and receiving credibility. See Steel 2009, p. 78.

ments and topics were readily available.²⁶⁰ Competing classifications asserted their superior way to the same fundamental goal based on the idea that following the rules guaranteed oratorical, and therefore political, success. Recognizing a formal rhetorical framework, as argued by Ann Vasaly, is however “not an end but a beginning.”²⁶¹ With that in mind, we shall address the question of how oratory in Cicero’s day was supposed to work. This section will conclude with a particularly neglected area within the study of rhetoric—the emphasis placed by the ancient rhetorical handbooks on character and morality in oratory.

The Development of Roman Rhetoric

When Cicero received his education, Roman rhetoric had evolved through a deep-rooted interaction with a larger intellectual milieu.²⁶² Oratory, even though a distinctive trait of Roman society, was heavily influenced by Greek practice and theory.²⁶³ Rhetoric was a contested field. The Greeks, as one scholar has suggested, were almost obsessed, with “the phenomenon of persuasive language.”²⁶⁴ In the early development of rhetoric, the Peripatetic and Stoic schools alongside the Attic orator Isocrates were influential. Both Platon and Aristoteles became, alongside their followers, important authorities on the art of persuasion. They differed

260 For *topoi*, consult Cicero’s *Topica*.

261 Vasaly 1993, p. 5.

262 This means that examples of Roman behavior, attitudes, and aspects of political culture can often be found and analyzed within a Greek context. For a particularly illustrative example of the link as regard character, see Tempest 2007; and now Tempest 2011. See also Worman 2008.

263 For detailed accounts of the development of Greek and Roman rhetoric, see Corbeill 2002a, pp. 23–48; Culpepper Stroup 2007. Also see *De oratore* (book 3) and *Brutus*.

264 Kirby 1997, p. 13.

however on how to view it. Platon even denied that rhetoric was an art at all and questioned the moral aspects of persuasion in his work *Gorgias*.²⁶⁵ Aristoteles, influenced but not deterred by his master's misgivings, devised, in his more logical manner, a classification of rhetoric with a tripartite system of *ethos*, *pathos*, and *logos*, the three *pisteis*, or sources of persuasion.²⁶⁶

By the last century BCE, Latin manuals were also being written and published on the subject of rhetoric. Two of them survive.²⁶⁷ The first is *De inventione*, written by the young Cicero. The second is the anonymous treatise *Rhetorica ad Herennium*, written in the early first century BCE. Both authors drew heavily on the Greek tradition in general.²⁶⁸

As shown, the nature of rhetoric could itself be defined in various ways during antiquity. In *Ad Herennium*, the art (*ars*) of rhetoric is described as that which provides a fixed and systematic approach to speaking.²⁶⁹ Cicero, in the opening of his *De inventione*, allows that "this thing we call eloquence" can be seen as an art, but also a skill and a gift of nature.²⁷⁰ More importantly, he sees oratorical ability as part of political knowledge.²⁷¹

265 He later revised some of his critique in the *Phaedrus*.

266 On the influence of the Aristotelian tradition, see Solmsen 1941.

267 The others we know of are *De ratione dicendi*, probably by M. Antonius and *De gestu* by L. Plotius Gallus.

268 And the systemization of Hermagoras of Temnos in particular. Most important in this regard was the division of rhetoric into five parts, where *inventio*, or the "inventing" of the arguments for the speech, was particularly emphasized. The theory of *stasis* found in the work of Hermagoras also had profound influence. From Theophrastus, Cicero and the author of *Ad Herennium* also adopted the four virtues of style: correctness in the language (*Hellenismus*, *latinitas*) clarity (*perspicitias*), ornament (*ornatus*), and appropriateness (*aptum*). See Kirby 1997, p. 14; Corbeill 2002a, pp. 29–31.

269 *Rhet. Her.* 1.3: *Ars est praeceptio, quae dat certam viam rationemque dicendi*. Cf. *De or.* 2.32.

270 *Inv. rhet.* 1.2.

271 *Inv. rhet.* 1.6.

Rhetorical Divisions

There is unfortunately no way to summarize any complete “ancient rhetorical theory,” although one might sometimes be led to believe this is the case.²⁷² There were competing views on how the art of rhetoric could be structured. The following remains, of necessity, a basic outline.²⁷³

Greeks and Romans seemed to agree that there were basically three types, or genres, of speeches.²⁷⁴ The three genres were concerned respectively with legal matters, with (political) deliberation, and with demonstration and were known as *genus iudiciale*, *genus deliberativum*, and the *genus demonstrativum* (more often referred to as epideictic oratory).²⁷⁵

Judicial, or, forensic, oratory, typically took place in the agora or Forum (hence the modern name) and meant speaking either as a prosecutor or as a part of the defense. Rhetoric in ancient society was much concerned with this arena and consequently the handbooks are unevenly tilted toward this genre. The treatises guided the pupil in preparing for the various situations of the judicial courts.

The second type of speech was the deliberative speech. Of the three genres, this was the most obviously political in nature, the

272 A modern attempt is Lausberg 1998. Standard accounts of the system of ancient rhetoric include Kennedy 1972 and 1994; Clarke 1996; and May & Wisse 2001, pp. 26–38. See also Vickers 1998.

273 This summary primarily follows the handbooks that have survived from the late Republic, *De inventione* and *Ad Herennium*.

274 The basic classification of rhetorical material fell into general (*theses*) and specific (*hypotheses*) questions. The three genres existed under the latter. The first surviving work to utilize such a division was Aristoteles' *Rhetoric*. For types of oratory, see Hesk 2009.

275 See Dugan 2005, p. 25 who calls this triad “inherently unstable.”

main purpose of which was to recommend a course of action.²⁷⁶ Its natural locus was the Senate floor, the public assembly, or any such similar deliberative body. But the orator was also recommended to build up his speech as if it was a forensic speech, and the two genres accordingly blended together.

The third genre, epideictic oratory, was considered a type of ceremonial or show speech where the skill of the speaker could be evaluated.²⁷⁷ It included a subdivision of praise (*laus*) and blame or censure (*vituperatio*). The elusive category receives very little attention in the handbooks and has been seen as having almost no existence independent of the other genres.²⁷⁸ Instead it was mostly recommended as a type of exercise or training, as there were very few applications for it in political life.²⁷⁹ The Roman handbooks allowed for praise or censure to be inserted when useful into deliberative or forensic speeches, thus blurring the lines between the genres even further.²⁸⁰

While the genre of speech was often decided by external

276 It was subdivided depending on the possible outcome of the deliberations and its aim was utility, as well as justice, honor and their opposites.

277 Hesk 2009, p. 145

278 In Cicero's *De oratore*, his interlocutor Antonius dismisses it as a third category of speech, next to forensic and deliberative. *De or.* 2.43–51. See also Clarke, p. 24; and Kennedy 1972, p. 21: "Greek epideictic or demonstrative oratory was largely nonexistent in the Roman republic, and the only native Roman form of significance was the funeral eulogy, *laudatio funebris*."

279 *Rhet. Her.* 3.15. Furthermore, in Cicero's last rhetorical work, *Orator*, he opts not to include epideictic oratory in his treatment of the several kinds of speeches, because they do not concern the political contest of the Forum. *Orat.* 37. The foremost example of the genres practical use was the *laudatio funebris*, or funeral oration, a privilege of the elite to honor the life of their deceased members. Cf. the Greek *epitaphios logos*. See also Hesk 2009, p. 158: "We should not view these funeral speeches as artless or formulaic propaganda." Now see Covino 2011.

280 Dugan 2005, p. 29: "Although epideictic can afford the young orator valuable preparation for real oratorical combat, its goal is delight and not conflict."

circumstances, the construction or rather conceiving of the speech was up to the orator. Both Cicero and his contemporary, the author of the *Ad Herennium*, favored the division of rhetoric into five elements. These included: *inventio*, meaning the invention of that which would make up the speech; *dispositio*, the arranging of said subject matter in the speech; *elocutio*, the style to use; *memoria*, memorizing the speech, and finally *actio* (or *pronuntiatio*), the oratorical performance itself. These five elements constituted the orator's duties or *officia oratoris*.²⁸¹ He should first find what should be said, in what order it should be said, and in what style.

As for the division of the finished speech, there were ideally six parts.²⁸² The opening was called the *exordium* and was followed by the *narratio* where the speaker stated the facts of the issue at hand. The *divisio* (or *partitio*) revolved around what the issue was and what was meant to be argued for. The fourth and fifth parts together constituted the argumentation and were known as *confirmatio* and *confutatio*. They dealt with arguing for the orator's own case and refuting the arguments of the other side. The *conclusio*, or peroration, summed up and strove to appeal to the indignation and pity of the listeners.

This then was the structure of an ideal speech. But as Vasaly has noted: the surviving handbooks of rhetoric "seem far removed from the stimulating world of ancient praxis."²⁸³ Success depended on more than knowing the *topoi*.²⁸⁴ Gunderson argues

281 Not all authorities agreed on this quinquartite division and some did not include the more practical aspects of memory and delivery. See Clarke, p. 24.

In the two surviving handbooks, *inventio* and *elocutio* make up the lion's share of the text.

282 In *De inventione* and *Ad Herennium*.

283 Vasaly 1993, p. 3. Cf. Riggsby 2004, p. 172.

284 Vasaly 1993, pp. 252–253.

in the same vein that the rhetorical handbooks should be seen not as umpires but as players on the field.²⁸⁵ The ancient rhetorical framework can thus be reduced to a system first proven to be effective by oratory.²⁸⁶

The rhetorical handbooks, however, did not only debate structure but also subject matter. Next, therefore, we will look for the place immorality and character attack had within these ideal systems.

Vituperatio

Within the three genres of speech, the kind of attacks that Cicero made on Antonius in the Senate in 43 BCE were at first glance located in the epideictic, or demonstrative genre concerned with praise or blame. Attack on a person is there known as *vituperatio*.²⁸⁷ The handbook *Ad Herennium* treats praise, *laus*, and censure, *vituperatio*, as natural opposites. Everything used in praise of a person, his virtues, actions, and background, could also, if required, be turned on its head.²⁸⁸

Praise and censure can be adduced from three areas according to the anonymous author: external aspects, physical attributes, and “character” (*animus*). Examples of external aspects are descent, education, wealth, political power, fame, citizenship, and bonds of friendship, while under physical attributes the orator can attack defects in strength or beauty. *Animus* is divided into *pruden-*

285 Gunderson 2009, pp. 8, 11.

286 See Heath 2009, p. 72.

287 Often this has been translated as invective or abuse. However, Quintilianus claims that only three of Cicero’s senatorial speeches contained *vituperatio*. Quint. *Inst.* 3.7.2. For *vituperatio* and the epideictic genre, see also *Part. or.* 69–97. For the topoi of panegyric, see Arist. *Rhet.* 1.9.

288 *Rhet. Her.* 3.11. Also *De or.* 2.46. See Dugan 2005, p. 30: “invective may be seen as a carnivalesque, parodic, inversion of praise.”

tia, *iustitia*, *fortitudo*, and *modestia*, i.e. wisdom, justice, courage, and temperance. Hence if the speech is vituperative, the character should be defined as unjust, cowardly, immodest, or stupid.²⁸⁹

It is noteworthy that the speaker should explain why he is using *vituperatio*. Three reasons are given: the attack is justified because of the way the orator himself has been treated; because of the common good of censuring bad behavior; or, finally, because it is pleasing to show that which is considered desirable behavior through the censure of others.²⁹⁰

To fixate *vituperatio* solely within the epideictic genre, however, soon turns out to be problematic.²⁹¹ Cicero's attack on Antonius was not a "show speech."²⁹² It was political in nature. *Vituperatio* was, in other words, not just an exercise. Both handbooks stress that attack, or censure, can have a wide range of uses in oratory. In the *Ad Herennium*, the author cautions the student of rhetoric not to neglect the subject since large parts of judicial and deliberative circumstances are often concerned with both *laus* and *vituperatio*.²⁹³ Instead of dealing with the details of attack under the epideictic genre, Cicero refers to his discussion under legal speeches. Discussion of *vituperatio*, it turns out, is not the only aspect of character in Roman rhetoric. A wider search arc is gained by looking at the importance of character in the

289 *Rhet. Her.* 3.15.

290 *Rhet. Her.* 3.11: *Si vituperabimus: aut merito facere, quod ita tractate simus; aut studio, quod utile putemus esse ab omnibus unicum malitiam atque nequitiam cognosci; aut quod placeat ostendi quod nobis placeat ex aliorum vituperatione.*

291 See also Novokhatko 2009, p. 13.

292 Cicero discusses the genre also in *Partitiones oratoriae*, where it is clear that the idea of the epideictic speech is to give audience pleasure and enjoyment and therefore carries with it particular considerations of style etc. See *Part. or.* 71–73. Cf. also Batstone 1994, pp. 218–221.

293 *Rhet. Her.* 3.15. See also *De or.* 2.349.

rhetorical handbooks. In fact, it has been suggested that the importance of character in Roman oratory bridges the gap between formal divisions of rhetoric.²⁹⁴

Character in Roman Rhetorical Theory

The topic of character attack can be found in the *Ad Herennium* as a vital part of the opening, or *exordium* of a speech. Attack, the author states, can create goodwill for the speaker:

*Ab adversariorum persona benivolentia captabitur si eos in odium, in invidiam, in contemptionem adducemus.*²⁹⁵

We will capture goodwill from the character of our adversaries by bringing them into hate, ill-will, or contempt.

To adduce hatred (*odium*), the author states, impure, arrogant, treacherous, cruel, impudent, malicious, or shameful acts should be used.²⁹⁶ Ill-will (*invidia*) is produced by describing unjust political behavior and corruption, such as violence and misuse of power, political alliances and foul play, use of wealth or social standing above truth. Contempt (*contemptio*) finally is achieved by showing the *inertia*, *ignavia*, *desidia*, and *luxuria* of the targets—their laziness, idleness, sloth, and excessive living.

More references to character are found scattered across the

²⁹⁴ Riggsby 2004, p. 182.

²⁹⁵ *Rhet. Her.* 1.8. Cf. *Inv. rhet.* 1.22: *ab adversariorum autem, si eos aut in odium aut in invidiam aut in contemptionem adducemus*. The similarity is often explained by the fact that both authors drew heavily on Hermagoras of Temnos.

²⁹⁶ *Rhet. Her.* 1.8: *Spurce, superbe, perfidiose, crudeliter, confidenter, malitiose, flagitiose*. Cf. *Inv. rhet.* 1.22.

handbooks and in regard to other aspects of rhetoric. The *narratio* can also be dealt with from the position of character.²⁹⁷ As part of the narration the orator can go outside the relevance of a legal case in order to accuse a person. Another aspect is that, if the defendant pleads for pardon, it is important that his wrongdoing does not appear to stem from fault of character.²⁹⁸ If the plea is for mercy, past good deeds should be weighed against bad ones, and virtue and good birth should be brought up.²⁹⁹

The subject of character is discussed at greater length in *De inventione* as regard *confirmatio*, i.e. arguments for the case of the orator. All arguments of proof, Cicero holds, are supported by the attributes of either persons or actions. The attributes for persons are *nomen* (name), *natura* (nature), *victus* (life), *fortuna* (fortune), *habitus* (moral quality or character), *affectio* (disposition), *studia* (interests or pursuits), *consilia* (purpose), *facta* (acts), *casus* (errors, accidents), and *orationes*.³⁰⁰ Nature, for instance, is then divided by male and female and by race, origin, family, and age.³⁰¹ Life concerns upbringing and education, friends, occupation, and domestic circumstances. Fortune deals with whether a person is rich or poor and also success, fame, and the like. *Habitus* is a quality of mind or body that is acquired not by nature, while *affectio* is a temporary change in mind or body.³⁰² Acts, accidents, and orations Cicero explains by posing the questions: what did someone do, what happened to someone, and what did someone say?

In legal cases then, these attributes should be pursued in order

297 *Rhet. Her.* 1.13; *Inu. rhet.* 1.27.

298 *Rhet. Her.* 2.24.

299 *Rhet. Her.* 2.25.

300 *Inu. rhet.* 1.34.

301 *Inu. rhet.* 1.35.

302 *Inu. rhet.* 1.36.

to make a compelling case.³⁰³ Personal qualities and the behavior of the individual become vital parts of the orator's arguments. Suspicion can be raised from the nature of the defendant or by his way of life, and a person's fortune can hint at his guilt or innocence. It is the task of the prosecutor to select arguments from these attributes and use them to discredit the defendant.³⁰⁴

Conversely, Cicero maintains that if the orator cannot show evidence in the past life of the defendant, he will instead argue that the accused had now been exposed and the act should therefore not be judged in view of his past, but his past should be disgraced by the act.³⁰⁵ The duty of the defense is the opposite, to show that the accused has led an honorable life. This included general aspects such as how he has treated his parents or his friends or if he has performed some service to the state. He should also show that he has never committed any wrong or been guided by his passions.³⁰⁶

The use of character argument—to create goodwill or to adduce evidence—was approached systematically in the extant handbooks. The list of possibilities was exhaustive. The effectiveness of character as argument was however not only up to the orator; the value of such an approach depended on the importance ascribed to morality in Roman society in general.

ROMAN MORALITY

Tied to both the competition among the elite and the prominence of oratory was the place of morality at the very center of public life in Roman society. The Romans considered themselves moral-

303 *Inv. rhet.* 2.28, 42.

304 *Inv. rhet.* 2.32.

305 *Inv. rhet.* 2.34.

306 *Inv. rhet.* 2.35–36.

ly superior to other people and their morality was the basis for their relationship with the gods and therefore their military success.³⁰⁷ Of all the peoples in the world, Plinius wrote, the Romans were indubitably the most outstanding in terms of *virtus*.³⁰⁸ This entailed not only courage or bravery but also moral excellence. Morality, as Catherine Steel has observed, rather than administration, was seen as the key to ruling an empire.³⁰⁹

Politics at Rome was not viewed as a separate autonomous sphere but rather as part of a larger fabric.³¹⁰ The Romans' obsession with morality therefore had far reaching implications for the political culture. Moral authority was political authority.³¹¹ The Senate owed much of its power to its role as a moral guardian of "the Roman system of values and norms."³¹² As discussed earlier, aristocratic values formed the basis for a public figure's chances of success at the polls and subsequently his rise within the social hierarchy. When Cicero began his climb within its ranks, the elite had over the course of generations developed and upheld a system of values that was "ideologically coherent," but of course also excluding.³¹³ The status of the elite was dependent on a number of things: origin and family, political and military careers, and oratorical skill. But it was also connected to morality.

The status or *auctoritas* of an individual orator counted for much in this political culture.³¹⁴ In the courts, authority could count for more than formal points at issue.³¹⁵ In the Senate, the

307 Edwards 1993, p. 21.

308 Plin. *NH.* 7.130. See also Cic. *Rep.* 5.1.

309 Steel 2001, p. 4.

310 Wallace-Hadrill 1997, p. 9; Barton 2001, p. 3.

311 Wallace-Hadrill 1997, p. 12.

312 Hölkeskamp 2010, p. 29.

313 Hölkeskamp 2010, p. 89.

314 Dugan 2005, p. 3. See Cic. *Top.* 73.

315 Dugan 2009, p. 179; Connelly 2007, p. 64.

auctoritas of the speaker could decide the value and influence of his words. In his study of why defeated generals did not suffer at the polls as a result of their defeat, Nathan Rosenstein stresses the moral worth of a politician as the key aspect of their electability in the eyes of the public.³¹⁶ An aristocratic *ethos* defined the elite and legitimized their societal position. To Rosenstein the needs of the political system “demanded a myth of universal aristocratic competence.”³¹⁷ But this myth depended on the moral superiority of the elite. Displaying a moral character to the voters was something that could be evaluated far more easily than specific competence in regard to the varying tasks of the Roman magistrate and became crucial in order to win and to get the coveted chance to serve the state.³¹⁸ Other scholars have argued that in the visual political culture of Rome, morality was something that could be read by an audience.³¹⁹ A politician’s morality, in other words, was on display at the Forum, the curia, and at the trials. *Decorum*, as a moral concept, meant not only to be fit, but to be seen as fit in the public eye.³²⁰ In order to succeed in public life a man needed to project a moral character.³²¹ It was therefore a source of comparison between Roman members of the elite.³²² Moral worth determined who was most suitable.³²³

Even if these ideals were in some sense favored by the aristocracy and at the very least allowed them to legitimize their posi-

316 Rosenstein 1990, p. 114. Cf. Morstein-Marx 2004, p. 265.

317 Rosenstein 1990, p. 172.

318 Rosenstein 1990, p. 175.

319 Corbeill 2004, p. 109; 2006, p. 439; Langlands 2006, p. 285.

320 Cic. *Top.* 78. See also Griffin & Atkins 1991, p. xlvi. Cf. Williams 2010, p. 18.

321 May 2002a, p. 7.

322 The Roman writers are uninterested in the moral behavior of the lower classes. See Edwards 1993, p. 24.

323 Rosenstein 1990, p. 7.

tion in society, they were nevertheless accepted by the extended community. This “moral economy” depended on the elite’s ability, on the surface at least, to live up to the standards they themselves had set and therefore also on their ability to police its boundaries.³²⁴ Deviation from norms of the elite thus becomes a threat to the group and one way of understanding the harsh personal attacks directed at fellow members of the political aristocracy is to see them as a way of self-policing. On this, Rosenstein has argued that “charges of degeneracy and corruption also need to be understood as important tools for enforcing a code of social norms that empowered those who controlled them.”³²⁵ If the elite ruled by merit of their moral superiority, that supremacy had to be guarded within the elite.³²⁶ One way of doing this was attacks on immorality.³²⁷

Additional testimony to this Roman emphasis on moral character can be adduced from Cicero’s later work on rhetoric, *De oratore*. The same eloquence, Cicero’s spokesperson Antonius holds, is used to destroy the wrongful and save the righteous. He asks his fictional audience:

*Quis cohortari ad virtutem ardentius, quis a vitiis acrius revocare?
Quis vituperare improbos asperius, quis laudare bonos ornatus?
Quis cupiditatem vehementius frangere accusando potest?*³²⁸

324 For this view, see for instance Corbeill 2002b, p. 199; Ruffell 2003, p. 47.

Also Connolly 2007a, p. 3. For moral economy, see Rosenstein 2006, p. 373.

325 Rosenstein 2006, p. 374. Cf. Walters 1998, p. 358.

326 For an example of this view in Cicero, see *Mil.* 42.

327 Edwards 1993, p. 4. See also Wallace-Hadrill 1997, p. 11; and Habinek 1998, p. 54: “[T]he praise or blame of a Roman aristocrat has ramifications chiefly for his status within the larger community and with respect to potential rivals for the approval of that community.”

328 *De or.* 2.35. Cf. *Part. or.* 69–70.

Who can more passionately incite to virtue, who more ardently recall from vice? Who can reproach the immoral more severely, who can praise the good more lavishly? Who can more vehemently subdue lustful behavior with his accusations?

The relevance of character is thus not only in abuse nor even as proof in criminal cases. The orator becomes a guardian of the community with eloquence as his weapon.³²⁹ Deviance must be identified and punished, good behavior ornamentally commended. The upper order, from this perspective, constrains its members through moral censure, thereby ensuring a common morality which in turn justifies their privileged place as the governors of society.

This attitude can furthermore be found in a couple of Cicero's philosophical works. In *De re publica* there is an arresting passage which seems to deal with a political function of public defamation (*vituperatio*) and as a deterrent from unjust behavior.³³⁰ The passage states that the politician should use his oratorical skills as well as public opinion in order to repel criminal and evil actions through the use of shame and dishonor.³³¹ When Cicero draws up his ideal state in the treatise *De legibus*, he holds that the Senate should be a model for the rest of Rome's citizen and also goes on to say that if this is accomplished the State is more or less secured.³³² It seems to be Cicero's view that, since the

329 *De or.* 1.202, 2.237.

330 It is, like *De re publica* in general, a fragmented passage, so caution is of course needed in analyzing it.

331 *Rep.* 3.4. See also Habinek 2005, p. 6: "In effect, both Greece and Rome are societies constructed around honor and shame, with public speaking constituting a key means through which the former is accumulated and the latter (hopefully) avoided." For shame in Rome, see in particular Barton 2001; Kaster 2005.

332 *Leg.* 3.30–32. Cf. Wallace-Hadrill 1997, p. 9.

people imitate the leaders of society, there is an obvious risk that if the elite fall into bad habits and display a faulty morality, the rest of society will soon be corrupted along with it. The power of the good, or in this case bad, example is here amply illustrated. It shows a top-down perspective that has grave consequences in the normative view of the orator. Attack on character was a substantial but ideally also a necessary part of the weaponry of the good Roman orator.

The view that character attacks should be understood as self-policing, while appealing, seems to suggest a rational strategy on the part of the elite and a unity directed toward the lower segments of society which can, I think, be misleading. Furthermore, it would most likely be difficult to fit all of the attacks on immorality discussed in this book under this heading. Cicero's attacks on Antonius before the Senate seem to hold other political motives than a legitimizing of the elite. That said, the perspective nevertheless has merit as regards the place of morality in the late Republic.

Because the political culture of Rome was characterized by the prominent position of oratory, morality and character also took on great importance in public oratory.³³³ And because oratory and power were linked, "discourses of morality in Rome were profoundly implicated in structures of power."³³⁴ The question of who had access to power at Rome was also a question of *ethos*.

333 May 1988, p. 6: "Character was an extraordinarily important element in the social and political milieu of Republican Rome and exerted a considerable amount of influence on native Roman oratory." Cf. Corbeill 1996, p. 13: "It was through oratory that the Roman moral codes found constant confirmation."

334 Edwards, 1993, p. 4. Not only oratory but Latin literature in general participated in these discourses of morality. See Habinek 1998, p. 45: "At Rome literature participates in the 'formation' of the aristocracy in both senses of that word, that is, by defining, preserving, and transmitting the standards of beha-

Ethos

As previously mentioned, Aristoteles devised a system of three *pisteis* or sources of persuasion in his treatise *Rhetoric* (ca 340 BCE): *ethos*, the moral character of the speaker; *pathos*, the emotions of the audience; and *logos*, the speech itself. Of these, Aristoteles considered *ethos* to be the most effective *pistis*.³³⁵ Character, in other words, was the most powerful mode of persuasion.³³⁶

Whereas the sophistic tradition sought to devise a rhetoric that only aimed at convincing the audience, Platon believed that morality and public speaking were inseparable. In a Roman setting, Cato the Elder famously defined an orator as a *vir bonus dicendi peritus*, a good man experienced at speaking. To Cicero, the orator was the ideal statesman, embodying philosophy and leadership as well as rhetorical skill.³³⁷ Conversely, lessons on how to appeal to the values of the elite, empowering the speaker, could be found in rhetorical theory.³³⁸ Oratory, in a very fundamental sense, was display of superiority and subsequently superior moral behavior.

The race for public office and the *auctoritas* and *gloria* this pursuit promised the successful politician meant that the individual member of the elite had to prove that his *ethos* was worthy of respect.³³⁹ The heavy emphasis on portrayal of char-

vior to which the individual aristocrat must aspire and by valorizing aristocratic ideals and aristocratic authority within the broader cultural context.”

335 Arist. *Rhet.* 1.2.4. See in general Kennedy 1991. For *ethos*, see also Süs 1910; Wisse 1989.

336 See Kennedy 1972, p. 41: “Ethos, vigorously expressed, produces pathos, and both of these elements came more easily to the Roman character than did extensive or intricate logical argument.” Also *De or.* 2.184.

337 *Brut.* 23. Cf. Gunderson 2000, p. 87.

338 Sinclair 1993, p. 578. Sinclair’s arguments concern the *Ad Herennium*.

339 May 1988, p. 7; Morstein-Marx 2004, pp. 276–277.

acter in Roman oratory can thus be linked with the importance that character had in Roman society in general.³⁴⁰ Both the politician striving for office and the advocate in the Roman courts had to rely heavily on arguments drawn from his own and his adversary's character. The particular goal of the legal case aside, the orator's social and political place depended on him making an impression in accordance with elite norms and values.³⁴¹ Roman morality, elite norms, and cultural values all converged in the *ethos* of the orator and statesman. *Ethos* was persuasive as it identified the speaker as part of the elite. In turn, arguments provided by an orator with *ethos* carried more weight, which allowed him to rise within the elite by winning cases and elections.³⁴² It follows, by the same rationale, that in a competitive culture, undermining an opponent's *ethos* became a crucial part of the agenda. The positive *ethos* of the orator could of course be turned on its head and made to function as a weapon. In other words, validation of the self can be done by configuring the adversary as Other.³⁴³

Even though character was of fundamental importance in oratory, in Roman rhetorical theory, the Aristotelian division into *ethos*, *pathos*, and *logos* was diminished and was not explicitly used in the late Republic. Aristoteles' version of *ethos* as confined solely to the speech, as James May notes, could not be accepted in Rome with its emphasis on past life, social rank, and moral traditions.³⁴⁴ This view is corroborated in *De oratore*, where we find that what stirred the feelings of the Roman audience, winning them over, was the social worth (*dignitas*), achievements (*res*

340 May 1988, p. 8.

341 Sinclair 1993, p. 567.

342 *De or.* 2.182.

343 Dugan 2005, p. 57.

344 May 1988, p. 9.

gestae), and conduct in life (*existimatio vitae*) of the person in question.³⁴⁵ Andrew Riggsby has therefore suggested that character should be seen as *logos* rather than *ethos*, as proof, rather than just “trustworthiness” or “authority” in the Aristotelian sense.³⁴⁶ Kennedy also articulates this blend of *ethos* and *pathos*, of character and emotion:

The emotion arises from the character of the speaker or his opponent, and though it may reach its greatest intensity at the beginning or the end of a speech, it is often woven into the whole fabric, or more properly speaking, the speech is an expression of that character and never departs from it.³⁴⁷

The moral character of the speaker could not be simply isolated within the speech itself. Character could not be isolated from politics—and therefore, neither could immorality.

SUMMARY: POWER, ORATORY, AND MORALITY IN THE LATE REPUBLIC

By the time of the late Republic, Roman political culture had developed a division of power, each of which placed the individual politician center stage. These individuals were part of an elite defined by their access to the political arenas and by their pursuit of *gloria*. The premier political act in all of these arenas was oratory. The politician was an orator by trade, as the chief

³⁴⁵ *De or.* 2.182.

³⁴⁶ Riggsby 2004, p. 182. See also May 1988, pp. 4–5, 167; Wisse 1989, pp. 240–241. Cf. May 1979. In part, the Roman example might be explained by the tradition of advocacy. See Kennedy 1968.

³⁴⁷ Kennedy 1972, pp. 101–102. Also May 2001a. Cf. *De or.* 2.178, 2.209; as well as *Part. or.* 71.

form of political communication and hence the basis for political advancement was oratory.

Gloria was attained by service to the *res publica*, either military or civil. The pursuit of *gloria* thus led members of the elite to seek election to the magistracies of state in fierce competition with each other. In order to get elected, you had to make a name for yourself, and the foremost way of acquiring fame was getting up on the political stage and addressing an audience. This in turn put the elite in conflict with each other. Orators routinely faced their political rivals in a harsh political climate characterized by verbal assault.

In this political culture morality was of great concern to the political hierarchy, and character thus became a crucial target between opponents. On every stage of politics oratorical combat focused on the moral inferiority of adversaries. In this, Rome displays a political culture where those values and ideals were the source of direct personal attack between oratorical combatants, and where these types of attacks were considered a legitimate and a traditional form of political discourse. The young *novus homo* from Arpinum had better prepare.

Chapter III

DEFENSE AND PROSECUTION
—THE EARLY YEARS (80–69 BCE)

THE YOUNG MARCUS TULLIUS CICERO had political ambitions. He intended to rise within the political hierarchy at Rome in pursuit of *gloria* for him and his family. In this endeavor, rhetorical training could only get him so far. Real experience, needed to start the climb on the *cursus honorum*, typically came from the arena of the courts.

Two trials in the early career of Cicero have traditionally been seen as decisive for the young orator: his first *causa publica* as a defense lawyer and his first, and only extant, prosecution. The trial against Sextus Roscius from Ameria will serve to introduce the importance of character in Roman trials, while Cicero's prosecution of Gaius Verres ten years later produced one of the most notorious portraits of immorality in the Ciceronian corpus. Together with the other, less illustrious, but from our perspective no less significant speeches from Cicero's early years, they form a first step into the study of the connection between Roman immorality and forensic oratory.

Cicero's career as a defense lawyer, and therefore also as a player in the political culture, had begun a few years previously after he had served under Gnaeus Pompeius Strabo and Lucius Cornelius Sulla in the Social War (91–88). He was neither famous nor came from a position of strength and he had yet to hold

any official position in the state. As far as we know, Cicero had no personal stake in either trial, other than the most important motive: the advancement of his own career. Rather, both trials were part of his schooling as a Roman advocate and milestones in his burgeoning career.

This chapter will not only illustrate how both defense and attack were crucial elements in his self-fashioning as an orator, statesman, and member of the Roman elite, but also that both defensive and aggressive arguments were constructed from moral concerns. It will moreover demonstrate the orator's own use of immoral portrayal in order to argue his case and initiate our search for the cultural logic behind immorality in Roman political culture.

THE CASE OF SEXTUS ROSCIUS FROM AMERIA

In 80 BCE, the unknown Marcus Cicero, born not in Rome, but in Arpinum, undertook a monumental and dangerous task. He decided, at the age of 26, to defend Sextus Roscius on a charge of parricide.³⁴⁸

Being born outside of Rome made the young Marcus a *novus homo*, a new man in politics, a man without ancestors who had held magistracies in the *cursus honorum*, the career path of honors that meant membership in the elite at Rome. Lacking a name, he needed to make one for himself. Young men with political aspirations had to enter the political stage of the Roman Forum and speak in front of people and build a public persona, present a proper *ethos*. The Roman courts offered a suitable stage for such

348 Gell. *NA*. 15.28; Quint. *Inst.* 12.6.4. *Pro Roscio Amerino* has received a lot of scholarly interest over the years. For the function of character, see Vasaly 1985, and 1993, pp. 157–172; May 1988, pp. 21–31; Riggsby 1999, pp. 55–66. See Dyck 2010 for further references.

a pursuit; an arena for self-presentation. The sphere of the courts was tied to the world of politics. Forensic activity meant oratory and oratory meant politics. In order to thrive, young politicians also had to cultivate networks vertically and horizontally, speaking for people in order to secure their support.³⁴⁹ Both oratory and dependence were marks of the elite at Rome, and the role of advocate offered opportunities for both to the ambitious who wanted to join the club.

What made this particular case striking, and most likely risky, however, was not the fact that Cicero was young and “new.” Nor was it the fact that the crime was spectacular in its outrageousness. Killing your father was a Roman anathema, an abomination deserving both cruel and unusual punishment; the guilty being sewn into a sack with a monkey, a dog, a cock, and a snake, then thrown into the Tiber.³⁵⁰ No, it was politics that made Cicero’s decision so precarious. Over the course of his long and illustrious career, this would turn out to be a recurring theme.

The young orator had to navigate the political waters still treacherous in the aftermath of the Civil War. The blood had literally flowed in the Forum, the hub of intellectual, forensic, and political activity in Roman political culture. The dictator Sulla had initiated proscriptions of his enemies, decades later to ominously mirror Cicero’s own fate, and had reformed both the Senate and the courts. Moreover, Sulla was lurking behind the stage in the drama of the trial.

The criminal trial against Sextus Roscius was a public affair, and although this was not Cicero’s first time as a defense lawyer,

349 For this see *Comment. pet.* 16.

350 See *Rosc. Am.* 70–71. For the curious aspect of sewing animals into the sack, see Justinianus *Inst.* 4.18.6, and *Dig.* 48.9.9. It is uncertain if this was practiced in Cicero’s time.

it was in a sense his baptism of fire.³⁵¹ It may therefore serve as a suitable launching point for the pursuit of the orator's use of Roman morality as argument and into oratorical construction of immoral character.

The case of Sextus Roscius gives us not only an example from Cicero's early career, but from the arena of the courts. Successfully constructing his public persona as a defense lawyer was an important part of Cicero's fame as an orator and a statesman. I will show how Cicero depended on morality and the character portraits he constructed in relation to this morality right from the start. Yet, our main interest in the *Pro Roscio Amerino* is not primarily the portraits of immorality painted therein, but his "advice" to the prosecutor and jury and his rhetorical commentary as regards the importance and place of character in Roman forensic oratory. The immoral character of a man on trial had to be shown to a Roman audience.

On the Importance of Character

Part of what made the trial of Sextus Roscius a *cause célèbre* in Rome was the enormity of the crime. The patriarchal structure was the cornerstone of Roman society and the *pater familias* was the arbiter of life and death over his adult male children as long as he lived. Parricide was an affront not only to human laws, but to divine ones as well.

This circumstance gave Cicero an opportunity to question his counterpart in the legal drama, the prosecutor Erucius, as to his general approach to the case. With this he gives us an insight into a form of legal logic prevalent in Roman forensic oratory. Cicero contended that so grave, atrocious, and indeed rare a crime, regard-

351 Cf. Plut. *Cic.* 3. See also *Rosc. Am.* 11.

ed as an ill omen and a monstrosity, demanded certain arguments from the prosecution. He therefore inquired of Erucius:

*nonne et audaciam eius, qui in crimen vocetur, singularem ostendere et mores feros immanemque naturam et vitam vitiiis flagitiisque omnibus deditam, et denique omnia ad perniciem profligata atque perdita?*³⁵²

Should you not show the unparalleled audacity of him that is accused of the crime, his savage morals and inhuman nature and his life given to every kind of vice and immorality, in short, as ruined, corrupted, and lost?

Cicero, in his derisive advice, here places immorality firmly at the center of the judicial issue. The prosecutor was, in the eyes of Cicero, beholden to provide arguments of a moral nature which were apparently needed to lay the foundation for a persuasive accusation. A charge of this magnitude could not just be applied to anyone. It would only make sense if it was consistent with the accused's moral integrity, or rather lack thereof. Otherwise, the accusation could never hope to stick. Since, according to the defense, the prosecutor had not accused Sextus Roscius of any of these things, consequently he must surely be considered innocent. Cicero's reasoning, although obviously biased, speaks to a cultural tradition where morality was expected to matter. Revealing, or displaying (*ostendo*) a life of vice and portraying the morals and nature of the defendant was, it seems, not only relevant, but required.

352 *Rosc. Am.* 38. All references to Cicero's speeches are to the editions of the Loeb Classical Library unless noted. All translations are my own unless noted.

In *De inventione*, Cicero's early treatise on rhetoric, the young orator addresses the same point. It is the task of the prosecutor to select arguments from certain attributes of character and use them to discredit the defendant:

*Nam causa facti parum firmitudinis habet, nisi animus eius qui insimulatur in eam suspicionem adducitur uti a tali culpa non videatur abhorruisse.*³⁵³

For the motive of a crime has little firmness, if the *animus* of the accused is not brought into suspicion in such a way that it does not look inconsistent with such an offense.

The prosecutor should thus discredit the accused by attacking his past life. Cicero's claim suggests that guilt cannot be accepted as credible if the character is not consistent with the crime. Bad deeds, in other words, necessitate bad character. Or in the case of Sextus Roscius, a horrible crime like murdering your father must have been committed by someone with the lowest form of immoral character. Cicero in his book on rhetoric elaborates: "For all that detracts from the honor and authority of the one accused, diminishes as much his chance for a complete defense."³⁵⁴ But why then, would Cicero lecture his opponent in a judicial contest for not doing his job? One reason he did so was to turn the same line of reasoning into a defense. Erucius' lack of moral attack allowed Cicero to benefit from the same logic. If there are no character flaws, then the crime is unimaginable. This might seem like mere rhetorical trickery, but we should not dismiss it so

³⁵³ *Inv. rhet.* 2.32. See also Quint. *Inst.* 5.10.28.

³⁵⁴ *Inv. rhet.* 2.33: *Quantum enim de honestate et auctoritate eius qui arguitur detractum est, tantundem de facultate eius totius est defensionis deminutum.*

easily. After all, a rhetorical strategy only works if certain basic premises are agreed upon by the audience. For Cicero to be able to argue the connection between guilt and immorality, the link must have been possible to make in the cultural context of his day. Moreover, there is no overt reason to assume that a Roman audience did not see an essential connection between immorality and crime.

We find the same notion in the rhetorical treatise *Ad Herennium*. The speaker is encouraged to make every effort to relate the personal history to the issue at hand.³⁵⁵ Fault in character (*animi vitium*) should be linked with motive for crime, for instance financial crime should be explained by avarice. More importantly, if the proper moral fault could not be evinced from the past life of the target, “in fact, he should brand the defendant with some other or as many faults as he possibly can.”³⁵⁶ Then, the author maintains, the listener will find it natural that someone who in a previous case acted so shamefully, did so also under the present circumstances. This rhetorical advice only works if such a line of reasoning was culturally coherent. Because Romans tended to believe that character was habitually rigid and not prone to change, actions were also thought to be consistent with character and morality.³⁵⁷ In the Roman mind, the link was logical. Thus, it could effectively be made use of in the arena of the courts.

Let us return to Cicero’s instructions for his opponent Erucius. His statement points toward a moral pattern which should be initially highlighted here. First he maintains that the prosecutor

355 *Rhet. Her.* 2.5.

356 *Rhet. Her.* 2.5: *si quo modo poterit denique aliquo aut quam plurimis vitiis contaminare personam*. See also *Inv. rhet.* 2.33.

357 May 1988, p. 26.

should show the unparalleled audacity of the defendant.³⁵⁸ Of course, audacity or boldness could simply be thought to be required for such a horrendous crime. While this is true, *audacia* has deeper connotations of immorality to which we will have reason to return. The concept figures frequently in the corpus of Ciceronian character attack as telling of a person's character. Generally, it was a mark of behavior at odds or in outright conflict with Roman elite expectations of proper conduct. In this sense, *audaces*, the reckless or irresponsible, stood in direct opposition to the *boni*, the good men of society.³⁵⁹ The *singularity* or uniqueness of this character trait that Cicero pretends to look for similarly enforces the person's deviating and frustrating position. This too, is recurrent.³⁶⁰ Furthermore, in Cicero's faux inquiry, morality and nature take part in explaining criminal behavior and *probabile ex vita* arguments, centering on the target's life, were vital, he asserts. The life a Roman lives showed the community who he was. We may finally note the logical conclusion of the passage to a life lived this way: vice and immorality (*flagitium*) lead to ruin. The passage, in all its rhetorical mischief, illustrates the mental link that existed between a person's life and his nature and moral character and furthermore how this was related to the question of guilt. Moreover, it presents us with a preliminary blueprint for how a member of the Roman elite could be undermined and portrayed as immoral and deviant. Cicero feigned surprise that his counterpart was not following it.

The speech continues with Cicero persisting that the approach of his adversary was faulty. What kind of man is capable of killing his own father, he hypothetically asks, upon which he proceeds

358 For *audacia* in the *Pro Roscio Amerino*, see also e.g. *Rosc. Am.* 7, 12, 17, 28, 88, 95–96, 104.

359 Wirszubski 1961, pp. 13–14. See also Lacey 1970. Cf. *Sest.* 100.

360 See Seager 2006.

to offer his audience, and the inept prosecutor, a few alternatives. There are, Cicero professes, certain *character types* that might be believed ruined enough to have committed this crime. It is clear that none of these fits Sextus Roscius. For is his client a corrupted youth led astray by vile or worthless men? Is he perhaps a *sicarius*, an assassin; a *homo audax* experienced in murder? Or is he a man defined by luxurious living, debt, and by his unbridled and lustful mind which compels him to crime?³⁶¹

We can infer from this argument that, on a cultural level, from Cicero's perspective, and according to the logic he wants to present as typically Roman, these types of characters, the corrupted youth, the audacious assassin, or the lustful man of luxury, would indicate guilt or at least establish the foundation of guilt to a Roman audience.³⁶² These stereotypical characters, ostensibly, would cast the suspicion he professed as necessary in *De inventione*. They are presented in the speech as a form of immoral archetypes. It was apparently plausible that a man of similar character would act criminally. Cicero presents the case in this manner because it suited his line of reasoning and therefore his overall goal of getting his client acquitted, something that would earn him fame as well as fidelity. The argument is obviously biased and partial. Nevertheless, his assertions had to be conceivable and preferably even convincing to his listeners. If these *character types* were counter-intuitive we should not believe that they would be employed with so much at stake. Therefore, we can infer that they held cultural potency, or at the very least that the young Cicero was convinced that they did. The bias verifies the link. Why then did such an argument, and these character portraits, make sense to a Roman? And how could they be estab-

³⁶¹ *Rosc. Am.* 39.

³⁶² Cf. Vasaly 1985, p. 13.

lished through oratory? How could they be *shown*?

Later in the speech Cicero further develops the train of thought of guilt vis-à-vis immoral character. The terrible nature of the crime for which Sextus Roscius was accused makes it seem incredible. Only if a man's youth had been corrupted or if his life was stained by every kind of shame and vice; if his lavish expenses had been followed by disgrace; or if his audacity had appeared as unbridled, his rashness as bordering on insanity, could it be accepted or credible.³⁶³ A line of reasoning based on moral concerns is again insisted upon. The individual steps in this chain of immoral life are worth highlighting: a corrupted youth, a past full of vice, luxurious living, audacity, and insanity form a backdrop to guilt. The value for the defense strategy is apparent. Contrary to the immoral man sketched by Cicero above, his own client could be shown to be rustic and frugal, living a simple life, aspects which conversely did not signal criminal behavior.³⁶⁴ Cicero clearly believed such a dichotomy to be meaningful, not merely on an emotional, but also on a rational level.

Content with schooling his legal competitor, Cicero next turned his defense into an attack. If his client could not be shown to have either the character or the motive to indicate crime, conversely Cicero could show that others in this affair had plenty of both. His plan was to convince the jury that his client was innocent of the horrendous crime and had in fact been framed by a conspiracy formed by Lucius Cornelius Chrysogonus, Titus Roscius Capito, and Titus Roscius Magnus, the latter two, introduced in the beginning of the speech as *gladiatores*, also brought into suspicion for the actual murder of the father.³⁶⁵ In order to secure

363 *Rosc. Am.* 68.

364 *Rosc. Am.* 75.

365 *Rosc. Am.* 8, 17. For *gladiator* as a shameful epithet, see Barton 1993; and Edwards 1997.

the wealth that the father of Cicero's client had left behind, the three culprits had added him to Sulla's list of proscribed, thereby having his means confiscated and auctioned off by the state. They had then bought several estates that rightly belonged to Sextus Roscius at bargain prices. Such a claim, however, did not have to be merely suggested. It could be backed up.

Cicero's attack relied on the belief that deeds were dictated by character.³⁶⁶ After accusing both Titi Roscii of shameful living and criminal acts, he turned instead to instruct the jury in how to interpret the situation. He implored them to adhere to the principle that wherever such *flagitium*, greed, audacity, depravity, and treachery are found, crime also lies hidden.³⁶⁷ In doing so he advocated a culturally logical link between character and acts. Equal in avarice, depravity, impudence, and audacity, *they*, in contrast to Sextus Roscius, were likely to have committed murder. Again, we might be tempted to interpret this as mere deflection from the issue at hand. It is true, Cicero attempts to divert the scrutiny of his client to other individuals, but the deflection is not random. Morality is the issue at hand.

The two immoral Roscii are not the main antagonists in Cicero's narrative however. That honor he awarded to Chryso-gonus, a freedman and favorite of Sulla. The attack on him was part of why Cicero's endeavor was so precarious. Attacks on him might be perceived as attacks on Sulla the dictator. The attack is all but lost in a lacuna in the text. According to the scholiast it concerned the luxurious life of Chrysogonus.³⁶⁸ It seems Cicero employed one of his previously presented character types for the

366 May 1988, p. 17.

367 *Rosc. Am.* 118. See also *Rosc. Am.* 122.

368 Schol. Gron. p. 436.14. For the argument that the link between *avaritia* and luxury intensified because of the Sullan proscriptions, see Leach 2003, pp. 149–150.

man he wanted to paint as the real culprit. The cost of luxury and extravagance gave him his motive. Yet, some of the depiction of Chrysogonus has survived and serves as an apt appendix to the case of Sextus Roscius.

The Immoral Chrysogonus

Cicero begins his attack on Sulla's freedman by assailing the state of his house. Chrysogonus' many estates were filled with splendid vases, statues, and silverware stolen from families in the chaos following the Civil War. He had a large number of slaves, not only cooks, bakers, and litter-bearers, but also artists and musicians. The whole neighborhood could hear the instruments by day and the banquets by night. "Can you imagine," Cicero asks the jury, "what daily expenses come from such a life, what excessiveness, what banquets?"³⁶⁹ If it indeed can be called a house at all, and not an *officina nequitiae et deversorium flagitiorum omnium*—a "workshop of wickedness and a lodging house for every kind of immorality."³⁷⁰ Life, lavish expense, excess, and vice are all morally entangled.

