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Cicero the Dialogician:

The Construction of Community at the End of the Republic

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Cicero the Dialogician:
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In the opening lines of the preface to *De Divinatione 2*, Cicero describes his motivation in composing of the *complures libros* of his post-exilic years. Most of all, he says, he wished to prevent any interruption in his service to the state. Though he does not say so explicitly, he clearly refers to an interruption occasioned by his exile and Caesar's ascension. Elsewhere Cicero describes this period of his life as enforced *otium*, an *otium* threatened by the absence of the *dignitas* which Cicero identifies with the *otium* of L. Crassus in the opening words of *De Oratore*. As he claims in *Div. 2*, Cicero achieved a level of usefulness to the state (and so maintained a certain amount of *dignitas*) by writing his theoretical books, books which he says communicate the *optimarum artium vias* to the Roman reading public.

What Cicero does not explicitly explain is why the great majority of those works assume the form of the dialogue. In this dissertation I seek to explore the formal capabilities of the dialogue which would make it attractive to a Cicero seeking to

maintain *dignitas* and to render significant service to a state faced with a rapid shift of political and social structure. In general I argue that the dialogue form itself represents an antidote to the decommunalizing and populizing nature of Caesarian hegemony.

As I contend, the dialogue achieves its communal nature through an emphasis on three major ethics, each of which is demonstrated in the theories expressed within the dialogues, in the actions of the interlocutors, and in the activity of Cicero himself as author. These three ethics (*imitatio, memoria, gratia*) each depend on community for their actualization and themselves generate the bonds that lead to community. By placing significant, multi-layered emphasis on each of these ethics, Cicero aims to communicate their validity to a generation of *boni* faced with the non-traditional, non-communal power of Julius Caesar.

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Chapter 1 - Introduction

Upon his return from the imposed silence of his exile in 57, Cicero quickly and regularly made his voice heard in Rome, delivering speeches in thanks for his recall, *de domo sua*, *de haruspicum responsis*, *pro Sestio*, *in Vatinius*, *pro Caelio*, *pro Balbo*, and *in Pisonem* all between 57 and 55. Over the remaining twelve years of his life, however, Cicero's opportunities for public speaking became rarer and rarer, limited by civil unrest and the transfer of power into new hands. He delivered only a handful of speeches between 55 and 43, the majority of which at times feel like little more than Caesarian flattery. Faced with the realities of Rome's new political climate, Cicero had to turn gradually to a new medium for self-expression and public communication. For Cicero this medium was the literary dialogue. In this dissertation I examine Cicero's use of the dialogue form in an effort to determine why Cicero considered it the best choice to replace his oratory and to communicate his ideas on the republic.

On a certain level, Cicero the orator turned to dialogue partly because of the influence of predecessors like Plato and partly because of a general affinity for the methods of Academic skepticism.¹ But the form also has a fundamental connection to his theoretical project of the same period. This theoretical project, reiterated over the course of all of his dialogues, through a wide variety of topics and characters states in its essence that: Rome needs a republic; a republic needs an aristocracy of good men; and

¹ The philosophical influences on Cicero should not be underestimated. In the following chapter on *imitatio* I will specifically examine the suitability of Plato as a model for Cicero. On Cicero's philosophical affiliations, see the work of Gucker and Görler, including their respective chapters in J.G.F. Powell, ed., *Cicero the Philosopher*. Gucker has argued that, at first, Cicero's loyalties lay with Philo of Larissa and the "New Academy," that he later became an adherent to the "Old Academy" of Antiochus of Ascalon, and finally returned to the "New Academy" and its methodology of skepticism. Görler argues that Cicero was always a disciple of Philo and never changed his affiliation.

the aristocracy must be a unified group.² This syllogism locates the survival of Rome in community, however restricted it may be. And it is the dialogue form's emphasis on community that made it the most suitable mode of political expression for Cicero; in contrast to the monologic perspective of a literary treatise or even a speech given to a limited audience, such as Cicero's speeches of 46, the dialogue form is a polyphonic medium for the expression and exhibition of right community.

Cicero had conceived early in his career of the unity of form and content in the written word. In his first theoretical work, *De Inventione*, Cicero opens with an Isocratean argument on the importance of the unity of philosophy and oratory for the leader of the state. This argument, as it had for Isocrates, arises from the general principles that eloquence gives a wise man influence and wisdom tempers an eloquent man's temptation toward manipulation. Such had been the case ever since the dawn of society. Before eloquence men had wandered about as animals, unable to employ their *ratio* for any positive purpose. There was no system of governance and physical might carried the day. Only when an unnamed *vir* joined *oratio* to *ratio* did men decide to arrange themselves in societies governed by laws.³ Community was the offspring of speech.

² Robert Hariman describes this project as 'republican style.' As he says, the "republican style begins with a relish for the pleasures of composing and delivering persuasive public discourse, it includes other modes of exchange and becomes a more focused mode of action by defining consensus as the foundational means and end of governance, and it culminates in a model of leadership that features personal embodiment of the civic culture" (102). After his exile, Cicero uses the dialogue as his "other mode of exchange" precisely because the forum for "delivering persuasive public discourse" through oratory had become so limited.

³ *DInv* 1.2: *Quo tempore quidam magnus videlicet vir et sapiens cognovit, quae materia esset et quanta ad maximas res opportunitas in animis inesset hominum, si quis eam posset elicere et praecipiendo meliorem reddere; qui dispersos homines in agros et in tectis silvestribus abditos ratione quadam compulit unum in locum et congregavit et eos in unam quamque rem inducens utilem atque honestam primo propter insolentiam reclamantes, deinde propter **rationem atque orationem** studiosius audientes ex feris et inmanibus mites reddidit et mansuetos.*

In this proem, the first words of Cicero's career as a theorist, he adumbrates two general ethical ideas, neither specific to oratory, which remain true for him until his death in 43. In the first place, Cicero justifies his project (in this case, the explanation of the principles of oratory) with an appeal to its role in the construction of community. While Cicero would go on to show himself a divisive figure in many instances leading up to his exile, two of his clearest political ideals were the *concordia ordinum* and its partner, the *consensus omnium bonorum*. His objections to figures from Verres to Catiline to Clodius to Antony centered on their rejections or manipulations of traditional principles of Roman society.

In the second place, even at this early stage, Cicero demonstrates an appreciation of the unity of form and content in the written word. So he synthesizes the beginning of this treatise with the origins of society in general, and implies a further synthesis of *ratio* and *oratio* in the treatise to follow.

De Inventione itself does not fully bear out the general principles with which it begins. It eulogizes community and details ideas on how community can and should function, but in its form it tends towards specific and individualizing principles in a monologic presentation. It aspires to a unity of form and content, but a treatise which itself originates with the origin of society devolves into a conventional *techne*. It gives a static taxonomy of rhetoric and replaces the pairing of *oratio* and *ratio* with one of *oratio* and *ars*. In short, its form is insufficient for the project it outlines. When he returned to the same subject matter thirty years later in his first dialogue, *De Oratore*, Cicero hoped to correct his mistake by making use of another form, a form steeped in philosophical tradition, which demonstrated a *ratio* while detailing an *ars*, and simultaneously

constructed and exploited the advantages of polyphony and community.

Cicero returned to the dialogue form of *De Oratore* fourteen more times before his death in 43, with:⁴

- * (56 BC) *De Oratore (De Orat.)*
- * (54-51 BC) *De Re Publica (Rep.)*
- * (50 BC) *De Legibus (Leg.)*
- * (46 BC) *Brutus*
- * (45 BC) *Consolatio*[^]
- * (45 BC) *Hortensius*[^]
- * (45 BC) *Academica Priora (Acad 2)*
- * (45 BC) *Academica Posteriora (Acad 1)*
- * (45 BC) *De Finibus Bonorum et Malorum (Fin.)*
- * (45 BC) *Tusculanae Disputationes (Tusc.)*
- * (45 BC) *De Natura Deorum (Nat. Deor.)*
- * (44 BC) *De Divinatione (Div.)*
- * (44 BC) *Cato Maior de Senectute (Cato)*
- * (44 BC) *De Gloria*[^]
- * (45 BC) *De Fato*
- * (44 BC) *Laelius de Amicitia (Laelius)*

Cicero's dialogues, though relatively neglected, have been the subject of much good scholarly discussion over the past twenty years, and Cicero's political aims have played a major role in many instances. Scholarship has tended to fall into one of two major categories: philosophical studies and rhetorical studies. By philosophical studies, including the excellent collections *Philosophia Togata I* and *II*, as well as Powell's *Cicero the Philosopher*, I do not mean that the scholarship in question does not take account of the political aims and topics of the dialogues; very often it does. I do not mean that the work is performed by philosophers instead of classicists, nor do I mean that these works privilege the history of philosophy over the history of ideas. I mean rather

⁴ Works marked by a “^” survive either not at all or only in the smallest fragments. Parts of two versions of the *Acad.* survive. *Acad 1* is the revised version, also called *Acad Post.* *Acad 2* is one half of the original version, alternately called *Acad Priora* and the *Lucullus*.

that these works tend to engage with Cicero as a thinker and theorist first, as a politician second, and, a very distant third, as a writer.

The other type of scholarship, the rhetorical studies, tend more often to emphasize Cicero's rhetorical works (most often *De Inventione*, *De Orat.*, and *Brutus*), especially according to Cicero's political aims as expressed and communicated therein. Among these are the very good works of Narducci, Connolly, Dugan, and Fantham.⁵ This scholarship very often calls attention to the self- and state-fashioning projects that are relevant to this dissertation. These studies are more interested than the philosophical studies in exploring Cicero's use of some of his dialogues to communicate ideological positions beyond the stated goals of the texts. This method has proved very enlightening and provocative on several occasions, especially as used by the four scholars listed above. But as a general rule these works identify oratory, or at least rhetoric, as the medium by which the self- and state-building projects are achieved.

In this dissertation I wish to consider many of the same questions addressed by the second kind of scholarship, the rhetorical studies: what does Cicero consider to be the best way to ensure the survival of the republic? How does Cicero personally relate to the historical figures represented in the dialogues? What role does Cicero envision for himself in relation to his contemporaries at Rome? How dogmatic are Cicero's positions?

⁵ I am thinking here especially of Narducci's *Cicerone e l'eloquenza romana: Rhetorica e progetto culturale* (1997), Connolly's *The State of Speech* (2008), Dugan's *Making a New Man* (2005), and Fantham's *The Roman World of Cicero's De Oratore* (2004). Both Narducci and Dugan also use Cicero's speech *Pro Archia* to introduce their positions. Narducci initiates the approach of reading the rhetorical works in terms of a "*progetto culturale*." He observes repeatedly the ways in which the Roman aristocracy seeks to deploy rhetoric as a means of maintaining their advantaged social position. In general, and especially in his chapter on *Brutus*, Dugan tends to be more concerned with Cicero specifically, interpreting Cicero's rhetorical theory as an elaborate attempt at self-fashioning. Connolly, who points out in a BMCR review that Dugan perhaps over-emphasizes the self-orientation of Cicero's theory, explores rhetoric as a tool for the construction and organization not of the self, but of the state, focusing on Cicero as "an exemplum of communal republican engagement."

As Narducci, Connolly, and others have shown, Cicero's rhetorical theory holds the answers to many of these questions. At the same time, as the concentration of these same scholars on *De Oratore* and *Brutus* has proved, these answers are regularly best communicated through literary dialogue. I aim to show that, while Cicero's rhetorical theory can answer these questions well, it is in part aided by the form in which it is expressed, and that this form can communicate some of the same ideas even when divorced from the rhetorical content.

To this end I will consider all of Cicero's surviving dialogues in the chapters that follow. Though they are regularly distinguished according to several criteria (philosophical vs. rhetorical vs. ethical; 50s vs. 40s; before Tullia's death vs. after Tullia's death; regular conversational exchange vs. extended speech-making), Cicero himself, in his final dialogue, hints strongly that the dialogues as a whole share a certain bond. Written in 43, *Laelius* is the most self-conscious of its form of all of the dialogues with its dialogical *mise-en-abyme*. The opening scene of the dialogue follows the typical schema of a dialogue, with a young man (Cicero) sitting at the proverbial feet of an older one (Scaevola). But the setting quickly shifts as Scaevola himself recalls another "dialogue" in which he himself was sitting at the feet of his father-in-law Laelius. Then, in the course of this second, interior dialogue, Laelius himself recalls sitting at the feet of Cato, a direct reference to Cicero's own *Cato Maior de Senectute* (*Laelius* 11). A short while later Laelius also refers to a discussion led by Scipio on the topic of the republic, a reference to another Ciceronian dialogue, *Rep.* (*Laelius* 14). This series of dialogues within dialogues, and the one dialogue's consciousness of other dialogues, especially in this last of Cicero's dialogues, serve as reminders to the reader that the dialogues ought

not be treated as discrete entities. It is in this spirit that I consider all of Cicero's dialogues with a view to determining the advantages of the form in the communication and actualization of his *post reditum* political project.⁶

The dialogues cover a wide variety of topics – philosophical, rhetorical, and ethical – and span many important and influential events in both the life of Rome and of Cicero himself. Such diversity notwithstanding, there are three social ethics that repeatedly appear in and structure the theoretical and dramatic content of the dialogues: *imitatio*, *memoria*, and *gratia*.

I treat each one of these ethics individually in the major chapters that follow. My basic approach is to begin each chapter with a survey of the general principles or positions the dialogues give on the ethic in question (i.e., what do the interlocutors say?). I then observe the dramatic actions and interactions of the interlocutors to determine to what extent they agree with the theories that these same interlocutors have expressed (i.e., what do the interlocutors do?). Finally I compare Cicero's own practice of the ethic, as represented through his use of his own voice in the prefaces of dialogues and their individual books, to ascertain how fully he employed (or affected to employ) the theories outlined in the dialogues (i.e., what does Cicero do?).

I begin in chapter 2 with *imitatio*. As it is described and represented in the dialogues, imitation is a potentially dangerous act. It contains elements of performance

⁶ My consideration of all of the dialogues instead of, e.g., the rhetorical ones only, is fundamentally contingent on the belief that they all, like every other form of Ciceronian communication, constitute a type of political involvement. Since *oratio* is the impetus for joining in communities, or, to phrase it as Hariman has, “the republic is constituted in discourse,” the republic is “endangered by silence, for without the continuing discussion of public duties, virtue could wane, citizens become distracted, forces of change gather strength as political energies dissipate” (111). Each of the dialogues is an interruption of such a silence.

and pretense that hint of effeminacy and deception, and therefore stand at odds with traditional Roman aristocratic ethics and nature in general. But Cicero seeks to rehabilitate imitation by identifying it as a process that allows individuals to live in accordance with nature and so attain to virtue. In the dialogues and *Off.*, nature and individual character are external ideas which must be accessed with varying levels of success through the processes of following nature or imitating other individuals. One will ideally follow nature, but, if he is unable to do so, he must imitate another individual who himself follows nature. It is the latter process that Cicero himself employs. As I attempt to show, he is in the first instance an imitator of Plato in his use of the dialogue form. Plato himself is an acceptable model because he has imitated nature through his use of the dialogue form, which approximates the reasoned process of dialectic more closely than any other literary form.

Like *imitatio*, *memoria* gives individuals access to a community with figures from the past. In chapter 3, drawing on the work of Hannah Arendt, I contend that Cicero conceives of *memoria* not only as a recollection of the past, but as a reanimation of it. Cicero himself is a rememberer in the dialogues, wherein his memories bring back to life the figures of the past and allow him and other contemporaries to interact with them directly, much as mourners in a funeral procession interact with the deceased through the medium of the *imago*. Cicero thus uses memory to transtemporize the generations of the republic. By also setting most of his dialogues during periods of *otium*, Cicero further removes his ancient interlocutors from their historical contexts and transports them into a counter-reality to which individuals of all times have access. By these means Cicero develops a “Ciceronian circle” which is meant not simply as a literary device, but as an

accurate picture of the communication of authority that traces back to Rome's founding.

Finally, in the fourth chapter, I consider the social ethic of *gratia*, and its role in replicating the bonds to the past (*imitatio* and *memoria*) in the present. In the dialogues Cicero regularly represents two kinds of *gratia*, one practical and concerned chiefly with maintaining a system of equal exchange, and one which is virtuous in its own right and responds to the virtue of others. Cicero regularly discusses the first type of *gratia* with the language of commodities and associates it with the Epicureans, in both cases marking it as undesirable. The latter kind of *gratia* he associates with the language of virtue and *ratio*, which are the principles that govern the interactions of the worthiest interlocutors, like Crassus, Scipio, and Cato. Cicero also, in his dedications of the dialogues, participates in the giving of *gratia*. His methods as dedicator closely adhere to the positive type of *gratia* which his interlocutors have themselves discussed and performed.

The Dialogue

Before moving on to my analysis of Cicero's dialogues, a few words on the form itself are in order. J.G.F. Powell, in the introduction to his commentary on *Cato*, has given a brief, but very useful discussion of the progression of the form from Plato to Cicero.⁷ Powell calls attention to a pair of Cicero's own statements in his letters regarding his use of the dialogue, in which he names both Aristotle and Heraclides Ponticus as influential predecessors. Like Aristotle, Cicero affixed prose prefaces to many of his dialogues, and like Heraclides, he set many of his dialogues in the past.

Cicero would certainly have been influenced by Xenophanes as well, and, of course, his

⁷ Powell (1996) 5-9. The definitive study of the form in antiquity remains Rudolf Hirzel's massive two-volume *Der Dialog*, which treats the writers of dialogue individually, in chronological order.

debt to Plato leads Quintilian to name him *Platonis aemulus*. But Cicero had only one Roman predecessor in the use of dialogue (M. Junius Brutus); it was accordingly his efforts (to some extent in cooperation with Varro's) that defined what Roman dialogue was.

On the most basic level, a Ciceronian dialogue involves two or more speakers in some kind of conversational exchange within an expressed setting. The presence of a second speaker creates several opportunities for the writer of dialogue: it furnishes a forum for the discussion of serious political, philosophical, rhetorical, or religious ideas; it permits (though does not require) a certain light-hearted charm in the banter and interaction of the interlocutors;⁸ it allows the author to multiply his voice, perhaps to include contemporary or historical figures or ideas as a tribute, perhaps to appropriate, manipulate, and violate a contemporary or historical figure or idea, perhaps in an effort to be inclusive or conciliatory, a force of compromise, perhaps to put his own ideas in biased relief against those of others, or perhaps simply to conceal his own voice.

There are, however, two specific characteristics of the dialogue which are not simply enabled by the form, but actually inhere in the form's nature. First of all, through their presentation of multiple speakers, dialogues naturally demonstrate and depend on communal interaction. Such interaction can be complimentary or critical of the community in question, but by nature introduces an element of personal or political relations into the discussion. Secondly, as a tool for the expression and comparison of ideas, dialogue closely approximates a skeptical philosophical method. That is to say, though dialogue may be a vehicle for the dogmatic expression of a position, any type of

⁸ Jon Hall (1996) identifies this characteristic as *humanitas* in the context of *De Orat*.

expression in dialogue is always made relative to other ideas, so that truth may be accessed or at least approximated (as the *probabile*) through comparative evaluation of specific positions. And the multiplication of the author's voice resembles a withholding of assent (*epoche*) for a specific position until the choices have been similarly vetted. Some dialogues execute these two functions of communal interaction and the application of the skeptical method more ably than others, and not by chance the greater execution of these functions tends to coincide with an increase in the number and variety of interlocutors. The more speakers there are, and the more they speak, the more a dialogue tends to be communal and skeptical.

Using these two criteria as a general basis, the dialogues may be evaluated according to those which are the most dialogic and those which are the least. While all of the dialogues have two speakers, some use their variety of interlocutors to more advantage than others. The dialogues thus range from *Tusc.* which features only two, anonymous speakers, and features one much more prominently as he gives a largely dogmatic expression of his views; all the way to *Rep.*, which features a full nine speakers (though some clearly play larger roles than others). At the same time, dialogues like *Fin.*, *Cato*, or *Nat. Deor.* feature long, uninterrupted speeches, while *De Orat.* regularly depicts conversational interchange.⁹ And some of the dialogues (e.g., *Div.*, *Tusc.*) are entirely dogmatic, while many (e.g., *Acad.*, *Nat. Deor.*, *Fin. 5*) end in *aporia* or, as Griffin has it, “at most a decision on the *probabile*.”¹⁰ Because of these differences, some dialogues take great advantage of the form through the comparison of various ideas by various

⁹ Of course not even *De Orat.* reaches the same level of interchange as some of the “early” dialogues of Plato, but it comes much closer than, e.g., *DD*.

¹⁰ Griffin (2003) 5.

persons, while others seem to have assumed their form by default and eventually devolve into something resembling monologue.

By using these criteria, we can observe not two or three distinct groups of dialogues (e.g., philosophical/rhetorical/ethical), but a spectrum of works that most closely wed form and content, with *Tusc.* on one end and *De Orat.* on the other. *Tusc.*, with its anonymity, duality, and dogma, least expresses the communal and skeptical aspects of dialogue. *De Orat.*, which involves a synthesis of ideas and artfully exhibits multifaceted communal interactions, derives greatest benefit from dialogue. Dialogues like *Fin.*, *Acad.*, or *Nat. Deor.*, which balance long speeches in favor of specific philosophical positions, skillfully use the dialogue form as a forum for the application of the skeptical method. But because of their tendency to be reduced to dyadic exchanges, with characters serving as placeholders for their philosophies, they less ideally represent community and fall closer to the middle of the spectrum than *De Orat.* This type of classification on a spectrum has the advantage of providing a synoptic view of all the dialogues, as the *mise-en-abyme* of *Laelius* recommends. It also helps explain in non-rhetorical terms why *De Orat.* is so rich in its representation and formulation of community.

The synoptic reading of the dialogues, suggested by *Laelius* and enabled by the spectrum of classification here described, allows for the dialogues to be put into a sort of interdialogue dialogue that can help to highlight Cicero's political views and strategies. The identification of Cicero's own particular view is complicated even in an individual dialogue like, for instance, *Acad.* This dialogue's very topic, Academic skepticism, is borne out by its method. That is, all speakers, even the character Cicero, are subjected to

critical evaluation, and no final consensus is reached. It would seem that “Cicero takes both (or all) sides seriously and invites his readers to do the same.”¹¹ As Brittain concludes, “the purpose of dialogue is to investigate the arguments for *and* against Academic skepticism, not to show that one side is right.”¹² This conclusion writ large applies to the dialogues as a whole.¹³ Neither a Varro nor a Cicero, nor even a Torquatus from *Fin.* can be totally dismissed as a component of Cicero’s opinion. The method Cicero the author supports is one that demands several voices. If it could be reduced to one character or another, there would be no need for dialogue.

By putting the dialogues themselves into dialogue with one another in a sort of Bahktinian dialogism one can come to some conclusions about what is *probabile* regarding Cicero’s views. When Crassus makes a statement that is reiterated elsewhere by Scipio and later by Cicero himself, Cicero’s opinion – or at least what he seems to want to represent as his opinion – begins to come to the fore. These sorts of reiterated statements tend to belie a text’s independence, even when a particular text is playing a particular role at a particular moment. Not only can such a synoptic reading lead to a probable understanding of Cicero’s thought, but it recommends *epoche*, a withholding of assent to any single position in the dialogues until all of the dialogues are considered.

Speaking strictly in terms of Bahktin’s dialogism, there is no reason to imagine the dialogues are unpolluted by Cicero’s other writings. The treatises, however, do not observe dialogic activity internally, and so will be considered only incidentally as components of the external dialogue. The one exception is Cicero’s last theoretical work,

¹¹ Brittain (2000) xii.

¹² Ibid.

¹³ On Cicero’s pluralized voices in *Div.*, see Schofield (1986).

De Officiis. The absence of a second speaker in *Off.* is conspicuous; it is the only philosophical or ethical work to lack one. In 43, the monologue of *Off.* seems to announce that Cicero has lost faith in the dialogue form. It seems likely that, with the opening up of the political scene following the death of Caesar, Cicero preferred the more overt political participation of oratory to the subtlety of dialogue. The handling of the subject matter in *Off.* seems to reinforce Cicero's loss of faith in the community ideals of his dialogic program.

Off. contains three books, the first dealing with virtue (*honestum*), the second dealing with the expedient (*utile*), and the third a sort of Hegelian synthesis of the two. Many of the positions taken in the second book stand in slight contrast to the ideals expressed in the first, and in many of the dialogues that precede *Off.* There remains, however, a sort of dialogic character to the work's form. Cicero still presents two distinct positions, as he had, e.g., in *Fin.* Only here he uses only one mouth to speak those two positions. There are also moments within *Off.* when he invites the younger Cicero into a sort of dialogic examination, and at least acknowledges the possibility of viable arguments on another side.¹⁴ And Cicero couples these vestiges of dialogue with a division of his works into oratory and philosophy (1.3). These two fields represent two halves of Cicero and demonstrate two styles of speaking/writing. That Cicero counts *Off.* among the philosophical works which he says demonstrate a particular softened mode of speaking suggests again his recognition of an oral, dialogic component to *Off.* All of these factors hint at a continuity between *Off.* and the dialogues. But the changes are just as clear: the address to his son instead of a social peer, the absence of the second speaker,

¹⁴ *Off.* 1.2, 3.33. Cf. Dyck (1996), "at some points in *Off.* Cicero attempts a kind of dialogue, with the possibility of different premises on the other side ostensibly left open" (11).

and the priority of the *utile*. These formal differences are signs that *Off.* has a different orientation than the dialogues. Cicero's form has retreated into the conventions of the treatise and no longer seeks to replicate or generate the community of the dialogues. He is content to describe appropriate social and political behavior here, while reassuming his mantle as orator to demonstrate the appropriate behavior in public. Perhaps he had been disappointed in the failure of the form to achieve its aims. Perhaps he simply found a release from the burden of enforced *otium* that had demanded his retreat to dialogue.¹⁵ Perhaps he would have returned to dialogue had he lived a little longer. Whatever the case, *Off.* encroaches on dialogue, but never fully matches its formal potential. Despite these differences, because it emphasizes many of the same principles of social interaction as the dialogues do, I will at times involve *Off.* in my discussion of the dialogues as a comparandum. At these times the difference in form is regularly manifested in *Off.*'s less-idealized representation of community.

The superior power of dialogue in relation to a treatise like *Off.* lies in its unity of form and content. It is a forum for both the explanation and demonstration of skeptical philosophy and communal activity. Cicero the dialogician sought to merge this philosophy and community in his own person even as he gave an exemplary representation of such a merger in the speech and interaction of his interlocutors. A group of individuals with training in philosophy and dedicated to virtuous communal activity held the promise of resisting populist movements and restoring the traditional glory of the republic. With a view to achieving such a scenario Cicero focused in his

¹⁵ *Off.* 3.2-4.

dialogues on three aspects of communal activity that befit the virtuous: *imitatio*, *memoria*, and *gratia*. These three concepts, characteristic of a community of the virtuous, are integral to Cicero because they can be the aspects of community that can be both exemplified in and performed by dialogue. Cicero discussed these three concepts with the characters' words, demonstrated them in the characters' actions, and performed them as author of the text.

Towards the end of *Leg.* Cicero comes to propose one of his laws which will ensure the survival of a "moderate and harmonious condition of the state."¹⁶ This law takes on particular importance in the face of civil strife and the upsetting of the constitution that characterized the 50s and 40s in Rome. It states: "Let this order (the senate) be free from vice, and let it be an example to others."¹⁷ It is a law for an ideal state, one to be applied to a senatorial order started from scratch. Atticus assures Cicero that not even he could weed out the vices of the present senate, despite that order's most grateful recollection of his consulship (*Ille vero etsi tuus est totus ordo, gratissimamque memoriam retinet consulatus tui, pace tua dixerim: non modo censores sed etiam iudices omnes potest defatigare*).¹⁸ But Cicero in *Leg.* did not have the goal of weeding out bad senators; as author of the dialogue and the ideal state it described the order was his to create. And it is this very act of creation of a new order that Cicero performs in all his dialogues. In the face of the reality of a compromised senate he begins to populate an ideal *ordo*. Ideally it will maintain the good element of the current senate Atticus summarizes: a *gratissimam memoriam*. At the same time, it should be entirely free of vice, and therefore fitting as a

¹⁶ *Leg.* 3.28: *moderatus et concors civitatis status*. Trans. by Rudd.

¹⁷ *Ibid.*: *Is ordo vitio careto, ceteris specimen esto*.

¹⁸ *Leg.* 3.29.

specimen for those not in its ranks. For Cicero, such an *ordo*, demonstrating *memoria*, *gratia*, and fit for *imitatio* is key to the “moderate and harmonious condition of the state.”

Chapter 2 - *Imitatio*

Unlike the other forms which the ancients employed for philosophical, ethical, and rhetorical theorizing, the dialogue is inherently mimetic. The very essence of the form gives the action within it the illusion of being recollected and represented in a way that creates a certain amount of distance between the author and the immediacy of the conversation. A dialogue writer assumes the persona of a recorder of an external event. Even when Cicero names himself as a chief interlocutor in a dialogue, as he does on several occasions, the nature of the dialogue suggests that the claims he makes as interlocutor are those of Cicero then, and not Cicero now. In the case of Cicero the imitation extends to a second level. Not only is the dialogue form mimetic, but by employing the dialogue form Cicero seems to be imitating some of the great philosophers of the Greek 4th century. In this chapter I will seek to evaluate Cicero's opinions on imitation as expressed in the dialogues and then to consider what effect these opinions have on his own method of imitation as author of the texts.

Richard McKeon made a significant distinction seventy years ago between several meanings given by the ancients to imitation.¹⁹ These meanings boiled down to their essentials are basically two: a). the imitation of reality or something real, and b). the

¹⁹ McKeon (1936) 1-36. According to McKeon, the definition of imitation (of which he gives five) largely depends on which of the ancients you ask. For Plato, limiting the meanings of imitation to any number is not quite accurate, and it can only be understood as that which seeks to approximate the real. For Aristotle, imitation refers not to the imitation of an idea or form, but of an actual thing, usually the actions of men (*Poetics* 2.1448a1), and his definition is confined to the context of poetry. A plot in a tragedy must appear to be something that could happen, with one episode following another seamlessly, organically. Dionysius and the teachers of rhetoric slightly alter this definition to refer to the imitation of the character or thought of a specific *exemplum* (29). I follow Fantham (1978) in boiling McKeon's five meanings down to two, which cover most of the semantic range of *mimesis* and *imitatio*. As Fantham points out, this distinction influenced Kennedy's in his fundamental monograph, and is necessary in order to avoid confusion between two basic, but completely different, functions of the literary artist.

imitation of another person. The first meaning – the one which became the object of poetry-invalidating criticism from Plato in the *Republic* (especially book 10) and served as the most basic activity of the dramatist in Aristotle’s *Poetics* – refers to the writer’s ability to imitate reality, that is, how well he/she can convey an actual object or experience through his/her words. Such imitation, skillfully employed, plays an invaluable role in the construction of the characters and settings of the dialogues. The second definition, the one most common to rhetorical treatises and of seminal importance in most Roman social circumstances, refers to the imitation of an *exemplum*.

Quintilian, who valued the *exemplum* of Cicero above all others, appealed to this second definition of imitation as a pillar of rhetorical education, summarizing the rhetorical view of imitation that passed in some way through Isocrates, Cicero, Dionysius, and “Longinus” to himself:

It is undeniable that imitation makes up a large part of the *ars* of rhetoric. For just as discovery is first and most important, so too it is useful to imitate those very things that have been discovered. And so our entire way of life consists of this: that we wish to do the things we approve of in others.²⁰

According to this definition of imitation, orators imitate other orators, writers other writers, or artists other artists in an effort to improve themselves, to identify with an ideal.²¹ This type of imitation, done creatively, is of course one of the hallmarks of Latin

²⁰ *Neque enim dubitari potest quin artis pars magna contineatur imitatione. Nam ut invenire primum fuit estque praecipuum, sic ea quae bene inventa sunt utile sequi. Atque omnis vitae ratio sic constat, ut quae probamus in aliis facere ipsi velimus (Inst. Or. 10.2.1-2).*

²¹ For this position expressed in Cicero, see Antonius’ speech at *De Oratore* 2.88-97. Fantham (1978) offers a fuller discussion of Cicero’s stand on imitation for education. She compares the *DO* passage with a later discussion of imitation in the *Brutus*, eventually drawing the conclusion that in Cicero’s developed theory, the mentored orator must not even necessarily seek the ideal model, but only the ideal model for the particular *genus dicendi* for which he is equipped by his natural talent and disposition. Cf. also Leeman-Pinkster II 284-88.

literature, and in a broad sense stems from the fact that Latin literature takes its origins from imitation of its Greek tradition.²² It creates continuity and identity; it leads to – though is not restricted by – genre; and it serves as a marker by which the audience can both identify the context at hand and determine how to cope with it. It is a method (*ratio*) of consummate importance, and thus, to Quintilian, *artis pars magna*.

For Quintilian the *artes* in question, those of which imitation forms a large part, are the literary and oratorical arts. But the principle of exemplarity extends into other social and cultural spheres as well. Jane Chaplin has discussed exemplarity in the histories of Livy in some detail. In Livy *exempla* serve as both positive and negative models of political action, military action, and social interaction.²³ Like oratory, historiography is a particularly fruitful medium for the use of *exempla* since, like oratory, it often aims to instruct its audience. In its essence, the imitation of *exempla*, the second half of McKeon's definition of imitation, is a means for education. It is a *magna pars* of several *artes* insofar as it enables individuals to master various skills, from concrete actions such as writing literature to abstract behaviors such as acting virtuously.

²² See among others, Russell (1979) 1ff., who, while focusing on poetic imitation, collects much of the Roman theory of imitation from Cicero, Dionysius, Sallust, Seneca, and Quintilian, each prose authors in the first instance. More broadly see the entire collection of papers of West & Woodman, which again focus on poetry.

²³ A recent study by Franz Bücher has generally explored the Romans' use of the past, with particular attention paid to oratory. Bücher spends a great deal of space discussing Cicero's own use of *exempla*, and draws some familiar conclusions about the malleability of an *exemplum* in the hands of a skilled speaker (he also compiles a useful list of figures appealed to as *exempla*). Bücher also examines the exemplarity of Cato in *De Amicitia*, but as one reviewer has suggested, the use of an *exemplum* in a dialogue is different than the use of an *exemplum* in a speech (BMCR 2007.03.20, though she seems to confuse the role of Cato in *De Amicitia* with his role in *De Senectute*). The difference occurs not so much because the figures in the dialogues are idealized, as the reviewer suggests (many successful *exempla* are), but because of the extended treatment of characters in the dialogues and the indirectness of an *exemplum* which is adduced for an internal audience while being eventually intended for an external one. For more on the *exemplum* in Cicero, see Fox (2007), who considers the Ciceronian *exemplum* in the context of *memoria*, and Blincoe (1941).

It is because of its potential to affect others so powerfully that imitation tends to tread on thin ethical ice.²⁴ Plato's distrust of *mimesis* is proverbial and Cicero himself, in his first dialogue has Antonius hint at the dangers of imitation:

*Quod si **fictus** aliqui dolor suscipiendus esset et si in eius modi genere orationis nihil esset nisi **falsum** atque **imitatione simulatum**, maior ars aliqua forsitan esset requirenda.*

But if pretended grief must be assumed and if there is nothing in this manner of speaking except what is false and feigned through imitation, perhaps some greater *ars* is needed.

(*De Orat.* 2.189)

Imitation in these terms is a matter of deceit and dissimulation, an *ars* of faking.

In spite of such ethically negative potential, the fact remains that Cicero's dialogues are mimetic in their very form, in both senses outlined by McKeon. Like drama they simulate a social scene, and like oratorical or historical *exempla*, they regularly appeal to individuals from the past as models for behavior. In the remainder of this chapter I will seek to analyze Cicero's evaluation of the ethics of imitation as presented in the dialogues.

I will begin with an examination of the *personae* theory of *Off.*, a theory which connects ethical behavior to stage acting. Comparing this theory to Cicero's description of imitation in the dialogues, I will seek to show that Cicero generally considers imitation to be a necessary means by which an individual can live in accordance with nature, and

²⁴ Dionysius of Halicarnassus wrote a now-lost treatise *De Imitatione*, in which he attempted to instruct his reader on how to imitate correctly, and so avoid the potential complications of choosing a bad example or imitating bad qualities. It is apparent from an epitome, however, that his criteria are concerned less with ethics and more with *lexis*, and so his treatise amounts to little more than "a purely practical handbook for the rhetorical schools" (Bonner [1969] 39). Almost certainly it had great influence on the tenth book of Quintilian's *Institutio Oratoria*, the most similar of surviving ancient works (cf. Russell [1979] 6). Apparently no theorist ever constructed a discrete system for choosing and imitating positive ethical models. For a fuller discussion of the content and history of Dionysius' treatise, see Bonner.

so live virtuously. I will then move on to a consideration of who can imitate and be imitated, after which I will explore the ways in which the process of imitating creates a social network linking the right kind of *imitandi* and *imitatores*.

After considering these ideas as represented within the dialogues I will seek to compare them to Cicero's own imitation of his formal models for the dialogue, particularly Plato. At the end of the chapter I will conclude that Cicero turns to Plato as a model because Plato himself uses a form (the dialogue) which attempts to follow the example of nature. By imitating a formal example that aligns with nature, Cicero seeks to make his own theoretical writings both natural and virtuous.

Cicero on Imitation

In accordance with the ideals expressed in his first dialogue (*De Orat.*), Cicero refused to limit himself to being either an orator or a philosopher. In the same way, he did not settle on a single definition of imitation. For him, *imitari* in all its forms functioned easily in both of the senses outlined by McKeon. The philosopher in Cicero emphasized the imitation of the real or nature, and the orator in him appealed regularly to *exempla* and the imitation of a person or his actions, often doing both in the same work. Because of this polyvalence of meaning, Cicero never explicitly describes in full what he sees as imitation's significance. Only once does he even come close, in Antonius' speech at *De Orat.* 2.88-98. In this passage Antonius emphasizes not only the importance of choosing models, but the necessity of choosing the right ones. Even here, though, imitation is limited to the second sense, that of imitating exemplary models. The first, ontological definition of imitation does creep into Antonius' theory, but not until much

later, when he is discussing emotions (*De Orat.* 2.189-96). The enthusiasm he had shown for the second type is expressly contrasted by his universal mistrust of the first.²⁵ The imitation of genuine emotion, Antonius claims, falls into the same category (both semantically and ethically) as lying (*falsum*) and faking (*fictus, simulatum*).²⁶ It entails, in a sense, imitating oneself under other emotional circumstances or imitating another person's emotions.

Perhaps unsurprisingly, Crassus offers a balancing opinion to Antonius' in Book 3. Though he supports the basic tenets of Antonius' discourses on imitation and emotion, Crassus makes an effort to rehabilitate the ethics of the imitation of reality. In discussing the emotions of the orator in comparison with those of the actor Crassus says ironically, "no doubt, reality always has the advantage over imitation."²⁷ In fact, though, he goes on to argue that the orator cannot always feel the genuine emotion necessary for the presentation of his case, and therefore has no choice at times but to imitate reality. And whereas such imitation cheapened real emotion in Antonius' speech, for Crassus it

²⁵ There is one point at which Antonius seems to advocate the imitation of reality, at *De Orat.* 2.94: *Demosthenes, Hyperides, Lycurgus, Aeschines, Dinarchus aliique complures, etsi inter se pares non fuerunt, tamen omnes sunt in eodem veritatis imitandae genere versati, quorum quam diu mansit imitatio, tam diu genus illud dicendi studiumque vixit.* The grouping of orators given here has seemed to many commentators to be rather forced (e.g., May and Wisse [2001] 148). Not to mention the linking force is something Antonius elsewhere criticizes. The key is to be found, as Fantham (1978), 9-10, points out, in the figure of Isocrates. Having immediately preceded this generation, Cicero gives Isocrates credit as the great imitated, the one who served as the model for the entire next generation. His pupils are divided up into the historians (Ephorus, Theopompus, et al.) and the orators. The first group was linked through their imitation of Isocrates' epideictic oratory; the second group was linked through their imitation of Isocrates' non-epideictic oratory, i.e., the mode of "imitating reality." So Antonius here does not so much advocate the imitation of reality (which only distinguishes the Isocratean orators from the Isocratean historians), but the imitation of the figure Isocrates, the source for the next generation's *genus dicendi*.

²⁶ *De Orat.* 2.189: *Quod si fictus aliqui dolor suscipiendus esset et si in eius modi genere orationis nihil esset nisi falsum atque imitatione simulatum, maior ars aliqua forsitan esset requirenda.*

²⁷ *De Orat.* 3.215: *Ac sine dubio in omni re vincit imitationem veritas* (tr. May and Wisse). See also May and Wisse's note (291n300) which calls attention to the fact that Crassus' irony (*sine dubio*) here is intended to recall Antonius' discussion of emotion in order to mediate it. As usual it is not simply Crassus or Antonius who has presented the fullness of an issue, but a synthesis of the two.

involves attuning oneself to nature and embracing the emotions' very essence.²⁸ That is to say, for Crassus, the imitation of unfeeling emotion can be ethically acceptable so long as the one selects the right *imitandum* (here nature itself).

This sentiment on imitation is the last one expressed in the dialogue, coming just moments before the end. In a sense it is the final word, but it is not the one we have been prepared to expect. The second type of imitation, as in most rhetorical works, had dominated the dialogue, but it is the first type that concludes it. And what had been ethically questionable up to this point (imitating reality) is referred to the realm of ethically appropriate conduct, the approach towards the natural ideal.²⁹

As usual, *De Orat.* takes both sides on an issue. Both definitions of imitation fall into the domain of the ideal orator, the imitation of men and actions is regulated into acceptability, and the imitation of reality proves to have as much potential to be good as bad. And as usual, it is tempting to find Cicero's own opinions hiding behind the words of Crassus. But Crassus is merely Cicero's starting point. Whereas Crassus fades from the scene of Cicero's dialogues at the end of *De Orat.*, Cicero does not. He continues to debate the merits and ethics of imitation through many interlocutors and dialogues, and while he never gives a dogmatic statement of his position on imitation, he does begin to present a coherent picture of how imitation relates to virtue and nature and what it means to be a good imitator.

***Persona* Theory, Self-performance, and the imitation of others**

²⁸ *De Orat.* 3.215-6: *discutienda sunt ea, quae obscurant, et ea, quae sunt eminentia et prompta, sumenda. Omnis enim motus animi suum quendam a natura habet vultum et sonum et gestum.*

²⁹ Though it will be treated more fully below, it should be noted here that this rehabilitation at the end of the *De Orat.* is also important because of the fact that the dialogue is itself mimetic.

Cicero gives his most extended treatment of imitation at the end of his theoretical career, in *Off.* As noted in the introduction, *Off.* does contain elements of dialogue; the three book structure allows for the *honestum* of book 1 and the *utile* of book 2 to enter into a sort of dialogue in book 3. The danger of this altered type of dialogue is that the *utile* has no voice in book 1 and the *honestum* none in book 2 (theoretically), which makes Cicero's expressions of those positions – especially those of book 1 – seem particularly dogmatic when the books are read individually.³⁰ And the interpretation of Cicero's personal position is further complicated by the Panaetian influence on *Off.* Cicero is dealing with a Stoic model and operating in Stoic terms, although he does not identify himself as a Stoic.³¹ These complications warn against accepting *Off.* as a statement of Ciceronian belief or excerpting book 1 or 2 without reference to 3.

At the same time, *Off.* comes at the end of Cicero's career where it is colored by the positions and theories expressed in all of his dialogues. The dogma of *Off.* can accordingly be cross-referenced with the positions detailed in the dialogues. On the topic of imitation we can begin with the dogma of *Off.* as a basis for comparison with the dialogues, and then move on to an understanding of the dialogues' general positions on imitation.

³⁰ In fact, the distinction between books 1 and 2 is not quite that black-and-white. The *honestum* does appear regularly as a backdrop in book 2, but it is at times difficult to determine to what extent it is informing the discussion of the *utile*. Cf. *Off.* 2.9: *honestatem ab utilitate secernens constitueret esse honestum aliquid, quod utile non esset, et utile, quod non honestum*. The *utile*, in practice, plays very little role in book 1.

³¹ An interesting moment in book 2 comes when Cicero is discussing the acceptability of defending the guilty (2.51). He claims that prosecuting the innocent is never acceptable, but it is under certain vague circumstances permissible to defend the guilty. Recognizing the potential inconsistency of this position he refers the blame to Panaetius. Panaetius held this opinion, he says, and so may I (*non auderem, nisi idem placeret gravissimo Stoicorum Panaetio*). Cicero here reminds the younger Cicero and the reader that Panaetius, and not Cicero himself, is our authority in *De Officiis*.

Off. contains twenty-five uses of forms of *imitari*, offers several different objects for imitation, and regularly appeals to both of McKeon's general types. The sheer relative quantity of statements on imitation makes it possible to construct the kind of classification that Cicero never explicitly offers, and can lead to some conclusions about why imitation plays such an important function in the dialogues as a whole.³²

On five occasions in *Off.* Cicero uses imitation in the sense so prevalent in the rhetorical dialogues: the imitation of a positive *exemplum* is of value in the education and edification of the individual.³³ These references to *exempla*, however, are little more than passing glances at imitation. Of more interest is Cicero's most concentrated discussion of imitation from 1.110-21.

Beginning perhaps as early as 1.98, and certainly by 1.107, Cicero outlines Panaetius' theory of the four *personae* that govern the choices and lives of individuals.³⁴ *Persona* theory, which both De Lacy and Dyck consider to be a Panaetian invention, appeals to the language of theater masks and roles in order to identify the different component parts of an individual which, when assembled, lead him to make various choices about his life and his character.³⁵ Cicero identifies four *personae* between 107 and 121: 1). the *persona* common to all humans, the universal nature which consists of

³² By this I mean not conclusions simply based on discussions of imitation in the dialogues, but the role of imitation as a whole in the choice and execution of the form.

³³ *Off.* 1.133, 1.146, 2.46, 2.57, and 2.76. Similar to these, but with slightly more significance are 1.78 and 3.6, where Cicero presents himself as a model. In her study on the use of *exempla* in Livy, Jane Chaplin (2000) defines an *exemplum* as "any specific citation of an event or an individual that is intended to serve as a guide to conduct" (3). She then subdivides the types of *exemplum* in Livy's history. The first is the *exemplum* introduced by the author, Livy, as an example worthy of imitation. The second is the *exemplum* that individual characters cite as their model for a particular action. The third kind of *exemplum* is the one that characters can cite and interpret as a past action to be followed or ignored. This third kind of *exemplum* introduces a high level of subjectivity, which may be characteristic of Cicero's own use of *exempla* in his oratory, but does not find its way into his discussions of imitation. For Cicero in his dialogues, an example is either good or bad, its quality is manifest, and it is open to just one interpretation.

³⁴ Dyck (1996) *ad* 1.107.

³⁵ On *personae* theory in Cicero and Panaetius, see De Lacy (1977), Dyck (1996) *ad* 1.107, and Gill (1988).

ratio;³⁶ 2). the individualized nature (*propria natura*); 3). the *persona* of each individual as dictated by fortune; and 4). the *persona* chosen by each individual, which amounts essentially to a choice of profession in *Off.*³⁷ The sum of these *personae* constitutes the character of an individual.

The vocabulary of *persona* theory creates an implicit connection between the behavior of an actor and the ethical behavior of any individual. Like the actor, the individual must perform a role. At *Off.* 1.114 Cicero draws this connection explicitly when he compares the activity of identifying one's own nature with an actor selecting the role most appropriate for him:

*quisque igitur noscat ingenium acremque se et bonorum et vitiorum
suorum iudicem praebeat, ne scaenici plus quam nos videantur habere
prudentiae. Illi enim non optumas, sed sibi accomodatissimas fabulas
eligunt.*

So each person should know his strengths and show himself a keen judge of his own good and bad qualities, lest actors seem to have more prudence than we do. For they do not pick the best roles, but the ones most suited to themselves.

(*Off.* 1.114)

Actors had also been the source of comparison for the orator in his use of emotions in *De Orat.* 3.215-6. In the *De Orat.* passage Crassus introduces actors precisely because their

³⁶ Cicero outlines two very specific types of *natura* in this passage, the *universa natura* and the *propria natura*. It is the universal nature of humans to be endowed with reason and speech (*ratio* and *oratio*). It is this *ratio* that sets men apart from beasts, which allows them to synthesize present sensations with knowledge of the past and a reasoned outlook on the future. And it is *oratio*, the ability to communicate through language, that leads men into communities. Universal nature, the nature of all men, is also what drives them in search of truth (Cf. *Off.* 1.11-14).

The personal, individualized nature is, like the universal, still natural. It consists of innate, unchangeable qualities. These qualities, though, are not those that separate men from beasts, but those that separate one individual from another. Individual natures need not be ethically good or bad. One may show *severitas*, another *hilaritas*; one *calliditas*, another *simplicitas* without anyone being wrong. When personal nature does show a bent towards something bad it should be avoided, but otherwise each individual should attempt to regulate his actions by his personal, inborn nature.

³⁷ Dyck *ad* 1.107.

entire art consists of imitation.³⁸ In *Off.* they appear first for the preliminary step: selecting a model. But then Cicero takes the connection a bit farther. According to his logic the comparison of an actor's role-selection to *decorum* in turn implies that living in accord with one's own nature means not only identifying it, but then, like an actor, executing the performance of it (i.e., his "role") as fully as possible. Like an actor knows he will make a good Epigonid and so performs as such regularly and with utmost fidelity to the role, each person must recognize nature's role for him and execute it in the same way.³⁹

But in contrast to the actor, in *persona* theory the individual performs as himself. The theory of *personae* thus externalizes the individual's character, making it an object that the subject may attain with varying levels of success. Each person's role is, to a certain extent, predetermined by nature or chance, but, as particularly demonstrated by the fourth *persona*, each individual must make a voluntary assent to the dictates of nature and fortune. The process of assent is the means by which the individual accesses his externalized *personae*, the way he performs himself.⁴⁰

³⁸ Cicero actually draws an interesting distinction between actors, as *imitatores veritatis*, and orators, as *actores veritatis* in *De Orat.* 3.214. Narducci (1997) sees Cicero using this difference to excuse the potential ethical difficulties produced by the orator's conjuring of certain emotions on demand. The orator does not fake emotions, he actually feels them, but is able to feel them at will. And his feeling of the emotions leads his audience to truth, rather than deceiving them (87). Imitation is unethical in this context, but only because it is identified with the actions of the actors, who perform falsehoods (cf. *Off.* 1.111 discussed below). Elsewhere Cicero considers imitation as true performance to be acceptable.

³⁹ *Off.* 1.114: *qui voce freti sunt, Epigonos Medumque, qui gestu Melanippam, Clytemestram, semper Rupilius, quem ego memini, Antiopam, non saepe Aesopus Aiacem. ergo histrio hoc videbit in scena, non videbit sapiens vir in vita?* See also 1.115: *ipsi autem gerere quam **personam** velimus, a nostra voluntate proficiscitur.*

⁴⁰ De Lacy (1977) considers various implications in the choice of the vocabulary of *persona* (and *propon* by Panaetius). He sees the externalization of the self as the most natural meaning, but also notes that a *persona* can have an individualizing implication. So the Agamemnon role limits a playwright in certain ways, because the Agamemnon *persona* has certain inherent characteristics that differentiate from, for example, Thersites. De Lacy eventually comes to a conclusion similar to that of the four-part division given by Cicero: some meanings of *persona* are individual, some universal, some a matter of choice, some

At stake in Cicero's discussion of the *personae* is one of the four basic principles of moral virtue – wisdom, justice, courage, and temperance – which Cicero outlines in *Off.* 1. He has, by 1.93, moved on to the fourth and final of these principles, the one dealing with order and moderation, *in quo inest modestia et temperantia*.⁴¹ What he goes on to discuss, however, is a concept which he believes contributes fundamentally to the attainment of all of the cardinal virtues: *decorum*.⁴² So important is *decorum* that it functions nearly synonymously with virtue (*honestum*) itself:

Huius vis ea est, ut ab honesto non queat separari; nam et quod decet honestum est et quod honestum est decet.

Such is the force of propriety (*decorum*) that it cannot be separated from virtue; for what is proper is virtuous and what is virtuous is proper.⁴³
(*Off.* 1.94)

In his discussion of *personae* Cicero further clarifies his idea of *decorum*, describing it as something like living in accordance with one's personalized nature insofar as that nature does not conflict with humanity's universal nature, the use of *ratio*.⁴⁴ The personalized nature he here evokes is the second of the four *personae*, the *propria natura*, and the *universa natura* used as a backdrop is the first *persona*. The logic of this series of statements goes something like this: virtue is *decorum* and *decorum*

determined by outside forces. In any case, there remains the potential for the self to perform the *persona* either well or poorly, and the action of performing, in whatever form it may take, represents a method for the actualization of an externalized *persona*.

⁴¹ This phrase comes from 1.15, where Cicero introduces his four-part structure.

⁴² As he points out, the Greek *prepon*. See Dyck (1996) ad 93ff. for Cicero's definition of *decorum*, especially as it relates to Panaetius' position and the idea of *honestum* itself.

⁴³ I have translated *honestum* as virtue in a non-technical sense. Something along the lines of "moral rectitude" might be more precise, but is also more cumbersome.

⁴⁴ *Off.* 1.110: *Admodum autem tenenda sunt sua cuique, non vitiosa, sed tamen propria, quo facilius, decorum illud, quod quaerimus, retineatur. Sic enim est faciendum, ut contra universam naturam nihil contendamus, ea tamen conservata propriam nostram sequamur, ut etiamsi sint alia graviora atque meliora, tamen nos studia nostra nostrae naturae regula metiamur; neque enim attinet naturae repugnare nec quicquam sequi, quod assequi non queas. ex quo magis emergit quale sit decorum illud, ideo quia nihil decet invita Minerva, ut aiunt, id est adversante et repugnante natura.*

is living in accord with one's own nature, with the result that failing to live in accord with one's own nature is a sign of lacking virtue.

Cicero clearly implies that each individual is an agent who may chose to what extent he will follow (*sequamur*) his personal nature. To do so fully is to be decorous, and therefore virtuous. But as he continues Cicero explains that one does not merely fail to live decorously by not following his personal nature. One may also forfeit *decorum* by actively following someone else's *propria natura*.

Omnino si quicquam est decorum, nihil est profecto magis quam aequabilitas [cum] universae vitae, tum singularum actionum, quam conservare non possis, si aliorum naturam imitans, omittas tuam.

If any kind of *decorum* exists at all, it is nothing more than the consistency of one's life as a whole and all its individual actions, which you cannot maintain if, imitating the personalized nature of others, you lose sight of your own.

(*Off.* 1.111)

Here for the first time Cicero explicitly includes imitation in his discussion of the *personae*, and it is unethical. Though *persona* theory implies a method of accessing an externalized nature, Cicero's vocabulary distinguishes between two different processes. When one performs one's own nature, he "follows"; when he performs another's nature, he "imitates."

Cicero gives an example of an indecorous performance of the self in an unlikely place: the *Brutus*. Not surprisingly, because of its rhetorical subject matter, the *Brutus* places strong emphasis on imitation in the second of McKeon's senses, the imitation of *exempla*. Only once (*Brutus* 225) does it touch on the imitation of nature, and even then it is in a context of the second kind of imitation. In the passage in question, Cicero is

warning Brutus not to do anything which could be imitated by someone wishing to mock him. To make his point he gives the example of a certain Titius, who was a regular target of abuse because of the effeminacy of his oratorical performance.⁴⁵ According to Cicero, this effeminacy inspired others to give exaggerated imitations of Titius, imitations more to be aligned with caricature than imitation proper. The relevant type of imitation in the passage is not this caricaturizing of Titius the imitated, but Titius' own imitation of another's nature, which gives rise to the ludic imitations of him. Titius' mannerisms are open to criticism precisely because they seem to his audience to be a poor imitation, or even misrepresentation, of the natural order (*tam solutus et mollis in gestu*). To the mind of his audience, Titius' gestures are not those of a man. He is either following universal nature poorly because of his personal nature, or, as suggested in *Off.* 1.111 he has misconstrued his own personal nature by imitating the personal nature of a woman. The caricatured imitation of these behaviors, then, is akin to the painting of the table in Plato's *Republic* 10: it stands in double remove from the original. The caricature is an exaggerated imitation of an already poor imitation of nature. As such it is entirely farcical and offers no pretensions towards reality. At the same time, Titius' imitation of another's nature leads to this sort of ridicule because it is not *decorus*.

As the example of Titius helps to demonstrate, the imitation of another is a poorer method for performing the self than is the following of nature. But Cicero has not written off imitation entirely. Though he has generally disparaged imitation in favor of following nature in the description of the first two *personae*, when he begins his discussion of the fourth *persona*, Cicero admits to the inevitability of the imitation of another. As he

⁴⁵ *Brutus* 225: *ita cavendumst, ne quid in agendo dicendove facias, cuius imitatio rideatur.*

explains, the average person has no choice but to imitate a model (*Off.* 1.118). People must imitate others, Cicero says, because they tend to have to make decisions about career and lifestyle before they have the appropriate wisdom or leisure to do so (1.117). Practically speaking, then, each person must imitate the example of others (especially parents) in selecting the best course for behavior insofar as that imitating does not lead to a conflict with one's own nature (as it did with Titius). In these terms, Cicero identifies imitation as the path most ethically appropriate for the majority of people, who, limited in their options by fortune (the third *persona*), do better to imitate than to make a decision based on their immaturity.

Ideally fortune would play no role in an individual's assessment of how he should regulate his life according to his personal nature, but very few have such an opportunity.

Illud autem maxime rarum genus est eorum, qui aut excellenti ingenii magnitudine aut praeclara eruditione atque doctrina aut utraque re ornati spatium etiam deliberandi habuerunt, quem potissimum vitae cursum sequi vellent; in qua deliberatione ad suam cuiusque naturam consilium est omne revocandum.

Then there is that extremely rare group of those who are endowed with either an abundance of natural talent, or extraordinary cleverness and learning, or both, and have also time for reflecting on what course of life they want to pursue most of all. In this reflection, they ought to assess every plan with reference to their own personal natures.

(*Off.* 1.119)⁴⁶

This *rarum genus*, exemplified by Hercules, is the limited group for whom the perfect identification with personal nature is possible. The members of this class have both the time to deliberate and the intelligence necessary for identifying their personal natures, for attaining self-knowledge. But time and talent are both products of fortune. Good fortune

⁴⁶ Quintilian, no doubt imitating Cicero, makes a similar point regarding orators: *Et hercule necesse est aut similes aut dissimiles bonis simus. Similem raro natura praestat, frequenter imitatio* (*Inst. Or.* 10.2.3).

can render imitation unnecessary; imitation is a sort of compensation for the lack of this fortune, a shortcut towards finding one's personal nature when one does not have the leisure to wait.

Thus, though he shows a preference for following nature over imitating another in his discussion of the first two *personae*, in his discussion of the final two *personae* Cicero rehabilitates the process of imitation. He initially offers only two alternatives for living a life in accord with one's personal nature: one can be lucky and so be given the opportunity to follow his nature perfectly, or one can, by default, imitate those around him. Since neither of these options is particularly satisfying Cicero offers a new alternative to his theory by including in his discussion the *exemplum* of the Scipios.⁴⁷ The Scipios offer a twist on the traditional imitation of parents. Because of the martial and moral excellence of the Scipios over several generations, Cicero tells us, when a Scipio imitated an ancestor he was in fact making progress towards virtue. Personal nature (as in the case of the invalid elder son of Africanus) limited the way in which the younger Scipios could imitate the older ones, but where a military triumph could not always be imitated, the virtue that enabled that triumph could. Since, as Cicero tells us elsewhere, virtue is the full realization of nature (in the universal sense), the imitation of virtue is akin to the imitation of nature itself.⁴⁸ In this model, the two types of nature begin to overlap. A Scipio can identify with his personal nature by making his actions conform to universal nature. More importantly, the Scipionic model demonstrates a morally approvable notion of imitation: the imitation of a person who follows (universal) nature.

⁴⁷ *Off.* 1.121.

⁴⁸ As Cicero says in *Leg.* 1.25: *est autem virtus nihil aliud, nisi perfecta et ad summum perducta natura.*

We can see then, that in his discussion of *decorum* and *personae*, Cicero has laid out two stipulations regarding imitation: a). all people should follow their own nature; b). the imitation of another's nature is wrong. Practically speaking, these principles are enacted by three groups: 1). most people must imitate others as long as they do not find themselves to be violating their own nature; 2). a limited group can follow nature alone; and 3). there is another group (like the Scipios) who can by imitating others simultaneously follow nature.⁴⁹ Groups 2 and 3 conform fully to stipulation a). Group 1 does not; it acts until it has violated stipulation b)., then corrects itself.

The distinction here is akin to the one made between Diogenes and Antipater in *Off.* 3.50-57. These two Stoics, as Cicero frames it, disagree about whether a grain merchant should give full disclosure to his buyers about the imminent arrival of other grain merchants, or simply seek as much profit as possible through concealment of information without lying. According to Julia Annas, Diogenes here argues in terms of legal obligations, Antipater in terms of moral duties.⁵⁰ Thus the former insists on selling at the high price, the latter on disclosure. Because of his emphasis on duty, Antipater talks in terms of *boni viri*. This group, the good men, resemble Group 2 or 3. Diogenes' group, the group that uses as its standard not a positive idea of what duty is, but a negative idea of what does not violate law, fits in with Group 1. Antipater's group chooses positive activity; they intentionally imitate the terms of *societas* demonstrated in nature. As Annas argues, Diogenes' group, on the other hand, might view full disclosure

⁴⁹ Antonius almost gets to the point of supporting this mixed type of imitation in *De Orat.* 2.93-5, but ultimately substitutes Isocrates for reality, continuing his emphasis on McKeon's second type of imitation. Cf. n21 above.

⁵⁰ Annas (1989) 151-73, whose chief focuses are the fact that Cicero just doesn't quite understand Diogenes, and the importance of dealing with the distinction between moral duties and legal rights.

as a threat to all legal institutions (why not just give the grain away?), which themselves have been established for the preservation of *societas*.⁵¹ Annas argues convincingly that Cicero misses the point here, that Diogenes and Antipater are simply talking about different topics, and that their positions are reconcilable so long as Antipater takes account of legal institutions. Even if he is mistaken, though, Cicero's siding with Antipater's limited theory agrees with his broader views on imitation. The emphasis on legal institutions introduces a middle-man in the following of nature; the one who prioritizes these institutions imitates something else, he does not follow nature herself. Such imitation is not necessarily wrong (if the middle-man is himself virtuous, as with the Scipios), but in this case it distracts from the direct following of nature. Legal rights and institutions, which take effect primarily through restriction, are obeyed through inactivity, through the absence of violation. Moral duties, on the other hand, are responsibilities which require deliberate activity. Whether he fails to grasp the fullness of Diogenes' argument or not, the conflict Cicero details remains the same: doing what is right vs. not doing what is wrong. Group 1 does the latter, Groups 2 and 3 the former.

The limited Group 2 plays a limited role in the rest of Cicero's thought on imitation.⁵² This is the group of Hercules (1.118); it is an almost inaccessible ideal

⁵¹ And such institutions are of utmost importance to Cicero the advocate and author of *Leg.*

⁵² It is tempting to see this group as the one referred to at *De Orat.* 2.98: *Atque esse tamen multos videmus, qui neminem imitentur et suapte natura, quod velint, sine cuiusquam similitudine consequantur*. Those mentioned here, however, are using nature to attain what they want (*quod velint...consequantur*), not, as in *Leg.* 1.26, the necessities of life (*artes uero innumerabiles repertae sunt, docente natura, quam imitata ratio res ad uitam necessarias sollerter consecuta est*). The difference lies in the differing meanings of *natura*. In *Off.* and *Leg.*, it seems to refer to the quality of reality. In *De Orat.* 2.98, it is simply a character trait (like cleverness or wittiness), qualities that mark certain models as more *decorus*, but do not allow for the full-scale imitation of reality. Cf. Gunderson (2000) 215: "Taken to its extreme, this idea of nature obviates imitation. We can get around this impasse by denaturalizing the category nature: these two models [rhetorical excellence by imitation and by nature] are complementary to the extent that one's nature is culturally produced."

whose dependence on fortune ensures it can have no practical effect on the reader.⁵³

Group 1, since it does not meet the standard of stipulation a). or the one outlined by Antipater, also does not suit Cicero's standards for the truest use of imitation. Only Group 3 offers the right method of imitation that accords with both stipulations a). and b.); its imitation mimics the following of nature.

In the end, Cicero's expression of Panaetius' *persona* theory points to a positive type of mimetic performance. The very notion of *personae* implies an externalization of the truest self to which each subject must attain through assent to various parts of his nature. He must accept his role as a rational human being, and he must behave in accordance with his individual characteristics. Cicero identifies the processes of assent as either following nature or imitating another. In this sense, imitation leads the individual away from his personal nature. But Cicero offers a rehabilitated idea of imitation through the example of the Scipios. Because the Scipios themselves follow nature, the imitation of them leads not away from, but towards nature. Such imitation is decorous because it leads to virtue. But Cicero qualifies even the imitation of the Scipios. In the next section I will explore how Cicero uses the Scipios and other aristocratic *exempla* to construct a limited network of the *boni*, who alone have the capability to select and imitate the right examples.

The *Imitandus* and the *Imitator*

The Scipios, whom Cicero introduces as an *exemplum* of Group 3, play an important exemplary role in much of Latin literature, and especially in the theoretical

⁵³ This is, of course, not to say that Hercules cannot himself serve as an *exemplum* (cf. *Off.* 3.25, treated below, p. 23). His actions are imitable, but the situation into which he is born is not.

works of Cicero. As a family the Scipios are particularly interesting not only for their achievements in many generations, but for the survival of their epitaphs. Andrew Riggsby points out that these epitaphs “emphasize evaluation of individuals by the community and in terms of their effects on that community. Obligations are both based on the social role of the individual and defined in terms of the interaction of that role with other roles and with the society as a whole.”⁵⁴ Through a coincidence of language, Riggsby speaks of the “roles” that the Scipios played. The Scipios performed the Roman ideals of civic virtue in much the same way that every individual must perform himself through his various *personae*. In the case of the Scipios, the “roles” they played had the same intended audience as the epitaphs themselves: the aristocracy of Rome. Or as Habinek has it, “the Scipionic epitaphs all describe the assessment of aristocratic performance.”⁵⁵ It was a performance of which the Scipios were acutely aware: in making ethical choices a younger Scipio had to choose whether or not to perform the role of a Scipio (a component part of his personal nature). His performance both determined his decorousness and virtue insofar as it agreed with his personal nature, and structured his relationship with his community. Even at the composition of their epitaphs the Scipios were positioning themselves as practicers of virtue to be imitated by other people. And to reinforce this exemplarity, the Scipionic epitaphs all contain similar characteristics, forming a multi-generational program in which each family member is

⁵⁴ Riggsby (1998) 78-9. He adduces the first of the known epitaphs, which I reproduce here with his translation simply as an example:

*Honc oino ploirume consentiont R[omai]
 Duonoro optumo fuise uiro . . .
 Hec cepit Corsica Aleriaque urbe.
 Dedet Tempestatebus aide mereto[d].*

Most at Rome agree that this one was the best man of all the good . . . He took Corsica and the city of Aleria. He rightly gave a temple to the Storms. (CIL I².8-9)

⁵⁵ Habinek (1998) 50.

portrayed as an exemplar of virtue and an imitator of the actions of his ancestors.⁵⁶ Even in the case of one who did not live long enough to imitate his ancestor's actions, his epitaph still announces that "he was never outdone in virtue."⁵⁷

When Cicero mentions the Scipios in *Off.* 1.116 he does not make explicit reference to the epitaphs of the family, nor does he detail an *exemplum*'s consciousness of his own exemplarity.⁵⁸ Even so, when he appeals to the Scipios as *exempla*, Cicero accepts the role as external audience to their self-conscious exemplarity. He marks them as worthy *imitandi*, for himself as well as for their own descendants. At the same time, just as the Scipionic epitaphs have both familial and external audiences in mind, Cicero also conceived of a dual audience for his treatise. He wrote both for his family (his son) and an external audience (his reader). His implicit approval of an external audience to familial exemplarity embodied in his own citation of the example of the Scipios encourages his reader to embrace his role as audience fully. The reader should not simply view the text from the outside, he should consider himself equally inscribed with the younger Marcus.

As with the epitaphs, though, Cicero conceives of the external audience of *Off.* as an aristocratic one. Because the descendant functions as internal audience in both the epitaphs and the *Off.*, the instructions or exhortations of both texts can only extend to an audience with comparable social standing and understanding. Only someone with an upbringing similar to the younger Marcus could respond appropriately to *Off.* Cicero

⁵⁶ Habinek (1998) 52: "[T]he concentration and interconnectedness of the epitaphs invite the reader to imagine the continuity of the Scipionic tradition...."

⁵⁷ The full line reads: *Is hic situs quei nunquam victus est virtutei* (*CIL* I².11).

⁵⁸ Elsewhere not only does Cicero conceive of the Scipios as exemplary, but even ascribes to them a self-conscious exemplarity that accords with the epitaphs (see *Rep.* 2.69, which is discussed in further detail below).

gives an example of the appropriate extension of the audience of aristocratic performance through the evocation of another Roman family with multi-generational significance at *Fin.* 2.61. Here Cicero is arguing against the Epicurean notion proposed by Torquatus that a guilty conscience or fear of retribution – both disturbances to a pleasurable life – are sufficient deterrents against wicked behavior (*Fin.* 2.53). To this end he introduces the *exemplum* of Torquatus’ own ancestor, Torquatus Imperiosus, in the hope that the personal connection will convince the Epicurean.⁵⁹ Even more than this, however, Cicero uses Imperiosus to introduce his consular colleague, Publius Decius Mus, and the noble military achievements of himself and his descendants (*Fin.* 2.61). Like the Scipios, the Decii exhibited a multi-generational excellence worthy of imitation.⁶⁰

The exemplary model works here as a network connecting Torquatus the Epicurean to the Decii. At first, Torquatus’ own ancestor is his model; then an immediate parallel is offered for that model (P. Decius Mus); and that parallel evokes other exemplars (the descendants of Decius Mus) who are notionally parallel to Torquatus himself (as descendants of the original set of *exempla*). The implicit externalization of the audience given in *Off.* ripples out a little more explicitly here in *Fin.* to encompass parallel families. The *exemplum* of someone like P. Decius Mus is effective (and *decorus*) for someone like Torquatus because the latter is closely linked ancestrally to the former. Such direct networking is of course not necessary in the use of an *exemplum*, but it offers a representation of the way in which appropriate models could

⁵⁹ Torquatus Imperiosus was a three-time consul of the mid 4th C BCE (347, 344, 340). Along with P. Decius Mus, he conquered variously the Latins, Volsci, and Aurunci. Several apocryphal stories of exemplary behavior attached to him, including his three tenures as dictator, his proclivity for one-on-one dueling, and his defense of his father who was accused of maltreating him.

⁶⁰ It is the multi-generational military success of the Decii that seems to make them more apt as an *exemplum* than Imperiosus himself, who also sustained many military victories.

be identified. Just as the limited audiences of the Scipionic epitaphs and the *Off.* suggest, the network of *Fin.* further confirms that Ciceronian imitation is an aristocratic project.

The emphasis on networking and the aristocracy in the end triangulates Cicero's theory of imitation. The selection of a worthy (aristocratic) model suggests a self-awareness on the part of the imitator. He is aware both that he is imitating and that he is included (or trying to include himself) in a network. The awareness of the network suggests that the imitator understands his own potential role as imitated for some other part of the network. So, in addition to his instructions to follow nature/virtue and to imitate worthy ancestors, Cicero adds a third component – one also present in the epitaphs of the Scipios – to imitation: offering oneself to the appropriate, aristocratic audience as an *exemplum* for imitation.

The description of appropriate imitation laid out in *Off.* eventually depends on this final limitation to the aristocracy. Cicero begins his discussion of imitation with a negative example. He defines *decorum* as living in accord with one's personal nature, and closely identifies *decorum* with virtue. The failure to live in accordance with one's nature leads to an absence of virtue, and the cause of such a failure is often the fact that one has imitated someone else's personal nature. From the outset imitation is a threat to virtue. But imitation can still approximate virtue if one imitates in the right way. Cicero gives three possible styles of imitation that can work. In the first place, it is permissible to imitate the personal nature of others up until which time as that personal nature violates universal nature. This is the default type of imitation, available to all. One can also, given the right circumstances, imitate nature directly. This kind of imitation is the province of a *rarum genus*. But one may also imitate those who are themselves followers

of nature. These worthy *exempla* demonstrate their imitation of nature by their (aristocratically-defined) virtue, as is the case with the Scipios. Cicero sets up this kind of imitation as the best kind, but in the end one must have the right personal nature to perform this kind of imitation. Those with the right kind of nature are the people who recognize virtue in others and know how to choose good models, without falling back by default into imitation of their own parents. It is, in sum, the *boni* who are fit to be imitated and the *boni* who will choose to imitate them.

Cicero's Laelius summarizes the ideas of *Off.* succinctly in his one reference to imitation in the dialogue on friendship, returning again to the example of Scipio. According to Laelius, Scipio "never put himself before Philo, Rupilius, or Mummius, nor any of his friends of inferior rank."⁶¹ This behavior, Laelius says,

faciendum imitandumque est omnibus, ut, si quam praestantiam virtutis, ingenii, fortunae consecuti sint, impertiant ea suis communicentque cum proximis, ut, si parentibus nati sint humilibus, si propinquos habeant imbecilliore vel animo vel fortuna, eorum augeant opes eisque honori sint et dignitati.

should be performed and imitated by all, so that, if they have attained to any excellence of virtue, talent, or fortune, they should impart these things with their circle and share them with their intimates, so that, if some are born from inferior parents or have relatives of either inferior mind or fortune, they might increase their standing, and be for them a source of honor and dignity.

(*Laelius* 70)

Scipio is the *imitandum*, virtue is his imitable characteristic, and the audience that should imitate is his close friends (*suis* and *proximis*). It is also noteworthy that imitation within the aristocracy does not seek the elevation of the individual. In this context, exemplarity

⁶¹ *Laelius* 69: *numquam se ille Philo, numquam Rupilio, numquam Mummius anteposuit, numquam inferioris ordinis amicis.*

results in the integration of others into the group, leveling the playing field between those who have proved they belong within the circle of the *boni*.

Finally, Scipio himself, speaking on imitation and self-conscious exemplarity in *Rep.*, adds one more qualification to imitation. He confirms with Laelius and Cicero that only the *boni* are to be imitated and that only the *boni* are capable of imitating other *boni*, but he offers a slight nuance to the picture. According to Scipio, the *imitandus* should not offer himself as an example only to the acceptable *imitator*.

‘huic scilicet’ Africanus ‘uni paene—nam in hoc fere uno sunt cetera—, ut numquam a se ipso instituendo contemplandoque discedat, ut ad imitationem sui vocet alios, ut sese splendore animi et vitae suae sicut speculum praebeat civibus.’

[The good statesman ought to dedicate himself] to pretty much just this one thing – for all other things are essentially contained in this one – that he never stop training and contemplating himself, so that he may summon others to the imitation of himself, and so that, because of the shining example of his soul and life, he may offer himself as a mirror to the citizens.

(*Rep.* 2.69)

Here Scipio finally satisfies the other interlocutors of *Rep.* 2 with this description of the statesman, though his statement takes an ironic turn by insisting that the key to the governing others lies in focusing on oneself. That irony notwithstanding, Cicero claims here as he later would in *Off.* that the worthy *exemplum* has a full understanding of his own nature; he is, of course, also to be virtuous, i.e., to demonstrate a splendor of mind and life. Notably, though, Scipio instructs his statesman to offer himself as an example not simply to the *boni*, but to the citizens in general (*civibus*). The self-conscious exemplar does not have the responsibility of limiting his audience; indeed it would be folly to want others not to follow an example of virtue. It is the responsibility of the

imitandus to offer a general example; it is the responsibility of the *imitator* to seek out a specific model.

The general exemplarity Scipio here supports does not suggest that anyone is capable of imitating a worthy example. As he continues the discussion in *Rep.* 2, he describes the circumstances under which class distinctions govern the imitation of the virtuous. To make his point Scipio turns to the analogue of musicians. Scipio describes two possible scenarios for musicians playing together: they may play either in harmony or disharmony. The same options, he says, apply to governance. The different social classes can operate harmoniously in their own affairs or they can fail to, and so generate dissonance. Missing from both the music and the state is the option of unison. Scipio does not allow the *imitandus* to choose his imitators, but he does clearly imply that only a limited group will be able to match the pitch of the exemplary statesman; others will merely be able to approximate it, to harmonize with it.⁶² This sentiment closely resembles the limitations imposed by the third and fourth *personae*. As Scipio confirms, only the *boni* are worthy of imitation, and those who can fully imitate the *boni* are, by definition, *boni* themselves.⁶³

From the collective picture provided by *Off.*, *Laelius*, *Rep.*, and *Fin.*, imitation begins to emerge not merely as a characteristic of the aristocracy, but as a criterion for the very definition of the *boni*. The group self-selects its members as certain figures self-consciously perform virtue with a full awareness of their audience, while others demonstrate their own awareness of virtue through the imitation of the virtuous

⁶² Ideally the *boni* eventually become the model to be imitated by the people. On Cicero's division of classes in both *Rep.* and *Leg.* and the senatorial class's function as unified model, see Asmis (2005).

⁶³ Cf. also *Laelius* 70, in which Laelius says that one should share his virtues only with those close to him, his friends and family.

exemplum. The process of identifying the *bonus*, follows a string of conditions like this: Who is a *bonus*? The one who is virtuous. Who is virtuous? The one who lives decorously. Who lives decorously? The one who lives in accordance with nature. Who lives in accordance with nature? The one who imitates the right models. By this chain of reasoning, imitation functions as an avenue to inclusion among the *boni*.