Cicero had employed the same tactics the previous year in his defense of Publius Quinctius.³⁷¹ Sextus Naevius, a man portrayed by Cicero in the *Pro Quinctio* as a *scurra* (buffoon) and *praeco* (auctioneer),³⁷² as a *gladiator*, and as audacious, cruel, and greedy, was contrasted at the end of the speech to Cicero's client. The question to be decided, Cicero held, was whether the simple, rustic life

369 *Rosc. Am.* 134: *In hac vita, iudices, quos sumptus cotidianos, quas effusiones fieri putatis, quae vero convivia?*

370 *Rosc. Am.* 134.

371 For character in the *Pro Quinctio*, see also May 1988; and now Harries 2011.

372 *Quinct.* 11. For the shame attached to auctioneers, cf. *Catul.* 106.

of Quinctius could be defended against *luxuria* and licentiousness (*licentia*), or if his possessions had to be surrendered to covetousness (*cupiditas*) and impudence (*petulantia*).³⁷³ Luxurious and excessive living was the opposite of a frugal and unassuming life, a life that had the power of tradition behind it. A *scurra* was similarly a pathetic city dweller, a man about town. And the auctioneer was someone who “prostitutes his voice” in the sordid business of trade.³⁷⁴ Hence, Cicero’s dichotomies worked on many levels. But they were clearly moral dichotomies.

The city, then, becomes an arena of immorality in direct opposition to the countryside. In the *Pro Roscio Amerino*, Cicero evinces an important chain of reasoning when contrasting the two:

*In urbe luxuries creatur, ex luxurie existat avaritia necesse est, ex avaritia erumpat audacia, inde omnia scelera ac maleficia gignuntur.*³⁷⁵

The city creates luxury, from luxury inevitably comes greed, from greed springs audacity, which brings forth all crimes and evil deeds.

The status of the city as a scene of immorality is here made clear. Furthermore, the steps from this alarming setting to the committing of criminal acts are given in detail. The city breeds luxury which provokes greed. Men’s greed makes them audacious and *audacia* is presented as the root of all evil, a catalyst of crime and misdeeds. Luxury is thought of as corrupting basically because of its consequences. Sextus Naevius is a man of the city and this could be made to imply, or show, immoral traits.

373 *Quinct.* 92. See Vasaly 2002, p. 77.

374 *Quinct.* 95.

375 *Rosc. Am.* 75.

In the *Pro Roscio Amerino* and in the *Pro Quinctio*, the household is a mark of character. The good Roman Quinctius does not live in extravagance; he does not host splendid banquets. “He does not have a house closed to modesty and sanctity, open and freely accessible to passion and pleasure.”³⁷⁶ Naevius on the other hand does. *Pudor*, meaning modesty, and sacredness, here signaled important Roman qualities that should distinguish a respectable home.³⁷⁷ Banquets and luxury, in both speeches, signaled deplorable acts and deplorable character.

After depicting Chrysogonus’ household as sordid, Cicero turns to another sign of his deviance: his appearance. Look at him, he urges the jury. See how he contemptuously struts (*volito*) around, his hair combed and reeking of perfume with his followers wearing togas.³⁷⁸ The contrast to the *boni* that Cicero represents is striking. But what was the significance of the outward appearance, walking a certain way, of perfume and hair? The answer is immorality.

In Cicero’s defense of the comic actor Quintus Roscius Gallus in 77 BCE, we also find immorality and appearance brought to the fore. The dispute was between Cicero’s client and a man called Gaius Fannius Chaerea and the question was who had cheated whom. Cicero presented a simple way to decide. He pleaded that those who knew them should contrast their lives, something we have already seen, while those who did not should compare their faces. “Does not the head itself and those shaved-off eyebrows seem to reek of malice and cry shrewdness?”³⁷⁹ Fannius seems

376 *Quinct.* 93: *non habere domum clausam pudori et sanctimoniae, patentem atque adeo expositam cupiditati et voluptatibus.*

377 For *pudor*, see Barton 2001.

378 *Rosc. Am.* 135. As noted by May 1988, p. 29 a depiction of the *homo audax*. Cf. Vasaly 1985, pp. 14–15.

379 *Q. Rosc.* 20: *Nonne ipsum caput et supercilia illa penitus abrasa olere mali-*

to project fraud and deceit from his bodily frame. This projection is immediately heightened by the professional trade of Roscius. When his client on the stage plays the famous Plautine pimp Ballio—filthy, impure and detested—he really portrays Chaerea. The character in the play, Cicero asserts, echoes the character in real life as regards *mores*, *natura*, and life. Portrayal of character hence takes a quite literal turn in this speech. By pointing out how Chaerea presented himself, Cicero attempted to show his audience the immorality manifest in his appearance; an immorality that in turn could project guilt in a question of fraud.

The passages in the *Pro Roscio Amerino* that deal with the relationship between guilt and moral character, alongside the depiction of Chrysogonus, point ahead to our investigation into the construction of immoral portraits and the Roman logic of morality that imbues them. Some initial observations have been made. Cicero sought the moral argument in the defense of his client. He advised his audience that immoral character was closely connected to the question of guilt. Immorality should be shown to exist in the players of the trial, as offence or as defense. If a type of behavior was inconsistent with the character of the accused, guilt was inconceivable. The speeches *Pro Quinctio* and *Pro Quinto Roscio Comoedo* further exemplify the approach. Immorality could be illustrated and consequently evaluated in order to reach a verdict. Both cases can be characterized as financial disputes. The outlook thereby helps to illustrate the importance of morality in the early years of the orator, even in less dramatic circumstances as well as in the context of minor charges. Cicero's early defense speeches also highlighted certain initial features of Roman immorality: the corrupting city, sordid household, and

tiam et clamitare calliditatem videntur? For Chaerea's appearance, see also Corbeill 1996, pp. 43–45.

the deviant appearance. To these we will return in the upcoming chapters.

But the initial findings also leave us with new questions. How could immorality be shown, argued as part of defense or prosecution? Why did the correlation between certain character types and guilt make sense? What other marks of vice and debauchery were readily available to the orator?

As a defense lawyer Cicero “demanded” of his opponent the prosecutor to adhere to a strict logic of crime and character. It is likely that the strategy to focus the issue on immorality was effective. Sextus Roscius from Ameria was acquitted.³⁸⁰ Ten years later, he would have a chance to return to the correlation between immorality and guilt in the prosecution of Gaius Verres. Now he was on the other side of the legal battle.

THE PORTRAYAL OF GAIUS VERRES

In 70 BCE, Cicero returned to the arena of forensic oratory, this time as prosecutor.³⁸¹ After gaining fame for his successful defense of Sextus Roscius he had spent part of the decade studying oratory in Athens and Rhodes. More important was the fact that in 75 BCE he had served as *quaestor*, the first step on the *cursus honorum*, in the Roman province of Sicily. As a result, he was able to resume his political career in Rome with another trial very much in the public limelight.

The prosecuted governor Gaius Verres is one of the most

³⁸⁰ Plut. *Cic.* 3.6. See also Cic. *Brut.* 312.

³⁸¹ Although the Verrines have been described as “remarkably understudied” (Prag 2007a, p. 1) it has received notable attention in recent years. See Vasaly 2009, pp. 102–104 for a survey. See particularly Vasaly 1993, pp. 205–217; and Tempest 2007 for character in the Verrines. Both Prag (ed.) 2007; and Frazel 2009 cover numerous aspects of the trial.

notorious villains in history, forever an example of Roman corruption and greed. The young Cicero's attack on him, spanning seven individual speeches (including the contest to "win" the prosecution known as *Divinatio in Caecilium*) and likely around 500 pages in any modern edition (464 pages in the Oxford edition in Latin), is relentless and impressive both in length and in intensity. It has ever since his own day dictated the interpretation of the character of Verres. Posterity's condemnation of the man targeted in the Verrines has been assured. Cicero's portrait, a prototype of a provincial oppressor, has in other words reigned supreme.

Traditionally, only the first speech is thought to have been held as part of the trial.³⁸² This has contributed to the allure of the case—the defendant realizing that the game was lost and fleeing Rome into voluntary exile. But it has also raised questions as to why Cicero had written and published several others and consequently how to value these texts in relation to the actual trial.³⁸³ To the present endeavor, however, the problem is of little concern. The portraits and the moral reasoning in all the extant speeches are grounded on values Cicero believed existed in the cultural milieu of Republican Rome and the texts can therefore be used to search for the logic of Roman immorality.³⁸⁴

In Verrem, in its entirety, represents the high point of character attack in Cicero's early career. The sheer force with which he oratorically confronted Gaius Verres was arguably not to be matched until the last oratorical duel of his life. He would pull no

382 This has rarely been questioned. See Gelzer 1962–64, II, p. 168, n. 124. For the evidence, see Ps. Asc. 205, 223 St. There is also some confusion as to when he fled.

383 For the publication of the Verrines, see Frazel 2004.

384 This also means that the speeches thought to have been held do not hold more value as persuasive documents than the ones not believed to have been heard by an audience.

punches in his portrait of the former governor of Sicily. The result is a varied and fascinating portrait of immorality. It also means that to modern eyes, the portrayal found in the *Verrines* is likely found to be extreme. It has sometimes been assumed that Verres' conduct as governor was hardly unique, merely extraordinary.³⁸⁵ By taking Cicero with a grain of salt we can, according to such a view, supposedly gauge the character and behavior of Verres—and of Roman governors in general—hidden behind hyperbole. Such a line of reasoning is precarious. Maybe there were foundations to the charges, but which parts are fabricated, exaggerated, and accurately depicted and which are not, are at any rate impossible to separate. It is vital that we sort out speculations as to how well Cicero's portraits reflect the actual individuals portrayed from the outset, as Verres' real actions are of no consequence to a study following arguments based on moral logic. Morality is not a matter of facts, but interpretations made based on societal values and concerns. The point is that Cicero presents narratives and accounts, whether these were truthful or not, as immoral because morality was a powerful argument. As an example taken from the previous discussion, it is inconsequential whether or not Chrysogonus' house was filled with luxurious vases but of vital importance that Cicero chose to interpret the existence of luxurious items as immoral. It may also be argued that the, to us, extreme portrayal of Verres was brought on not because similar elite practices were common, but because there was no such thing in the Roman mind as "moderate" immorality. Either way, Verres was differentiated and cut off by Cicero from the body of the elite. In order to do so convincingly, the prosecution had to present the

385 See Greenwood 1928, pp. xiv–xv. This then presumably meant that Cicero had to be careful not to chastise those in his audience guilty of the same behavior.

court with a probable character worthy of such suspicion. How then was this immoral aspect of the prosecution achieved?

The Prosecution

Gaius Verres was a governor of Sicily charged with extortion, i.e. general misgovernment and corruption. The province of Sicily, which Verres had administered for three years (73–71) demanded restitution for his crimes. Because of Cicero's existing ties to the province as *quaestor*, he was asked to speak for it. The trial took place at a time when the judicial system was in disarray and subject to revision after Sulla's reforms. It promised great renown and the possibility to enhance the *auctoritas* of the prosecutor.

Prosecuting was a young man's game in Republican Rome, a way to procure political capital. Veteran politicians often seem to have avoided the animosity it could bring, as prosecuting one's peers could appear cruel.³⁸⁶ At the time, Cicero stood for the aedileship and thus had also political stake in the trial. It was an important opportunity for fashioning a public persona. A prosecutor must possess a particularly upright and faultless character, according to Cicero himself.³⁸⁷ In order to criticize, one must show one's own proper conduct. Nothing was more intolerable than attacking someone for faults that could be illustrated in the attacker himself.

We would expect the prosecution, at least on a general level, to show that political corruption and economic fraud had taken place during the defendant's time as praetor in Sicily. The province had initiated the trial and demanded financial compensation. Yet, we will immediately see how the trial focused on another issue: the immorality of Verres. In this, Cicero attempted to prove the

³⁸⁶ *Off.* 2.49–51.

³⁸⁷ *Div. Caec.* 27. Also *Verr.* 2.3.1–4.

corruption charges by portraying Verres as morally corrupt, putting his behavior and character on trial. There is no reason to believe this was an attempt to merely throw dust in the eyes of the jury.³⁸⁸ Instead, I argue that character was essential to substantiate corruption and political malpractice. This in turn raises the question of how corruption and morality were linked in the Roman mind. Who was capable of extortion, bribery, and the plunder of a province? And how was it verified by immoral argument?

The list of Verres' alleged crimes far outstretches the boundaries of this chapter. Many episodes, anecdotes, and crimes are narrated by Cicero at considerable length and in great detail. Here, our concern is the portrayed immorality and not the catalogue of criminal charges themselves, and—just like Cicero at one point remarks—the list of charges must be cut short or I shall never be done.³⁸⁹ We will not focus on the crimes, but on the depiction of character capable of them. In this chapter, a number of key aspects, chief among which is greed, will be considered.

“You know,” Cicero addressed his audience, “the wicked and impure morality of Verres.”³⁹⁰ More importantly, he assumed they knew what a wicked and impure morality entailed. Otherwise they would not have been able to follow the orator's reasoning to which we now turn.

The Immoral Charge

Life and the deeds one had committed in life were intimately linked with morality and character in the Roman mind. In the

388 Cf. Riggsby 1999, p. 139: “The jurors are expected to use character as a guide to whether the defendant would have committed specific acts.” See also Tempest 2007, p. 27.

389 *Verr.* 2.2.119.

390 *Verr.* 2.3.23: *Verris mores improbos impurosque nostis.*

Roman court, character was linked to guilt. In the *Pro Roscio Amerino*, Cicero had instructed the jury:

*In eius modi vita, iudices, in his tot tantisque flagitiis hoc quoque maleficium, de quo iudicium est, reperietis.*³⁹¹

In a life such as this, among such and so much immorality, you will also find the wickedness that is on trial.

The notion was crucial to Cicero's prosecution of Gaius Verres. In the opening of his first speech against the corrupted praetor, Verres is portrayed as a man already condemned by everyone because of his life and deeds.³⁹² He was already convicted by his *vitia* and *flagitia*, his vices and shameful, immoral acts.³⁹³ His moral condemnation should subsequently assure his criminal conviction. Verres is only distinguished, Cicero claims, by two things; his extraordinary offences and his wealth.³⁹⁴ Therefore, everyone would think an acquittal to be the result of the latter, since no one would believe good deeds or even moderation in vice could have been illustrated. The point that it was only to be expected that a man of Verres' moral nature had committed crimes was clear.³⁹⁵ Immorality in the past made present guilt a foregone conclusion.

As observed by Catharine Edwards, the Roman discourse of morality was to a great extent articulated in terms of past and present, but previous actions in life also functioned as a blue

³⁹¹ *Rosc. Am.* 117.

³⁹² *Verr.* 1.2: *homo vita atque factis omnium iam opinione damnatus*. Cf. *Verr.* 2.3.146. See also *Div. Caec.* 42.

³⁹³ *Verr.* 1.10. See *Verr.* 1.35; 2.2.174.

³⁹⁴ *Verr.* 1.47. A play on words: *peccatum* and *pecuniam*.

³⁹⁵ Cf. *Verr.* 2.5.13 where Cicero states that one particular crime is easier to believe from the character of the criminal than from the facts of the case. Also *Verr.* 2.5.65.

print for future behavior.³⁹⁶ The past had a predictive quality. In the second speech, Cicero reifies this belief by asking who—after contemplating Verres' thievery as quaestor; his plundering of temples as *legatus*; and his open robbery as praetor—could question how the fourth depraved act (*improbitas*) in the drama would be played out in the future.³⁹⁷ The assertion is simple, but important. We may note that *improbitas* is an immoral quality.³⁹⁸ The future of Verres, were he to be acquitted, would assuredly be immoral. The past was a crucial factor in establishing character, but to Cicero this character should furthermore illustrate what was coming.³⁹⁹

In this way, immorality in general was presented by the prosecutor as crucial to the trial. Immoral behavior in the past functioned as an argument for the prosecution. Less important to Cicero were the formal criminal charges.⁴⁰⁰ In fact, these are rarely dwelled upon in the Verrines. A prosecutor, clearly, was not obliged to. Instead, over the course of his orations Cicero refers to many incidents that serve to illustrate Verres' immoral character and depraved behavior when serving as praetor. Rather than just proving a particular accusation of extortion, Cicero took a broader approach. Crime and immorality became overlapping categories. Toward the end of the first *actio*, a brief summary is given:

*Dicimus C. Verrem, cum multa libidinose, multa crudeliter in
cives Romanos atque in socios, multa in deos hominesque nefarie*

396 Edwards 1993, p. 19.

397 *Verr.* 2.2.18: *Etenim quis dubitare posset, [...], qualis iste in quarto actu improbitatis futurus esset?*

398 For *improbitas*, see also e.g. *Verr.* 1.36, 50; 2.1.72, 74, 111, 153; 2.2.42, 50, 68; 2.3.97, 122, 195; 2.4.49, 139; 2.5.115.

399 Cf. *Verr.* 2.5.116 where each crime is worse than the last.

400 See also Steel 2007, p. 45.

*fecerit, tum praeterea quadringentiens sestertium ex Sicilia contra leges abstulisse.*⁴⁰¹

We claim that Gaius Verres has repeatedly acted with severe lust and cruelty toward Roman citizens and the allies, and offensively toward gods and men, and moreover that he against the laws took forty million sesterces from Sicily.

The charge against Verres was that of extortion within the *lex Cornelia de repetundis*, but the passage above is as close as we get to any kind of proper charge in the speeches themselves.⁴⁰² It moreover stands out in the Verrines because it mentions that the defendant's behavior was contrary to the law. Most accusations against Verres are instead either more general in nature or concern specific episodes. But is even in this passage, unlawfulness is not of sole concern. As we can see, lust was not only part of this accusation but actually comes first. It is vital that he *acted* lustfully and with cruelty. But the acts or crimes that this specified immoral behavior led to or originated from are not detailed to the effect that Verres in this passage is charged with his general behavior, not the crimes the behavior caused. This is significant. He has also acted offensively or impiously (*nefarie*) against gods and men. Again, the general quality of his behavior is of particular concern. It was to be clearly linked to morals and character.

The prosecutor hence seemed to ascribe a lot of weight to this type of behavior. To act with lust, cruelty, and general nefariousness was worthy of prosecution and punishment. Furthermore, perhaps such behavior denoted a character whose actions the

401 *Verr.* 1.56.

402 For a discussion of the charge, see Riggsby 1999, pp. 125–126; and p. 169. There is a more formal charge also in the *Div. Caec.* 11.

Roman audience could easily predict. Rather than proving the facts of the case, Cicero constructs a “biographical narrative” that serves to illustrate and prove that Verres is immoral.⁴⁰³ It is not a trial of one particular crime, but a lifetime of wrongdoing. Cicero explains that he will hold Verres responsible for all of the fourteen years since he was quaestor. Not even one hour, he held, of these years has been free from crime, or from cruelty and immorality (*flagitium*).⁴⁰⁴ This is a good example of crime and immorality coinciding in Cicero’s legal approach. *Flagitium*, like *improbitas*, is unmistakably an immoral quality, denoting shameful-ness, depravity and dishonor.⁴⁰⁵ We might view this as the mere hyperbolic statement it of course is. But maybe we should read it as a consistent Roman notion: if you are immoral, then all your acts follow a pattern of immorality. At one point, in the third speech, Cicero puts particularly manifest emphasis on the immoral charge: *improbitatem coarguo*—I convict you as guilty of immorality.⁴⁰⁶

In sum, crimes and acts are not presented in a vacuum in Roman forensic oratory. There is no sharp distinction between, for modern eyes, a “real” or tangible accusation, and a “libelous” or irrelevant one.⁴⁰⁷ If such considerations were an essential part of Roman forensic practice, Cicero gives us no hint that this was the case or that he believed a jury, or an audience at another arena of the political culture, thought “formal” arguments more important and his immoral arguments empty. Their legal importance not-

403 May 1988, p. 39.

404 *Verr.* 2.1.34.

405 For *flagitium*, see also e.g. *Verr.* 2.1.22, 41, 62–63, 82, 101; 2.2.2, 78, 134, 192; 2.3.23, 30, 84, 161, 187, 207; 2.4.139, 151; 2.5.86, 94, 160.

406 *Verr.* 2.3.217. It is furthermore worth noting that *coarguo* can mean to demonstrate or reason, essentially prove that someone is guilty of a crime.

407 Cf. Edwards 1993, p. 26.

withstanding, criminal behavior and deeds are followed by a thick layer of character. To illustrate this, the following passage is apt:

*Ego in uno homine omnia vitia quae possunt in homine perdito nefarioque esse reprehendo; nullum esse dico indicium libidinis, sceleris, audaciae, quod non istius unius vita perspicere possitis*⁴⁰⁸

I am blaming one man of every vice that a forsaken and impious man can be guilty of; there is no sign of lust, crime, and audacity, I say, which you cannot perceive in this one man's life.

As in the "formal charge" cited above, crime and immorality here overlap, but in this case immorality clearly takes precedence. Though easily classified as exaggerated, this statement is nevertheless decisive. First, I want to emphasize that immorality or shameful behavior is not coincidental, hidden in legal reasoning to fool an audience. Cicero openly states that his focus is on vice. Verres can and should in reality be judged on the merits of his past immorality. Second, instead of questioning the extreme quality of the statement, we might venture to interpret it as consistent with Roman moral reasoning where immorality is seen as total, encompassing all aspects of a person's life. Everything about Verres is immoral and every aspect of immorality is evident in his life. A third point concerns Cicero's legal approach. An accusation that targets *omnia vitia*, every possible vice that a man can commit, is pointedly different from a specific charge of extortion, plunder, or general corruption. Lustfulness and *audacia* are, strictly speaking, not necessary for stating and proving criminal behavior. Still, they are very much present in the Verrines.

408 *Verr.* 2.3.5.

There is however another aspect of this accusation that deserves further discussion. Cicero here speaks of signs, *indicium*—a tell-tale of a person’s character—which presumably can be exposed in a life; a life that in this case very clearly stood on trial. Moreover, no man, Cicero remarks, can be a good judge if he is not affected by convincing “suspicion.”⁴⁰⁹ A good Roman could read these signs and was obliged to act on them, to base his understanding of a man on them. What role then did these signs of immorality play in Cicero’s oratory? What did such a suspicion entail?

The following year, in 69 BCE, when defending a man accused of similar “malpractice” while governor of Gaul, Cicero returned to these signs and suspicions. Just as the case with Sextus Roscius from Ameria, the orator pointed to the fact that no attacks on the character of his client had followed the criminal charges. “No shameful act (*probrum*), no misdeed (*facinus*), no immorality born of lust, impudence (*petulantia*) or *audacia*, if not truthful, then at least with some credibility or suspicion in their fiction.”⁴¹⁰ The statement indicates that any “literal truth” was not necessarily required and maybe not expected, but more importantly that these signs were felt to be of the utmost importance. Immorality should naturally follow any criminal accusation. Even great men of old, although of the most upright character, were forced to endure attacks on their personal character, Cicero holds. His client, Marcus Fonteius, had endured two trials without any allegations that carried the trace of lustfulness, insolence, cruelty or audacity.⁴¹¹ It follows then, in the orator’s logic, that Fonteius’ character must be spotless, since the prosecution did not even bother to try to depict him as immoral.

409 *Verr.* 2.5.65: *index esse bonus nemo potest qui suspicione certa non movetur.* Cf. *Verr.* 2.3.6.

410 *Font.* 37.

411 *Font.* 40.

But had he shown these signs, Cicero says, it would also have been the duty of the jury to convict him.⁴¹² Cicero himself however, when prosecuting Verres had not made the same “mistake.” On the contrary, he had made these “suspicions” the very focus of his endeavors. These signs of immorality apparently carried meaning in Roman oratory.

No Ordinary Criminal

It is clear that the prosecutor sought to make the target of his oratorical attack stand out among his peers. Gaius Verres was not just another criminal and this was no ordinary trial. The following passage gives a vivid example:

*Non enim furem sed ereptorem, non adulterum sed hostem expugnatorem pudicitiae, non sacrilegum sed hostem sacrorum religionumque, non sicarium sed crudelissimum carnificem civium sociorumque in vestrum iudicium adduximus; ut ego hunc unum eius modi reum post hominum memoriam fuisse arbitrer cui damnari expediret.*⁴¹³

It is no thief, but one who takes everything away; no adulterer, but the ravaging enemy of chastity; no common profaner, but the enemy of all that is sacred and holy; no assassin, but the cruelest butcher of our citizens and our allies, that we have dragged before your judgment: so much that to me he would be, as he is, the one man in history who would benefit from a verdict of condemnation.

⁴¹² *Font.* 34–35.

⁴¹³ *Verr.* 2.1.9.

This passage illustrates several of the major points in Cicero's attack on Gaius Verres. The escalation and hyperbole are common Ciceronian traits. He was the most outrageous thief and most cruel murderer and an enemy of Roman religion.⁴¹⁴ Time and again over the course of the speeches he would return to these points. Moreover, he is not corrupt in an ordinary sense but rather uniquely wicked. But once more, Cicero also takes care to reiterate his moral transgressions and seamlessly include them in his charge. Moreover, his vices are not only his own but endanger the community; his immorality threatens Rome.⁴¹⁵ Verres is not only *adulter*, unchaste, but a *hostis pudicitiae*, an enemy of chastity. Cicero points out elsewhere in the Verrines that, yes he is a thief (*fur*), yes he is a sacrilegious thief (*sacrilegus*), but he is also the *princeps* of every vice (*vitium*) and immorality (*flagitium*).⁴¹⁶ The logical link is not broken by the final assertion. Thievery and crime are blatantly associated with immoral acts. Crimes, although important, are, it seems, not enough but instead they are to be backed up by accusations of immorality.

We may wonder why these things are connected at all. What do they have to do with a charge of provincial corruption? Even though it is true that Roman forensic tradition did not demand "formal charges" in the modern sense, the range of the charge is striking.⁴¹⁷ If Verres was a murderer, why was he not charged with murder?⁴¹⁸ How are thievery and chastity, sacrilege, and murder linked together? And, as we go further into the study Cicero's speeches, what other themes are they connected to? Should we simply attribute this to a Roman tradition of slander, to Cicero's

414 For the sacrilegious aspect of Verres' behavior, see Frazel 2009, chapter 2.

415 Cf. Gildenhard 2011, p. 81.

416 *Verr.* 2.5.4. Also *Verr.* 2.4.60.

417 See Riggsby 2004, pp. 172–173.

418 For the murder charge, see Riggsby 1999, pp. 51–78.

attempt to entertain his audience or meet generic expectations? Or should we ascribe the link between crime and immorality relevance in the Roman mind and legal system?

That the link between moral life and behavior was connected to crime and furthermore to punishment is made clear toward the very end of the Verrines. In the final passage, Cicero returned to the uniqueness of the defendant as he addressed the jury:

*deinde uti C. Verrem, si eius omnia sunt inaudita et singularia facinora sceleris, audaciae, perfidiae, libidinis, avaritiae, crudelitatis, dignus exitus eius modi vita atque factis vestro iudicio consequatur.*⁴¹⁹

So, if Gaius Verres' deeds all are unheard of and unparalleled in their criminality, audacity, treachery, lust, greed, and cruelty, then let your verdict give him such an end that befits such a life and such actions.

Not only does the passage contain most of the key character traits of Gaius Verres, his audacity, lust, greed, and cruelty, but it also emphasizes the importance of the past life of the defendant and the importance of his immorality in determining his guilt and rightful punishment. And just like the previous quotation, it accentuates the unparalleled and unique quality of the man on trial. The way this uniqueness was detailed was through his overall depravity. In this way, it appears that charges of immorality could function to substantiate criminal charges—to serve as argument, but also that immorality was an effective way to brand someone as deviant.

⁴¹⁹ *Verr.* 2.5.189.

A Portrait in Greed

*O di immortales, incredibilem avaritiam singularemque audaciam!*⁴²⁰
Immortal gods, what incredible greed and unparalleled audacity!

One of the most conspicuous aspects of Verres' singular immorality as presented by his accuser, was his greed. This is arguably the most dominant theme of immorality in the Verrines. Verres' enormous avarice made him a deviant. But, although greed is a predictable trait to find in an attack on a provincial governor accused of corruption, greed in Roman culture was also closely associated with a larger set of vices and patterns of depravity. The two Titi Roscii whom Cicero blamed for the murder of Sextus' father had been equal in greed (*avaritia*) and immorality (*improbitas*). When prosecuting the former Sicilian governor, Cicero took care to make these links visible to his audience. What part then did greed play in Cicero's portrait?

The wealth of Gaius Verres was first and foremost in itself immoral. In Cicero's interpretation, it was both a motive for and a cause of *improbitas*.⁴²¹ His immorality made him rich. But his lust for wealth was also the reason for his immorality. Greed could thus not only explain immorality, but furthermore led to it. Immorality had both explanatory and predictive value for the prosecutor's argument. *Avaritia* was easily connected to a chain of accusations:

*Tenetur igitur iam, iudices, et manifesto tenetur avaritia, cupiditas hominis, scelus, improbitas, audacia.*⁴²²

420 *Verr.* 2.1.87.

421 *Verr.* 2.3.111. For greed and *improbitas*, see also *Verr.* 2.2.17.

422 *Verr.* 2.3.152.

It is therefore already proven, members of the jury, and proven unmistakably—the greed, desire, crime, immorality and audacity of this man.

Greed was, Cicero at one point remarks, Verres' only quality, only drive and one for which he was known by everyone.⁴²³ Not least the jury, he holds, knows the defendant would never lift a finger if there were no profit or plunder in it.⁴²⁴ The lion's share of accusations in the Verrines deals with deeds that can be traced back to the theme of greed: thievery, plunder, or extortion. His thefts were also connected to his immoral acts.⁴²⁵ Precious artifacts have been removed from their proper sanctuaries (greed and sacrilege), farmers have been robbed or tricked (greed and injustice), corn has been embezzled rather than sent to Rome (greed and fraud), and bribery has led to corruption of the legal system. Cicero employs different strategies to highlight the aspect of greed. Verres acts like a pirate, according to the orator, echoing the deep-rooted problem of piracy at the time, a pirate that has plundered Sicily and committed foul deeds of piracy even in the Roman Forum.⁴²⁶ His "love of art," suspiciously Greek in nature, is likewise a perverted result of his longing for precious things.⁴²⁷ All these deeds stem from his avarice which in turn helps predict and explain them.

Of course, Cicero did not decide himself that greed was immoral. It was a prevalent theme in a Roman cultural tradition of morality. Cato the Elder, the moral authority in Cicero's day, wrote that the forefathers had considered *avaritia* to encompass

423 *Verr.* 2.2.134, 2.2.84. Also *Verr.* 2.3.40.

424 *Verr.* 2.5.11.

425 For *furtum*—*flagitium*, see e.g. *Verr.* 2.2.2, 114; 2.3.84, 151; 2.4.83.

426 *Verr.* 2.5.122. Also *Verr.* 2.1.154.

427 For this, see Vasaly 1993, chapter 3.

every vice.⁴²⁸ To the historian Sallustius similarly, it was the root of all evil.⁴²⁹ He held that it ruined noble qualities like honor and uprightness. Moreover, Sallustius saw avarice as corrupting of masculinity and leading to effeminacy.⁴³⁰ It was also believed that avarice was a vice that had been introduced relatively late and gradually into Roman culture, thereby slowly but surely corrupting it. This meant that Romans were not greedy to begin with, but rather sullied by outside influence. Cicero himself argues in the speech *Pro Tullio*, held the previous year, that during the times of the ancestors, both the estates and the *cupiditas* of men were smaller, whereas his own time was a time of excessive licentiousness (*nimiam licentiam*).⁴³¹ As always, the ways of the forefathers, the *mos maiorum*, was the model for proper Roman conduct and morality. More wealth had brought more avarice and following that luxury and lust in the words of Livius.⁴³² Although, in the *Pro Roscio*, Cicero claimed reversely that *avaritia* was born of luxury the link was logical. Lust, luxury, and greed were all part of the same pattern of immorality.⁴³³

The Latin for greed is commonly *avaritia*. But *avaritia* also lies close to *cupiditas*, cupidity or passion.⁴³⁴ Greed and desire can in this be said to at times overlap. In *De inventione*, Cicero even speculated as to whether *avaritia* was a part of the *genus* of *cupiditas*.⁴³⁵ Both *avaritia* and *cupiditas* were also possible to

428 Gell. NA. 11.2. Cf. Krostenko 2001, p. 36, n. 51. See also Gell. NA. 18.9.1 for Cato's use of *avaritia* in a speech.

429 Sall. *Cat.* 10.4. Cf. Sall. *Iug.* 41.9.

430 Sall. *Cat.* 11.3.

431 *Tull.* 8–9. See also *Tull.* 46.

432 Liv. 1.pr.2. Cf. Liv. 34.4.1–2.

433 Cf. Sall. *Cat.* 5.8.

434 See e.g. *Quinct.* 9, 53, 83; *Rosc. Am.* 101; *Verr.* 2.3.152; 2.4.60, 68.

435 *Inv. rhet.* 1.32.

associate with *libido*, lust, and *libidinosus*, lustful.⁴³⁶ A lust for money and precious things is a lust for whatever one desires. These concepts were highly pejorative and are found throughout all of Latin literature. Seneca the Younger, for instance, designates both greed and lust as “evils” that God, Jupiter, relieves good men of.⁴³⁷ To the elite, they had become defining traits of the wicked.

Verres’ greed, his desire, Cicero declares, was of the fiercest type as he needed only to hear of precious things to passionately covet them.⁴³⁸ In the contest for the opportunity to prosecute Verres, the *divinatio*, Cicero explicitly linked Verres’ unparalleled *cupiditas* not only with crime and *audacia* but also with *flagitia*, which we can translate as immoral acts.⁴³⁹ In one passage, Cicero refers to the accused as an unequaled *homo flagitiosissimus*, a most shameful, immoral man, spurred on by his *cupiditas improbissimus*, his most depraved desire.⁴⁴⁰ He was an immoral man led by his immoral greed. From *cupiditas* the step could also be made to *amentia*, insanity.⁴⁴¹ I will not speak only of Verres’ greed but his singular madness, Cicero at one point states.⁴⁴² In the following passage, Cicero offered an interpretation of the unrestrained mind of his adversary:

*Furor enim quidam, sceleris et audaciae comes, istius effrenatum
animum importunamque naturam tanta oppresit amentia ut num-*

436 See e.g. *Verr.* 1.1.3; 2.1.58,86; 2.2.97. See also Merrill 1975, p. 18.

437 *Sen. Dial.* 1.6.1.

438 *Verr.* 2.4.39.

439 *Div. Caec.* 6.

440 *Verr.* 2.1.76. Cf. *Verr.* 2.2.136; 2.3.187. For *cupiditas*—*improbitas*, see also *Verr.* 2.2.42. See also *avaritia*—*spurce* in *Verr.* 2.1.94; and *avaritia*—*nequitia* in *Verr.* 2.5.91.

441 *Verr.* 2.4.75. Also *Verr.* 2.4.34. For *cupiditas*—*audacia*—*amentia*, see *Verr.* 2.4.99. See also *Verr.* 2.2.36 for *cupiditas*—*insania*.

442 *Verr.* 2.4.38.

*quam dubitaret in conventu palam supplicia, quae in convictos maleficii servos constituta sunt, ea in cives Romanos expromere.*⁴⁴³

Because a certain insanity that accompanies crime and audacity thrust this man's unrestrained spirit and ruthless nature into such a madness, that never did he hesitate before the eyes of those gathered to bring forth such punishments that are common for convicted atrocious slaves, on Roman citizens.

Insanity followed crime and audacity and in turn led to offensive behavior as it was unmistakably madness to treat Romans like slaves. It demonstrated a corrupt, deviant mind. Insanity could however also more explicitly be connected to immorality. Valerius Maximus, writing in the early decades of the first century, made this association. Lust and greed led to *furor*, a concept frequently found in Cicero's immoral portraits.⁴⁴⁴ Like *amentia*, *furor* can be translated as madness or insanity, but should perhaps better be understood as signaling frenzy and agitation. To Valerius Maximus, the most admirable part of the soul was moderation, as it did not let the mind be carried away by sudden impulse.⁴⁴⁵ Verres, in contrast, is depicted as unrestrained in the passage above. Sudden impulses, usually stemming from passion and desire, were clearly at odds with Roman proper behavior. In his defense of Sextus Roscius ten years before, Cicero had demanded that the crime necessitated *summus furor atque amentia*, an insanity and frenzy of the worst kind.⁴⁴⁶ Similarly, Verres' acts of thievery had

443 *Verr.* 2.5.139.

444 *Val. Max.* 4.3. pr.

445 *Val. Max.* 4.1: *quae mentes nostras inpotentiae <et> temeritatis incursum transversas ferri non patitur.*

446 *Rosc. Am.* 62, 67.

left his mind haunted by *furor* and *amentia*.⁴⁴⁷ Acting insane and acting criminally or immorally intersected in portraying the *ethos* of an oratorical target.

Greed and insanity were behavior also associated with cruelty, *crudelitas*.⁴⁴⁸ Chrysogonus for instance, in Cicero's severe portrayal in the *Pro Roscio Amerino*, was not content to satisfy his greed with money, but sought blood to satiate his cruelty.⁴⁴⁹ In the *divinatio*, Cicero posited that the Sicilians who had contracted him to prosecute Verres had endured the praetor's flagrant immorality, cruel punishments, greedy plunder, and arrogant insults.⁴⁵⁰ Cicero could also enumerate Verres' faults as being greed, insanity, lust and cruelty.⁴⁵¹ At one point Cicero rhetorically addresses Verres:

*Errabas, Verres, et vehementer errabas cum te maculas furtorum et flagitiorum tuorum sociorum innocentium sanguine eluere arbitrabare; praeceptis amentia ferebare, qui te existimares avaritiae vulnera crudelitatis remediis posse sanare.*⁴⁵²

You were wrong, Verres, so very wrong, in thinking that the stains of your thievery and immorality would wash away with the blood of innocent allies; you must have been insane, to think that the wounds of your greed can be cured with the remedy of cruelty.

447 *Verr.* 2.1.7. See also *Verr.* 2.4.38.

448 See the cupidity and cruelty of Sextus Naevius in *Quinct.* 59.

449 *Rosc. Am.* 150.

450 *Div. Caec.* 3: *luxuries in flagitiis, crudelitas in suppliciis, avaritia in rapinis, superbia in contumeliis*. See also *Verr.* 2.2.9; and cf. *Verr.* 2.3.126.

451 *Verr.* 2.5.42. Cf. *Verr.* 2.5.189.

452 *Verr.* 2.5.121.

Thus, greed could easily lead to cruel behavior and signal insanity. Together they pointed toward a larger pattern of depravity. This allowed Cicero to connect greed, foul lust (*stuprum*), and cruelty in a depiction of an episode where the crime was born of *cupiditas*, enlarged by *stuprum*, and completed by *crudelitas*.⁴⁵³ In this way, again, greed functioned as a catalyst for immorality.

In the passage that began this part of the chapter, we saw that the orator could combine *avaritia* with *audacia*, a concept we discussed in the previous part of this chapter as having connections to immoral character.⁴⁵⁴ One link between the two which made the oratorical connection effortless was that audacity, or effrontery, could often be established by lavish display, luxury, or greed. In fact, we saw that, in Cicero's train of thought in the *Pro Roscio Amerino*, luxury bred greed and greed in turn bred *audacia*, the cause of *omnia maleficia*. Audacity was needed, according to Cicero in his defense of Sextus Roscius, to establish guilt in a court of law. It had accordingly been prominent in his attack on Sextus Naevius in *Pro Quinctio*, where he also presented the case to the jury as a struggle between greed and audacity on the one hand and truth and modesty on the other.⁴⁵⁵ Greed and audacity were clearly on the side of evil.

In sum, the closely related concepts of *avaritia* and *cupiditas* are not only in Cicero's portrayal without apparent strain associated with lust but with audacity, cruelty and insanity. It could furthermore be easily hinged on to criminal behavior (*scelus*) and

453 *Verr.* 2.2.82.

454 See also *Verr.* 2.1.154; 2.5.113, 189; and *Rosc. Am.* 75. For the link between *cupiditas*—crime—*audacia*, see *Rosc. Am.* 12; and *Div. Caec.* 6. For *cupiditas* and *audacia*, see *Verr.* 2.4.78. For *luxuria* and *audacia*, *Verr.* 2.3.22. Cf. *Plaut. Capt.* 2.2.287; and *Inv. Rhet.* 1.32.

455 *Quinct.* 79. See also *Quinct.* 56, 88, 94.

immorality in general (*improbitas, flagitium*).⁴⁵⁶ All of these aspects of his depravity were connected like nodes in a web of immorality.

The importance of greed in the immoral portrait of Gaius Verres, and consequently in Roman moral reasoning, can be deduced not only from its prominence but from its consequences. It had caused Verres to neglect tradition and duty as well as his honor and even his human nature, his *humanitas*.⁴⁵⁷ A barren Sicily, the result of Verres' plunder, threatened the corn supply of Rome. Greed likewise affected the balance of affairs between gods and men, and Cicero asks if there was ever before such greed that could devastate holy things?⁴⁵⁸ Another accusation contends that because of his *luxuria* and *avaritia* a Roman fleet was captured by pirates.⁴⁵⁹ The immoral character of Verres threatens even Rome's military strength. In particular one passage sums up the danger of acquitting Verres:

*Videtis iam profecto, iudices, hac aestimatione a vobis comprobata neque modum posthac avaritiae cuiusquam neque poenam improbitatis futuram.*⁴⁶⁰

You see now truly, members of the jury, that if you give your sanction to this behavior, neither will there be moderation in any form of greed after this nor will immorality be punished.

In Roman cultural tradition, greed was dangerous. It threatened society because in the Roman mind it signaled a bad moral cha-

456 For *scelus* and *avaritia*, see *Verr.* 1.42; 2.3.152; 2.5.32. Cf. *Div. Caec.* 6.

457 *Verr.* 2.2.97.

458 *Verr.* 2.1.48: *Fuit ulla cupiditas tanta quae tantam exstingeret religionem?*

459 *Verr.* 2.5.137.

460 *Verr.* 2.3.221.

racter. There existed in Cicero's Rome a deep-rooted anxiety over *avaritia* and *cupiditas*, over a lack of control in its elite that they believed it indicated. Cicero without hesitation used this aversion to greed to paint his portrait of a corrupt governor. Greed could be oratorically latched on to other pejorative and damning concepts which in turn empowered the prosecutor's argument. But the links were logical: immorality and greed were closely merged in Roman consciousness.

The Depravity of Desire

As shown, the three concepts of *avaritia*, *cupiditas*, and *libido* were possible to place in close context with each other in Roman oratory. Greed, desire, and lust all carried a similar pejorative meaning. Lust and desire, however, could not only be directed at beautiful things or wealth. They also signaled sexual desire. Someone who lusted for money could easily be suspected of sexual wantonness, as Roman culture did not ostensibly distinguish between sexual immorality and excesses of other kinds.⁴⁶¹ Lust was lust. And it was immoral; Verres was a *homo flagitiosissimus, libidinosissimus nequissimusque*—the most immoral, the most lustful and the most wicked of men.⁴⁶² In other words, being depraved and being lustful could be portrayed as naturally blending together. To the elite, this lust, whether for material or sexual gratification, signaled a degrading lack of control.⁴⁶³ It is therefore not surprising that Cicero portrayed Gaius Verres as a slave to his lust.⁴⁶⁴ This was degrading in itself, but the immoral logic of lust also centered on the belief that it triggered further

461 Edwards 1993, p. 5.

462 *Verr.* 2.2.192. See also *Verr.* 2.1.86; 2.3.60. Cf. Richlin 1992, p. 30.

463 See *Verr.* 2.1.62. Cf. *Verr.* 2.1.65; 2.4.115. Cf. Edwards 1997, p. 68.

464 *Verr.* 2.4.112.

immoral behavior. Its meaning and relevance lay in the broader context of immorality.

Lust was an important part of Cicero's approach, as we saw in the "formal charge" cited above. In trying to win the opportunity to prosecute, he inquired of his opponent in the *divinatio*, much in the same manner as he had interrogated Erucius, if he thought himself up to the task of making Verres' acts of lust cause as much pain and indignation to the jury as it had to the victims of the former governor.⁴⁶⁵ Then, in the first speech, Cicero professed that his own sense of decency kept him from repeating the sexual offences and impious immorality of Verres' lustful behavior.⁴⁶⁶ This, according to the prosecutor, included many episodes of sexual assault on free-born individuals and married women and even children whom he submitted to his sexual immorality.⁴⁶⁷ In this, Cicero maintained that Verres' morality (*mos*) was in accordance with his depraved acts of lust (*libidines flagitiosae*).⁴⁶⁸

There were other concepts an orator could use to portray his adversary that more clearly denoted the sexual corruption of his target. To this effect, Cicero depicted Verres as a man without decency (*pudor*) or modesty (*pudicitia*).⁴⁶⁹ These were extremely important moral notions in Roman culture. Hence, we find that another incriminatory concept in sharp contrast with *pudor* and *pudicitia* was *adulterium*, adultery or the violation of an honorable or married woman:

465 *Div. Caec.* 38.

466 *Verr.* 1.14: *In stupris vero et flagitiis nefarias eius libidines commemorare pudore deterreor.*

467 *Verr.* 2.1.62. See also *Verr.* 2.1.68, 76, 78; 2.2.134; and in particular 2.5.80–83.

468 *Verr.* 2.1.63. Also *Verr.* 2.2.135; 2.3.60.

469 *Verr.* 2.3.8; 2.4.18, 41. See also *Verr.* 2.2.40. For *pudicitia*, see Langlands 2006.

Pudorem ac pudicitiam qui colit, potest animo aequo istius cotidiana adulteria, meretriciam disciplinam, domesticum lenocinium videre?

Can one who honors modesty and chastity, with indifference look upon this one's daily adulteries, school of whores, and house of pimps?⁴⁷⁰

The answer to Cicero's question was of course no—immorality demanded action of the good men of the community. Associating with the lowest of society, *meretrices* (whores) and *lenones* (pimps), not only reinforced this dichotomy between honorable and dishonorable segments of society, but was of course in itself a clear sign of what kind of depravity was taking place.⁴⁷¹ Another closely related concept denoting sexual immorality was *stuprum*.⁴⁷² Everyone knew, Cicero explained, that Verres spent his nights *in stupris* and *adulteriis*—that is, in sexual debauchery.⁴⁷³ Craig Williams has observed that whenever Cicero enumerates immorality in his philosophical treatises, he lists adultery.⁴⁷⁴ It had a natural place in his list of vices. Portraying the defendant as immoral through these concepts was clearly vital. An immoral man stood in opposition to *pudor* and *pudicitia*. Roman mothers and children are on one side. *Meretrices*, whores, and *lenones*,

470 *Verr.* 2.3.6. For adultery in Rome, see Richlin 1981; Treggiari 1991, pp. 262–319; Edwards 1993, chapter 1; Harries 2007, pp. 96–101. For *adulterium*, see also *Verr.* 2.1.9; 2.3.6.

471 For the use of *meretrix* in Ciceronian oratory, see McCoy 2006. See also Adams 1983, pp. 321–327.

472 For *stuprum*, see e.g. *Verr.* 1.14; 2.1.62; 2.4.20; 2.5.34. See discussion in next chapter.

473 *Verr.* 2.4.144.

474 Williams 2010, p. 123. See *Cic. Fin.* 2.27; *Leg.* 1.43; *Off.* 1.128. Williams also notes that *stuprum* is not listed in the same catalogues of immorality.

pimps, are on the other.⁴⁷⁵ The bad qualities that Verres had, his *audacia* and *cupiditas*, corrupted the *pudicitia* of others and he was, as we saw in an earlier quote, an enemy of modesty.⁴⁷⁶ In this way, the immorality of someone, in this case his lust, could be put forward in Roman oratory as a credible threat to the community. Verres' *libidines* would only grow until neither the Roman provinces nor the foreign peoples could take or bear it anymore.⁴⁷⁷

This possible line of reasoning before an audience can be further exemplified by how the consequences of sexual desire could be oratorically argued. To be sure, views on immorality and attitudes toward sexual trespass were very closely associated in the Roman moral tradition. In Roman immoral logic, licentious behavior in general pointed, as shown, to sexual desire which in turn were associated with sexual corruption of others; particularly of those of a young age. The correlation is clearly illustrated in the following passage where Cicero portrays the most shameful (*turpissimus*) and immoral (*flagitiosissimus*) aspects of Verres' life:

*Nihil a me de pueritiae suae flagitiis audiet, nihil ex illa impura adolescentia sua. [...]. Sileantur de nocturnis eius bacchationibus ac vigiliis; lenonum, aleatorum, perductorum nulla mentio fiat; damna, dedecora, quae res patris eius, aetas ipsius pertulit, praetereantur.*⁴⁷⁸

Nothing will be heard from me regarding his immoral boyhood, nothing of his unclean youth. [...]. Let there be silence about the

475 For *meretrices* and *lenones*, see *Verr.* 2.1.101; 2.4.83.

476 *Verr.* 2.5.39. Cf. *Verr.* 2.1.9; 2.5.39, 85.