It is, of course, much easier for one to choose and imitate a good model when one's own ancestors are the model. If imitation of parents is the default model, the children of aristocrats will far more often select the appropriate model, by accident more often than not. So despite an exemplar's presentation of himself as an example to all citizens, the default pattern of imitation assures the reiteration of the limits of the aristocracy from one generation to the next. The network of the aristocracy, the *boni*, remains highly insular insofar as the children of the aristocracy are good by default, while those outside the aristocracy must generate their own goodness.

Imitation and Society

I have thus far argued that Cicero, in his dialogues and *Off.*, conceives of imitation as an important method for identifying with nature and achieving virtue. Imitation can only lead to virtue when the imitated is himself virtuous. By the same token, only a virtuous person can identify and imitate a worthy example. Accordingly both those who imitate and those who are imitated are identifiable as *boni*. I now wish to consider the implications of the imitation of the *boni*. As I will argue, the reiteration of the *boni* from generation to generation enabled by imitation produces a society, and so reflects the community-orientation of the dialogues.

The intergenerational reiteration of the *boni* highlights an important dual function of imitation: it both occurs within a limited network and generates that network (or, roughly, *societas*). That is to say, the act of imitation produces society. The imitative process acts a medium enabling the joining together of individuals.

But before he makes a claim for imitation as a socially-generative action Cicero begins by locating the original impulse towards society in nature. Cicero makes the important fundamental claim early in *Off.* that human beings are essentially social, endowed not only with *ratio*, but with *oratio*.⁶⁴ He soon turns to the theories of Plato and the Stoics to justify and elaborate on his position:

But since, as Plato perfectly expressed it, we are not born for ourselves alone, and since our fatherland has a part in our upbringing, our friends have a part, and since, as the Stoics like to say, what things exist on earth were all created for humankind's use, and even men are born for the sake of other men, so that they can work for the benefit of one another, for these reasons we ought to follow nature as our example, to make a contribution to the common good through the exchange of duties, through giving and receiving, and then by our skills, our effort, and our talents to bind together men with men in *societas*.⁶⁵

(*Off.* 1.22)

Nature, here as ever, “defies fixed definition.”⁶⁶ In the first place it is here, as it will be later in *Off.*, something to be followed, a leader. It can be personal or universal, the world of men or the world of beasts. But the structure of Cicero's argument, which is

⁶⁴ *Off.* 1.12. At *Off.* 15 Cicero gives four governing principles for virtuous living. The second of these principles states that all virtue is contained in *hominum societate tuenda tribuendoque suum cuique et rerum contractarum fide*. Cf. *Fin.* 5.65-66. A similar argument is given to the Stoic Chrysippus in *Fin.* 3.67, and is of course also a key component of Aristotelian political thought (*Pol.* 1.1-2).

⁶⁵ *Sed quoniam, ut praeclare scriptum est a Platone, non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici, atque, ut placet Stoicis, quae in terris gignantur, ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent, in hoc naturam debemus ducem sequi, communes utilitates in medium adferre, mutatione officiorum, dando accipiendo, tum artibus, tum opera, tum facultatibus devincire hominum inter homines societatem.*

⁶⁶ Connolly (2008) 78.

essentially chiasmic, sheds light on nature's role in society. Cicero offers three closely-related reasons for society to exist (a, b, and c) and then offers three similar appropriate responses in reverse order (c, b, and a), as illustrated below by underlined, bold, and italic fonts:

But since, as Plato perfectly expressed it, we are not born for ourselves alone, and **since our fatherland has a part in our upbringing, our friends have a part**, and *since*, as the Stoics like to say, *what things exist on earth were all created for humankind's use, and even men are born for the sake of other men, so that they can work for the benefit of one another*, for these reasons ***we ought*** to follow nature as our example, **to make a contribution to the common good through the exchange of duties, through giving and receiving**, and then by our skills, our effort, and our talents to bind together men with men in *societas*.⁶⁷

Cicero takes his inspiration for following nature as a leader (response c) from the Stoic principle that nature has produced all things for humankind's benefit (reason c). Humans ought, therefore, to take advantage of all that nature has provided, including other humans. The argument, however, runs backwards. The contentious premise that requires proving is not that humans should follow nature as leader. Because of the broad range of the idea of nature, that kind of claim is generally acceptable. The potentially contentious statement is the Stoic one which Cicero takes as a given, that all things are created for the good of man. Cicero intends for the acceptability of the response, that it is proper to follow nature as leader, to imply the acceptability of the reason. Cicero therefore never constructs an argument to prove that society is natural; this he takes as already proven. He has only to argue for the appropriateness of following nature, which is easily done.

⁶⁷ *Sed quoniam, ut praeclare scriptum est a Platone, non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici, atque, ut placet Stoicis, quae in terris gignantur, ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent, in hoc naturam debemus ducem sequi, communes utilitates in medium adferre, mutatione officiorum, dando accipiendo, tum artibus, tum opera, tum facultatibus devincire hominum inter homines societatem.*

The description of society's origins that Cicero gives here moves beyond the mere association of society with nature adumbrated in 1.11. Nature itself, it turns out, does not create society.⁶⁸ Society exists in nature, but nature endows men only with a). the impulse to join in society and b). the means (*ratio* and *oratio*). To achieve society in Cicero's natural world, human beings must perform the act (*sequi, adferre, devincere*) that leads to society and have an inspiration for performing that act. As Connolly has put it, human beings "require some external stimulus to transform impulse into action."⁶⁹ The process resembles the assent to the externalized *personae* of *Off.* 107-21. Just as humans might ideally determine their character through the perfect following of nature, following nature is one way for humans to translate their impulse to society into the actualization of that society. That is to say, both the character of the individual and society are external objects, which can be accessed through the following of nature.

Cicero regularly returns to the idea of following nature, or nature as leader or teacher. In the dialogue named for him Laelius also asserts the value of following nature for the creation of a society. Laelius' topic is, of course, *amicitia*, which itself bears certain similarities to *societas*.⁷⁰ Most notably *amicitia*, like the particular definition of *societas* discussed above, only exists in true form among the *boni* (18-19). The restriction to the *boni* also recalls the sphere of the best kind of imitation. Here Laelius names the qualities that define the limits of the *boni*, and hence those who have the potential to be true friends: they include *fides*, *integritas*, *aequitas*, and *liberalitas*. More

⁶⁸ Nederman (1988) 6: "[Cicero's account] makes it impossible to say that man's associative nature is sufficient to inspire and incite the creation of a community."

⁶⁹ Connolly (2008) 87. She goes on to explain the disjunction of impulse and action as symptomatic of Cicero's general inability to resolve the political impulse and the impulse towards self-preservation.

⁷⁰ Laelius makes the point, however, that friendships occur *aut inter duos aut inter paucos* (20).

than these qualities, though, Laelius insists that the people who deserve to be called good are those who “follow nature, the best guide to living well” (*sequantur naturam optimam bene vivendi ducem*). Goodness’ role in nature closely resembles that of *societas*. Just as nature does not create *societas* but the impulse to *societas*, nature creates only the impulse for goodness; the action (of following) is what permits men to become good. And, as in the case of the Scipionic *exemplum*, wherein the act of imitating a virtuous man marked one as both capable of selecting and copying a good model and by extension inscribed one into the circle of the good, the use of nature as guide marks one as capable of selecting and successfully following the right leader, and hence good.

The processes of imitation and following thus appear somewhat analogous: they are both the actions of the good man by which he actualizes his potential, instilled in him by nature, to live in society and to achieve goodness. As in the *personae* theory of *Off.* imitation of men is a sort of subset of the following nature, the acceptable alternative when performed correctly (as in the case of the Scipios).⁷¹

The entire process by which the good define themselves through alignment with nature is further enabled by the individual’s capacity to recognize his own need to perform the action of imitation or following. This capacity, also natural to men, is *ratio*, an idea to which Cicero regularly returns in his discussions of imitation and nature. Cicero explores the relationship between the ideas of nature, imitation, goodness/society

⁷¹ Cicero does eventually create a space for the transmission of the goodness of the *boni* to the rest of the populace in *Rep.* It again involves the association of nature and imitation. Connolly (2008) describes it thus: “[W]hen Cicero represents the republic as advancing toward a condition of perfection by natural means (*Rep.* 2.30), what appears here as a ‘natural’ process turns out to rest on the collective choice of citizens to imitate the model of civic virtue help up for them in the mirror-like life of the wise man (*Rep.* 2.69)” 88.

and *ratio* in his own voice in his excursus on natural law which serves as the opening of the discussion in *Leg.* From 1.22-45 he says:

“When *ratio* has matured and been perfected it is rightly called ‘wisdom’.”
quom [ratio] adolevit atque perfecta est, nominatur rite sapientia. (1.22)

“For virtue is nothing but nature perfected and brought to its best point.”
Est autem virtus nihil aliud, nisi perfecta et ad summum perducta natura.
(1.25)

“And many skills have been discovered through nature’s teaching. And *ratio*, having imitated nature, has accomplished in its skillful way the things necessary for life.”
Artes vero innumerabiles repertae sunt, docente natura, quam imitata ratio res ad vitam necessarias sollerter consecuta est. (1.26)

“And to those to whom nature gave *ratio* she also gave ‘right *ratio*’; and therefore nature has also given these law, which is ‘right *ratio*’ in arranging and forbidding; and if she gave them law, she has also given them justice; and nature has given *ratio* to everyone. Therefore nature has given justice to everyone.”
Quibus enim ratio a natura data est, isdem etiam recta ratio data est; ergo et lex, quae est recta ratio in iubendo et vetando; si lex, ius quoque; et omnibus ratio. Ius igitur datum est omnibus. (1.33)

“For virtue is the perfected *ratio* of some good individual, which is surely present in nature.”
Est enim virtus boni alicuius perfecta ratio, quod certe in natura est.
(1.45)

Cicero returns regularly to *ratio* throughout his explanation of natural law because it is the fundamental endowment of nature upon all humans. It is what makes humans human. It is the bond they share which dictates that they should live together in community through justice. But Cicero also identifies degrees of *ratio*: all humans have *ratio* but in some cases *ratio* can be ‘perfected’ and it can be ‘right’. Right *ratio* leads to laws and justice; perfected *ratio* is wisdom. Later, in a way suggesting his belief in the unity of the virtues, Cicero identifies the perfected *ratio* of the good man, not only as

wisdom, but as virtue itself.⁷² All men have *ratio* by nature; virtuous, good men have a developed kind of *ratio*. As was the case with *societas* and goodness, nature gives *ratio* to humans, who must then realize it in its fullness (*recta* or *perfecta ratio*) through their own actions.

This kind of description of *ratio* helps to explain why Cicero can simultaneously describe virtue as perfected *ratio* (*perfecta ratio*) and perfected nature (*perfecta natura*). Perfect *ratio* refers to an individual's perfect understanding of the workings of nature, nature in its fullness, which is itself embodied in the idea of virtue. Once a man comprehends virtue (via *ratio*) he is virtuous.

Into this nexus of relationships between nature, *ratio*, and virtue Cicero introduces imitation. *Ratio*, Cicero explains, relates to nature through imitation. In order for *ratio* to grasp nature in its perfected state and so produce virtue *ratio* must become an imitator of nature. In its common state, this *ratio* achieves the *artes*, the necessary things for life, through its imitation of nature.⁷³ Cicero never specifically tells Atticus and Quintus what perfect or *recta ratio* could achieve through its imitation of nature, but it is almost certainly the thing necessary for a perfect life, virtue.

The process is consistent with that outlined in *Off.* Nature implants in mankind certain instincts, like those towards virtue/goodness and *societas*. Nature also gives humans the faculty of *ratio* by which they can recognize those instincts and determine

⁷² Compare also the association of *ratio* with *ius* in *Leg.* 1.33.

⁷³ The derivation of *artes* from the imitation of nature is an idea not unique to Cicero. Aristotle (*Meteorologica* 381b6) offers a very similar formulation: μιμεται γαρ ἡ τέχνη την φύσιν. To this equation Cicero adds both the idea of *ratio* itself, i.e., the faculty by which humans know to imitate, and the extended ideas of the perfected *ratio* and perfected nature.

their source. It is then the process of imitating or following nature, either directly or through the medium of a virtuous individual, that leads a man to the realization of the fullness of those instincts, a virtuous life lived in community.⁷⁴

A synthesis of the ideas of *Off.*, *Rep.*, *Leg.*, *Fin.*, and *Laelius*, shows Cicero painting a consistent picture of a vital role of imitation for a good man. Somewhat unexpectedly, imitation fits tightly into the semantic web of nature/reality, virtue, *societas*, and *ratio*. Nature, virtue, and *societas* all exist externally for the individual. *Ratio*, as described in *Leg.*, enables the individual to recognize the gap between himself and these external ideals, but it is only through the dual processes of following and imitating that an individual can achieve them. Cicero identifies “following nature” as the preferred method, but this method is not always available. When the individual cannot follow, he may instead imitate. Though the process of imitation is qualitatively neutral, when performed by the good man, imitation allows an individual to access the natural and so to attain to virtue and the community of like-minded virtue-seekers.⁷⁵

⁷⁴ I have deliberately left the gods out of the equation so far. In fact the gods do play a role in Cicero’s philosophy of imitation, but their role in many ways merely duplicates the role of nature. The gods are the ultimate *imitandi*, the full realization of the potential embedded in men by nature. The affinity between nature and the gods creates a paradox: they are worthy of imitation, but in many ways inimitable. Cicero expresses this paradox artfully in the final book of *Off.*, before moving fully into his explanation of how to synthesize the *utilis* and the *honestum*. Here he begins to discuss a famous statue of Venus begun by the Greek sculptor Apelles. In spite of, or more appropriately because of the beauty of Apelles’ Coan Venus, no sculptor had risen to the task of its completion. Cicero says that Apelles’ sculpting of the face was so finely executed that no sculptor dared try to finish it out by “imitating” (*imitari*) the body of the goddess (3.10). Cicero’s use of the Venus statue recalls the three groups of imitators he had described in book 1. There are some, the Apelles of the world, who can fully imitate the gods. These though are the *rarum genus*. As Cicero goes on to suggest, though most men are not part of this *rarum genus*, the gods should be imitated insofar as it is possible to do so.

⁷⁵ For an example of the dangers of imitation done wrong see *Leg.* 3.31-32. The conversation here centers on the latest law Cicero has presented regarding the Senate: “Let this order be free of vice; let it be an example unto others” (*Is ordo vitio careto, ceteris specimen esto*; 3.28). Cicero goes on to insist that senators are natural examples. If they live lives of vice their vice will be imitated. The imitation of vice, in direct contrast to the imitation of virtue, results in the dissolution of the community.

Cicero as an Imitator of Plato

Cicero's ideas on imitation help to elucidate Cicero's own processes as an author of dialogues. Cicero's career as a theorist had not begun with dialogue; his first work of theory, *De Inventione*, adopted the form of the works on rhetorical theory from Greece: the *techne*, or treatise. But by the time a mature and politically-seasoned Cicero began to write his new and improved Roman exposition of rhetoric in 55 BC in an effort to replace the more conventional *De Inventione* of his youth, he had turned to a different, and perhaps unexpected model: Plato and his dialogue.

The dialogue form was by no means the strict province of Plato, especially not by the time of Cicero. Aristotle and Heraclides Ponticus among others not only wrote dialogues, but had a distinct influence on Cicero. And there is no need to assume that Cicero limited himself to selecting the works of one author as a formal example. But I will argue that Plato is Cicero's fundamental model in the composition of the dialogue form, and that Cicero chooses Plato as *imitandus* based on the principles of acceptable imitation that he (Cicero) outlines in his dialogues.

Cicero's career as a dialogician began with *De Oratore*, and his motivations for selecting the dialogue as the dominant literary form of his post-exile career must at least partially be explained by its relevance to this first dialogue. It hardly seems an obvious choice. Before Cicero dialogues had been predominantly Greek in origin and

predominantly philosophical in orientation.⁷⁶ But both of these factors no doubt played some role in his choice of the form.

The relationship between Greekness and Romanness constantly hovers around Cicero's thought in the dialogues and regularly informs the way he defines himself and his theory. This relationship becomes especially important in terms of vocabulary and definition.⁷⁷ A word of particular importance to *De Oratore* is the one in its title: *orator*. The closest Greek equivalent to the term, and the one that *orator* often translates, is *rhetor*. While the Roman *orator* is always civically involved, as A. Michel has said, "le *rhetor* pouvait être un simple maître de rhétorique."⁷⁸ That is to say, the Roman tradition of rhetoric, emerging from figures like Cato, while clearly influenced by Greek rhetoric, did not match up with it identically in terms of figures like Gorgias.

Perhaps it is for this reason that Cicero abandons the form of earlier Roman rhetorical treatises like the *Rhetorica ad Herennium* and his own *De Inventione*. These works, stemming directly from Greek *technai*, inherited the ideas of the Greeks in content as well as form. Accordingly the political activity incumbent upon the Roman orator was elided. Cicero did not want to follow in this budding Roman tradition which based itself on an illegitimate Greek source. Instead he returned to an alternative Greek source. But in order to avoid the mistakes of earlier Roman treatises he had to find an entirely different generic model.

⁷⁶ Fantham (2004) 51 discusses the exceptions to these rules, including Cicero's Roman predecessor, M. Junius Brutus, who wrote a dialogue on civil law.

⁷⁷ See, e.g., *De Fin.* 1. (preface)

⁷⁸ Michel (1960) 4. He goes on: "Or, on constate que, dans ce deuxième [non-political] sens, les Latins ne parlent pas d'*orator* mais gardent le terme grec de *rhetor*."

The dialogue form was just such a model, one whose primary genre was the one so often opposed to rhetoric in the 4th century Greek world: philosophy. The philosophy/rhetoric dichotomy that Plato first describes in the relationship of Socrates and the sophists like Gorgias and Protagoras seems to have emerged in the late 5th century. But the two disciplines as they were understood in Cicero's day truly began to clash after each had attained a level of autonomy and respectability. This maturing of disciplines revolved especially around the dynamic figures of Plato and Isocrates. Plato, like his teacher Socrates, attracted disciples, and Isocrates, a student of Gorgias did the same. Each became a proselyte for a particular method, leading to a concretization of their differences.⁷⁹ The conflict, as Isocrates saw it, was more than anything a fight for the legitimacy of rhetoric as a virtuous discipline.

Cicero inherited and redirected this history. Imitating the subject matter of Isocrates (in a broad sense) and the form of Plato, Cicero had the opportunity to circumvent the potential failures of a solely rhetorical work in favor of something that a reader would first identify as philosophy.⁸⁰ At the same time, Cicero, as an orator needed a bridge into more philosophical topics. The dialogue form of *De Orat.* solved both problems. Just as Antonius and Crassus would debate and coalesce within the dialogue, the dialogue form itself managed to encapsulate the debate and coalescence of the historical rivals Isocrates and Plato, as well as the oratorical and philosophical halves of Cicero.

⁷⁹ Cf. *De Orat.* 3.59ff., esp. 3.61: *hinc discidium illud exstitit quasi linguae et cordis, absurdum sane et inutile et reprehendum.*

⁸⁰ On the imitation of Isocrates' content, see Cic., *Fam.* 1.9.

Even by this logic, however, Plato was not at all the obvious choice to someone seeking to set out the principles of oratory. Plato had himself twice used dialogue to treat rhetoric, and in neither case did he do so particularly favorably.⁸¹ In the *Gorgias* rhetoric is a tool of violence and deception in the unethical hands of characters like Polus and Callicles. It is irresponsible to teach rhetoric because one never knows to what uses a pupil might turn it. In the *Phaedrus* rhetoric fares some better. Plato's Socrates does outline a way for the orator to be successful, including beginning with definition, making sure a speech is a complete body, and familiarizing oneself with the minds of the audience. But he still remains critical of conventional written *technai* on rhetoric, and he insists that the rhetorical training of a treatise-writer like Tisias is of no positive value, unless it is the gods one is seeking to please.⁸² And it is only the philosophical education that can genuinely effect the appropriate level of knowledge that an orator would require, and this education would not lead him into the forum where he would use such skills. So while rhetoric is theoretically allowed a place, it is not the place of a professional orator and cannot be expressed by a manual on the subject.

In the face of all of these differences in subject matter and orientation, Cicero wrote *De Orat.* and the dialogues that followed it in direct imitation, not simply of the Platonic tradition, but of Plato himself. I in no way intend to argue that Cicero did not also absorb some of the characteristics of Aristotelian dialogue, both in *De Orat.* and the other dialogues, in form and in content. Cicero himself tells Atticus that he borrowed the first-person preface to many of his dialogues from Aristotle (*Att.* 4.16.2). The preface is

⁸¹ *Gorgias* and *Phaedrus*. See Fantham (2004), ch. 3 for a comparison of the Platonic dialogues with the *De Oratore*. May and Wisse (2001) see Cicero as an imitator perhaps less sympathetic to Plato's positions (23-26). Michel (2003), like Fantham, makes an attempt at describing a reconciled Plato and Cicero (86-96).

⁸² *Phaedrus* 273c-e.

a regular feature in Ciceronian dialogue and is certainly nowhere to be found in Plato. In another letter Cicero also says that he has written *De Oratore* “in the manner of Aristotle” (*Aristotelio more*) and that he has sought to blend Isocratean and Aristotelian theory (*Fam.* 1.9). Both of these letters point to Aristotle as a major, even primary object of imitation. But they do not tell the whole story. The references to Aristotle in the letters are in fact included in those letters precisely because Aristotle’s influence was not manifest. Cicero had to explain the ways in which he had borrowed from Aristotle.

But readers of Cicero’s dialogues from Quintilian to Gallus Zoll have consistently come away from them with the impression that it is really Plato who underlies Cicero’s formal project.⁸³ Quintilian after all identifies Cicero as *Platonis aemulus*. But why? Why do readers see Plato where they do not see Aristotle, or even Heraclides? Certainly the modern reader inevitably brings with him the bias of transmission. Though we know Aristotle was a prolific dialogue author, none of his dialogues survive. The absence of Aristotelian dialogues has a pair of potentially misleading effects on our impressions of Cicero’s sources: we are missing both theme and detail.

If a dialogue of Aristotle’s dealing with rhetoric had survived from antiquity, it would be hard to push him aside as Cicero’s prime influence in *De Orat.*, especially with Cicero’s own reference to *Aristotelio more*.⁸⁴ By the same token, if we had a better

⁸³ The definitive treatment of dialogue before and after Cicero remains Rudolf Hirzel’s *Der Dialog*, which details many practitioners of dialogue beside Plato and Aristotle who were available to Cicero for imitation. Cf. von Albrecht (2003): “The quiet, balanced and fluid diction of Cicero’s dialogues results from his emulation of Plato rather than from mere theoretical reflection” (128; Cf. *Orator* 10). And Michel (1960): “Ici, le dialogue devient un moyen d’approfondir la recherche. Il favorise la discussion. Il s’inspire des méthodes de Socrate” (80). The issue of Plato’s influence is most extensively treated in Zoll (1962), and most concisely expressed by Quintilian, who calls Cicero *Platonis aemulus* (*Inst. Or.* 10.1.123).

⁸⁴ Based on the treatises of Aristotle which do survive it is easy to understand *Aristotelio more* as a reference not to Aristotle’s form, but to his content, which clearly influences Cicero on several occasions.

understanding of the specific content of Aristotle's dialogues we would be equipped to trace his influence on Cicero through the latter's allusions and borrowings. For instance, in the case of *De Orat.*, despite Cicero's claim to write in the Aristotelian manner, the Platonic influence is heavily felt. The perception of this influence stems in large part from the setting of the scene of the discussion under a plane tree, a clear reference to Plato's *Phaedrus*.⁸⁵ Scaevola even refers explicitly to the *Phaedrus* as an example (an interesting metatextual moment in its own right). In *Leg.* Cicero makes another allusion to the setting of the *Phaedrus*, but this time without direct citation of that dialogue (1.14).⁸⁶ It is this kind of allusion that we may overlook when Aristotle is the object of the allusion. Had we no knowledge of the details of the *Phaedrus*, the evocation of the shaded grass in *Leg.* would inevitably go unnoticed as a Platonic allusion. Because none of Aristotle's dialogues are extant, it is impossible to identify the details that could lend a Ciceronian dialogue a decidedly Aristotelian flavor.

Still, based on the evidence we do have, it is highly unlikely that Aristotle's dialogues interjected themselves into the roots of Ciceronian dialogue in the same way or to the same extent that the details of Plato's dialogues did. That evidence which points away from this kind of influence is the dialogues themselves.

Readers do not come away from Cicero's dialogues with Plato in mind by accident; the dialogues regularly point directly to Plato. On a general level the dialogues do this through their very titles: *Rep.* and *Leg.* undoubtedly take their origins from Plato's

On Aristotelian ideas in *De Orat.*, see Fortenbaugh (2005). In general see the collection of papers by Fortenbaugh and Steinmetz, *Cicero's Knowledge of the Peripatos* (1989).

⁸⁵ *De Orat.* 1.28. For a discussion of the *Phaedrus*' specific influence here and in the *Leg.* cited below, see Görler (1988) 216-223.

⁸⁶ Cicero does eventually make the allusion specific in the preface to the second book (2.6).

dialogues of the same names.⁸⁷ But Cicero's dialogues are even more explicit than this. When in the preface to *Fin.* 1 he wants to defend his very writing on philosophical subjects in Latin, Cicero conjures the figure of Plato. Why, he asks, should no one object to Ennius' translations of Greek poets and yet object to the type of project that renders Plato in Latin (*Fin.* 1.5)? Cicero seems to be talking both about translations of Plato into Latin (such as his own *Timaeus*) and about the general project he is here undertaking: writing philosophy in Latin in the style of Plato. It is not Aristotle he mentions as the Greek philosophical model *par excellence*.

In the preface to *Leg.* 1, when Cicero is contemplating in the company of Atticus and Quintus what his next literary endeavor should be, Atticus points him to the model of Plato, whom he says Cicero "admires, prefers to everyone, and esteems most of all" (*quem tu admiraris, quem omnibus anteponis, quem maxime diligis; Leg.* 1.15). This description of Cicero's tastes admittedly comes in *Leg.*, whose Platonic influence is indisputable, but there are no such similar descriptions of Aristotle, Heraclides, or anyone else as a model in the other dialogues. In the *Tusc. Disp.*, though, Cicero does reiterate Plato's priority: *Ex hoc igitur Platonis quasi quodam sancto augustoque fonte nostra omnis manabit oratio* (5.36).

Perhaps most telling of all is the sheer magnitude of explicit references to and quotations of Plato in relation to Aristotle. Eleven of Cicero's dialogues survive, consisting of at least parts of 33 books. Through the course of all of those books Cicero makes more than twice as many references to Plato by name (167) than he does to Aristotle (82). In only one dialogue (*De Fato*) do the references to Aristotle (1) exceed

⁸⁷ See *Leg.* 2.14.

the references to Plato (0). Only six of the 33 books mention Aristotle more frequently than Plato, and only once is Aristotle mentioned more than 2 more times than Plato (*De Orat.* 2, which approaches a treatise by Antonius in the tradition of Aristotle's *Rhetoric*). The predominance of Plato is consistent, regardless of the subject matter or length of the dialogue, and no matter how much of a particular dialogue survives.

Cicero also directly translates Plato's dialogues on at least six occasions (*Rep.* 1.66, *Leg.* 2.45, *Fin.* 2.52, *Tusc. Disp.* 1.20, *Tusc. Disp.* 5.35, *Div.* 1.60), while never translating Aristotle. Cicero does summarize a position of Aristotle's in *Div.* 1, but it is a position expressed in a treatise, not a dialogue (the *Eudemian Ethics* in *Div.* 1.52). He also specifically names Plato's dialogues on a regular basis. Cicero names Plato's dialogues on 25 occasions; seven of Cicero's dialogues name at least one dialogue of Plato, and 12 different dialogues of Plato are mentioned overall (*Phaedrus*, *Charmades*, *Gorgias*, *Republic*, *Protagoras*, *Hippias Minor*, *Timaeus*, *Laws*, *Meno*, *Apology*, *Menexenus*, *Crito*).

This kind of statistical data proves very little, but it strongly suggests several things about Cicero's relationship to Plato and Aristotle: first, that Cicero had a greater familiarity with the dialogues of Plato; secondly, that he more readily appealed to the words or example of Plato; and finally that he considered Plato more authoritative as a source than Aristotle or others. Certainly in the case of Heraclides Ponticus, when Cicero mentions him in the dialogues he does so with the formulation *Platonis auditor* (e.g., *Div.* 1.46). While both Heraclides and Aristotle may have influenced Cicero, it is ultimately Plato who is the source even for them.

While each type of evidence gathered here (names of dialogues, specific quotes regarding Plato's priority, statistics of mentions of Plato, quotations of Plato, and mentions of his specific dialogues) can be explained away individually – the names of only two dialogues are Platonic, quotations come from only a select few dialogues, the statistics are not a direct measure of influence –, the combination of all the evidence helps to explain what readers tend to feel without this kind of analysis, that Plato lurks behind every corner of the dialogues, that Cicero is *Platonis aemulus*.

Cicero's selection of Plato should come as no surprise. In the end, Plato not only gave Cicero the shape of his literary style, but he also gave him the shape of his philosophical method: Academic skepticism.⁸⁸ This method of philosophical inquiry, the one Cicero inherited from Philo, if it is to be represented by a text, insists on something akin to the dialogue form. One of the fundamental principles of Academic skepticism is the rejection of the possibility of knowing. The philosopher, since he cannot know, can only approximate knowledge through the *probabile*.⁸⁹ The search for the *probabile* inevitably requires the philosopher to balance the dogma of several schools or individuals in order to educate himself on which position seems best.⁹⁰ The dialogue form, unlike a treatise (e.g., *Off.*) or even a poem (cf. Lucretius), provides a textual medium to express

⁸⁸ Cicero's philosophical thought, of course, is not monolithic. As has been noted earlier, various arguments have been proposed for his allegiances to different Academic figures and to the so-called Old and New Academies. Rudolf Hirzel (1895) proposed over a century ago that Cicero, whose beginnings as a skeptical follower of Philo are undisputed, switched his allegiance to Antiochus of Ascalon and the Old Academy in the 70s (51 In2, 534). This switch resulted in more dogmatic thought, most clearly expressed in *Off.* John Glucker (1988) modified this theory to include a return to the skeptical Academy in 45. Most recently, Görler (1995) has argued against any "conversion" to the Old Academy of Antiochus, claiming Cicero was a skeptic throughout his life.

⁸⁹ See Powell (1995). To the skeptic, knowledge is "either not possible at all, or at least extremely difficult to come by. The most one can normally aim for is an opinion which is probable, plausible, or persuasive" (19).

⁹⁰ On probability and the terminology of probability, see Glucker (1995).

the eclecticism of the Academic skepticism. *Fin.* and *Nat. Deor.* are perhaps the best examples of the process, wherein individual representatives of the Stoics, Epicureans, Peripatetics, and Academics all compare views, but the spirit of the method is present to a certain extent in all the dialogues. *De Orat.* does not compare philosophical positions, but it does collect many viewpoints on the topic of oratory so that both the internal and external audiences can weigh what factors they find most convincing. This is not to say that dialogue cannot be dogmatic; both Cicero's and Plato's are on occasion. But Plato had developed his dialogue form based on his philosophical method. Since Cicero was an imitator of Plato's skepticism it is only fitting for him to imitate his literary method as well.

There is, of course, a certain irony to Cicero's imitation of Plato. On several occasions in his dialogues Plato warns against the dangers of *mimesis*. As with rhetoric, Plato considers *mimesis* a threat to the individual's virtue and wisdom. So in the *Ion* Plato's Socrates conclusively criticizes the art of the rhapsode as entirely derivative, and, more prominently, the myth of the cave in the *Republic* and the expression of the theory of forms in the *Republic*, *Meno*, *Phaedo*, and elsewhere emphasize the inferiority of copies with reference to their sources. In the *Ion*, the rhapsode is not only imitating the reality of what is expressed by the Muses, but also the poetry of the composer (who himself comes in for extensive criticism in *Republic* 10). In a sense, Cicero stands in this position with relation to his models. And despite his criticism of *mimesis*, Plato is doing something of the kind in his own representation of Socrates and the other characters

within his dialogues.⁹¹ Cicero, who imitates Plato, who in turn gives a mimetic representation of Socrates' actions, detaches himself by one more degree from the source in a manner similar to the rhapsode. And this is to say nothing of Cicero's consciousness of the exemplarity of his interlocutors. In content and form as well as theory, Cicero embraces the mimetic representations so distasteful to his own model. But for Cicero, as we have seen, far from being a force that detaches one from reality and nature, imitation is the action by which one identifies with nature. Cicero's theory of imitation ultimately helps to explain why, in addition to all the factors discussed above, Plato made the ideal model.

According to Cicero's theory outlined above, imitation is the process by which a person identifies with nature, and so attains to virtue. In some cases this identification is mediated by an *exemplum*. And imitation, again with nature as an example, leads to the formation of the *bonus* and the construction of *societas*, which is the medium and the forum for the expression of virtue.

When Cicero imitates Plato's dialogue form, then, he marks him as an acceptable *exemplum*. As outlined in *Off.* 1.111-121, the imitation of another usually is harmful rather than good. The exception is when the imitated is himself an imitator of nature. By imitating his form specifically, Cicero implies that Plato's form was the acceptable *exemplum*, and that Plato imitated nature by writing dialogue.

⁹¹ The criticism of writing in the *Phaedrus* shows that Plato himself was aware of this potential contradiction. The form is nevertheless apparently justified because of its ability to include many voices, and thus more closely approximates dialectic than any other written form. See Annas (2003) 29. Also see below for further discussion of this aspect of dialogue.

Plato does not imitate nature in his representation of Socrates. Generations of scholars and casual readers alike have used Plato to get to Socrates.⁹² The opinions and character of the un-literate fountainhead of ethical philosophy stand tantalizingly within reach to Plato's reader. But of course it is a mistake to suppose that Plato has faithfully represented actual conversations, that Plato's Socrates is any closer to the historical Socrates than Xenophon's.⁹³ Cicero certainly shows that he did not lose track of the Plato behind the curtain.⁹⁴ Neither is Cicero's imitation of Plato seen in the choice or character of the interlocutors. Cicero's interlocutors tend to be more homogenized and less open to ridicule or embarrassment. Plato's true imitation of nature is located elsewhere, in his approximation of reality through dialectic.⁹⁵

In the use of dialectic, Plato begins to approach the truth itself (*Republic* 7, 533a). According to the *Phaedrus*, for teaching to be effective, four conditions must be met. Charles Kahn summarizes them thus:

- 1). Knowledge of the subject matter on the part of the teacher,
- 2). An appropriate audience,
- 3). A discourse adapted to the character and intellect of the audience, and
- 4). The opportunity for clarification and justification by means of question and answer.

(Kahn 379-80)

⁹² It should be noted that the reverse is also true. So Blössner (1997): "Daß die von Platon im Rahmen eines fingierten Gesprächs gestalteten Beiträge der Dialogfiguren zu verstehen seien als Meinungsäußerungen des Dialogautors, ist mindestens eine ungedeckte Prämisse" (7).

⁹³ Rawson (1972): "Cicero's admired Plato, whom he more than once follows for general plan and subject, is notoriously cavalier over fact and subject" (40).

⁹⁴ E.g., *TD* 1.97: *quae est igitur eius oratio, qua facit eum* (i.e., Socrates) *Plato usum apud iudices iam morte mulctatum?* Or *De Orat.* 3.15: *Neque enim quisquam nostrum, cum libros Platonis mirabiliter scriptos legit, in quibus omnibus fere Socrates exprimitur, non, quamquam illa scripta sunt divinitus, tamen maius quiddam de illo, de quo scripta sunt, suspicatur.* See also *Rep.* 1.16. This is not to say Cicero does see a realism in Plato's characterization, or that he fails to achieve that kind of realism in his own dialogues. But, in an almost Thucydidean way, Cicero gives a clear representation of reality not necessarily as it was specifically, but as it is generally. See *Fam.* 9.8.1.

⁹⁵ As he says at *Rep.* 1.16, his *leporem Socraticum subtilitatemque sermonis.*

The first of these conditions, Kahn goes on, is the only one actually met in the writing of dialogue, but the other three “can be represented, or ‘imitated,’ by Plato’s use of the dialogue form, in which Socrates does in fact present material differently to different interlocutors.”⁹⁶ In essence, Plato’s use of the literary dialogue imitates dialectic, that is “philosophical dialogue conducted through systematic, one-to-one, question and answer,” aimed at attaining objective knowledge.⁹⁷ And since dialectic itself is this avenue allowing access to truth, imitation of dialectic through dialogue in turn gives access to this avenue. Plato’s use of the form depends largely on this ability to approximate dialectic.

Summarizing Socrates’ position regarding the isomorphism of the tripartite soul and city in the *Republic*, David Roochnik explains that “[j]ustice, in both city and soul, is construed as internal coherence, the absence of faction.”⁹⁸ There is a potential for that natural harmony in dialogue that Cicero sees, where (comm)unity leads to virtue. He sees that, for Plato, “the attainment of ... objective knowledge depends on participation in certain specified types of shared or collaborative activities, rather than being attainable by individuals in isolation.”⁹⁹ Dialogue, in addition to imitating dialectic, dramatically enacts the community, the “collaborative activity” that can lead to objective knowledge and virtue. For Plato the goal is objective knowledge; for Cicero, the ultimate end of collaborative activity is the collaborative activity itself, and the pursuit of the fullness of virtue and society present in nature. By imitating the use of dialogue in Plato, Cicero imitates collaborative activity with a view to identifying with nature. By this argument,

⁹⁶ Kahn (1996) 380.

⁹⁷ This definition of dialectic comes from Gill (1996) 285.

⁹⁸ Roochnik (2003) 14.

⁹⁹ Gill (1996) 284.

dialogue has an inherent formal capability to access nature. It achieves its state of “naturalness” because of its dependence on *societas* (through the approximation of dialectic), its representation of *societas* (through dramatic reenaction), and its contribution to *societas* (through the removal of faction and the allowance for virtue). To put it another way, for Cicero Plato offers a fitting example because of his approximation of the attainment of objective knowledge and virtue through the communal functions of dialogue. Not only does dialogue imitate a conversation among real figures, it imitates a communal method (dialectic) whose goal is knowledge, justice, and virtue itself.

As Cicero quotes Plato to have written, “we are not born for ourselves alone” (*Off.* 1.22). Plato’s dialogues depict a Socrates interested in getting to the crux of an issue, a process that regularly requires him to enlist the “aid” of others. Of course many times, especially in the early dialogues, the answers are never accessed, and Socrates’ pleas for help hint of disingenuousness. This is perhaps true because for Socrates true society had to be established through the overthrow of conventional understandings of society by means of the *elenchus*. Cicero, of course, wanted the opposite, “not to overthrow existing *mos maiorum*, but to enlist Greek education in its service.”¹⁰⁰ Even so, Cicero sees in Plato that the means to construct society lies in the interaction and imitation of those that form it. In Plato he finds the potential of a form (if not its actualization) for the expression of *societas*, a concept that is so important to his understanding of virtue.

The appropriateness of Plato as a model for Cicero derives chiefly from the related methods of skepticism and dialectic. By selecting him as a model Cicero

¹⁰⁰ Fantham (2004) 53.

implicitly identifies him as a *bonus*. Aristotle, Heraclides, Zeno, Philo and others are also worthy of imitation in certain ways; they too are *boni*, the aristocracy of the philosophical *societas*. But Plato is most *decorus* as a model as the best literary imitator of nature in Cicero's experience.

There is also a final, more immediate reason for Cicero to select Plato as his chief model, a sense in which Plato is more *decorus* than others: because his own personal situation closely resembles that of Cicero. In a letter to Atticus (9.13.4), Cicero compares his own political opposition to Caesar to that of Plato to Dionysius of Syracuse, as expressed in Plato's 7th letter. Again Cicero's form mimics Plato; again it is a form that encourages *societas*. And *societas* is what stands under threat from both Dionysius and Caesar. Plato is an *exemplum decorum* because he positions himself as a defender of society in the face of rising tyranny. And he does so from a politically disengaged, literary perspective.¹⁰¹ No archon or council-member, Plato the philosopher expressed views in favor of society through a mimetic literary form. Cicero the recalled exile did precisely the same thing.

Imitating Plato allows Cicero to appeal to a base of support, a seconding voice, an ally in the quest for the virtuous imitation of nature. For Cicero, the society that deserves forming is the one that closely imitates nature, that embraces virtuous thought, and that fights for its own existence against the threat of the unnatural vice of tyranny. He finds expression of this society in the dialogues of Plato.

¹⁰¹ According to the seventh letter, Plato spent his life seeking the right moment for political engagement, only to come to the conclusion that political systems were too flawed to be corrected without the fundamental shift of the rule of philosopher-kings. Enter the *Republic*.

Conclusions

When he wrote *De Orat.*, Cicero submitted a new public persona to the Rome that had recently exiled him. The consular authority and oratorical superiority of his pre-exile career were not gone, but they were qualified. The political ascendance of Pompey and Caesar had altered the backdrop against which influence was judged, redefining the criteria for power. Cicero had, it would seem, two choices: 1). to accept the altered landscape, or 2). to seek to repair it in his now less-authoritative voice. His solution went beyond both of these. Cicero enlisted the voices of others and adopted a new voice of his own. The orator merged with a philosopher and produced dialogue. Within his dialogues Cicero outlined a theory of imitation, a concept squarely settled within the unassailable authority of *mos maiorum*. Imitation, Cicero said, is the key to virtue because it enables the imitator to identify with nature. And when this identification with nature is enacted it results in the actualization of the impulses to virtue and society that nature has implanted in all humans. By imitating the voices of others through the form of dialogue and by imitating Plato in his use of the form, Cicero coupled his theory of imitation with a formal argument for the reevaluation of the political landscape. Imitation, and not innovation, is nature's way, and the fruits nature bears are goodness and *societas*, not the concentration of power in the hands of the individual.¹⁰² In direct contrast with the authoritarian univocality of the treatise form, the dialogues argue for the virtuous society of the good produced through the inherently social act of imitation, and Cicero's own

¹⁰² Compare what Cicero says in *Rep.* 3.43: *crudelitate unius oppressi essent universi, neque esset unum vinculum iuris nec consensus ac societas coetus, quod est populus* ("all are oppressed by the cruelty of one, there is no bond, no agreement in law, no agreement, no *societas* of the group, which is the definition of 'the people.'")

actions as imitator of Plato in the writing of the dialogues bear out his belief in the desirability of cooperation among the *boni*.

Chapter 3 - *Memoria*

Hannah Arendt, in her study of the American Revolution, traces the success of the founding fathers' nation-building project to their imitation of the Roman model of foundation. She argues that, while the Constitution, Declaration of Independence, and other writings of Adams, Jefferson, Madison, et al. repeatedly make appeals to ideas such as natural law and a Judeo-Christian Creator-God, America's stability following the revolution lay in its "worship" of the Constitution and its vestment of authority in an institution (the Supreme Court) which served as an ongoing reiteration of the moment of writing the Constitution. That is, instead of locating the republic's authority in an external absolute, the founders located that authority in the very act of founding.¹⁰³

In identifying the republic's foundation as the source of authority Arendt claims that the founders followed the example of the Romans. For the Romans, she notes, the reiteration of this authority existed not in a judicial institution, but in the senate, the *patres*. The senate was the seat of Roman *auctoritas* not merely because the institution itself traditionally consisted of authoritative men, but because its members "reincarnated the ancestors" who had founded the republic.¹⁰⁴ There is an important distinction to be drawn here. The *patres* did not merely have the inheritance of their ancestors' authority, they participated in the augmentation – as Arendt points out, *augere* and *auctoritas* have the same root – of the project of founding, and so performed the same authoritative act as the ancestors. This kind of reiterated authorizing produces a senate whose earlier and later members are working together in a sort of transtemporal cooperation. This

¹⁰³ Arendt (1963) 199-202.

¹⁰⁴ Arendt (1963) 201.

transtemporality stands in contrast to conceptions of Roman history as progressivistic or teleological. This method suggests that, rather than finding in, e.g., Cicero, a culmination of an evolution, or even an instance of resistance in the republic's decadence, we should see in him a replication of the republic of the decemvirs, of Cato, of Scipio, and of Crassus. By the rules of this system Cicero's own authority and relevance are irretrievably linked to the survival of the republic, and the survival of the republic in turn demands the presence of a transtemporal society.¹⁰⁵

In this chapter I explore Cicero's attempt to generate just such a society (or at least an awareness of one) by taking advantage of the formal capabilities of the dialogue. In particular I turn my attention to his idea of *memoria* (a combination of English memory and memorialization) as the medium by which to define this transtemporal society. The transtemporality that Cicero envisions requires effective and vivid *memoria* to erase the temporal lines that tend to structure perceptions of the past. *Memoria* in Cicero's dialogues grants Cicero not merely access to the past, but membership in it. I will begin by exploring briefly the way in which the settings of the dialogues (being both diverse and often set in the past) help to mark *memoria* as communal. I then turn to the communal nature of the Roman funeral to examine Cicero's role as memorializer in mortuary contexts. Several scholars have noted Cicero's memorialization of great heroes of the republic in the dialogues. Here I will focus specifically on Cicero's memorialization of those figures in community. That is, Cicero as a part of a community remembers them, and he remembers them as members of community themselves, a project that requires the dialogue form if it is to be translated into text.

¹⁰⁵ Connolly (2006): "To Cicero, virtuous self-cultivation and its preservation in human memory goes hand in hand with the flourishing of the republic."

I then move on to the role of writing as a repository for memory and its role in communalizing the memory of the individual. Next I will discuss the role of *otium* in providing opportunity for remembering and in transtemporizing the interactions of the interlocutors in the dialogues. Finally, in the second half of the chapter, I look more specifically at the individual figures in the dialogues in an effort to explore Cicero's actual identification of certain members of his transtemporal society, what I identify as the "Ciceronian circle."

I eventually conclude that Cicero uses the processes of memory to integrate both his *exempla* and himself into the same society in the hopes of communicating the validity of his transtemporal conception of the seat of authority as a counter to those who would believe that Rome itself could survive the death of its republican constitution, that authority could be derived through military or popular power.

The Settings of the Dialogues and the Idea of Communal Memory

In his study of Cicero's emulation of Plato, Gallus Zoll finds Cicero's greatest similarity to his *imitandus* in the *memoria veterum*.¹⁰⁶ Zoll says that this *memoria* derives from two motives: the desire to show gratitude to a teacher (Socrates and Crassus, respectively) and the intention to communicate that teacher's thought to a new generation of reader.¹⁰⁷ The attribution of these motives to Plato is problematic to begin with; in the case of Cicero this summary of motives is incomplete at best. It certainly does not seem

¹⁰⁶ According to Zoll, this is the basic reason Cicero is identified by Quintilian as *Platonis aemulus*: "Für dieses Motiv der *memoria* beruft sich Cicero auf Platon als Vorbild" (76). The phrase *memoria veterum* comes from *Orat.* 120: *Nescire autem quid ante quam natus sis acciderit, id est semper esse puerum. Quid enim est aetas hominis, nisi ea memoria rerum veterum cum superiorum aetate contextitur?*

¹⁰⁷ "Er gedenkt aus persönlicher Dankbarkeit und Verehrung seines Meisters, der selbst kein schriftliches Denkmal hinterlassen hat" (82).

a point of comparison. One of the most notable dramatic differences between the Platonic dialogues and the Ciceronian ones is the latter's increase in the diversity of characters and settings. Crassus, for example, is not Cicero's only teacher. Coupled with this diversification is a marked dedication to accuracy in historical detail.¹⁰⁸ Elizabeth Rawson, for instance, compiles an extensive list of sources that Cicero used, including oral tradition, official documents, writings of any character appearing (if any existed), poets, *elogia*, incidental detail in philosophical works, and historians from the second century.¹⁰⁹ Such extensive research is required by the multiple historical settings of Ciceronian dialogue where it was not necessary for Plato purporting to write of what he had experienced.

When Cicero sets his dialogues in the past he intentionally forfeits the role of experiential rememberer, as one who has an "organic experiential relationship" to the remembered experience.¹¹⁰ He does approximate the role of rememberer by adducing a direct chain of witnesses who have related the events of a particular dialogue to him, but the commission of his accounts to writing serves as a concession that the time has come for a physical representation.¹¹¹ In Halbwachs' terms, Cicero does not have the autobiographical memory of a Plato, but the chain of rememberers he adduces renders his dialogues "historical memory," the type of personal memory that must rely on historical

¹⁰⁸ Cicero describes his own researches in *Att.* 12.20.2 and 12.23.2. See also *Att.* 13.30.2, 13.32.3, 13.33.3, 6.4, 4.1, and 5.1. Cf. Hirzel (1895) I 475, Zetzel (1995) 12-13, Rawson (1991) 71-5, and esp. Rawson (1979) 40ff, who calls Plato "notoriously cavalier over fact and chronology." See further 40n68.

¹⁰⁹ *Ibid.* 40.

¹¹⁰ The phrase "organic experiential relationship" is Halbwachs' (1992), what he elsewhere identifies as "autobiographical memory."

¹¹¹ Hedrick (2000) identifies this distinction between remembering the recent past and the distant past as the distinction between memory and history, with history being the point at which memory must be written down to ensure its preservation (143). By this distinction Plato falls in a unique middle ground, writing history when memory is still possible. This distinction between writing, history, and memory will be explored further below.

record due to the passage of time, and not simply “history,” to which the rememberer has no ‘organic’ relation.¹¹² The forfeiture of autobiographical, experiential memory produced by the past settings of the dialogues, motivated in part by Cicero’s reluctance to make the action of the dialogues too immediate and threatening, leads to a pair of consequences: firstly, that none of his readers are experiential rememberers either, though they may likewise have an historical memory of the past events, and secondly, that the historical validity of the settings is less assured. To combat the latter consequence Cicero showed an appreciable attention to historical detail in his descriptions of settings and in the references of the characters to contemporary events. The thoroughness of his research contributes greatly to the plausibility of the settings. It is a thoroughness that reflects the spirit of antiquarianism among Cicero’s peers.

According to Rawson, Cicero’s activity can more accurately be described as antiquarian than historical.¹¹³ Antiquarianism, which had a renaissance in the 50s through figures such as Varro and Nepos, differs from history essentially in its appeal to a remoter past. In this sense it is a movement almost entirely identified with *mos maiorum*. The remote past can contribute *auctoritas* to an account, it offers a hopeful escape from

¹¹² Halbwachs (1992) gives four categories for memory and history: autobiographical memory, historical memory, history, and collective memory.

Regarding Plato’s autobiographical memory: Plato does not represent himself as present at all of the dialogue scenes, but he is so intricately involved in the circle of those who are present that an eyewitness account is always available to him. There is never a need for a written account as intercessor. So Feeney: “Plato still authenticates his productions by *oral* links to the ‘event’ (or else, conversely, distances himself from responsibility for the account by means of the multiple layers of memory which preserve it)” (243). The series of rememberers which Feeney (1993) cites as Plato’s method of distancing himself from a setting is the same method by which Cicero associates himself with a setting. As noted below, the chain of rememberers does not stand as an alternative to personal remembering for Cicero, but as an alternative to citing an impersonal, historical source.

¹¹³ Rawson (1979). She divides Cicero’s antiquarianism into two parts: an appeal to antiquarian institutions and attitudes, and an appeal to antiquarian figures, “the great individuals of Roman history” (39). She also distinguishes Cicero the antiquarian from, e.g, Varro the antiquarian. While having an antiquarian spirit, Cicero is more critical of his sources than his contemporary (37).

the problems of the present, and it has the particular appeal of being largely unproveable. In order to counter the problems of mistrust engendered by this third trait, antiquarians often overwhelm their work with the specifics which lend an air of accuracy.¹¹⁴ Cicero is too good a stylist to overwhelm his work with anything. He does include specifics, but he tries to avoid any academic flavor such specifics might bring by describing a chain of people through whom the story of the dialogue was presented to him personally, making the dialogues historical memory and not history.¹¹⁵

Cicero's appeal to the past therefore does not fictionalize Cicero's representations; it does, however, broaden his sphere of operation. Because he does not limit his dialogues to his personal experience, he can choose from several appropriate milieux, depending on the needs of each dialogue.¹¹⁶ And he does; he is interested not only in hearing the voice of one Socrates, but of M. Piso, Crassus and Antonius, Q. Mucius Scaevola, Scipio and Laelius, Cato, and more. As a result he is able to give snapshots of these figures, but he never presents the consistent slideshow of their "lives" that Plato gives for Socrates. Crassus cannot be, as Zoll calls him, a Roman Socrates because he is only a leading figure in one of Cicero's dialogues. Crassus, while fully developed, is presented in only one conversation, in one moment, and is therefore partially left open to interpretation; his historicity is only partially expressed. His presence in one dialogue is only fully realized through his absence in the others. As a result, no reader can come away from *De Orat.* believing Crassus' full life has been expressed. Cicero's account has the opposite effect; it whets the reader's appetite,

¹¹⁴ One need not read far in Varro's *De Lingua Latina* to come to this conclusion.

¹¹⁵ E.g., *De Orat.* 1.26.

¹¹⁶ Many of the dialogues are so limited, but *Laelius*, *Cato*, *De Orat.*, and *Rep.* marginalize the significance of those limits.

encouraging him to try to remember Crassus more fully. The same holds true for the many other historical figures Cicero adduces through the course of the dialogues. The diversity of settings and characters leaves the reader with less information. At the same time, Cicero's forfeiture of experiential memory compromises his own authority as rememberer in relation to other rememberers. The variation of settings and the deauthorization of Cicero's voice work together to persuade the reader to work with Cicero to remember the historical Crassus or Scipio, etc., rather than being satisfied with the author's version of those characters (as one might be tempted to do with Socrates if faced with Plato's oeuvre). The diversification thereby communalizes Cicero's version of events; it makes memorialization possible for Cicero in a less auctor-centric way than in Plato.

There is a distinction to be drawn here between memory and memorialization, both of which are contained in the idea of *memoria*. It is tempting to associate *memoria* with the idea of personal memory, and to identify this personal memory as the type of autobiographical memory of Halbwachs. This kind of memory, the kind present in Plato, whereby one remembers from personal experience, however, is not perfectly identifiable with *memoria*, especially as understood by Cicero. For him, *memoria* is "a process aimed at producing a particular effect, rather than one determined by a casual process of actual recollection...; *memoria* is always looking both to the historical referent and into some undefined moment of future reading."¹¹⁷ That is to say, unlike memory, which is entirely backward-looking, *memoria* carries also with it the sense of memorialization or

¹¹⁷ Fox (2007) 165. His definition of Ciceronian *memoria* comes from a reading of *Brutus* 62, which discusses the fictive quality of many funeral orations. He translates *memoria* in this passage as "commemoration."

commemoration. It does not seek to relocate the present in the past, but to transfer the past into the future, or rather to transtemporize. The vividness of Plato's Socrates is largely a condition of Socrates' singularity. His actions do not present a *paradeigma* to be reiterated by Plato's reader. Cicero's memorializing, though, seeks to generate a "sense of connectedness to history," so that his reader may feel himself inscribed in the flow of events and responsible for continuing this progress.¹¹⁸

Cicero's diversification of settings and characters then already begins to reveal the communal character of his idea of *memoria*.¹¹⁹ The absence felt through the limited presences of Cicero's interlocutors and the distance created by appealing to figures from the past enlists the reading community as co-agents in the process of remembering those figures fully. At the same time, *memoria* does not consist merely in the one-way look back to a past referent; it contemporizes the present rememberers and the past remembered. Cicero's *memoria* is in fact a kind of communal memory through which a group finds identity, whether through fact or fiction.¹²⁰ For Cicero this communal

¹¹⁸ Fox (2007) 165.

¹¹⁹ As with *imitatio*, Cicero does deal with less ideal connotations of *memoria*. In the most basic rhetorical sense, *memoria* is one of the five activities of the orator, and refers in general to the memorization of a speech before its delivery, or even the memorization of *loci* or categories of types of *status* (*topica*). Another use of *memoria* resembles the rhetorical use of *imitatio*. The orator recalls *exempla* to use in his speech or recalls the great speech of an earlier orator in an effort to imitate it himself (e.g., *De Orat.* 1.88). It regularly characterizes jurists, who must recall precedents (e.g., *De Orat.* 1.128 and 1.201). In all of these senses *memoria* is a characteristic of the mental capacity of the individual, important for success, instilled by nature, and enhanced by training.

¹²⁰ The community in which such memory can be active is a very tightly defined to the aristocracy. So Habinek (1998): "[T]he past ... is a scarce resource, and the literati help to make certain that the aristocrats maintain their hoard" (53).

When calling this memory "communal", I implicitly overlook the individuality of authorship. As both Habinek (1998) 53-54 and Fox (2007) 158-61 have demonstrated, an appeal to the past by a Cicero or a Livy does as much to invent the conditions of that past as it does to draw upon a true record of events. Speaking in general terms, Habinek succinctly says that "[Ciceronian literature] both participates in the invention of tradition and makes itself part of the tradition that is being invented" (54). Such a process can privilege an individual rememberer's memory if that individual successfully incorporates it into the general terms of *mos maiorum*. As Fox notes, a presentation of the self as connected to the past can help to create *auctoritas* (161). The "communal" quality of Cicero's memory does not so much mean that he as an

memory means more than recalling an image of the *humanitas* that defines community; it is the act of remembering itself that sustains the community.¹²¹ In *De Orat.* Cicero reminds his reader that the origins of mnemonics, the *ars memoriae*, are also communal in nature.¹²²

At the end of *De Orat.* 2, when Cicero gives Antonius the most concentrated description of *memoria* in the dialogue, the interlocutor concerns himself primarily with the individualized, rhetorical type of *memoria*. In order to introduce this type of memory, though, he narrates a famous story on the beginnings of mnemonics, that part of memory that goes beyond nature's endowment (the *ars memoriae*).¹²³ It is the story of Simonides of Ceos, which at first seems to relate more to piety than memory. According to the familiar story, Simonides had written a poem in honor of Scopas, interweaving the story of the Dioscuri. He performed the poem at a banquet at the home of Scopas, but was told by Scopas that he would receive only half of his commission, and should expect the other half from Castor and Pollux, whom Simonides had honored excessively in the poem. As the story goes, two young men then summoned Simonides away from the banquet, and while he was outside, the banquet room collapsed, killing Scopas and all of those within.

individual is not playing a major role in constructing it, but that he is conceiving of a past that lends *auctoritas* to his specifically defined community, rather than to himself as individual.

The phenomenon of "communal memory" as I describe it is similar to what sociologists identify as "collective" or "social" memory. For a summary of the history of social memory, see Olick and Robbins (1998).

¹²¹ Koortbojian (1996) draws a similar conclusion about the joining of *imagines* and *nomina* in *necropoleis*, or what he calls 'streets of tombs': "The complicity that was established by these monuments between the memories they preserved and those who beheld them guaranteed the persistence of cultural ideals. . . . In the enactment of this fundamental aspect of culture these sepulchral monuments play an especially eloquent and powerful role – because the monuments speak, not merely with their texts, but with their imagery" (233). Cicero's dialogues are, like these monuments, uniquely equipped in their form to offer both text and image.

¹²² Narducci (1997) discusses the role of memory as a unifying theme in the whole dialogue in his chapter (ch. 2) on *De Oratore*.

¹²³ *De Orat.* 2.352-54. Yates' *The Art of Memory* traces the mnemonic skill – which relies on space and spatial relations – here introduced (the *ars memoriae*) from Rome to the Renaissance.

The moral, in part, is that *hubris* is ultimately destructive towards those that display it and their community.

The story, however, does not end there. The relatives of the deceased grew distraught when the bodies proved too mutilated to identify. Simonides solved the problem by remembering the places in which each of the guests had been sitting, thereby identifying them for their relatives. The poet attributed his power of *memoria* to physical arrangement: physical placement and order, he concludes, somehow makes things more memorable.¹²⁴ This eventual outcome shifts the moral of the story decidedly. Impiety and destruction are not the end points; but they are half of the story. Cicero, through the mouth of Antonius, paints a picture of redemption that had not been immediately apparent. Where *hubris* or impiety destroys a community, *memoria* reestablishes it on the principle of *ordo*. Simonides uses *memoria* to rebuild the community in order, to remake it for the relatives of those gone, so that natural relationships can be preserved.¹²⁵ This moment of origin for *memoria* provides a theme for Cicero's discussion in the dialogues of the function of communal memory. Memory makes community: it is the process of remembering where people fit in relation to one another and then putting them there.

Death and Memory

Few Roman institutions exhibit the communal character of *memoria* as much as the memorialization of the dead. It should perhaps not come as a surprise, then, that

¹²⁴ *De Orat.* 2.353: *hac tum re admonitus invenisse fertur ordine esse maxime, qui memoriae lumen adferret.* Emphasis mine. Compare the use of *loci* by orators for mnemonic purposes, as detailed in *Rhetorica ad Herrenium* 3.21-22, *De Orat.* 2.357, *et al.*

¹²⁵ On Simonides as master of memory, cf. Callimachus fr. 64.

Cicero's process of remembering in the dialogues often takes on a funereal character.

Cicero makes explicit comment on the mortuary context of his memorial to Crassus at *De Orat.* 3.14.

sermonemque L. Crassi reliquum ac paene postremum memoriae prodamus, atque ei, si nequaquam parem illius ingenio, at pro nostro tamen studio meritam gratiam debitamque referamus.

And let us entrust to memory the remaining and pretty much last speech of Crassus, and give him gratitude, merited and deserved, an expression of my utmost devotion, even if not equal to the thanks his talent deserves.

Cicero makes this expression of gratitude in the somber preface to book 3, wherein he reminds Quintus that Crassus died shortly after the setting given, and that the rest of the interlocutors would suffer even worse fates through their roles in the Sullan civil war that followed.¹²⁶ By evoking Crassus' death Cicero calls attention to the close resemblance of his dialogue and two of the most important media by which the Romans memorialized their dead: the funeral procession and the Roman tomb.¹²⁷

For the Romans, the memorialization of a dead family member was a communal experience, be it through epitaphs, *imagines*, or funerals. By choosing to contextualize his gratitude and his memorial with the death of Crassus (both here in the preface of *De Orat.* 3 and generally in the setting of the dialogue shortly before Crassus died) Cicero begins to associate himself with the community of the Roman funeral, to align himself with other mourners, to identify his own memorialization with theirs. It is a strategy he repeats on several occasions.

The imminent death of the interlocutors figures into several of the dialogues.

¹²⁶ Cf. Connolly (2008) 100.

¹²⁷ *Gratia* is itself a communal notion, as explored in the following chapter.

Cato occurs in the year before Cato's death, *Rep.* immediately precedes the death of Scipio, the interlocutors of *Fin.* died shortly before the publication of the work, *Laelius* follows right on this same Scipio's death, and, of course, Crassus' death is imminent in *De Orat.*¹²⁸ In one sense this type of memorialization bears similarities to dialogues like the *Euthyphro*, the *Apology*, the *Crito*, and the *Phaedo*, which lead up to Socrates' death. But again Cicero differs from Plato in the variety of figures and settings he involves. And his tributes to the dead are, in fact, tributes, not contemplations of the afterlife.¹²⁹

As Zoll rightly points out, this type of memorial fits only into a Roman setting. By fully fleshing out the characterization of the supporting cast in *De Orat.*, Zoll says, Cicero makes this memorial a communal activity akin to a funeral procession, complete with *imagines*.¹³⁰ The comparison is a fruitful one. The use of *imagines* in the sense of ancestral masks originated following the conflict of the orders, as part of an effort to distinguish office holders from non-office holders.¹³¹ As Flower explains, the *imagines* could be very powerful symbols, blurring lines between reality and representation, both

¹²⁸ On this feature of ancient dialogue, see Cameron (1966) 28-9 and (1967) 259-59. Cf. Hirzel (1895) I 467.

¹²⁹ The setting of the dialogues shortly preceding times of crisis has the added effect of making them even more memorable. The *Rhetorica ad Herennium* (3.22) and *De Orat.* (2.358) both make reference to the value of *imagines agentes* ("active images"), which are more easily remembered than static images. These are the images that are exceptional and noteworthy. Koortbojian (1995) argues that the memorable quality of active images is what leads sarcophagus sculptors to use novel and dramatic presentations of mythic scenes (116). So too the impending crises in the dialogues mark out these moments as more "active" than other moments in which the interlocutors might also have met.

¹³⁰ Zoll (1962) 80: "[W]enn er das Bild zum Teil verstorbenen Dialogspersonen ... so intensiv und möglichst historisch getreu aufleben läßt, so kommt darin etwas von dem Traditions- und Gemeinschaftsbewußtsein zum Ausdruck, das in dem eigenartigen römischen Brauch lag, bei Leichenbegängnissen eines vornehmen Römers die Wachsmasken der Ahnen und ihre Insignien, die zu Hause aufbewahrt wurden, mitzutragen, auf dem Forum aufzustellen und ehrend ihrer Ämter und Taten zu gedenken."

¹³¹ Flower (1996) 59.

memorializing and resurrecting the dead, serving as a junction for past and present, all in the context of social distinction.¹³²

In addition to its funereal associations, *imago* commonly referred simply to the artistic representation of an individual.¹³³ Cicero's representations of his interlocutors are not pictorial representations, but they are *imagines* nonetheless – portrayals meant to convey the presence of figures in their absence. Cicero's use of the interlocutors thus is a metaphorical donning of an *imago* in the sense of artistic representation which, through the funerary context of the dialogues, shifts to a wearing of an *imago* in the sense of funerary mask.¹³⁴ In both senses, the *imago* introduces one who is absent and situates him within a social context. Flower concludes, “[t]he traditional wax mask symbolized the memory of the deceased and his position within the extended family of those related by blood and marriage.”¹³⁵ Cicero's *imagines*, the interlocutors, were likewise expressions of *memoria*, but it is not blood relations that they are intended to reinforce, but a very specific type of social relations.¹³⁶ Cicero, by locating his dialogues temporally near the impending deaths of several interlocutors, introduces himself as a participant in their funerary memorials. Even more than this, he is the one wearing the *imago*, putting on the persona of the interlocutor, and thereby assuming a role as close relation. *Laelius*, almost a eulogy in its construction, concludes with Laelius' brief discourse on the importance of *memoria* for consoling himself in the loss of Scipio (103-

¹³² See esp., *Ibid.*, 32-35.

¹³³ *Ibid.* 33-4.

¹³⁴ The similarities of the processes of writing dialogue and wearing an *imago* in a funeral procession extend even to the similar attention to detail. We have already discussed Cicero's own attention to detail, and cf. Flower (1996): “The actors wearing the *imagines* played the role of each ancestor in a studied and realistic way including gestures, and probably also words” (126).

¹³⁵ *Ibid.* 59.

¹³⁶ Cf. the stipulations outlined at *Leg.* 2.48ff. regarding the necessity of performing funerary rites and who is obliged to do so.

104). In effect, it tempers the loss, or replaces Scipio. Naturally Cicero himself here wears the *imago* of Laelius, and so assumes the role as the possessor of *memoria*.

Cicero is the privileged mourner, but as Flower also points out, the performance of the role of ancestor was “enhanced by ... entourage suited to each historical figure.”¹³⁷ In Cicero’s own memorialization in the dialogues, just as in funerals, figures of the past are universally remembered in the company and community of others.

For Romans, funerary processions are communal activities. They are designed to reinforce community bonds, connecting the mourners together, locating the deceased within his own community, and reincarnating the dead so that the mourners with their community and the deceased with his community may commune together transtemporally. As in the case of the story of Simonides, *memoria* facilitates this community.¹³⁸ Cicero approximates this kind of *memoria* in the dialogues. He enlists his readers (and dedicatees) as fellow mourners, he presents his interlocutors in communion, and he shapes *imagines* of his interlocutors, giving them vivid, life-like words and actions to bring them to life in the present.

The dialogues’ function as death memorial, on the one hand, parallels the use of *imagines* in funeral processions to commemorate the dead. But funeral processions have the disadvantage of operating within very specific temporal parameters. To ensure the persistence of the deceased within the family following the funeral the aristocratic family

¹³⁷ Flower (1996) 127.

¹³⁸ Dugan (2005) 150-51 draws a similar conclusion about the Simonides story, emphasizing the “restructuring” of the identities of the interlocutors after sudden trauma. He also ties in this function of memory to Cicero’s relationship to Crassus, though he is more interested in Cicero’s representation of himself in the figure of Crassus than in the role of memory or association in the generation of community. So: “Instead of repeating his own traumatic event, Cicero represents it through the vehicle of Crassus’ and the others’ story, and seeks to gain mastery over his own political career by assimilating it to the narrative of a distinguished predecessor to whom Cicero can claim a connection through intellectual genealogy.”

followed two parallel courses of action. The *imagines* were preserved, along with their *tituli*, the written records of the deceased's accomplishments which accompanied the *imagines*. After being used in the funeral procession, these objects were placed in the *atrium* of the family of the deceased. These objects were then reduplicated even more publicly within the tomb, where the wax mask might be approximated by a statue and the *titulus* summarized or repeated in the epitaph.¹³⁹ As artistic representations, the dialogues certainly resemble the *imagines*; as literary objects they also resemble and capitalize on some of the advantages of the epitaph, the inscribed memorial.

The Roman grave inscription, as evidenced by the tomb of the Scipios, both describes the career of the deceased and locates him within the familial community.¹⁴⁰ As noted in the previous chapter, the epitaphs of the Scipios show an awareness of the epitaphs that preceded them. We observed there that epitaphs emphasize social behavior and operate in the context of aristocratic social performance. At the same time, the basic structure and content of the epitaphs is parallel and interconnected, even when one Scipio died too young to repeat the offices and accomplishments of his forebears. This social component of the tomb of the Scipios is in turn balanced by its liminality. In keeping with Roman law the tomb was located outside the *pomerium* where the illusion of the interconnectedness and communion of the ancestors was not interrupted (as in the *atrium*) by the daily activity of the living.

As with the *imago* Cicero coopts this epitaphic model. Taking *De Orat.* as an example, Crassus and Antonius are positioned in their 'epitaph' against the other figures who appear alongside. The audience of *De Orat.* is the interested literate community,

¹³⁹ On the similarities in content between the *titulus* and the *elogium*, see Flower 180-184.

¹⁴⁰ Cf. Flower (1996) 159ff.

almost certainly the aristocrat, who would respond positively or negatively to the *exemplum* of Roman social virtue there expressed.¹⁴¹ The action of the dialogue occurs within a liminal zone, outside the city during the *Ludi Romani*, a period of *otium*. And most of all, the record is inscribed, so that the memory preserved therein can withstand the passage of time and the forgetfulness of the human mind.

Cicero purposefully and repeatedly sets many of his dialogues noticeably close to the time of death of his interlocutors. By doing so Cicero identifies his dialogues as memorials which assume the role of death memorials in aristocratic Roman society. In the first place, like Roman funerary practices, the memorial of the dialogues is communal. Both the rememberer – as member of a funeral procession, reader of a dialogue, or reader of an epitaph – and the remembered – with his ‘entourage’ in the funeral, with his family in the Scipionic epitaphs, with his friends in the dialogues – are located within a social group. And as with death memorials, Cicero seeks to create in his dialogues a sense of timelessness whereby the past community and present community may merge. For Cicero the dialogue functions as both *imago* and epitaph, a tool for reincarnation and for preservation. The *imago* brings the deceased back to life, the epitaph exists externally as writing and operates within a liminal zone wherein multiple generations of a family coexist. Like funerals, dialogues aim at the preservation of family memory, but here family refers to a tight-knit group of aristocrats living (and dying) in cooperation.

¹⁴¹ See Veyne (1985) 168-171. The imposing physicality of tombs, their location along thoroughfares, and the appeals in epitaphs to passersby all serve as reminders that these are neither merely graves, nor private monuments, nor generic epitaphs addressed to “la face du ciel.” The Roman tomb, Veyne argues, “ne s’adresse pas à la famille, aux proches, mais à tout le monde.” Flower suggests the opposite: “these *elogia* were private, and not directed at passers-by on the Via Appia,” though it would seem the latter point does not necessarily suggest the first (179). It is easy to conceive of intermediate audiences between family and passers-by.

Writing and Memory

The epitaph owes much of its memorial power to its inscription, the efficacy of which extends beyond the mortuary context. Writing is alternately diagnosed by the ancients as a replacement for memory or a protector of memory. The distinction is closely tied to the modern differentiation of history and memory. According to one conventional distinction, history, in the sense of an account of the past, implies an inscribed, physical record.¹⁴² Memory, on the other hand, while transmittable via history, can exist within an individual's mind, without a physical record.¹⁴³ As Hedrick puts it, it can exist in silence. The writing of history can thus “give voice to something that is kept in the silence of memory and thus bring it to appearance.”¹⁴⁴ The distinction is not so much the physicality of history vs. memory, but the need for physicality for the preservation of memory.¹⁴⁵ Physical representations are not necessary when the possessor of a memory survives. Once the rememberer does die, the function of memory

¹⁴² Historians, sociologists, and anthropologists alike have made various distinctions between memory and history, using criteria such as social perspective, objective accuracy, physicality, and experiential relationship. For a summary of several of these positions, see Olick & Robbins (1998) 110-11.

¹⁴³ Even when they have not inscribed a memory, and thereby “historicized” it, the Romans tend to think of memories in terms of physical objects. So Simonides invents the science of mnemonics through his appeal to physical location in *De Orat. 2*, and the oratorical practice of using *loci* to aid memory discussed by Cicero, the *Rhetorica ad Herennium*, and by Quintilian. On the phenomenology of memory in Roman thought and practice, see Farrell (1997).

¹⁴⁴ Hedrick (2000) 131. This distinction is not as loaded as Halbwachs' (1992), according to whom history (as opposed to historical memory) is “dead memory” which does not have an “organic” connection to the past. For Burke (1989), history is a very specific kind of memory, social memory.

¹⁴⁵ Closely related to this distinction between memory and history is the idea of the *exemplum*, which was dealt with in large part in the last chapter. In the *Rhetorica ad Herennium* an *exemplum* achieves its desired effect by making a memory visual, by putting it before the eyes (*exemplum ante oculos ponit*; 4.62). As Chaplin (2000) notes, these visual *exempla* include the *imagines* (both during and after a funeral), statues, and literature (14-16).

is taken up fully by the physical representation.¹⁴⁶ So the process of *damnatio memoriae*, which consists entirely in the effacement of physical representations of a person, is not fully effective while rememberers live on, because the *memoria* trying to be erased exists both physically and mentally. Once the possessors of memory have died, though, the destruction of the physical representation is the destruction of the only source of memory.

For Socrates in the *Phaedrus* the physical nature of writing obviates the need for memory; he accordingly vilifies writing as a crutch and, therefore, a threat to the mental activity of remembrance. Cicero, on the other hand, conceives of a twofold function of writing in relation to *memoria*. In the first place, writing works as a receptacle for memory, a storehouse to guard and preserve it. However in order to ensure that the written word is a record of *memoria* and not static, inorganic ‘history,’ it is important for him that the written word maintain the qualities of *memoria*, especially its communal nature. So, in the second place, Cicero conceives of writing as a medium through which to enlist others in the process of remembering. In the preface of *De Orat.* 2 he describes his own writing of the dialogue in terms of both guardianship and community, as a way to externalize, but not depersonalize, memory.

Quo etiam feci libentius, ut eum sermonem, quem illi quondam inter se de his rebus habuissent, mandarem litteris, vel ut illa opinio, quae semper fuisset, tolleretur, alterum non doctissimum, alterum plane indoctum fuisse; vel ut ea, quae existimarem a summis oratoribus de eloquentia divinitus esse dicta, custodirem litteris, si ullo modo adsequi complectique potuissem; vel me hercule etiam ut laudem eorum iam prope senescentem, quantum ego possem, ab oblivione hominum atque a silentio vindicarem.

¹⁴⁶ The externalization of memory in “artificial” sites, such as texts, is the second of the five stages of memory diagnosed by Le Goff (1992). In this stage the commitment of social memory to writing gives rise to two new phenomena: commemoration and documentary records.

And I [recorded this dialogue] the more freely so that I might entrust to writing this discussion which those men once had on these topics; I did it, in the first place, so that that opinion which has persisted for so long might be removed, namely that Crassus was not most educated and that Antonius was pretty much uneducated. In the second place I did it so that I might guard with the writing those things which I thought were said extraordinarily well by these best orators on the topic of eloquence, insofar as I could follow it and express it. In the third place, I did it by god so that, as much as I could, I might salvage the praise of these men from men's forgetfulness and silence, praise that is nearly dead as it is.

De Orat. 2.7

The three memorial functions of writing as Cicero gives them include the correction of communal memory, the guarding or preservation of the past, and the immortalization of the (nearly) dead.¹⁴⁷ We have already considered the third function expressed here, the memorization function, in the discussion of epitaphs. The first function, however, helps to clarify Cicero's conception of communal memory and where the bounds of the remembering community should lie.

According to *De Orat. 2.7*, there is a type of communal memory outside of the one he hopes to achieve through his writing, an *opinio communis* apparently transmitted orally and closely akin to something like *fama*. This *opinio*, the *opinio quae semper fuisset*, represents the ill-founded consensus of the community at large, and Cicero seeks in large part to combat these ideas. The communal memory that exists outside of Cicero's written record has been susceptible to misrepresentation, a signifier floating about without a signified. By writing Cicero intends to reunite the truth with the description of it, and to anchor it in the firm ground of his text.

¹⁴⁷ He goes on to elaborate on the third position saying he wants to render the memory of Crassus and Antonius immortal (*hanc immortalem redderem*).