477 *Verr.* 2.1.78: *Tantaene tuae, Verres, libidines erunt ut eas capere ac sustinere non provinciae populi Romani, non nationes exterae possint?*

478 *Verr.* 2.1.32–33; 2.2.16.

orgies and sleeplessness; let there be no mention of the pimps and gamblers and seducers; let the defilements and debaucheries that ravaged his youth and his father's riches be passed by.

This passage collects several important signs of someone's immorality; feasting, the type of company one kept, over-spending, and, most importantly, the corruption of youth. In the *Pro Roscio Amerino* we saw how Cicero pressured his legal adversary to prove his client had the character of one capable of murdering his own father.⁴⁷⁹ One of the types he himself offered was the corrupted youth. In his defense of Fonteius the following year, he would similarly mention an unclean youth (*adulescens turpis*) as something that would have hypothetically been incriminating to his client.⁴⁸⁰ Verres' corruption, his immorality, began already when he was a *puer*, a boy. Once started on that road, the result, in oratorical logic, was fixed. The next step was an unclean adolescence.⁴⁸¹ Then there were feasts with disreputable characters followed by financial destitution. In an enigmatic passage that details his earlier days, Verres was in the prosecutor's words "pulled out of the Forum, rather than pulled in it" (*e foro abduci, non [...] perduci*), meaning, as one scholar has argued, that he was prostituted.⁴⁸² Less obscured is the statement that he furthermore paid off his debts with "the fruits of his youth" (*aetatis fructu*).

479 *Rosc. Am.* 38.

480 *Font.* 34.

481 Cf. *Verr.* 2.3.60 where Cicero portrays Verres' henchman Apronius as having been born to *dedecus*, schooled in *turpitude* and shaped to accommodate Verres' desires.

482 *Verr.* 2.5.33. To a male customer by a pimp, and therefore not, by own volition and without payment. This is the interpretation held by D. H. Berry, who maintains that this passage has either been misunderstood or obfuscated by earlier translations, but that it is clear from the whole passage that Verres was prostituted as a young man. Berry 2006, p. 281.

Eventually, Cicero explained, Verres grew accustomed, hardened to this foul submission of others, but as they finally grew tired of it, he himself never did.⁴⁸³ Instead he “stormed” the “strongholds” of decency (*pudor*) and modesty (*pudicitia*) of others as a grown man.⁴⁸⁴ This, then, should come as no surprise to Cicero’s audience. They were expected to identify the dangers of that type of depravity.

At the center of this logic of immorality lies a cultural expectation of different sexual roles.⁴⁸⁵ The passive sexual behavior that becomes the object of the orator’s narrative is of key importance to many of the portraits that Cicero painted of his adversaries in public oratory. In *The History of Sexuality*, Michel Foucault noted that passivity in ancient sexuality was linked with immorality.⁴⁸⁶ Passive behavior in general was abhorred in a Roman man, passive sexual conduct was devastating to his status as a *vir*. Being a Roman man, a *vir*, was not so much a category of gender, as of class and social status, or rather, to the Romans they blended together.⁴⁸⁷ Sex, as concluded by Paul Veyne in regard to the Roman example, had nothing to do with it. “What mattered was being free and not a passive agent.”⁴⁸⁸ This also meant that

483 *Verr.* 2.5.34: *Iam vero, cum in eius modi patientia turpitudinis aliena, non sua, satietate obduruisset.*

484 For Verres violating Roman women and children during his career, see *Verr.* 2.1.62. See also *Verr.* 2.1.68; 2.5.28.

485 For passive sexual behavior as “Greek,” see MacMullen 1982; and Williams 1995.

486 Foucault 1985, p. 47.

487 See Skinner 2005, pp. 195–196. Richlin 1993, p. 532 holds that as regards Roman social hierarchy and sexuality “the two systems can hardly be understood independently.” For gender roles, see also Gardner 1998.

488 Veyne 1985, p. 29. For Roman references, see Williams 1995, p. 519, n.n. 13, 18. See also Habinek 1997, p. 23: “In the classical world, in particular, [...], sex remained imbedded in other social relations and other categories of discourse and was not capable of producing meaning in and of itself. As a result, many of the categories through which sexuality (that is, the distincti-

Roman views on sexuality made no moral distinction between homosexual or heterosexual activity.⁴⁸⁹ A free-born male member of the elite was expected to be the penetrator, whether of women or slave-boys, and whichever way suited him.⁴⁹⁰ Verres, by contrast is portrayed by his accuser as transgressing the boundaries between men and women in the following claim by the orator:

*At homo inertior, ignavior, magis vir inter mulieres, impura inter viros muliercula, proferri non potest.*⁴⁹¹

You cannot find a lazier, more slothful man, one who to a greater extent plays the man among women and the impure and weak woman among men.

The attack has strong sexual implications. To be the woman among men suggests that Verres is sexually penetrated by men. He is thereby depicted as passive and unable to defend his societal status. Representing his youth as immoral likewise meant he was still sexually corrupted. The only question is, then, what all this had to do with a trial of provincial corruption. Why did such a reproach make sense to Cicero's audience?

A similar attack on an adversary's status as a *vir* can be found in another speech in the early career of Cicero, but under diffe-

vely modern discourse of sexuality), produces meaning, especially those of sexual orientation, are quite simply irrelevant to the interpretation of ancient culture and literature."

489 For this view, see especially Williams 2010, pp. 4–9. See also Taylor 1997, p. 322. Cf. however Butrica 2005. For the question of homosexuality in Rome, see also Lilja 1983; Richlin 1993. Cf. Gouffier 1978 for Cicero's oratory.

490 Dixon 2001, p. 36. Cf. Cantarella 1992, p. 217. See also Richlin 1993, p. 535: "Roman class-consciousness equated sexual submission with loss of honor, admission of inferiority, and lack of virility."

491 *Verr.* 2.2.192.

rent circumstances. In 69 BCE, Cicero led the defense in a land dispute. It was a case preoccupied with the legitimacy of private violence that had on the surface very little to do with the infamous case against the former governor of Sicily. Nonetheless, in such a “trivial” case, arguing over the interpretation of the law, the young Cicero still found use of the argument of character. In a swift passage, Cicero deals with a person in opposition to his own client, a man called Aebutius:

*Quam personam iam ex quotidiana cognoscitis vita, recuperatores, mulierum assentatoris, cognitoris viduarum, defensoris nimium litigiosi, [...], inepti ac stulti inter viros, inter mulieres periti iuris et callidi, hanc personam imponite Aebutio*⁴⁹²

Whose character you know from your daily life, gentlemen, a flatterer of women, a widow’s advocate, an all too quarrelsome attorney, [...], useless and stupid among men, among women an experienced and shrewd lawyer, such a character should you ascribe to Aebutius.

This, admittedly lighter, attack, nevertheless makes use of the same apparent cultural logic. Sextus Aebutius is repeatedly referred to by Cicero as depraved (*improbitas*).⁴⁹³ The logical connection between manliness and character (*persona*) is explicitly stated. Aebutius’ character is known because everyone can see it displayed around the Forum. In Cicero’s portrayal he loses his place among the men and is only as a man when among women. He is as a woman, because he interacts with them and specializes in female cases—work that signal a breach from norm, a parody

492 *Caecin.* 14.

493 *Caecin.* 4, 23, 30.

or distortion of the lawyer's profession. Such work is clearly undignified, but the consequences are not intended as merely humorous, but as an argument. Cicero aims for it to make sense. This speaks to the heart of the matter, in this case a land dispute. It makes sense, because character was an argument.

Let us again return to the life cycle of Verres that Cicero pretended to pass over to see how this could be achieved. We may note that the passage starts with immorality in the form of sexual corruption and ends with Verres having depleted his inheritance in search of gratification of his lusts. The importance of arguing Verres' sexual immorality can thus be understood as arriving at both his greedy and lustful nature and his financial state; aspects which in turn give Cicero both the character argument and a motive for provincial corruption to present to the jury. In the *Pro Roscio Amerino*, Cicero had put forward a similar train of thought. Lavish expenses from unchecked desire (*cupiditas*) lead to enormous debts, which in turn lead to crime.⁴⁹⁴

Other aspects of Cicero's portrayal home in on the passivity and corrupted masculinity of his target.⁴⁹⁵ In the passage above he is described as lazy and slothful. Verres lacks *virtus* and diligence (*industria*) and instead he displays *inertia*.⁴⁹⁶ This also puts him in sharp contrast to the ideal of the Roman *vir* whose defining trait was *virtus*. Nor does he have the refinement (*humanitas*) indicative of the elite: "He has none of that, on the contrary, his whole conduct is tainted by disgrace and shamefulness, as well as exceptional stupidity and crudeness."⁴⁹⁷

Furthermore, Verres not only surrounds himself with women

494 *Rosc. Am.* 39.

495 On this, see also Gonfroy 1978.

496 *Verr.* 2.4.90; 2.5.40.

497 *Verr.* 2.3.8: *nihil eorum est, contraque sunt omnia cum summo dedecore ac turpitudine tum singulari stultitia atque inhumanitate oblita.*

of low moral fiber, he allows himself, and thus, in essence, the Roman province of Sicilia, to be run by a woman.⁴⁹⁸ When he was city praetor in 74, even people living in the countryside knew that all his decisions were controlled by his mistress Chelidon; a woman married to one, but available to all (*nuptam uni, propositam omnibus*).⁴⁹⁹ Just as Aebutius deviates from the role of the lawyer, Verres deviates from the proper conduct of a praetor, but also from the proper behavior of a man. By using motifs of erotic distraction and by illustrating his dependence on a woman, aspects which “were felt to divert a man from his public responsibilities,” Cicero paints a portrait of Verres that draws on Roman expectations not only of civic duty but also of male behavior.⁵⁰⁰ Instead of battle scars he had the scars of women’s teeth, evidence of his immoral lust.⁵⁰¹ Cicero mocks his relationship with one of his commanders as effeminate and delicate, alluding to their sexual liaison.⁵⁰² At the center of their intimate relationship were immorality and depravity (*flagitium, turpitudō*).⁵⁰³ Even worse was his right-hand man, Apronius, a man who could match all his immoral and vile desires. Verres, Cicero told his audience, could not live without this Apronius and shared his private chamber with him.⁵⁰⁴ These relationships, it is important to stress, were not only shameful or embarrassing, but centered also on immorality.

Appearance and manner could also signal effeminacy and cor-

498 *Verr.* 2.1.140. Cf. *Verr.* 2.3.31.

499 *Verr.* 2.5.34. By allowing himself to be carried back into the city to her after taking his vows as military commander he also violated religious laws.

500 Edwards 1993, p. 85.

501 *Verr.* 2.5.32.

502 *Verr.* 2.5.104.

503 *Verr.* 2.5.107.

504 *Verr.* 2.3.23. See also *Verr.* 2.3.65: *blanditia flagitiosa*, immoral caresses or flattery.

rupted manhood.⁵⁰⁵ Verres is depicted as traveling in the tradition of foreign kings, in luxurious litters, smelling of and sniffing flowers. The litter bearers, as soon as the retinue arrived in a town, would carry him to his bed chamber.⁵⁰⁶ Moreover, the governor did not dress in traditional Roman garb but in colorful Greek clothes.⁵⁰⁷ Deviant and immoral behavior went hand in hand.

The depiction of Verres as effeminate and sexually submissive makes sense as a character argument because it signals immorality. The sexual defilement of the governor's youth is meant to corroborate his present crimes. This is logical because in Roman moral discourse, immorality breeds immorality. And once someone is immoral, only immorality can be expected of them. The trick, then, was to argue this immorality.

The Immoral Arena

There were a number of ways in which an orator could allude to immoral behavior in an adversary. Depravity took place in certain arenas and involved certain types of people. In Cicero's speeches the feast or *convivium* were often evinced as a setting of immorality.⁵⁰⁸

As advocate for both Quinctius and Sextus Roscius, Cicero stressed that his clients did not attend the type of banquet that would have signaled immoral behavior.⁵⁰⁹ They lived traditional, frugal lives. The villain in the trial against Roscius, Chrysogonus,

505 For signs of effeminacy, see Edwards 1993, pp. 68–70.

506 *Verr.* 2.5.27.

507 *Verr.* 2.5.31, 40, 86, 137. For Verres' Greek clothing, see Heskell 1994, pp. 133–135.

508 For the immoral *convivium*, see especially Corbeill 1996 and 1997.

509 *Quinct.* 59, 93; *Rosc. Am.* 39, 52.

on the other hand, hosted lavish feasts that pointed toward iniquity.⁵¹⁰

In Cicero's portrayal of Verres, the *convivium* is the setting for sexual immorality, marked by *stuprum* and *flagitium*.⁵¹¹ During Verres' time as military commander, Cicero remarks, he was rarely seen out of bed: *ita diei brevitatis convivii, noctis longitudo stupris et flagitiis continebatur*—"so were the short days with banquets, and the long nights with debaucheries and depravity passed."⁵¹² The banquets were also the scene of Verres' sexual aggression. The prosecutor narrates the episode of how Verres' house in a town called Lampsacum was set on fire by an incensed mob after he attempted the violation of a young girl during his party.⁵¹³ His own son was brought up feasting among unchaste women and unrestrained men at his father's luxurious dinner-parties, thereby schooling him, not in the ways of the forefathers, but in his own immorality.⁵¹⁴ As a Roman magistrate he devoted his days to Venus and Bacchus and his *convivia* were not the dignified affairs suitable for a Roman praetor and *imperator*, but signified by clamor and loud noises and even fist fights. He who never cared about the laws of the Roman people was adamant about the laws prescribed about drinking and feasting.⁵¹⁵

We may wonder why the *convivium* was such a sign of immorality. Could not feasts be a sign of hospitality and wealth? We are offered a clue as Cicero contrasts the proper and improper conduct of a Roman magistrate. By using the theme of the ban-

510 *Rosc. Am.* 134.

511 *Verr.* 2.4.71. Also *Verr.* 2.5.86 and cf. *Verr.* 2.5.137. Cf. Fantham 1991, pp. 287–288; and Corbeil 1996, p. 135.

512 *Verr.* 2.5.26.

513 *Verr.* 2.1.66–70. See also *Verr.* 2.5.28.

514 *Verr.* 2.3.160–161. See also *Verr.* 2.5.30, 137

515 *Verr.* 2.5.27–28. Cf. *Verr.* 2.5.92.

quet, Cicero portrays Verres as the antithetical Roman statesman where the feast symbolizes the ultimate breach of decorum and duty. Throughout the fifth speech of the Verrines, Cicero exemplifies how Verres' behavior and drunkenness causes him to neglect his duties.⁵¹⁶ A Roman magistrate was of course supposed to admit people into his house, but Verres only admitted those who could share or minister his vices. And while the feasting went on, no legal activity was pursued in the Forum and instead of the voices of litigants and judges, music and women's voices were heard.⁵¹⁷ In this depiction, and by being contrasted with the normal activities of a statesman, the nocturnal banquet effectively becomes the perversion of the political arena of the Forum.⁵¹⁸ The proper and normal daily activities are contrasted with the deeds that can take place during a feast. Hence, immorality, symbolized by the *convivium* where noises, clothes, guests, and luxury could all signal the debaucheries that took place, argued that military considerations had not been met and duties not honored.

Gaius Verres the Tyrant

Many of the pejorative claims made about the character of Verres in Cicero's portrayal of the corrupt governor can be summed up in the figure of the Hellenistic tyrant. No doubt this was the prosecutor's intention; there are recurring explicit accusations of tyrannical behavior throughout the Verrines.⁵¹⁹ The former governor had been a king of Sicily (*rex Siculorum*) and Syra-

⁵¹⁶ *Verr.* 2.5.63, 83, 87, 94.

⁵¹⁷ *Verr.* 2.5.30–31. Cf. *Rosc. Am.* 134.

⁵¹⁸ In *Verr.* 2.4.83 also contrast Verres' sordid house with the paragon of Roman manhood, Scipio Africanus.

⁵¹⁹ For the tyrant in political invective, see Dunkle 1967; Erskine 1991. See also Thome 1993; and Tempest 2007, pp. 30–36.

cuse (*tyrannus Syracusanis*).⁵²⁰ The tyrant, a powerful figure in the Greek and Roman mind, was above all violent, lustful and greedy, arrogant and cruel.⁵²¹

The tyrant and the tyrannical king was the quintessential un-Roman motif. The tyrant stood in direct opposition to the very idea of the Roman Republic, loaded not only with oppressive connotations but with foreign ones. The tyrant, as observed by Ingo Gildenhard, is in fact the “paradigmatic other” to the Roman community, a Greek threat which provided a resource for attacking others in Roman oratory.⁵²² But what made the image, or theme, of the tyrant powerful?

Indeed, we soon come to realize that the tyrant is a host of several, if not all, of the marks of immorality we have just discussed. The people of Sicily decided to prosecute their tormentor because of his *luxuria*, *crudelitas*, *avaritia*, and *superbia* (arrogance).⁵²³ His tyranny is likewise marked by *amentia*.⁵²⁴ While it is true that these are the marks of a tyrant, they are, as shown, also character traits of an immoral character in general. Verres is a *tyrannum libidinosum crudelemque*—a lustful and cruel tyrant who committed acts of *flagitium*.⁵²⁵ His acts are marked by *audacia* and *superbia*—the latter no doubt evoking the last of Rome’s kings, Tarquinius Superbus. His behavior is also foreign and feminine. All these aspects of a portrait could be comfortably linked to notions of immorality prevalent in Roman culture.⁵²⁶

We might therefore argue that the image of the tyrant is the im-

520 *Verr.* 2.3.76–77; 2.4.123. See also *Verr.* 2.4.51.

521 See Dunkle 1967, p. 151; Gildenhard 2011, p. 88.

522 Gildenhard 2011, p. 89. Cf. Steel 2001, p. 31.

523 *Verr.* 2.2.9. For cruelty and *superbia*, see also *Verr.* 2.1.122.

524 *Verr.* 2.5.103: *importuni atque amentis tyranni*. See also *Verr.* 2.3.24–25.

525 *Verr.* 2.1.82.

526 Note too, the image of the immoral Apronius, (*Verrem alterum*), as a tyrant in *Verr.* 2.3.31. Cf. *Verr.* 2.3.115.

moral portrait taken to the extreme and that the logic that makes this image powerful and effective is the same. Certain traits, such as *crudelitas* and *superbia*, have traditionally, and rightly, been associated with the tyrant. But the image is not merely based on people's fear of tyranny or historical connotations. It is based on moral logic. It follows the same pattern of immorality.

CONCLUSIONS: DEFENSE AND PROSECUTION

*Non est querendum in hac civitate, quae propter virtutem omnibus nationibus imperat, virtutem plurimum posse.*⁵²⁷

No one should complain that in this city, which because of *virtus* rules all other nations, *virtus* is everything.

Virtus is a difficult word to translate. It denotes manliness but also excellence and bravery.⁵²⁸ But in the sentence above we are not wrong to translate it with high or even moral character. It illustrates that in Rome, character and morality was of the utmost importance. The Romans themselves believed it crucial to their success. This morality, this *virtus* could be attacked in oratory. Certain themes could be utilized; certain traits illustrated that chipped away at the moral integrity of a target. By drawing on the shared area of knowledge, prejudice, and fears known from other parts of Latin literature, the orator could empower his arguments. These attacks lead us back to their source, Roman morality and values. In this chapter we have discussed different logics underlying the attacks that made them appear rational to an audience.

⁵²⁷ *Verr.* 2.4.81.

⁵²⁸ For the different connotations of *virtus* in Cicero's speeches, see McDonnell 2006, pp. 340–355.

As we continue, several of these questions will linger as we further attempt to disentangle the moral logic of Cicero's oratory.

Who was capable of misgoverning a province and what did morality have to do with it? It is clear that greed could be presented as both the crucial explanation and the *raison d'être* for the complex portrait of immorality that Cicero painted of his adversary. Gaius Verres, in Cicero's portrait of immorality, is defined by his greed, but the portrait far from ends here. Rather, it expands through immoral links and associations. Greed clasped together with desire and lust, audacity, cruelty, insanity, and sexual corruption in a chain of interrelated immorality. These aspects of Roman moral logic were powerful themes shared by the community. It was in all likelihood a persuasive and efficient portrait.⁵²⁹ Instead of ignoring the emphasis he put on morality, we can see it as part of his success. Immorality was a way to argue guilt in ancient Rome. Signs of depravity and suspicion of immoral behavior could be presented to an audience in various ways. Crime and immorality were not sharply separated, rather they merged in the portrait of Verres and the forensic arguments that Cicero chose.

The early career of Marcus Tullius Cicero from Arpinum was marked by success. The two most important trials were great accomplishments. Roscius was acquitted, Verres fled Rome. As I have shown, he used moral arguments and a moral chain of reasoning right from the start and as part of both the defense and the prosecution, in famous and "minor" trials, and as part of financial disputes as well as capital offences. In fact, none of the extant speeches from this period lacks character arguments. He was subsequently rewarded within the political culture. Cicero had started his climb on the *cursus honorum*.

529 Cf. Frazel 2009, p. 223.

Chapter IV

REPUBLICAN POLITICS
—THE CONSULAR YEARS (66–59 BCE)

IN THE YEARS FOLLOWING HIS early forensic triumphs, Marcus Tullius Cicero reaped the benefits of his success. After the trial against Verres the road to higher political office lay open. The new man from Arpinum became the most celebrated politician in Rome by seizing the opportunities of the political culture. As a result of winning in both the courts and the polls, his *auctoritas* grew. The pinnacle of his career was the consulship of 63 BCE. It was the top spot of the *cursus honorum* and it afforded him the opportunity to essentially become the *res publica*. Cicero, in service of the Republic against the perceived threat of conspiracy, was awarded the honorary title *pater patriae*, father of the fatherland. This was truly Cicero's decade.

Much of this happened as a result of oratory. Cicero continued to persuade juries of the innocence of his clients. He swayed the *populus* to vote him into office. On the Senate floor, he convinced his peers of the danger posed by a fellow member of the elite. Lucius Sergius Catilina, a man of noble birth, was so forcefully portrayed as the enemy of the state that he fled the city. Cicero was hailed as the savior of his country.

Representations and evocations of immorality played a part in these developments. The present chapter deals with the relationship between Roman moral culture and political oratory during

the 60's BCE, between Cicero's rise to the consulship and his subsequent fall from grace and exile. Between the years 66 and 59, the orator gave a number of speeches in which he regularly attempted to undermine his opponents. He did this by immoral portrayal and by arguing the relevance of immorality for political and forensic decisions. As we saw in the previous chapter, specific suspicious signs could be summoned to signal immorality. This chapter will seek to further address these signs of immorality—compromising marks of immoral character and life—by examining how Cicero utilized them in his depictions of character and oratorical reasoning.

We have seen how a Roman orator could argue that immorality was relevant to guilt on the forensic stage. Now, new arenas of the political culture will come into focus. Cicero's portrayal of Catilina took place on the Senate floor as well as in the *contio*, in front of peers as well as *populus*. The line between forensic and political speeches was at the same time effectively blurred as Cicero could make use of the courts to debate political matters. Cicero fought his battle with Catilina at every stage of the political culture.

The depiction of Catilina is an inescapable point of reference when dealing with this era of the late Republic. The notorious speeches against Lucius Sergius Catilina are textbook examples of political exclusion. The looming threat of Catilina was an important part of Cicero's political career, a phantom he returned to again and again. The consul's portrayal of this supposed menace is without doubt central to understanding Roman views on immorality. The Catilinarian affair was however not the only opportunity for Cicero to depict and discuss immorality in oratory during the decade in question. Before addressing the immoral portrayal of the man who posed a threat to the republic, we will return to the Roman arena of forensic duels.

FORENSIC NEGOTIATIONS

Immorality as an argument continued to be a prominent feature in Cicero's forensic oratory during the 60's BCE. Character was a source of persuasion; depravity and vice a foundation for a guilty verdict. A case in point is the trial of Cluentius in 66, where Cicero acted as defense lawyer.

The case revolved around several different issues of character. From the outset, the defense had to deal with the problem that Cluentius was tarnished by his reputation. This, it seems, risked being a decisive factor for the outcome. Thus, even the fact that Cicero felt obliged to address the sullied reputation of his client (devoting the majority of his speech to this issue) suggests the significance of moral character. His strategy to deal with the problem further corroborates this importance. To defend his client's reputation, the orator went back eight years in time and his present client's prosecution of the father of the man now prosecuting him. Because Cicero's client, Cluentius, seems to have been generally suspected of bribing the court at that time, thereby unjustly condemning the father of the prosecutor, the point was to show that the father was, in fact, worthy of the guilty verdict. In a sense, he sought not only to change people's opinion, but also the historical narrative. If confusing, Cicero still deemed it the best line of defense, and more importantly, the issue obviously had to be addressed.⁵³⁰ It is however important to note that this was not a covert strategy. On the contrary, it was explicitly stated to the au-

⁵³⁰ Famously, Quintilianus records that Cicero later claimed to have thrown dust in the eyes of the jury. Quint. *Inst.* 2.17.21. This has been taken as proof that Cluentius was guilty, but the meaning is uncertain. If the issue of immorality was "the dust," this does not diminish its importance as argument and only means that Cicero trusted it to be effective. For the *Pro Cluentio*, see Classen 1965; Kirby 1990.

dience.⁵³¹ But to convince his audience that the correct verdict had been reached, Cicero did not dig up any formal evidence of the case. To prove guilt, he instead turned to the topic of immorality.

The father of the prosecutor was a man by the name of Oppianicus, a man Cicero claimed guilty of numerous murders and crimes. The point was to illustrate that no one could believe this man to be anything but guilty.⁵³² One character trait above all dominated his portrait of this man: an unparalleled audacity. This *audacia*, Cicero asserted, demanded universal hatred and the severest of penalties and it could be observed. “Behold first the man’s audacity,” Cicero instructed his audience.⁵³³ Cicero, as he had done regarding Gaius Fannius Chaerea in 77, insisted that the wickedness (*nefarium*) and guilt of Oppianicus could be clearly seen in his face.⁵³⁴ Moreover, all parts of his life had been like this. He was shunned by society, hated and seen as a savage and as a beast. His nature was monstrous and violent.⁵³⁵

Cicero’s portrait of immorality does more than just undermine the memory of the target. His depiction of Oppianicus can be read as serving to substantiate his claims. The shocking crimes that this man had committed could be related, as Cicero explicitly said, in order to convince his audience of the truth of his allegations.⁵³⁶ I imagine, he said when he had done so, that I have now proved the charges against Oppianicus to be such that an acquittal was impossible.⁵³⁷ What more, he asked, can I say about

531 *Clu.* 11, 30.

532 *Clu.* 30.

533 *Clu.* 23: *Primum videte hominis audaciam*. For *audacia*, see also *Clu.* 26–27, 29, 42, 48, 64.

534 *Clu.* 29.

535 *Clu.* 41–42, 44. Also: *Clu.* 170. For Cicero’s portrayal of his enemies as beasts and monsters, see May 1996.

536 *Clu.* 43.

537 *Clu.* 49.

the character (*persona*) and trial of Oppianicus?⁵³⁸

Cicero's approach to this case warrants further discussion.⁵³⁹ Without presenting any formal evidence, he proves his case by relating the crimes and character of Oppianicus. He does not hide this approach behind a strategy of *pathos* by trying to imply immorality to arouse contempt or ridicule. Oppianicus was dead; there was no need for any derision of him. Instead, he confidently acts as though his audience will agree that immoral character could "prove" or bear witness to guilt. The crimes Cicero recounts are all stained with immorality. Oppianicus' audacious crimes were driven by greed and licentiousness.⁵⁴⁰ He partook in the immorality and extravagance of the city.⁵⁴¹ His friends and accomplices were depraved, known for their vices.⁵⁴² The lack of evidence might seem reprehensible or a flaw, but as observed by Ann Vasaly, "ancient rhetoricians often maintained the superiority of argument over evidence."⁵⁴³ According to Andrew Riggsby, character arguments clearly counted as evidence in Roman trials.⁵⁴⁴ Because of the effectiveness of character as proof, biographical information naturally became the "facts" of the case, rather than arguments stemming from external circumstances.⁵⁴⁵ Cicero, in representing his target as depraved and immoral, asserted his portrayal over any formal proof.

The same logic of immorality is employed by the orator later in the speech about another man, Staienus. In the following pro-

538 *Clu.* 59.

539 See also Stroh 1975, pp. 212–213.

540 *Clu.* 26–27, 28, 35.

541 *Clu.* 36.

542 *Clu.* 36, 46.

543 Vasaly 1993, p. 210. Cf. Arena 2007, p. 158. See also Kennedy 1972, p. 41.

544 Riggsby 2004, p. 177. Cf. Dixon 2001, p. 34.

545 May 1988, pp. 9, 16; Corbeill 2002b, p. 199; Langlands 2006, p. 315; Arena 2007, p. 150.

clamation by the orator, we are reminded of the “advice” to the jury at the trial of Sextus Roscius from Ameria:

*Atque haec, iudices, quae vera dicuntur a nobis, facilius credetis, si cum animis vestris longo intervallo recordari C. Staieni vitam et naturam volueritis.*⁵⁴⁶

And this, members of the jury, which I am truthfully relating to you, you will more easily believe, if you agree to recollect after so long a time the life and nature of Gaius Staienus.

For we can best, the orator continues, judge what a man will or will not do, if we evaluate his morality (*mores*).⁵⁴⁷ Immorality was in other words not only a valid argument, but a crucial one. Cicero exemplified the character of Staienus as *egens* (needy), *sumptuous* (extravagant), *audax* (audacious), *callidus* (shrewd), and *perfidiosus* (treacherous). He also offered his audience further signs of immorality. His house was miserable. He had squandered his money to satisfy his lust, which led him to embezzlement. His face, just like Oppianicus’ face, betrayed his character.⁵⁴⁸ His *persona*, so notorious and transparent, led to every suspicion of disgrace.⁵⁴⁹ In the *Pro Cluentio*, the connection between guilt and immorality is manifest, further illustrated by Cicero’s simple explanation as to why a man named Bulbus had been convicted of treason. He was a *homo nequam, turpis, improbus*—a vile, shameful, and immoral man who was stained

546 *Clu.* 70.

547 Cf. *Flac.* 12. See also *Clu.* 159.

548 *Clu.* 68–72.

549 *Clu.* 78: *Huius Staieni persona populo iam nota atque perspecta ab nulla turpi suspicione abhorrebat.*

by depravity before ever setting foot in the court.⁵⁵⁰ The condemnation had accordingly been easy.

Another way to persuasively argue the relevance of immorality is apparent from a speech known as *Pro Flacco* held several years later. In 59, Cicero undertook the defense of Lucius Valerius Flaccus, on trial for provincial malpractice in Asia. Cicero explained to his audience that the usual course of action when dealing with witnesses against one's client was either to disprove the evidence they gave or attack their life in order to undermine their credibility.⁵⁵¹ Since, he said, in this case the evidence did not permit argumentation, he ought to concentrate his efforts on the latter approach. The only problem was that the witnesses were Greek and therefore unknown in Rome. How then could you attack a man of whom you knew nothing? The witnesses could however be undermined by relating their "common character" to the audience. And because the Greeks were generally characterized by a lack of respect for witness testimony, Greek witnesses should be regarded as unreliable.⁵⁵² These particular Greek witnesses were furthermore motivated by their *cupiditas* and could of course not be trusted with testimony against a Roman noble.⁵⁵³

Two aspects of the line of thought that Cicero presents here are worthy of note. First the prominence and forthright nature of character attack as a strategy. It was only natural to attack the life of the witness. Without pause, Cicero admits as much. But we may also note the sentiment that what is known about a man is of relevance in Roman law. A man's reputation was his cultural

550 *Clu.* 97.

551 *Flac.* 23: *Nam aut oratio testium refelli solet aut vita laedi.*

552 *Flac.* 9–12. Consult in general chapter 6 in Vasaly 1993. For Roman attitudes toward Greeks and foreigners, see e.g. Sherwin-White 1967; Petrochilos 1974; Balsdon 1979; Gruen 2006.

553 *Flac.* 24–27, 64. Cf. *Font.* 27.

capital.⁵⁵⁴ This is also why it was crucial to save the tarnished name of Cluentius.

Cicero later in the *Pro Flacco* used the general tactic of undermining a witness based on past life on a man by the name of Asclepiades. This man's shameful life (*vita turpis*) was enough to justify disregarding his statements.⁵⁵⁵ He was without means, condemned by public opinion and, like Oppianicus, distinguished by *audacia* and *impudentia*. His financial situation, social standing, and certain character traits were all expected to matter in a court of law.

In sum, in the Roman courts, and in the two forensic speeches chronologically framing the present chapter, Cicero continued to argue his case from immoral life and immoral character. He considered it evidence of guilt and he wanted his audience to treat it as such. Addressing his audience during his speech in defense of Flaccus, Cicero reminded them that what separated Greeks from Romans was that a Roman jury always found it prudent to scrutinize *mores*.⁵⁵⁶ Moreover, once again we find that Cicero's reasoning supports the idea that suspicion in itself carried weight and could function as forensic argument. This shows us the importance Rome's most successful orator attached to character, whether as *mores*, *natura*, or *persona* in his defense. Character could be shielded or sullied, depending on the situation, by signs of immorality. The father of the prosecutor whom Cicero wanted to mark with guilt was evaluated on the basis of his life, his nature, and his appearance. Likewise, there was a logical train of thought to the depiction of Staienus that rendered it meaningful, or so Cicero hoped, to his audience. The poor state of his house

554 Cultural capital is a reference to Pierre Bourdieu. See for instance Bourdieu 1983. Cf. Edwards 1993, p. 24.

555 *Flac.* 35.

556 *Flac.* 12: *mores tamen exquirendos putatis*.

was a sign while his lust was a catalyst for crime. This could all be read in his face. Thereby, certain triggers were evoked to illustrate a morally problematic character.

From a legal standpoint, then, Cicero frequently favored a moral approach. Character, life, and inappropriate behavior figured heavily in his court cases. The relevance was not only in clearing his clients on the basis of the lack of immoral charges, as when Cicero defended Sextus Roscius, or in immoral portrayal as when he prosecuted Gaius Verres. The *Pro Cluentio* and *Pro Flacco* illustrate further uses of the immorality argument. Immorality could be an effective argument, and argument in Roman courts could outweigh formal proof. But what place did immorality have in political oratory, in front of different audiences and on other stages in the political culture?

CONSPIRACY AND IMMORALITY

Cicero's career during the 60's BCE is defined by his role in the Catilinarian affair of 63, a notorious drama played out against a backdrop of fierce rivalry and aristocratic competition. Cicero, by defeating a man with a better name and nobler ancestry primarily with speeches, first in the polls, and later in the Senate and *contio*, demonstrated the power of oratory in ancient Rome.⁵⁵⁷ As a testament to the lasting power of Cicero's words, the figure of Catilina has captured the imagination of playwrights, artists,

557 Scholarship on the Catilinarians and the conspiracy is extensive. Standard works include Hardy 1917; Yavetz 1963; Gruen 1969; Seager 1973; Phillips 1976; and Price 1998. Of particular relevance are Konstan 1993 for Cicero's rhetorical representations and strategies; Batstone 1994 for how Cicero constructs his consular *ethos*; and Habinek 1998 for the study of how Cicero represents Catilina as a bandit. For the first Catilinarian as invective, see Craig 2007. Consult generally Drexler 1976.

authors, and political commentators across the centuries.⁵⁵⁸ Catilina, more than a man of flesh and blood, has stood as a symbol of the archetypical conspirator, or when it fitted better, the revolutionary.⁵⁵⁹ The reason is Cicero's portrayal of him.

In a series of speeches, Cicero cast Catilina as the enemy of the state, as a man aiming to overthrow its constitution.⁵⁶⁰ Catilina was accused of conspiring to commit massacre on Roman citizens and of having designs to burn down the city.⁵⁶¹ The consul strove to paint Catilina as a *hostis*, an enemy "whose plans and actions had thrust him outside the pale of citizenship and the legal protection that accompanied that status."⁵⁶² Cicero, in other words, tried not only to undermine, but also to exclude in order that decisive action could be taken against his adversary. When action was taken, it was fatal; after fleeing Rome, Catilina was ultimately killed in battle against his fatherland.

But conspiracy, perhaps the ultimate political transgression, was not merely argued from a strict political or judicial perspective. The accusations against the man Cicero wanted to portray as a threat were not just centered on his criminal acts. This is illustrated by the following dual allegation from the first speech in the Senate:

*Nullum iam aliquot annis facinus exstitit nisi per te, nullum flagitium sine te.*⁵⁶³

For years now, no crime has been committed that wasn't committed by you, no immoral act without you.

558 See Dyck 2008, pp. 13–16.

559 See for instance Allen Jr. 1938.

560 Flower 2006, p. 99.

561 See e.g. *Cat.* 1.2–3, 5, 7, 12. Also *Cat.* 2.6; and 3.1.

562 Vasaly 1993, pp. 51–52.

563 *Cat.* 1.18

The consul's hyperbolic statement placed immorality front and center on the political stage. It demonstrates how it was possible for a Roman orator to connect crime (*facinus*) with immoral acts (*flagitium*) formed into a single attack. Hence, clearly conspiracy and crime could be logically linked to the issue of depravity.⁵⁶⁴ Murder and destruction was then, like in the Roman courts, not necessarily an isolated issue, but could be followed without overt strain by the accusation of immorality. A conspirator, on the other hand, was perhaps also of necessity immoral as surely no good man would ever betray the *res publica*. The question then is who, in the Roman mind, would? We might remind ourselves that just as Verres' corruption, in modern eyes, did not in any strict legal sense require adultery, trespass against political institutions does not beforehand demand moral transgressions. It is however possible for a cultural moral logic to encompass such a demand. To the historian Sallustius at least, writing his *Bellum Catilinae* a few decades later, beginning his narrative with details of the conspirator's character, his *mores*, was, it seems, only rational.⁵⁶⁵ Immorality could explain the course of historical events. Could it also argue the charge of conspiracy?

As shown by the orator's statement above, this appears to be the case. The act of conspiracy should be seen as a political claim, rather than an unbiased statement of fact; as an accusation presented by an antagonist. And as a political accusation it can be backed up. Allegations charged with depravity and vice are of course not the only possibility to corroborate such a claim, but one, I argue, necessitated by the prominent place of morality in the common identity of the Roman elite. This analysis of the Catilinarians therefore foregoes the charges of murder, arson,

⁵⁶⁴ See Earl 1967, p. 17.

⁵⁶⁵ Sall. *Cat.* 4.

and destruction as well as the mention of evidence and witnesses during the course of the speeches, but looks instead at how immorality could be summoned in order to substantiate a hard political claim.

A part of the argument was the portrait. Cicero represented Catilina as a villain while presenting himself as the hero. Both these rhetorical constructions made use of Roman morality. A moral system of which both orator and audience had knowledge gave weight to Cicero's representations of Catilina. The speeches against Catilina, as argued by Thomas Habinek, exemplified the willingness of the orator "to tap into the deepest passions and fears" of what he refers to as "the Roman collective unconscious."⁵⁶⁶ How then, using a shared understanding of morality, could an enemy of the state be constructed in Roman oratory through the use of immorality?

The perspective ascribes considerable influence to oratory. An immoral portrait does not necessarily reflect reality, but it can most definitely influence it. At no point in Cicero's career is this clearer than when he portrayed Catilina. This in turn speaks to the power of oratory and its very real consequences. "Politics," as David Konstan writes in reference to the Catilinarian speeches, "is control of discourse."⁵⁶⁷ In 63 BCE, Cicero wielded the power of consul, enjoyed considerable *auctoritas* and had the command over the arenas of political culture. In some respects, the case of Catilina is the best argument for the power that the orator and his words had in Roman political culture.⁵⁶⁸ A political adversary could be undermined to the extent that he had to flee the political scene.

⁵⁶⁶ Habinek 2005, p. 28.

⁵⁶⁷ Konstan 1993, p. 29.

⁵⁶⁸ Cf. Konstan 1993, p. 13: "In other words, he must decide the outcome by his rhetoric." Cf. Habinek 1998, p. 70: "Cicero in the Catilinarians is the *ex-istimator* of his own performance, the arbiter of political, social, and ethical

The approach to the Catilinarian affair in classical scholarship has moved from a condemnation of the conspiracy to the opinion that Cicero could very well have constructed much of the political situation, emphasizing the danger and inventing parts of the enemy.⁵⁶⁹ Scholars have shown how Cicero represented his adversary as standing outside both the political and the religious community.⁵⁷⁰ David Konstan and Ann Vasaly have furthermore both argued that Cicero separated those inside and outside the walls of Rome and that this “moral geography” or “moral boundary” was crucial in determining good and evil.⁵⁷¹ The premise of this chapter is that, rather than playing a minor, or irrelevant, role in the attack on Catilina, representations of immorality were part of the puzzle of constructing him as the enemy and that part of the success of the depiction was due to its moral aspects.⁵⁷² This oratorical weapon needed only itself and its own logic.⁵⁷³

One of the most famous quotations from antiquity, found in the opening of the first Catilinarian, furthermore suggests the importance of morality in Rome and for the orator’s task at hand. *O tempora, o mores!* The times are wicked, morality corrupted. We need not think of this as merely a turn of phrase. Cicero in the

divisions, and the hero of a founding myth of his own creation.” See also Morstein-Marx 2004, pp. 14–15.

569 Zetzel 2009, p. 107 suggests for instance that the whole first Catilinarian conspiracy as well as the charges that Catilina was a brutal torturer, a sexual deviant, and that he had murdered his relatives was fabricated by Cicero to win him the consular election. See also Seager 1973, p. 244.

570 Konstan 1993, p. 13; Habinek 2005, p. 29. See also Achard 1981, pp. 117–119.

571 Konstan 1993, p. 15; Vasaly 1993, pp. 52–53. See also Habinek 1998, p. 86.

572 For the speeches as shaped *ex post facto*, revised after the events had taken place, see for instance Habinek 1998, p. 70; Zetzel 2009, p. 105. Cicero himself comments on the publication to his friend Atticus (*Att.* 2.1), seemingly because there was a demand in rhetorical schools.

573 For this, see also Batstone 1994, p. 215: “Cicero does not prove that Catiline is a public enemy, he assumes that fact.”

Catilinarians evoked Roman morality as support of his claims. In portraying Catilina as a conspirator, the question of morality was inescapable.

The Mind of a Conspirator

In the year 63 BCE, Marcus Tullius Cicero the consul, standing on the Senate floor, began his oration known as *In Catilinam*. The man he charged with conspiracy against Rome was in attendance. The result of this speech seems difficult to overestimate. It would in the end mean exile for one of them, and death for the other.

Over the course of the speech, Cicero would describe in detail for his audience how Catilina had plans to gather men with the intention of attacking the city with fire and sword. Before charging Catilina with any acts of conspiracy, however, the consul attacked his mind—a mind that could signal immorality.

In the first few lines of the first speech, Cicero referred to his opponent's *furor*, or madness, rage, or passion, and his *audacia effrenata*, or unbridled audacity or effrontery.⁵⁷⁴ Both character traits were portrayed as the opposite of the character of the senators for whom Cicero claimed to speak.⁵⁷⁵ The message was clear. Catilina was a man who lacked control of his senses. The theme was to prove prevalent. The second speech against Catilina, now in front of the audience of a *contio*, similarly began by pointing out his *furor* and *audacia*. He was labeled a *homo audacissimus*, a most audacious man.⁵⁷⁶ Cicero thus presented both his audiences with an insight into the mind of his opponent.⁵⁷⁷

574 *Cat.* 1.1. *Furor* also 1.2, 15, 22, 31; and *Sull.* 56. *Audacia* also *Cat.* 1.4; and *Mur.* 17. For *audacia* and *coniuratio*, see also *Sull.* 30.

575 For the opposition between *boni* and *furor* and *audacia*, see *Rab. perd.* 4; and *Leg. agr.* 2.92.

576 *Cat.* 2.1, 13.

577 Cf. Morstein-Marx 2004, p. 252; Gildenhard 2011, pp. 102–103.

Why these concepts? Both *audacia* and *furor*, bold and mad behavior were signs that the person in question was not only irrational, but also immoral. The *homo audax* was one of Cicero's character types in the *Pro Roscio Amerino*, a man easily conceived of as a culprit, but he also advocated definite links between immorality and audacity. Audaciousness was associated with un-Roman traits such as luxury and greed and could, as in the *Pro Cluentio* above, be used to argue guilt and demand the animosity and punishment of the community.⁵⁷⁸ Verres was in this way unparalleled in his *audacia*—a man marked not only by his greed, desire, crime, and immorality but also by his audacity.⁵⁷⁹ *Furor* was closely linked to this type of behavior. In order for someone to be plausibly guilty of the crime of parricide of which his client was accused, Cicero in the *Pro Roscio* had expected the prosecution to show, not only audacity but the worst kind of *furor* and *amentia*.⁵⁸⁰

Both concepts are common in Cicero as well as in Latin literature in general. In that sense, *audacia* and *furor* were standard accusations that Cicero often found use for. As we continue our study of Cicero's conflicts, this will become apparent. Publius Clodius and Marcus Antonius were both audacious and characterized by their frenzy. Their prevalence does not however explain their prominence. In this study at least, their frequency cannot simply be attributed to convention. I assume they had relevance and meaning in the moral discourse at Rome.

Part of this meaning came from their associations with other character traits. *Furor* and *audacia* were concepts that lay close to and were often used in relation to *amentia*, a word Cicero also used to describe Catilina's mind.⁵⁸¹ *Amentia*, too, could signal

578 *Clu.* 29.

579 *Verr.* 2.3.152.

580 *Rosc. Am.* 62.

581 *Cat.* 1.8.

immorality and was a crucial part of Cicero's portrait of Verres. But what form of immorality? Whereas Verres' audacity and insanity pointed toward his greed his extravagant behavior and his cruelty, Catilina was not accused of *avaritia* or *crudelitas*.⁵⁸² Nor is luxury, crucial in Cicero's portraits of Chrysogonus and Verres, emphasized in his portrait of Catilina.⁵⁸³ Those immoral links are therefore disentangled in reference to him. Still the same concepts were deemed fit by the orator to explain a conspirator's mind. But if they were not marks of greed and luxury, what did they signal?

One passage in the first speech does however connect madness, both *furor* and *amentia*, with *cupiditas*, which we saw was closely tied to *avaritia* in the speeches against Verres:

*Ibis tandem aliquando quo te iam pridem tua ista cupiditas effrenata ac furiosa rapiebat; neque enim tibi haec res adfert dolorem, sed quandam incredibilem voluptatem. Ad hanc te amentiam natura peperit, voluntas exercuit, fortuna servavit.*⁵⁸⁴

Finally, then, you will go where, for a long time, your uncontrolled and insane passion has impelled you; no pain will it cause you either, but rather a kind of unbelievable pleasure. To this madness nature has given birth to you, your will trained you and fortune preserved you.

582 Sallustius however makes the connection with *avaritia*. See Sall. *Cat.* 6. Cicero describes the ensuing conflict with *crudelitas* in *Cat.* 2.28; and 3.23, 25. See also the portrait in *Cael.* 12–14.

583 Catilina's associates are described with *luxuria* in *Cat.* 2.5, 11, 25. For luxury as immoral, see also *Leg. agr.* 2.97.

584 *Cat.* 1. 25. For the link between *audacia* and *cupiditas*, see also *Leg. agr.* 2.37. For *avaritia* and *cupiditas*, see also *Leg. agr.* 1.9.

Insane passion is here offered as a clue to the behavior of the conspirator who has been seized and impelled (*rapio*) by it.⁵⁸⁵ His mind, marked by irrationality, fury, and insanity, is furthermore a result of his nature.⁵⁸⁶ This *cupiditas*, which here relates to pleasure (*voluptas*), rather than wealth or luxury, is the *raison d'être*, the logic of Catilina's behavior in this passage.

An interesting point of comparison that links *cupiditas* and *amentia* exists in the *Pro Cluentio*. The portrait of Cluentius' mother, Sassia is a relentless representation of female immorality.⁵⁸⁷ Sassia, who lusted for her son-in-law, tried at one point to control her passion, her *cupiditas*.