But by simply writing alone against the *opinio communis*, against tradition, he runs the risk of abandoning the communal aspect of *memoria* altogether. He therefore claims in *De Orat.* to involve the community as a sort of corrective to any fallacy he may present. He cannot, he says, invent patent falsehoods when some of his readers will actually have heard Crassus and Antonius speak, or known of their political positions and significance (2.9). That is to say, Cicero cites those with autobiographical memory of the described events as corroboration of his report, thereby pluralizing the authorizing voices.¹⁴⁸

This assertion appears to stand somewhat at odds with the opening of *Leg.* As that dialogue opens, Cicero, Quintus, and Atticus are discussing the existence of an oak tree that, according to Cicero's poem *Marius*, grows in Arpinum (*Leg.* 1.1-5). The discussion centers around the effectiveness of poetry to immortalize coupled with its license to introduce falsehood. Poetry, Cicero tells Atticus, can lie, and needs not worry about any corrective. Atticus then responds in a potentially metatextual moment by introducing what is likely a concern over the accuracy of Cicero's representation of the past in his earlier dialogues, *De Orat.* and *Rep.*

Atqui multa quaeruntur in Mario fictane an vera sint, et a nonnullis quod et in recenti memoria et in Arpinati homine versatur, veritas a te postulatur.

It is questionable whether many things in the *Marius* are true or false, and many people demand the truth from you since you are dealing with matters in recent memory and with a local man from Arpinum.
(*Leg.* 1.4)

¹⁴⁸ On Cicero's discussions of the role of the audience and the viability of their judgments in both *De Orat.* and *Brutus*, see Schenkeveld (1988).

The fact that the events Cicero has written about in his poem occur in recent history, Atticus' people claim, the fact that some have autobiographical, experiential memory of those events, dictates that Cicero must make a true record of them. The argument recalls Cicero's own in *De Orat.* 2.9. But here Cicero responds by pointing out that such demands are made naively (*imperite*), because in fact poetry follows different rules than history.

Because the prologues of dialogues so often are self-conscious, and certainly because of the inevitable self-consciousness that accompanies Cicero's first use of himself as an interlocutor, it is tempting to read the *Marius* here as a stand-in for Cicero's already-published dialogues, *De Orat.* and *Rep.* His defense of the *Marius* is implicitly a defense of his use of 'falsehoods' in the earlier dialogues, and perhaps Atticus' objection represents the actual objections with which Cicero had been faced since the publication of those dialogues. Cicero would then be justifying his manipulation of historical detail in those earlier dialogues here at the preface of *Leg.* 1. But when paired with his defense of the accuracy of his writing in *De Orat.* 2, it begs the question of whether Cicero imagines his dialogues as operating according to the rules of poetry or of history. To what extent should recent history and communal memory be accepted as a corrective in a dialogue?

Andrew Dyck sees in this introduction to *Leg.* the framing of a crucial relationship for the dialogue's broader theme: *natura* vs. *opinio*.¹⁴⁹ Cicero discusses this conflict in full at *Leg.* 1.44-47, where he comes to the expected conclusion that trusting the *opinio* of the community is dangerous and foolish when making judgments, while

¹⁴⁹ Dyck (2004) 56. *Natura*, Dyck notes, is to be the foundation for law; Cicero's legal system "will rest upon situating judgments of value on the side of *natura* rather than *opinio*."

trusting to nature is virtuous. The general public, as asserted here and *passim* in *Rep.*, is naïve; *opinio*, as has already been shown in *De Orat.*, is misguided. On the other hand, Cicero is using this prologue to introduce appropriate rules for reader expectation. He is trying to correct misguided opinion by instructing it, by correcting it through writing. Poets lie, historians do not.¹⁵⁰ The naïve do not understand the distinction, and therefore their opinion should not be a corrective. The memory of those who do understand, however, should be used as a corrective.¹⁵¹ It is not “when” alone that is important in remembering, but “who” is doing it. Cicero’s writing expects a knowledgeable reader who is attuned to the significance of differences in form and genre. In the case of dialogue, there is room for the corrective of the reading public, but not for the public in general. Cicero has in mind a specific group of rememberers who can qualify and correct his writings, a group that depends not simply on *opinio* or rumor or a kind of self-perpetuating understanding of the past generated through popular tradition, but on their knowledge of the context of the events. The corrective force of this audience alone helps to define memory in social terms, but also along strict social lines. The communal memory of writing stands in contrast to the *opinio* of the masses.

Cicero treats this idea in one other place in the dialogues, at *Rep.* 2.28. For all intents and purposes, the second book of *Rep.* is Cicero’s closest approximation of the history that Atticus asks for in *Leg.* 1.5-6.¹⁵² In it Scipio outlines the entire political history of Rome, leading up to his description of the ideal political situation. When he comes to his discussion of Numa, Manilius interrupts to ask whether there is any validity

¹⁵⁰ Cf. Aristotle, *Poetics* 1451a36-7.

¹⁵¹ For the fickleness and failure of the memory of the public, see *Off.* 2.55ff.

¹⁵² Cf. Rawson (1972): “[Cicero] never ... again gets so deeply entangled in the study of antiquity as in the *De Republica*” (35). As *Leg.* postdates *Rep.*, it would seem Atticus was not satisfied.

in the common assertion of the elders and the crowd (*vulgo*) that Rome's second king was a pupil of Pythagoras, an assertion that lacks the *auctoritas* of the public records (*annalium publicorum*). Scipio responds vehemently that this tradition is a patent falsehood, one conceived naively and absurdly (*imperite absurdeque fictum*). Those who study the records carefully (*diligentissime*), Scipio assures Manilius, can never hold such an opinion. For them there has never been any doubt on the matter.

Again Cicero sets the communal memory of writing, in this case the public annals, against the opinion of the masses, which is again rendered *imperitus*. And this time Cicero via Scipio endows writing with *auctoritas*, that unique quality that defines the true aristocracy. The fact that the period of history proves to be so far removed does not change the fact that there is a communal memory available. Rather failure to account for the written and disregard for *auctoritas* leads some to the development of another less authentic community memory. As with epitaphs, the writing Cicero adduces as an opponent of unwritten communal memory not only serves as an *aide-memoire*, but works to define the limits of its reading community. The preface of *Leg. 1* does not so much identify the foregoing dialogues as poetry in the vein of the *Marius* as it does indicate that only a restricted, educated, understanding audience should function as a corrective to falsehoods in writing. Cicero's appraisal of writing in *Rep.* reinforces the notion of a correct communal memory that stands in contrast to popular opinion or the idea that the collective memory of a majority vouches for that memory's validity.

The final function of writing that Cicero outlines in *De Orat. 2.7-8* is also present in Scipio's response to Manilius in *Rep. 2.28*: writing serves as a record of the past.

More specifically Cicero calls writing a guard (*custodirem litteris*) of the history it conveys. In this sense Cicero seems to conceive of the dialogues as something very close to history, to being inscribed records like the *annales publici*.¹⁵³

Cicero periodically drifts near the issues of history and historiography in the dialogues, and naturally he often touches on *memoria* in these situations.¹⁵⁴ He universally proclaims the merits of records which give historically accurate pictures.¹⁵⁵ He even goes so far as to say that one can not mature without acquainting oneself with history: *nescire autem quid ante quam natus sis acciderit, id est semper esse puerum*.¹⁵⁶ But Cicero, for all of the historical detail that he gives in the dialogues, never turns to the writing of history until just before his death, in November of 44.¹⁵⁷ There are many possible explanations for his reticence. Rawson argues that Cicero's interests are more antiquarian than historical, that he does not want simply to record the past, but to promote a conservative agenda. And to write a book-length antiquarian work would not suit Cicero's *dignitas* and *auctoritas*.¹⁵⁸ Dyck takes it a step farther:

An unvarnished version of the past from Cicero's viewpoint would have offended Caesar; and, with the institutions of the republic suspended and most of the men who had sustained them passed from the scene, the dynamic of civic life was altered, and the point of historiography as a spur to the achievement of youth by glorifying the deeds of the past must have seemed blunted.¹⁵⁹

The political scene was simply not ripe for Cicero's history.

¹⁵³ For the definition of *memoria* as 'record', see *OLD* s.v., 8.

¹⁵⁴ Cicero regularly uses *memoria* to designate a historical period, in the sense of "in our time" or "in our fathers' time" (E.g., *De Orat.* 1.183). I do not consider these issues here.

¹⁵⁵ See, e.g., *Leg.* 3.46, *Rep.* 3.14, *De Orat.* 2.51-4.

¹⁵⁶ *Orat.* 120. Cicero also praises in this passage the annalistic work of Atticus, which has made a record (*memoria*) of the last seven hundred years in one book, and thus contributed to its reader's ability to move beyond boyish considerations.

¹⁵⁷ *Att.* 16.13a.2.

¹⁵⁸ Rawson (1972) 35-6.

¹⁵⁹ Dyck (2004) 85. On his explanation of the point of historiography, cf. *Orat.* 120.

Cicero himself (or through the person of his brother) gives two reasons for his failure to write history in the prologue of *Leg.* (1.7-12). First of all, Quintus claims that he and his brother could simply not agree at which point to start the history, the ancient past or a time recent enough to include the modern era. Secondly, Cicero says that he simply does not have the time to devote to such a large project.¹⁶⁰

To the first point Atticus argues that Cicero is in the right, that the history must be recent enough to carry into the modern era. He would much rather read about Pompey and Cicero himself than *de Remo et Romulo*. Returning to Dyck's point, however, choosing to write a contemporary history presents an inevitable set of political complications. But the recording of the recent history did not only mean the Cicero would expose himself personally to the hostility of Caesar. Touching on the recent past means committing to communal memory the decadence of the republic and the civil unrest figured in Caesar and Pompey. Because of Cicero's association of *memoria* and community, he is hesitant to undertake to memorialize the destruction of community through writing.¹⁶¹ A history *de Remo et Romulo* would also have to deal with unrest, with the archetypes of Roman civil war, but could find the resolution to that unrest in the institution of the senate. But Cicero never wrote that history either.

Instead, Cicero wrote dialogue. Like a history dialogue can preserve *memoria* and recalibrate popular conceptions about the past, but dialogue has the added advantage

¹⁶⁰ Cf. *Att.* 2.4.2, 6.1, and 7.1, where Cicero describes the greater-than-expected complexity and time consumption involved in his composition of *Rep.*

¹⁶¹ Compare Antonius' description of his speech in defense of Norbanus at *De Orat.* 2.199. There Antonius argues that sedition and the violation of the community *status quo* sometimes has positive outcomes. The difference seems to be the type of community that was violated. Antonius also takes pains to point out that he concluded his defense with appeals to his closeness to Norbanus and the offices that he held. He and Norbanus, he claims, represent the truest element of community, even though Norbanus' actions had been held to be seditious.

of being communal. Both history and dialogue have the potential to enlist the reading community as a corrective, but the multiplicity of voices within the dialogue de-emphasizes the narratorial voice of the author, de-privileging him in relation to the other rememberers, thereby further necessitating the cooperation of the reader. As the preface of *Leg. 1* suggests, though, the cooperative reader must have an understanding of the context, condition, and form of written memory. The audience best equipped to understand the aristocratic interplay of the dialogues was the group that participated in such interplay itself.

At the same time, the dialogues avoid the inorganic disconnect of history, tethered as they are to Cicero himself by the line of experiential rememberers he adduces as his source. For Cicero writing is not a threat to *memoria*, but an appropriate medium for its preservation, provided that the written memorial medium itself preserves *memoria*'s communal nature.

Otium and Memory

As his second excuse in *Leg.* for not writing history, Cicero insists to Atticus that he does not have the time (*vacuum tempus et liberum*). He goes on to explain to Atticus that he is never free from care and worry (*et cura vacare et negotio*) and that the writing of *historia* demands *otium preparatum*. Atticus pokes several holes in Cicero's argument, insisting that he has sufficient leisure time to compose philosophical works such as *De Orat.* and *Rep.* But Cicero continues to insist that such things can be composed in spare time (*subsciva tempora*) relative to the composition of a history. He will only have such leisure, he says, when he reaches old age. Atticus immediately sees

through this deferral as well, and insists Cicero will never cease from his *negotium*. Even so, they shift their topic of discussion to civil law, and decide to take advantage of the *subscivum tempus* at hand for their dialogue.

In the end, Cicero gets off (lets himself off?) the hook, but more through evasion than refutation. In three different letters Cicero admits to the unexpected strain he experienced in his composition of *Rep.* and so would seem to confirm his reasons in *Leg.* Of course by the time of *Leg.*, he had completed his extensive research into the ancient history of Rome, and would theoretically have been equipped to write a history on that period. Likewise, if he intended to write about the political history in which he had participated, he would undoubtedly have had a more manageable task researching the events of his own life than the periods covered in *Rep.* 2. Surely, one would think, if he can cram in an account of civil law he can do the same with history. His sincerity in evading historiography through the excuse of *negotium* is difficult to judge, and ultimately unknowable.¹⁶² We have in fact already examined several other possible motives for Cicero to avoid history. Even so, in making his excuse to Atticus he points to an important association between *memoria* and the need for *otium*.

Otium, like most terms adopted into propagandistic service, has a variety of meanings.¹⁶³ It regularly functions as both the personal leisure time (often of the Roman aristocrat) and the communal or political peace that characterizes a society not at war.¹⁶⁴ This dual applicability of *otium* is clear from Cicero's speech *Pro Sestio* of 56, the same

¹⁶² On evasion within a social setting, cf. Hall (1996).

¹⁶³ On *otium* see André (1966). In general André uses Cicero himself to access the meanings of *otium* in the Ciceronian era, and so is of restricted use in understanding how Cicero's uses are semantically contextualized.

¹⁶⁴ E.g. in Cicero: Personal: *De Orat.* 1.224, 2.57; *Pro Balbo* 15; *Att.* v.20.9. Political: *Pro Caecina* 43; *Att.* ii.1.2; *Fam.* xii.1.1; cf. *Aeneid* 6.813.

year in which he composed *De Orat.* Cicero describes an ideal of personal leisure as *otium cum dignitate* (98). But he also uses *otium* in its public sense, as “peace” when he pairs *otium* with *communis salus* in both *Pro Sestio* 5 and 15.¹⁶⁵ In this political sense, it means not only peace, but refers to an internal peace, an absence of civil strife.¹⁶⁶ This definition in particular allows the space for the personal and private meanings to overlap, the absence of public *otium* precluding the private. If, in general, personal *otium* is the repose one achieves after a successful political career, then Cicero who was no longer politically active *post reditum* in the same way he was *ante exilium*, should have experienced this *otium* during the 50s and 40s. But, of course, the republic itself was in a state of civil unrest, and therefore was by definition in a state of *negotium*. This political *negotium* proved in turn to deny Cicero the *otium* he might otherwise have known. He had unoccupied time, but the state of the republic rendered his time *sine dignitate*.¹⁶⁷

Idealized *otium*, which Atticus in *Leg.* warned Cicero he would never have in old age, does in fact prove to evade Cicero; it instead appears as a theme of the dialogues he wrote in his old age (and *Off.*), where it is a double-edged sword. When he has finally reached the point at which he has intended to retire into the sophisticated leisure of the aristocrat, Cicero finds himself instead forced into retirement by Rome’s recourse to arms and civil war. More than anything else, free will is in question. The otiose retirement Cicero envisioned in *Leg.* 1.10-2, where he could leisurely write and receive clients still exists. But because of the shift in political power, a shift in many directions, but all away

¹⁶⁵ Cf. Wirszubski “[I]t appears that *otium* ... is conceived, by Cicero at any rate, as public tranquility born of undisturbed political order” (4). It was, according to Wirszubski, a political watchword of Cicero in 63.

¹⁶⁶ Cf. *De lege agr.* 2.9, where, as Wirszubski (4n28) notes, Cicero distinguishes *pax aeterna* (peace with other countries) and *otium domesticum* (civil, internal peace) as two distinct causes for which he is advocating. Cf. also *Fam.* 2.16.2.

¹⁶⁷ Cicero tells Mescinius Rufus that even should civic unrest be ended by the ascendancy of an individual, such *otium* could not be an *honestum otium* (*Fam.* 5.21.2).

from Cicero himself, Cicero's retirement is drained of its *auctoritas*, its *dignitas*.¹⁶⁸ What should have been an *otium moderatum et honestum* stands perilously close to *inertia et desidia*.¹⁶⁹ What should have been a period of freedom is a period of enforced inactivity.¹⁷⁰ In this position Cicero seeks to console himself by reasserting the value of his *otium*. As I will go on to argue, when Cicero connects *otium* to *memoria* he begins to identify leisure as an important medium to enable him to take up the community-building project of memory. Cicero may be involuntarily removed from the Roman political scene, but his leisure time allows him to access another, in many ways more valid, part of the Roman political scene through memory.

Cicero summarizes his position in the opening of *Off.* 3 (1-3). He first describes the *otium* of Scipio Africanus, whom he identifies as a contemporary of Cato. It is telling that Cicero must reach back into the early second century to find a fitting example of what he considers the right kind of *otium*. According to Cicero, Scipio's leisure and solitude consisted of thinking about business (*negotium cogitare*) and talking to himself (*secum loqui*). That is to say, for Scipio leisure and solitude consisted of their opposites, political engagement and community. Cicero, over a century later, finds himself shunning the vulgar crowd and the Roman political scene that was but the remains of what had been the republic. The only solace he can find is in writing.

*propterea et otio fruor, non illo quidem, quo debeat is, qui quondam
peperisset otium civitati, nec eam solitudinem languere patior, quam mihi*

¹⁶⁸ Cf. *Fam.* iv, 14, 1. On *otium cum dignitate* see further below.

¹⁶⁹ For Cicero's own summary of the situation, see *Brutus* 7-9, where he, among other things, compares the two states mentioned here.

¹⁷⁰ For an interesting response by Cicero to this condition cf. *Tusc. Disp.* 1.1. He opens the dialogue by saying, "Since I am now free of my labors in the courtroom ..." (*cum defensionum laboribus ... essem ... liberatus*), claiming his freedom. In fact, as Brutus well knew, Caesar had entirely realigned the court system, so that cases such as *Pro Ligario* and *Pro Rege Deiotaro* were heard by Caesar himself alone. See further, Douglas (1994) 89. *Liberatus*, it would seem, must be read ironically.

adfert necessitas, non voluntas... nos autem, qui non tantum roboris habemus, ut cogitatione tacita a solitudine abstrahamur, ad hanc scribendi operam omne studium curamque convertimus.

For these reasons I am enjoying my *otium*, though it is not quite that which someone who has spared *otium* for the state deserves, nor am I passing this time of isolation lazily which necessity and not my own will has imposed upon me... Moreover we who do not have enough strength to avoid solitude through silent meditation turn all our effort and care to the task of writing.

(*Off.* 3.3-4)

Unattainable is the civically involved *otium* of Scipio; gone is the *otium* of peace that he conferred upon the community of Rome in his consulship. What is left to him is a shadow of that *otium* in which he has turned to the writing of dialogues. Through the dialogues Cicero can reanimate the figures in his memory and so translate both the people and their ideas into the present.¹⁷¹ He tells the reader or unnamed addressee of the *Brutus* just this type of thing, where remembering the past in the company of friends helps him pass his *otium*.¹⁷² Remembering figures of the past while among his own waning community of *familiares* allows Cicero in effect to access and approximate the communal *otium* of the ancients while enacting what little is left of community among his contemporaries. His *otium* is an *otium* of an isolation enforced by the collapse of the republic, but by remembering the dignified figures of the past in a similar condition of *otium* Cicero begins to suggest a connection between himself and them.

To this end he also gives a full picture of the *otium* of the past by setting all of the dialogues in periods of leisure for the interlocutors. *De Orat.* begins with a reminiscence.

¹⁷¹ For another appraisal of his enforced *otium*, see *Acad.* 1.11.

¹⁷² *Brutus* 9-10: *quorum memoria et recordatio in maxumis nostris gravissimisque curis iucunda sane fuit, cum in eam nuper ex sermone quodam incidissemus. Nam cum inambularem in xysto et essem otiosus domi, M. ad me Brutus, ut consueverat, cum T. Pomponio venerat, homines cum inter se coniuncti tum mihi ita cari itaque iucundi, ut eorum aspectu omnis quae me angebat de re publica cura consederit.* The addressee is presumably Brutus, but may also have been Atticus (cf. Ch. 4).

The fifth word of the text, of the dialogues as a whole, is *memoria*.¹⁷³ Cicero tells his brother in true antiquarian style that he envies those who lived in the past (the *perbeati*) because they had the choice to live politically engaged lives or lives of *otium cum dignitate*. As noted above, the phrase *otium cum dignitate* reappears in Cicero's speech in defense of Sestius (§98) given in the same year as the publication of *De Orat.* (56 BCE).¹⁷⁴ The case itself involved Clodius and Caesar on one side, with Cicero, Sestius, and Pompey on the other. Cicero had at this point of his speech begun to outline a distinction between political leaders that act as *populares* or *optimates*, naturally emphasizing the moral superiority of the latter. The *optimates*, by Cicero's definition, are the group of those right-minded, good, and blessed men, who live their lives with a view to *otium cum dignitate*.¹⁷⁵ Those who accomplish this balance are the *summi viri*.

As in *De Orat.* Cicero locates such *summi viri* in the past by implication in *Pro Sestio*. According to Cicero's argument, these great men had the liberty of choice in the past. At times of threat to the republic, some of those who enjoy *otium cum dignitate* failed to act in the hopes of maintaining their *otium* even at the cost of their *dignitas* (100). In his contemporary situation, as he outlines in *Off.*, the reverse is true: the true good men must sacrifice their *otium* in an effort to maintain their *dignitas*. Cicero moves on in his defense of Sestius to give *exempla* of this type of sacrifice, including that of Q. Catulus, an interlocutor in *De Orat.*, whom Cicero characterizes as only recently alive

¹⁷³ *De Orat.* 1.1: *Cogitanti mihi saepenumero et memoria vetera repetenti perbeati fuisse, Quinte frater, illi videri solent.*

¹⁷⁴ On *Pro Sestio*, see Kaster (2006). For another use of the same phrase, see *Fam.* 1.9.21, written around the same time as the dialogue and speech: *cum omnibus nobis in administranda re publica propositum esse debeat id, quod a me saepissime dictum est, cum dignitate otium, non idem semper dicere, sed idem semper spectare debemus.*

¹⁷⁵ *Pro Sestio* 98: *quid est igitur propositum his rei publicae gubernatoribus quod intueri et quo cursum suum derigere debeant? id quod est praestantissimum maximeque optabile omnibus sanis et bonis et beatis, cum dignitate otium.* See also §§99-102.

(*eorum aliquem qui vivunt nominem, qualis nuper Q. Catulus fuit*).¹⁷⁶ The reference to Catulus' death recalls both that good men stand under the threat of death for such actions, as well as the fact that *otium cum dignitate* cannot exist in the present political situation.¹⁷⁷

The entirety of the first part of the prologue to *De Orat.* deals with this *otium*, available to figures of the past, but lost to Cicero himself.¹⁷⁸ The state of the republic and the complications introduced by both his friends and enemies have rendered his *otium* brief; nevertheless, he tells Quintus, he will use what leisure time he does have for writing per his brother's request, to make a fitting record of his memory of good men of the past.¹⁷⁹ The scenario he outlines closely resembles the one he presents in the prologue to *Off.* 3. His *otium* is not equal to the *otium* of the past, in large part because, as shown in *Pro Sestio*, the community of the past has been replaced by an inferior one where friends, enemies, and the republic itself demand *negotium*. Cicero informs Quintus that the best way to make his leisure resemble the leisure of the best men of the past, as it had been in *Brutus*, is to record his *memoria* of those very men.

¹⁷⁶ *Pro Sestio* 101.

¹⁷⁷ Cf. Wirszubski (1954): "Thus it appears that in order to have *cum dignitate otium* all the components of the republican form of government must be preserved, because that form of government is the condition under which alone the realization of *cum dignitate otium* is possible" (7).

¹⁷⁸ Dugan (2005) 149 identifies *dignitas* rather than *otium* as the chief operating term in the passage. He concludes that "Cicero uses the ennobling themes of intellectual enquiry and scholarly equanimity to drown out the details of his implied deficit of *dignitas* and his grievances against his circumstances. His pledge that he will devote all of the time and energy now available to him in his politically marginalized circumstances suggests that writing has become a substitute for direct political involvement, and an alternative route to recuperate his lost prestige (*dignitas*). Cicero thus articulates the *De Oratore's* self-fashioning agenda." While I agree in large measure with this conclusion, I think it does not fully articulate the role that writing, memory, and *otium* play in community-fashioning, itself a substitute for the autocentric activity that characterized Cicero's political ascent.

¹⁷⁹ *De Orat.* 1.3-4: *quantum mihi vel fraus inimicorum vel causae amicorum vel res publica tribuet oti, ad scribendum potissimum conferam; [4] tibi vero, frater, neque hortanti deero neque roganti, nam neque auctoritate quisquam apud me plus valere te potest neque voluntate. Ac mihi repetenda est veteris cuiusdam memoriae non sane satis explicata recordatio, sed, ut arbitror, apta ad id, quod requiris, ut cognoscas quae viri omnium eloquentissimi clarissimique senserint de omni ratione dicendi.*

It is perhaps noteworthy that he occupies his *otium* by agreeing to a request of his brother. This kind of agreement is a reminder that Cicero is not alone, and it helps characterize Cicero's leisure as communal. At the same time his agreement to write is set in contrast with the *causae amicorum*, his obligation to represent his friends in legal disputes (e.g., Sestius). Both activities involve Cicero in community, but the writing is an activity of *otium*, the forensics naturally a matter of *negotium*. Cicero seems to suggest that the *dignitas* he feels is not attending his *otium* would still less attend the activity of the forum, the activity by which he had garnered his authority to begin with. The forum no longer provides the space for dignified activity; that space is now provided by the past, or more precisely, the space wherein Cicero can access the past.

Cicero invites his reader in the opening lines of *De Orat.* to find this space in the idealized *otium* of the dialogue's interlocutors. The political setting of Rome in 91, however, was hardly the dignified and safe ideal Cicero describes. The Social Wars and the ascendancy of Marius in fact closely resembled the concentration of power in the hands of Pompey and then Caesar during the 60s and 50s. Dugan notes that the tumultuous imagery and meteorological metaphors that Cicero uses to characterize the difficulties of his own political situation in the prologue are repeated to describe Crassus' situation in 91.¹⁸⁰ Nevertheless, the beginning of the dramatic part of the dialogue finds Crassus and his friends relaxing at his villa in Tusculum during the *Ludi Romani* (1.24). They undertake their discussion of oratory beneath a plane tree a la the *Phaedrus*, and add to their comfort with cushions to sit on. But they do not discuss oratory until the second day; they had passed the first day discussing the state of the republic and the

¹⁸⁰ Dugan (2005) 149-50, comparing 1.1-3 with 3.7.

disasters that loomed over it. Like Cicero, their leisure is complicated by the threats of powerful individuals to the republic. Their leisurely aristocratic communal activity can only occur after the politics of civil strife have been dealt with or ignored.

The setting of the dialogue outside of Rome during a holiday goes some way towards removing the activity and *otium* of the interlocutors from reality. Cicero has shifted them into a sort of idealized counter-reality from which they can discuss the political situation at a remove before forgetting about it and moving on to their discussion of the ideal orator (himself unreal). This idealized *otium* more closely resembles the leisure addressed in the opening of the dialogue than the historical leisure that Crassus and the others would have had in the midst of civil unrest. Like the ideal orator, even though the communal *otium* pictured has not existed historically, Cicero represents it as a worthy goal.¹⁸¹ In this context Cicero can depict the communal *otium* of the *De Orat.* as a replacement for the political failure of the republic, an *otium* involving a strictly delimited set of characters within a strictly defined aristocratic setting.¹⁸² By then identifying this ideal as a *memoria* and committing it to writing, Cicero suggests it is an historically accurate representation, thereby reincorporating the ideal into reality. It is, in fact, Cicero's reality, for he has 'heard' the story from C. Cotta, who had himself

¹⁸¹ On the ideal nature of the orator in question in the dialogue, see *De Orat.* 3.83-5. As Crassus says, "the essential nature of a thing, its character and magnitude, cannot be understood unless it is put before our eyes in perfect form" (*vis enim et natura rei, nisi perfecta ante oculos ponitur, qualis et quanta sit intellegi non potest.*; tr. MW). On the perfection of nature, see Ch. 1 *supra*.

¹⁸² The interlocutors of the dialogue themselves discuss the purpose and pleasure of *otium* at *De Orat.* 2.20-28. Caesar calls attention to the fact that this discussion of leisure, a discussion of whether or not to discuss, has itself been a worthy use of *otium*, simply because it allowed him to listen to Crassus speak (2.26). Likewise Crassus, after convincing the young new arrivals Caesar and Catulus to listen to Antonius, insists that they earn this reward by agreeing to stay for the remainder of the day (2.27). All of the interlocutors seem to agree that the best use of *otium* is to share it in the company of others.

participated in the dialogue, and he has filiated himself to Crassus through the identification of their situations.¹⁸³

Several other dialogues also show the interlocutors at leisure. *Rep.*, *Nat. Deor.*, and *Fin.* 3 all occur during holidays.¹⁸⁴ The *Tusculan Disputations* naturally take place at Cicero's villa in Tusculum, *Leg.* at his home in Arpinum. Brutus and Atticus find Cicero strolling *otiosus* to begin the *Brutus* (10). *Laelius* has a doubly framed dialogue, the first showing Cicero's memory (*memini*) of himself and some *familiares* listening at the feet of Scaevola to the second dialogue, that of Scaevola and Fannius with Laelius. In the outer frame Scaevola sits in his *hemicyclium* in an intimate setting; in the inner frame Laelius gives his discourse after having missed the most recent assembly of the *collegium*. Both suggest a disjunct with political activity. Likewise, *Cato* flows from the mouth of Cato already in his *senectus*, which he claims is not politically disengaged, but still characterized more by *auctoritas* than by *labor* (*Cato* 60).¹⁸⁵

But the *otium* of all of the dialogues set in the past is about to be disrupted by death or civil unrest; the dialogues in Cicero's present show him removed from the political engagement of his youth, as described in *Off.* 3. All of the cases re-exhibit what is first expressed in *De Orat.*: here are small groups of *familiares*, engaged with one another in discussion, demonstrating appropriate social customs with *humanitas*, at times and places of idealized *otium* when such *otium* could not historically exist.

The shift of all the interlocutors into *otium* contributes significantly to Cicero's transtemporizing of the various communities he represents. In spite of all the factors

¹⁸³ On filiation more broadly, see below. Also Dugan (2005) Ch. 2 and Gunderson (2000) Ch. 6.

¹⁸⁴ *Rep.* 1.14, *Nat. Deor.* 1.15, *Fin.* 3.7-8.

¹⁸⁵ Freedom from labor is often associated with *otium*, e.g., at *Tusc. Disp.* 1.1. On Cato's old age, cf. *Rep.* 1.1.

complicating their individual situations, all the interlocutors can retreat to a timeless space of *otium*. Cicero, too, has access to this *otium*. It is a space in which all the interlocutors can coexist, where the identification of their experiences with one another can confer the *dignitas* of one upon the leisure of all. *Otium* is not simply a rest from business, it is the place of an ideal, transtemporal counter-reality. Cicero accesses this counter-reality through *memoria* and then reintegrates the ideal into reality through a chain of historical figures that give him an experiential connection to the remembered moment.

Pedigree and Filiation

What makes the settings of these dialogues particularly relevant then, is that, in spite of their idealization, they do not stand as mere *exempla* for aristocratic behavior, but paint a detailed picture of a society of a select group of Romans that stretches uninterrupted from Cato to Cicero himself. The *otium* which Cicero does not have in full in his contemporary setting he recreates through the characters in the dialogues, finding them in similar states of unrest, but shifting them into settings of sophisticated *otium*. Once he has shifted them into this idealized *otium* he can join them there through the written word.

As the medium for this formation of community he again employs *memoria*, but not in a general sense. He introduces very specific agents through which *memoria* has been communicated, establishing a pedigree of individuals who can enter the community of idealized *otium* while simultaneously tying them to historical reality. To put it another way, Cicero uses the personal communication of *memoria* from one generation to the

next to establish a community of specific individuals that substitutes for the family as the ideal, but historically real social unit *par excellence*.

For the remainder of the chapter I will give a dialogue-by-dialogue survey of the interlocutors, paying particular attention to how Cicero's choice of interlocutors structures each individual dialogue, how the reappearance of several interlocutors serves to bind the dialogues into a larger project, and how memory operates as a circularizing, transtemporizing force to demonstrate the involvement of all the featured interlocutors in a single aristocratic community that served as the seat of authority which gave Rome its identity.

The process begins, as usual, in *De Orat.* Cicero claims in his preface to the first book to relate to his brother Quintus what he had himself heard from C. Aurelius **Cotta**. Cotta had, of course, been present at the "original" setting of the dialogue, making him an authoritative and realistic source.¹⁸⁶ Still, Cicero is able to dissociate himself enough from the speakers to make his own words seem to be another's. His method here recalls the opening of Plato's *Symposium*, wherein Apollodorus (=Cicero) reports to Glaucon (=Quintus) the recollection of Aristodemus (=Cotta) regarding a dialogue from several years before at which he was present.¹⁸⁷ A pair of differences between the methods of *De Orat.* and the *Symposium*, however, leads to opposite results. In Plato's dialogue, Apollodorus includes the additional step of relating to Glaucon not the story as he had heard it from Aristodemus, but the story as he himself (Apollodorus) had just recently related it to an unnamed friend. This extra step is entirely superfluous except insofar as it

¹⁸⁶ Cf. *Q. fr.* 3.6, where Cicero reports that Sallustius praised the method in *De Orat.*, where Cicero had *oratorum sermonem... belle a [se] removisse; ad eos tamen retulisse, quos ipse vidisse[it]*.

¹⁸⁷ In the *Symposium* Apollodorus adds an additional step by

gives the unnamed friend the opportunity to comment on the character of Apollodorus; that is, this is Apollodorus' moment to be a character before he becomes the narrator. And this characterization of Apollodorus yields the second difference between the *Symposium* and *De Orat.*: the players in the former, far from being the respectable political figures that Cotta and Cicero himself are, show themselves to be ridiculous and overzealous.¹⁸⁸ Apollodorus combines his own Socratic infatuation with that of Aristodemus, whose own character is further complicated by his inferior social standing. In both instances of difference, the Platonic dialogue appears to be undercutting the reliability of the source, Apollodorus. His only credibility comes from the claim that he has cross-checked Aristodemus' story with Socrates himself, though this claim too must certainly be suspect. Combined with Plato's regular elision of himself, the introduction to the *Symposium* uses its string of sources to shift the narrative into the realm of fiction.

For Cicero the string of sources is intended to have just the opposite effect. He himself is the culmination of the chain, both as character and author, and the intermediary Cotta is a necessary link to Crassus and Antonius, whom Cicero could not simply consult as Apollodorus claims to have done with Socrates. By inscribing himself into Cotta's circle, which already includes Crassus and Antonius, Cicero begins a process of multi-generational filiation that stretches through all his dialogues. In direct contrast with Plato's dialogues, Cicero offers no single Socrates who can confirm or deny, but a bevy of characters whose greatest authority derives from their interdependence.

In addition to Cotta, L. Licinius **Crassus**, and M. **Antonius**, the circle of *De Orat.* includes P. **Sulpicius** Rufus and Q. Mucius **Scaevola**, the augur and father-in-law of

¹⁸⁸ The unnamed friend refers to Apollodorus' apparently well-known nickname, "the manic" (173d).

Crassus.¹⁸⁹ The second book sees the introduction of Q. Lutatius **Catulus** and C. Julius **Caesar** Strabo, and the departure of Scaevola. Despite this departure of Scaevola, Crassus accommodates the augur's physical absence by evoking him and his memory soon after the arrival of Catulus and Caesar.¹⁹⁰ Specifically Crassus remembers having been told by Scaevola of his memory of his father-in-law Laelius and Scipio (in the passage describing their *otium*). Though this famous pair is long since dead at the time of *De Orat.*, they are adduced to play much the same role for Scaevola that Crassus and Antonius play for Cotta, matching Crassus with Cicero and extending the circle back farther in time. It is at first glance tempting to view these relationships as a line extending unwaveringly from the past to the present rather than as a circle, but Scaevola's physical absence from the scene, foregrounded by comparison with his presence in the first book, reminds us that Crassus can access Scipio and Laelius via *memoria*, without Scaevola's immediate help. Likewise, in the opening to book 2, Cicero fortifies his own relationship to Crassus and Antonius without the mediation of Cotta. Instead it is Cicero's own father and uncle, as well as C. Aculeo, who have structured his impressions of Crassus and Antonius through their own personal interactions with the orators.¹⁹¹ There is then a network formed already in *De Orat.* that stretches from Laelius and Scipio to Scaevola [or to Crassus] to Crassus and Antonius to Cotta [or to Cicero's father and uncle and Aculeo] to Cicero himself [and his brother] to Quintus.¹⁹²

¹⁸⁹ I have put in bold the names by which each character is usually addressed.

¹⁹⁰ Several hypotheses have been offered to explain Scaevola's absence after the first book. Cicero himself tells Atticus that he has removed Scaevola both because, as with the model of Plato with Cephalus in the *Republic*, he feels Scaevola would have been too old to sit through such a lengthy discussion, and because the technical discussion of books 2 and 3 did not suit him (*Att.* 4.16).

¹⁹¹ Catulus also attests to his own personal familiarity with Scipio, Laelius, and Furius (all interlocutors in *Rep.*) at *De Orat.* 2.154-5.

¹⁹² The brackets here are intended to indicate alternate routes by which the pedigree is reported to pass.

Cicero seems to have had some hesitation in continuing his extension of the circle in *Rep.*¹⁹³ According to Cicero's own words to his brother (*Q.fr.* 3.5.2), the same Sallustius who had praised Cicero's use of characters in *De Orat.* criticized the setting of *Rep.* as too remote. The conversation was already fifty years old when Cicero "heard" it for the first time. Cicero sees the most significant complication of such drastic temporal removal in the subsequent impossibility of introducing even the seeds of some of the current civil discord which had inspired him to write the dialogue in the first place.¹⁹⁴ In his letter to Quintus Cicero suggests that he intends to transfer the conversation into the mouths of himself and Quintus (and perhaps Atticus?) on the model of Aristotle in his *Republic*.¹⁹⁵ This change, however, would have presented the additional problem of offending contemporaries.¹⁹⁶ Based on the text as it survives, Cicero eventually decided on some kind of compromise. According to Zetzel the dialogue remains with the historical figures, while prefaces *a la* Aristotle allow Cicero to comment in his own voice on contemporary political conditions.¹⁹⁷ Dyck counters that Cicero edited out parts of

¹⁹³ On the setting of *Rep.*, see Zetzel (1995) 3-6.

¹⁹⁴ The fictionality of the scenario, an objection of Sallustius, does not seem to have bothered Cicero.

¹⁹⁵ *Aristotelem denique, quae de re publica et praestanti viro scribat, ipsum loqui.... Nunc et id vitabo et loquar ipse tecum, et tamen illa, quae institueram, ad te, si Romam venero, mittam; puto enim te existimaturum a me illos libros non sine aliquo meo stomacho esse relictos* (*Q.fr.* 3.6.1-2). On Cicero's choice of models and the difference between Aristotle and Heraclides Ponticus as expressed in this letter, see the introduction.

¹⁹⁶ The offense to contemporaries is generally understood to refer to some political offense given to Pompey, Caesar, and/or Crassus. Schmidt (1969), however, believes the potential *offensio* that motivated Cicero to set the dialogue in the past is not political, but personal. That is, many of Cicero's contemporaries sought inclusion as interlocutors within the dialogue, and would be offended by being excluded. For more, see n.97 below.

¹⁹⁷ Cicero's aborted decision in *Q.fr.* 3.5 to change the speakers may have been prompted in part by a plea from Varro for inclusion within a dialogue (*Att.* 4.16.2). Cicero tells Atticus such inclusion is impossible with the historical setting, but that he can perhaps work Varro into a proem. A shift to the present could have accommodated Varro. Varro renews his requests for inclusion in the mid-40s, when another dialogue, the *Academica*, is edited to feature him prominently (*Att.* 13.12-25 *passim*). For more on the *Academica* and Varro, see below.

Rep. (the nine books mentioned in *Q.fr.* 3.5 to the six that survive in part) and contemporized them by including them in the companion *Leg.*¹⁹⁸

In the end, Laelius and Scipio reappear in *Rep.*, where they are joined by Q. **Tubero**, L. Furius **Philus**, P. **Rutilius** Rufus, Sp. **Mummius**, C. **Fannius**, M[?]. **Manilius** and Scaevola again.¹⁹⁹ The chain to Laelius and Scipio through Scaevola is already attested, but the pedigree is further circularized by Rutilius. Cicero enlists Rutilius as his authoritative source, claiming to have heard the conversation directly from the junior participant. He thereby casts Rutilius in the mediating role of Cotta. Not by coincidence, Rutilius is also Cotta's uncle, which again links Cicero to the action of *Rep.*. More than this, it suggests that the activity of *De Orat.* is the second generation of the same activity of *Rep.*, enacted by the historically accurate second generation of participants. Cicero seems to have no qualms about claiming to have heard the story from Rutilius fifty years after the original conversation took place. Not only was a meeting between the two historically possible, but the multi-directional network Cicero has established through both *De Orat.* and *Rep.* already is beginning to blur the generational lines in favor of a multi-generational, transtemporal community. Cicero knew Cotta, Cotta obviously knew Rutilius, Cotta knew Scaevola and Scaevola was there with Rutilius, and Cicero, for his part, knew Scaevola. It is then no great leap to associate Cicero with Rutilius. This blurring of lines, already a significant element of the characterization of the dialogues at this early stage, not only does not shy away from citing a fifty year-old source, but depends on it. Memory is the medium by which the historical chain of characters

¹⁹⁸ Dyck (2004) 9-10.

¹⁹⁹ In both places in which Cicero makes reference to the characters of *Rep.* (*Att.* 4.16.2 and *Q.fr.* 3.5.1) he leaves Sp. Mummius out of the list. If Dyck's argument of revision is correct, Sp. Mummius may have been an addition to the dialogue after the letter to Atticus in October of 54.

becomes a circle or network; it is the process of joining the new to the old without the intermediary historical figure. It substitutes for Cotta, so to speak, in the chain

Rutilius→Cotta→Cicero or for Scaevola in the chain

Laelius/Scipio→Scaevola→Crassus. This substitution, this use of memory, does not replace the historical chain, but reduplicates it, circularizes it.

Once the story of the dialogue has reached the ears of Cicero via Rutilius, he takes the odd step of repeating it to Quintus. This step is odd because, in the chain of events as Cicero had constructed it, Quintus had been present at Rutilius' original narration of the dialogue.²⁰⁰ Again the scene somewhat recalls the *Symposium*, where Apollodorus repeated his tale to Glaucon after having only just narrated it to the unnamed friend, what we identified above as part of the fictionalizing process. Here the situation is inverted: Quintus is not a double-teller, but a double-hearer of the story, and the goal is not to compromise the chain of sources, but to reiterate it. Cicero himself accesses Rutilius' narration through *memoria* (see n97). Quintus, too, has this option in theory, but is required by the text to allow Cicero to play the intermediary role.²⁰¹ So Cicero inserts himself for memory into Rutilius→(memory)→Quintus.

Beyond Quintus, the circle extends only to the reader (discussed in detail below). But in the opening of book two, by way of introduction to his extensive discourse on the political history of Rome, Scipio makes reference to the example of Cato Maior (*Cato senes* as Cicero suggestively calls him; *Rep.* 2.1). Scipio tells how he had committed

²⁰⁰ *Rep.* 1.13: *nec vero nostra quaedam est instituenda nova et a nobis inventa ratio, sed unius aetatis clarissimorum ac sapientissimorum nostrae civitatis virorum disputatio repetenda memoria est, quae mihi tibi quondam adolescentulo est a P. Rutilio Rufo, Smyrnae cum simul essemus compluris dies*

²⁰¹ I read *nostra* and *nobis* as instances of the 'royal we', so common in Cicero and clear from the preceding context, and not as references to a cooperative effort of memory between Cicero and Quintus.

himself in his youth to spend as much time as possible learning at the feet of Cato. Scipio thus extends the circle backwards in time. Not only so, but the lesson Scipio takes from Cato, aside from starting his discussion at the “origin,” is that Rome’s constitution derives its superiority from its organic development through the cooperation of many individuals over many generations. This evolution stands in direct contrast with the products of the great lawgivers of Greece, but more importantly, it underscores the importance of the network Cicero is actively establishing. The Roman constitution does what Cicero envisions for this circle: it achieves its superiority because it represents a single, communal, transtemporal bond produced through the multi-generational cooperation of Roman individuals. The network as Cicero has it in *Rep.* now travels from Cato to Scipio [to Laelius] [to Scaevola to the characters of *De Orat.*] to Rutilius to Cicero [or to Cotta to Cicero] and Quintus [or from Cicero to Quintus].

Before moving on to *Leg.*, a note on the so-called “Scipionic circle” is in order. From the mid-nineteenth century to the late twentieth, the term was regularly accepted and applied to a group of Romans, centered around Scipio Aemilianus, who had particular interest in the adoption of Greek literature and thought into their aristocratic Roman milieu.²⁰² The idea of the circle is built on the settings and characterizations of *Rep.* and *Laelius*, which are believed to depict interaction among and reference to various members of this circle. Likewise, Cicero’s Catulus in *De Orat.* makes what seems to be a generally accepted recollection that Scipio, Laelius, and Furius were regularly in the

²⁰² The most ambitious evaluation of the circle comes in the dissertation of R.M. Brown, *A Study of the Scipionic Circle*, who not only accepts the historicity of the concept in the first place, but extends it across several generations of Roman political figures. Such an extension is untenable when restricted by political realities (which Cicero was not).

company of learned Greeks (and apparently each other).²⁰³ But often adduced as the knot tying all of these threads together, is the reference Laelius makes in *Laelius* 69 to a herd or flock (*grex*) in which he, Scipio, and others were involved.²⁰⁴ Forsythe has gone some way in undercutting the traditional understanding of *grex* as ‘circle.’²⁰⁵ He suggests instead that Cicero is building on the equine imagery immediately preceding (67-8), in which groups of friends are identified with groups of animals, old and new horses with old and new friends. For him *grex* refers to the “common herd.” Wilson has since shown that while Forsythe’s argument regarding the equine imagery is sound, he goes too far in broadening the group to the “common” herd. *Grex*, as Wilson convincingly concludes, does mean circle in a general sense, but not in the technical sense so often understood.²⁰⁶

His reading fits comfortably within the arguments of Astin and Zetzel, the first of whom accepts the possibility of a ‘circle’ so long as it is not understood to represent universal political and philosophical cohesion among its members, and the latter of whom views the ‘circle’(s) as a literary convenience for Cicero.²⁰⁷ The tightly unified circle of the early twentieth century has been largely replaced by these newer approaches. Even these newer approaches, however, concern themselves deeply with who should be included in the circle, nebulous or literary thought it might be. Of particular importance to both is the Greek Stoic philosopher Panaetius, who lived for some time with Scipio, and seems to have known intimately many of the cast of *Rep.*. In *De Orat.*, Scaevola describes Panaetius’ role in his instruction (1.75). In *Fin.*, Cicero cites the philosopher’s

²⁰³ *De Orat.* 2.154: *P. Africano, C. Laelio, L. Furio, qui secum eruditissimos homines ex Graecia palam semper habuerunt.*

²⁰⁴ *Saepe enim excellentiae quaedam sunt, qualis erat Scipionis in nostro, ut ita dicam, grege (Laelius 69).* The *OLD* makes this usage of *grex* exemplary of the third definition, a restricted coterie.

²⁰⁵ Forsythe (1991) 363-64.

²⁰⁶ Cf. also Powell (1990) 11, who supports the idea of a circle in a generic, yet aristocratic sense.

²⁰⁷ Astin (1968) 294-98 and Zetzel (1972). Cf. also Strasburger (1965) 41.

attachment not only to Scipio and Laelius, but to Tubero (4.23). In *Brutus*, Cicero has Fannius learning from Panaetius and calls Rutilius a *Panaeti auditor* (101, 114). And of course Scipio's own close relationship with Panaetius comes under brief discussion in *Rep.* (1.34). Whatever sort of historical circle existed, Panaetius seems to have been deeply involved in it.²⁰⁸

Zetzel in fact sees two different circles, one in *Rep.* whose interests are more philosophical, and one in *Laelius* with a greater emphasis on political activity in the midst of civic strife.²⁰⁹ The former includes Panaetius, along with Polybius (*Rep.* 1.34, 4.3) and Plautus (4.11), the latter Terence (*Laelius* 89) and Pacuvius (24). Zetzel's criteria for inclusion within the circle are almost entirely references to friendship or regular (including instructional) association. If the circle is entirely literary, such short references to friendship admittedly acquire greater significance.²¹⁰ But the absences of Panaetius and Polybius, Plautus, Terence, and Pacuvius from any interlocutory roles in either dialogue highlights a certain otherness for them in relation to those who do speak. The absence of Panaetius particularly, whom Cicero explicitly links in various places to five of the nine interlocutors in *Rep.* and all of those in *Laelius*, suggests some unfitness for inclusion. This unfitness, of course, arises from his Greekness. Both he and Polybius cannot appear in Cicero, because Cicero's project is entirely a Romanized one. The poets are disallowed either because of their generally lower social status and/or foreignness, or,

²⁰⁸ On Panaetius' influence (or lack thereof) on the politics and philosophy of Scipio, see Astin (1968) 299-306. He pays particular attention to the ideas of justice and *humanitas* as understood and enacted by Scipio.

²⁰⁹ Zetzel (1972) rightly points to Cicero's own changing political situation as the justification for the shift in emphasis.

²¹⁰ On the fictionality of the characters in the dialogues, see Jones (1939).

as Cicero discusses elsewhere (*Att.* 13.13.1), because of the unlikelihood of their having any expertise on the topics at hand (outside of quotations).

For Brown, then, the Scipionic circle consists of over forty historical Romans from three generations; for Astin the number is unidentifiable and the terms of inclusion are less closely defined; for Zetzel the idea is entirely literary, so the circle shifts from one set of fictionalized historical figures to another. But, if the evidence for the circle is almost entirely Ciceronian (fiction), it makes good sense to follow his lead in deciding who belongs and who does not. For Cicero the circle is multi-generational, but not in Brown's sense. As Astin argues, it is not a single-minded entity; it is in fact dialogic. And Zetzel rightly makes it literary, but the circle has not changed from *Rep.* to *Laelius*, only narrowed. The members of the circle are the members of the dialogue.²¹¹ Astin, Strasburger, Zetzel, and Forsythe have successfully deconstructed the historical Scipionic circle of the early twentieth century, but because of Cicero's intricate interweaving of the figures into his dialogues, it is difficult to shed the idea entirely. The corrective should not be to deny a circle, but to change the modifier: the circle is not Scipionic, it is Ciceronian.²¹²

²¹¹ The only non-interlocutor included in the list above is Cato. Unlike Panaetius, however, Cato does appear as an interlocutor elsewhere within the oeuvre.

²¹² I do not intend to deny here that anything like a Scipionic circle existed historically. I only wish to shift the focus to a largely parallel, but more accessible construct. There is only one pair of figures whose role is unclear: Rupilius and Mummius, both mentioned in *Laelius* 69. Neither is necessarily an interlocutor in a dialogue (and thus in the Ciceronian circle), and yet both are theoretically qualified (in the Scipionic circle). I treat the question of qualification for inclusion in the Ciceronian circle more generally below, but this case perhaps needs not fall into the gray area. Mummius could be either L. Mummius the consular or Sp. Mummius. The context is not particularly helpful; it simply identifies Mummius, Rupilius, and Furius as inferiors of Scipio. Since such a designation applies to almost any contemporary Roman, it is of little help. If, as 101 suggests, it is Spurius Mummius in question, he is taken care of by his appearance in *Rep.*. This designation also fits him in nicely with Furius, also an interlocutor in *Rep.*. No Rupilius, however, appears in any of the dialogues. There is, though, as already discussed, P. Rutilius in *Rep.*. Both MSS P and M actually give Rutilius at 69. If these are right, the trio of Furius, Rutilius, and Sp. Mummius makes a good and readily understandable set of examples for Laelius, Scaevola, and Fannius, all of whom were

Cicero begins the full incorporation of himself into the circle with his next two, largely different dialogues, *Leg.* and *Brutus*. Though the dating of *Leg.* is regularly debated, by all accounts it serves in some way as a companion piece to *Rep.*²¹³ Since no known ancient texts make reference to it and since Cicero himself does not include it in his list of dialogues in the preface to *Div.*, it is likely that Cicero never published *Leg.*²¹⁴ Nevertheless it marks an important stage in Cicero's broader dialogue activity, especially in regards to form. In *Leg.*, for the first time, Cicero sets the dialogue in the present and introduces himself as a leading figure.

The introduction of living figures would later come to pose some problem for Cicero, but it provided him with the previously unrealized opportunity to speak in his own persona. In doing so he in part follows Aristotle, as he tells Atticus.²¹⁵ Cicero's truest inspiration here, though, is again Plato, whose own *Laws* had followed up on his *Republic*, and who uncharacteristically transferred this dialogue out of the past, removing the figure of Socrates from the scene in favor of the unnamed Athenian. *Leg.* also

present with those three for *Rep.*. The reading of Rupilius in *Laelius* 69 was perhaps prompted by the reappearance of Rupilius in *Laelius* 73. Here the context clearly dictates that Publius Rupilius and his brother Lucius are under consideration. And yet both P and M give Rutilius here as well. It is not unlikely that the first Rutilius (69) was replaced in most manuscripts to match (unnecessarily) the correct Rupilius in 73. P and M perhaps applied the change the other way, assuming Rupilius in 73 should match the Rutilius of 69. Ironically Edmonds gives Rupilius in his translation at 69 and Rutilius at 73. The argument for Rutilius in 69 may be weakened by Laelius' grouping in 101 of himself, Scipio, Furius, Rupilius, and Mummius, the last three given in the same order as at 69 (though Furius is called Philus in 69). Rutilius also appears in the list, but later since he is far younger than the others. The list Laelius gives is, in fact, generational. The grouping at 69 need not necessarily be. At their introduction in *Rep.* Laelius and Mummius arrive intergenerationally with Scaevola and Fannius. Likewise Laelius begins 101 with intergenerational friendships. In any case, whether it be Rupilius or Rutilius in 69, a coeval or a descendent, there is room to argue for inclusion within a strictly defined circle.

²¹³ As above, I follow Dyck (2004) in dating *Leg.* shortly after *Rep.*, and find convincing his argument that the revision of *Rep.* opened up material for treatment in *Leg.*. Dyck, in turn, largely follows Schmidt (1969). For the idea that *Leg.* was begun in the 50s, but not completed until the late 40s, see Reitzenstein (1894). Robinson (1950), wishes to situate *Leg.* entirely in the opening months of 43. On the companionship of *Leg.* and *Rep.*, see Dyck (2004) 9-10, and 10n44 for confirming opinions.

²¹⁴ *Div.* 2.1-4.

²¹⁵ *Att.* 13.19.4: *quae autem his temporibus scripsi Aristoteleion morem habent in quo ita sermo inducitur ceterorum ut penes ipsum sit principatus.*

regularly alludes to Plato's *Phaedrus*, most notably in setting, right down to the detail of holding the conversation beneath a plane tree.²¹⁶ The Platonic background again offers a comparandum for the Ciceronian process. Plato's elision of Socrates in the *Laws* destabilized the distance between author and interlocutor. The introduction of the anonymous *xenos* of Athens generalizes the setting (as does the removal from Athens to Crete), decreasing the historic immediacy of the earlier dialogues. The stranger's anonymity is evocative: is he Socrates? is he Plato? is he (more plausibly) neither?²¹⁷ Plato's new mask is less specific, but no more transparent than his Socratic one.

Cicero, as usual, takes a somewhat less subtle approach than Plato to his shift out of the historic past. In the place of the stranger he introduces himself. The naming of the character "Cicero" does not eliminate those ambiguities generated by the author-interlocutor relationship any more than the unaming of the *xenos* – in many ways it only complicates them –, but it does alleviate the generalities engendered by anonymity. By naming himself in a dialogue **Cicero** speaks himself into the company of the figures of his other dialogues. At the same time, by creating an intimate setting at his home in Arpinum, Cicero is able to restrict the inclusion of contemporaries to his brother **Quintus** and friend/in-law **Atticus**. The implied inclusion of Quintus and Cicero in *Rep.* is then reiterated explicitly in *Leg.*, with the circle even extending slightly (yet still within the family) to include Atticus.

After *Leg.*, four years intervene before Cicero takes up his pen again, this time for *Brutus*. The political scene has changed drastically. The republic has faded, and with it

²¹⁶ For Cicero's debt to Plato, see Dyck (2004) 20-23.

²¹⁷ On the identification of the *xenos* with Plato, see Halverson (1997) 99-101.

the relevance of *Rep.* and *Leg.*.²¹⁸ Like *Leg.* (and perhaps to fill the void created by the decision not to publish *Leg.*), *Brutus* features **Cicero** and two contemporaries, **Atticus** and **Brutus**, who replaces Quintus, perhaps a reflection of the strain in Cicero's relationship with his brother. What makes *Brutus* the more interesting in the construction of a Ciceronian circle is the subject matter, the tracing of oratory through a series of specific historical figures. The rhetorical history of *Brutus* is regularly understood as taking a progressivist approach to Roman oratory, showing an evolution in oratorical skill culminating in Cicero as the *telos*.²¹⁹ At the same time, the dialogue bears many resemblances to a *laudatio funebris* for Roman oratory.²²⁰ Dugan usefully synthesizes these two approaches: if *Brutus* is progressivist in an Aristotelian sense, depicting organic development from one generation of orators to the next, the implication inevitably obtains that any given *telos* can only be temporary. Given the terminus of the death of oratory, however, Cicero's account can truly be teleological, and the evolution of oratory can come to a climax and an end at the same moment in the same figure.²²¹ According to Dugan's reading, the complaints put in to Atticus' mouth – namely, that Cicero the character spends too much effort describing inferior orators and gives too much credit even to the good ones²²² – are intended to undercut Cicero's praise, allowing Cicero to appear modest and Atticus critical. Thus when Atticus criticizes Cicero's approach at the

²¹⁸ See Dyck (2004) 10-11, who cites this extended collapse of the republic as a primary reason for Cicero not to complete and publish *Leg.* upon his return from Cilicia.

²¹⁹ See Goldberg (1995) 5-12 and Hinds (1998) 63-74.

²²⁰ See Gowing (2000) 58f. and Narducci (1997) 97f.

²²¹ In general, see Dugan (2005) ch. 3. For an outline of his reading of *Brutus*, including the generic synthesis of teleological rhetorical history with dialogue and a *laudatio funebris*, see esp. 172ff.

²²² This criticism is implied *passim* (e.g., 137, 181, 244) and explicitly stated at 292ff.

dialogue's conclusion and faults him for his use of irony, he says in essence that Cicero cannot seriously value the efforts of orators past in comparison with his own self.²²³

This method of interpretation, while attractive, marks not only the history Cicero gives, but the dialogue form itself as teleological. If Cicero is the *telos* of Roman oratory, then Atticus' criticism and Cicero's response in 292ff. must be the *telos* of the dialogue. All else is outmoded or simply ancillary. For Dugan, these few paragraphs in effect invalidate the foregoing 300.²²⁴ Cicero himself does admit that he adduces so many examples in the course of the dialogue to emphasize the paucity of truly accomplished orators.²²⁵ More precisely, Cicero wants to demonstrate that very few are worthy of remembering (*memoria quidem dignos perpaucos*).²²⁶ Dugan wants these *dignos perpaucos* to be important solely for Atticus' assertion of their inferiority to Cicero.²²⁷ But, as we have been arguing, *memoria* is important to Cicero not as a backward-looking force, but as a contemporizing one, not for emphasizing the individual at the expense of the group, but for the edification of that group. According to the teleological reading, two *teloi* occur simultaneously: the end of oratory (and by extension, the end of the

²²³ Dugan (2005) 204-07, where he concludes that Atticus' criticism alters the way the entire text should be read, and his persona as a critical historian supports the conclusion that "history itself refutes Cicero's generous praise of other orators and it instead asserts that Cicero's own greatness dwarfs all previous and contemporary rivals" (207).

²²⁴ So: "The narrative that Cicero painstakingly established throughout the *Brutus* serves as an essential prelude to this moment of self-aggrandizing demolition" (Dugan [2005] 207). It should be noted that Dugan, in spite of his emphasis on Cicero as *telos*, does give a sensitive reading of the conclusion to *Brutus* (233ff., esp. 243-48). Nevertheless he maintains his emphasis on a teleological reading, and so invalidates the communal aspect that Cicero's *memoria* seeks to establish both here and elsewhere (248-50).

²²⁵ See §§137, 181, 244, and 299.

²²⁶ §244.

²²⁷ Dugan (2005) 206-07, building on *Brutus* 294, 295, and especially 296. Hinds (1998) likewise looks to Atticus' criticism as the moment for determining oratory's *telos*. According to him, Atticus makes Cicero the *telos* where Cicero had identified Crassus as the *telos* during the course of his speech, citing *Brutus* 143: *equidem quamquam Antonio tantum tribuo quantum supra dixi, tamen Crasso nihil statuo fieri potuisse perfectius*. The perfect infinitive *potuisse*, however, indicates that Cicero, per his given methodology, viewed Crassus as perfect *for his time* (cf. §298). The implication is not that Cicero is the *telos* since he surpasses Crassus, but that as long as there is the flow of time in oratory, there is no *telos*.

republic) and the end of the dialogue. But, in fact, the dialogue does not end with Atticus' criticism, or even Cicero's autobiography. The dialogue ends with Cicero's charge to Brutus to be an extraordinary orator even in the face of a failing republic, to bear the banner of oratory (and by extension, the republic) through the valley of Caesar's rule.²²⁸ Likewise, Cicero, in spite of his concern over the degeneration of the republic, is not the end. The textual epilogue mirrors the political one: as Brutus is the forward-looking concluding subject of the dialogue, so too he is the forward-looking conclusion to oratory.²²⁹ And as none of the foregoing figures have been an end to oratory, Cicero hopes that neither he nor Brutus will be the end.²³⁰ The "worthy few" are not a foil for Cicero, but his peers, the company he hopes to keep in the minds of Brutus' generation and the ones to follow. They are the synchronic survivors of Cicero's diachronic narrative. Brutus appears as an interlocutor in his eponymous dialogue precisely so that Cicero does not have to be an end, so that the circle Cicero has depicted in the past may carry over into the future.²³¹

After the completion of *Brutus*, Cicero's personal psychology and literary methodology undergo a shift in the wake of the death of Tullia. Cicero first attempts to

²²⁸ 331ff. Of course the final words of the dialogue are missing, but it is clearly approaching its conclusion when the text breaks off. Flavio Biondo indicates *duae chartae* remained. But as Hendrickson (1906) says, "the words preserved point to the imminent conclusion of the epilogue" (293).

²²⁹ Not surprisingly, Cicero's exhortation to Brutus involves an appeal to *memoria* (*tibi optamus eam rem publicam in qua duorum generum amplissimorum renovare memoriam atque augere possis*; 331).

²³⁰ Cicero's charge to Brutus to emulate his ancestors (see n128 above) has been understood to be an implicit instruction to Brutus to kill Caesar (see Dugan [2005] 245 and citations, esp. the typically balanced and sound reading of Douglas [1966] *ad* 331).

²³¹ Because of the coincidence in the naming of the character, dedicatee, and dialogue, the concluding encouragement of and charge to the character Brutus can also be read as encouragement and a charge for the dialogue *Brutus*, which is of course Cicero's own creation. By this reading Cicero remains the climax of his rhetorical history, or at least his own text does. Still, neither Cicero nor the dialogue functions quite as a *telos*, since Cicero's text (as discussed in the section on Writing above) itself expects a reader and imitator, since it is a forward-looking text which, through its function as a memorial, enlists its readers as continuators of its trajectory.

cope with his tragedy through the writing of his *Consolatio*. When he finds himself still in the grips of sorrow he undertakes his program of philosophical dialogues, beginning with the protreptic *Hortensius*, featuring **Hortensius**, **Lucullus**, **Catulus**, and Cicero himself.²³² All three of Cicero's new speakers are consulars playing new roles. Hortensius had been a reference point in *Brutus*, but here he speaks for the first time. Catulus had of course already appeared in *De Orat.*, but his reappearance here further associates him with Cicero, who had not been present at that other discussion. By including all three of these elder statesmen Cicero draws a specific connection between them and himself, and generates a further circularity between *De Orat.*, *Brutus*, and this dialogue. It is a circularity which also serves to link the rhetorical works of both Cicero's first and second periods of writing with the *philosophica*, which begin with *Hortensius*.

Though *Hortensius* does not survive, the same four interlocutors reappear in the two original books of Cicero's *Academica* (*Catulus* and *Lucullus*), proof that Cicero did indeed originally conceive of these dialogues and the *Hortensius* as a program.²³³ But before he published the *Academica*, Cicero came to the conclusion that the program was not *well*-conceived. As a result he shifted the words and ideas of Hortensius, Catulus, and Lucullus into the mouths of **Atticus** and **Varro**, the interlocutors in the final publication of the dialogue.²³⁴

²³² On the *Hortensius* in general, see Grilli's edition and commentary (1969).

²³³ At the very least, following his writing and publication of *Hortensius* Cicero decided on *Lucullus* and *Catulus* as follow-up pieces. In addition to the continuity of characters, the dialogues occur in generally the same time frame, each of Lucullus, Catulus, and Hortensius hosts a book at his own villa, and, as Hirzel II (506-08) points out, the characters of the interlocutors seem to remain consistent. See further Griffin (1989) 3-4.

²³⁴ The *Academica* vexingly comes down to us in a combination of fragments from the original and revised editions. The *Lucullus* survives primarily in tact, which was the second book of the original edition (the first book, the *Catulus*, does not survive). It is alternately called the *Academica Priora*, *Lucullus*, or *Academica 2*. Only elements of the four books of the second, published edition survive, consisting chiefly

Cicero gives two primary reasons in his letters for the shift in speakers. In the first place Cicero decides that the philosophical arguments put into Lucullus', Hortensius', and Catulus' mouths are too complex and philosophical for the historical figures to have given.²³⁵ Already worried about this inconsistency, Cicero had considered shifting the discussion to Brutus and Cato when he received word that Varro wished to be included somehow in Cicero's writings (*Att.* 13.16.1). This request provides Cicero with the second reason to shift speakers. Atticus apparently suggested to Cicero that he make the conversation occur between Varro and Cotta (*Att.* 13.19), but in the end Cicero opts for Varro to speak with Atticus and himself.

This choice of speakers gives a certain insight into Cicero's process of character selection.²³⁶ Cicero justifies his self-inclusion on the model of Aristotle, who was, Cicero says, the chief speaker in his own dialogues (*Att.* 13.19). Likewise, Cicero had, as noted, already set a precedent for himself in *Brutus* and *Leg.* As he told Atticus, he could not reasonably exclude himself from any discussion featuring contemporary figures. Though Cicero does not explicitly say why he must include himself, the implication is that his absence would suggest a certain ignorance of the opinions expressed or an unwillingness to express them in his own voice.²³⁷ The inevitable outcome of this plan is that Cicero is central to his own circle in a way that not even Atticus or Brutus are. Though perhaps

in a speech by Varro from the first book. This extended fragment is identified as either *Academica Posteriora* or *Academica* 1.

²³⁵ See *Att.* 13.12.3, 13.16.1, and 13.19.3.

²³⁶ The process has been revised some since the earlier dialogues and the method laid out in *Att.* 12.12. At that time all of Cicero's published dialogues had been set in the past, but as he felt an increased need for self-inclusion, this method no longer sufficed.

²³⁷ This ignorance or unwillingness may likely have been attached to a certain social inferiority in a dialogue where Cotta was present. As Griffin (1989) points out, since Cotta died in 73, Cicero had not yet attained the consulship that was the backdrop for the dramatic dates of both his original and revised versions (10). He thus would have had to play an insignificant, bit role (*kophon prosopon*).

Cicero conceives of himself as central because of his own assessment of his self-worth, this letter would seem to suggest that his repeated self-inclusion depends more upon his function as author. So while an Atticus or Varro must be written in to the circle, Cicero as author is in by default. The marked action therefore would be a writing out of himself, an exclusion rather than an inclusion. In the case of author, absence would more notably cripple a contemporary dialogue's authenticity than presence validates it.

The inclusion of Atticus meanwhile seems extraneous. In the first place he is an Epicurean, and therefore ill-equipped to discourse on the technical distinctions between the different branches of Academic and Stoic philosophy. And, in fact, in the reality of the dialogue (at least what survives), Atticus has very little to say. Atticus' presence seems to be little more than a reminder that, at this point, Cicero is unready to construct a dyadic dialogue. A third figure communalizes the activity of dialogue, ensuring it does not collapse into simple argument.²³⁸

The writing of the *Academica* coincides with the writing of another contemporary dialogue, *Fin.*. Cicero's letters make it clear that the first two books of *Fin.* (called by Cicero the *Torquatus*) were completed before he had edited the *Acad.* to include Varro.²³⁹ In fact, *Fin.* breaks down into three separate dialogues, with three different casts, and two

²³⁸ In their discussion of patronage in Rome, Johnson and Dandeker (1990) differentiate between the patronage of a "social relationship" and of a "social system." The first kind of patronage can involve only two figures and needs bear no reference to the broader social structure of a given society. The second kind of patronage depends on the ongoing exchange of actions and favors on several levels by several figures both horizontally and vertically in such a way that the economy and polity of a given society are entirely dependent upon it. The society represented in *Academica* avoids the dyadic, terminal patronage system detailed by Johnson and Dandeker, but it also does not quite reflect the second kind of patronage. The vertical relations necessary for a patronage society are, after all, absent. But the presence of Atticus helps to ensure that what is represented conforms more to a community than to a personal relationship.

²³⁹ Specifically, *Att.* 13.32.3, where Cicero tells Atticus that *Torquatus* is in Rome, even as he affixes new prefaces to his *Catulus* and *Lucullus*. It is possible that by *Torquatus*, Cicero only means the first book, though it seems unlikely on analogy with other dialogues.

very different temporal settings, the *Torquatus* being the first. Each *mise en scène* offers its own specific contribution to Cicero's enlarging circle.

The first two books feature Cicero, L. Manlius **Torquatus**, and C. Valerius **Triarius**. Triarius, like Atticus in the *Acad.*, is little more than a name. He hardly says a word, functioning instead as a potential mediating force, an inscribed reader who can choose from the arguments presented to form a synthesis.²⁴⁰ He is another reminder that dialogue does not consist only in one side defeating another. But Triarius, by his own admission (*Fin.* 2.118), is biased against Torquatus (he is a Stoic). His role as reader/judge turns out to be an ironic one. As so often in Cicero, while all other ideas should receive critical evaluation and perhaps assent, Epicureanism proves to be entirely wrong. Triarius as reader teaches the actual reader to assent fully to the argument of Cicero, and not to expect a dialogic synthesis.

Besides his Stoic affinities, Triarius' appearance may also signal a reference to Lucullus, the erstwhile interlocutor of the eponymous dialogue that was edited to become the *Acad.* Triarius had served as legate under Lucullus in the war against Mithradates (*RE* 363) and so perhaps offers a link between *Fin.* and *Hortensius* and the as yet unrevised *Acad.* As Lucullus's son's Tusculan villa is the setting of *Fin.* 3-4, Triarius' appearance may also serve as a link to that next section of this dialogue.

Torquatus naturally plays a much larger role as the spokesperson for Epicureanism. Despite the fact that his argument, as Epicurean, is doomed to fail, his

²⁴⁰ Something like this is going on at the end of the *Torquatus* (*Fin.* 2.118), where Cicero offers to let him adjudicate the debate.

inclusion in the dialogue is meant by Cicero as kindness *in memoriam*.²⁴¹ It would apparently not do to have Atticus, Cicero's closest Epicurean friend present the argument. His role tends to be more that of friend, encourager, and, on occasion, the convinced. For the dialogue, Cicero needed someone more enthusiastically dogmatic. And his inclusion also paves the way for the frequent references to other Torquati within the dialogue, which serve to enlist not only Lucius (80), but his cousin and father as well within Cicero's circle.

The second dialogue of *Fin.* features, for the first time in any of Cicero's dialogues, only two speakers: Cicero and M. Porcius **Cato**. Cato was, of course, the Stoic *par excellence* of the end of the republic. And like Torquatus, his name conjures up worthy ancestry, most notably Cato Maior, mentioned in *Rep.* and soon to feature in *Cato*. He is an obvious choice for Cicero, both for the topic at hand and for the general project of defining his community. The most notable characteristic of this part of the dialogue is the presence of only two speakers, the first time Cicero so limits a dialogue. Such an arrangement can offer only two results: an unresolved dichotomy or a clear winner and loser. Though Cicero gives himself the privileged position as second speaker, the end of book 4 makes it clear that this conversation will have no winner. The dialogue simply ends as night approaches, with both speakers unconvinced, and with the promise to resume the discussion at a later time.²⁴² This indecisiveness is not quite aporetic, but is

²⁴¹ L. Manlius Torquatus (*RE* 80) died prematurely in 48, 2-3 years before the publication of *Fin.* Cf. *Brutus* 245. On the friendship between Cicero, Atticus, and Torquatus, see Horsfall's edition of Nepos' *Lives*.

²⁴² *Fin.* 4.79-80: *verum hoc idem saepe faciamus. Nos vero, inquit ille; nam quid possumus facere melius? Et hanc quidem primam exigam a te operam, ut audias me quae a te dicta sunt refellentem.*

certainly inconclusive. It is a sort of sceptical indecision that suggests to the reader that he should be wary of certainty regarding the topics at hand.²⁴³

This conclusion stands in ironic contrast to the end of book 2, where the presence of a third party suggested that a sort of compromise could be reached between Torquatus and Cicero. Instead, the third party, Triarius, tipped the scales in favor of Cicero's argument. The presence of three defeats dialogue. Meanwhile, in book 4, the absence of a third party suggests a dispute that cannot be resolved, and, in a sense this is what we get. But there remains the hint of future discussion on the topic, and it would seem to imply that dialogue seems to work best with only two present. The contrast, however, cannot be so simply put. The implication of the *Torquatus* is not that dialogue does not work with three people (other dialogues prove the opposite), but that dialogue does not work with Epicureanism. At the same time the inconclusiveness of the *Cato* (*Fin.* 3-4), the sort of intended result of skeptical dialogue, is not the product of just two figures, but of three. The third, L. Lucullus the younger, is absent, but it is his villa that provides the venue for discussion. The physical space triangulates the conversation.

The usual convention of the Ciceronian dialogue is to have a younger figure come to the residence of an older one to learn at his feet.²⁴⁴ In *Fin.* 3-4, the two older figures come together at the villa of a younger one, and it is his very absence which gives the two speakers opportunity – i.e., a physical forum – for their discussion. The end of their discussion coincides with their departure, and without the function performed by the

²⁴³ In a sense such a conclusion supports the skeptical Academic method, and so delivers a sort of parting jab at Stoicism, even as Cicero tells Cato that it is he who has delivered the *scrupulum abeunti*.

²⁴⁴ Cf. *De Orat.*, *Rep.*, *Leg.*, *Brutus*, *Nat. Deor.*, *Cato*, and *Laelius*. See also Griffin (1989) 18-19 on this convention and its potential implications for the setting and order of the *Catulus*.

absence of a Lucullus on a future occasion, the dialogue cannot continue. So even in this first instance of a two-part dialogue there is a third party involved to facilitate.

Fin. 5 occurs several years before either of the other discussions, in 79. The primary dialogue, a debate over the Antiochean Old Academy and the New Academy of Carneades, Philo et al., occurs between Cicero and Marcus Pupius **Piso** Frugi Calpurnianus. But unlike the other dialogues of *Fin.*, this one features three other speaking figures: Quintus, Atticus, and **Lucius** Tullius Cicero, the cousin of Marcus and Quintus. The combination of a distinct dramatic date, a unique physical setting (Athens), and the more pluralized *dramatis personae* make this third *mise en scène* the richest in *Fin.*.

While only Piso and Cicero participate in the meat of the discussion, each character appears in order to play a specific role as a representative of a certain interest. These interests are expressed in the prologue of *Fin. 5* as the interlocutors take in the sights of Athens after a lecture of Antiochus (1-7). The physical locations encourage in each of them memories of the people who had once been active in those very places, causing Piso to remark that “it is not without reason that the discipline of *memoria* depends upon physical places.”²⁴⁵ Piso recalls Speusippus, Xenocrates, and Polemo, heads of the Academy succeeding Plato. These figures point to his affinity for the ‘Old Academy.’ Quintus, meanwhile, is inspired to recall Sophocles, and thus becomes a representative of drama. Atticus naturally thinks of Epicurus. Cicero himself, like Piso, remembers a head of the Academy, though this time it is a representative of the ‘New Academy,’ Carneades. Finally Lucius thinks of politics and oratory, in the persons of

²⁴⁵ *Fin. 5.2: tanta vis admonitionis inest in locis; ut non sine causa ex iis memoriae ducta sit disciplina.* The reference is to that type of memory justified by the Simonides episode from *De Orat.* quoted above.

Pericles and Demosthenes.²⁴⁶ This division recalls the division of labor in Plato's *Symposium*, where rhetoricians, poets, and philosophers all have their turn to speak. Only here, the speech-giving is limited to two. Still, the specter of the *Symposium* serves as reminder in this narrowly Academic discussion that one person, Plato, can assume all three roles (rhetorician, poet, philosopher) as author of a dialogue. Cicero uses his characters to point to the great achievements of the Greeks, when all the while he is a singular Roman heir to all branches of Greek success; he is orator, dramatist (via the dialogues), and philosopher. The interlocutors, since they have been caricaturized to be placeholders for these various fields of Ciceronian activity, are transparently Ciceronian themselves. That is to say, each character represents a particular aspect of Cicero's own appreciation of Greek culture, and their one-to-one identification with certain fields renders them as somehow one-dimensional and unreal, thus forcing the reader to look for the wizard behind the curtain.²⁴⁷ And when the reader does find Cicero there, s/he cannot help but recognize that Cicero the author is not identical to Cicero the character. Cicero the character only embodies one aspect of Cicero the author, and Lucius, Quintus, and Piso all embody other parts. The Pisonian arguments gain extra weight from such a realization, which essentially amounts to another recognition of the importance of the dialogue form, which insists on hearing all voices.