*deinde ita flagrare coepit amentia, sic inflammata ferri libidine, ut eam non pudor, non pudicitia, non pietas, non macula familiae, non hominum fama, non filii dolor, non filiae maeror a cupiditate revocaret.*⁵⁸⁸

Soon, such madness began to blaze, carrying such inflamed lust, that neither decency, nor modesty, nor sense of duty, nor family disgrace, nor the reputations of a man, the pain of a son, nor the grief of a daughter could cause her to withdraw from her passion.

Amentia and *cupiditas*, again clearly linked, lead to immorality. The significance echoes in the first Catilinarian as Cicero at one point addresses his opponent:

⁵⁸⁵ See Riggsby 2004, p. 170.

⁵⁸⁶ Cf. here especially *Cacl.* 15.

⁵⁸⁷ For invective against women, see Richlin 1984; and Santoro L'Hoir 1992, chapter 2. See also Richlin 1992, p. 97.

⁵⁸⁸ *Clu.* 12.

*Neque enim is es, Catilina, ut te aut pudor a turpitudine aut metus a periculo aut ratio a furore revocarit.*⁵⁸⁹

You are indeed not the sort of man, Catilina, to withdraw from disgrace because of decency, from danger because of fear, or from madness because of reason.

There is a logic to be uncovered here. In both passages, the mental state of the portrayed has led them into depravity. The unsound mind is in direct conflict with virtues such as *pudor* (decency) or *pudicitia* (modesty). Like Catilina, Sassia is impelled by her mind. Her *cupiditas* and *furor* overcame everything: *vicit pudorem libido, timorem audacia, rationem amentia*—lust triumphed over decency, audacity over timidity, and madness over rational thinking.⁵⁹⁰ The mind characterized by *amentia*, *furor*, and *audacia* was, we can surmise, deemed uncontrollable. The uncontrolled mind in turn gave way to immorality. It caused neglect of the virtues and responsibilities exemplified in the catalogue of Sassia's faults.

The unsound and immoral mind was easily conceived of as guilty. In the first and second Catilinarian, *furor*, *amentia*, and *audacia* are several times associated with *scelus*, translatable as wicked deeds or crime.⁵⁹¹ Cicero moreover referred to Catilina's *conscientia scelerum*, or criminal mind or conscience.⁵⁹² Cicero gave considerable attention to these aspects of the mind. He

589 *Cat.* 1.22. Cf. *Sull.* 17.

590 *Clu.* 15.

591 For *furor* linked with *scelus*, see *Cat.* 1.15; and also *Cat.* 3.4; and *Mur.* 28; and with *scelus* and *audacia*, *Cat.* 1.31. Cf. *Rosc. Am.* 33. For *amentia* and *scelus*, see *Cat.* 1.8. Also *Cat.* 3.27. In the third Catilinarian (*Cat.* 3.16.) Cicero holds that he had a resolution or intention (*consilium*) apt for crime that his hand and tongue never wavered from. Cf. *Clu.* 23.

592 *Cat.* 1.17.

could have just called Sassia a lustful person and claimed that lust drove her. He could have settled with calling Catilina a criminal. But in Roman moral discourse, the state of the person's mind evidently mattered. *Audacia*, *furor*, and *amentia* signaled immorality because they signaled lack of control.

Sallustius follows Cicero in the belief that Catilina's mind was an important explanation for his behavior, having, as he wrote, an *animus audax*.⁵⁹³ He also put *audacia* in opposition to virtue, and stated: *Vastus animus immoderata, incredibilia, nimis alta semper cupiebat*.⁵⁹⁴ "His harsh mind always longed for the excessive, the incredible and the enormous." The mind of Catilina, both Cicero and Sallustius seem to argue, was crucial to understanding his behavior. To establish that, certain concepts could be put forward in oratory as well as in the writing of history. Put together, *audacia*, *furor*, *amentia*, and *cupiditas* gave the audience clues to who this man was and what he was capable of. The mind was a crucial part of the immoral pattern.

The Life of a Conspirator

*Nunc vero quae tua est ista vita?*⁵⁹⁵

What kind of a life is yours?

According to his chastiser, Catilina lived in a way that confirmed his audacity.⁵⁹⁶ An immoral mind could therefore be substantiated by an immoral life. As already shown, a common way to taint a defendant in court with immorality was by reproaching his life. By recollecting the life of the immoral Staienus, his trespass

593 Sall. *Cat.* 5.

594 Sall. *Cat.* 3.

595 *Cat.* 1.16.

596 *Cat.* 1.4.

would be, Cicero had claimed, easier to believe. As it turns out, so would the charge of conspiracy.

In his later work on oratory, *Partitiones oratoriae*, Cicero discusses *vituperatio*—the censure, or attack of a person in oratory. He holds that the most important aspects of such a speech should be to illustrate in what manner the person was born, brought up, educated and instructed and how he is morally constituted.⁵⁹⁷ *Vita*, life, was of crucial concern. The logic of the final aspect in Cicero's list is in itself apparent; how someone had lived his or her life was defining of his or her morals. In Roman moral discourse, therefore, life and moral character frequently blended together.⁵⁹⁸ And, conversely, to illustrate immorality, the life of an opponent was a prime target. How, then, did Cicero portray the immoral life of Catilina, and how could this life be linked to his conspiracy?

Politics and private life were not separated by any sharp distinction in Republican Rome. This was especially true when it came to matters of immorality. The fragmentary speech *In toga candida*, delivered as a part of the political competition in the election to consul which Cicero subsequently won, contains a passage which illustrates how easy it was for an orator to blend political and private.⁵⁹⁹ Cicero addressed Catilina, at the time his rival for the consulship, in one of the extant fragments:

*Hanc tu habes dignitatem qua fretus me contemnis et despicias,
an eam quam reliqua in vita es consecutus? cum ita vixisti ut non*

597 *Part. or.* 82: *sed in toto quasi contextu orationis haec erunt illustranda maxime, quemadmodum quisque generatus, quemadmodum educatus, quemadmodum institutus moratusque fuerit.*

598 See also *Leg. agr.* 2.95.

599 For *In toga candida*, see Crawford 1994, pp. 163–203. References to fragments follow her numbering. See also Steel 2011, pp. 38–42.

*esset locus tam sanctus quo non adventus tuus, etiam cum culpa nulla subesset, crimen afferret.*⁶⁰⁰

Do you possess the dignity it takes to despise and insult me, or do you rather possess that which follows from the rest of your life? For you have lived in such a way that there has been no place so holy that, even if no guilt existed, your arrival there did not bring criminal suspicion.

Domestic or private life was not only fair game in a political contest for office, “the rest of your life” could be represented as a sign of immorality and hence be invoked as grounds for exclusion from the political arena. Attacking someone took a measure of dignity, and from the life Catilina had lived Cicero argued that he had none. The immorality of individuals was in this way seen as crucial to the nature of politics. And immorality was thought to show itself in the way you lived. In his rejection of Catilina’s life, Cicero even separates suspicion from guilt. In doing so, he submitted that an immoral life warranted suspicion, whether or not the person was guilty of a particular offence.⁶⁰¹ It was not only in the Roman courts that instances of bad behavior constituted evidence of further wrongdoing. It was true in political logic as well.⁶⁰²

The parts that remain of the *In toga candida* are often identified as invective, i.e. malicious personal abuse to be expected

600 *Tog. cand.* F18.

601 The fragment, Asconius tells us, refers to an accusation of sexual relations with a Vestal Virgin named Fabia. According to the commentator, he added the statement of guilt because Fabia was the sister of Cicero’s wife Terentia. Asc. 91.19–23C.

602 Riggsby 1999, p. 169. See also May 1988, p. 52.

as part of political rivalry.⁶⁰³ But as we have seen, exposing the immoral life of an adversary was not just a matter of slander. It could be made into an argument for action. The following passage from the first Catilinarian illustrates further the prominent place life held in political issues, also as part of deliberative speeches.⁶⁰⁴ Cicero urged Catilina to leave the city since he was now isolated:

*in qua nemo est extra istam coniurationem perditorum hominum qui non metuat, nemo qui non oderit. Quae nota domesticae turpitudinis non inusta vitae tuae est? quod privatarum rerum dedecus non haeret in fama?*⁶⁰⁵

In this [city], there is no one outside that conspiracy of ruined men who does not fear you, no one who does not hate you. What mark of domestic debauchery is not branded on your life? What disgrace from your private affairs does not cling to your reputation?

Moving from a general claim that Catilina had formed a conspiracy against the state, to stating that his past and present life was characterized by depravity and disgrace, seems to have caused the orator no difficulty. His reasoning remained sound. The isolation was a moral one. Catilina's life—branded (*inusta*) by immoral signs (*nota*)—bore witness to his character and thus to the allegation of conspiracy. His tarnished reputation was made relevant to his attacker's argument.

The signs of immorality of which the consul spoke were then

603 Crawford 1994, pp. 159–160.

604 Traditionally, the Catilinarian corpus is not identified as invective, but as deliberative speeches. See the discussion in Batstone 1994, pp. 218–221. Cf. Craig 2007.

605 *Cat.* 1.13.

given in detail. Catilina was marked by eyes full of lust, hands stained with crime, and a body given over to immorality.⁶⁰⁶ Lust (*libido*), crime, (*facinus*), and immorality (*flagitium*) were hence possible to group together as illustrative of Catilina's character. These marks were clearly meant to show the audience of senators that Catilina was capable of this deplorable act. Not only criminal deeds, but lustful and shameful corporeal acts had bearing on the issue. Without hesitation, Cicero then tied this immorality back to the charge of conspiracy: "What young man that you have ensnared with the enticement of corruption did you not provide with a sword for his audacity or a torch for his lust?"⁶⁰⁷ By traversing the superficial line between immorality and conspiracy, the consul effectively erased it. Lust and violence were connected. Conspiracy and immoral life merged in the reasoning of the orator.

Another passage from the first speech emphasized the cultural logic of the connection between immoral signs of character and politics:

*Praetermitto ruinas fortunarum tuarum quas omnis proximis
Idibus tibi impendere senties: ad illa venio quae non ad privatam
ignominiam vitiorum tuorum, non ad domesticam tuam difficul-
tatem ac turpitudinem, sed ad summam rem publicam atque ad
omnium nostrum vitam salutemque pertinent.*⁶⁰⁸

I will pass over your financial ruin that you will feel hanging over you on the upcoming Ides: I come to that which does not concern the private dishonor brought on by your vices, not the poverty and

606 *Cat.* 1.13: *quae libido ab oculis, quod facinus a manibus umquam tuis, quod flagitium a toto corpore afuit?*

607 *Cat.* 1.13: *cui tu adulescentulo quem corruptelarum inlecebris inretisses non aut ad audaciam ferrum aut ad libidinem facem praetulisti?*

608 *Cat.* 1.14.

shame of your household, but to that which concerns the supreme interest of the State and the life and safety of us all.

Here again, Cicero moved effortlessly from private marks of shame and immorality (*ignominia, turpitude*) to the threat to the state. A sign of this domestic immorality was bankruptcy. Catilina had squandered his money. What then was the link between financial ruin and immorality? Why did the connection make sense? A passage from the second Catilinarian classifying the members of the conspiracy sheds some light on the orator's logic. Debt was a recurring mark not only of Catilina himself but of the company he kept.⁶⁰⁹ The following claim fused this debt with both immorality and murder.

*Non enim iam sunt mediocres hominum libidines, non humanae et tolerandae audaciae; nihil cogitant nisi caedem, nisi incendia, nisi rapinas. Patrimonia sua profuderunt, fortunas suas obligaverunt; res eos iam pridem, fides nuper deficere coepit: eadem tamen illa quae erat in abundantia libido permanet.*⁶¹⁰

The lusts of these men are certainly no longer normal. Their audacity is no longer civilized or tolerable; they think of nothing except murder, arson, pillage. They have spent their patrimony, their estates are mortgaged. Money is long since gone and their credit has lately run out; yet the lusts from when they lived in abundance remain the same.

Cicero connects the dots for his audience; lust leads to poverty which leads to murder, destruction, and plunder. Squandering

609 *Cat.* 2.8.

610 *Cat.* 2.10.

your estate and patrimony therefore becomes a sign that you have lived immorally and can, following that reasoning, be used as a warning of future immoral and dangerous behavior including conspiracy.⁶¹¹ Desire, because it was thought of as uncontrollable and insatiable, could serve as a motive for crime, just as it did in Cicero's attack on Chrysogonus.⁶¹² The same logic worked on the political arena. Cicero, in his reproach on Catilina's poor financial state, meant to suggest immorality. Moreover, this immorality prompted action.

In a forensic interlude between the second and third Catilinarian speech, the portrayal of immoral life was brought to the fore in a particularly notable manner. In the midst of his endeavors to persuade Rome of the eminent threat, Cicero opted to defend the consul elect Lucius Murena on a charge of bribery.⁶¹³ The defense speech was however without question political in nature and was connected to Cicero's conflict with Catilina.⁶¹⁴ Had Murena been convicted, Catilina, so Cicero contended, would be next in line for the job. The Catilinarian affair thus spilled over into the courts.

For the benefit of his audience, Cicero recapitulated in his speech the arguments presented by the prosecution, led by the stern moralist Cato the Younger.⁶¹⁵ He divided it into three parts. According to Cicero, the first part was an attack on the life of his client Murena, the second concerned with comparing the merits

611 See Skinner 2005, p. 211.

612 See also *Clu.* 68.

613 The *Pro Murena* is probably one of Cicero's most studied speeches. See Kennedy 1972 for a good recapitulation of the circumstances; and Leeman 1982 for analysis of the rhetorical technique. See also Leff 1983; and Stem 2006.

614 Habinek 2005, p. 29.

615 See Ayers 1954 for an attempt to recreate Cato's speech against Murena. Craig 1986 examines Cicero's use of humor and *mos maiorum* to undermine the stoical authority of Cato. For Cicero's treatment of the *ethos* of Cato, see also Van der Wal 2006.

of the candidates (for the consulship), while the third part dealt with the charges of corruption. Cicero maintained that of these three, the first should have been most telling.⁶¹⁶ Hence, he submitted that the life of the defendant was more important than the actual charges against him. Cicero's subsequent reasoning offers a valuable insight into Roman moral reasoning and demonstrates both the importance of character and the Roman regard for proof based on it.⁶¹⁷

We have previously encountered the orator's professed logic that if no charges of immoral life had been brought against his client and no suspicions had been raised he was to be considered innocent. Lack of suspicion of immorality could be put forward as an argument in court. When defending Flaccus later in his career, Cicero would once again find use for the defense tactic that lack of suspicion and slander should infer innocence. No *avaritia* in Flaccus' private affairs could be detected, no financial disputes and no scandal in his private life.⁶¹⁸ In other words, there were no signs of immorality branding Flaccus. But what if such signs were presented? How did Cicero approach a case where he defended a client accused of immorality? In the *Pro Murena*, he was forced to deal with the problem as it was clear from his recapitulation that Murena had not, like Flaccus been fortunate enough to escape moral censure.

Cicero proceeded to deliberate over the charges of immorality brought against his client.⁶¹⁹ Straightaway he accused the attack

616 *Mur.* 11: *quae gravissima debeat esse.*

617 For a valuable discussion of the importance of character in *Pro Murena*, see May 1988, pp. 58–69.

618 *Flac.* 7.

619 See Ayers 1954 for a discussion of the charges Cicero responded to. Cf. the Milan fragment of *Flac.*

of being weak (*infirmus*) and trivial (*levis*).⁶²⁰ More importantly, it was, he said, prompted by a kind of convention (*lex*) among prosecutors rather than any genuine grounds for criticism of Murena's life.⁶²¹ It seems that character attack could indeed be viewed as conventional (a view shared by traditional scholarship on invective); as statements that were commonplace and did not relate to the specific person on trial. Yet, Cicero also makes it clear that there was a form of moral charge that was not only appropriate but vital.

Cicero moves to discuss the accusations themselves. The first point of attack seems to have been that Murena while governing the province of Asia had lived in luxury. Cicero refuted this while admitting that Asia carried such a stigma. But, he dictated, in order to have been effective, his client should have been reprimanded for specific points of *flagitium* and *dedecus*, both while in Asia or as vices that he brought back from the province. Merely proclaiming luxury in general was not, Cicero argued, enough to convict his client of inappropriate behavior.

Secondly, Cato had called Murena a dancer. This in itself was not an uncommon allegation.⁶²² It was a reproach that, if true, Cicero admitted, was proof of a stern prosecutor but if false instead indicated an abusive slanderer.⁶²³ Here, Cicero rebuked Cato for it. It appears moral reproach could be separated into

620 *Mur.* 11.

621 *Mur.* 11: *ita fuit infirma et levis ut illos lex magis quaedam accusatoria quam vera male dicendi facultas de vita L. Murenae dicere aliquid coegerit.* See also *Rab. perd.* 7–9 for accusations of immorality as unsubstantiated and weak.

622 For dancing as immoral, see Corbeill 1996, pp. 135–139. Cf. Geffcken 1973 p. 86. Cicero himself had use for this charge on a number of occasions. See *Pis.* 22. He also had to defend another client against it. See *Deiot.* 26–28.

623 *Mur.* 13: *Maledictum est, si vere obicitur, vehementis accusatoris, sin falso, maledici conviciatoris.*

two groups.⁶²⁴ There was, Cicero seems to assert in the following passage, slander or abuse and then there was the issue of morality as central to establishing guilt:

*Qua re cum ista sis auctoritate, non debes, M. Cato, adripere maledictum ex trivio aut ex scurrarum aliquo convicio neque temere consulem populi Romani saltatorem vocare, sed circumspicere quibus praeterea vitiis adfectum esse necesse sit eum cui vere istud obici possit.*⁶²⁵

Therefore, this is beneath your dignity and you should not, Marcus Cato, pick up slander from street corners or any of the abuse from city-buffoons, nor at random call a consul of the Roman people a dancer, rather you should look around for those other vices that need to distinguish someone before he can be truthfully presented so.

Derogatory terms, Cicero lectured his opponent, were not enough. That was mere slander, something you find on the street. What he did not say, however, was that immorality was irrelevant. In fact, Cicero never, in any of his works, states that immorality or character attack is irrelevant in oratory.⁶²⁶ Rather, the portrayal of Murena as immoral needed to be substantiated by “other vices” in order to be meaningful; vices, he furthermore maintained, that were distinguishing traits. Immorality, in other words, corroborated immorality.

Cicero then elaborated on what it meant to be a dancer. Almost no one, he held, dances sober unless they are out of their

624 See also *Cael.* 6. For a discussion of the distinction, see also Merrill 1975, pp. 33–35; Corbeill 1996, pp. 17–18. Cf. Langlands 2006, p. 312.

625 *Mur.* 13.

626 Cf. Corbeill 1996, p. 17.

minds. There has to be, he continued, a setup in the form of partying, dining, and certain surroundings for dancing to occur since dancing is the last and final thing you do at that type of event. Thereby, he also seemed to say, it is not the dancing that is the problem, but what it is the culmination of, what it in fact signals. In this way, dancing presupposed, just as Corbeill has observed, “a broader context of corruption.”⁶²⁷ What then are these other vices? Cicero turned to Cato again.

*Tu mihi adripis hoc quod necesse est omnium vitiorum esse postremum, relinquis illa quibus remotis hoc vitium omnino esse non potest? Nullum turpe convivium, non amor, non commissatio, non libido, non sumptus ostenditur, et, cum ea non reperiantur quae voluptatis nomen habent quamquam vitiosa sunt, in quo ipsam luxuriam reperire non potes, in eo te umbram luxuriae repturum putas?*⁶²⁸

You are seizing upon what is necessarily the last of all vices, but leave out those without which this vice cannot exist? You have given evidence of no disgraceful banquets, no love-making, no revelry, no lust, no extravagance, and since that cannot be found which goes by the name of pleasure but is really vice, do you really think you can find the shadow of luxury, where you cannot find the substance of luxury?

Returning to the banquet as the scene of immorality, Cicero exemplifies how the presence of one vice pointed toward others. This, then, is the importance of displaying for the audience signs of immorality in an adversary. The banquet is a place of immoral

627 Corbeill 1996, p. 138. Also Corbeill 2002b, p. 203. Cf. Earl 1967, p. 20.

628 *Mur.* 13.

love affairs, excessive drunkenness, and provocative luxury. Here Cicero rhetorically sets up an internal correlation between vices, thereby revealing what I have referred to as a web of immorality. Drunkenness, sex, and extravagance were cognate signs of depravity, one meaningful in relation to the other. Settings and scenery were thereby thought to brand a person's character with immorality. Lastly, the correlation between suspicion and reality must here be emphasized. If there was no substance of immorality, there was no shadow of it. This however, also meant that the opposite was true. Signs of immorality were crucial to establish its existence.

The passages directed at the prosecutor could be read as demonstrating that Cato's attacks were not grounded enough, that his accusations, in the view of his opponent, lacked the substance to make them persuasive. The reasoning, Cicero objected, was not sound. It did not follow the cultural logic of immorality—that vices and depravity were interconnected. To dance was not necessarily a cause for moral judgment on its own. Unless backed up, it was just slander. An orator could in this way maintain that there existed a causality of immorality. Dancing was deplorable and telling of character only insofar that it was linked to other vices and character flaws. Suggesting these links of meaning then was of tremendous importance and the task of the orator. Argumentation, whereby the orator suggested and illustrated these links, in turn counted as evidence.

Cicero undeniably used this reasoning as a way of deflecting the attacks on his client's life and therefore the interpretation suited him. It is most certainly a rhetorical strategy. We cannot know whether the audience had already been swayed by the mere statement of dancing, nor indeed if Cato's accusation was as "unsubstantiated" as Cicero alleged. Nonetheless, the fact that Cicero could employ similar reasoning as though everybody agreed with

its rationality is significant. The fact that he could separate slander from signs of immorality is telling. And furthermore, as Corbeill has pointed out, both orators presumed that the motif of dancing implicated Murena in the other vices that followed and that this would in turn show that Murena, guilty of immorality, was also guilty of electoral corruption.⁶²⁹ The passages consequently indicate that arguments drawn from morality were not only significant but negotiable within Roman culture; they also show that these negotiations rested on certain dominant themes agreed upon by the community. It was not only a rhetorical strategy, but a form of oratorical argumentation.

Since Cato has failed to set his image of the dancer up by producing signs of immorality, nothing then could be said about Murena's private life. Content with this, Cicero presented his line of defense to his audience. "My defense of the consul-designate is that there is no deceit, no greed, no treachery, no cruelty and no offensive language that can be found in his life."⁶³⁰ The list of positive character traits might seem surprising. The moral flaws referenced by Cicero are not obviously correlated to the previous line of reasoning. The immoral traits of the banquet connected to the accusation of being a dancer were luxury, immoderate consumption, and illicit love-making. We may take note, however, that the honorable traits enumerated by the defense councilor are those that would logically be under scrutiny for someone accused of bribery. They are traits valued in a political culture. The logic of this "irrational" step is striking. Cicero wanted his audience to reflect on the lack of immoral suspicion and deflect those signs of immorality that the prosecution had in fact attempted. And

629 Corbeill 1996, p. 138.

630 *Mur.* 14: *Sic a me consul designatus defenditur ut eius nulla fraus, nulla avaritia, nulla perfidia, nulla crudelitas, nullum petulans dictum in vita proferatur.*

after doing so he could securely arrive at the political character traits that he wanted to emphasize, whether or not they mirrored the immoral traits signaled by Cato's prosecution. A *vir bonus* was defined by the absence of immorality just as much as specific traits of morality, good only insofar as immorality did not cling to his reputation.⁶³¹

The following year, Murena was consul. Catilina had been killed on the battlefield. But the ripples of the Catilinarian affair had just begun. Several of the accused conspirators were rounded up and charged with political violence under the *lex Plautia de vi*. Despite his role in the affair, Cicero defended one of the accused conspirators, Publius Cornelius Sulla. As always, his strategy was multifaceted, but this time he saved the best for last. The last line of defense was simple enough: Sulla's character (*persona*) did not admit accusations of such serious and atrocious crimes.⁶³² He thereby effectively made reverse use of the logic. Through immorality and vice Catilina could be shown to be a conspirator. Sulla, because he lacked such signs, could be proven innocent of the same charge. To his audience, he then presented a chain of reasoning that confirms the place of morality, character, and life in Roman courts and society at large:

*Omnibus in rebus, iudices, quae graviores maioresque sunt, quid quisque voluerit, cogitarit, admiserit, non ex crimine, sed ex moribus eius qui arguitur est ponderandum. Neque enim potest quisquam nostrum subito fingi neque cuiusquam repente vita mutari aut natura converti.*⁶³³

631 See also Gildenhard 2011, p. 80.

632 *Sull.* 69.

633 *Sull.* 69.

In any matter, gentlemen, that is more serious and important, what someone has wanted, thought or committed, should be judged, not by the charges, but by the morality of the accused. Because none of us are shaped in an instant, nor can anyone's life suddenly be changed or nature altered.

With the first part of this statement, Cicero proclaims that *mores*—morality or moral character—is to be the most important aspect when evaluating a person on trial.⁶³⁴ We are again reminded of Staienus in the trial against Cluentius in 66. Morality exposes not only the deeds committed, but the mind of the accused, his intentions and wishes. It is for that reason proper to gauge someone's moral character in order to get at the truth. The second part of the statement is crucial to understanding the reason for this contention. Morality, as we have seen, was demonstrated and proven by actions taken in life. The logic behind this is here given by Cicero; past life cannot be changed on a whim; nature cannot be altered when convenient. The notion, although circular—morality and nature give actions in life and actions in life give morality and nature—nevertheless strongly suggests that the Romans believed that past actions could determine character and that character determined guilt. In particular this was true in matters of immorality. This is a cultural idea with its own cultural logic. This logic stated that because morality and immorality were decisive factors in a person's life and actions, they could be predicted.⁶³⁵ A moral man is bound to perform moral acts while an immoral man can only be expected to act immorally.

Whether or not the Romans thought of character as being fixed, at least in a person's adult life, has been a question in recent

634 For this passage, see Riggsby 2004. See also *Sull.* 79.

635 Cf. Riggsby 2004, p. 177.

scholarship, and several scholars have argued for the view that morality and ways of life were seen by the Romans as internal and natural parts of character that could, almost genetically, be passed on through generations.⁶³⁶ Therefore, an individual's actions in the past could be seen as "manifestations of a fixed and determining character" and could be presented as predicting his present and future character.⁶³⁷ Admittedly, the issue was up for contestation. The defense could and should always argue contrary to the prosecution, for instance that the past was irrelevant or that committing another crime did not prove the present one.⁶³⁸ As we have seen, character and past life could be argued and debated as part of a political or forensic contest, but they were nevertheless intimately linked in the Roman mind.

In his defense of Sulla, Cicero presumed with this statement that his audience shared a belief in the rigidity of character.⁶³⁹ This furthermore allowed him to proceed in analyzing the character of the conspirators among whom his client should not be counted. The main villain himself was first:

*Catilina contra rem publicam coniuravit. Cuius aures umquam haec respuerunt, conatum esse audacter hominem a pueritia non solum intemperantia et scelere sed etiam consuetudine et studio in omni flagitio, stupro, caede versatum?*⁶⁴⁰

636 Wallace-Hadrill 1997, p. 8. Further arguments by May 1988, pp. 6–7. See also Corbeill 1996, pp. 76–77; Gildenhard 2011, pp. 62–63; van der Blom 2011, pp. 57–58.

637 Riggsby 2004, p. 177; and see also p. 179: "there appears to have been widespread belief in the predicative power of character as revealed in past actions." See also May 1988, pp. 78–79, 163.

638 *Inv. rhet.* 2.50.

639 May 1988, p. 75; Riggsby 2004.

640 *Sull.* 70.

Catilina conspired against the state. Whose ears have ever rejected that an audacious attempt was made by a man who from boyhood was not only unrestrained and criminal, but from habits and schooling involved in every sort of immorality, foul sexual deeds, and murder.

We can without difficulty follow the moral-cultural logic of the reproach on Catilina's past. Who would disbelieve that Catilina had conspired against the state when his immoral boyhood so clearly pointed in that direction? He was born for conspiracy, or as Cicero referred to it: banditry (*latrocinium*).⁶⁴¹ *Flagitium* and sexual immorality, *stuprum*, were here in an unproblematic fashion linked with murder and helped corroborate the act of political trespass. They are all immoral deeds in Catilina's past that explained his actions. His sexual corruption was by no means irrelevant, but rather only a logical step away. Cicero presented the reasoning in such a way as to suggest that he was destined to revolt against his fatherland.

In the previous chapter we encountered the cultural belief that immorality often started in the youth of a Roman.⁶⁴² Verres had been corrupted at an early age, which in turn explained his deviant behavior and pointed toward his guilt. In *Pro Sulla*, Cicero paints the following vivid picture of the conspirators:

*Nova quaedam illa immanitas exorta est, incredibilis fuit ac singularis furor, ex multis ab adolescentia conlectis perditorum hominum vitiis repente ista tanta importunitas inauditi sceleris exarsit.*⁶⁴³

641 For Cicero's use of *latrocinium* to define the conspiracy, see Habinek 1998, pp. 69–87.

642 See also the depiction of Manlius in *Clu.* 39.

643 *Sull.* 75.

It was a new kind of monstrosity that sprang forth; it was an extraordinary and unparalleled madness that out of a large collection of vices from the youth of abandoned men that this crime, so insolent and unheard of, swiftly blazed.

The origin of the conspiracy could be found in the immoral youth of abandoned men. As in Cicero's defense of Murena, he held that this youth had been distinguished by not just one inappropriate aspect but "a large collection of vices" and again it was naturally linked to a quality of the mind, *furor*. A corrupted life pointed toward guilt. Immorality pointed toward crime.

About another conspirator, Lentulus, the orator presented another logical pattern based on past life:

*Quis Lentuli societates cum indicibus, quis insaniam libidinum, quis perversam atque impiam religionem recordatur qui illum aut nefarie cogitasse aut stulte sperasse miretur?*⁶⁴⁴

Who, that remembers Lentulus' relationship with informers, his insane lust, his perverted and impious beliefs, is surprised at the wickedness of his plots or the stupidity of his desires?

The past was proof for the orator in Republican Rome. The wrong type of relations, "insane lust," and deviant beliefs could be made into signs that someone might conspire. All the conspirators, Cicero pointedly observes, were convicted by their own lives before the community's suspicions passed its verdict.⁶⁴⁵ Like Verres, the conspirators were condemned beforehand by their immorality. The orator exemplifies with a conspirator

644 *Sull.* 71.

645 *Sull.* 71.

named Autronius. Was he not, he asks, convicted by his life and *natura*?

*Semper audax, petulans, libidinosus; quem in stuprorum defensionibus non solum verbis uti improbissimis solitum esse scimus verum etiam pugnis et calcibus, quem exturbare homines ex possessionibus, caedem facere vicinorum, spoliare fana sociorum, comitatu et armis distubare iudicia, in bonis rebus omnis contemnere, in malis pugnare contra bonos, non rei publicae cedere, non fortunae ipsi succumbere.*⁶⁴⁶

Always audacious, impudent, lustful; who in his defense of foul sexual deeds not only used foul language, but we know used fists and feet, who drove men from their properties, murdered his neighbors, ravaged the altars of the allies, threw justice into disorder with gangs and weapons, in good times despised everyone, in bad times fought against good men, never to bow to the public good or yield to Fortune herself.

This man would be convicted by his life and *mores* whether or not the most obvious facts could prove his case.⁶⁴⁷ Autronius was, just like Catilina, audacious and lustful and sexually corrupted, marked by *stuprum*. He stood clearly in opposition to the good of society, posing a serious threat to it. “Facts” are dismissed here by the orator as being less important than the tarnished reputation and sullied life of Autronius. Morality was more important.

Cicero then compared this life with the life of his client and enumerated his qualities. In a man defined by such modesty (*pudor*)

646 Sull. 71.

647 Sull. 71: *Huius si causa non manifestissimis rebus teneretur, tamen eum mores ipsius ac vita convinceret.*

and such a life, there could be no place for such an enormous crime as conspiracy.⁶⁴⁸ Cicero pleaded for the jury to examine his client's appearance and compare the charge with the life led from beginning to the present. Just as with Sextus Roscius, the deed and the character simply did not match.

*Non, inquam, cadit in hos mores, non in hunc pudorem, non in hanc vitam, non in hunc hominem ista suspicio.*⁶⁴⁹

Such suspicion, I say, does not correspond to his morality, not with such modesty, not with his life, not with a man like him.

The life of Sulla freed him according to the oratorical reasoning of his advocate. This was clearly as it should be, as Cicero ends his line of reasoning by asking: if your life does not help you in times like these, when will it? What is the use of a good life, if it does not serve you when under moral attack?⁶⁵⁰ One could also argue, Cicero says in his rhetorical treatise *De inventione*, that it is an offense to every good man that a life of honor should not be the greatest possible help to him when faced with an accusation, since the accusation could be made up, while the past cannot be made up or changed when suited.⁶⁵¹ In this view, moral character is manifest. Sulla, in Cicero's portrayal, had no signs of immorality that could substantiate the judicial charge. The conspirators did. If you look into the minds of the conspirators, Cicero again making the connection, you will find this immorality: lust (*lidi-dines*), depravity (*flagitium*), foulness (*turpitudines*), audacity

648 *Sull.* 74: *In hoc vos pudore, iudices, et in hac vita tanto sceleri locum fuisse credatis?*

649 *Sull.* 75.

650 *Sull.* 77.

651 *Inv. rhet.* 2.36.

(*audacia*), and madness (*furor*). But, importantly, you would also find, the orator claimed, evidence of wrongdoing: stains of wickedness, (*notas facinorum*), proof of parricide (*indicia parricidiorum*), and heaps of crime (*acervos scelerum*).⁶⁵² These aspects of their morality were what led them to violence. Their immoral lives led them to conspiracy.

The Company of a Conspirator

An accusation of conspiracy by necessity demands more than one culprit. As we saw above, Catilina was not alone. In fact, as the drama unfolded, Cicero focused his efforts more and more on the accomplices left behind by the fleeing patrician. Several of these conspirators were in turn named, portrayed as immoral, and executed by the consul.⁶⁵³

But the key figures of the conspiracy were not the only villains in Cicero's narrative. In fact, the consul reported to his audiences in great detail the nature of Catilina's followers and supporters, the portrayal of whom in effect tainted Catilina himself. Following mind and past life, we will therefore now turn to a third way to argue immorality in Roman oratory; immoral company. A man's friends and associations could in ancient Rome reveal to the community who he was.⁶⁵⁴ What, then, were the moral stigmas that were branded on the people surrounding Catilina and what logic was used to paint them, and through guilt by association Catilina, as morally corrupt?

In the first Catilinarian, Cicero famously describes how the seats next to Catilina were vacated by his peers upon his arrival

652 *Sull.* 76.

653 See e.g. *Cat.* 3.16, 25; and *Cat.* 4. 11–12. For their immorality (*improbitas*), see *Cat.* 3.7, 11, 28.

654 For company as "sign," see also *Rosc. Am.* 68; *Leg. agr.* 1.22.

in the Senate chamber.⁶⁵⁵ The trick of course, was to show that, rather than the member of the elite his lineage advocated, Catilina was an isolated deviant.⁶⁵⁶ Cicero represented him as the leader of the desperate, those who have lost all hope.⁶⁵⁷ But separating Catilina from the body of good men was also achieved by moral argument. Among the feasting and revelry of Catilina's friends, no *vir bonus* will be either seen or heard.⁶⁵⁸ In the second speech against Catilina, the immoral segments of society supporting conspiracy take center stage as the consul painstakingly catalogues those who are intimate with the supposed enemy of the state:

*Quis tota Italia veneficus, quis gladiator, quis latro, quis sicarius, quis parricida, quis testamentorum subiector, quis circumscriptor, quis ganeo, quis nepos, quis adulter, quae mulier infamis, quis corruptor iuventutis, quis corruptus, quis perditus inveniri potest qui cum Catilina non familiarissime vixisse fateatur?*⁶⁵⁹

In the whole of Italy, what poisoner, what gladiator, what bandit, what assassin, what parricide, what forger of wills, what swindler, what glutton, what spendthrift, what adulterer, what dishonorable woman, what corruptor of youth, what corrupted and what ruined man can be found, who cannot be shown to have lived intimately with Catilina?

655 *Cat.* 1.16. Also *Cat.* 2.12; and *Cat.* 3.17.

656 For moral isolation, see also *Clu.* 170.

657 *Cat.* 1.23, 25.

658 *Cat.* 1.26: *Hic tu qua laetitia perfruere, quibus gaudiis exsultabis, quanta in voluptate bacchabere, cum in tanto numero tuorum neque audies virum bonum quemquam neque videbis!*

659 *Cat.* 2.7.

Not unlike Cicero's archetypes in the *Pro Roscio Amerino*, in this inventory we are offered several immoral stereotypes. These were the supporters of conspiracy and followers of Catilina. It is important to note that many of these stereotypes were first and foremost immoral in nature and that what a modern reader would likely see as "actual" criminals are rounded up alongside these moral transgressors. Murderers, bandits, and swindlers are placed right next to gluttons, adulterers, and dishonorable men and women, indicating that no sharp distinction was felt to be needed. The logic of such an apparent variety and range in the catalogue of conspirators seems to be that immoral people committed crime and, conversely, that criminals are also guilty of depravity. One pointed toward the other. Moral transgressors either already were "actual" criminals, to allow the modern distinction, or would soon enough be corrupted enough to become criminals. In this, forensic rhetoric and political oratory evidently blended together.

What, then, is the nature of the immorality portrayed in these depraved characters? We find, beside the criminals who no doubt are meant to signal the physical danger of the conspiracy, disreputable characters of the city. The *ganeo* for instance was a person known for revelry and pleasure. There are also the financially destitute, the forgers and spendthrifts.⁶⁶⁰ Perhaps most noteworthy, however, is the inclusion of the sexually dishonored. In Catilina's midst, Cicero's audience should expect to find the adulterer, the corrupter of youths, the *corruptus* and the disreputable woman (*mulier infamis*). Sexually disgraceful characters hence could be used to taint Catilina and his conspiracy with sexual immorality and in this manner, Cicero evoked, through the use of company, different dimensions of the depravity on display. Furthermore,

660 For spendthrifts, see also *Leg. agr.* 1.2, 7. Cf. *Flac.* 90.

through his followers, links between immorality and Catilina's conspiracy were effectively created.

Another passage further blends immorality and criminal intent while depicting the segments that rallied to Catilina's cause as Cicero returns to the scene of the banquet:

Quod si in vino et alea comissiones solum et scorta quaerent, essent illi quidem desperandi, sed tamen essent ferendi: hoc vero quis ferre possit, inertis homines fortissimis viris insidiari, stultissimos prudentissimis, ebrios sobriis, dormientis vigilantibus? qui mihi accubantes in conviviis, complexi mulieres impudicas, vino languidi, conferti cibo, sertis redimiti, unguentis obliti, debilitati stupris eructant sermonibus suis caedem bonorum atque urbis incendia.⁶⁶¹

If they in their drunkenness and gambling only sought revelry and whores, they would indeed be beyond hope, but still tolerable: but who can tolerate when lazy weaklings plot against honorable men, fools against wise men, drunkards against the sober, or the lethargic against the watchful? They who, say I, recline at their banquets, embracing their impure women, dull from wine, stuffed with food, garlands bound on their head, reeking of perfume, weak from debauchery they vomit forth in their conversation the murder of the highest of state and the burning of the city.

The line drawn between the good and bad of society in this passage is above all else a moral line.⁶⁶² The immorality of the conspirators is here by Cicero adamantly demonstrated before the

661 *Cat.* 2.10.

662 For these categories in Cicero's oratory, see in particular Gildenhard 2011, chapter 3.

audience of the *contio*; signaled by motifs such as drunkenness, gambling and prostitution. The immoral are distinguished by *inertia*, laziness and lethargy, antithetical to the honorable and wise.⁶⁶³ They consort with *mulieres impudicas*, impure women and eat and drink in abundance. They are recognized by the use of perfume and the wearing of garlands.

We should not too eagerly dismiss this moral contrast as caricature. The scene presented by the consul does not aim at mere ridicule or conservative scorn but moves resolutely from immorality to murder and arson. The danger and the immorality are clearly connected. The depravity of the conspirators is a threat. The difference between moral and immoral, between good and bad is forcefully underlined in the following enumeration of vice and virtue:

*Ex hac enim parte pudor pugnat, illinc petulantia; hinc pudicitia, illinc stuprum; hinc fides, illinc fraudatio; hinc pietas, illinc scelus; hinc constantia, illinc furor; hinc honestas, illinc turpitude; hinc continentia, illinc libido; hinc denique aequitas, temperantia, fortitudo, prudentia, virtutes omnes certant cum iniquitate, luxuria, ignavia, temeritate, cum vitiis omnibus, [...], confligit.*⁶⁶⁴

On this side fights modesty, on their side impudence; on this side *pudicitia*, on theirs *stuprum*; on this side faithfulness, on theirs fraud; on this side sense of duty, on theirs crime; on this side firmness, on theirs *furor*; on this side honor, on their side dishonor; on our side restraint, on theirs lust; and on this side finally consistency, temperance, fortitude, prudence, certainly all of the virtues, are with iniquity, luxury, idleness, rashness, with all vices, [...], at war.

663 For *inertia*, see also *Leg. agr.* 2.103.

664 *Cat.* 2.25.

There is a war with immorality, and virtue and vice are on opposite sides. The consul here reiterates his distinction between good and bad using moral dichotomies. *Constantia* or firmness is placed opposite *furor*, madness or fury. Restraint is the virtue contrasted with *libido* or lust. Luxury and idleness go hand in hand. Cicero had at one point referred to Verres precisely as a *homo singulari luxuria atque inertia*.⁶⁶⁵ Cicero is again adamant that the conspirators were not only criminals, but immoral men. There is no reason he would do this unless it made sense. The entertaining of a crude audience does not suffice to explain his emphasis on these marks of immorality. But, the depravity of the conspirators that Cicero portrays would have made perfect sense if a conspirator against Rome by definition was seen immoral.

That this is not just deplorable behavior is also shown by the consul's statement that these men have rightful punishment waiting for them for their *improbitas*, their *nequitia*, their *scelus*, and their *libido*.⁶⁶⁶ Just like Catilina, they have lived a life that has avoided rightful retribution.⁶⁶⁷ A life of vice demanded punishment.

Immoral company remains a persistent topic in the second Catinarian, as Cicero continues to describe the different groups that for various reasons rallied to Catilina's flag. Some are heavily in debt or seek the power of office guided by their *furor*.⁶⁶⁸ Other groups are comprised of those who have gotten used to luxury and lavishness. Another collection of men that cannot be separated from Catilina are the criminals and the assassins. Those closest to Catilina reside in the last group. They are the ones Cicero is most concerned about and describes in greatest detail. This group is last not only in number but also in character (*genus*) and life:

665 *Verr.* 2.1.34.

666 *Cat.* 1.11.

667 *Cat.* 1.20.

668 *Cat.* 2.19.

*Quos pexo capillo, nitidos, aut imberbis aut bene barbatos videtis, manicatis et talaribus tunicis, velis amictos, non togis: quorum omnis industria vitae et vigilandi labor in antelucanis cenis expromitur. In his gregibus omnes aleatores, omnes adulteri, omnes impuri impudicique versantur. Hi pueri tam lepidi ac delicati non solum amare et amari neque saltare et cantare sed etiam sicas vibrare et spargere venena didicerunt.*⁶⁶⁹

They are the ones you see with combed hair, groomed, either beardless or with a full beard, with tunics down to their wrists and ankles, wrapped up in dresses, not togas; whose energy in life and labors while awake are all devoted to banquets that last until dawn. In this flock all the gamblers, all the adulterers, all the impure and sexually defiled men are to be found. These boys, so charming and effeminate, have learnt not only to love or be loved, nor only to dance and sing, but also to brandish daggers and distribute poison.

The most important of Catilina's followers are also the most morally corrupted. This portrayal is closely related to their manliness and their sexuality. First and foremost it is their appearance, represented as delicate and feminine, that betrays their depravity and demonstrates their deviant position. The second aspect that shows immorality is the feast that lasts all night and that depletes the energy of these men. The comment about beards also signals that some are younger while others are old men. This alludes to improper sexual liaisons and the corruption of youth. This is further strengthened by the inclusion of the *impudicus* in the list of the depraved. The word denoted a man who had lost his sexual integ-

669 *Cat.* 2.22.

rity, who had lost his *pudicitia*—his chastity.⁶⁷⁰ These young boys have been schooled in servicing the pleasures of others and here the link between sexual acts and singing and dancing becomes crucial. Dancing, which Cato had cast in the teeth of Cicero's client Murena, not only established the association with the sexual debauchery that the feast represented, but meant that someone was delightful and amusing to others. This was degrading and directly related to immorality. This portrayal of Catilina's intimate friends might at first seem like mere mockery attempting to humiliate. But the orator in the last part of the passage returns to the danger that this immorality poses. We might instead see this as the main point of the portrayal. Their depravity is not meant as an amusing distraction, nor as mere slander, but as confirmation to the audience that this conspiracy was a real threat. Cicero evoked the scene of the banquet frequented by these effeminate youths only to end up back in conspiracy and murder. Hence, in oratory, political accusations could be corroborated by sexual immorality. This was possible because the logic of immorality on which Cicero's oratory relied stated that moral and amoral offences overlapped or even that there was no such thing as an amoral offence. In any case the distinction could be comfortably ignored. This allowed him to present Catilina's corrupting of Roman youth as at the same time proof of sexual immorality and criminal behavior:

*Iam vero quae tanta umquam in ullo iuventutus inlecebra fuit quanta in illo? Qui alios ipse amabat turpissime, aliorum amori flagitiosissime serviebat, aliis fructum libidinum, aliis mortem parentum, non modo impellendo verum etiam adiuvando pollicebatur.*⁶⁷¹

670 For *impudicus*, see also Sall. *Cat.* 14.2. For *aleo* and *impudicus*, cf. Catull. 29.2.

671 *Cat.* 2.8. Cf. the portrait of Avillius in *Clu.* 36.

Who indeed at any time gave so many temptations to young men as he did? Some of them he himself loved most disgracefully, others' love he serviced most shamefully. To some he promised the satisfaction of their lust, to others the death of their parents, not only impelling them, but indeed by assisting.

The portrayal forcefully argued that Catilina was a sexual deviant who corrupted some while taking on a sexually passive role with others. This is explicitly referred to as *flagitiosissime*, most immoral and shameful, while his love of others likewise is dubbed *turpissime*, most foul and disgraceful. Both roles—the corrupter and the corrupted—were in other words clearly identified as immoral. But, again, Cicero does not stop with portraying this sexual immorality. He connects it to a heinous criminal act: the murder of one's parents. Immorality once again functions to substantiate criminal behavior.

The sexual corruption of Roman youths was a powerful cultural anxiety in ancient Rome. The freeborn male youth, as pointed out by Jonathan Walters, occupied an ambivalent position in Roman public discourse.⁶⁷² He was not yet a *vir* because conceptions of maleness did not just revolve around gender.⁶⁷³ The concept denoted “those adult males who are freeborn citizens in good standing.”⁶⁷⁴ If subjected to sexual submission, which meant taking the female role, a young man would risk not developing into a proper man.⁶⁷⁵ Cicero pointedly refers to one of the alleged conspirators, Tongilius, who he claimed had been Catilina's lover ever since Tongilius was a boy, a *praetextatus*.⁶⁷⁶ This claim

672 Walters 1997, p. 33.

673 Gleason 1995, p. 162.

674 Walters 1997, p. 32.

675 See also Cantarella 1992, pp. 116, 218; and Sissa 2008, p. 162.

676 *Cat.* 2.4. Not more than sixteen.

struck at the immorality of both men; Tongilius for losing his sexual integrity and Catilina for corrupting it. One of the aspects of being a Roman *vir*, was, Walters argues, his impenetrability, a corporeal inviolability that separated him from lower classes and slaves.⁶⁷⁷ Part of it was respectability and this respectability then could be tainted. This in turn could be suggested by political opponents in order to undermine their status as *vir*.

That this was not only rhetorical trickery or crude oratorical entertainment is clear from the work of Sallustius. He also saw this motif of unmanliness as an important factor in the Catilinarian conspiracy of which he wrote. To him it was all linked to wealth, to *avaritia* and *luxuria*. As soon as these immoral things were regarded as honorable, young men disregarded modesty (*pudor*) and their chastity or sexual integrity (*pudicitia*); virtues which we saw above were characteristic of the moral man.⁶⁷⁸ Luxury anticipated this because of the self-indulgence that followed it.

*Sed libido stupri, ganeae ceterique cultus non minor incesserat;
viri muliebria pati, mulieres pudicitiam in propatulo habere.*⁶⁷⁹

But the desire for *stuprum*, gluttony and other such manners of life had been advanced to no smaller degree; men endured the woman's role, women made their chastity available in public.