²⁴⁶ Cicero elsewhere mentions Lucius in *De Orat.* 2.2, where he presents himself studying under Crassus alongside Lucius. Though the family connection easily explains this doubled appearance, it is yet another instance of the dialogues interrelationships.

²⁴⁷ The one exception to the identification of the characters with aspects of Cicero the author is Atticus, the Epicurean. But Cicero (the author) takes specific steps to isolate this position. Not only is there repeated reference to Cicero mocking the position, but it is identified with Atticus, whom Cicero locates permanently in Athens. In a passage where place is of such significance, and when Cicero is marking out himself as a Roman embodiment of the Greek traditions, the permanent relegation of Atticus to Athens marginalizes him and his caricatured position of Epicureanism. Epicureanism has not been worthy enough to receive its place in Rome/Cicero; it is simply a Greek artifact.

In addition to the increase in players, the dramatic date put in relief against the later date of the first two dialogues calls attention to itself. The nostalgia of the interlocutors lends a certain metatextual nostalgia to a dialogue set some 34 years in the past. This shift to the past is important for the dialogue in three ways. In the first place it locates the discussion in the temporal context of Antiochus, whom the quintet had just heard speak, making the arguments the more relevant and authoritative. Secondly, it allows for the inclusion of Lucius, who died prematurely a decade later. And thirdly, it makes a friendly conversation between Piso and Cicero more probable. By the time of composition the two had fallen out, in large part because of Piso's support of Clodius. The conspicuous dramatic date in the past does allow Piso to be a part of Cicero's circle, but only as he was in 79, not in his pro-Clodius form of the 50s. The move is akin to the one in *De Orat.*, whose interlocutors would shortly go on to oppose one another politically. Such discord is regularly on the horizon in the dialogues, a constant reminder of the enduring threats to the republic. But the dramatic dates that predate the disasters afford snapshots of certain figures in their forms suitable for inclusion in Cicero's circle. Such is the case with Piso here. Again place plays an important role. Piso himself is made to say that place inspires memory, and Cicero's memory of Piso, the memory that creates community, is of him in a specific context, a context removed from the reality of the current political situation.

In stark contrast to the elaborately-contrived *Fin. 5* stands Cicero's next dialogue, *Tusc. Disp.*. Alone among the dialogues, *Tusc. Disp.* gives no names to its

interlocutors.²⁴⁸ At the same time, the dialogue form itself begins to fade after the first few paragraphs, with the unnamed minor interlocutor requesting continuous speech from the primary speaker (*Tusc. Disp.* 1.16: *continentem orationem audire malo*).²⁴⁹ The combination of the anonymity and the soliloquizing makes *Tusc. Disp.* the least dialogic of the dialogues. Not by chance this erosion of dialogue coincides with M.'s lament for the concurrent erosion of oratory and politics. In *Tusc. Disp.* 2.5 M. views oratory as something dying (in contrast to *Brutus*), and in, e.g., 3.3 and 5.104, the rise of the democratic rabble causes M. regret. There is a sort of pessimism regarding the republic here, a unique acceptance of its decline rather than a rebuttal of it.²⁵⁰ This political pessimism is mirrored by the formal pessimism that does not name the community's members, and even depicts the devolution of the dialogue into monologue.

But the pessimism is only temporary. The true simultaneous failure of republic and form will not truly be realized until *Off.* Shortly following *Tusc. Disp.*, however, Cicero returns to the community constructing project of his other dialogues in *Nat. Deor.* *Nat. Deor.* contains no explicit reference to a date, or even to a contemporary event. Dyck, using Cicero's insistence on historical accuracy as a starting point, has traced the careers, lives, and availability of the historical characters to conclude that the fictional setting is most likely 77/76.²⁵¹ The scene does not contain some of the details that characterize many of the other dialogues. Though it does not deteriorate into the non-dramatic levels of *Tusc. Disp.*, of *Nat. Deor.* we learn only that the dialogue was to have

²⁴⁸ To distinguish between the two speakers they are often given the labels "M." and "A.", but these are modern interpolations. See Douglas (1994) 16 with n48.

²⁴⁹ This request inverts the requirements of Socrates in the *Protagoras*, showing a self-awareness of the evanescence of the dialogue form.

²⁵⁰ As Douglas (1994) has put it, "nowhere else does he make it so clear that he sees no hope of relief from the oppressiveness of Caesar's rule" (17).

²⁵¹ Dyck (2003) 7.

taken place during the *feriae Latinae* at the home (which home we do not know) of Cotta. C. Aurelius **Cotta** plays host to Cicero himself, Q. Lucilius **Balbus**, and C. **Velleius**.²⁵² Cotta is the one we already know from *De Orat.*, and he serves to create continuity between these two dialogues, separated in composition by 10 years. Of Velleius and Balbus we know very little. In fact, what we do know comes only from this dialogue or from *De Orat.* (3.78), where Crassus cites them as particular representatives of the viewpoints of their respective philosophical schools. *Nat. Deor.* presents the philosophers in roughly the same way Crassus does: they are more to be associated with strict adherence and representation of a philosophical viewpoint than with any individualizing characteristics.²⁵³ *Nat. Deor.* does introduce Velleius as a senator (1.15), and also mentions that Balbus' father was a senator (2.10), but takes us little farther into their personal lives. They are philosophical caricatures, whose only prerequisites for inclusion in the dialogue are their strict adherence to their positions and their aristocratic pedigree.

This pair of characteristics perhaps helps to explain one of the peculiar characteristics of the dialogue as a whole, Cicero's virtual silence.²⁵⁴ In *Att.* 13.19, in a passage discussed above, Cicero tells Atticus that he does not wish to have Varro speak with Cotta in his revised *Acad.* because it would not do for him (Cicero) to remain silent. That dialogue, however, was set roughly in the present. *Nat. Deor.* can accommodate a non-speaking Cicero because it is set in the past. The question remains, though, why set

²⁵² This Balbus is not to be confused with L. Cornelius Balbus, the defendant of Cicero's speech *Pro Balbo*.

²⁵³ Dyck (2003) 5-6. In this sense the dialogue is more akin to *Fin.*, though even there the physical settings are more particularly emphasized.

²⁵⁴ Cicero the character (i.e., "Cicero") identifies himself as an *auditor* at 1.17. For a list of reasons for his inclusion that complement mine to follow, see Dyck (2003) 7.

the dialogue in the past. A *De Orat.* or *Rep.* gains a great deal by appealing to the *auctoritas* of the figures portrayed, but *Nat. Deor.* provides only relative unknowns. It is perhaps precisely because of Balbus' and Velleius' combination of strict philosophical principles and aristocratic stature that they are featured in *Nat. Deor.*. With the reference in *De Orat.* to reinforce their characterization, Balbus and Velleius seem to be almost proverbially strict adherents to their schools. Cicero certainly did not have a shortage of Epicurean or Stoic friends to choose from – one need look no farther than *Fin.* – but he apparently does not find the appropriate level of dogma and dogmatism among any contemporaries. Velleius and Balbus as relatively anonymous figures of the past, require less of the fullness of characterization that might be expected of a contemporary. At the same time, Velleius and Balbus further involve *De Orat.*. Not only are they the proverbial Stoic and Epicurean, respectively, to Crassus in *De Orat.*, but Cotta himself acknowledges Crassus' high esteem for Velleius in *Nat. Deor.* 1.58. Combined with Cotta's presence, this pair keeps *De Orat.* and Crassus in clear focus. The connection is a bit unorthodox. *Nat. Deor.* seems to continue the philosophical project or phase of Cicero's dialogue career that began with *Hortensius* (and cf. *Div.* 2.1), but this link serves as reminder that the dialogues should not be categorized so discretely. The rhetorical dialogues and philosophical dialogues are not independent of one another (didn't Crassus warn us about this from the beginning?!).

So then, if Cicero is a bit player, why does he inscribe himself at all into this dialogue? As *auditor*, his role is similar to that of Triarius in *Fin.* 1-2: he performs the function of exemplary reader. Cicero the skeptic is able to perform the skeptical method. He can listen to the presentations of three philosophical schools, including a skeptical

position, and then choose from among them what seems most probable (3.95). For such an exercise to work appropriately he needed the dogmatism of a Velleius and a Balbus. And the fact that he opts for the Stoic position over the skeptical one is further justification of the method.

In *Cato* Cicero returns to the dialogue style that had characterized his first period of writing in *De Orat.*, *Rep.*, and *Leg.*. Set in 150, the year before Cato's death, *Cato* features Laelius and Scipio as disciples of **Cato**, who gives a discourse on old age. It seems to indicate a shift in Cicero's method, especially insofar as it hearkens back to his dialogues of the 50s. In the first place, this is the first dialogue since *Rep.* set before Cicero's birth. Secondly, Cicero seems to wander a bit afield from the philosophical program that included *Hortensius*, *Acad.*, *Fin.*, *Tusc. Disp.*, and *Nat. Deor.* with the ethical subject matter of *Cato*.²⁵⁵ But the dialogue most clearly reaches back to *De Orat.* and *Rep.* in its familiar *dramatis personae*. Scipio and Laelius had of course both featured in *Rep.*, and Cato pops up as an *exemplum* twice in *De Orat.*²⁵⁶ Most notably, though, the specific *mise-en-scène* of *Cato* had already been constructed at *Rep.* 2.1, where Scipio described learning at the feet of Cato in his (Scipio's) youth. *Cato* purports to give an instance of that very relationship. In doing so it does not flesh out Cicero's circle of individuals any further, but it does recalibrate the interrelationships among the dialogues themselves. *Cato*, divided by a decade and five philosophical dialogues from *Rep.* suddenly acquires a chronological priority that both accords well with its subject and underscores the unity of the Ciceronian dialogues (and hence their characters).

²⁵⁵ Cf. *Div.* 2.1ff. for Cicero's classification of *Cato* as different from these others.

²⁵⁶ 1.171 and 3.135.

Cicero's next two dialogues, *Div.* and *De Fato.*, return to the philosophical program interrupted by *Cato*. But since the publication of *Nat. Deor.* more than an ethical dialogue had intervened. March of 44 witnessed a dramatic tear in the political fabric of Rome with the death of Caesar. If, as we have been arguing, Cicero's dialogues are largely a response to Caesar's political ascension, we might expect a noticeable effect in Cicero's writing. *Div.* and *De Fato* do not disappoint. Cicero suggests in the preface of *Div.* 2 that he had conceived of *Div.* and *Fin.* as supplements to *Nat. Deor.* shortly after that first dialogue's composition.²⁵⁷ It is also clear that he had begun *Div.* before the Ides of March, but did not complete it until after Caesar's assassination.²⁵⁸ When Caesar died, the character and relevance of the dialogues shifted, for they no longer seemed Cicero's sole avenue for political engagement:

For it was in those dialogues that I was giving forensic speeches and speaking before the senate; I thought philosophy had taken the place of political activity for me. Now, since I am starting to be sounded for advice regarding the republic, I must work for the state, or rather I must devote my entire thought and effort to it. I have only as much time for philosophy as is not needed for my political duties.²⁵⁹

Because of his shift in priorities away from dialogue to more explicit political activity Cicero's next two dialogues show less attention to the community-constructive significance of the earlier dialogues. It seems almost as if the preface of *Div.* 2 is meant

²⁵⁷ See *Div.* 2.3 and 2.4.

²⁵⁸ *Div.* 2.4: *ad reliqua alacri tendebamus animo sic parati, ut, nisi quae causa gravior obstitisset, nullum philosophiae locum esse pateremur, qui non Latinis litteris inlustratus pateret.* Durand suggested in the 1920s that Cicero had written most of *Div.* by the time of Caesar's death, only editing and revising slightly afterwards in view of the event's magnitude. Falconer (1923) prefers Cicero to have begun *Div.* before March 15, but to have written much of book 1 and all of book 2 after Caesar's death. Neither argument is wholly convincing, but it seems indubitable that the preface of book 2 is *post mortem Caesaris*.

²⁵⁹ *Div.* 2.7: *In libris enim sententiam dicebamus, contionabamur, philosophiam nobis pro rei publicae procuratione substitutam putabamus. Nunc quoniam de re publica consuli coepti sumus, tribuenda est opera rei publicae, vel omnis potius in ea cogitatio et cura ponenda; tantum huic studio relinquendum, quantum vacabit a publico officio et munere.*

to apologize for the dialogue's different standards, with Cicero's description of his shift of priorities given by way of explanation. Colored by this explanation, the list of dialogues he had given at the beginning of the preface, including *Div.* and the unwritten *De Fato*, seem to be for Cicero a complete list of what he has written and will write. With the political forum reopened he intends to put aside his pen. Still, his desire for completeness is leading him to finish the program he has already laid out via this *Div.* and *De Fato*. So he completes these two dialogues, but not with the same community orientation of his previous dialogues: the need for such a strategy seemed to have died with Caesar.

As a result, *Div.* features only two speakers, Quintus and Cicero. The dialogue takes the pattern of *Nat. Deor.* (et al.), with Quintus first speaking in favor of divination and then Cicero refuting him. But, since there is only one interlocutor, only one position is represented (that of the Stoics). And after Quintus has given his position, he barely speaks again. In the end, the dialogue concludes not precisely with indecision, but with a sort of victory of skepticism, a victory acknowledged by Quintus. It is not that Cicero has presented any positive dogma, but that he has shown the success of his method, and Quintus cannot but acknowledge it. Even the location, Cicero's Tusculan villa cannot triangulate or complicate the interaction. This dialogue seems interested only in laying out arguments, only in philosophy.

De Fato follows in a similar vein. Like *Div.*, there are but two speakers: Cicero and Aulus **Hirtius**. Hirtius had been an associate of Caesar since the mid-50s, and was consul designate of 44, the setting of the dialogue. He was a neighbor of Cicero's in Puteoli (where the dialogue occurs), and a frequent correspondent. After the death of

Caesar, Hirtius' political allegiance had been up in the air. And it is because of this situation that *Fin.* performs a function unique to it among the dialogues: it includes a character not because he is part of the circle, but in order to convince him to be a part of it. Cicero includes him in *De Fato* as part of an effort to bring him away from Antony towards his own more traditional political stance.²⁶⁰ In this sense *De Fato* is, like the other dialogues, politically motivated, but it is a different type of motivation; it is only another weapon in a political arsenal, not the sole weapon.

Because of its different motives, the dialogue also has a different method. Following *Nat. Deor.* and *Div.*, it would make sense for the dialogue to balance competing speeches, just as the other two had. But, Cicero claims, a "certain situation" prevented this format.²⁶¹ This "situation" goes unnamed, but Caesar's assassination seems as likely an event as any.²⁶² Instead the dialogue is to follow the pattern of *Tusc. Disp.* (*De Fato* 4), with Hirtius offering up a thesis and Cicero refuting it. *Tusc. Disp.* was, as noted, the least dialogic of all of Cicero's preceding dialogues. The anonymous interlocutor of that dialogue virtually disappears, and his anonymity is rendered insignificant by his minimized role. Though much of *De Fato* is missing, Cicero, through Hirtius himself, adumbrates a small role for Hirtius on the example of *Tusc. Disp.* In these terms *De Fato* performs two functions. Firstly it completes Cicero's philosophical program, and secondly, it is a *beneficium* aiming at bringing Hirtius within the fold of Cicero's traditional party. Neither function requires more than two characters or an extended role for the interlocutor, as a community-building dialogue would. *Div.*

²⁶⁰ It is of course the third party, Octavian, that eventually takes the day.

²⁶¹ *De Fato*. 1: *id in hac disputatione de fato casus quidam ne facerem inpedivit.*

²⁶² It seems especially so because of this vague formulation *casus quidam.*

and *De Fato*, situated in the brief period of Cicero's hope for political renaissance, simply go through the motions of dialogue, foregoing the communal interest of those that preceded them.

After *De Fato* Cicero wrote a *De Gloria*, which does not survive, and of which we know very little. The title perhaps suggests an affinity between it and the two works to follow, *De Amicitia* and *De Officiis*, wherein typical aristocratic ethics are treated.²⁶³ In any case, very little can be said on the subject.

The next (and last) true dialogue is *Laelius*, of the autumn of 44.²⁶⁴ This date finds *Laelius* being composed concurrently with the first of Cicero's *Philippics*, which testify to his political sentiments of the moment. In the *Philippics* his post-exile political engagement reaches its zenith. It is therefore somewhat surprising to find Cicero still engaged in the subtle political maneuvering that characterized his dialogues before *Div.* It seems evident from the titles of his last three works that he is still concerning himself in writing with the definition of the appropriate aristocratic character. Perhaps he recognized that oratory was no longer his only vehicle for expression, or that the oratorical force he had once asserted had waned. And no doubt the chaotic scramble for power of 44 could only confirm the value of his community-building program in the dialogues after all. It seems most likely, though, that *Laelius* functions as a conclusion to a program of works that no longer bears continuation following Caesar's assassination. For it is here in the *Laelius* that Cicero last revisits the dialogic character of his earlier dialogues, complete with extra metatextual conceit and thorough inscription into the Ciceronian circle.

²⁶³ Habinek (1990) 166.

²⁶⁴ The relevant references are *Div.* 2.3, *Off.* 2.31, and *Att.* 16.13, as collected by Falconer (1923) 103.

The setting of *Laelius* is a *mise-en-abyme*. It begins in the conventional way with Cicero remembering how he and some unnamed friends once gathered for a discussion at the home of Q. Mucius Scaevola, whom we already encountered in *De Orat.* (I call this the Scaevola dialogue).²⁶⁵ But no sooner has the dialogue gotten underway than Scaevola appeals to his prodigious powers of *memoria* to relate a dialogue in which he and his brother-in-law Fannius were the junior interlocutors and his father-in-law Laelius was the speaker (the Laelius dialogue). The dialogue within a dialogue performs a similar function to the early date of *Cato*: it creates a continuity between this dialogue and the ones that long preceded it. Again we do not meet any new characters. After some interruption in his program Cicero re-forms his circle by linking dialogues, not individuals. The connection of Cicero to Scaevola to Laelius (to Scipio) reiterates the connections outlined in *De Orat.*, *Rep.*, and even *Cato*.²⁶⁶ At the same time there is a metatextual concentration on a succession of dialogues as the agent giving rise to the connections, particularly a succession depending upon *memoria*.

The *mise-en-abyme* continues shortly into the Laelius dialogue when Laelius, like Scaevola and Cicero before him appeals to his own memory (*memini*) to recall a discussion in which he and Scipio had listened together to Cato (the Cato dialogue).²⁶⁷ He is in fact making reference to the conversation “recorded” in Cicero’s own *Cato* in a not-so-subtle allusion. In doing so he accomplishes three things: he connects one Ciceronian dialogue with another (and thus establishes a sort of unity), he confirms the general principle that dialogue gives birth to successive dialogue to form

²⁶⁵ The emphasis on *memoria* and remembering will be important for the discussion that follows.

²⁶⁶ Cicero also indicates in the preface a similarity in style and purpose between *Cato* and *Laelius*, both dedicated to Atticus. Cf. Powell (1988) 1-2.

²⁶⁷ *Laelius* 11.

intergenerational community, and he emphasizes the importance of *memoria* in the process of succession. In 14 Laelius repeats this set of events, this time by alluding to *Rep.* (the Republic dialogue). And finally, after Laelius has been speaking for some while, he begins to quote Scipio at 33-35 in recollection of the conversations the two of them used to have on the topic of friendship (the Scipio dialogue). This is the fifth dialogue to come into play in *Laelius*.

Leach, though not exploring the effect of the *mise-en-abyme*, has identified the priority of absence in *Laelius*.²⁶⁸ Building off of a Derridean idea of friendship as being occasioned only through absence, she analyzes the significance of Laelius' discourse coming shortly after Scipio's death. The proliferation of dialogues in *Laelius* reiterates this sense of absence that Leach has observed. The repeated dispossession of the leading role by the successive interlocutors serves as a reminder that the circle of speakers cannot be completed within the context of this dialogue alone. Here in Cicero's last dialogue, this displacement of dialogue is a hermeneutical key requiring the reader to reevaluate the cohesion of the dialogues as a whole. Just as Cicero's characters are in dialogue with one another inside the dialogues, the dialogues themselves are in dialogue with one another. Accordingly, the characters can move outside of their dialogues and enter into others. The dialogue of dialogue creates an atemporal forum for the interdialogue interaction of the interlocutors. And just as Laelius seeks to remedy the absence of Scipio via memory (as explicitly stated at the opening and closing of *Laelius*), it takes a series of remembered dialogues to fill the void, to satisfy the desire generated by the 'absence' of one dialogue as the final referent. On a formal level, *Laelius* does not extend the

²⁶⁸ Leach (1993).

Ciceronian circle as the other dialogues had done, but informs the reader that the circle is there. And all the while *Laelius* lays out on the level of content the principles that are to structure true aristocratic relationships.²⁶⁹ *Laelius* is a radical synthesis of substance and form whose emphasis on aristocratic friendship and the importance of memory in erasing generational lines makes a final effort at reestablishing a maintainable aristocratic community through which the republic might survive.²⁷⁰

In *De Orat.* Cicero shows how memory replicates personal interactions in defining social networks. By linking the setting and speakers of *Rep.* with *De Orat.* Cicero begins to show that these networks can extend over several generations. With *Leg.* Cicero involves himself personally in the specific authorizing network previously detailed, the ‘Ciceronian circle’. *Brutus* suggests that the intergenerational network should not be understood teleologically. Cicero was not willing to subordinate himself to the ancestors in oratorical prowess, but neither was he ready to concede the republic’s end. It is a reminder that Cicero’s circle is not entirely backwards-looking. *Hortensius* and the first edition of the *Academica* introduce a new style of Ciceronian dialogue, the philosophical kind, but they too are linked to the dialogues of *De Orat.* and *Brutus* through the figures of Catulus and Hortensius. The revised *Academica* and the first four books of *Fin.* nearly devolve into dyadic dialogues, arguments instead of conversations, but in each case Cicero includes apparently unnecessary figures or spaces to bear the role of intermediary or exemplary reader. In *Fin.* 5 Cicero again includes himself, but he also

²⁶⁹ On the uniqueness of ideas of equality in the dialogue, see Habinek (1990) 170ff. and Leach (1993) 102-3.

²⁷⁰ Cf. Habinek (1990): “Cicero’s distinction throughout the *Laelius* between true friendships and vulgar friendships reinforces the elitist aspect of his program, and his presentation within the dialogue of friendship as the locus of acculturation for future generations to traditional values suggests that his ambitions reach beyond the narrowly political to the revitalization of the aristocracy *per se*” (182).

seeks to authorize the other voices of the dialogue, reaffirming the value of multiple perspectives in the community. Cicero's casting of the *Nat. Deor.* further associates him with Crassus, who would have apparently made the same selections had he been casting the dialogue. *De Fato* and *Div.* show less of the literary conceit that marks the foregoing dialogues. The coincidence of this devolution of the form and the death of Caesar suggests that the project of detailing and propagating the authorizing community of Rome became less immediate with Caesar's assassination. Finally, *Laelius*, with its layering of several dialogues and its explicit reference to other Ciceronian dialogues highlights the need to read all of the dialogues as a single group with a specific program and vividly depicts the interaction of several generations in one place.

Altogether the dialogues appeal to memory to generate a sort of pedigree that defines the republic of the past and hopes to replicate it in the future. To this end they idealize the former generations and foresee the replication of that ideal in the generation(s) to come. What Cicero wants is continuity, or at least the illusion of such, and his interlocutors, centered around himself, give a "physical" representation of it simply by coming on stage. Dugan et al. have long since observed the pattern of filiation that emerges from the dialogues, especially from *De Orat.*, *Rep.*, *Cato*, and *Laelius*.²⁷¹ But Cicero does more than filiate, and he is interested in more than his own personal intellectual heritage. The dialogues hint strongly at a direct line of descent from Cato to Scipio to Crassus to Cicero, but what they portray is a more complex network in which individuals and relationships interweave (often through the faculty of memory) so intricately that their network becomes transtemporal and, in theory, indissoluble. While

²⁷¹ Besides Dugan (2005) *passim* in his chapter on *De Oratore*, especially on 150f., see also Gunderson (2000) ch. 6.

Cicero certainly represents himself as a cornerstone of his structure, he is not the keystone added to the construction as its culmination.

In selecting his interlocutors, Cicero demonstrates two strategies of exemplification. In the first place, as he did so often in his oratory, he adduces individual *exempla*. These undeniably include the ideal Scipios and Crassuses, but they also include the Atticuses, the Cottas, and even the Torquatuses. That is to say, Cicero selects interlocutors from all sorts of Romans, with varying levels of political involvement and differing philosophical allegiances. In no case, however, does he involve a Caesar or, god forbid, a Clodius. He does not view his dialogues as tools for rehabilitation or the expression of an alternate reality. Instead, while choosing from those who do a variety of things, he selects those who do what they do with an eye to virtue and community. Even a Hirtius or Torquatus with Epicurean or Caesarian affiliations can appear, so long as he has not shown himself to despise one of these two criteria. As individuals, all of the interlocutors help to reveal what sort of citizen is acceptable in the republic, even as they continue to populate it in a transtemporal sense.

In addition to using these exemplary individuals, Cicero likewise uses their interrelationships as examples. Each interlocutor joins together with at least two others, and in many cases even more. Where there are only two interlocutors the relationships must reach back into the past through discussions of ancestry (e.g., Torquatus), and sometimes the relationships are exemplified over multiple dialogues (e.g., Cotta). The world of the dialogues is a world of cooperation, in which a Cicero needs a Cotta to encounter a Crassus, a Scaevola needs a Laelius to encounter a Scipio, and a Cato Minor

sometimes even needs a Lucullus to encounter a Cicero. This is, in sum, an exemplary community.

Conclusions

The Cicero of most of the 50s and 40s is a Cicero in *otium*. To cope with his enforced political inactivity Cicero attempts to use his writings to redefine it. In *Laelius* he makes it clear that these writings are not to be taken as individual; they are united by a common method and goal. The goal is the revitalization of the republican aristocracy, and the method is memory.

So while *otium* tends to be a time of withdrawal and isolation, Cicero, seeing the republic fragment into isolated individuals, yearns for just the opposite. Since he cannot combat the isolation through the political involvement he had known earlier in his career he seeks instead the company of the great Romans of the past. To do this he must appeal to *memoria*. By accessing both his own memory and assuming the memory of others by donning their *imagines*, Cicero is able to create a pedigree through which he can filiate himself to a Cato, a Scipio, or a Crassus. But Cicero does more than this. He chooses to remember the figures of the past during holidays or at country villas, where they too are enjoying *otium*. Though theirs is voluntary, the identification of his own *otium* with that of the great Romans reshapes the meaning of the idea. Instead of being a physical state it becomes a timeless one, a transtemporal, ideal world that Cicero can share with the heroes of the republic.

But he does not stop there. Cicero also incorporates his circle within the reality and immediacy of the present, inviting into his otiose circle a handful of contemporaries.

The contemporaries offer the potential for the continuation of the circle beyond Cicero himself. Not only is it possible for the historical figures to outlive him, but by inscribing them, that is, by literally writing them into the circle, Cicero hopes to enlist the communal memory of writing to identify the present generation with that of those of the past. Through the processes of remembering and memorializing Cicero puts the figures of the past and present onto equal ground. In so doing he hopes to present a picture of a republic so firmly established and so presently entrenched as to be irrefutable to the would-be supporters of Caesar. Decades later Augustus would try something similar in his Forum with one notable difference. One could not join the community of the statues of the Forum; their time had past.

Chapter 4 - *Gratia*

In Cicero's dialogues, the methods of imitation and remembrance both function for the most part intergenerationally. The fundamental Roman aristocratic concept of *mos maiorum* inheres in both, granting the imitators and rememberers present identity and validation through specific access to a non-specific past. *Imitatio* and *memoria* are therefore particularly suited to buttress and fortify a crumbling aristocratic ethic. But the circle Cicero aims to create, the aristocratic society he hopes to secure, does not depend solely on the abstract of *mos maiorum*, but on the specific *maiores* he has used to populate it. At the same time the reconstructed community he aims to preserve cannot limit its outlook to the past, but must orient itself to the present and self-preservation. To this end it must reiterate in the present the aristocratic standards of the past, the standards which distinguish it from the populist ideology which Cicero associates with Caesar. In his effort to rearticulate these standards and to ensure their perseverance in the generation to follow Cicero concentrates heavily in his dialogues on one of the seminal concepts governing interaction and social positioning among the Roman elite: *gratia*, and its semantic relatives, *beneficium*, *officium*, and *amicitia*. Ideally the definition and use of *gratia* in the dialogues will allow Cicero to form the same type of attachments with his contemporaries as *imitatio* and *memoria* allowed him to form with his antecedents.

Gratia, and its cognate *gratus*, are notoriously difficult to render in English due to their broad semantic ranges. *Gratia* can be translated according to context as favor, political influence, popularity, friendship, or simply gratitude.²⁷² Much of the difficulty in pinpointing the term's definition arises from its unique ability to be deployed from

²⁷² For examinations of the meanings of *gratia*, in addition to the *OLD* and *TLL*, see Hellegouarc'h 202-08, Wistrand 10-13, and Saller (1982) 21-2.

several perspectives. As ‘influence’ or ‘favor’, *gratia* takes as its focalizer the giver of the gift or favor. That is, the socially-advantaged partner in a relationship confers *gratia*.²⁷³ On the other hand, when meaning ‘gratitude’ *gratia* takes the perspective of someone who has received a gift or favor, and is the appropriate response of the socially-disadvantaged partner in the relationship.²⁷⁴ And, to confuse the matter further, *gratia* occasionally has passive force, where neither partner in a relationship functions as agent, but the two are by some means brought or returned into a relationship of *gratia*.²⁷⁵

In all of these senses *gratia* comes very close to the meanings of *beneficium*, *officium*, and *amicitia*, which in their turns often overlap with each other. Richard Saller, in his influential study, locates all of these terms under the umbrella of patronage. These are, for Saller, terms regularly employed to describe the activities and attitudes of patrons and clients, even when the patrons and clients are not specifically named as such.²⁷⁶ In Saller’s schema, *beneficium*, *gratia*, *officium*, *meritum*, and *amicitia* all represent ideas of reciprocal exchange and occur within ongoing personal relationships. When these relationships involve social inequality (which is quite often for Saller), the relationship is

²⁷³ Cf. *OLD* ad loc. 1, 5. By either of these definitions *gratia* largely overlaps with the traditional understanding of *beneficium*, where a gift given is a *beneficium* and a gift returned is *gratia*. Saller (1998) using Hellegouarc’h has conclusively demonstrated however that the traditional understandings are fabrications of a modern age (15-22). This is not to say such a balance is always false (cf. TLL ad loc., *Pars Prima* IA1b, *in retributione beneficii*), but simply that it is incomplete.

By socially- advantaged or disadvantaged, I refer only to the temporary social disparity engendered by the use of *gratia*. Throughout this discussion I imply that the relationships defined by the terms in question occur between two individuals, but I do so simply for the sake of convenience. I do not intend to reject the arguments of Johnson and Dandeker, who insist that they need not operate dyadically, but can also function in social networks.

²⁷⁴ Cf. *OLD* ad loc. 4. The distinction is one between what Cicero at *Off.* 1.47 calls *gratia ineunda* (the previous definition) and *gratia referenda* (this definition).

²⁷⁵ Cf. *OLD* ad loc. 2. In this sense it is somewhat akin to *amicitia*, though without the same implied level of affection.

²⁷⁶ As Griffin (2003) 95 points out, Saller does not rely on the actual terms *patronus* and *cliens* to make his case, neither of which regularly occur in classical Latin in the senses that he is understanding.

one of patronage.²⁷⁷ Suzanne Dixon takes the valuable step of dispensing with Saller's qualification of social inequality, exploring instead the deployment of *gratia*, *beneficium et al* among the socially elite. When both parties are aristocratic, the relationship is not one of patronage, but of "friendship."²⁷⁸ Miriam Griffin, noting the power of *beneficium* to generate a relationship rather than to respond to the terms of pre-existing friendship, relocates the concepts within the field of gift-exchange.²⁷⁹ In these terms, all of the ethics under discussion are operating among social equals, and can function either within an existing relationship or as generative forces for new relationships. In this chapter I refer to these ethics of gift-exchange – *beneficium*, *officium*, *gratia*, *meritum*, *amicitia* – collectively as "communal virtues." They are all sub-virtues under the heading of justice, and their functions are universally realized in community.

Saller, in his study on personal patronage in the republic, generally accepts the overlap between these terms, especially *beneficium* and *officium*. He distinguishes *gratia* from all of them, however, saying, "*Gratia* differs from the above synonyms (*beneficium* and *officium*) in that it represents an attitude rather than an action, and basically means 'goodwill'".²⁸⁰ But for Cicero in the dialogues even a distinction as small as this is not fully accurate.

²⁷⁷ *CAH XI*² 838.

²⁷⁸ "This study concentrates on the meaning of gifts and loans, particularly within the upper echelons of society based in the city of Rome, an exchange expressed by the participants in terms of friendship rather than the frankly unequal language of patronage" (451).

²⁷⁹ Griffin (2003) 98, 99-102.

²⁸⁰ Saller (1982) 21. Herein he seems to agree with Hellegouarc'h, who says "La différence réside avant tout dans le fait qu'*officium* désigne, conformément à son sens premier, une activité commandée par certaines règles qui régissent les rapports sociaux; la *gratia* est d'abord une disposition de l'esprit créée par la *beneficium* et qui conduit à se comporter d'une certaine manière" (205). Though neither Hellegouarc'h nor Saller draws the connection explicitly, the designation of *gratia* as attitude seems to stem at least partially from its regular association with *memoria* (e.g., *DInv* 2.66., 2.161, *Planc.* 81). Notwithstanding the component of action in *memoria*, this definition of *gratia*, while partially accurate, does not express the fullness of the term's uses.

At *Leg.* 1.49, an instance rife with the vocabulary of community, Cicero uses the adjectives *beneficus* and *gratus* in parallel to describe the attitudes of individuals. The context and parallelism of this comparison imply that the respective corresponding concepts of *beneficium* and *gratia* are the corresponding actions of those demonstrating the attitudes. The passage seems to be balancing the two concepts of *beneficium* and *gratia* by assigning them values relative to one another. Even as he effects this balance, Cicero inserts the idea of *amicitia* into his discussion, implicating it in the same semantic nexus as the other two ideas.²⁸¹ As he concludes the first book of *Leg.*, Cicero has moved on to a discussion of acting virtuously for virtue's sake. Not surprisingly he emphasizes the communal virtue of justice, and then a set of more specific virtues which ought to characterize people acting in community.

*Ubi enim beneficus, si nemo alterius causa benigne facit? Ubi gratus, si non eum respiciunt grati, cui referunt gratiam? Ubi illa sancta amicitia, si non ipse amicus per se amatur toto pectore, ut dicitur.*²⁸²

Where is the generous man, if no one acts generously for another's sake?
Where is the grateful man, if the 'grateful' do not show gratitude to the one they are thanking? Where is that sacred friendship, if a friend is not himself loved for his own sake wholeheartedly, as they say?

Reading the text diachronically, the exchange equation outlined here looks thus:
the act of giving is accomplished by the *beneficus*, the one who receives must show himself *gratus*, and the resulting relationship is one of *amicitia*, i.e., *beneficium* + *gratia*

²⁸¹ On the overlap between *amicitia* and *gratia* see Hellegouarc'h: "[*Gratia*] finit, elle aussi, par s'identifier, en une sorte de métonymie, à l'*amicitia* elle-même" (205). He, however, goes on to introduce the analogy *amicus:amicitia::cliens:gratia*, an analogy that does not hold true when considering Cicero's theories of *gratia* in the dialogues.

²⁸² The text dealing with *gratia* is corrupt. The manuscript reads *Ubi gratus, si non eum ipsi cernunt grati, cui referunt gratiam*. I have followed Powell. For a discussion of the proposed emendations, see Dyck (2004) ad loc.

= *amicitia*.²⁸³ This equation is, based on Saller's study, one of many possible equations involving these terms, but *contra* Saller, it balances *beneficium* with *gratia*. *Beneficium* and *gratia* are both attitude and action when accomplished correctly insofar as they are themselves virtues, subsets of the chief communal virtue of justice.²⁸⁴ They ought to be performed, and performed *sua sponte, per se*. So while the distinctions between them regularly dissolve, as a group, *beneficium, gratia, amicitia*, and, to a certain extent, *officium* should be understood as Roman communal virtues, in a very specific sense.²⁸⁵ They are, in their purest form, good actions, performed with the right attitude, for the sake of virtue alone, which operate together only in the context of community.²⁸⁶ At which point these ideas are deployed selfishly, they become compromised, and the community itself begins to fail.²⁸⁷

The role of *officium* bears some clarification.²⁸⁸ The very fact that Cicero wrote a treatise on *officium* suggests that it will be defined more specifically and more fully than the other communal virtues. Cicero even proposes to give a definition of *officium* as the starting point for his treatise, in good Academic style (*Off.* 1.7). And yet, Cicero does not so much define in *Off.* as he does delineate, giving classifications for *officium* rather than

²⁸³ Cf. *Leg.* 1.32: *Quae autem natio non comitatem, non benignitatem, non gratum animum et beneficii memorem diligit?* The three are again grouped, though not in an explicit equation.

²⁸⁴ Cf. also *Inv* 2.66: *appellant... gratiam, quae in memoria et remuneratione officiorum et honoris et amicitiarum observantiam teneat*. Both attitude (*memoria*) and action (*remuneratione*) are here indicated by Cicero as component parts of *gratia*, though the definition, coming from *Inv* should not be understood to indicate his mature understanding of the concept.

²⁸⁵ Communal virtues, though akin to civic virtues, are different insofar as the result from interpersonal obligations, and not from obligations to an abstract *civitas*.

²⁸⁶ Terms such as *liberalitas, fides, benignitas, bonitas* and *meritum* also fall into this category, and will be of some importance in the discussion to follow.

²⁸⁷ See, e.g., *Off.* 1.42ff., esp. 43.