677 Walters 1997, p. 30. See also Corbeill 1996, p. 147; Fredrick 2002a, p. 237; and Skinner 2005, p. 195: "The body of the Roman *vir*, the adult citizen male, was regarded as inviolable, legally protected from sexual penetration, beating, and torture."

678 Sall. *Cat.* 12.2.

679 Sall. *Cat.* 13.3.

In Sallustius' narrative, where "moral depravity manifests itself through a perversion of natural appetites," a moral logic is visible.⁶⁸⁰ Immorality had causality. Un-Roman vices such as luxury led to a decline in morality, betrayed by the loss of male and female sexual integrity. Men's sexual appetites became effectively perverted.⁶⁸¹ They accepted a passive role akin to that of the woman. Women on the other hand gave up their perhaps most valued possession in a patriarchic society, their *pudicitia*.

The logic of attacking someone's sexual integrity, tied as it was to notions of masculinity, is made abundantly clear. Catilina is here accused of servicing these young men, casting him in a sexually passive role and as effeminate. This was not just ridicule.⁶⁸² This was a serious blow to his status as a *vir*. But it was not merely shameful. It made sense. Cicero's careful depiction of the company of Catilina illustrates that the "facts" of conspiracy were not relevant without moral condemnation. A conspirator was immoral by default and the way Cicero chose to forcefully demonstrate this immorality in his oratory was through the theme of corrupted sexuality. This was easily conceived of as a threat, because this logic furthermore stated that the corrupted also corrupts others. It was in other words crucial that Catilina himself was also sexually depraved—a passive, corrupt and immoral man—as this "proved" that he would in turn corrupt the group in society most valuable and most vulnerable: the male youths. Both sexual corruption of youths and submitting to the receptive role in intercourse was referred to as *stuprum*, a powerful signal of immorality in Rome.

680 Skinner 2005, p. 198.

681 See Parker 1998, p. 56.

682 For the dangers of effeminacy, see also Corbeill 1996, pp. 143–146.

THE QUESTION OF *Stuprum*

In ancient Rome, certain sexual acts were deemed disgraceful and contrary to Roman tradition and morality. These acts fell under the concept of *stuprum*.⁶⁸³ We have already encountered *stuprum* as a powerful signal of immorality. But what did it entail?

The word itself is nearly impossible to translate with precision. Originally it referred to any disgrace committed in public, but in Cicero's time *stuprum* denoted specifically a shameful and reprehensible sexual activity or intercourse.⁶⁸⁴ It was, as noted by Williams, in characteristic Roman fashion, open both to moral and legal condemnation, any distinction thereby effectively blurred.⁶⁸⁵ From a Roman perspective, *stuprum* was illicit in the sense of not being approved by the community and accompanied by social stigma, but it was also prohibited, subject to criminal prosecution.⁶⁸⁶

As previously discussed, sexual immorality in ancient Rome was not a question of homosexuality vs. heterosexuality, but of the dichotomy between active and passive.⁶⁸⁷ In regard to *stuprum* then, victim and perpetrator could be of either sex, meaning that gender was not the issue of concern. Instead, what decided whether a sexual act was considered *stuprum* or not was

683 For scholarship on *stuprum*, see Gardner 1986; Fantham 1991; Langlands 2006; and Williams 2010, in particular pp. 103–126. Consult also Adams 1982, pp. 200–201.

684 Festus 418.8–18.

685 Williams 2010, p. 104. Cf. McGinn 1998, p. 345.

686 Probably under the *Lex Scatinia* (or *Scantinia*). See Lilja 1983, pp. 112–121; Cantarella 1992, pp. 106–114 and 2005; Ryan 1994; Williams 2010. See also Quint. *Inst.* 4.2.69. Legal repression of *stuprum* came through the *Lex Iulia de adulteriis* during the principate.

687 Nor was sexual preference—as long as the male was active—necessarily an issue. See Skinner 2005, p. 213. See also Cantarella 2005, p. 9. Contra: Butrica 2005, p. 221.

the status of the penetrated, i.e. passive party. The often quoted *Curculio* by Plautus illustrates the premise: “as long as you keep away from the bride, the widow, the virgin, the young man, and *freeborn* boys, love whatever you please.”⁶⁸⁸ *Stuprum* indicated a sexual violation of a freeborn person and the corruption of that person’s *puđicitia*, or sexual integrity. It can therefore be defined also as a social transgression that “violated traditional standards of propriety.”⁶⁸⁹ *Stuprum* also marked “the spoiling of a young woman for marriage and motherhood, or the corruption of the young man, by preventing the proper development of his virility.”⁶⁹⁰ To this effect, Valerius Maximus claimed that it was in reverence of *puđicitia* that “the flower of youth is preserved.”⁶⁹¹

In his portrayal of Gaius Verres, Cicero made repeated accusations that the former governor had committed acts of *stuprum*. He connected it to his greed, his lust, his cruelty and his crimes, frequently in close relation with *flagitium*.⁶⁹² His home and his banquets were both characterized by *stuprum* and *flagitium*.⁶⁹³ And with both *stuprum* and *flagitium* he violated and corrupted others.⁶⁹⁴

In the *Catilinarians*, Cicero makes use of the immoral stigma attached to *stuprum*. Often he did so without there being any distinction from crimes of a seemingly different caliber:

688 Plaut. *Curc.* 35–38 [my italics]: *dum ted abstinenceas nupta, vidua, virgine, iuventute et pueris liberis, ama quid lubet.*

689 Williams 2010, p. 105.

690 Fantham 1991, p. 271. Cf. Langlands 2006, p. 284.

691 Val. Max. 6.1.

692 See e.g. *Verr.* 1.14; 2.1.62; 2.2.82, 110.

693 See e.g. *Verr.* 2.4.72, 83; 2.5.26.

694 See e.g. *Verr.* 2.1.64; 2.4.20, 102.

*quae caedes per hosce annos sine illo facta est, quod nefarium stuprum non per illum?*⁶⁹⁵

What murder has been committed in all those years without his involvement, what foul *stuprum* for which he is not responsible?

Murder is here, without any overt strain, associated with *stuprum*. Cicero apparently does not need to excuse or comment upon the connection. The accusation of murder, the sentence leads us to believe, was instead backed up by the motif of *stuprum*. Another example from the fragmentary speech *In toga candida*, delivered during the consular election, illustrates the possibility for an orator to make the connection:

*Stupris se omnibus ac flagitiis contaminavit; caede nefaria cruentavit; diripuit socios; leges quaestiones iudicia violavit.*⁶⁹⁶

He defiled himself with every kind of sexual disgrace and outrage; he stained himself with nefarious murder; he ravaged the allies, violated the laws, the courts, the legal process.

While the concept of *stuprum* in a portrayal of character identifies someone as immoral, it could also be linked with a range of other offences. Clearly, there was no breach in the orator's logic when he put sexual immorality on the same list as murder, plunder and legal infraction. Cicero's reasoning was sound: a man that had sexually defiled himself could be expected to commit violent crimes and *vice versa*.

That an accusation of sexual immorality made sense did of

695 *Cat.* 2.7.

696 *Tog. cand.* F10.

course not mean it could not have the purpose of scorn or ridicule. In the *In toga candida*, Cicero also alludes to a specific situation that he referred to as *stuprum*. Its clever turn of phrase suggests the type of oratorical aggression that is often categorized as invective:

*Cum deprehendere in adulteriis, cum deprehendebas adulteros ipse, cum ex eodem stupro tibi et uxorem et filiam invenisti.*⁶⁹⁷

When you were caught in adultery, when you caught adulterers yourself, when you found yourself through the same sexual disgrace both a wife and a daughter.

Certainly, this type of mockery and derision was part of the political competition at Rome. The fragment leaves no clue as to whether or not Cicero made any effort to connect this immoral affair to another argument. But the attack was nevertheless harsh. Adultery was a form of *stuprum* where a free married woman engaged in sexual intercourse with another man. It was considered a severe offense in Republican Rome, later to be the object of regulation under the *lex Iulia de adulteris*.⁶⁹⁸ In oratory, it did not require a formal condemnation but could be used to taint a political adversary with depravity. Catilina's honor was here attacked both by saying that he was an adulterer, but furthermore that he himself was the victim of adultery; the charge deepened by the concept of *stuprum*, here as a suggestion of incest. If people laughed or were delighted by Cicero's abuse, it was because he referenced a real moral concern.⁶⁹⁹ Adultery was serious and so was *stuprum*.

697 *Tog. cand.* F19.

698 For the legal sources regarding adultery, see Richlin 1981, pp. 380–383.

699 See Hickson-Hahn 1998, p. 36.

The logic of immorality connected to *stuprum* had another component. In the second speech, Cicero returns to the topic in relation to Catilina's followers:

*Atque idem tamen stuprorum et scelerum exercitatione adsuefactus frigore et fame et siti et vigiliis perferendis fortis ab istis praedicabatur, cum industriae subsidia atque instrumenta virtutis in libidine audaciaque consumeret.*⁷⁰⁰

Moreover, [Catilina], on the other hand, accustomed after practicing *stuprum* and crime to endure cold and hunger and thirst and sleep deprivation, became famous by these sorts of men, yet his physical strength dissipated and his manly powers were devoured by sexual lust and audacity.

The conclusion to this passage is important. This type of immoral behavior had specific consequences. The wrong type of sexual activity led to a loss of masculinity. We saw example of this cultural belief in the consequence of immorality in *Cat.* 2.10 above where the conspirators were portrayed as weak from committing foul sexual acts (*stuprum*). Valerius Maximus, writing about the military dangers of luxury, asked what could be fouler and more ruinous than those vices that wore down the *virtus* of men: that destroyed the strength of both mind and body.⁷⁰¹ Again, the sexual immorality which *stuprum* signaled was a threat to the ideal of a Roman man. It was a real cultural anxiety. Not only could it corrupt young Roman males of the elite before they had a chance to become *viri*, but it could corrupt daughters, wives as

700 *Cat.* 2.9.

701 Val. Max. 9.1.ext: *quid iis ergo vitii foedius, quid etiam damnosius, quibus virtus atteritur, victoriae relanguescunt, sopita gloria in infamiam convertitur, animique pariter et corporis vires expugnantur.*

well as religion. Furthermore, the manly strength of the elite was in danger of dissipating through this immorality, thereby threatening the military ability for which Rome prided itself.⁷⁰²

Sexual depravity in different forms was in forceful opposition to traditional Roman ideas of morality and in direct conflict with virtues like *pudor* and *pudicitia*. The logic worked in the race for office, in court, and in convincing both senate and people of conspiracy. It rendered men weak and “as women.” Certain signs of immorality could be invoked to tarnish a politician’s masculinity and thereby his standing as a member of the governing elite. A man’s sexual integrity could easily be made a political concern.

CONCLUSION: REPUBLICAN POLITICS

In his oratorical campaign against Lucius Sergius Catilina, the consul alluded to a range of abilities for which his rival seems to have been known; endurance against cold, hunger, and sleep deprivation. To be sure, impressive qualities like these—the mark of a Roman soldier—could not be allowed to impair Cicero’s portrayal, and through the prism of immorality they were consequently perverted into negative ones.⁷⁰³ These abilities, the consul argued, had prepared Catilina well for such a life as he was leading. Lying on the bare ground was helpful for committing sexual violations (*stuprum*) or crime; wakefulness was useful for cheating husbands in their sleep as well as robbing citizens. These abilities will also, Cicero warned his nemesis, be the end of him.⁷⁰⁴

702 For conceptions of masculinity and soldiers, see Alston 1998.

703 May, 1988, p. 53. See also *Clu.* 72.

704 *Cat.* 1.26: *Ad huius vitae studium meditati illi sunt qui feruntur labores tui, iacere humi non solum ad obsidendum stuprum verum etiam ad facinus obeundum, vigilare non solum insidiantem somno maritorum verum etiam bonis otiosorum. Habes ubi ostentes tuam illam praeclaram patientiam*

While it is noteworthy that Cicero's attempted to discredit what was presumably part of the *fama* of Catilina by placing sexual immoral acts (*stuprum* and adultery) next to "amoral" trespass (crime and robbery), it is also apparent that immorality dominates Cicero's representation. By summoning central concepts of Roman morality, the undermining of masculine qualities could be achieved. It offered a new interpretation to his audience, one that was in line with Cicero's overall effort to persuade the people of Rome that he was right: that Catilina was in fact a conspirator and a traitor to Rome.

To do so Cicero turned to a shared Roman view on immorality and its own cultural logic. He used signs to taint his adversary with depravity and vice. By depicting him as uncontrolled, he showed that his mind gave evidence of immoral behavior. He portrayed his life as immoral and thus gave an explanation for his plotting against the *patria*. He offered up his friends and allies as proof of his immorality. All these signs led logically to crime and to conspiracy.

Certain aspects of Roman immorality gave these representations a logic and a power to persuade. Because arguments in Roman oratory could hold superiority over formal proof, immorality could, with the help of this logic, be argued. In the *Pro Murena*, Cicero demanded that the links of immorality were crucial to establish a reproachable life. A single vice was questionable. Depravity included a set of vices all in relation to each other. Thus he could argue that dancing was unlikely to have occurred without the vice of shameful love and disgraceful lust; that type of immoral acts that took place during extravagant feasting. The immoral banquet was a sign of immorality and, Cicero claim-

famis, frigoris, inopiae rerum omnium quibus te brevi tempore confectum esse senties. See also *Cat.* 2.9 above. Cf. *Sall. Cat.* 5.3.

ed, would have been an argument for Murena's guilt. Without these links—without a web of immorality—the accusation was just slander.

Another piece of cultural logic that empowered the orator was presented in the *Pro Sulla*. A life could not be altered, changed to suit any situation and therefore, past immorality proved present guilt and future danger. As in the *Pro Cluentio*, looking at a person's past life, which of course meant accepting the orator's portrayal of that life, meant finding out the truth. Because morality was a determinant factor in people's behavior, an immoral man would only commit immoral acts. Conversely, a moral man, proved so by the lack of immorality in his past, could be expected to act justly.⁷⁰⁵

A third cultural logic of immorality was the fact that the immoral man in turn corrupts others. The most powerful way to demonstrate this was through the components of sexual immorality and Roman youth. Causality was clearly visible in this. Once corrupted by vice, a complex of depravity followed, leading in the end to crime or even conspiracy. Attacking the state and murdering its citizens could in this way be traced to the loss of sexual integrity in the formative years. *Stuprum* was therefore a central part of Cicero's portrayal but could also, without breach in cultural logic, be positioned adjacent to conspiracy and murder in Cicero's list of accusations. Cicero portrayed Catilina as sexually corrupted, but this also proved that he was capable of corrupting others sexually. From this sexual immorality, conspiracy was only a short step away. A similar line of reasoning can be inferred from Cicero's depictions of Catilina's company. Crime and immorality went hand in hand, because crime was immoral. Trespass against the community, against the established order, in

705 Cf. Corbeill 2004, p. 153.

any shape or form, could be understood as depraved, contrary to proper behavior. One proved the other.

At the height of his public career Cicero regularly found the need for immoral representations. In the courts he continued to connect guilt with *mores*. The moral character of individuals could both free them and convict them according to the orator's logic. This moral character was also the focus of Cicero's attention when facing Catilina, both in the race for consul and while trying to persuade his different audiences of the danger that he embodied. Hence, Cicero used moral arguments in all three of the arenas of Roman political culture; the courts, the Senate, and the *contio*. Immorality was pertinent in the question of electoral malpractice as well as who would conspire against the *patria*. Guilt and immorality were also linked in the political sphere.

When looking at the period 66–59 BCE, we find that the pattern of Roman immorality is both expanded and complicated. Greed, so central in the portrayal of Verres, as it was in Roman moral discourse in general, is conspicuously absent in the arguably most important immoral portrait of Cicero's political career. The consul moreover showed little concern for tyrannical depravity and its links. Greed is not the motive for the conspiracy, nor is cruelty a dominant trait in the conspirator. Instead, immorality, disgrace and shameful behavior could be demonstrated in a number of ways. But in order to argue a charge of conspiracy, immorality also had to be argued. And in order for it to be a persuasive argument, it had to make sense.

Chapter V

POLITICAL CONFLICTS
—AFTER THE EXILE (57–52 BCE)

THE CATILINARIAN AFFAIR WAS MARCUS Tullius Cicero's greatest hour but it led to his darkest moment. Achievement turned into humiliation as the crowned father of the fatherland was forced into exile as a result of his execution of the conspirators. His control of the political discourse, so prevalent the previous decade, now faltered. The man who had prosecuted Verres and driven out Catilina stood himself accused of tyranny and cruelty. Roman political culture was fickle; the fall from the top of the magisterial ladder was long. The new man from Arpinum now had to face banishment from Rome. The former consul had to start again.

His way back into the political elite had to be accomplished with the aid of oratory. Although his political networks were fundamental in revoking his conviction, it was left to Cicero and his skill as a speaker to try to reclaim his former position in the state—with the people and with his peers. His position was no longer one of strength, and for every supporter it seemed he now had an enemy.

Oratory was also a weapon that he could turn on those he felt responsible for his disgrace.⁷⁰⁶ Vice was ammunition for his at-

⁷⁰⁶ For oratory as a weapon, see *Red. pop.* 20.

tacks. Over the course of the decade, Cicero fought many battles with his political rivals. Before senators, priests, jurors, and the Roman public, he assailed his opponents in speech after speech, arduously arguing their immorality and attempting to brand them with the stigma of depravity.

In extant speeches from 57–52 Cicero fought a war on many fronts. Four political enemies dominate Cicero's agonistic representations during the decade. Certain signs of depravity betrayed their character. One was a feasting glutton and another a slave to carnal pleasures; a third was in love with his sister and the last one distinguished by his hideous appearance. They were all deviant and dangerous. They were all depicted as deeply immoral.

What part did immorality play in Cicero's feuds on the orator's stage during the 50's? How was immorality represented and how could it be persuasively argued? In this chapter I will attempt to map how Cicero's attacks on his political opponents could draw on Roman expectations of appearance, sexual morality, and norms of masculinity to rhetorically place his opponents outside the moral boundary of the political elite.

EXILE AND RETURN

During the 50's BCE, the deterioration of the unity of the elite continued and an escalation of political violence is evident.⁷⁰⁷ One man in particular altered the rules of the game and came to dominate the face of Roman politics: Publius Clodius Pulcher. He embodied the *popularis*—the popular politician who relied on the support of the populace rather than the Senate.

In 58 BCE, Clodius proposed a law which stipulated that any

707 For violence in the late Republic, see Lintott 1968; Brunt 1971; Vanderbroek 1987; Nippel 1995; and Riggsby 1999, pp. 79–119.

man who had executed a Roman citizen without trial was to be denied “fire and water.” The meaning of the phrase was exile, and before the bill was even voted, Cicero, who although not mentioned by name was the intended target, left Rome. Attempts to revoke Cicero’s exile were repelled by Clodius with the help of his *operae*—street gangs.

Cicero and Clodius are arguably one of history’s most famous antagonists.⁷⁰⁸ Their *inimicitia* spanned almost a decade and resulted not only in altercations on the speaker’s platform, but also in violent clashes on the streets of Rome.⁷⁰⁹ Clodius’ law was an act of revenge for Cicero’s testimony at a trial in 62 where he stood accused of violating the religious rites of the female deity Bona Dea.⁷¹⁰ When Cicero’s family and political allies after a year and a half had successfully managed to revoke his exile, he devoted his energies—and his oratory—to the condemnation of this man and those he felt had aided him, mainly the two consuls for the year 57, Aulus Gabinius and Lucius Calpurnius Piso. Cicero took the role of defender of the *mos maiorum* and of the *optimates* in direct opposition to the men he claimed threatened the Republic.⁷¹¹

In his conflicts with these men, fought on the orator’s stage and through published speeches, Cicero returned to themes in his portraits of immorality which we now recognize. They were distinguished by their immoral mind; their *audacia*, *furor*, and

708 See for instance Vell. 2.45. In general, see Plut. *Cic.* 29–34.

709 *Q Fr.* 2.1, 2.3; *Att.* 4.3, 4.7.

710 For the scandal, see e.g. Moreau 1982; Mulroy 1988. Consult in general Tatum 1999. See also *Att.* 1.18.3.

711 For the dichotomy between *populares* and *optimates*, see the *Pro Sestio*, in particular *Sest.* 96. Cf. Hölkeskamp 2010, p. 42 with n. 43 for overview of scholarship.

amentia.⁷¹² They kept immoral company.⁷¹³ They were repeatedly depicted as greedy, desirous, and lustful.⁷¹⁴ They were associated with *flagitium* and *improbitas*.⁷¹⁵ And they were enemies of the Republic.⁷¹⁶

THE APPEARANCE OF IMMORALITY

In their attempts to portray immorality in their adversaries, Roman orators did not just rely on their audience listening. Throughout his career, Cicero appealed to his audience to look for themselves. Just as immorality could be shown, it could, he frequently argued, also be seen. Bodies could be read and the internal and the external were thought of as correlating.⁷¹⁷ In his attempts to distinguish individuals as morally deviant, their external appearance could therefore be presented by the orator as proof of their moral faults.⁷¹⁸

712 For *audacia*, see e.g. *Red. pop.* 1; *Red. sen.* 19; *Dom.* 80, 115, 130, 133; *Har. resp.* 4; *Sest.* 36, 112; *Pis.* 39; *Mil.* 30. For *furor*, see e.g. *Dom.* 25, 91; *Har. resp.* 10, 39; *Prov. cons.* 16; *Sest.* 20; *Pis.* 50; *Mil.* 3. For *amentia*, see e.g. *Dom.* 2; *Har. resp.* 48; *Pis.* 21; *Mil.* 12.

713 See for instance, *Har. resp.* 5, 11, 42; *Pis.* 22, 70–71, 89.

714 For *cupiditas*, see e.g. *Dom.* 47, 107, 115–116; *Prov. cons.* 43; *Sest.* 138; *Pis.* 57, 59. For *libido*, see e.g. *Red. sen.* 14–15; *Dom.* 23, 106; *Har. resp.* 38; *Prov. cons.* 8, 16; *Sest.* 93; *Pis.* 86; *Mil.* 73, 76. For *avaritia*, see e.g. *Red. pop.* 13; *Dom.* 60; *Prov. cons.* 11; *Pis.* 86.

715 For *flagitium*, see e.g. *Red. sen.* 15, 25; *Dom.* 3, 72, 126; *Har. resp.* 8, 27; *Prov. cons.* 14; *Sest.* 16, 22; *Pis.* 12, 42. For *improbitas*, see e.g. *Red. sen.* 11; *Har. resp.* 37; *Prov. cons.* 8; *Sest.* 38; *Pis.* 27. See also general references to depravity in e.g. *Dom.* 23, 40, 125, 137; *Har. resp.* 30, 53, 57; *Pis.* 33, 45, 49, 53, 62, 72.

716 See e.g. *Dom.* 5, 12; *Har. resp.* 4, 45; *Pis.* 78; *Mil.* 24, 78.

717 Gunderson 2000, p. 70. See also Corbeill 1996, p. 99; Corbeill 1997, p. 119; 2002, p. 207; Dyck 2001, p. 121. Cf. Walters 1998, p. 357.

718 For the link between status, morality, and external appearance, see McGinn 1998, p. 342; Walters 1998, p. 363; Gleason 1999, p. 73; Olson 2006, p. 189.

Cicero entered the political and oratorical stage immediately following his return to Rome.⁷¹⁹ In a speech known as *Post reditum in senatu*, he gave his thanks to the senators for overturning the verdict of exile. He also took the opportunity to attack the two consuls he felt had been agents in his misery: Lucius Calpurnius Piso and Aulus Gabinius. He maintained that they were dangerous to the *res publica* and that they were corrupt and criminal. He also claimed that they were immoral. The orator however did not just rely on his audience taking his word for it. He pointed toward certain visual clues that betrayed their moral character.

Cicero's portraits pointed to several ways to visually confirm immorality. In the *Pro Roscio Comoedo* and the *Pro Cluentio* he had claimed that the true nature of the depraved characters he portrayed could simply be read in their faces. Similarly, Cicero held that it was easy to determine what kind of a man Aulus Gabinius was when he appeared in front of the people: *vini, somni, stupri plenus, madenti coma, composito capillo, gravibus oculis, fluentibus buccis, pressa voce et temulenta*—"full of wine, sleep, and sexual debauchery, with dripping and neatly groomed hair, heavy eyes, flabby cheeks, with drunken and subdued speech."⁷²⁰ Gabinius was the opposite of a *vir* as easily deduced by this "Lasterkatalog des effeminierten Lebesmannes."⁷²¹ In fact, his portrayal comprised the three aspects of immorality in Roman oratory that form the basis for this chapter: appearance, sexuality, and excessive behavior.

In Cicero's visualization, essential and meaningful links of immorality converged. First of all, drunkenness and lack of sleep

719 For the *Post reditum* speeches, see Riggsby 2002.

720 *Red. sen.* 13. For *buccis fluentibus*, see also *De. or.* 2.266; and *Pis.* 25.

721 Koster 1980, p. 121.

were accompanied by a charge of *stuprum*. Cicero had offered the same triad of depravity in his portrait of Verres.⁷²² The connection pointed clearly toward the feast and showed how sexual depravity and feasting could easily be presented in oratory as coinciding. But these first three aspects of Gabinius' immorality also became mutually complementary and strengthened Cicero's depiction because of a general context of immorality. Drunkenness suggested immoderation and lack of control, while sleeplessness could be interpreted as a sign of the inappropriate sexual activities that this lack of control led to. The logic was clear; someone who was up all night drinking was also easily suspected of sexual debauchery. Cicero hence established for his audience the appropriate links of vice, the lack of which he had reproached Cato for in the *Pro Murena*. Moreover, the visual portrayal further confirmed his claim. The heavy eyes and drunken speech of Gabinius were proof of his overindulging in wine, his lack of sleep, and therefore of his sexual immorality.

An even more conspicuous feature of Gabinius' appearance mentioned by Cicero was his hairstyle. This could also be made to be a sign of his immorality. In describing the most morally depraved of Catilina's followers, Cicero had pointed to their hairstyles as clearly distinguishable marks. Continuing his derision of Gabinius, Cicero ironically wondered why this curly-haired dancer had for so long allowed his distinguished virtues to lie dormant in favor of debauchery and gluttony.⁷²³ With the use of a *calamister*, a form of curling-iron, Gabinius had groomed himself in a way that Cicero presented for his audience as a sign of his de-

722 See especially *Verr.* 2.5.94 for the use of *vini, somni, stupri plenus*. See also *Liv.* 39.8.6–7.

723 *Red. sen.* 13: *cur in lustris et belluationibus huius calamistrati saltatoris tam eximia virtus tam diu cessavit?* See also *Red. sen.* 12 for *cincinnatus ganeo*, curly-haired glutton.

praved morality.⁷²⁴ The links were again put forward by the orator. Gabinius, the *calamistratus saltator*, ignored virtue in favor of gluttony (*belluatio*) and debauchery (*lustrum*). Feasting was hereby established and Gabinius' dancing was hence to be understood as a result of his immoral character; the hairstyle serving as an important visual clue for the audience that proposed to them an interpretation of the nature of Gabinius that backed up the general representation as immoral.

In a defense speech for a man named Sestius a few years later, Cicero made even more adamant connections between Gabinius' appearance and his immorality. He was portrayed as "dripping with perfume, with curled hair, looking down upon his companions in *stuprum* and the gray-haired abusers of his youth."⁷²⁵ Much like the followers of Catilina, Gabinius was a man sexually corrupted by older men in his youth and who continued to engage in sexual immorality. In both cases, deviant hairstyles figured prominently in Cicero's depictions as proof of this depravity. And because they were linked with sexual passiveness, perfume and hair were also interpreted as effeminate. Effeminacy, in turn, was presented as immoral.

The portrayal of Gabinius' immorality was conspicuous. His immorality was supposed to be easily read by an audience. But Cicero also took the opportunity to turn to his colleague Piso and chastise him for not being able to identify the signs of depravity in Gabinius:

*Non te illius unguentorum odor, non vini anhelitus, non frons
calamistri notata vestigiis, in eam cogitationem adducebat, ut, cum*

724 For hairstyle and grooming as an alarming sign, see also Ov. *Ars am.* 3.433–434.

725 *Sest.* 18: *Alter unguentis affluens, calamistrata coma, despiciens conscios stuprorum ac veteres vexatores aetatulae suae.*

*illius re similis fuisses, frontis tibi integimento ad occultanda tanta flagitia diutius uti non liceret?*⁷²⁶

Did not the smell of his perfume, not the wine on his breath, not the mark of the curling iron on his forehead, suggest to you that since you were just like him, you would not be able any longer to use your appearance to hide your depravity?

The marks of the curling iron, manifest marks of immorality, should reveal Gabinius' character. Piso's external façade however did not immediately expose his *flagitium* even though, in Cicero's view, he was just as immoral as Gabinius. This presented the orator with a problem. But it was a problem he was determined to overcome.⁷²⁷

Cicero approached Piso's appearance in two ways. Both were meant to argue his immoral character. First in the passage above, he insisted that the external signs of Gabinius also exposed Piso's concealed vice. When associating with the obviously deviant Gabinius, on whom immorality could even be smelled, Piso's moral integrity was undermined, regardless of his own appearance. As shown in the previous chapter, the company you kept was a possible sign of your own moral shortcomings. More telling was however that, secondly, Cicero adamantly argued that Piso's appearance was just a front hiding his immorality. He thereby asserted that external features could both advertise and conceal vice.

According to Cicero, even if anyone had happened to see Piso's uncultivated (*incultus*), unpolished (*horridus*), and gloomy (*mestus*) appearance, they would not have thought him lustful and

⁷²⁶ *Red. sen.* 16.

⁷²⁷ For Piso's appearance, see also Corbeill 1996, pp. 169–173.

corrupt.⁷²⁸ If you met him in the Forum you would see a man, *sine sensu, sine sapore, elinguem, tardum, inhumanum*, without sense, without elegance, speechless, dull, and brutish—more like a slave than a man. But, Cicero remarked, if you met him at home, you would see him full of desire (*libidosus*), filthy (*impurus*), and without self-control (*intemperans*) receiving his lusty companions through the secret door.⁷²⁹ We may infer that accusing Piso of being uncultivated and an incompetent politician was not enough for Cicero. Instead his point is only made when he arrives at Piso's immorality.⁷³⁰ Piso's front does not hide crime or stupidity, it hides his depravity. Before, however, this point could convincingly be made to his audience, Cicero, it seems, felt compelled to reinterpret Piso's appearance.

The strategy was in all likelihood necessary. Piso was a formidable member of the elite. He had a suitable background and a successful career. We might surmise that he exhibited the usual signs of a member of the elite to his surroundings. Cicero's tactics therefore demonstrate that immorality was an important conclusion to arrive at through oratorical argument. But it also reveals Cicero's belief that, for his audience, the appearance and moral integrity of someone was connected. Cicero, therefore, because the manifest signs were superficially lacking in Piso, had to explain the fact that Piso did not look immoral.

In the *In Pisonem*, where Cicero inveighed against Piso, he again elaborates on the relation between Piso's façade and his immorality:

728 *Red. sen.* 13: *Quem praeteriens cum incultum, horridum maestumque vides, etiam si agrestem et inhumanum existimares, tamen libidosum et perditum non putares.* Cf. *Pis.* 67.

729 *Red. sen.* 13–14. Also *Sest.* 19, 21–22; and *Pis.* 1. For *impurus* as having sexual connotations, see Richlin 1992, pp. 28–29.

730 See also Steel 2001, p. 52.

*non enim nos color iste servilis, non pilosae genae, non dentes putridi deceperunt: oculi, supercilia, frons, voltus denique totus, qui sermo quidam tacitus mentis est, hic in fraudem homines impulit, [...]. Pauci ista tua lutulenta vitia noramus.*⁷³¹

It was not your slave complexion, your hairy cheeks or your rotten teeth that deceived us: it was the eyes, brows, forehead, and in fact entire countenance, which is a silent declaration of the mind, that pushed men into delusion, [...]. Few of us knew of your filthy vices.

The countenance (*voltus*) of someone could in oratory speak to their character. But even though Cicero claims that Piso's face displayed less flattering signs, he was clearly not satisfied to simply ridicule Piso. He wanted to taint him with vice and depravity. In one of his forensic speeches, the logic of his attempts can be found. In the *Pro Sestio*, Cicero urged his audience to consider the appearance of Piso and Gabinius. As in his attacks on Chaerea in *Pro Roscio comoedo* and Staienus in the *Pro Cluentio*, he stipulated that their deeds, their crimes against the state, would in this way more easily appear in their minds.⁷³² Their immorality—which was possible to perceive by looking at them—bore witness to their criminal deeds (one of which, in his mind, had been to his own exile). In this, Gabinius deceived no one. His smell and hairstyle were logically linked to sexual disgrace. Piso's *animus*, however, was hidden behind his face, his disgracefulness concealed behind the walls of his home. But his lusts were visible to those

731 *Pis.* 1. For the *In Pisonem*, see e.g. Nisbet 1961; Grimal 1966; Kubiak 1989; Gozzoli 1990; van der Blom 2013. See also Dugan 2005, pp. 55–74. Griffin 2001, p. 85 calls it the only extant “pure invective.” Cf. Koster 1980, p. 129.

732 *Sest.* 17: *vultum atque incessum animis intuemini; facilius eorum facta occurent mentibus vestris, si ora ipsa oculis proposueritis.*

who came closer. The façade was not so thick that “inquiring eyes” could not see through it.⁷³³ The immorality was there.

Without having the obvious telltale signs of vice and depravity at his disposal, Cicero still attempts to associate Piso’s exterior with his immorality and persuade his audience to visually read Piso according to his interpretation: Piso was immoral but had managed to deceive the Roman people with his *voltus*. His lack of immoral appearance, through nothing more than oratorical argument, is effectively turned on its head to signal his hidden depravity. Although we have no way of knowing the audience’s reaction to what modern observers might deem a disingenuous trick, the fact that Cicero devoted so much energy to negotiating Piso’s appearance strongly suggests that a Roman audience expected a correlation between appearance and morals and, moreover, that they anticipated the question of immorality in itself would be addressed—not as ridicule but as argument. It should furthermore be underlined that Cicero was committed to precisely this oratorical approach for several years while he attempted to combat the two consuls.

Gabinus, all the while, was more easily recognized by his braided hair with curled and well-oiled locks, as well as *buccae fluentes purpurissataeque*—cheeks dripping and colored with purple.⁷³⁴ It might seem a simple caricature. May has argued that “Gabinus’ portrait is marked by its affinity to the stock traits of a comic character.”⁷³⁵ While this is true—in Plautus’ comedies the humor connected to gender transgression is particularly evident—the notion can be misleading and it is therefore important to emphasize that this affinity did not make them harmless.⁷³⁶

733 *Sest.* 22.

734 *Pis.* 25.

735 May 1988, p. 92. For this, see also Corbeill 1996, p. 130.

736 See for instance Plaut. *Truc.* 2.2.35.

While there was clearly ridicule in Cicero's portrait of Gabinius, this ridicule was based on certain Roman anxieties connected to the proper behavior of the elite. Moreover, what might be funny on stage, even on the orator's stage, was no light matter to Roman moral logic.⁷³⁷ Gabinius devoted himself to his appearance in a disturbing way and, more importantly, in an unnatural way, hiding himself behind perfume and color.⁷³⁸ This in turn was something that presented a real problem to many Roman commentators. Effeminate behavior in the men that were supposed to defend Rome was a cause for concern.

Cicero's portraits of the two consuls were not show speeches filled with amusing parody. They were portraits of immorality. Effeminate behavior and appearance were immoral. The fervor with which Cicero set about showing specifically this immorality tells us that he took the task seriously. Gabinius was pathetic and laughworthy because, in Cicero's portrait, he displayed signs of effeminacy. This also made him corrupt and dangerous. As we saw above, Cicero consciously contrasted his looks with the *auctoritas* of the *vir*. He also clearly displayed the logic of depicting Gabinius this way: Who could believe that so great an empire could be guided by a man who "suddenly emerged from a long-lived obscurity of debauchery and *stuprum*, worn out by wine, eating, prostitution, and adultery?"⁷³⁹ Verres had been undermined in much the same way; in Cicero's portrait he failed to honor his military duties after emerging in daylight *vini, somni, stupri plenus*.⁷⁴⁰ Immorality was of grave concern. It stood in opposition to political ability.

737 See Hickson-Hahn 1998, p. 2.

738 For this see Barton 2002, p. 222.

739 *Sest.* 20: *hominem emersum subito ex diuturnis tenebris lustrorum ac stuprorum, vino, ganeis, lenociniis adulteriisque confectum.*

740 *Verr.* 2.5.94.

Signs of effeminacy were prominent features also in Cicero's recurring portrayal of his archenemy Publius Clodius Pulcher, at one point labeled a *homo effeminatus*.⁷⁴¹ Another aspect of appearance was however dominant in these portraits: clothing.⁷⁴² Cicero had presented specific details of the clothing of his opponents earlier in his career. The Greek garb of Verres signaled his tyrannical immorality and Catilina's companions were recognized as wearing tunics and dresses instead of togas. Cicero evoked Clodius' immorality by highlighting his female dress. The motif went back to 62 BCE and the event known as the Bona Dea scandal. At the house of the *pontifex maximus*, the rites of the sacred deity, where only women were allowed, were supposedly violated by Clodius. To gain entrance he had been dressed as a woman. He was brought to trial by his political rivals for the crime of *incestum*.⁷⁴³ Cicero gave evidence at this trial in favor of the prosecution, refuting Clodius' professed alibi. Although Clodius was in the end acquitted, this, it seems, was the seed of their enmity.⁷⁴⁴

741 *Mil.* 89.

742 For the dress and appearance of Clodius, see especially Geffcken 1973; Skinner 1982; Leach 2001. For clothing as a sign of immorality, see Richlin 1992, pp. 92–93. See furthermore Tracy 1976; Heskell 1994; Dyck 2001; and Olsen 2006 for the interpretation of dress in Ciceronian oratory.

743 Cicero discusses this incident in a number of letters: See *Att.* 1.12, 1.13, 1.14. For the charge of incest, see Val. Max. 4.2.5, 8.5.5, 9.1.7. For *incestum*, see Harries 2007, pp. 90–95. Cf. Lenaghan 1969, p. 61. *Incestum* is an elusive term but most likely to be considered an impious act, *nefas*, as well as a sexual act with blood relatives, because the later in itself was *nefas*.

744 The acquittal seems to have been considered a scandal. See *Att.* 1.18.3. Cicero's reasons for giving evidence at the trial, thus also the reasons for the enmity between the men, has been debated by modern scholarship. Plutarchos maintained that Cicero's wife Terentia, out of hatred of Clodius, forced her husband to testify. de Benedetti 1929; and Epstein 1986 have tried to support this account. This has been in turn refuted by Tatum 1999, p. 208 who maintains that Cicero's public concern should be interpreted as sincere.

We find evidence of the hostility that followed in a letter Cicero wrote to his friend Atticus wherein he references a particular altercation that took place in the Senate in 61. It serves as a good example of the antagonistic political culture of the late Republic and its reliance on combative oratory:

*Clodium praesentem fregi in senatu cum oratione perpetua plenissima gravitatis tum altercatione huius modi; ex qua licet pauca degustes.*⁷⁴⁵

I crushed Clodius in person in the Senate both with an uninterrupted and stern speech and by way of *altercatio*; of which I let you taste a little.

Scholars have traditionally identified the speech that Cicero mentions here as the fragmentary *In Clodium et Curionem*.⁷⁴⁶ In this speech, whether or not it was the one Cicero told Atticus about, Cicero makes allusions to the female garb that Clodius had worn in order to sneak in and violate the rite:

*Nam rusticos ei nos videri minus est mirandum, qui manicatam tunicam et mitram et purpureas fascias habere non possumus. Tu vero festivus, tu elegans, tu solus urbanus, quem decet mulieris ornatus, quem incessus psaltriae, qui effeminare vultum, attenuare vocem, levare corpus potes. O singulare prodigium! O monstrum! Nonne te huius templi, non urbis, non vitae, non lucis pudet?*⁷⁴⁷

745 *Att.* 1.16.8.

746 It has however been suggested that the speech to which Cicero refers is a completely different speech. See McDermott 1972, p. 410. For the *In Clodium et Curionem*, see the invaluable treatment in Crawford 1994, pp. 227–263. References are to this work. See also Geffcken 1973, pp. 59–89.

747 *In Clod.* F.21. Also F.23.

It is no surprise that we look like rustics to him, since we cannot wear the long-sleeved tunic or turban or purple headbands. You, who certainly are cheerful, delicate, you alone who are in city style, with your female dress, your stride like a female lute player, who can produce an effeminate look, a thin voice and a weak body can. Oh, unparalleled portent! You monster! Does not this temple, the city, lives or light, give you shame?

The appearance of Clodius is contrasted with the norm of the elite. The depiction of his clothes, his walk and his voice and body all portray him as effeminate.⁷⁴⁸ His manner is light and elegant. With the image of the *psaltria*, a female lute player found in Roman comedy, the orator constructed “a scandalously suggestive character.”⁷⁴⁹ The *psaltria* was associated with festivities but could also be recognized as a prostitute. The tone was no doubt mocking, laughter likely the sought-after response. But it is important to note that Clodius’ transgression in the passage above was not only the target of ridicule. It is connected in this passage directly to sacrilege and shame (*pudor*). The fragment that follows further illustrates the seriousness in Clodius’ deviating appearance. He was dressed as a woman in order to commit acts of lust and *stuprum*.⁷⁵⁰ Comedy, surely, could be effective, but found its relevance in serious apprehensions in the community.⁷⁵¹

The *In Clodium et Curionem* was according to Quintilianus one of the few speeches held in the Senate where Cicero incor-

748 Cf. Gleason 1995, p. 64. See also Taylor 1997, p. 339.

749 Geffcken 1973, p. 86. See also Merrill 1975, p. 4.

750 *In Clod.* F.22. For effeminacy, see also F.5: *Sin esset iudicatum non videri virum venisse quo iste venisset.*

751 For the contrast between comedy and gravity, see also Geffcken 1973, pp. 76, 78, 86–87. See also Leigh 2004. Cf. Tatum 2011, p. 176.

porated *vituperatio*.⁷⁵² Cicero, however, found use for the motif upon his return from the exile he blamed Clodius for. In the speech known as *De haruspicum responsis* (On the answer of the soothsayers), held in 56, Cicero continued to malign his adversary. Again the Bona Dea scandal was called to mind and again the effeminate dress was connected to religious trespass:

*In Clodium vero non est hodie meum maius odium quam illo die fuit, cum illum ambustum religiosissimis ignibus cognovi muliebri ornatu ex incesto stupro atque ex domo pontificis maximi emissum.*⁷⁵³

As for Clodius, I certainly hate him no more today than I did that day when I learned that he had burnt himself on the sacred fires as he dashed out of the supreme pontiff's house from his incestuous *stuprum* in female clothing.

Cicero also alluded to Clodius' appearance outside this particular incident albeit no doubt with it in mind. In another passage he similarly to the *In Clodium et Curionem* details his enemy's dress:

*P. Clodius a crocota, a mitra, a muliebribus soleis purpureisque fasceolis, a strophio, a psalterio, a flagitio, a stupro est factus repente popularis.*⁷⁵⁴

Publius Clodius suddenly appeared as a *popularis* from his saffron-colored dress, his headband, his womanly shoes and purple garters, his breast-band, his psaltery, his immorality, and his *stuprum*.

752 Quint. *Inst.* 3.7.2. Cf. Geffcken 1973, p. 62.

753 *Har. resp.* 4. See also *Har. resp.* 8.

754 *Har. resp.* 44.

In this passage, certain colors, specific clothing and shoes all point out the trespass of gender divisions. Female shoes, not to mention a *strophium* or breast-band, for instance function as *pars pro toto*; effeminate garb mean an effeminate man.⁷⁵⁵ Though the articles of clothing enumerated once again are remarkably detailed, the sentence leads to and sets up Clodius' acts of immorality. There is reason to believe that the depravity that concepts like *flagitium* and *stuprum* denoted was central to Cicero's portrayal but furthermore that this made sense to his audience. Gender trespass was equated with immorality. *Stuprum* signals that Clodius was like a woman sexually as well, and the important logic for the attack to reference thus is that his appearance mirrors his moral character. The effeminate dress is a result of and a clue to Clodius' sexual immorality. In view of the fact that Cicero repeatedly arrives at immorality in his mocking portrayal of his rival, it is reasonable to argue that immorality is what truly empowered his representations. We should furthermore note that feminine clothing functions to undermine the victim politically, as the sentence not only links effeminate clothing to *flagitium* and *stuprum* but also identifies Clodius as a *popularis*. This connection must have made sense too. Deviant appearance is telling of deviant sexuality and results in political exclusion.

The scene as well as the circumstances made the representation of Clodius well suited. The issue concerned the religious interpretation of a strange sound that had been reported in a Roman suburb. The violation of the rites through sexual acts therefore most likely struck a powerful note. Cicero, however, presented the same motif in court years later. In the *Pro Plancio* he spoke of the effeminacy of Clodius and his violation of religion through

755 For *strophium*, see Olson 2003.

stuprum.⁷⁵⁶ The connection, it seems, did not need a scandal fresh in the audience's mind or an appropriate religious setting. It was not just the isolated incident itself that supplied cultural substance to the accusation. Effeminate behavior could in itself be considered *nefas*, in conflict with proper religious behavior (*fas*). The following attack on Clodius from *De domo sua* in 57, held before the college of pontiffs and again regarding a religious dispute, illustrates how the connection could be made:

[I]ste impurus atque impius hostis omnium religionum, qui contra fas et inter viros saepe mulier et inter mulieres vir fuisset.⁷⁵⁷

That impure and impious enemy of all religion, who against proper religious behavior (*fas*), often had been as a woman among men, and as a man among women.

Clodius in his disguise had been a man among women.⁷⁵⁸ Therefore, he was now a woman among men. Clodius' passive sexual role and therefore his immorality are here spelled out by his nemesis. Cicero used this motif in his portraits of both Verres and Aebutius. In this passage, another dimension is added in the link that could be established between unmanly behavior and sacrilege. Immoral sexual behavior could also be construed as in conflict with the gods. We saw in the *In Clodium et Curionem* that Cicero went from details of Clodius' dress to calling him a *prodigium*. The word, which means bad omen or sign, was, according to Anthony Corbeill, not just name calling. Its religious connotation labels the adversary "a disruption of nature, a disturbance in

⁷⁵⁶ *Planc.* 87. See also Langlands 2006, pp. 299–305.

⁷⁵⁷ *Dom.* 139.

⁷⁵⁸ See also *Mil.* 55: *mulier inciderat in viros*.

the web of divine order.”⁷⁵⁹ The *prodigium*, by its very nature, is related to societal fear; it tells the community that something is wrong. It also signals that exclusion is the proper response to this occurrence.⁷⁶⁰ Furthermore, *prodigium* linked religious trespass with deviant appearance and with immorality.

The mocking portrayal of Clodius had wider relevance than just laughter.⁷⁶¹ In representing Clodius as immoral, Cicero made use of a previous scandal which had even reached the courts. But what made the representations work was not just the fact “that it had happened,” but that effeminate appearance, dress, and manner all were logical signs of immorality.⁷⁶² It pointed toward the corrupted sexuality of Clodius, because morality could be read and an effeminate man was so defined by his sexual passivity. The important conclusion to Cicero’s portraits over the course of several years was not that Clodius was pathetic or weak, but that he was in fact immoral. This immorality was also presented as a religious transgression and as something dangerous. Individual articles of clothing hence served to prove something of wider significance.

Besides female garb, Cicero calls attention to other feminine qualities detectable in his opponents. The voice, particularly a weak voice, as we saw in the *In Clodium et Curionem* could also signal unmanliness, and Clodius is described both as *sine voce* and stuttering in *De haruspicum responsis*.⁷⁶³ Smell simi-

759 Corbeill 2008, p. 243. For *prodigia*, see also Rasmussen 2003. See also Garland 1995, pp. 67–72; and May 1996. For *belua*, see also *Mil.* 40, 85. Cf. Cantarella 2005.

760 Corbeill 2008, p. 244. See also Garland 1995, p. 178. For religion in Cicero’s attacks, see Gildenhard 2011.

761 Cf. Hessel 1994, p. 140.

762 See also Vatinius’ improper black dress as sign of deviance in *Vat.* 30; and Piso dressing as a slave in *Pis.* 93. Cf. McDonnell 2006, p. 143.

763 *Har. resp.* 2.

larly could indicate depravity as previously noted. Gabinius is repeatedly represented as wearing perfumes, and the stench from the drinking den where Piso at one point emerges or from his house also paints a vivid picture of what goes on inside.⁷⁶⁴ A single piece of deviant clothing could also link the person to immorality, as when Cicero relates to his audience that he met Piso coming out of a drinking den wearing a type of sandal (*solae*).⁷⁶⁵ The way someone walked could also be used as evidence. In his defense of Sextus Roscius, when Cicero wanted to persuade his audience that the real culprit was Chrysogonus, he had implored them to consider—besides his hair and his perfume—also his walk.⁷⁶⁶

An altogether different external sign of immorality was bodily deformity. In Cicero's speech against Publius Vatinius this was brought to the fore. Vatinius was a witness in the trial against Sestius discussed above. Cicero here took his own advice from the *Pro Flacco* and attacked the character of the witness.⁷⁶⁷ The result was, in the eyes of one scholar, "einer Invective gröbster Art."⁷⁶⁸ More importantly for present concerns however was

764 *Pis.* 13; *Sest.* 24. For perfume, see also *Cael.* 27.

765 *Pis.* 13. For *solae*, see also *Har. resp.* 44.

766 *Rosc. Am.* 135. See also *Sest.* 17. For walking as an indication of character, see Corbeill 2004, pp. 107–139.

767 For Vatinius' career as well as the speech itself, see Gardner 1958; and Albini 1959. The standard commentary has been Pocock 1926; however see also Shackleton Bailey 1991; and Maslowski 1995. Corbeill 1996, pp. 46–56 discusses Vatinius at some length.

768 Koster 1980, p. 127. See Pocock 1926, p. 5 for a defense of Cicero's abuse as a consequence of the taunts made by Vatinius, "perhaps a factor which led him say things which in calmer moments he might have itched but would yet have prudently suppressed." Gardner 1958, p. 34, holds that the ostensible purpose of the cross-examination was to undermine the value of any evidence given by Vatinius at the trial, but that "the real aim of the speech was to abuse a political enemy." Cf. Pocock 1926, p. 5: "Cicero frankly seizes the opportunity of abusing an enemy."

that Vatinius' bodily features could be linked to his immorality. Cicero immediately set about establishing this immorality in the opening of his speech:

*Si tua tantummodo, Vatini, quid indignitas postulare, spectare voluissem, fecissem id, quod his vehementer placebat, ut te, cuius testimonium propter turpitudinem vitae sordesque domesticas nullius momenti putaretur, tacitus dimitterem.*⁷⁶⁹

If I had merely wanted to consider you, Vatinius, in the way your unworthiness required, I would have done what these men eagerly wished, and dismissed you, whose testimony because of your shameful life and sordid household should be awarded no weight, in silence.

A shameful life and sordid household—signs of immorality—are presented by the orator as aspects that undermine the credibility of a witness. Consequently, proving immorality becomes central to the orator's task. Giving someone the silent treatment, as Cicero pretended to consider, was not an option. As he had done in the past, Cicero alluded to the immoral youth of Vatinius and declared his *audacia* and *furor*.⁷⁷⁰ Simply stating immorality was not ideal, however. Instead, oratory in Republican Rome offered the chance to argue and negotiate immorality. In Cicero's attempt to depict Vatinius as immoral, and to prove his unreliability as a witness, appearance and external signs of immorality could serve that purpose.

Vatinius seems to have been generally considered ugly in his day. Seneca called him a “man born for both laughter and hatred,”

⁷⁶⁹ *Vat.* 1.

⁷⁷⁰ *Vat.* 111. For *audacia*, see e.g. *Vat.* 2, 17. For *furor*, see e.g. *Vat.* 7.

in itself a notable pairing.⁷⁷¹ Velleius writes of the hatred the army felt toward him and his deformities.⁷⁷² In the *Pro Sestio*, Cicero ironically refers to Vatinius as the pretty one (*pulcherrimus*).⁷⁷³ When undermining his witness, Cicero found use for this visual circumstance. The orator offered his audience the interpretation that physical ugliness bore witness to immorality. Throughout the course of his speech, Cicero paid considerable attention to his target's appearance. Vatinius, Cicero told the audience, appeared at the trial, like a serpent from his hiding, eyes protruding, with bulging and swollen neck (*te tamquam serpens e latibulis oculis eminentibus, inflato collo, tumidis cervicibus intulisti*).⁷⁷⁴ Furthermore he commented on the risk of his swellings bursting.⁷⁷⁵ In another passage, the foulness of Vatinius is positioned against the interests of the state:

*sic ego te, quamquam es omni diritate atque immanitate taeterimus, tamen dico esse odio civitati non tam tuo quam rei publicae nomine.*⁷⁷⁶

So to you, although you are, in your calamity and monstrosity, the foulest of men, still I say you are hated by the community, not for your own sake, but in the name of the Republic.

771 Sen. *Dial.* 2.17.3: *hominem natum et ad risum et ad odium*. For the derision of deformities and disabilities, see Garland 1995, chapter 5.

772 Vell. 2.69.3.

773 *Sest.* 134. Cf. *Vat.* 5.

774 *Vat.* 4. Pocock 1926, p. 79 speculates as to what kind of disease this could suggest. "Probably he suffered from tuberculous glands and perhaps ordinary goitre as well." The protruding eyes though, "might be merely temporary and due to excitement."

775 *Vat.* 10: *aut ita impudenter, ut manus a te homines vix abstinere possint, aut ita dolenter, ut aliquando ista, quae sunt inflata, rumpantur.*

776 *Vat.* 9.

Cicero's attacks might strike us as particularly slanderous and malicious. Cicero, writing to his brother Quintus, tells him that he cut up Vatinius "to the applause of gods and men" and that this was what his client Sestius most of all wanted.⁷⁷⁷ Nevertheless, Vatinius is not simply loathed or ridiculed, but, as in the accounts of Seneca and Velleius, hated because of the danger he poses to the Republic.⁷⁷⁸ One reason might be that the ugly exterior in fact had other connotations. It could be connected to immorality:

*si cognati respuunt, tribules exsecrantur, vicini metuunt, adfines erubescunt, strumae denique ab ore improbo demigrarunt et alii iam se locis conlocarunt, si es odium publicum populi, senatus, universorum hominum rusticanorum,—quid est quam ob rem praeturam potius exoptes quam mortem, praesertim cum popularem te velis esse neque ulla re populo gratius facere possis?*⁷⁷⁹

If your kinsmen reject you, your tribesmen utter curses at you, your neighbors fear you and your relatives blush with shame for you, and lastly if your boils migrate from your vile mouth to relocate on other parts of your body, if you are hated publicly by people, Senate and all the men of the countryside—what is the reason you desire the praetorship more than death, especially when you want to be a *popularis* and nothing would satisfy the people more than that?

Corbeill has discussed this particular passage in relation to the *os improbum*—the "immoral" or "unclean" mouth.⁷⁸⁰ The mouth,

777 *Q Fr.* 2.4.1.

778 For bodily deformity interpreted as religious warning, see Garland 1995, pp. 178–179.

779 *Vat.* 39. See also *Att.* 2.9.2. For Vatinius' immorality, see also *Vat.* 13.

780 See generally chapter 3 in Corbeill 1996; for Vatinius see pp. 53–54, 100–

because it represents so many of the actions connected to Roman immorality—both feasting and passive sexuality—is stained and thus serves as an outward proof of inner immorality and becomes, Corbeill argues, twice as incriminating, as the mouth both symbolizes immorality and has itself created the immorality in question.⁷⁸¹ To Cicero, then, and thus supposedly to his audience, the appearance of Vatinius is clearly indicative of his corrupted character and, by drawing attention to the mouth, the source of this immorality is emphasized. More than just important in itself, Vatinius' deformities could be argued to mirror his past acts of depravity. His ugly exterior therefore was not only possible to ridicule but provided opportunity to taint him with immorality. Thus, his appearance could speak to graver concerns of the Roman community.⁷⁸² Immorality demanded hatred.⁷⁸³

Dress, hairstyle, smell, and walk, as well as bodily deformity could all be adduced as proof in oratory of the immorality of an individual member of the elite. If the proofs were not visibly there, appearance could still be argued to hide the true depravity of the opponent. We should note that through these different visible features of a Roman, Cicero concentrated his efforts on linking appearance to immorality. This link made sense, because the correlation was supposed to exist. Seneca argues that the character of someone can be established by observing their appearance: *omnia rerum omnium, si observentur, indicia sunt et argumentum morum ex minimis quoque licet capere*—“everything is always, if you observe them carefully, telling and it is possible to judge their morals from the most trivial sign.”⁷⁸⁴

101. For the *os impurum*, see also Richlin 1992, pp. 26–27, 99.

781 Corbeill 1996, p. 100.

782 Corbeill 1996, p. 53.

783 For this see *Mil.* 35, 42. Cf. *Clu.* 29, 41.

784 Sen. *Ep.* 52.12. Cf. Cic. *Off.* 1.129.

An effeminate man, he continues, walks a certain way or has a particular body language. Furthermore, to Seneca, a man dressing like a woman lived contrary to nature.⁷⁸⁵ His father, Seneca the Elder, noted that sleep and laziness, which were prominent features in Cicero's portrait of Gabinius were an indication of singing and dancing and therefore of effeminacy.⁷⁸⁶ In the same manner, bodily shortcomings could be seen as signaling moral faults. The link between immorality and appearance was therefore proposed through the theme of effeminacy and deviance.

To the Roman audience, a cultural moral logic must have stated that the exterior could betray immoral character. It is reasonable to infer the affinity of this logic with the one Cicero had professed in *Pro Sulla*; just as you cannot change your nature or character, your face and body cannot hide your depravity. But immorality, it is important to stress, even though it could be seen, also had to be shown. The orator could depict certain features that supported his portrayal. They were, however, not just there. Instead, immoral appearance was made meaningful through the orator's argument. Portraying one's adversary in particular clothing or hairstyle supported the charge of immorality. Although several of these depictions might appear comical to the modern reader—and I do not mean to claim that they could not at times have been perceived as such—it is striking how regularly they are grounded in a context of depravity that was a real concern to the Roman community.

785 Sen. *Ep.* 122.7. For the connection between character and dress, see also Sen. *Ep.* 5.1–2.

786 Sen. *Controv.* 1, praef. 8–9.

THE WEB OF SEXUAL IMMORALITY

Tainting an opponent with sexual immorality was an important weapon in a Roman orator's arsenal.⁷⁸⁷ As a prosecutor, Cicero had focused his efforts on the lust and *stuprum* of Verres to prove his corruption, and as consul he had used the motif of sexual corruption to persuade his listeners that Catilina was a traitor to Rome. During the 50's BCE, Cicero regularly came back to the sexual depravity of his political rivals. How then could such debauchery be argued?

Preceding chapters have indicated that sexual immorality and non-sexual immorality were not distinctly separated in the representations found in Roman oratory, or in the Roman mind world. Instead lack of moral integrity in general could be suggested to point to lack of sexual integrity. As previously discussed, the youth of a Roman man was a particularly suitable target. The early years were regarded as passive and therefore vulnerable.⁷⁸⁸ Because of the weakness of youth, young men of the elite had to be sheltered.⁷⁸⁹ In 70 BCE, Cicero made pointed reference to the son of Gaius Verres, who he claimed had been sullied by his father's immorality at his most vulnerable period in life.⁷⁹⁰ The son would grow up in the depraved image of his father. The fear of this manly passiveness in Rome thus informs Cicero's attacks.⁷⁹¹ But in this fear we can also discern the belief in past im-

787 Langlands 2006, p. 286.

788 Fantham 1991, p. 274; Edwards 1993, p. 69; Williams 2010, p. 80.

789 See for instance *Cael.* 10–11; *Pis.* 68.

790 *Verr.* 2.5.137. See also *Verr.* 2.3.23; 2.5.30.

791 For an illustrative example, see Tac. *Ann.* 11.2 where Valerius Asiaticus in response to a charge of immorality and *mollitia* (softness) urged the prosecutor to ask his own sons to attest to Valerius' manhood: *interroga [...], Suilli, filios tuos: virum esse me fatebuntur.*

morality as indicative of present character.⁷⁹² This in turn ensured that such accusations were not beside the political point. In his first speech upon his return, Cicero attacked Gabinius:

*Quis enim ullam ullius boni spem haberet in eo, cuius primum tempus aetatis palam fuisset ad omnes libidines divulgatum, qui ne a sanctissima quidem parte corporis potuisset hominum impuram intemperantiam propulsare, qui cum suam rem non minus strenue quam postea publicam confecisset, egestatem et luxuriam domestico lenocinio sustentavit.*⁷⁹³

For, who could hope for anything good from one whose youth was made open to everyone's passions, who could not defend even the holiest part of his body from impure and unrestrained men, who after he had ruined with no less effort his own estate as later the state, in order to support his destitution and luxury, turned to prostitution.

We can follow Cicero's reasoning in this passage from youthful transgression to political corruption. Gabinius was available to all who lusted. He was not a *vir* because he could not defend his *pudor* as a young man. He was a penetrable object of vile men's pleasure and therefore nothing good could be expected from him. That he lost his wealth and also hurt the state was only natural, because his perverted tastes, a consequence of his sexual corruption, demanded satisfaction. Luxury and sexual corruption was here a natural connection to make, both as cause and effect, because luxury could be argued to be a sign of lost sexual integrity

792 Reversely, if someone had protected their youth, their morals should not be subject to similar accusations. See *Cael.* 11.

793 *Red. sen.* 11. For Gabinius' immoral youth, see also *Sest.* 18 (above).

that in turn led to further sexual debauchery. Because he was a destitute, Gabinius turned to prostitution to sustain his pleasures.⁷⁹⁴ This suggested that he was still passive as an adult.⁷⁹⁵

In an attack previously discussed in the *Pro Sestio*, Cicero had argued along the same lines, that because of Gabinius' sexual depravity he was unfit for government.⁷⁹⁶ In *De domo sua*, an attack on Gabinius emphasizes the political consequences of an immoral life cycle; his immoral boyhood (*impudicitia pueritiae*), followed by his licentious youth (*libidines adolescentiae*) and his subsequent years of disgrace (*dedecus*) and destitution, all the way to his *latrocinium consulatus*—his consulship of banditry.⁷⁹⁷ Behind the chain of reasoning lies the idea that a man who was capable of one sin was capable of any sin.⁷⁹⁸ It also shows that the logic of immorality dictated that once sexually and morally corrupted you were no longer a *vir*, no longer capable of good and hence no longer fit to rule. Rather you were ruled by your immorality. Passiveness meant exclusion from the political sphere and therefore also became a real political weapon.

We should not be surprised that all of Cicero's political enemies during the 50's BCE were so portrayed. Piso, in Cicero's oratorical representations, had been intimate with an Epicurean philosopher as a young man and, like Gabinius had as a result developed a perverted view of pleasures.⁷⁹⁹ In his attack on Vatinius, Cicero alluded to a "shameful youth hidden by his obscurity and depravity."⁸⁰⁰ A similar attack was made on a man named Gellius

794 For an Imperial example of the notion of sustaining a life of debauchery with prostitution, see Apul. *Apol.* 74–75.

795 Richlin 1992, p. 98; Edwards 1993, p. 71.

796 *Sest.* 20.

797 *Dom.* 126. Cf. Langlands 2006, p. 288.

798 Richlin 1992, p. 98; Langlands 2006, p. 287.

799 *Pis.* 68–69.

800 *Vat.* 11. For allusion to youthful transgressions in *In Vatinium*, see also *Vat.* 32:

Poplicola in the *Pro Sestio*. Gellius was a man, Cicero argued, who could have benefited from the dignity of his family, but who after a youth of impurity (*impuro adulescente*) had squandered his patrimony and now had an insatiable belly. Insatiable desires therefore, whether for sex or food, were a direct consequence of sexual corruption at a young age. That such reasoning had consequences for someone's status as a politician was clear. The rhetorical question that follows the orator's representation of the life of Gellius is hereby telling: "Was there ever a riot where he was not the leader?"⁸⁰¹ Sexual morality was not an isolated concern; Gellius' sexual corruption as a young man and the passions that they created gave him his motive for sedition. His cognomen, *poplicola* or "friend of the people," could be construed as negative and seditious because of his background.

Clodius was of course not spared this treatment. In the speech *De haruspicum responis*, Cicero presented his audience with a detailed description of his enemy's life that made sure that he could not be considered a man at all:

*Qui post patris mortem primam illam aetatulam suam ad scurrarum locupletium libidines detulit, quorum intemperantia expleta in domesticis est germanitatis stupris volutatis: deinde iam robustus provinciae se ac rei militari dedit atque ibi piratarum contumelias perpressus, etiam Cilicum libidines barbarorumque satiavit.*⁸⁰²

He who after his father's death gave his early years to the lusts to wealthy depraved men, whose passions he satisfied before wallowing in domestic sexual debauchery with blood relatives:

numquam puer aut adulescens inter cocos fueras? See also *Sest.* 133.

801 *Sest.* 110: *Ecquae seditio umquam fuit, in qua non ille princeps?*

802 *Har. resp.* 42.

following that, as he became strong he entered the military in the provinces and endured the insults of pirates and satisfied the lusts of Cilicians and barbarians.

Having endured other men's lusts as a young man, it was only logical that Clodius as a grown man submitted his own body to pirates and barbarians. By prostituting himself to wealthy men—by satisfying others—he had lost his sexual integrity which also led him to depraved sexual acts such as incest. The logic of immorality hence argued that corruption of manhood impelled further sexual debauchery, but this also likely meant that it was only men spoiled in this fashion that could be readily believed to have committed such depraved acts. Moreover, the sexually tarnished man was not only expected to commit sexual trespass. Further details of Clodius' life in Cicero's narration naturally involved criminal acts, murder, and fraud. He was also a danger to the Republic. His lost status as a *vir* logically meant he could no longer be of service to the *res publica*. Rather, he could only harm it. Tainting someone with sexual immorality hence activated a wider framework of meaning. By undermining the corporeal integrity, moral integrity was effectively sullied. In the following passage, Cicero stated that although the list of crimes that Clodius had committed against his *patria* was long and dire, the worst crimes he had committed against himself:

*Quis minus unquam pepercit hostium castris quam ille omnibus corporis sui partibus. Quae navis unquam in flumine publico tam vulgata omnibus quam istius aetas fuit? Quis unquam nepos tam libere est cum scortis quam hic cum sororibus volutatus?*⁸⁰³

803 *Har. resp.* 59. Cf. Langlands 2006, p. 302.

Who has ever been less sparing toward enemy camps than he to the parts of his own body? What ship in a public river was ever so open to everybody as he in his youth? What wastrel ever wallowed so freely with prostitutes as he with his own sisters?

Despite Cicero's professed ranking of faults, the overlap in the political sphere between trespass against the Roman state and against Roman morality was only natural. Giving the audience the details of a depraved youth therefore made sense from a cultural standpoint. It was not merely about humiliating an opponent. Rather than mere slander, Cicero's line of reasoning was a political argument.⁸⁰⁴

We recognize the accusation of being open to all who lusted from the biographical details Cicero offered about Gabinius. The same logic could, however, also be turned against Cicero. When he defended Marcus Caelius in 56 BCE, his client, just as with Lucius Murena in 63, had been accused of immorality by the prosecution. Topics such as luxury, lust, the vices of youth, and morals had, according to Cicero, been thoroughly discussed.⁸⁰⁵ One of the reproaches was however particularly serious, as it pertained to the question of the youth and *pudicitia* of the defendant.⁸⁰⁶ From Cicero's defense speech we gather that Caelius had been accused of being an *impudicus*.⁸⁰⁷ This meant that he had failed to protect his sexual integrity. As shown, Caelius, and therefore Cicero could not risk such an epithet to go unchallenged. Above we saw how Cicero referred to Gabinius' immoral youth with the term *impudicitia*. Such a man could not be numbered among the

804 Cf. Skinner 1982, p. 208.

805 *Cael.* 25. Cf. *Scaur.* 6.

806 *Cael.* 6.

807 *Cael.* 30.

elite.⁸⁰⁸ Nor was the *impudicus* necessarily only a pathetic outcast, he was easily understood of as an enemy of Rome. One of the dire results of the biographical narrative presented by Cicero in the above passage was that Clodius had violated not only the gods and the laws of men, but had attacked the *pudor* and *pudicitia* of the entire state.⁸⁰⁹ In this manner, the immorality of one person could be positioned against the morality of the entire community. Similarly, in the *Pro Sestio*, the orator accuses Clodius of being not only an *impudicus* but also a demented and profligate *hostis pudoris et pudicitiae*—an enemy of modesty and chastity.⁸¹⁰ The logic of immorality, as in the case of Catilina and his conspiracy, made it possible to point toward the threatening aspects of moral transgressions. Hence, an *impudicus* threatened the *pudicitia* of others. How then did Cicero approach the accusation against his client in the *Pro Caelio*? We shall, he said, proceed with arguments.⁸¹¹

In recognizable fashion, Cicero argued that those who accuse his client of being an *impudicus* have no foundation for this charge.⁸¹² But he also, like in the case of Murena, separated accusation (*accusare*) from slander (*male dicere*):

*Accusatio crimen desiderat, rem ut definiat, hominem ut notet,
argumento probet, teste confirmet; maledictio autem nihil habet*

808 Cf. Langlands 2006, pp. 289–292.

809 *Har. resp.* 43. See also *Mil.* 77. For the political exclusion of the *impudicus*, see also Gunderson 2003, pp. 38–39 on Seneca’s declamatory scenario *impudicus contione prohibeatur*.

810 *Sest.* 73. Cf. *Prov. cons.* 24. For *impudicus* see *Har. resp.* 1.

811 *Cael.* 22: *Argumentis agemus*. Cf. *Cael.* 54 where Cicero discusses “artificial proofs” in oratory. See Austin 1952, p. 115. For the distinction between artificial and non-artificial proof in oratory, see Aristoteles’ treatment in *Rhet.* 1.2 and 1.15; and Cicero’s in *De. or.* 2.116. Cf. *Part. or.* 48–49.

812 *Cael.* 30.

*propositi praeter contumeliam quae si petulantius iactatur, convicium, si facetius urbanitas nominatur.*⁸¹³

Accusation requires an offense, to define the issue, to mark a man, to prove by argument, confirm by testimony. Slander, meanwhile, has no intention other than insult, which if thrown by impudence is called abuse, if refined called elegant.

Here Cicero again alludes to the fact that accusations of immorality had to be properly argued to distinguish them from insult and abuse. Which accusations constituted one or the other of these was clearly a matter of contestation between prosecution and defense. But importantly, the distinction could still be offered. If the attacks had no other purpose than insult, they could be dismissed. But these accusations could also have a larger purpose—to prove an offence. It is hard to believe this did not constitute a recognizable distinction for a Roman jury. Nor is it likely that they did not find the distinction acceptable. Cicero's entire prosecution against Verres would in fact be pointless if the jury had taken every charge of immorality as beside the forensic question.

The accusations against Caelius were of course, in the eyes of his defense attorney, part of the category of mere insult. Calling him an adulterer and an *impudicus* was mere slander (*contumelia*), a charge that lacked foundation and was hurled angrily and without authority.⁸¹⁴ This sort of misbehavior typically linked to young men, were used, according to Cicero, to rouse *invidia*

813 *Cael.* 6. Cf. *Cael.* 8 and 29–30. For a discussion of this passage, see Corbeil 1996, pp. 17–18.

814 *Cael.* 30: “Adulter, impudicus, sequester” *convicium est, non accusatio; nullum est enim fundamentum horum criminum, nulla sedes; voces sunt contumeliosae temere ab irato accusatore nullo auctore emissae.*

against his client.⁸¹⁵ Just as in the *Pro Sulla*, he declared that the *mores* of his client was incompatible with the crime.⁸¹⁶ Marcus Caelius, who stood on trial for political violence, could thus be accused of immorality to establish guilt, but the charges had to be argued properly and could also be refuted by argument. But the link between immorality and violence was in itself not questioned. That Caelius had lost his sexual integrity was in other words, if persuasively put forward by the prosecution, not by any means irrelevant to a political crime. The reason was that losing your sexual—and moral—integrity ensured that you were unfit for the political scene if not the community all together. The logic of immorality in ancient Rome denied that a passive man could be an active leader.

Another way to paint your adversary as sexually corrupt was through the theme of prostitution.⁸¹⁷ This could be suggested to an audience in a number of ways. Of course, it could also be stated outright. In the *Pro Sestio*, Cicero accuses Clodius of being a *scurrarum locupletium scortum*, or a prostitute for the wealthy and depraved of the city,⁸¹⁸ an accusation also found in the passage from *De haruspicum responsis* that detailed his early years. In *De domo sua*, Cicero labeled him a *scortum populare*—a whore to the masses.⁸¹⁹ Prostitutes were *infames* or “untouchable” and unclean.⁸²⁰ Often they were slaves. Since they were physically available to others, they were thought of as lacking the integrity of a free individual. Their lawful rights were also

815 *Cael.* 29.

816 *Cael.* 53. Also *Cael.* 16.

817 For prostitution, see McGinn 1998; and Faraone & McClure 2006.

818 *Sest.* 39.

819 *Dom.* 49. Cf. Opelt 1965, p. 155. For *scortum*, see Adams 1983, pp. 321–327.

820 Richlin 1992, pp. 99–100. See also Edwards 1997; Duncan 2006.

circumscribed as a result of their being thought of as without honor.⁸²¹ The point of portraying someone as a prostitute is hereby clear; it was antithetical to being a Roman *vir*.⁸²² An orator in Rome could reference this logic of immorality without risking the accusation that his attacks were just slanderous.

Using the services of prostitutes was not automatically cause for moral censure.⁸²³ But associating with them as equals was shameful and could easily be made to function as a sign of sexual immorality. In the Verrines, for instance, Cicero frequently mentioned the fact that Verres had *lenones* and *meretrices*—pimps and whores—as his guests.⁸²⁴ That in turn of course triggered the idea of the immoral banquet of feast and subsequently what type of sexual activities went on there. A wider context of immorality was hereby activated. The real threat of the taint of being associated with prostitutes was thus that the target had in fact prostituted himself. It was therefore fundamentally based on the logic of immorality that sexually submitting to the lust of others—with or without payment—was immoral and led to immorality.

Another epithet illustrates this logic. Gabinius is referred to by Cicero a *leno impudicissimus*—a sexually corrupted pimp, another time for as a *leno impurissimus*—foul or impure pimp.⁸²⁵ That his opponent was not only a pimp, but also sullied by sexual passivity by the words *impudicus* and *impurus* in fact made perfect sense since it was grounded in a cultural creed which stated

821 For the legal rights of *infames* in general and pimps and prostitutes in particular, see McGinn 1998. See also Gardner 1993, chapter 5.

822 Edwards 1997, p. 81.

823 McGinn 1998, p. 344; McClure 2006, p. 11.

824 See *Verr.* 2.1.101, 2.3.6.

825 *Red. sen.* 12; *Sest.* 26. For Verres as a *leno turpissimus*, see *Verr.* 2.4.71. Cf. *Verr.* 2.4.6. For the cultural and legal status of pimps, see McGinn, pp. 23–69. Under the *Lex Iulia municipalis*, pimps were for instance barred from public office.

that in order to deal in acts of sexual depravity you were also expected to have been sexually corrupted at one point. This was not random insults strung together. For Cicero's audience the reproach did not just say that you are a purveyor of disreputable merchandise, but that this is a result of your own moral depravity. This same idea tied into the accusation that he had turned to prostitution in order to sustain his depraved passions.⁸²⁶ Destitution backs up the allusion to prostitution and references an idea that was culturally coherent—that the reason the elite lost their wealth was a result of their immorality. For the same reason—immorality—you then risked becoming dangerous to the community.

Other poignant themes were incest and *stuprum*. Cicero used two motifs to brand Clodius as a sexual deviant in this regard; the Bona Dea scandal and his immoral relationship with his sister Clodia from whose bedroom, Cicero sarcastically had claimed, he emerged as a defender of good Roman morality, of *pudor* and *pudicitia*.⁸²⁷ Although it was considered unnatural to engage in sexual activity with kin, the term *incestum* also referred to violation of religious *pudicitia*.⁸²⁸ Therefore both the violation of the female rites and the suggested incest between brother and sister could be considered *incestum*. They blended together as immoral in Cicero's oratory. Clodius, as we have previously seen, was a man characterized by *stuprum*.⁸²⁹ Cicero also frequently emphasized the sacrilegious nature of these sexual acts. His sexual

826 *Sest.* 26. Cf. *Red. sen.* 11 (above). See also Corbeill 1996, p. 133.

827 *Dom.* 9. For Clodius' incest, see also e.g. *Sest.* 116; *Pis.* 28; *Cael.* 32; *Mil.* 73. See also the attack on Clodia in *Cael.* 32, 34–36, 38, 47, 49.

828 Fantham 1991, p. 289. Cf. Harries 2007, pp. 90–91. For incest, see also Hickson-Hahn 1998.

829 *Dom.* 50: *hominem omnium facinorum et stuprorum*. For other accusations of impiety, see *Har. resp.* 26, 28–30.

trespass was interpreted by Cicero as an affront to the gods and they consequently punished his behavior with madness.⁸³⁰ Verres' *stuprum* had also been presented by Cicero as *contra fas*—against sacred laws.⁸³¹ Similarly, Clodius had polluted the sacred rites not only by looking at them, but also *incesto flagitio et stupro*—"by incestuous depravity and sexuality."⁸³² Sexual immorality could clearly be associated with the religious concerns of the community. In this respect, immorality was also argued to be dangerous.

Other remarks that linked religion and incest were more mocking in tone. At one point Cicero responds to what seems to have been an accusation from Clodius that Cicero had called himself Jupiter and stated that Minerva was his sister. Cicero, who had a particular devotion to the goddess, was thereby implicated as aspiring to tyranny. He replies to Clodius in the following manner:

*Sed tamen ego mihi sororem virginem ascisco: tu sororem tuam virginem esse non sisti. Sed vide ne tu te soleas Iovem dicere, quod tu iure eadem sororem et uxorem appellare possis.*⁸³³

But at least I claim my sister a virgin: you have not allowed your sister to be a virgin. But you should be careful getting used to calling yourself Jupiter, since you rightfully can call the same woman both sister and wife.

Just like the god, who could call Juno both wife and sister, Clodius could, mocks his opponent, refer to Clodia, whose virginity he himself had violated, by both terms. The clever turn of phrase

830 Lenaghan 1969, p. 154. Cf. *Har. resp.* 48: *Caecus amentia*.

831 *Verr.* 2.5.34. For incest as threatening to the community, see Harries 2007, p. 91.

832 *Dom.* 105. Also *Har. resp.* 4, 8, 38; *Pis.* 95; *Mil.* 13, 85, 87.

833 *Dom.* 92.

was certainly meant to generate laughter and humiliation, thereby obfuscating the serious charge of tyranny.⁸³⁴ But the fact that an orator could utilize serious cultural apprehensions for comedic effect did not mean that the topic of sexual immorality vis-à-vis religious trespass was treated in a light-hearted manner. Instead it was included in Cicero's catalogue of the offenses of his adversaries:

*Tu, cum furiales in contionibus voces mittis, cum domos civium evertis, cum lapidibus optimos viros foro pellis, cum ardentes faces in vicinorum tecta iactas, cum aedes sacras inflammas, cum servos concitas, cum sacra ludosque conturbas, cum uxorem sororemque non discernis, cum quod ineas cubile non sentis, tum baccharis, tum furis, tum das eas poenas, quae solae sunt hominum sceleri a dis immortalibus constitutae.*⁸³⁵

You, when you hurl your frenzied utterances at the *contio*, when you overturn citizens' houses, when you drive the best men from the forum with rocks, when you throw burning torches onto the roofs of your neighbors, when you set sacred buildings ablaze, when you stir up slaves, when you disturb that which is sacred and the games, when you do not distinguish between wife and sister, when you do not know whose bedchamber you enter, then you are in delirium, then you are in frenzy, then you receive the only punishment that the Immortal Gods have ordained for human crime.

The long list of crimes, which include the political offenses of rioting and violence, also makes pointed references to religious trespass. This could be seen as expected considering the religious

⁸³⁴ See Hickson-Hahn 1998, p. 22.

⁸³⁵ *Har. resp.* 39.

occasion for this speech. Yet, we should note that accusations of incest and adultery follow naturally in the catalogue of Clodius' wrongdoing and logically set up the punishment of the gods that Cicero asserts. In no way do charges of immorality seem misplaced in this passage. Instead, I would argue, they help form the *raison d'être* of the passage. The inclusion of depravity among other forms of trespass can be attributed to a cultural logic that equated immoral character with the expectation of any type of crime. In *Pro Milone*, Cicero makes this point: A good man cannot be induced to crime, but an *improbos* or immoral man will easily be compelled to do so.⁸³⁶ In the same speech, this time without the religious setting, Cicero in a long harangue conflated "impious adultery on holy couches," which required punishment to cleanse the state from pollution and sacrilegious incest with his sister, with accusations of political violence, corruption, plundering, and destruction.⁸³⁷ Similarly, first stating that Clodius was a whore to the wealthy, who committed adultery with his sister and was a priest of *stuprum*,⁸³⁸ not only actively argued that since he was sexually passive he could be expected to sexually corrupt others as well as Roman religion, but also allowed the orator to continue branding him a poisoner, a forger of wills, an assassin, and a bandit. Once portrayed as immoral, the other offences could follow without effort or distinction.

As a result of Roman anxieties over passiveness, certain types of sex were also especially degrading precisely because they turned the man into the submissive party. In particular accusations of performing oral sex tainted the victim.⁸³⁹ Speaking about orato-

836 *Mil.* 32. For *ethos* in the *Pro Milone*, see May 1979.

837 *Mil.* 72–73. See also *Mil.* 87.

838 *Sest.* 39: *cum scurrarum locupletium scorto, cum sororis adultero, cum stuprorum sacerdote, cum venefico, cum testamentario, cum sicario, cum latrone.*

839 Richlin, 1992, p. 99. Cf. Skinner 1982, p. 204.

rical strategies, Quintilianus mentions in passing that acts which violate the mouth will stir great embarrassment in an audience.⁸⁴⁰ As we saw in the previous section of this chapter, Vatinius' mouth signaled sexual immorality. His boils around the mouth were a sign to be read and interpreted. In his prosecution of Verres, Cicero made several references to the mouth of his most immoral companion Apronius. In fact, like Vatinius, Apronius advertised his vile depravity not only with his life, but also with his body and mouth.⁸⁴¹ One remark stated that while not even wild beasts could endure the vile smell that came from his mouth, Verres alone had found it pleasant, thus implicating him in the sexual immorality that it symbolized. Similarly, one of Clodius' familiars Sextus Cloelius had an extremely filthy mouth, *os impurissimum*.⁸⁴² He stole away Clodius' sister, Clodia with his tongue and could be found with her *capite demisso*—"head down."⁸⁴³ In the *Pro Caelio*, Cicero describes him as a man without estate or credit, without hope, home or fortune, whose mouth, tongue, hand, and entire life are stained.⁸⁴⁴ These statements certainly implicated Clodius in similar acts.⁸⁴⁵ Gabinius was likewise accused of having tainted breath (*contaminatus spiritus*),⁸⁴⁶ and when Cicero encountered Piso coming out of a drinking den, he complained that his enemy reeked from the mouth (*os foetidus*).⁸⁴⁷ By

840 Quint. *Inst.* 11.1.84.

841 *Verr.* 2.3.23.

842 *Dom.* 26. Also *Har. resp.* 11; *Dom.* 47; for which cf. Adams 1982, pp. 140–141. For Cicero's attacks on Sextus Cloelius, see Uría 2006. For the identity of this man, see Damon 1992.

843 *Dom.* 25, 83. Cf. Adams 1982, p. 192.

844 *Cael.* 78: *hominem sine re, sine fide, sine spe, sine sede, sine fortunis, ore, lingua, manu, vita omni inquinatum.*

845 See also *Dom.* 104.

846 *Pis.* 20.

847 *Pis.* 13.

this particular motif of passivity, Cicero suggested that his main rivals were immoral.

There is an ostensible paradox in the sexual morality of ancient Rome. As shown, playing the passive role in sexual activities was considered unmanly and degrading for a member of the elite. To be subjected was a sign of weakness and low status. Slaves, women, and freedmen were submissive by nature, and passiveness in a man suggested that he should be counted among these instead of among the *viri*. Therefore, a modern observer would perhaps expect an aggressive sex drive, as long as the male stayed the active one, to be considered unproblematic or even appropriate.⁸⁴⁸ It was not. That is, at least not according to the notion of immorality that Cicero fell back on in his political representations. Active “womanizing” could also be construed as depraved. Lust was a matter of reproach. To explain this, we can turn to a cultural understanding of immorality that ensured that this apparent paradox made perfect sense.

During the 50’s BCE, Piso was most haunted by Cicero’s accusations in this regard. In the speech *Post reditum in senatu*, Cicero presented the character of Piso as a man who kept his pleasures hidden from the public eye. But if you saw him at home you would see him for what he was, a filthy and intemperate *libidinosus*.⁸⁴⁹ To emphasize this Cicero labels him a perverted Epicurean, his sole focus on indulgence and pleasure.⁸⁵⁰ This lust led him to “drown in immoral acts” (*flagitium*) and he listened only to “his Greeks” in taverns, and when indulging in *stuprum*, food, and wine.⁸⁵¹ Hence, his immoral lust clearly pertained to both sexual and non-sexual desires. Herein, then, lies part of the logic

848 See Gleason 1999, p. 76; Langlands 2006, pp. 292–293.

849 *Red. sen.* 14.

850 For Piso as an Epicurean, see *Red. sen.* 15; *Sest.* 23; *Pis.* 37, 42, 59.

851 *Pis.* 42: *te in tot flagitia ingurgitasses.*

behind the ostensible paradox. Immoderation in food, drink, and sex was without hesitation linked in the immoral chain. Therefore Cicero's comment that his enemy attached the highest value to the pleasures of the belly pointed in the same direction as sexual gratification and in fact strengthened his portrayal.⁸⁵² Immorality was a critique of self-control.

But there is one more piece to this puzzle. Part of Cicero's derision of his philosophy was that Piso had met an Epicurean at an early age who, because of Piso's immaturity at the time, instead of a *magister virtutis* became to Piso an *auctor libidinis* or "authority on lust."⁸⁵³ The taunt should not only be interpreted as a bit of scandalous invective, but as fitting the logic of immorality that explained why lust was not manly. Lust was construed in Cicero's portraits as a result of immorality, often at a young age, which had branded the target as passive. That Verres for instance continued to violate women should be understood as a consequence of his own submissive sexual history. In the speech *De provinciis consularibus* Cicero discusses Piso's rule of his province and the crimes he committed there:

*caedes relinquo, libidines praetereo, quarum acerbissimum exstat indicium et ad insignem memoriam turpitudinis et paene ad iustum odium imperii nostri, quod constat nobilissimas virgines se in puteos abiecisse et morte voluntaria necessariam turpitudinem depulisse.*⁸⁵⁴

I pass over murders; I leave out lustful deeds, of which we have the sharpest proof, serving as a record of his disgrace and almost as

852 *Pis.* 66.

853 *Pis.* 69.

854 *Prov. cons.* 6. For such dangers of immorality, see also *Dom.* 144; *Mil.* 76. For character in the *de provinciis consularibus*, see Steel 2001, pp. 47–52.

justification of the hatred of our rule, in the fact that noble virgins have thrown themselves into wells and by voluntary death avoided inevitable shame.

The portrait of Piso here closely echoes the one Cicero had constructed of Verres 14 years before. Like Verres, Piso continued to display excessive lust because of his perverted sexuality; in his case a result of his dealings with the Epicurean. Clodius' lust had the same consequences.⁸⁵⁵ Whether or not this was true is beside the point here. What matters is that it fitted the logic of immorality. Once Cicero had made the connection for his audience, it ought to have made sense. As a result, so should Piso's other crimes.

The passage above links both murder and political malpractice to lustful character, but is furthermore interesting because Cicero, after this passage, holds that he omits these charges because at present he has no witnesses. The proof, in other words, rests solely with the argument.⁸⁵⁶ To argue lust, then, the orator could offer the audience certain signs. In the *Pro Sestio*, Piso's philosophy of pleasure was mocked by Cicero in the following manner:

*Ex his assiduis eius cotidianisque sermonibus, et quod videbam, quibuscum hominibus in interiore parte aedium viveret, et quod ita domus ipsa fumabat, ut multa eius sordium indicia redolerent, statuebam sic, boni nihil ab illis nugis esse exspectandum, mali quidem certe nihil pertimescendum.*⁸⁵⁷

855 *Mil.* 76.

856 Cf. *Cael.* 22; *Scaur.* 15, 19.

857 *Sest.* 24.

From his constant everyday talk of this sort, and because I saw what kind of men he lived with in the inner parts of his house, and because the house itself reeked with the stinking signs of many sordid acts, I decided that one would expect nothing good from his idle talk, and that one certainly did not need to fear no any harm.

Here we see the connection pointed to earlier in the case of Gabinius, that the result of immoral character was that no good could be expected. Because, as previously discussed, Piso hid his depravity Cicero reproached his house in reference to company and smell, which in turn serve as *indicia* of immorality. Like Sextus Naevius in Cicero's first extant speech the *Pro Quintio*, Piso's immorality was illustrated by his sordid household which pointed to his perverted views of Epicurean pleasures. As we saw in the portrait of Chrysogonus, another way to cast suspicion on someone's house was by the theme of luxury. Excess in things meant excess in matters of morality, and lust and *luxuria* as a consequence were associated in the Roman mind. When portraying Piso, Cicero stresses that no one is more excessive (*luxoriosus*) and more licentious (*libidosus*) before adding, just to be sure, that nor is anyone as low (*posterus*) or vile (*nequior*) as he.⁸⁵⁸ And while Cicero reluctantly admits there is a type of luxury that could pass for dignified, he also directly asserts that the only thing grand about the uncouth Piso is his lust.⁸⁵⁹ When defending a man named Balbus who stood accused of *luxuria*, Cicero, similar to his line of defense in the *Pro Murena*, pointed to the fact that his luxury was not substantiated by accusations

858 *Pis.* 67.

859 *Pis.* 67: *Luxuriam autem nolite in isto hanc cogitare: est enim quaedam, quamquam omnis est vitiosa atque turpis, tamen ingenue ac libero dignior: nihil apud hunc lautum, nihil elegans, nihil exquisitum—laudabo inimicum—quin ne magno opere quidem quicquam praeter libidines sumptuosum.*

of lust.⁸⁶⁰ As we saw in Cicero's portrayal of Verres, lust was always accompanied by other faults of character and could, by way of supplying character and motivation, point toward guilt. In *De domo sua*, Piso is in this manner described as most offensive (*taterrimus*), cruel (*crudelissimus*), and false (*fallacissimus*), branded with the stains of both lust and crime.⁸⁶¹ Plunder, greed, lust, and luxury were also linked in Gabinius who had plundered his province, squandered the wealth through his lust and unheard-of luxuries.⁸⁶² Another consequence of lust was religious trespass; Clodius' foul lust had caused him to violate two of Rome's most sacred possessions: religion and *pudicitia*.⁸⁶³ In turn, his punishment was blind lust.⁸⁶⁴

Male lust was not the only topic of concern for the orator. Cicero also discusses at great length the lust of Clodius' sister, Clodia, "a woman not only of nobility, but also of notoriety."⁸⁶⁵ In doing so, he supplies us with further clues as to the relationship between lust and immorality. Cicero's client Marcus Caelius had been accused by the prosecution of intimacy with Clodia. Her lust was portrayed as a danger to young men. She was, according to Cicero, surrounded by rumors of lust, lovers, adultery, feast, and parties, music and revelry.⁸⁶⁶ In the fashionable vacation spot Baiae there was talk of her lust which she paraded openly.⁸⁶⁷ She too, could be judged by her appearance and Cicero could use it to excuse his client's involvement with her:

860 *Balb.* 56.

861 *Dom.* 23. For Piso's lust, see also *Red. sen.* 13–14.

862 *Pis.* 48. Also: *Dom.* 60; *Red. pop.* 13.

863 *Prov. cons.* 24.

864 *Har. resp.* 38.

865 *Cael.* 31: *muliere non solum nobili, sed etiam nota*. For Cicero's attack on Clodia, see e.g. Dixon 2001; McCoy 2006; Tatum 2011.

866 *Cael.* 35.

867 *Cael.* 47. See Griffin 1985, p. 90. For Baiae, see also *Sen. Ep.* 51.

*Si quae non nupta mulier domum suam patefecerit omnium cupiditati palamque sese in meretricia vita collocarit, virorum alienissimorum convivii uti instituerit, si hoc in urbe, si in hortis, si in Baiarum illa celebritate faciat, si denique ita sese gerat nonincesso solum, sed ornatu atque comitatu, non flagrantia oculorum, non libertate sermonum, sed etiam complexu, osculatione, actis, navigatione, convivii, ut non solum meretrix, sed etiam proterva meretrix procaxque videatur; cum hac si qui adulescens forte fuerit, utrum hic tibi, L. Herenni, adulter an amator, expugnare pudicitiam an explere libidinem voluisse videatur?*⁸⁶⁸

If an unmarried woman opened her house to the passions of all and publicly led the life of a whore, attending banquets with totally unknown men, if she does this in the city, in the gardens, among the crowds of Baiae, if additionally she carries herself so that not only her bearing, but also her dress and escort, not only the glow of her eyes, her lustful talk, but also her embraces and kisses, her parties on the beach and at sea and banquets, betray her to be not only a whore, but a shameless and wanton whore and if a young man happened to be with her, would that look to you, Lucius Herennius, like an adulterer or a lover, like someone who wanted to ravage her chastity or satisfy his own lust?

The passage illustrates that, unsurprisingly, all types of lust were not necessarily equally reproachable.⁸⁶⁹ If the woman's lust was like that of a whore, the man only satisfied his own needs, which could be considered proper, without committing an offense. The

868 *Cael.* 49. See also *Cael.* 50. Cf. *Cael.* 38.

869 Jonathan Walters reminds us that: "The 'woman' constructed by men, particularly perhaps when that construction is embedded in a discourse addressed primarily to other men, is a male figment, used to say something about men, not about women." Walters 1997, p. 32. Cf. Gleason 1995, pp. 160–161.

offense was to another man, the husband or father. Moreover, that the woman in question was a *meretrix* and not a woman of standing could be established by Cicero's oratorical representation which focused on her house and her looks.⁸⁷⁰ Through his oratory, Cicero negotiated, with the help of signs of immorality, the term *adulter*, which he reasoned was inappropriate for his client. The marks of lust were attached to another person to identify her as immoral. This was not the first time Cicero had argued that his client had been a victim to a woman's lust. The immorality and lust of Sassia, the mother of Cicero's client, had played a prominent part in 66 BCE in his defense of Cluentius.⁸⁷¹

The consequence of a deviant and depraved sexuality—and also a reason for the fear of it—is apparent from several passages in the speeches under present scrutiny. When assailing Piso, Cicero linked lust with idleness and inactivity, *desidia* and *inertia*.⁸⁷² These traits were enumerated by the anonymous author of the rhetorical treatise *Ad Herrenium* as adducing contempt in an audience, and hence goodwill for the speaker.⁸⁷³ More importantly, it signaled lack of *virtus*. Clodius tried to hide his lust superficially, instead of with *pudor* and self-control (*temperantia*), character traits of the *vir*.⁸⁷⁴ Likewise, Gabinius was a man exhausted (*confectus*) by wine, gluttony, prostitution, and adultery.⁸⁷⁵ They were both *enervati* and *exsanguis*, meaning effeminate and without energy and strength.⁸⁷⁶ Sexual debauchery,

870 For the idea that as long as a man did not commit an offense against another man his behavior could be deemed unproblematic, see also *Cael.* 42. For the comparison between houses, see *Cael.* 55, 57.

871 See also *Scaur.* 8. Cf. Gildenhard 2011, p. 62.

872 *Sest.* 22. For Verres' lack of manly strength, see also *Verr.* 2.5.39.

873 *Rhet. Her.* 1.8.

874 *Prov. cons.* 8.

875 *Sest.* 20.

876 *Sest.* 24. See also Edwards 1993, p. 86.

and its accompanying vices, depleted the strength of men. That in turn made them unfit for public life. Sexual passivity also led to, and could hence be illustrated with, passivity and lack of manly vigor in general. As proof that Caelius did not have the immoral character his chastisers had claimed, Cicero argued that it is impossible for a mind marked by lust and related vices to be able to cope with the demands of public speaking.⁸⁷⁷ Caelius was a renowned orator and could thus not be suspected of immorality. Seneca the Elder had the same notion and challenged anyone to find orators among the lustful.⁸⁷⁸ The strain of political life was incompatible with the corruption that followed from vice. When attacking Clodius, the orator summoned this logic when he asked his audience, “what energy could a man who had led such a life have; a man exhausted by disgrace with brothers, *stuprum* with sisters and every unheard of act of lust?”⁸⁷⁹ Lust, incest, and *stuprum* all led to a diminished masculinity. Summoning these moral concepts in oratory therefore had meaning beyond trying to get a routine audience reaction or simply acquire goodwill. Cicero’s point was culturally coherent, as was his line of reasoning. Immoral men were incapable of guiding the *res publica*.

THE EXCESSIVE AND THE IMMORAL

In his speech against Piso, Cicero at one point refers to his colleague Gabinius as *saltatrix tonsa* or shaved dancing girl.⁸⁸⁰ This

877 *Cael.* 45–47. Cf. *Cic. Orat.* 59.

878 *Sen. Controv.* I, praef. 10.

879 *Sest.* 16: *qui enim in eius modi vita nervi esse potuerunt hominis fraternis flagitiis, sororis stupris, omni inaudita libidine exsanguis?* Cf. Corbeill 1996, p. 115. For *enervatus*, see *Pis.* 82. For *exsanguis*, see also *Har. resp.* 2; *Pis.* 88.

880 *Pis.* 18.

humiliating epithet triggered a wide array of immoral associations existing in Roman society. By following the threads that made *saltatrix tonsa* a meaningful taunt in Roman political culture, we shall attempt to disentangle as far as possible the web of immorality evoked in the portraits Cicero painted of his rivals of the 50's BCE. The insult, I argue, rather than beside the point, was consistent with Roman notions of political immorality.

First and foremost, Cicero called him not a dancer, but a dance girl—*saltatrix*. We might safely surmise by this that his main point was that Gabinius was effeminate. By further referencing the appearance of Gabinius, Cicero continued to establish an immoral connection between deviant appearance and inherent immorality. As we saw in the beginning of this chapter, Roman audiences could expect a correlation between the two. In this case, the appearance of Gabinius signaled, through an immoral train of thought, sexual depravity. Shaving the body hair was for a man associated with an unnatural desire to appear young.⁸⁸¹ This in turn meant that he wanted to appear desirable to others, which was seen as a female and passive quality. In sum, both *saltatrix* and *tonsa* were reproaches to Gabinius' manhood and suggested that he was sexually submissive. There were however further associations to be made from the epithet that strengthened this suspicion.

With its reference to dancing, labeling Gabinius a *saltatrix tonsa* pointed clearly toward revelry and feasting, evidenced further by the two consuls in Cicero's vivid scene being dragged from a dark *popina* or cook-shop into the Senate.⁸⁸² The *convivium*, as we have repeatedly seen, was a culturally recognized immoral

881 See Sen. *Controv.* 1, praef. 8–9.

882 *Pis.* 13. For Gabinius as a dancer, see *Red. sen.* 13; *Dom.* 60.

arena, the scene of drunkenness, indulgence, excess, and sex.⁸⁸³ There were numerous ways of referencing the feast, and thereby triggering its connotations, several of which have been previously touched upon. That Gabinius appeared drunk and sleepy at a *contio* should be read by Cicero's audience as a consequence of his dedication to the pleasures of the feast.⁸⁸⁴ Smelling of wine, as Piso had done, was likewise a sure sign. The followers of Catilina could be identified by perfume and garlands. Excess and spending could furthermore signal the immorality of feasting, illustrated by Cicero's question to the jury regarding Chrysogonus in the *Pro Roscio Amerino*: "Can you imagine what daily expenses come from such a life, what excessiveness, what banquets?"⁸⁸⁵ Cicero defended Marcus Caelius, who had been attacked by the prosecution as an immoral man, by saying that in his client you would find no *luxuries*, no extravagance (*sumptus*), no debts and no lust for banquets and feasts.⁸⁸⁶ We have also seen how closely Cicero linked Clodia's lust with parties of extravagant kind.

Gluttony logically became an important vice in this web of immorality. Drunkenness was a sure sign of excess.⁸⁸⁷ In the speech before the senate upon his return, Cicero labels him a curly-haired *ganeo*, in several other speeches he is referred to as a *helluo*.⁸⁸⁸ At other times he is called a *gurges*, a whirlpool that glutted the

883 Gabinius' scene of depravity was chiefly the *convivium*, whereas Piso's was the shabby drinking den or cook-shop. See *Pis.* 13, 22.

884 Ovid also comments on the risks of falling asleep at a banquet when immoral acts could be done to you. *Ars am.* 3.767–768.

885 *Rosc. Am.* 134: *In hac vita, iudices, quos sumptus cotidianos, quas effusiones fieri putatis, quae vero conviviae?*

886 *Cael.* 44.

887 For conceptions of drinking, see Griffin 1985, pp. 65–87.

888 *Red. sen.* 12. For Gabinius as a glutton, see also *Red. sen.* 13; *Prov. cons.* 11, 14. Sextus Cloelius was referred to as a *helluo* in *Dom.* 25; while Gellius was also referred to as a *ganeo* and *gurges* in *Sest.* 111.

blood of the Republic.⁸⁸⁹ Overindulgence in food could in turn be associated with luxury and as a result to squandering of money.⁸⁹⁰ Catilina's boon companions were destitute because of their revelry and so financial ruin was a symptom of immoral character. This in turn represented a danger to the community.⁸⁹¹ Gabinius, therefore, was a *helluo patriae*, a glutton devouring his own country and just as he had depleted his patrimony, he would deplete his *patria*.⁸⁹² Gluttony, feasting, and greed, as discussed by Anthony Corbeill, were linked, both morally and semantically.⁸⁹³ A major point was also that the glutton was sexually corrupted. Lack of control as regards intake of food and wine suggested lack of sexual control. Marilyn B. Skinner points out that charges of squandering money were followed, logically to the Romans, by accusations of singing, dancing, feasting, adultery, and sexual passivity—"vices linked together in a metonymic chain" connected to the excess of wealth.⁸⁹⁴ Sallustius also emphasized this. *Avaritia* makes the body and mind of a man effeminate.⁸⁹⁵

There was a certain type of company one could expect to find at an immoral feast; in particular actors and prostitutes. In the same manner, the banquet could be likened to a brothel, the participants to prostitutes and pimps.⁸⁹⁶ Typically, these shady characters both signaled the immorality that took place and explained why the feast was thought of as immoral. In the guide to political campaigning attributed to Quintus Cicero, the link was

889 *Dom.* 124. Cf. *Sest.* 93.

890 Edwards 1993, p. 186.

891 Edwards 1993, p. 176.

892 *Sest.* 26.

893 See Corbeill 1996, p. 131.

894 Skinner 2005, p. 211. Cf. Edwards 1993, p. 5.

895 Sall. *Cat.* 11.3: *corpus animumque virilem effeminat*. See also Gell. *NA.* 3.1.

896 *Red. sen.* 11; *Sest.* 20, 26. Cf. *Pis.* 42. See also Val. Max. 7.7.7. Cf. James 2006. See also McGinn 1998, p. 348.

explicitly made in connection with Catilina and offered as a way of undermining him: He was friends with actors (*histriones*) and lived lustfully with them.⁸⁹⁷ The feast was a place where *stuprum* and adultery took place.⁸⁹⁸ Branding the former consul a *saltatrix tonsa* furthermore portrayed Gabinius himself as an entertainer. As discussed in relation to *Pro Murena*, dancing at parties was highly suspect since it, to Cicero at least, should suggest a host of closely related vices. But it also suggested that in entertaining, you were the agent of the pleasures of others and not vice versa.⁸⁹⁹ By the same rationale as sexual immorality, and most definitely referencing it, this of course made a Roman man seem passive and effeminate. One passage in the speech against Piso depicts him as dancing nude at a banquet with song and cymbals.⁹⁰⁰ In *Pro Sestio*, Cicero harangues Clodius with a similar motif.

*Ipse ille maxime ludius, non solum spectator, sed actor et acroama, qui omnia sororis embolia novit, qui in coetum mulierum pro psaltria adducitur.*⁹⁰¹

That great stage performer himself, not solely a spectator, but an actor and entertainer, who knows all the “interludes” of his sister, who is admitted into a company of women dressed like a harp-girl.

The cultural link between actors and sexual immorality is manifest in the depiction of the incest between Clodius and Clodia. The

897 *Comment. pet.* 10. For Roman disdain of the theatre, see also Wistrand 1992, pp. 30–40; Edwards 1993, chapter 3.

898 *Pis.* 71.

899 For entertainment as subjection, see Bartsch, 2006, p. 139.

900 *Pis.* 22: *Cum conlegae tui domus cantu et cymbalis personaret cumque ipse nudus in convivio saltaret.* Cf. Apronius in *Verr.* 2.3.24.

901 *Sest.* 116.

mention of Clodius' feminine attire and the company of women links it with his sexual corruption. The passage was entirely coherent with Roman views on sexual morality. Both actors and prostitutes were "symbols of the shameful" in ancient Rome.⁹⁰² Their legal status was that of *infames*.⁹⁰³ They were both available to provide pleasure.⁹⁰⁴ Being called an actor and a harp-girl—and a *saltatrix tonsa*—hence referenced the same logic of immorality. Those who are sexually available to others are to be treated as having no honor—as *infames*.

Finally, since feasting was immoral it could logically be presented in Roman oratory as detrimental to political ability:

*Quid ego illorum dierum epulas, quid laetitiam et gratulationem tuam, quid cum tuis sordidissimis gregibus intemperantissimas perpotationes praedicem? Quis te illis diebus sobrium, quis agentem aliquid quod esset libero dignum, quis denique in publico vidit?*⁹⁰⁵

Why should I relate the banquets of your days, your exultation and rejoicing, your unrestrained drinking bout with your crew of most sordid men? Who in those days ever saw you sober, who saw you doing anything that befits a free man, who even saw you in public?

The passage echoes the concerns of the political commentator Polybios writing the history of Rome in the second century BCE.

902 Edwards 1997, p. 66. Also Richlin 1992, p. 10; and McGinn 1998, p. 68. See also Duncan 2006.

903 For this, see also Cic. *Rep.* 4.10.

904 Edwards 1997, p. 85: "Subordinated to the desires of others, these infamous persons are assimilated to the feminine and the servile, unworthy to be fully Roman citizens." See also Cic. *Off.* 1.150.

905 *Pis.* 22.

Young men had been made weak from their love affairs with boys and prostitutes and from luxurious banquets adopted from Greece.⁹⁰⁶ This was not only deplorable, but also dangerous. In Cicero's attack on Piso above, the same concern is invoked. We should particularly take note of the word *libero*—free. *Libertas* was a defining characteristic of the elite and their concept of status and manhood.⁹⁰⁷ Immorality was diametrically opposed to the expected behavior of the elite, distinguished by their status as free.

CONCLUSION: POLITICAL CONFLICTS

In a fragment from 142 BCE, preserved in Gellius, Scipio Aemilianus attacked Publius Sulpicius Galus. His reproach connects several of the thematic points covered in this chapter:

*nam qui cotidie unguentatus adversus speculum ornetur, cuius supercilia radantur, qui barba vulsa feminibusque subvulsis ambulet, qui in conviviis adolescentulus cum amatore cum chiridota tunica inferior accubuerit, qui non modo vinosus, sed virosus quoque sit, eumne quisquam dubitet, quin idem fecerit, quid cinaedi facere solent?*⁹⁰⁸

For he who daily perfumed adorns himself before the mirror, whose eyebrows are shaved, who with his beard and thigh hair plucked out walks around, who in the banquet as a young man with his lover, dressed in long-sleeved tunica, lies at a low spot,

906 Polyb. 31.25.

907 Nicolet 1980, p. 320; and Alston 1998, pp. 208–209. For *libertas*, see also Wirszubinski 1950; Brunt 1988, pp. 281–350. See also Williams 2010, pp. 124–125.

908 Gell. NA. 6.12.5 = ORF 21.17.

who not only likes wine, but also men; who could doubt that he has done what the *cinaedi* do?

The man who pays too much attention to his appearance and tries to look young and smooth, hiding his natural manly features, is the same man who reclines at banquets like Catilina's followers with older men. Their dress and drunkenness reveal their position in lustful relationships and their passive role, the role of the *cinaedus* or pathic.⁹⁰⁹ The cultural power of the banquet, we are therefore informed, is the arena of illicit, immoral sexual activity which made men into women.

In the 50's BCE, Cicero vehemently portrayed the politicians he felt had been the cause of his ruin as immoral. To a large extent, in Cicero depictions of Clodius, Gabinius, Piso, and Vatinius, this immorality converged in the effeminate Roman male to which a considerable cultural anxiety was tied. Above all their immorality was linked to their lack of manliness. They were not *virī*, that is, they were not part of the elite as free men of power. Instead they were like women, weak and passive, unable to take part in the governing of state.⁹¹⁰ They looked like women, had sex like women, and participated in the arena where this intersected.

The relevance of reproaching an adversary's appearance had wider ramifications than mere mockery. The external betrayed the internal.⁹¹¹ It was not that his enemies looked funny that made Cicero's representations powerful. Instead, his visual portraits proclaimed that they were immoral. This immorality was constructed from several overlapping aspects into a coherent

909 For the *cinaedus*, see Richlin 1993; Gleason 1995, pp. 62–67; Taylor 1997, pp. 349–357.

910 Cf. Gildenhard 2011, pp. 9–10.

911 Corbeill 1996, p. 162; Dyck 2001, p. 121. Cf. Walters 1998, p. 357.

whole the orator assumed his audience could relate to. External signs made it possible for the Roman orator to persuasively argue that his opponents were unfit to lead.

It was not just there to behold, unless the speaker acted as his community's interpreter. Signs played a large role in arguing immorality. Clodius' female dress and his entire appearance, his walk, his voice, and his clothes were offered as visual evidence. Gabinius' hair betrayed his desire to appear less manly. This in turn was considered unnatural by the Roman moralists. His perfume also was in the same manner unnatural. Certain clothes, cosmetics, perfume, or other altercations to appearance could be attempts to liken someone to a prostitute or an actor—both *infames*, both thought of as sexually immoral.⁹¹² Vatinius' bodily deformity, while more striking to the spectator, likewise had to be presented and argued as mirroring his internal immorality.

Effeminacy deduced from external signs in turn revealed sexual bias. If you took on the passive role in sexual intercourse you lost your status as a *vir* and your membership in the governing elite. This was in fact dangerous to all of society. The passiveness of men made them unfit for politics and military duty. Moreover, sexual immorality led to further acts of depravity and always risked corrupting others. Once moral integrity had collapsed the individual was only capable of deplorable acts.

Being available to the lusts of others and not being the one whose pleasures were of primary concern was tied to societal status. At the top of society's pyramid were the men who were free and active. Part of being a *vir* was independence from the control of others.⁹¹³ All below them on that pyramid were subject

912 See also Sen. *Q Nat.* 7.31.

913 Alston 1998, p. 206; Frederick 2002, p. 258.

to their whims and pleasures, to corporeal violation and subjugation. They were passive and unfree.

Several other marks of sexuality could be evoked by the Roman orator to signal sexual immorality. Incest and *stuprum*, for instance made the sexual violation a religious crime. Lust likewise, even if active and, in modern views, “manly” could be understood by Cicero’s audience to be immoral and a sign of unmanly character. Also, lust could be logically construed as naturally following upon sexual submission. Once corrupted, the young male grew into a depraved individual and forfeited his chance of being accepted in the upper stratum of society’s hierarchy. The violated Roman man displayed uncontrollable and depraved desires. In other words, he let his passions rule him. This of course made him unfit for public life, the domain of the uncorrupted elite male.⁹¹⁴ The *homo effeminatus* could in Cicero’s oratory quite literally be positioned against the *vir fortis*.⁹¹⁵

Certain venues where immorality could be easily imagined to take place were also important for the orator. The feast or *convivium* remained a powerful setting and motif where effeminate, passive acts took place. Beside the immoral feast, the dark tavern, the brothel, or the luxurious vacation spot could all function as probable scenes for excess and vice. Gluttony and luxury connected to destitution and financial debt were in themselves marks of lack of self-control but thereby also alluded to sexual immorality because it was at such places that these activities took place.⁹¹⁶ This also functioned as a potent contrast to the political arena. Seneca remarked that while virtue was found in Rome’s public spaces, “you will more often find pleasure lurking around

914 Cf. Gleason 1999, p. 72; Skinner 2005, p. 212.

915 *Mil.* 89.

916 See also Sall. *Cat.* 1.1, 2.8. Cf. Sen. *Ep.* 60.4.

searching for the darkness around public baths, sweating rooms, and those places that dread the aedile; soft and effeminate, reeking of unmixed wine and perfume, pale or perhaps painted and made up with cosmetics.”⁹¹⁷

Political reasons for portraying your adversary as sexually passive, as an actor or as a pimp can also be found in Roman law. The *Lex Iulia municipalis* stated that a man *qui corpore suo muliebria passus est*—that had been “bodily treated as a woman,” should be excluded from political office holding alongside actors and brothel owners.⁹¹⁸ Albeit from a later date than Cicero’s portrayals, the cultural values underlying this law were likely found in the preceding decades. Whether a legal question or not in the 50’s BCE, sexual immorality was no doubt cause for political exclusion.

Cultural logic gave the portrait of the effeminate Roman politician its meaning and relevance in political discourse. It was not misrepresentation or humiliating jabs taken in stride. The logic of immorality dictated that the feminine man was immoral because the effeminacy in itself was a consequence of immorality. Immorality was corrupting. Being immoral also meant he was dangerous to the Republic since in the Roman mind world there existed a relevant dichotomy between good men and bad men which to a large extent was defined as categories by a shared understanding of immoral and improper behavior.

The elite ruled by merit of the moral superiority. They ruled by governing and defending the *res publica*. An effeminate man could not do this. But not only because he was viewed as lack-

917 Sen. *Dial.* 7.7: *voluptatem latitantem saepius ac tenebras captantem circa balinea ac sudatoria ac loca aedilem metuentia, mollem eneruam, mero atque unguento madentem, pallidam aut fucatam et medicamentis pollinctam.*

918 *Dig.* 3.1.1.

ing the necessary strength, but because nothing good could be expected of an immoral man. This made immorality a political question.

Chapter VI

END GAME

—THE FINAL YEARS (44–43 BCE)

IN THE YEARS FOLLOWING A turbulent decade of oratorical battles, Marcus Tullius Cicero withdrew from the public arenas of politics. After serving as proconsul in Cilicia between 51 and 50, the orator turned to philosophy in the 40's only to resurface on the speaker's platform for a handful of court cases in 46 and 45 BCE.⁹¹⁹ By then, however, Rome had changed.

In the first month of the year 49, Gaius Julius Caesar had crossed the river Rubicon and a line in Roman political culture. After the Civil War that ensued between him and Gnaeus Pompeius Magnus, power now rested with one man. The senatorial elite had finally lost its grip on Roman politics. Cicero had stood on the side of the *optimates*, the Senate, and on the side of Pompeius.

Political life changed with one-man rule, and as a result, so ostensibly did the dynamic of the traditional rivalry of the elite. One can argue that the use of oratory diminished during the next phase of Roman history and the importance of arguing and portraying immorality along with it.⁹²⁰ Reaching the top of the *cursus honorum* in the rule of emperors was simply not a matter of aristocratic competition anymore.

919 For these, so called Caesarian speeches, see Gotoff 1993, and 2002.

920 For the changing role of oratory during the principate, see Rutledge 2007.

There was to be one more opportunity for the man from Arpinum to return to the scene of oratory and the topic of immorality. He had one more political battle to fight and one more enemy to construct—Marcus Antonius. In doing so he would indeed both fail and succeed. He did not save the Roman Republic with his oratory, but the portrait of immorality lingered for two millennia; and it was powerful enough to claim his life.

For the last time, Cicero argued his representation of an adversary; his portrait of immorality. Once again he interpreted the signs for his audience and merged morality and politics into a coherent whole. The task was to cast Antonius as the enemy of Rome and to convince his senatorial audience to officially declare him a *hostis*. Oratorical reasoning naturally took center stage. Before legally becoming the enemy, Antonius had to be convincingly depicted and constructed as one. The immorality argument was again brought to the fore.

The conflict with Marcus Antonius, interpreted by Cicero as the battle for the Republic, was the culmination of Cicero's antagonistic oratory and his final rivalry. He had made use of the immorality argument since the early years of his legal career. He had vanquished Catilina by arguing the existence of an immoral threat against the state. His vengeance on the men he blamed for his exile was exerted by portraying them as depraved and disgraceful. The last question remaining, then, is what part immorality played in making Marcus Antonius an enemy of Rome.

THE BATTLE FOR THE REPUBLIC

In December of 44, Cicero wrote the following line in a letter to Quintus Cornificius:

*Nos hic cum homine gladiatore omnium nequissimo, collega nostro, Antonio, bellum gerimus, sed non pari condicione, contra arma verbis.*⁹²¹

We are here waging war with the most worthless gladiator of all, our colleague Antonius, but not on equal terms, words stand against arms.

The sentence poignantly encapsulates the overall premise of the present study: politics at Rome was inherently about conflict between individuals fought on the orator's stage. Cicero here refers to this aristocratic combat as *bellum*, as a war where speeches could be understood as weapons, albeit as Cicero admits, sometimes inferior to the force of arms. But Cicero's letter also demonstrates the perspective advocated in this study that this was conflict between equals, *collegae*, which had to be—with the aid of oratory—constructed as inferior, as *gladiatores nequissimi*. Oratory is hereby recognized as political action, not as empty words disguising the true nature of politics. Words were Cicero's weapon and it was a weapon that he mastered.

The importance of oratory also factored in the aftermath of Caesar's murder. Approximately six months before the clash between Cicero and Antonius, Gaius Julius Caesar had been assassinated by members of the elite discontent with his authority. This act, preceded by the Civil war between Caesar and Pompeius as well as Caesar's influence on the affairs of the *res publica*, had left the political culture in disarray and uncertainty. The fight over the prerogative to interpret the event started almost immediately. Words became critical. The death of Caesar could be understood as an unlawful murder or as a justified tyrannicide. Antonius as

921 *Fam.* 12.22.

consul for the year conducted business in Rome after the assassination on the Ides of March. But the uneasy truce with the men who had plotted against Caesar was shattered almost instantaneously if not openly. In the eyes of history, Antonius' most central act has been seen as the speech where he roused the audience at Caesar's funeral to such frenzy that they burned the body of the dictator on the Forum. Words led to action. A speech decided the outcome of politics. Marcus Junius Brutus and Gaius Cassius Longinus, as leaders of the uprising against Caesar, now found the situation in Rome all too perilous. They could have been perceived as saviors of the Republic against the perennial Roman fear of one-man rule, but failed in fashioning their own narrative. They left it to Cicero to try to do it for them.

Soon enough, after what at least Cicero would deem mismanagement of his magistracy, Antonius took to the field. The military phase of the conflict began. An intricate series of events, political appointments and alliances, recruitment and troop maneuverings made Rome an uneasy place for any politician.⁹²² Circumstances were rapidly changing as the tides of battle shifted back and forth. A third player had unexpectedly joined the theatre of war: Gaius Julius Caesar Octavianus, Caesar's heir. He would ultimately lead Rome into a new era. The clashes on the battlefield will not be our focus here, but serve only to illustrate the insecurity of the day where nothing was certain. In Rome the battles were fought in a different manner.

Between September of 44 and until the death of Cicero at the hands of men sent by Antonius on 7 December 43 BCE, the two men battled intensely and insistently with each other. They had no known history of *inimicitia* and cooperated in the aftermath of Caesar's death. Their antagonism seems sudden and unexpect-

922 For historical background, consult in general Frisch 1946.

ted, but escalated almost instantaneously. They became bitter political rivals in the death throes of the Roman Republic. The primary weapon in this was speeches, often quickly published in order that their content could be widely spread.⁹²³ Neither of the combatants was present for any of the other's attacks, yet Cicero had to face the allies of Antonius in Rome. Crucial political decisions were taken continuously and in Roman political culture had to be argued on basis of interpretation of history, events, and character. It was Cicero's main objective to portray his adversary as an enemy, not primarily of himself, but of Rome.⁹²⁴ He arduously and unwaveringly endeavored to have Antonius publicly condemned a *hostis* and therefore a unified target of Roman society. Although the Senate did not declare Antonius an enemy of Rome as a direct result of any of Cicero's speeches, his incessant oratorical representation did win out. According to Plutarchos, he finally persuaded them.⁹²⁵ To a large extent this was the purpose of the diverse corpus of speeches known as the *Philippics* to which we now turn.⁹²⁶

As a result of these speeches, Antonius is one of antiquity's

923 See Shackleton Bailey 1986, p. xi. For the publication of the *Philippics*, see also Ramsey 2003; Kelly 2008.

924 May 1988, p. 149.

925 Plut. *Ant.* 17.

926 For the *Philippics*, consult in general Stevenson & Wilson (eds.) 2008. See also Wooten 1983; and Lacey 1986 for aspects of rhetoric in the speeches. Hall 2002 offers a helpful overview and bibliography. For character in the *Second Philippic*, see Pitcher 2008; in the *Third*, see May 1988, pp. 148–155; and in the *Sixth*, see Steel 2008. For the function of praise and blame in the *Philippics*, see Manuwald 2011. The first speech was not hostile. The *Second Philippic*, regarded as a “monumental” (Ramsey 2003, p. ix) and “classic” (Berry 2006, p. 222) invective, was never delivered, but published as part of the conflict between the two men. The remaining twelve speeches differ as regards, for instance, length, main topic, and content. In the present chapter I will not distinguish between immoral arguments and statements made in different speeches within the corpus.

most infamous characters. Velleius writes that Cicero branded the memory of Antonius for all time with his speeches.⁹²⁷ Juvenalis was an admirer of his attacks against Antonius.⁹²⁸ But for once the great orator's prerogative faltered. Others disagreed with him—on the Senate floor and in the annals of history. Cicero did not save the Republic and on the order of Marcus Antonius, he was killed in December of 43 BCE. The story goes, that Antonius ordered the hands of his nemesis, the hands that had written the *Philippics*, to be cut off and together with his head placed on the Rostra—the speaker's platform.⁹²⁹

We return now to the depiction of Marcus Antonius with which we began. Throughout the chapters of this book I have argued that immorality was an important argument for political action. I have also proposed that this immorality had to be argued and that Cicero not merely stated that his opponents were depraved but attempted to persuade his audiences through reasoning and through logic; with the help of signs and meaningful connections. In the final chapter of the study I will start by comparing Cicero's final portrait of immorality with his former foes before turning to the specific question of how immorality could be construed as a political argument for action against the threat of Antonius.

IMMORALITY REVISITED

Arguing immorality in Republican Rome often entailed presenting one's audience with a portrait corresponding to their expectations of depravity and vice. The portrait of immorality of Marcus Antonius delivered by Cicero during 44 and 43 and over the

927 Vell. 2.64: *Haec sunt tempora, quibus M. Tullius continuis actionibus aeternas Antonii memoriae inussit notas.*

928 See Juv. 10.125.

929 For Cicero's death, cf. Plut. *Cic.* 48; App. *B Civ.* 4.19–20.

course of several speeches displays themes and motifs of immorality and vice found also in the portrayal of enemies earlier in his career. This is one of the reasons earlier scholarship has tended to emphasize the generic nature of Roman oratorical abuse. As one of these topoi of invective, immorality has often been found irrelevant. Handbooks of rhetoric pragmatically enumerate certain aspects for the orator to attack whether or not the corresponding fault of character in the person attacked could be readily found. Scholars have pointed to the fact that Cicero's political rivals hardly were guilty of his, sometimes exaggerated, accusations; that he himself was also accused of the same faults; that he at times reconciled with them; and that he always had a "political" motive for his attacks. This search for the social reality behind invective has been a hard perspective for classical scholarship to shake off. Invective or immorality arguments in such interpretations veil the scholar's eyes and cloud the issue. It has also led to problems to tackle. Rational Romans could not very well believe these hyperbolic allegations, could they? Surely they did not put that much stock in something as irrelevant as character? Hence, they must have been comical, entertaining, expected but discarded. The Romans, scholars have argued, enjoyed these stinging pieces of invective, but they could of course see it for what it was: misdirection. The task of the historian is to sift through the empty rhetoric to arrive at what had really happened. Was Verres guilty of misgoverning his province and stealing statues? Was Catilina conspiring against the state? Was Gabinius perhaps something of a drunken buffoon? Was Marcus Antonius really an enemy of the state?

This study has taken a different approach, bracketing the question of whether or not immorality attacks were part of a genre, while consciously ignoring the question of their relation to truth, instead pursuing the immoral argument in oratory as something

relevant for the understanding of Roman political culture. This entails the view that moral accusations not only had to resonate with the audience's values and norms, but they also had to make sense. If moral character mattered in Roman society then attacks on morals had to be meaningful to an audience in order to be accepted at a primary level. That meaning in turn can be studied in its own right and we can search for its inner—cultural—logic. In this study this has also meant looking at surviving oratory first, not the categories of invective or rhetorical handbooks, to analyze what moral frameworks Cicero attempted to base his reasoning and his portrayals on.

From this perspective, then, it also makes sense that the portrayal of Marcus Antonius echoes some of Cicero's earlier inimical depictions. His portrait had to resonate with the same, more or less stable, moral culture. This furthermore gives us the opportunity to compare the portrait of Marcus Antonius with previously discussed depictions of immorality and thereby sum up some of the study's findings.

IMMORALITY PORTRAYED

Truth is, however, that the portraits Cicero painted of his enemies during his political career were far from identical carbon copies based on rhetorical guidelines. There were of course similarities, but there were also notable differences. Chrysogonus was a man of the city whose luxury gave away his immorality. Gaius Verres was above all a greedy, lustful, and cruel tyrant, while Catilina was a frenzied and sexually corrupting conspirator and a morally inverted soldier. Clodius was distinguished by sacrilege and incest and by effeminate clothes. The appearance of Gabinius was similar, but his true mark of immoral egregiousness was his gluttony and feasting. Piso did not appear immoral or effeminate, but he

was nonetheless a perverted Epicurean. They were all immoral, but this immorality could be portrayed in different ways. The portraits were wide-ranging but emphasized different aspects in the immoral pattern.

Hence, the most important similarity was the fact that they were all portrayed as immoral. But certain aspects of this immorality were also shared by this gallery of *improbi*. Their acts were often referred to with concepts such as *flagitium* or *improbitas*, often too with *turpitude* and *dedecus*. In this, the shame and disgrace of their lives and character were communicated. They were most of them tainted with *stuprum*, which meant sexual depravity and trespass, and with some form of lustful behavior. They were all described as *audaces* and frequently as frenzied, erratic, and insane. Upon scrutiny their lives showed definite signs of sexual and moral corruption. As a result they were passive and effeminate. Many of them were found in the immoral arena of the feast where gluttony and sexual excess coincided.

In this they were joined by Marcus Antonius—a man whose *flagitium*, *impudentia*, *nequitia*, and *libido* were impossible to bear;⁹³⁰ a man who should have been brought to ruin as a consequence of his immorality and *infamia*;⁹³¹ a man who had committed acts of *flagitium* and *stuprum* in his past and as a boy;⁹³² a man whose vices offered many opportunities for oratorical censure;⁹³³ a man whose *flagitium*, *turpitude*, and *dedecus* were unparalleled in the world.⁹³⁴

930 *Phil.* 2.15. For *flagitium*, see also e.g. *Phil.* 3.34; 7.15; 13.17; 14.9. For *improbitas*, see e.g. *Phil.* 2.63, 99; 7.3–5; 11.2.

931 *Phil.* 2.24.

932 *Phil.* 2.44–45, 47, 50.

933 *Phil.* 2.43.

934 *Phil.* 2.57–58, 76. For *turpitude* and *dedecus*, see also *Phil.* 5.16; 7.15–16; 14.9.

Cicero was no stranger to using history. In his attacks on Antonius he conjured up both Catilina and Clodius.⁹³⁵ His old foes mirrored his current one. Antonius had, he claimed, surpassed Clodius in every vice.⁹³⁶ He was equal to Catilina in wickedness (*scelus*) but inferior in *industria*, meaning energy or diligence.⁹³⁷ Another area where the orator found the comparison fruitful was in the representation of the immoral mind. Antonius had more *audacia* than Catilina, more *furor* than Clodius.⁹³⁸ The mind was in Cicero's oratory a significant part of the pattern of immorality.

Audacia was a trait that Cicero attributed to all of his enemies and often used in a court of law to argue guilt. In order to be immoral, it seems, you had first to be at odds with traditional society and in conflict with the *boni*, the good who were distinguished by their moral character. But audacity was not only immoral in itself. It was a concept that Cicero often latched on to other aspects of the mind—most prominently *furor*, frenzy and *amentia*, insanity.⁹³⁹ In the first big trial of Cicero's career not only was one of the immoral archetypes he offered the *homo audax*, but he demanded of the prosecutor that he showed unmatched *audacia* but also *furor* and *amentia* before anyone would believe that his client was guilty of killing his father. The audacious man was unbridled and uncontrolled. *Audacia* was furthermore often coupled in Cicero's oratory with other immoral traits.⁹⁴⁰ It could,

935 For this, see Evans 2008.

936 *Phil.* 2.18. See also *Phil.* 8.16.

937 *Phil.* 4.15.

938 *Phil.* 2.1. Note that he again starts his most furious invective with attacking the mind. For *audacia*, see furthermore e.g. *Phil.* 2.9, 19, 44, 90; 3.13, 25; 5.42; 9.15; 12.15; 13.29; 14.7.

939 For *audacia* and *furor*, see *Phil.* 3.31; 6.18; 10.11. *Furor* also e.g. *Phil.* 3.3; 4.3; 11.37. For *audacia* and *amentia*, see *Phil.* 3.2; 5.10. *Amentia* also e.g. *Phil.* 2.42; 5.37; and for Dolabella, *Phil.* 11.6, 9.

940 See for instance *Phil.* 3.25, 28; 8.21; 13.10. Cf. in particular *Sest.* 112.

as several times in the *Pro Quinctio*, be linked with *cupiditas*, or as often in the portrait of Verres with *avaritia*. In the *Pro Cluentio*, *audacia* was one of the strongest signs of Oppianicus' guilt. It demanded hatred and action from the community.⁹⁴¹ Hence it was readily believed that a person distinguished by *audacia* also had other moral flaws. An explanation for the close affinity between the audacious and the immoral man could be argued to lie in the role of tradition as a bearer of proper conduct and morality. In Cicero's portrayal of Antonius it is several times coupled with *impudentia*—shamelessness.⁹⁴² This too, was recurrent. The *Titi Roscii* whom Cicero identified as the culprits in the trial of Sextus Roscius were equals not only in immorality (*improbitas*) but also in audacity and *impudentia*.⁹⁴³ The *homo audax* was, by definition, a person in conflict with propriety and virtuous behavior; unprincipled, unscrupulous, and without shame.⁹⁴⁴ Antonius' audacity is described as inhuman.⁹⁴⁵ In his portrait it was enumerated together with lust, cruelty, and *impudentia* as his only qualities, in conflict with shame, modesty, and chastity.⁹⁴⁶ In fact, it was his audacity that made him an *improbus* or an immoral man.⁹⁴⁷ The prominence of *audacia* in Cicero's depiction of his enemies and its connection to both shameless behavior overall and other central immoral traits, strongly suggests

941 For this, see also in particular *Mil.* 42.

942 See e.g. *Phil.* 2.4, 19; 3.18; 6.6–7. This overlap is particularly evident in the portrayal of Sextus Aebutius in *Pro Caecina*, see *Caecin.* 1–2. For *impudentia*, see also e.g. *Phil.* 2.15, 81–82, 99; 3.10; 8.25; and for Lucius Antonius, *Phil.* 6.13; 11.10.

943 *Rosc. Am.* 118.

944 Santoro L'Hoir 1992, p. 22.

945 *Phil.* 2.68: *O audaciam immanem!* Also *Phil.* 2.4; 13.10.

946 *Phil.* 3.28.

947 *Phil.* 2.90. See also *Phil.* 14.7, for this overlap and for audacious as synonymous with bad (*malus*).

that the concept in Cicero's oratory might actually be seen as denoting immorality itself.⁹⁴⁸ The *homo audax* was the immoral man. *Audacia* was the origin of all evil and criminal deeds, Cicero maintained in the *Pro Roscio Amerino*.⁹⁴⁹ An observable cultural logic supports this—in Rome, immorality was the opposite of the character traits on which the elite prided themselves. And the *homo audax* was in fact the perverted and corrupted member of the elite.

In the *Second Philippic*, another aspect of the mind is added in the portrayal of Antonius: stupidity (*stultitia*). Cicero repeatedly mocks his opponent for his weak mind.⁹⁵⁰ This could in turn be linked closely in his oratory with *audacia*, the two qualities even said to be overlapping in Antonius.⁹⁵¹ Similarly, it could be linked with *furor*.⁹⁵² Piso was also accused of stupidity, but this does not seem to have been the orator's chief purpose.⁹⁵³ Cicero was content first when he had made the point that Piso was depraved. Stupidity could, however, serve as link to other concepts inherent in an enemy. Stupidity could be argued to point ahead to more crucial aspects of depravity.

Antonius' mind and nature were also repeatedly described as uncontrolled and ungoverned. He is portrayed as having an *effrenatio impotentis animi* and is described as *iracundus* (irritable) *contumeliosus* (insulting), and *superbus* (arrogant) and as always drunk.⁹⁵⁴ In particular his overindulging in wine is frequently commented upon. Antonius was a man who acted correctly with-

948 See also Merrill 1975, p. 13.

949 *Rosc. Am.* 75.

950 See for instance *Phil.* 2.8, 19, 29–30, 81.

951 *Phil.* 2.19.

952 *Phil.* 2.65. Also *impudentia*, *Phil.* 2.81–82.

953 For the association between *stultitia* and *improbitas*, see *Caecin.* 23, 30.

954 *Phil.* 5.22 and 5.24.

out cause or for no reason, but acted offensively as a result of his *nequitia* or wickedness.⁹⁵⁵ This lack of control also tied into other aspects of the immoral man.

Greed for instance spoke to the same poor self-control. Antonius, Cicero claimed, had been overtaken by the wealth of Caesar. He had become *egens*, needy as a result. It is incredible and almost portentous, he said, how much he squandered in so little time.⁹⁵⁶ The immorality of greed was axiomatic in ancient Rome and of great concern to the elite. Greed, *avaritia*, and desire, *cupiditas*, could therefore logically and with ease be connected to other traits of immorality.⁹⁵⁷ At no time in Cicero's career were these concepts more prominent in his oratory than when he prosecuted Verres. Although *avaritia* loses its place of prominence in the pantheon of Ciceronian immorality after that, *cupiditas* remains one of the more frequent character traits in Cicero's representations of his enemies.⁹⁵⁸ The immoral man lacked restraint and was also driven by his covetous longings. As consul, Cicero had emphasized the *furor* and *cupiditas* of Catilina as his motivation for conspiracy.⁹⁵⁹ Sassia was impelled by her desire into depravity and crime. Sexual lust, which always lay close to desire in general, was particularly dangerous in this regard. About Antonius, Cicero claims:

*Semper eo tractus est, quo libido rapuit, quo levitas, quo furor, quo vinulentia.*⁹⁶⁰

955 *Phil.* 6.11.

956 *Phil.* 2.66: *Incredible ac simile portenti est, quoniam modo illa tam multa quam paucis non dico mensibus, sed diebus effuderit.*

957 For *cupiditas*, see *Phil.* 2.117; 3.25. For *avaritia*, see 2.97, 115; and cf. 13.18.

958 He does however seem to have defended his clients regularly against *avaritia*.

959 *Cat.* 1.25. Also *Cat.* 1.22; and *Sull.* 17.

960 *Phil.* 6.4.

He has always been dragged where his lust, levity, frenzy, and drunkenness have seized him.

Antonius is a man who has never governed himself; a man who is impelled by his lust, his *furor*, and his drunkenness. The immoral traits that the Roman elite feared were aspects which drove their members into doing wrong. Greed made you plunder. Desire threatened others. *Furor* led you to conspiracy and crimes against the state. Lust made you violate the chastity of others. Verres, Piso, and Gabinius were all accused of sexual assault as a consequence of their lust. The lust of Antonius was likewise intolerable.⁹⁶¹ He was driven by his lust.⁹⁶² Because of his immorality, he could not be counted on. In Cicero's portraits, *avaritia*, *cupiditas*, and *libido* form a triad of uncontrolled wantonness, sexual and material. The orator did not need to distinguish between them in his oratory. An interesting aspect to this is offered in the *Second Philippic*. The immoral, Cicero asserts, have no estimation of praise and glory which were, as we have seen, key components to the elite at Rome. Just as people who because of some illness or numbness of sensation cannot taste the flavor of food, so the lustful, greedy, and the criminal cannot, he claims, savor real praise.⁹⁶³ It therefore does not lead them into making good. Instead they are compelled to commit wrongs, spurred by their immorality. As Cicero states in the *Pro Roscio*, the unbridled and lustful mind is compelled to crime.⁹⁶⁴ Verres had acted *multa libidinose* against

961 *Phil.* 2.15. For *libido*, see furthermore, e.g. *Phil.* 2.45, 71, 105, 115; 3.28, 35; 5.33; 6.4; 13.17.

962 *Phil.* 2.45: *hortante libidine*. See also the attack on Dolabella in *Phil.* 11.9; and the brothers Antonius in *Phil.* 13.10.

963 *Phil.* 2.115: *Sed nimirum, ut quidam morbo aliquo et sensus stupore suavitatem cibi non sentiunt, sic libidinosi, avari, facinerosi verae laudis gustatum non habent.*

964 *Rosc. Am.* 39.

the Sicilians and was a slave to his lust.⁹⁶⁵ The Catilinarian conspirators all had cultivated unnatural lusts which drove them first to destitution and then into conspiracy. Who, Cicero wondered, remembering Lentulus' insane lust was surprised at his plots? Was not Autronius—always audacious and lustful—convicted by his life, *natura*, and *mores*? In the speeches against Catilina, Cicero also placed lust in opposition to restraint as two sides of the moral coin. The principle was especially prevalent in the portrayal of Piso as not only lustful (*libidosus*) and filthy (*impurus*) but also *intemperans*—intemperate or unrestrained.⁹⁶⁶

Other aspects of sexual immorality besides lust were essential to Cicero's portraits. He accused his enemies of *adulterium*, *stuprum*, and *incestum*, concepts that were closely linked and that were often joined with *flagitium*. The immoral man engaged in disgraceful and shameful sexual activity. This was also construed as dangerous for the community. Sexual depravity could endanger the relationship with the gods or the collective chastity of free women and young men. The immoral man had himself been sexually corrupted at a young age. This meant that Roman views on morality dictated that once sexually corrupted, these men would cause harm also to others. Immorality bred immorality. Sexual immorality meant that these men were seen as passive. Verres and Clodius were women among men. But this effeminacy was not only deriding and humiliating. Among Catilina's followers, Cicero paid special attention to the young men whose lust he had serviced before extending to them the torch of conspiracy. Now they reclined at banquets with older men. An accusation of passiveness also meant that a man was not a *vir* and therefore not fit for public duty. In this, Antonius was no exception. His

965 *Verr.* 1.56; 2.4.112.

966 *Red. sen.* 13–14.

childhood, too, was marked by *stuprum* and *flagitium*.⁹⁶⁷ He is described as an *impudicus* and as someone who has lost his chastity, his *puđicitia*.⁹⁶⁸ Like Clodius he is described as *effeminatus* and like Piso *impurus* and similar to his other enemies, Antonius is tainted by his immoral mouth, to the Romans shamefully denoting his sexual passiveness.⁹⁶⁹

The immoral portrait of Marcus Antonius comprises many of the aspects covered in this study. But before attributing this to simply being *pro forma* we should consider the possibility that the similarities stemmed from a cultural belief—that immorality was a total, all-encompassing quality. Cicero's lament of the character of his enemy serves as a good example of this view of immorality in Roman culture:

*Hanc vero taeterrimam beluam quis ferre potest aut quo modo? Quid est in Antonio praeter libidinem, crudelitatem, petulantiam, audaciam? Ex his totus conglutinatus est. Nihil apparet in eo ingenuum, nihil moderatum, nihil pudens, nihil pudicum.*⁹⁷⁰

But who can bear this most foul beast and how? What is there in Antonius besides lust, cruelty, impudence, and audacity? From this he is solely put together. Nothing in him shows any good nature, no moderation, no modesty, no chastity.

In portraying immorality, Cicero throughout his career chose to describe his enemies as solely immoral. Just as the character of Antonius was comprised of only immoral qualities, and no rewarding traits could be found, Verres had not spent a single hour in absence

967 For *stuprum*, see *Phil.* 2.47, 99; 3.15; 6.4.

968 *Phil.* 2.70; 3.12; and 2.3, 15; 3.15. See also *Phil.* 2.77.

969 *Phil.* 3.12; 12.13. For Antonius' mouth, see *Phil.* 2.68; 5.20.

970 *Phil.* 3.28.

of immorality and Catilina was behind every *flagitium* that had taken place for years. Modern readers will cringe at the hyperbole. We would probably find the statement more believable if Cicero had admitted to certain strengths or redeeming qualities. But while your typical Western modern politician would likely concede to his opponent's good side before attacking his bad ones, this made no sense to a Roman politician or a Roman audience. The cultural logic of immorality dictated this; a depraved character meant that there were no redeeming qualities. Therefore it was also possible to blame Verres of *omnia vitia*, every vice.⁹⁷¹ In Cicero's oratory there was no moderate immorality and no light depravity. He argued that a man was either good or bad—either moral or immoral. In this, the totality of immorality made sense in ancient Rome.

IMMORALITY DISPLAYED

How then could you convince your audience that a man lacked control of himself and that he was immoral? In this study I have attempted to show that one way to argue depravity in an adversary was that he displayed the signs of immorality.

Cicero himself spoke of signs (*indicia*) and marks (*notae*). There was no *indicium* of lust, crime, and audacity that could not be found on Verres, and Catilina's life was branded by every *nota turpitudinis*.⁹⁷² We do not need to know which signs and marks Cicero would have enumerated—if indeed he thought of it as being certain particular and not just general signs of immorality—the idea is consistent with his portraits. Immorality showed itself in your past life, your private affairs, as well as your behavior and appearance.

⁹⁷¹ *Verr.* 2.3.5.

⁹⁷² *Verr.* 2.3.5; *Cat.* 1.13.

There was an array of such signs that the Roman orator could summon in order to persuade his audience of immorality. Certain venues were clearly important. The city itself for instance could be immoral. It bred luxury, greed, audacity, and crime. The *scurra* or *ganeo* were city types that signaled corruption. If they were found in your company, you were tainted by them. The disgracefulness of the city could furthermore be differentiated from a more frugal and traditional life. Within the city, there was another treacherous arena of depravity: the feast or the drinking den. The banquet in turn could be described as either too luxurious, as Cicero did with Chrysogonus, or as sordid, as he did with Piso. The feast could be made to signal certain types of depravity: over-eating, drinking, and sexual debauchery. A sign that a feast was immoral—which was crucial to establish, as Cicero lectured Cato—could be its guests. The shameful nature of Verres' banquets, for instance, was signaled by the *meretrices* and *lenones* that took part in them. But sounds and smells were also giveaways, as were certain activities like love-making or dancing, or even worse, dancing nude. Throughout the *Philippics*, the immoral feasting of Antonius is a recurring theme:

*Apothecae totae nequissimis hominibus condonabantur. Alia mimi rapiebant, alia mimae; domus erat aleatoribus referta, plena ebriorum; totos dies potabantur, atque id locis plurius.*⁹⁷³

Whole wine cellars were made available to the lowest of men. Some things were looted by mime-actors some by mime-actresses; the house was stuffed with gamblers, full of drunkards. For entire days the drinking went on at different places.

973 *Phil.* 2.67. See also *Phil.* 3.31.

As shown here, the house was also a possible sign of immorality. In the immoral house, feasting went on. This was indicated by its guests and sometime by the loud noises. In the *Pro Quintio*, Sextus Naevius had a house closed to *pudor* and open to *cupiditas* and *voluptas*. Chrysogonus' house was described as a lodging house for every kind of *flagitium*. Piso's house even emitted the smell of debauchery. Antonius' house displays the signs of feasting, and is also likened to a den and a brothel.⁹⁷⁴ This of course meant that sexual debauchery and degrading submissive acts were taking place.

Chrysogonus' house was described as luxurious. *Luxuria* (or *luxuries*), from which the Roman authors recoiled and saw as antithetical to proper morality, was a sure sign of immorality, linked to greed and desire. Luxury betrayed foreign influence, lack of control, and effeminacy. Signs of luxury activated an array of meaning to an audience and could supply motives for crime. Those men who had gotten used to luxury would deplete their patrimonies before they conspired or pillaged. Importantly, *luxuria* pointed to *inertia*, idleness—deplorable in a Roman man. Nevertheless, outright accusations of *luxuria* are not as common as one might expect. Verres, of course, is the exception. His luxurious tastes ran alongside his lust. The same was true of Piso, and Gabinius even supported this kind of life by turning his house into a brothel. Others were not described in the same fashion. Although it gives some of his followers their motivation and Cicero described the conflict as a battle with *luxuria*, Catilina himself is not portrayed as a man of luxury.⁹⁷⁵ Clodius and Vatinius also escape relatively unscathed in this regard. Nor

974 *Phil.* 2.69: *Huius in sedibus pro cubiculis stabula, pro conclavibus popinae sunt.*

975 *Cat.* 2.11.

was Marcus Antonius portrayed as a Chrysogonus or Verres who desperately coveted Greek vases or statues.

Cicero did however frequently evoke the company that Antonius kept. In the passage above, his house is full the lowest of men, gamblers and drunkards. He travels in a retinue with actors and pimps.⁹⁷⁶ Particular for Antonius was his association with mimes, alluded to as sexual and in conflict with *pudor*.⁹⁷⁷ This was a frequent way to taint an opponent with sexual immorality. The list of Catilina's followers is a good example of this. Cicero furthermore consistently displayed signs of sexual immorality through certain individuals close to his main antagonists. Verres had his Apronius and Clodius his Sextus Cloelius. Both were arguably more harshly treated and described as having sexually stained mouths. Marcus Antonius was tainted by a man called Dollabella. In the *Eleventh Philippic* Cicero refers to Antonius and Dolabella as the foulest and filthiest creatures ever born, who had immoral natures and disgraceful lives.⁹⁷⁸ Dolabella, like Apronius and Sextus Cloelius had an incestuous mouth and had been corrupted in his youth.⁹⁷⁹ He served as a warning to watch Antonius carefully, Cicero maintained.⁹⁸⁰ Women were also used in this regard. Clodia smeared Clodius with incest while Verres' mistress Chelidon illustrated his unmanliness. Antonius had his mime, known as Volumnia whom he disgracefully kept as his travel companion.⁹⁸¹

Appearance, discussed at length in the previous chapter, was a powerful sign of an immoral character. Chrysogonus was distin-

976 *Phil.* 2.58.

977 *Phil.* 2.61: *Venisti Brundisium, in sinum quidem et in complexum tuae mimulae.*

978 *Phil.* 11.1: *duo haec capita [...], taeterrima et spurcissima; Phil.* 11.2: *impro-bissimae naturae et turpissimae vitae.*

979 *Phil.* 11.5: *os incestus.* Also *Phil.* 11.7.

980 *Phil.* 11.10.

981 *Phil.* 2.58. See also *Att.* 10.10, 10.16, 15.22.

guished by his walk, Gaius Fannius Chaerea by his shaved eyebrows, and Verres by his foreign clothes. Catilina's eyes shone with lust and Oppianicus' *audacia* could be observed. In his conflicts during the 50's BCE, appearance took on a new significance; Clodius was dressed, and carried himself, like a woman and a prostitute and Gabinius was a shaved dance-girl and a pimp with curly hair. Antonius was accused by Cicero of being nude.⁹⁸² This remark was in reference to a specific episode when he had, according to Cicero, harangued naked, smeared with unguents and drunk before the people.⁹⁸³ At another point, he ridicules Antonius for wearing foreign slippers and a *lacerna*, a type of mantle.⁹⁸⁴ Again, the orator took an aspect of one of his adversaries, something which might well have occurred, and offered his audiences the interpretation that this appearance mirrored their true nature.

In sum, recurring signs of immorality were invoked in oratory to illustrate, and argue, their depraved character. Like the portraits themselves, these signs were not identical. Not every immoral house was the same, not every type of company was similar. But Cicero claimed that all his adversaries displayed signs of their depravity. In this, he argued and negotiated not only their trustworthiness or authority, but also their place in society.

THE LOGIC OF IMMORAL LIFE

*Visne igitur te inspiciamus a puero? Sic opinor; a principio ordiamur.*⁹⁸⁵

Would you like us then to examine you as a boy? I think we should; let us start at the beginning.

982 *Phil.* 2.86, III.

983 *Phil.* 3.12; 13.31.

984 *Phil.* 2.76. For the dress of Antonius, see Heskell 1994, pp. 136–137.

985 *Phil.* 2.44.

Heretofore, we have seen in this chapter that Cicero opted to portray the enemy of Rome as an immoral man and that he used certain signs of immorality to trigger a wider context of meaning. In Cicero's oratory, nothing was arguably a more important sign of immorality than past life. Frequently, his opponents had a history of sexual depravity. Again, Antonius was no exception. In describing the immoral youth of Antonius, Cicero also illustrated vital Roman perceptions of morality that in turn gave these depictions relevance in oratory.

When portraying the depravity of Antonius, Cicero started at the beginning. The boyhood of a member of the elite made sense as a starting point when trying to taint him with immorality because it was conceived as a vulnerable part of a Roman man's life. Cultural expectations of the protection of the young man's *pudicitia* and its subsequent importance ensured this. Cicero narrated Gabinius' life as starting with a boyhood marked by *impudicitia* which was then followed by a lustful adolescence and years of disgrace before he turned to corrupting the state. He and Clodius were described as having been available to the vile lusts of older men in their youths. Like the seditious Gellius Poplicola, Cicero explained their offences against the *res publica* with their past impurity which had given them insatiable desires. Even the scorned Vatinius had an *adulescentiae turpitude*, although like Piso's it was hidden by obscurity.⁹⁸⁶ But Vatinius too was a man whom Cicero called violent and accused of crimes against the Republic. Who did not believe that Lucius Catilina—a man from boyhood schooled in every type of *flagitium* and *stuprum*—would grow up to conspire against the state?⁹⁸⁷ Sexual corruption was a logical explanation for crimes against the community.

986 *Vat. 11; Pis. 1.*

987 *Sull. 70.*

It was Cicero's intention to portray Marcus Antonius as a *hostis*, as an enemy of Rome. He logically traced this to his early years:

*Sumpsisti virilem, quam statim muliebrem togam reddidisti. Primo vulgare scortum, certa flagitii merces, nec ea parva; sed cito Curio intervenit, qui te a meretricio quaestu abduxit et, tamquam stolam dedisset, in matrimonio stabili et certo collocavit. nemo umquam puer emptus libidinis causa tam fuit in domini potestate quam tu in Curionis. Quotiens te pater eius domu sua eiecit, quotiens custodes posuit, ne limen intrares! Cum tu tamen nocte socia, hortante libidine, cogente mercede per tegulas demitterere. Quae flagitia domus illa diutius ferre non potuit.*⁹⁸⁸

You assumed the toga of manhood, and immediately turned into the toga of a prostitute. At first you were a common whore, with a fixed price for your disgraceful acts, and not a small price; but soon Curio intervened and led you from the prostitution business and as if giving you a matron's *stola*, he placed you in a stable and certain marriage. No boy bought for the sake of lust was ever so in his master's power as you were in Curio's. How often did his father throw you out of his house, how often did he place guards so you could not enter! Still, with the aid of night, urged by your lust, driven by profit, you sneaked in through the roof tiles. Such shameful acts the house itself could endure no longer.

This passage is notorious.⁹⁸⁹ It is often identified as a particularly harsh piece of invective.⁹⁹⁰ We might be prone to dismiss it as an

988 *Phil.* 2.44–45.

989 For discussion of this particular passage, see Richlin 1992, pp. 14–15; Edwards 1993, pp. 64–65; Corbeill 1996, p. 139; Langlands 2006, pp. 306–307.

990 Cf. Pitcher 2008, pp. 131, 138. See also Ker 1926, p. 63, n. 1.

exaggerated or even vulgar attempt at humiliating a hated enemy and, to be sure, this is one of the fiercer attacks in the Ciceronian corpus of oratory on the manhood of one of his opponents. But in fact, I believe it also made perfect political sense. Cicero's other enemies had all been portrayed in this manner. They had all been seen as threatening to the state. The sexually corrupted man endangered the state, indirectly but also directly. There is however one more moral-cultural logic that instills this passage: Roman social hierarchies.

In the orator's narrative above, Antonius is a man corrupted at a young age. Rather than becoming a man in taking on the toga of the *vir*, he becomes a whore by taking on the toga of the prostitute. We could regard this as mere slander, but the dichotomy itself is significant. It is grounded in a basic understanding of Roman society. Clothes illustrate morality because they illustrate status. The *vir* and the prostitute occupy diametrically opposed positions in the Roman hierarchy of social status.⁹⁹¹ The *vir* is the leader of society, while the prostitute is without status or *infamis*. This is logical from an immorality perspective. As discussed earlier, the status of the male member of the Roman elite was not separately connected to his gender, but to his position in a power structure. The *vir*, which in itself is a specific status within the category of man, is defined by his freedom and dominance. The status of the prostitute is linked to the same societal structure and defined by servitude and submission. In Cicero's depiction, Antonius becomes the object of another man's desires; he is explicitly in the power of another man. This refutes his status as a *vir* because of a cultural understanding of society as divided into those who dominate and those who are dominated. When portraying Gabinius as an effeminate glutton, he explicitly did this in contrast with the *vir*.

991 Cf. Richlin 1992, p. 27; Ruffell 2003, p. 59.

Immorality was part of the grading scale of society's hierarchy. The most moral were at the top, the most immoral at the bottom. Exclusion from the elite was logically construed as a moral question. Portraying Antonius as a whore therefore becomes meaningful to an audience regardless of whether or not he had prostituted himself.⁹⁹²

In the representation of Antonius as a whore, manhood and servitude converge. The bias of the audience gives the portrayal meaning and power. But other key concepts pertaining to Roman morality are also evoked. Cicero links the portrayal to other aspects of immorality, specifically greed and lust. As a young man, Antonius' corruption is caused by lust. This also leads to lust according to the logic that immorality causes immorality. But this is also presented by Cicero as connected to his lust for money. The connection does not break the chain of reasoning. Sexual lust and greed are what motivates Antonius into submitting to the lust of others and what then motivates him to sneak past the guards. To Roman moral sensibilities, a lust for money and a lust for sexual gratification were conflated. In this way, an immoral character could be presented as persuasive to an audience. Lust could signal greed. Greed could signal lust. In sum, it is therefore not merely stated that Antonius is immoral, but argued through meaningful signs and relevant links, and with the aid of cultural logic.

Portraying adversaries as slaves, prostitutes, gladiators, or other *infames* is a question of portraying and arguing immorality. Dichotomies could be upheld as part of the understanding in Roman culture of who was capable of having a moral character. The following depiction of what goes on in Antonius' house serves to illustrate these hierarchies:

992 Cf. Pitcher 2008, p. 136.

*At vero te inquilino (non enim domino) personabant omnia
vocibus ebriorum, natabant pavimenta vino, madebant parietes,
ingenui pueri cum meritoriis, scorta inter matres familias
versabantur.*⁹⁹³

While you were staying there (for you were not the master of the house) drunken voices were heard everywhere, the paved floors swimming in wine, the walls were wet, freeborn boys consorted with those that were for hire, whores among mothers of families.

Amidst this vivid scene of depravity, Cicero makes sure that Antonius is not the master, the *dominus* of this house. Rather, he is part of the meltdown of social and moral hierarchies that take place.⁹⁹⁴ Freeborn boys and those that prostituted themselves, whores and mothers were all intermingled. The status of everyone, not least Antonius, is crucial. Immorality is depicted through these statuses while also pointing toward its dangers. An immoral society is a society where moral hierarchies have collapsed.

The moral argument was grounded in society's hierarchy. Immorality was detrimental to the proper behavior of a *vir*: *Virtus* signaled the role and responsibility of the elite Roman male: as a guardian of family and, in the role of politician, of society. But *virtus* did not merge with depravity. Character tainted with disgrace could not be manly in the Roman sense. *Virtus* was not just courage or bravery, but a moral quality. Not everybody was entitled to it, but some of those who were lost this prerogative. They lost it as a consequence of their immorality:

993 *Phil.* 2.105.

994 For this, see also Edwards 1993, p. 175.

*ecquo te tua virtus provexisset? ecquo genus? In lustris, popinis, alea, vino tempus aetatis omne consumpsisses, ut faciebas, cum in gremiis mimarum mentum mentemque deponeres.*⁹⁹⁵

Would your virtue have elevated you? Your birth? In debauchery, drinking dens, gambling and wine would you have wasted all the days of your life, as you did, when you surrendered your chin and your mind in the laps of mimes.

IMMORALITY AS POLITICAL ARGUMENT

The interaction between immorality and the political culture was not only dependent on the orator's attacks on his enemies; political issues could also be presented in moral terms. The conspiracy led by Catilina was an immoral offense against the state, construed by the consul as a war between virtue and vice. So too did he explain the difference between the two sides in the battle for the Republic. Antonius should be seen as an enemy of the state and those he fought should be considered its saviors. While Antonius is a man tainted by his sexual immodesty (*impudicitia*) and sexual trespass (*stuprum*), Octavianus is his moral counterpart:

*Quis enim hoc adulescente castior, quis modestior? Quod in iuventute habemus illustrius exemplum veteris sanctitatis? Quis autem illo, qui male dicit, impurior?*⁹⁹⁶

For who is more morally pure than this young man, who is more modest? What more illustrious example of traditional purity do

995 *Phil.* 13.24.

996 *Phil.* 3.15. Also: *Phil.* 13.19.

we have among our youths? And who is more impure than he who abuses him?

In this way, immoral portrayal could be a direct political argument. Traditional moral values were here positioned against moral impurity. The young man who had protected his chastity stood against the man who had not. The war could thus be understood as a conflict of morality. “What,” asks Cicero, “can be fouler and filthier and less decent than marching against the Senate, against the citizens and against the fatherland?”⁹⁹⁷ The man who threatened the *res publica* was in Cicero’s oratory, by definition, an immoral man because the act itself was immoral. This also meant that immorality and threat were rationally linked.

As I have discussed earlier, acts of depravity and disgrace could also be included in the list of political offenses made by one of Cicero’s enemies. Clodius’ incest could be listed next to political violence or destruction. When attacking Catilina, Cicero made no distinction between his murders and his *stuprum*. One argued the other. The man who committed acts of sexual indecency could not only be a more believable murderer; such a train of thought followed a cultural logic that dictated that the immoral man without fail would end up hurting others. It is therefore not necessarily the case that Cicero wants to verify murder by immorality, but rather that murder follows from immorality. In the wake of *flagitium* you would find crime. Cicero also chose to present the political trespass of Antonius as naturally related to his immoral acts:

997 *Phil.* 13.14: *Quid autem turpius aut foedius aut quod minus deceat quam contra senatum, contra cives, contra patriam exercitum ducere?*

*Quod quidem cuius temperantiae fuit, de M. Antonio querentem abstinere maledictis! praesertim cum tu reliquias rei publicae dissipavisses, cum domi tuae turpissimo mercatu omnia essent venalia, cum leges eas, quae numquam promulgatae essent, et de te et a te latas confiterere, cum auspicia augur intercessionem consul sustulisses, cum esses foedissime stipatus armatis, cum omnis impuritates impudica in domo cotidie susciperes vino lustrisque confectus.*⁹⁹⁸

What self-control it was to abstain from abuse when complaining of Marcus Antonius! Particularly when you dispersed with the last remnants of the Republic, when at your house with foulest of trades everything was for sale, when you admitted that those laws that had never been promulgated had been presented by you for you, when you as augur abolished the auspices and as consul the tribune's veto, when you were most disgracefully surrounded by armed men, when you daily submitted to all forms of impurity in your shameless house, exhausted by wine and debauchery.

Specific political acts are here linked with Antonius' household depravity and sexual dishonor. To be sure, this type of passage is one where the reference to his immorality could very well be seen as illogical and as political misdirection. The speech itself is often seen as an exaggerated attempt to humiliate Antonius. But we cannot fail to realize by now that Cicero offers his audience the logical connection that a man who is exhausted by immorality and who is the feminine and submissive party in his sexual depravity also corrupts the state, her laws, and her religion. Antonius' immorality explained his acts. The reasoning returns in the *Sixth Philippic*:

⁹⁹⁸ *Phil.* 2.6. For *impudical/pudica* in this passage, see Langlands 2006, p. 308.

*Quid enim ille umquam arbitrio suo fecit? Semper eo tractus est, quo libido rapuit, quo levitas, quo furor, quo vinulentia; semper eum duo dissimilia genera tenuerunt, lenonum et latronum; ita domesticis stupris, forensibus parricidiis delectatur, ut muliericitius avarissimae paruerit quam senatui populoque Romano.*⁹⁹⁹

For what has he ever done of his own initiative? He has always been dragged where his lust, levity, frenzy, and drunkenness have seized him; two different types of people have always held him in their grip, pimps and bandits; so much has he enjoyed his *stuprum* at home and his parricides in the Forum that he rather obeyed a greedy woman than the Senate and People of Rome.

In both passages quoted above, Antonius' desire for sexual immorality was presented by Cicero as in direct conflict with the political culture.¹⁰⁰⁰ His immoral character was thereby made a political issue. Let us pass over his *stuprum* and immorality, Cicero says at one point, for my mind hastens to the acts he performs daily.¹⁰⁰¹ In Cicero's oratory, these acts did not occupy diametrically opposed ends of the scale. Immorality was not irrelevant for political issues at hand. The immoral feast too could be positioned in direct conflict with politics. State business is described by Cicero as being postponed due to his drinking and feasting or as taking place at birthday parties in his gardens for the depraved.¹⁰⁰² Breach of the political culture could likewise be explained by his loss of *pudor* and *pudicitia*.¹⁰⁰³ In other parts

999 *Phil.* 6.4.

1000 See also *Phil.* 2.71; 5.33

1001 *Phil.* 2.47: *Sed iam supra et flagitia omittamus.*

1002 *Phil.* 3.30. See also *Phil.* 2.15.

1003 *Phil.* 2.15: *Adeone pudorem cum pudicitia perdidisti, ut hoc in eo templo dicere ausus sis.*

of the *Philippics*, Cicero links Antonius' pillaging with his association with mimes. In one passage, Cicero describes how Antonius had vomited at an assembly of the Roman people from his drinking. Just like Gabinius, Antonius was a glutton (*belluo*) his drinking emphasized to illustrate his excessiveness and lack of control.¹⁰⁰⁴ This was not just a matter of reproach in itself but had consequences for his acts as a politician. Repeatedly, Cicero constructed the immorality of Antonius as a political argument. He had done so throughout his career. Verres' immorality was a military concern. The disgraceful appearance of Piso and Gabinius illustrated their crimes against the state. Clodius was a *popularis* and Gellius was seditious because they were both depraved and effeminate. Immorality could be presented as a political matter and urge political action. In 44 and 43 BCE, Cicero perceived the state to be in danger. He wanted the Senate to act against this threat. This danger he also argued in moral terms:

*Accipite nunc, quaeso, non ea, quae ipse in se atque in domesticum (de)decus impure et intemperanter, sed quae in nos fortunasque nostras, id est in universam rem publicam, impie ac nefarie fecerit; ab huius enim scelere omnium malorum principium natum reperietis.*¹⁰⁰⁵

Hear now, I beg you, not that which concerns the disgrace he brought upon himself and his house with impurity and immodesty, but the acts of impiety and sacrilege which he has done against us and our fortunes, that is, against the entire Republic; for from this man's wickedness you will discover was born the beginning all our ills.

1004 *Phil.* 2.65.

1005 *Phil.* 2.50.

THE THREAT OF IMMORALITY

In his battle for the Republic, Cicero chose to portray the enemy of Rome as not only an enemy, but also an immoral enemy. In order to convince his peers, and the people, he thereby relied to no small degree on the moral concerns of his audiences. In Roman society, immorality could be conceived of as a serious threat.¹⁰⁰⁶

A man with corrupted morality was unworthy of being a member of the elite. He could not be trusted with guarding the *res publica*. His immorality made him unfit for public life. His lack of control made him undependable. He would feast and drink instead of conduct his political duties and, like Verres and his province, end up controlled by immoral men and women. The effeminacy that followed from such depravity was likewise damaging to the military prowess of Rome. In the third speech against Antonius, Cicero held that as long as there was immorality among the elite, no one was safe:

*Qui enim periculo carere possumus in tanta hominum cupiditate et audacia?*¹⁰⁰⁷

How can we be free from danger when men display such vast desires and audacity?

Immorality was, Cicero emphasized time and again, dangerous and not just because it made the elite weak. The immoral man was likely to commit crimes to sustain his costly depravity and would eventually threaten the state. Immorality posed a threat also to Rome's relationship with her gods. Verres' greed for instance had

1006 Cf. Barton 2001, p. 27. See also May 1996, pp. 152–153.

1007 *Phil.* 3.25.

caused him to steal from sanctuaries. Immorality would lead to the destruction of temples and altars. Marcus Antonius' trespass against the Republic was in the same manner presented by Cicero as a religious threat:

*Serius omnino, patres conscripti, quam tempus rei publicae postulabat, aliquando tamen convocati sumus, quod flagitabam equidem cotidie, quippe cum bellum nefarium contra aras et focos, contra vitam fortunasque nostras ab homine profligato ac perdito non conpari, sed geri iam viderem.*¹⁰⁰⁸

Although, conscript fathers, altogether later than demanded by this time for the Republic, we are gathered here at length: something which I have urged daily, witnessing as I have a sacrilegious war not only being prepared, but already being waged against our hearths and houses, against our lives and fortunes by a profligate and corrupt man.

Clodius' lust was a prime example of this religious threat. Immoral lust was insatiable and only led to further acts of lust until the entire *pudicitia* of Rome was in danger. His desire caused him to violate sacred rites. This act was construed as immoral and effeminate by Cicero. Marcus Antonius and his brother fitted the description:

*Quas enim turpitudines Antonii libenter cum dedecore subierunt, easdem per vim laetantur aliis se intulisse. Sed vis calamitosa est, quam illis obtulerunt, libido flagitiosa, qua Antoniorum oblita est vita.*¹⁰⁰⁹

1008 *Phil.* 3.1.

1009 *Phil.* 14.9.

For such foulness as the brothers Antonius freely submitted to their own disgrace, they have with force gladly inflicted upon others. But the violence is disastrous for those who endured it, the immoral lust of the brothers a stain on their life.

The passage well illustrates Roman moral-cultural logic. Those who have been made subject to immorality will inflict it on others. This imperiled in particular certain groups in society perceived of as vulnerable. The depraved could even, like Catilina, turn these groups against the state since once they had lost their moral integrity their path was set for destruction. These arguments all rested on a particular notion about immorality: that it was corrupting and would lead a person to corrupt others.¹⁰¹⁰ In Cicero's depiction of Marcus Antonius, this cultural logic forms a crescendo. It explained the most terrible threat of all—the threat of slavery.

In the *Third Philippic*, held before the Senate, Cicero again makes use of history. He proceeds from the claim that an immoral man is threatening Rome by comparing Marcus Antonius with her quintessential historical antagonist, Tarquinius Superbus, the king who was overthrown and whose banishment was the start of the Republic for which Cicero now—rightly as it turned out—feared.¹⁰¹¹ Like the tyrant, Antonius is a *homo amens*, audacious, cruel, and distinguished by *furor*.¹⁰¹² He is *impudens*, shameless, and greedy, more so even than the historical tyrant.¹⁰¹³ As we have seen throughout the course of this study, these were all marks of the immoral man. As we saw in the portrait of Verres, this immorality could be presented in the shape of the foreign tyrant.

¹⁰¹⁰ For cruelty as connected to sexual submission, see *Phil.* 11.8–9.

¹⁰¹¹ See also *Phil.* 2.87. *Tyrannus* also *Phil.* 2.90, 96, 117; 13.17–18. Cf. *Phil.* 4.3. For Antonius as tyrant and king, see Stevenson 2008a.

¹⁰¹² *Phil.* 3–5.

¹⁰¹³ *Phil.* 3.10.

But there was also another link with the old king. The threat from Antonius, Cicero fiercely argued, was in the end the threat of slavery for the Roman people.¹⁰¹⁴ Because of the previously discussed dichotomy between free and unfree, such a threat was of course appalling. Nothing could be worse than slavery. Cicero then in no uncertain terms links this threat—and his portrait of Antonius as *hostis*—to a familiar form of immorality:

*Cum autem omnis servitus est misera, tum vero intolerabilis est servire impuro, impudico, effeminato, numquam ne in metu quidem sobrio.*¹⁰¹⁵

But even if all slavery is wretched, it is in truth intolerable to be slaves under an unclean, sexually corrupted, effeminate man, who never even in fear is sober.

The passage is not comical or mocking. It certainly does not appear out of place in the speech. The conclusion to Cicero's comparison instead made perfect sense. The connection between sexuality and servitude was not only implicitly understood; it could be overtly referenced.¹⁰¹⁶ But what made the link between the immorality of Antonius and slavery poignant was a cultural logic which Cicero explicitly referenced. In the *Second Philippic*, Cicero makes reference to an episode where he claimed that Antonius had attempted to place a diadem upon the head of Caesar, thereby announcing him as a king.¹⁰¹⁷ This, Cicero held, would have meant placing the Roman people under slavery to a tyrant. But

1014 For the threat of slavery, see also *Phil.* 5.21; 6.19; 8.12; 10.18, 20; 13.31. Cf. *Phil.* 4.11.

1015 *Phil.* 3.12.

1016 See also *Phil.* 3.28–29.

1017 *Phil.* 2.85–87. See also *Phil.* 5.38; 10.7; 13.17.

he should have asked for it himself alone, the orator professed, “you who ever since a boy have lived so, as to submitting yourself to anything” (*qui ita a puero vixerat, ut omnia paterere*).¹⁰¹⁸ Because he had been sexually submissive, Antonius would himself endure slavery with ease. In fact, he already was a slave. In the *Thirteenth Philippic* the same logic returns. In his youth Antonius had endured the lusts of his own personal tyrants.¹⁰¹⁹ Later in the same speech, Cicero again links immorality with the threat of servitude: drunken, smeared in perfume, and nude Antonius had tried to place the Roman people in slavery.¹⁰²⁰ Antonius was, as Cicero’s portrait makes clear, tainted by immorality. His moral integrity was corrupted by sexual disgrace. As a grown man he would therefore suffer the tyranny of Caesar. Submitting sexually meant submitting in all areas of life, and the manner in which you had lived your life was the argument. The political consequence of Antonius’ immorality is made abundantly clear. Slavery is argued from immorality. It is persuasive because Antonius had lost his sexual and therefore moral integrity which by cultural logic meant that he himself was in servitude and because as an immoral man he would eventually impose this on others.

Antonius has become an enemy of all good men. His actions in Rome are ruinous and illegal. He attempts to march an army on Rome, and the nature of this army is immoral. His soldiers feast and drink in excess and violate mothers, virgins, and freeborn boys.¹⁰²¹ Cicero then for his audience brings back the important link between immorality and political threat:

1018 *Phil.* 2.86.

1019 *Phil.* 13.17.

1020 *Phil.* 13.31: *Lupercorum mentionem facere audet neque illius diei memoriam perhorrescit, quo ausus est obrutus vino, unguentis oblitus, nudus gementem populum Romanum ad servitatem cohortari.*

1021 *Phil.* 3.31.

*Nemo est tam stultus, qui non intellegat, si indormierimus huic tempori, non modo credulem superbamque dominationem nobis, sed ignominiosam etiam et flagitiosam ferendam esse. Nostis insolentiam Antoni, nostis amicos, nostis totam domum. Libidinosi, petulantibus, impuris, impudicis, aleatoribus, ebriis servire, ea summa miseria est summo dedecore coniuncta.*¹⁰²²

No one is so stupid, that he does not realize that if we remain sleeping at this time, we shall have to bear despotism that is not only cruel and arrogant, but also shameful and disgraceful. You know the insolence of Antonius, you know his friends, his whole house. To be made slaves to the lustful, to the petulant, to the impure, to the sexually corrupted, to the gamblers and the drunken is the worst kind of misery joined with the worst kind of shame.

Nothing, he says, is more detestable than disgrace (*dedecus*), nothing fouler than servitude.¹⁰²³ The threat of Marcus Antonius is an immoral threat. He threatens the *res publica* because of his depravity in the past. This was culturally sound logic. It is precisely his immorality that makes him an enemy.

¹⁰²² *Phil.* 3.34–35.

¹⁰²³ *Phil.* 3.36. Also: *Phil.* 12.15–16. Cf. *Har. resp.* 61.

CONCLUSIONS: MAKING ENEMIES

MARCUS TULLIUS CICERO HAD a long career. This study has focused on one aspect of a spectacularly diverse political legacy. By studying the antagonistic portrayals that the man from Arpinum communicated to Roman audiences, I have sought to understand the place of immorality in his oratory and in the political culture within which he acted. Accusing an opponent of vice and arguing that politics could be understood in terms of morality were certainly not the only strategies available to an orator in Rome, but they made sense from a cultural perspective. Morality mattered in Rome, so immorality mattered in Roman oratory.

In summing up the findings, three aspects will be highlighted in this last chapter. First, this study has shown that immorality in Roman political oratory was not primarily understood or identified as a pointless exercise of skill, amusement, or topical slander, but could be construed as a meaningful argument and seen and presented as central for the acts performed within the political culture. Furthermore, the degree to which Cicero employed the immorality argument in various situations and stages of his career has been demonstrated.

Second, immorality in Roman political oratory triggered a context of ideas, attitudes and apprehensions—a shared cultural belief system—which I have termed a web of immorality. By referencing single strings in this web, the orator could link accusations to a coherent whole. In studying Cicero's attacks on moral

character, this cultural web has been bared.

Third, I have argued that by looking at immorality in Roman political oratory, a cultural logic of immorality can be traced and mapped out which not only made moral character a vital aspect of politics and trials, but from which immorality could be persuasively argued by orators in order to influence political and forensic outcomes. This furthermore ensured that accusations of immorality made sense to the audience within the context of the speech and the arena. By following the patterns of this cultural logic the study has shown that several of Cicero's moral attacks on his enemies, instead of being viewed of as slanderous, scandalous, and hyperbolic, can be seen as serving a rational political argument to which an audience could relate.

These three aspects will now be dealt with in turn. But first we will return to the premise of the study itself.

THE MEANING OF IMMORALITY

In my attempt to show the place of immorality in Roman political culture, however, it has not been my intention to claim that immorality was everything in ancient Rome. Nor have I wished to portray the Romans as irrational or fundamentally uninterested in facts or truth. Instead I argue that there was a cultural link between immoral character and life on the one hand and facts and truth on the other. While this means that immorality should not be automatically discarded as irrational or illogical, it is also true that playing the immorality card did not trounce all other arguments on the orator's stage or in the private life of Romans. Not all issues depended on the immorality argument. Instead, I have aimed to include immorality in the political culture as a whole: a culture that included just as much praise and virtue as it did censure and vice; that included strategic military

debates, deals made behind the scenes, bribery and violence, as well as advice and reasoning based on other concerns than moral ones. But it also, just like our own society, included a hefty dose of immorality. What I have tried to show is that immorality was a possible—and at times logical—argument to choose among a range of other alternatives. I have tried to give immorality a patent place at the political table.

For us, an immorality argument is most often a flaw. Modern sensibilities, frequently if not always, dictate that by its very nature, immorality clouds the issue. It can and should be rejected as empty rhetoric seeking to elicit an emotional rather than a rational response. We feel politicians should be elected on basis of their political skill not their moral character. But to the Romans, character was only a natural, only a logical merit to consider and evaluate. When our modern-day politicians try to portray their opponents as immoral, we call it mudslinging or a smear campaign. Today, immorality is seldom stated outright. It is inherently beside the point. Therefore, modern politicians have to be careful since our societies often, if certainly not always, display great anxiety over the overlap between morality and politics. Over his long career, Cicero did not display the same anxiety. In his political culture immorality was politics.

That Cicero frequently in his career explicitly argued the importance of the immorality argument does not mean that immorality did not carry with it certain caveats for the Roman orator as well.¹⁰²⁴ Apparently, a Roman audience could blush. We might see some of Cicero's portrayals as extreme, but there was a line. The author of the *Ad Herennium* stated that the orator had to explain why he attacked someone and Cicero himself admits that

¹⁰²⁴ See e.g. *De or.* 2.242. For a discussion of Roman views on obscenity, see Richlin 1992, pp. 1–31.

attacks on opponents could be thought of as inappropriate, scandalous and most of all hypocritical. Other genres illustrate clearly that the Romans had another gear when it came to immorality that the orator did not explore. Cicero at several instances in his speeches addressed this question by distinguishing between abuse and relevant moral scrutiny. But his distinction was not our distinction. We do not draw the line after but before the issue of morality.

Immorality in oratory, rather than being a fixed set of topics, displays great variety. Similarly, what made recurrent attacks on persons effective was not their inclusion in a rhetorical list of ideal *topoi*, but, to a large extent, their link to Roman notions of immorality. It has been my intention in this regard to be inclusive, and therefore what modern eyes might deem outrageous or scandalous accusations have been evaluated next to what those same eyes would deem moderate or even justifiable ones. I have done so because first of all, again, I do not believe that line was drawn similarly by the Romans and secondly because I have tried to argue that immorality in oratory referenced a cultural logic which did not necessarily depend on the perceived aggressiveness of the claims.

We should not, however, assume that immorality when found relevant by an orator always had the same effect, purpose or meaning for a Roman audience. In this, the perspective of earlier scholarship can very well merge with the one I have advocated in the present study. Cicero's career was diverse. Different speeches surely would have been considered more or less significant and different portrayals within them more or less relevant to the issue. It is perfectly conceivable that an audience was outraged by one portrayal of Cicero's enemies and amused by another while ignoring a third. At times they might have expected the immorality argument. At times they might have rejected it. Furthermore,

it is certainly possible that different members of the audience might react with similar diverse responses. One man's laughter is another's chagrin. Both these scenarios, however, meant that immorality had an effect. Moreover, immorality was consistently part of Cicero's oratorical reasoning, sometimes to the point of ignoring every other aspect of a case or a political issue. In this, it is also possible that Cicero was more or less convincing in his argument as in his overall strategy. But his expectation of his culture was nonetheless that immorality was pertinent to political and forensic decision-making.

We cannot recreate the responses Cicero provoked. It is entirely possible that immorality at times had little effect on audiences, on the verdict of a jury or the decision of the Senate. But this only means that Cicero, whom we trust with great knowledge of the political culture of his day, miscalculated. More importantly, this does not devoid portraits of immorality from meaning or cultural coherence. We do not need to know the responses to evaluate the relevance in this regard. But the circumstances do raise the question of how important these attacks on character—these portraits of immorality—were for the political culture in general.

At the outset, I posed several questions regarding the place of immorality in Roman political culture which have been dealt with throughout the study. I also declared a specific interest in the nature of the link between immorality and politics. Such a question, however, cannot in a strict sense be answered by the study of Cicero's speeches, because an epistemological gap exists between text and historical political action. We cannot prove that cultural meaning harvested in historical texts had a direct impact on political development. Although, to be sure, this is a problem that does not escape the traditional political historian as he or she, too, is faced with the representations of actions, there is nonetheless no secure causality to unveil here. We cannot prove political

cause and effect by looking at the “absorbed” values and ideas in extant texts. Still, we can study and show the patterns of immorality in our sources. We can furthermore determine that the immorality argument was deemed relevant enough to figure prominently in Roman oratory and thereby in the political culture and that it included more than generic and irrelevant character assassination or entertaining pastime. But to establish that a set of cultural beliefs had effect on historical events requires from us a theoretical assumption like the one I argued in the beginning.

There is also another possibility: that the lack of causality is not necessarily a weakness. A stable model of cause and effect would perhaps offer a long line of events following upon each other, but cultural history is concerned with understanding historical action in a deeper sense. It aims at uncovering the beliefs, values, and fears and anxieties of people in the past and posits that unveiling their world view—or differently put, their mind world—provides an understanding of their actions. Simple cause and effect is one thing. The complex cultural world that people live in is quite another. And understanding this world might in fact be more clarifying than establishing causality. This is what I believe my perspective—and my interpretation—can offer. By shifting the angle of the search light in order to shine on a previously neglected aspect of oratory, and by supposing that this aspect in fact had relevance we can gain knowledge about the way the mind world exerted influence on political action.

That there is no absolute truth at the end of the hermeneutical tunnel need not discourage us. We can still attempt to bridge the gap between text and political culture. The way that I have proposed is to analyze the argument, to follow the line of reasoning and attempt to uncover the cultural coherence and logic of statements about immorality in politics. How do we know that immorality was meaningful in ancient Rome, capable of deciding

legal and political outcomes, capable of shaping the political reality? The first thing is to recognize that immorality exists as a pattern in Roman political culture and that Cicero at all times acted as though he expected it to matter. This immoral reasoning can also in fact be shown to have made sense from a Roman's point of view. Over the course of this study I have attempted to show two key aspects: that Cicero in a court of law, before the Senate and before the people, constructed arguments from moral concerns; and that there was a cultural logic underlying these arguments. The fact that Cicero argued immorality should lead us to believe that the immorality argument was capable of great impact. What, then, did the immorality argument in Ciceronian oratory entail?

THE IMMORALITY ARGUMENT—*Improbritatem coarguo*

In court, Cicero often favored a moral approach. His strategies in this regard went beyond simply trying to smear his opponents and white-wash his clients. In his prosecution of Gaius Verres, formal charges, reference to laws or external evidence took a back seat to the moral character of the man on trial, and Cicero at one point simply stated: *improbritatem coarguo*. *Coarguo* in Latin translates as to expose, convict or overwhelm with proof or as to prove or demonstrate guilt. This, then, was his frequent purpose: to expose and prove the *improbritas*—the immorality or depravity of his opponents. Cicero claimed that an immoral character could be shown and exposed (*ostendo*) by the orator. Although character or *ethos* in itself was a source of persuasion in ancient rhetoric, the orator hereby assumed that he could essentially prove by argument. Cicero furthermore intended this morality to be a part of the decision-making at a trial. He stated that immorality was capable of convicting a man before he set

foot in court. Suspicion carried weight. A good judge should be affected by immorality. It was, he argued time and again, supposed to matter.

In this, Cicero's oratory was based on an assumption about the connection between immorality and guilt. He thus gives us the key to understanding his political culture and the stock it placed in issues of depravity and shameful behavior. Character and morality were necessary to substantiate claims. An upstanding citizen or a frugal man was not easily suspected of wrongdoing. Absence of immorality was for this reason a recurring line of defense. But a man that could be persuasively portrayed as depraved would likely have committed the offense in question. You did not have to prove murder or thievery in the past in order to convict a murderer or a thief, but you should be able to find some signs of immorality. This was vital, because if someone was immoral then their life was expected to follow an immoral pattern. In his forensic speeches, Cicero habitually assumed this cultural belief; moral men did not commit crime while immoral men did. That did not mean that a member of the audience could not fathom crime from someone with an unblemished record, but it meant that if crime was evident, the clean record was very likely false. Immorality thus was a self-fulfilling prophecy and it was therefore naturally the task of both the prosecutor and the defense to point to the pattern of immorality. This also meant that immorality offered both explanation and predictions for the future. This was true not only in court but also in politics. Character dictated acts. Immorality pointed toward crime and toward political trespass. To prove a threat against the *res publica*, you had to argue immorality.

In Ciceronian oratory, we find the immorality argument not hidden but explicitly stated. Cicero clearly did not deem it inferior or embarrassing. The orator overtly stated that depraved

and disgraceful behavior should be of the utmost importance and explained to his audience that immorality ought to be more meaningful than other aspects of a trial or political issue. Cicero did not excuse his inclusion of immoral concerns in a trial. He acknowledged no difference between immoral trespass and other crimes. Moreover, he did not appear to share with us the view of crimes as dictated by law and immoral acts as dictated by culture. In all this, audiences were neither tricked nor duped. They were given the immorality argument point blank and without pause.

The issues debated on the speaker's platform—legal, political, military—could be presented by the orator as issues concerning morality. How to view current and previous verdicts or decrees, the interpretation of law or the formal declaration of who were enemies of the state could be argued from moral perspectives. Moral dichotomies illustrated guilt and danger to the community. Virtue and vice were at times at war. Threats against the state were argued based on moral concerns. The study has shown that Cicero repeatedly made immorality a part of Roman political issues. He thereby made use, often successfully, of the expectations and traditions found in his political culture. His portraits of his enemies were arguments and he clearly believed that immorality was an effective argument and one that belonged in the political sphere. Moreover, he stated and proceeded as though arguments in oratory could outweigh formal proof. Finally, immorality in Cicero's oratory was also a call for action. He expected it to matter in verdicts, in voting, and in political decisions. Immorality demanded action from the community.

But Cicero did not just state that immoral arguments should be important. He acted as though they were by arduously arguing depravity in his adversaries.

A WEB OF IMMORALITY—*Praeterea vitiis*

Making enemies was about making links. In the *Pro Murena*, Cicero refuted his own client's immorality and reproached one of the prosecutors, Cato the Younger, for succumbing to slander. He said that a single charge of dancing made no sense, since it was not followed by "other vices" (*quibus praeterea vitiis adfectus*), specific points of *flagitium* and *dedecus* that made this accusation plausible.¹⁰²⁵ His defensive argument reveals reference to what we might call a cultural logic: that an act of immorality was not isolated—it was preceded and followed by further shameful behavior. By pointing to these other vices, the argument could be felt to be more convincing. Cicero furthermore returned throughout his career to signs and marks of immorality as proof of someone's moral deviance. Thus, one way of arguing immorality in Roman oratory seems to have been to establish links between different immoral nodes.

This could be done by semantically connecting concepts that denoted different aspects of Roman views on depravity and disgrace. *Audacia*, *furor*, *amentia* could be strung together and then latched on to *avaritia*, *cupiditas*, and *libido*. To heighten these concepts they could be presented in tandem with *flagitium*, *improbilas*, *turpitude*, or other Roman notions of moral transgressive behavior. By forging these links in his oratory, Cicero also reveals to us his expectations of these connections in his own culture. The audacious man was insane. The lustful man was frenzied. Cultural ideas could also generate these wider patterns of meaning. Greed signaled lust which in turn could reveal sexual passivity. All three aspects could be triggered by mentioning that someone had squandered their inheritance. Lavish expenses also

¹⁰²⁵ *Mur.* 13.

motioned to the immoral feast which in turn had an array of connotations: drunkenness, gluttony, and sexual and effeminate behavior. Company indicated not only your own moral integrity, but could be made to point to activities. If you associated with drunkards, then you were immoderate yourself. If your quests included prostitutes then you yourself were likely engaging in sexual submission. Pointing to merely one aspect of the effeminate man activated the image of his passivity. He would likely commit other trespasses against the community such as adultery, incest, or *stuprum*. He would eventually squander all his money in trying to satisfy his insatiable lusts and turn to crime.

Luxury could therefore mean effeminate behavior, and someone who dressed as a passive man could be expected to have luxurious tastes without stating it outright. A man who had foreign extravagant tastes probably engaged in immoral feasting. A frenzied man could be suspected of depraved lust—they were two sides to a coin. The greedy man, similarly, was plausibly sexually corrupted at a young age, since his self-control was damaged. Gluttony was the same as sexual indulgence. Drunkenness implied you would likely succumb to immoral activities of others. The orator could point to one link in a perpetual chain of depravity and a larger context was thereby activated.

Cicero at times also more distinctly gave his audiences the cause and effect of immorality. From the city came luxury that bred greed and developed audacity. From a shameful boyhood came adolescent lust and crimes against the state. From *stuprum* came conspiracy, from submission came slavery. But linking together nodes on this heuristic web of immorality was nonetheless circular; morality and nature gave immoral actions and immoral actions revealed morality and nature. At times *audacia* could be the source of immorality, at times the result. Immorality, although cultural notions dictated that it probably began at a young age,

did not originate from one source. At one point Cicero stated that greed came from the luxury of the city, but greed could also be argued to result in luxurious tastes. It could be presented as simultaneously the cause and the motive for the immorality of a man. Luxury was at once the telltale, the reason, and the result of moral corruption. The feast was a place where people engaged in depravity because they were depraved. Hosting feasts thus pointed toward earlier moral corruption, as well as current and future moral trespass. Effeminate clothes, hairstyle, or body language was a consequence of a person's depravity, but an effeminate man would always continue on his disgraceful path. He would engage in shameful acts of sex because he was passive, but he was passive because he had at one point been submitted to the lust of others. Lust was a consequence of immorality. Being the victim of lust led to lust. These could all be arguments in oratory about motives, dereliction of duty, and political ineptitude. Sexual debauchery likewise was seen as depleting manly strengths. To this effect, effeminacy betrayed immoral acts which made a person unfit for public life, but it simultaneously addressed the community's concern for military strength. It was not necessarily the case that one of these conclusions was more important to arrive at. Rather, the point was the pattern of meaning. Although the circular quality might seem to breach logic, it did not breach the cultural logic of immorality. Life showed immorality. But immorality also showed your life. There was no reason for the orator to be strict. The notion relied on the complete pattern all at once. Cultural logic did not demand a direction for immorality. It only dictated that disgraceful behavior must come from depravity in the past, that depravity in the past meant lack of moral integrity which in turn ensured immoral behavior in the future.

THE LOGIC OF IMMORALITY

The idea that immorality breeds immorality might seem a simple one. We might be tempted to compare it to “once a thief always a thief” or some other intuitive notion. But Roman views on the rigidity of immorality in fact go deeper than just the likelihood of someone that had committed moral trespass doing so again, or the creed that vice and immorality led to ruin. The very ability to make good or bad decisions could be culturally construed as related to the moral character you could be shown to have. Cicero relied on this notion in his oratory. In the political culture of his day, legitimacy was linked to moral concerns. Action depends on morality—on moral character and nature. The moral man acts morally, the immoral can only do wrong.

This is the basic logic, then. Immorality betrayed past immorality and led to future immorality. It allowed the Roman orator to make peers into adversaries, and adversaries into enemies. The idea expressed by Cicero that morality and nature could not be changed instantly or in order to escape a crime, an idea that also manifests itself in the belief that external appearance bears witness to immoral character, strongly suggests that the connotations of depravity and vice were far-reaching. It threatened the young. It threatened the collective *pudor* and *pudicitia* of the community. Moreover, this was tied to the culture as a whole, linked to social hierarchies, elite responsibilities, and anxieties and fears. Your moral character defined who you were in a social structure, the most moral at the top, those without morality at the bottom. Fear of immorality was a fear of the collapse of such hierarchies, and portraying someone as depraved and shameful naturally entailed associating him or her with the lower segments on this moral scale.

But morality at Rome was not primarily a matter of doing good and committing moral acts. It was a matter of *decorum*, the community's appraisal of a person's moral worth. It was a matter of the traditional values of the elite and concerned moral integrity. This is why morality and sexuality constantly overlapped. Domination was an elite prerogative. Sexual submission was detrimental to their character. Integrity was thereby lost. This was understood in terms of immorality—as depraved, disgraceful, and shameful. Elite views on morality declared that those who could not defend their corporeal integrity were most immoral. The *vir* had to be untainted by acts of submission or his status would be revoked by his peers. The logic dictated that those who had been subjected to the will of others could not lead, but also that they could not lead since their characters were as a result unhinged, undependable, and prone to trespass against society. They were not just shameful or ridiculous but also dangerous. This logic of immorality could be framed in different fashions in oratory. He who had been corrupted was set to corrupt others; the passive man would threaten the community with his lust; the man ruined by desire would commit crimes to sustain his debauchery; sexual crimes led to murder; submission to the destruction of the state. Immorality made these men into enemies of Rome.

The choice of “logic of immorality” as the focus of this study is a slight attempt at provocation. In our society, and thus in the academic perspectives favored in our society, immorality is not logic. Political rationality, we would like to believe, has to do with sound arguments, facts, proof, and truth. But to the elite at Rome, immorality was logic. Because of cultural notions on the importance of morality, the argument made sense to audiences. By treating it so, the perspective argued in this study has offered a different way to look at Roman political culture and a deeper understanding of some of its distinct aspects.

In this, the intensity or vulgarity of the claim did not matter. The fact that someone had become sexually passive was not merely an obscenity or a humiliation. Because there was a powerful cultural link between statesmanship and personal virtue, between political ineptitude and immoral traits of character, the attacks on someone's youthful depravities or immoral upbringing—malicious and slanderous to us—belonged in political discourse, in political oratory, and in the political sphere.

“Logic” targets two aspects of rationality: that it made sense to Romans to argue portraits of immorality, and that the portraits of immorality made sense. The reason, then, that Cicero's portraits show many similarities is not merely that the orator was given the blueprint beforehand, but that they were culturally coherent; they adhered to the same cultural logic, a logic that could be referenced, accentuated, and framed in different ways and with the help of different tools but with a core that was simple: immorality mattered.

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