²⁸⁸ On *officium*, see Hellegouarc'h (1972) 152-63 and Saller (1982) 15-17.

offering a positive exposition of its meaning.²⁸⁹ He practices a sort of rhetorical legerdemain here which points to the chief difference between *officium* and the other communal virtues. *Officium*, Cicero's rendering of the Greek *kathekon*, not only has a variety of meanings within the realm of communal virtue, but extends well beyond into all activities of life.²⁹⁰ It is regularly translated as 'obligation' or 'duty', and this obligation can be to one's friends, family, state, gods, or even self, depending on the circumstances. Dyck uses 'appropriate action' to translate *officium*, which helpfully asks the implicit question of 'to whom or for what the action is appropriate'.²⁹¹ *Officium* has such a broad semantic range that it requires further specification of appropriateness just to understand its full meaning in context. In *Off.*, Cicero identifies four cardinal virtues, which essentially correspond to wisdom, justice, courage, and self-control (*Off.* 1.15). Each of these, as Cicero says, is a source of *officia*, a definer of appropriateness. *Gratia* and *beneficium*, while often *officia* themselves, are limited to the realm of interpersonal activity, under the sub-heading of justice. *Officium* on the other hand applies to all four virtues.²⁹²

In this chapter I will look at Cicero's ideas and ideals of the communal virtues, particularly *gratia*, as expressed in the dialogues.²⁹³ The fundamental premise guiding

²⁸⁹ The only definition Cicero gives comes at 1.14: *Quibus ex rebus conflatur et efficitur id, quod quaerimus, honestum, quod etiamsi nobilitatum non sit, tamen honestum sit, quodque vere dicimus, etiamsi a nullo laudetur, natura esse laudabile.*

²⁹⁰ *Off.* 1.4: *Nulla enim vitae pars neque publicis neque privatis neque forensibus neque domesticis in rebus, neque si tecum agas quid, neque si cum altero contrahas, vacare officio potest in eoque et colendo sita vitae est honestas omnis et neglegendo turpitudine.*

²⁹¹ Dyck (1996) 8 *et passim*.

²⁹² As Cicero himself admits, the four virtues are not discrete. They are, in fact, *colligita* and *implicata* with one another, which means that *officia* arising from, e.g., temperance, are also informed by justice, and so perhaps have a communal aspect.

²⁹³ Cicero the orator is, of course, also closely inscribed in circles of exchange, most obviously perhaps in *Pro Archia*.

Cicero's dialogic expressions of *gratia* is that there are two distinct social ethics of *gratia* that are shaping the practices of interaction among the Romans of the 50s and 40s, one good and one bad.²⁹⁴ I will begin this chapter by looking at Cicero's representation of traditional definitions of aristocratic *gratia*. I will then explore Cicero's strategy for expressing his ideas of right *gratia* against the foil of wrong *gratia*, looking particularly at his association of the latter with the Epicureans. In general, as I will argue, the distinction between right and wrong *gratia* hinges on the distinction between traditional and commercial social activity. I will then explore the methods by which the primary interlocutors of individual dialogues seek to employ true *gratia* in the face of the commercialized, commodified *gratia* – the *gratia* typical of the Epicureans – as exhibited by junior interlocutors. In the final section of the chapter I will turn to Cicero's own displays of *gratia* as the author and dedicator of texts, concluding that these displays closely resemble the theories of right *gratia* laid out in the texts themselves.

Traditional *Gratia*: *Gratia* as Virtue, *Gratia* amongst the Good

Cicero's most extended discussion of the theory of the communal virtues comes for good reason in *Laelius*. The nominal topic of *Laelius* is, of course, *amicitia*, but scholars have long debated what precisely that means. Ronald Syme defined it as “a weapon of politics, not a sentiment based upon congeniality.” Lily Ross Taylor, while avoiding the martial metaphor of Syme, viewed *amicitia* chiefly as a medium for political

²⁹⁴ Cicero's opinions in the dialogues are to be distinguished from Cicero's own theorizing on or practice of the communal virtues in his political career, oratory, and letters. In those arenas Cicero has different priorities and different approaches. E.g., in a letter of September 59 to Atticus (*Att.* 2.25.1), Cicero outlines a process wherein he praises Varro to Atticus in the hopes that Atticus will pass on the praise to Varro, and so oblige Varro to respond in kind to Cicero.

alliance.²⁹⁵ P.A. Brunt, on the other hand, found in Cicero's dialogue a sincere expression of an ideal more virtuous than the political expediency of *do ut des*. All three scholars, so important in the evolution of twentieth century understandings of the end of the republic, made their arguments within broader programs in support of or against the idea of factions and party politics. The fundamental point of contention stems from a difference of opinion on the private vs. public character of *amicitia*. Cicero, both in his own voice and in Laelius', emphasizes the unequalled value of friendship in the political arena. Syme and Taylor take this to mean, despite Cicero's idealistic claims to the contrary, that friendship is a means to an end. Brunt accepts Cicero's claim that advantage is not a motive for friendship, but a product of it.²⁹⁶ Habinek brings a certain nuance to the subject, appealing to the form of the dialogue, the depiction of the interaction among the characters, and the historical record of elite interaction in Ciceronian Rome as a means of undercutting the idealistic statements paraded forth by Laelius.²⁹⁷ Leach in turn emphasizes the indelible point that for Cicero, private can never be divorced from public.²⁹⁸ Despite these differences of interpretation, the common theme running throughout is an *amicitia* that functions both privately and publicly, that must negotiate practically with the activity of politics.²⁹⁹ There is an inevitable public quality of friendship which enforces certain restrictions on whom one should have as a friend.

²⁹⁵ Both Syme and Taylor are quoted by Brunt (1988) 361. See also Leach (1993) 8n16.

²⁹⁶ *Laelius passim*. E.g., 31 or 51: *Non igitur utilitatem amicitia, sed utilitas amicitiam secuta est*.

²⁹⁷ Habinek (1990) 170. For instance, the giving of advice, so praised by Laelius, was impossible among social equals.

²⁹⁸ Leach (1993) 9-10.

²⁹⁹ The ancients themselves wrestled with this problem. So Sallust in *BJ* 31: *Sed haec inter bonos amicitia, inter malos factio est*, and Fronto, who much later distinguishes between *amicitia* and *amor* (*Ad M. Caes.* 1.3.4f.).

In *Laelius*, Cicero offers a short list of qualities which characterize true friends, friends whose private character will not lead to public embarrassment. It looks something like this: friendship exists only between two or a few individuals (19); their friendship demands sincerity and love, which arise from virtue (20, 26); their virtue requires them to be *boni* and *sapientes* (*passim*);³⁰⁰ they are friends not because of mutually sought advantage, but because of mutual appreciation of one another's moral goodness (26-7, 31-2); a true friend is an *alter idem*, wherefore he must be an equal in the truest sense (e.g., 50); and true friends are mature (74). Nowhere does Cicero demand public engagement or political activity, but his repeated emphases on equality and self-reduplication imply a need for commensurate power in some sense, if not in a purely political one.³⁰¹ In Cicero's judgment, only a good man (*bonus*) can practice friendship, and a good man will only select as a friend another good man. Once one *bonus* finds another the friends, bound by their similar natures, will act entirely in accord with nature and virtue, seeking to confer rather than receive favor, and never reckoning relative social standing through cold calculation of *beneficia* and *gratia*. Likewise their friendship will endure, just as nature and virtue themselves will endure.

As presented in *Laelius*, friendship is rare, insofar as the truly virtuous are rare. And Cicero limits true friendship to a pair of individuals, with the occasional addition of a third (19). Such limitations threaten the broad value of the dialogue as a whole. If only a few *boni* can be found and bound, the republic has little chance of survival, and indeed the dialogue form, the locus for the exhibition of communal interaction, itself threatens to

³⁰⁰ Cf. Sallust, *BJ* 31 quoted *supra*.

³⁰¹ Leach (1993) questions whether Atticus can actually fulfill the requirements outlined by Cicero in *Laelius*, even though he is the addressee (17-18). Because of his refusal to engage politically Atticus does not have political equality with Cicero in the same sense demonstrated by *Laelius* and Cicero.

fade into insignificance. These threats to the republic and dialogue form mirror Cicero's more general theme in *Laelius* of the instability of *amicitia*. When virtue disappears, true friends do, and in fact, so does the analogous social bond that maintains the viability of the state, *concordia*.³⁰²

The view in *Laelius* is rather bleak. The decline of the peace of the traditional republic (*concordia*) is taken as a symbol of the generalized decline in friendship (*amicitia*), which decline is itself predicated on a depreciation of virtue as a guiding principle of action. The dialogue focuses chiefly on the select few whose extinction seems imminent. Cicero's other dialogues do not exhibit the same kind of fatalism; they too locate the origins of friendship in virtue, but they see the communal virtues at work in a larger, viably-functioning community of the *boni*. In the chapter on imitation I dealt briefly with the "natural" quality of virtue, noting that Cicero expresses the attainment of virtue in terms of the imitation of nature. There too it was observed that nature is most perfectly exemplified through community. In the pre-*Laelius* dialogues Cicero situates his idea of the communal virtues and *gratia* firmly within this nexus of virtue, nature, and community.

In *Leg.* Cicero outlines his theory of the interconnectedness between nature, virtue, and community in his discourse on justice (1.16ff.). For his basic premise, that of natural law, he returns to the Stoic principle that virtue imitates nature, in response to the type of utilitarian arguments of justice voiced by Thrasymachus in Plato's *Republic* 1. If

³⁰² See *Laelius* 23, Cicero explicitly equates *amicitia* and *concordia*, drawing parallels between the harmony of nature, the concord of a state, and the friendship among individuals. The *amicitia* of the dialogue proves to be a microcosm of the theoretical harmonious community envisioned in Cicero's larger project, the true application of which can occur on a broader level through the specific application of *gratia* and *beneficium*.

states create justice through laws, Cicero argues, then those laws will be altered in self-interest, and justice will become subservient to the prerogative of the governing class which controls the laws. True justice, on the other hand, cannot be changed, and thus must take its origin from nature. To these familiar arguments Cicero adds the subdivided qualities of justice: *liberalitas*, *caritas*, *pietas*, and the interchange of *meritum* and *gratia* (1.43). As subdivisions of the cardinal virtue of justice, these communal virtues take on the quality of their parent virtue: they become worthy for their own sake (1.48-9; cf. 1.37). One might say Cicero is advocating a sort of *gratia gratia gratiae*.³⁰³ Or to be more specific, he advocates *gratia gratia gratiae et meriti*, for *gratia*, unlike the other virtues of 1.43, requires participation on two ends. In Cicero's representation of these subdivided qualities of justice, *liberalitas* is, by definition, directed irreciprocally; *caritas* as here represented takes the state as its object; and *pietas*, the consummate Roman virtue common to all, is a response to static entities and imagines no return. As Cicero reiterates in 1.49 (quoted above), *gratia* and its counterparts are unique. Alone of the justice virtues, these generate a paradox: they explicitly entail benefit to both parties, but must be enacted for the sake of only the other party. *Gratia* must be acquired, offered, or wielded via multilateral interpersonal activity. Unlike the other generally approved Roman qualities listed here, *gratia* cannot originate and conclude in the activity of one figure; it requires exchange. So while ideas like *liberalitas* or *caritas* can refer to generous giving alone and do not inscribe the reaction of the gifted, *gratia* requires a sort of appreciation, a reaction to another's action. And yet, as a constituent part of justice, *gratia* must be performed for the sake of the virtuous action alone. Thus, though it is

³⁰³ Cf. *Off.* 3.118.

inherently proleptic, diachronic, and reciprocal it must be enacted as if it is final, synchronic, and unilateral. By this calculation, while *gratia* and its sister concepts are advantageous to any number of people, they are in their truest sense the strict province of the good, who alone perform virtuous actions for their own sake, whether or not benefit is entailed. As a result, *gratia et al.* can form community among everyone by forcing reciprocity, but they generate the best community among the good, who ignore reciprocity and focus on the origin of virtue in nature. In the idealism of *Leg.* and the tempered expectations of *Laelius*, Cicero maintains the principle that *gratia* is itself a virtue and hence the province of the virtuous.

Cicero's most dogmatic expression of his association of the communal virtues with the *boni* predictably appears in *Off.*, his treatise on the regulation of social interaction. It is dogmatic in the sense that it offers the most extended explicit discussion of the subject in Cicero's theoretical works. At the same time, the ideology expressed in *Off.* differs somewhat from the consistent ideology represented in the dialogues. The shift in ideology is itself perhaps predicated in the shift in form. The treatise does not exhibit the explicitly communal characteristics of the dialogue, and the Stoic inspiration of *Off.* (Panaetius) represents a methodological shift away from the skeptical approach of the Academics. The decommunalization of the form manifests itself by a compromised view of Cicero's ideal community. *Off.* provides a slightly different alternative for the use and acquisition of *gratia*, one less dependent on virtue. As discussed in a previous chapter, Cicero identifies the imitation of nature as the foundation for the establishment of community at *Off.* 1.22. Cicero also asserts the priority of the *mutatio officiorum* and giving and receiving (*dando accipiendo*) in society-building. The (conventional)

asyndeton of *dando accipiendo* here reinforces the idea of *mutatio*: community is built on bi-/multilateral relationships, on the cooperation of multiple parties. But it is later in the treatise, in the midst of his discussion of justice, that Cicero gives a fuller explanation of the communal virtues, by laying out specific principles for their employment. He prescribes that they must: cause harm to no one, be within the giver's means, and be in accordance with the *dignitas* of the recipient.³⁰⁴ Cicero's language here in *Off.* shows him to have moved from the theoretical principles of the dialogues into practical principles. The giver must also take into consideration the *benevolentia* shown towards him by the recipient of his gift, what things are deserved through requital, and what sort of attitude the recipient has previously demonstrated in his own giving (1.47ff.). The introduction of practical principles here as elsewhere in *Off.* seeks to combat the impossibility of maintaining ideal virtue in a Rome at the end of the 40s, but the use of such principles simultaneously threatens to annul the theory over which Cicero has previously labored. Cicero even goes so far in his treatise on *officia* to say that no *officium* is more important than returning *gratia* (*nullum enim officium referenda gratia magis necessarium est*).³⁰⁵ These practical principles represent a shift to an exchange-driven model of the communal virtues whereby Cicero seems to adopt something akin to a commercialized understanding of *gratia*, where it is a commodity to be bartered. It appears as if Cicero is moderating his stance because he sees some flaw in its practical application. In his compromised model, it is no longer the virtuous who participate in the community, but anyone who has even a shadow of virtue (*in quibus praeclare agitur, si*

³⁰⁴ *Off.* 1.42: *Videndum est enim, primum ne obsit benignitas et iis ipsis, quibus benigne videbitur fieri, et ceteris, deinde ne maior benignitas sit, quam facultates, tum ut pro dignitate cuique tribuatur.*

³⁰⁵ *Off.* 1.47.

sunt simulacra virtutis), in whom there is any hint of virtue (*in quo aliqua significatio virtutis appareat*).³⁰⁶

The language here is particularly loaded. The *simulacra virtutis* Cicero demands as the reduced prerequisite for inclusion in *societas* conjures the specter of the Epicureans. Not only does it call to mind Lucretius' canonization of the term *simulacrum* in *De Rerum Natura*, but, more specifically, it recalls Cicero's own use of the phrase in his rebuttal of Torquatus in *Fin.*, where it is the animals who have *simulacra virtutum* (2.110). It is these *simulacra* which raise the animals above mere slavery to pleasure, which is in turn the province assigned by Cicero to the Epicureans. These are, in fact, the same animals who imitate nature and demonstrate memory, which helps them form into things resembling societies (2.109-10).³⁰⁷ When Cicero involves those who have *simulacra virtutis* in his society he is lowering the standard prescribed in the dialogues; still it is not so low as to include the Epicureans.³⁰⁸ Certainly Cicero does not envision the inclusion of animals in his society at this point. He is rather drawing *simulacra virtutis* as a baseline which the Epicureans with their emphasis on pleasure still cannot attain.³⁰⁹ In *Off.* Cicero's vision for his society, just as his dialogue form, collapses into a still restrictive, but less-ideal form.

³⁰⁶ *Off.* 1.46. The full passage reads: *Quoniam autem vivitur non cum perfectis hominibus planeque sapientibus, sed cum iis, in quibus praeclare agitur, si sunt simulacra virtutis, etiam hoc intellegendum puto, neminem omnino esse neglegendum, in quo aliqua significatio virtutis appareat, colendum autem esse ita quemque maxime, ut quisque maxime virtutibus his lenioribus erit ornatus, modestia, temperantia, hac ipsa, de qua multa iam dicta sunt, iustitia.*

³⁰⁷ See also ch. 2 above.

³⁰⁸ In *Fin.* 5.42-3, the possessors of *virtutum simulacra* are uneducated children, who, like animals, begin to form into community by natural inclination.

³⁰⁹ Cicero's anti-Epicureanism is well known and important to his portrayal of *gratia* in the dialogues. It will be treated in more detail below.

There is undoubtedly a difference between the *gratia* Cicero represents in his earliest dialogue, *De Orat.*, and *Off.* It is evident not only in the devolution from its association with the practitioners of *virtus* in the dialogue to those with *simulacra virtutis* in the treatise, but in Cicero's representation of the social value of the orator. In *De Orat.* 3, Crassus undertakes his most extensive discussion of the qualities of the ideal orator. He begins by trying to mend the division of labor established by Antonius in 2.120ff. There Antonius had agreed to discuss how an orator ought to deal with a speech's content, if Crassus would deal with the selection and employment of words (*primum quid, deinde quo modo dicamus*). Crassus objected to this division on the spot, but Catulus and the other interlocutors, taking Crassus' objection as a demonstration of humility and *humanitas*, successfully voiced their support for Antonius' proposal. This division of labor then carried the day, with the remainder of book 2 bearing it out. So, when Crassus finally speaks in book 3, he wants first to reestablish the unity between words and content.

Crassus predicates his idea rhetorical unity on the principle of cosmic unity, and then, failing that argument, the principle of the unity of the arts. In general this unity argument also applies metatextually to the dialogue form, in which a single text harmonizes disparate positions. Crassus' concern, though, lies with the orator. If the noble, liberal arts (*ingenuae et humanae artes*) are all essentially the same, not to be divided or isolated, so too are the individual arts of the orator (developing words and content). To buttress his position, Crassus cites Plato as his source for the unity of arts argument. In fact, the claim for a bond between the arts comes from the pseudo-Platonic

Epinomis, and refers not to all the liberal arts, but only to the mathematical ones.³¹⁰ May and Wisse suggest that the misattribution of this theory to Plato had become commonplace in first century Rome, and that the unity of the all of the liberal arts had become proverbial. For Crassus, whether Plato had said it or not, the unity of the arts provides an extension of the unity of the cosmos, and allows him to require the orator to be skilled in all *artes*. By way of example he adduces the figure of Cato.

Cato, Crassus recalls towards the conclusion of his speech, combined both halves of forensic knowledge: he was eloquent and he had a knowledge of civil law. He was both senator and general. And he used the *gratia* he had earned in private affairs to inform his political involvement. Such a figure stands in stark contrast to the politicians of Crassus' day whose political activity is not built on a foundation of knowledge, and insofar as they have any knowledge, exhibit and concentrate it on only one of the qualities important in the public arena (3.136). These new politicians are inferior because "they have no knowledge of the *societas* and kinship of all the noble arts and even of the virtues themselves."³¹¹ In sum, if the orator wants to possess one skill or virtue, he must possess them all. And once he has assembled all of the virtues in the (comm)unity of his own private affairs they must translate into the public sphere. The intermediary for Cato and for Crassus' ideal orator, the bridge that gives the private passage to the public, is *gratia*. It is the outcome of virtue communalized and the origin of virtuous political activity.

³¹⁰ May and Wisse (2001) 230n30-31.

³¹¹ *De Orat.* 3.136: *omnium vero bonarum artium, denique virtutum ipsarum societatem cognationemque non norunt.*

Legal knowledge and eloquence are subsumed in equal parts under the umbrella of the *artes* Crassus identifies as generative of *gratia*. Being able to advocate and offer counsel equips one to benefit the community, and thereby to earn *gratia*. *Gratia* itself, as expressed by Scipio in *Rep.*, is the product of the use of virtue in society. So the activities that earn *gratia* are the communal expressions of virtue, and the equipment of the fit leader of the state. And they are the very ones Cicero knows so well: eloquence, legal expertise, and counsel.

These qualities of the orator reappear as sources for *gratia* regularly in the dialogues.³¹² In *Off.* Cicero again indicates a slight shift in his terminology. When Cicero turns to the topic of beneficence in the second book of *Off.* he regularly uses the word *gratia* in hendiadys with *opes*.³¹³ The pairing is somewhat unexpected, especially given the contrast drawn between the two ideas at *Off.* 2.51.³¹⁴ Generally speaking, both ideas can express influence, but *ops* carries with it an implication of wealth that *gratia* does not. The former is influence through possession of physical goods, the latter is influence through non-physical qualities. Even so, the two coincide in two of the areas in which Cicero suggests doing good deeds: hospitality and the giving out of legal advice. The favorable prospect of increasing *opes* through legal advice stands in stark contrast to what Crassus says in *De Orat.* 1.198, where it is a matter of *honor*, *gratia*, and *dignitas*, where, unlike with the Greeks for who it is a matter of *mercedula*, it is the province of the *amplissimi* and the *clarissimi*. Cicero gives his reasoning for his shift in perspective in

³¹² On eloquence: *De Orat.* 1.15; on legal expertise: *De Orat.* 1.198, *Brut.* 113 and 155, *Leg.* 1.10; on counsel: *Brut.* 86, 97, and 209.

³¹³ *Off.* 2.64 and 65. Cf. *De Orat.* 1.15.

³¹⁴ *Maxime autem et gloria paritur et gratia defensionibus, eoque maior, si quando accidit, ut ei subveniatur, qui potentis alicuius opibus circumveniri urgerique videatur, ut nos et saepe alias et adulescentes contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus, quae, ut scis, extat oratio.*

Off. by responding directly to these terms of Crassus: *nunc, ut honores, ut omnes dignitatis gradus, sic huius scientiae (legal knowledge) splendor deletus est* (2.65).

When the ideals of *honor* and *dignitas* fail, so does ideal *gratia*; influence instead becomes tied to wealth.

As was the case in book 1, Cicero responds to the decadence of traditional republican values with a compromised idea of interaction. Here that interaction shows a merging of traditional *gratia* with commodities, with *opes*. Cicero's implied acceptance, or at least partial acceptance, of the commodification of *gratia* here in *Off.* stands in direct contrast with Cicero's fundamental arguments regarding *gratia* in the dialogues. In the dialogues and traditional Roman social ethics, as noted above, *gratia* is a virtuous act by a good man, ideally not contingent upon an exchange of favors. Once favors become objects of exchange, *gratia* itself becomes a product of exchange. In this scenario the prerogative of acquiring *gratia* shifts from the virtuous man to the man who is in the best position to be a creditor, the wealthy man.

Right *Gratia*, Wrong *Gratia*, and the Epicureans

The devaluation of *gratia* pictured in *Off.* represents a substantial diversion from Cicero's efforts in the dialogues, wherein *gratia* is a matter not only of theory, but also of practice. The dialogue form uniquely allows Cicero to construct *gratia* relationships because of its inherently communal form. While Cicero of the 40s can no longer deliver a politically relevant speech on behalf of a friend, he can include a friend or a friend's ancestor as an interlocutor in a dialogue. And though his political influence may not be

the same on behalf of Brutus as it would have been in the 60s, he regularly dedicates his texts to Brutus, and so marks him as an oratorical, political, and philosophical heir to the tradition of Ciceronian statesmanship.

The only major obstacle to Cicero's acquisition of *gratia* through the writing of dialogue is a devaluation of the sort exhibited in *Off. Gratia*, with its multiplicity of meanings, is especially prone to just such a devaluation. Because it is in the first instance a product of exchange it stands dangerously close to the precipice of commercial exchange.³¹⁵ That is to say, *gratia*, a traditional Roman ethic that had long served as a source of authority for aristocrats, because of its dependence on exchange, very closely resembles the economics of the marketplace, a resemblance emphasized by the pairing of *gratia* with *opes*. And far from authorizing the person of the aristocrat, the market privileged the product. It opened up 'influence' and 'favor' to a broader, less traditional audience.³¹⁶

Matthew Roller, building on a traditional anthropological division, usefully distinguishes between three types of exchange present in Rome: gift-exchange, subdivided into amicable and hostile exchange, and commodity-exchange.³¹⁷ These terms function well in a Roman context especially insofar as they replace traditional

³¹⁵ Though it will be explored further below, on the relationship between gift-exchange and commerce in general, cf. Griffin (2003) 100. The chief difference she adduces is the absence of legal sanction in the case of an unequal gift-exchange.

³¹⁶ T. Habinek, *The Politics of Latin Literature* (1998) explores the phenomenon of the marketplace and its potential to negatively affect the aristocracy in his chapter on writing. As he explains, "once literature is freed from ... limited paths of circulation" (i.e., paths controlled by the aristocracy) "and becomes part of the market, then its potential as an independent source of authorization may be activated" (104). The market is, for Habinek, the location for the disembedding of conventional avenues for aristocratic authority; it is the place where the masses gain access to what the aristocrats once controlled.

³¹⁷ M. Roller (2001) 132-4. It should be noted that Roller's emphasis is first-century imperial Rome, though his distinction between the types of exchange is methodologically independent of his subject matter.

understandings of Roman patronage, which privileges one transactor in an exchange and operates chiefly between social unequals.

In gift-exchange, the giving of a gift participates in the construction or reinforcement of a personal relationship between the one who gives and the one who receives. Specifically, according to the anthropological model, the receiver incurs a “gift-debt” according to which he must remain in a socially subordinate position to the giver until he requites the gift in kind or with a greater gift. This type of exchange can operate under friendly conditions (amicable exchange), in which the giver already has a positive relationship with the receiver or gives with a view to mutual benefit, or unfriendly ones (hostile exchange), wherein the giver intends for the gift to produce an unwanted or antagonistic social effect.

By contrast, commodity-exchange requires no personal relationship between its transactors. The exchange of commodities enacts no social distinction *per se*, but seeks to satisfy two parties through mutual benefit. It is the equivalent of purchase, by which goods are exchanged for the sake of the goods. Roller succinctly encapsulates the distinction between gift-exchange and commodity-exchange: “Objects, not their transactors, are placed into a relationship by commodity exchange, while gift exchange places the transactors and not the objects into a relationship.”³¹⁸

Cicero himself had in his youth introduced an almost commercial metaphor in his definition of *gratia* in his *De Inventione* (2.66), calling it the “repayment of a good deed” (*remuneratio officiorum*).³¹⁹ But this kind of *gratia* is both open to all social classes and inherently self-oriented. As such it threatens not only Cicero’s privileged place within

³¹⁸ Roller (2001) 133.

³¹⁹ Cicero would later essentially disavow the *Inv.* (*De Orat.* 1.5).

the *boni*, but even the very existence of such a group. Commercialized *gratia* allows for the ascendancy of the one who best takes care of himself, and not for the one who best takes care of others. Such an individual has no respect for the communal virtues and is accordingly a threat, not an asset, to the state. To combat the encroachment of an alternative, commercial means of acquiring *gratia* Cicero goes to great lengths to communicate publicly in his dialogues his general distrust for *gratia*-through-commodity.

It is here that the Epicureans re-enter the picture for Cicero. When Cicero wants to deride commercialized *gratia* in favor of his own kind of *gratia* he regularly assigns the former to his traditional nemesis, the one group manifestly in the wrong, the Epicureans. The Epicureans appear regularly in Cicero's dialogues as the straw man, the obvious wrong choice designed to unite all others behind his own opinion. To Cicero's way of thinking their wrongness is already established as a result of their emphasis on pleasure (i.e., selfish pleasure); Cicero now need only assign to them any practice or idea he finds unsavory in order to color that idea as virtue-less. For this reason, whether in a philosophical work focusing largely on the Epicureans, such as *Fin.* or *Nat. Deor.*, or in an explicitly political work like *Leg.*, Cicero forces the Epicureans to bear the dangerously-populist mantle of commercial *gratia*.

I should clarify before moving on what exactly I, or rather Cicero, means by "Epicurean." Cicero himself interacted with several figures with Epicurean sentiments, including Atticus, Caesar, Torquatus, L. Calpurnius Piso, and Cassius the liberator. He was also acquainted with Philodemus, or at least his writings, as he makes clear at the conclusion of *Fin.* 2 (119). It is very likely that Epicureanism meant slightly different

things to each of them.³²⁰ Atticus, who had spent much of his life educating himself on philosophy in Athens, proclaimed himself to be an Epicurean, but what we know of his actions and attitudes does not necessarily resemble a devoted ideologue.³²¹ Julius Caesar's conversion may have included an element of political expediency.³²² Torquatus' Epicureanism is hard to pinpoint, primarily colored as it is by *Fin.* Piso's Epicureanism too is colored by Cicero's polemic in *In Pisonem*. Cassius' Epicureanism, which Cicero addresses regularly in his correspondence with the liberator, must be set in relief against his very deep political involvement.³²³ And Philodemus is an Epicurean authority unto himself. Recent scholarship on Philodemus has all but done away with the traditional misconception that Epicurus and the Epicureans were unilaterally opposed to political activity.³²⁴ What emerges instead, especially from Philodemus' *On Rhetoric* and *On the Good King according to Homer*, is an understanding that there are situations for

³²⁰ This list is, of course, just a beginning. Not only did Cicero know many more Epicureans, but he knew others who were active in politics. Y. Benferhat, *Cives Epicurei, les Épicuriens à Rome et en Italie de Sylla à Octave* (2005) goes into some detail about L. Saufeius and L. Papirius Paetus, who were both Epicurean and politically engaged (169-172). Castner (1991) shows a general cynicism about the sincerity of many Roman Epicureans, including several of those listed here.

³²¹ The general consensus on Atticus' lack of political involvement, based on Nepos' "Life of Atticus" and Cicero's letters to him, is that it stems from an unwillingness to get his hands dirty. Horsfall (1989), in his edition of the Nepos' Lives, takes a cynical view of Atticus' Epicureanism. Both Welch (1996) 450-71, and Benferhat (2005) still find Atticus to be politically engaged, just not as an office holder, an ascender of the *cursus honorum*. At the same time, Nepos' biography has led to the regular description of Atticus as one of the *Optimates*. For further information on Atticus, see Rawson's discussion in *The Intellectual Life of the Late Roman Republic* (1985).

³²² At the very least Caesar's Epicureanism arose from "extraordinary circumstances" (D. Armstrong, forthcoming, *Epicurus and the Epicurean Tradition*).

³²³ E.g., *Att.* 15.16-18. On the back and forth of Cicero and Cassius' correspondence, see Armstrong, *Epicurus*. The Epicureanism that Cassius discusses does not resemble the Epicureanism that Cicero discusses in his dialogues (and pawns off onto a Catus in his letter to Cassius). Cassius even seems to believe that Cicero's pleasure-only, anti-virtue caricature of the Epicureans is a willful misrepresentation, a sort of joke.

³²⁴ See especially the chapters of Armstrong and Fish in *Epicurus and the Epicurean Tradition* (forthcoming). Cf. also Momigliano (1941) 149-57.

certain individuals in which more pleasure can be achieved through political involvement than through its avoidance.³²⁵

When discussing Epicureanism in his dialogues, Cicero tends to take very little account of the nuances of these different positions. He regularly deals with a very particular understanding of Epicureanism that considers Epicureanism explicitly wrong.³²⁶ Cicero's perspective will brook no contradiction. So, when arguing against Torquatus in *Fin.* 2, Cicero insists that he must argue against the spirit of Epicureanism, and not merely the words. The words can be changed, but he only gives heed to those which are consistent with "true" Epicureanism (or what he supposes that to be).³²⁷ And when C. Vibius Pansa, the Epicurean senator and consul of 43, receives *virorum bonorum benevolentia*, Cicero does not take it as a sign that an Epicurean has earned good will through his virtue, but that Pansa is not in fact a true Epicurean (i.e., he has disproved the Epicurean position on virtue).³²⁸ I will not be exploring here Cicero's attacks on the sophisticated and nuanced Epicureanism of a Cassius or a Philodemus, and in some senses not even the Epicureanism of Torquatus, in spite of his major role in *Fin.* Instead I will look at how Cicero sets up a stereotypically pleasure-oriented, apolitical

³²⁵ See Armstrong's discussion of *Rhet.* 3 in *Epicurus*. The underlying supposition behind Philodemus' *On the Good King* is that Piso, the addressee, is born into a position where political activity is unavoidable. See Jeff Fish, *Epicurus*. Roskam (1997) 123-25 likewise finds no contradiction between *On the Good King* and Epicurean philosophy. Cicero seems to address this inevitability of political service for some Epicureans in his 'necessity' argument in *Rep.* 1.10-11, wherein he refutes the merits of Epicurus' counsel to engage in politics when necessary. There, however, he does not understand the position as broadly as Philodemus does.

³²⁶ The most explicit extended expression of Cicero's distaste for hedonism (and the Epicureanism it represents) comes in the opening of *Rep.* 1, where he uses the foil of Cato.

³²⁷ *Fin.* 2.84. Cf. *Off.* 3.117: *Quamvis enim multis locis dicat Epicurus, sicuti dicit, satis fortiter de dolore, tamen non id spectandum est, quid dicat, sed quid consentaneum sit ei dicere, qui bona voluptate terminaverit, mala dolore.* See further on this method of argumentation below.

³²⁸ *Fam.* 15.16.

Epicureanism as his whipping boy in the dialogues, regardless of how sincerely he believed it to be an accurate representation of contemporary Epicurean philosophy.³²⁹

Cicero first postures his arguments for *gratia* against Epicureanism somewhat inconspicuously, in a dialogue that never mentions the Epicureans by name (*De Legibus*). In terms of chronology, Cicero's composition of *Leg.* immediately succeeds that of *Rep.*³³⁰ The pairing of the two is a reminder that these dialogues stand in the tradition of Plato, who composed dialogues of the same names. But unlike with Plato, these two dialogues stand at the beginning of Cicero's theoretical works. At this point in time Cicero is still a political theorist rather than a philosophical one. Even so, before he can construct his ideal laws for his republic he first undertakes to lay a theoretical foundation. He accordingly turns in book 1 of *Leg.*, as we have seen, to natural law, justice, and the virtues. Once he has sufficiently made the claim for the existence of natural law in sections 16-35, Cicero turns to the inherent and natural value of justice for much of the remainder of book 1 (36-51). As his fundamental premise on justice and the virtues Cicero claims that everything good is praiseworthy for its own sake.³³¹

³²⁹ As usual, Cicero's methods have been quite effective. His stereotyped Epicureanism has held sway in the minds of his readers for thousands of years.

³³⁰ There is in fact some reason to believe that *Leg.* itself was initially conceived of as part of *Rep.* Dyck (2004) makes this argument based on a letter of Cicero to his brother (*Q. Fr.* 3.5) wherein he discusses his reservations about setting *Rep.* in the past. In the letter Cicero makes mention of nine books of *Rep.*, when in fact only six are known. Dyck suggests that *Leg.* itself (or at least the material discussed in *Leg.*) was excised from *Rep.* and taken up soon after *Rep.*'s completion (9-10). Since *Leg.* is set in the present, this splitting of the dialogues also answers to Cicero's concern about the past setting of *Rep.*, also expressed in the letter to Quintus. He can both appeal to the authority of the ancestors (*Rep.*) and include himself in a dialogue (*Leg.*).

³³¹ *Nihil omnino in bonis numerandum nisi quod per se ipsum laudabile esset, aut certe nullum habendum magnum bonum, nisi quod uere laudari sua sponte posset* (*Leg.* 1.39). Though compare Armstrong's analysis of Cassius' letter to Cicero: "This gives us a hint of a deeper note in Cassius' Epicureanism, a theory that one should do good to all men, not just to secure their benevolence, but their affection, and (to the extent Epicurean friendship is altruistic) for its own sake" (*Epicurus*).

It is here that he comes face to face with the Epicureans. In Cicero's understanding, the Epicureans would insist on the value of justice because it leads to pleasure, and not because of its own inherent goodness. Such a position is so manifestly untenable to Cicero that, rather than take up an argument against the Epicureans, he seems to find a way to leave them out of the discussion altogether: since they are uninterested in politics, their opinions need have no bearing on the political topic at hand (1.39). So complete is his intended avoidance of the Epicureans that he leaves them unnamed.³³² The reference to the Epicureans is nevertheless unambiguous, for he creates a sort of shorthand by which to identify them.

Sibi autem indulgentes et corpori deservientes atque omnia quae sequantur in vita quaeque fugiant voluptatibus et doloribus ponderantes, etiam si vera dicant—nihil enim opus est hoc loco litibus—, in hortulis suis iubeamus dicere, atque etiam ab omni societate rei publicae, cuius partem nec norunt ullam neque umquam nosse voluerunt, paulisper facessant rogemus.

And regarding those who indulge themselves and are slaves to their bodies, and measure on a scale of pleasure and pain all the things they should do or flee from in life; even if these should speak the truth – there is no need here to be legalistic about it – let us beseech them to do their talking in their little gardens, and let's ask them to retire a little from the society of the republic, about which they neither know anything nor want to know anything.

The shorthand is threefold: a). the Epicureans are self-indulgent, b). they “measure” on a calculus of pleasure, and c). they are ignorant of and uninterested in political affairs. The first trait justifies Cicero's distaste for the philosophy and the final trait justifies his proposed exclusion of the philosophy from the discussion at hand.

³³² On the anonymity of the Epicureans, see Dyck (2004) 172. In addition to the rhetorical strategy of *tacito nomine* he postulates Cicero is showing sensitivity to the feelings of Atticus, who is of course both present for the discussion and an Epicurean.

Nevertheless, in spite of this dismissal of the Epicureans here in 1.39, the same group seems to reappear just a few paragraphs later (1.42), again unnamed but identified by the same sort of shorthand. Cicero has moved on to arguing that all nations, regardless of their individual laws, should govern their conduct by the true, universal law. Without universal law, an individual will not necessarily feel himself bound by the written laws. Specifically, Cicero speaks of the sort of individual (*idem*) who claims that “everything is to be measured by self-interest” and who will “ignore and break the laws when he can, if he thinks it will be to his own advantage.”³³³

The idea of the manipulation of justice for advantage is by no means limited to the Epicureans.³³⁴ Even so, the threefold characterization of the group mirrors that of the Epicureans in 1.39. In the first place, Cicero’s general premise is that the individual under discussion is one that puts his own interests above the interests of the community (i.e., the interests which the law aims to protect). This individual is accordingly not civically-minded (point c). In the second place this individual “measures” (*metienda*) his decisions by his own self-interest (point b). And finally he seeks his own benefit (*sibi...rem fructuosam*) (point a).

The shorthand closely resembles that of 1.39, only substituting benefit for pleasure. The object of his polemic seems to be the very group he had claimed he would not argue against.³³⁵ At the very least Cicero is certainly not using his threefold characterization to adumbrate the position of the New Academy, whom he had identified in 1.39 as his specific audience for this part of the discussion. It rather seems that for

³³³ *Si, ut idem dicunt, utilitate omnia metienda sunt, negleget leges easque perrumpet, si poterit, is qui sibi eam rem fructuosam putabit fore* (*Leg.* 1.42). Trans. by Rudd (1998).

³³⁴ Thrasymachus in Plato’s *Rep.* 1 again comes to mind.

³³⁵ On the identification the *idem* in 1.42 as the Epicureans, cf. Dyck (2004) 185-86 *ad loc.*

Cicero to make his point, the surest strategy is to not to nuance his position against that of the New Academy, but to draw a dichotomy between the virtue-oriented and the self-oriented. The self-oriented remain unnamed in 1.42 as they had in 1.39, but their positive identification in 1.39 leads inevitably to reading them into 1.42. The self-indulgent, calculating, anti-political Epicurean is the one who cannot perceive the innate value of justice and the other virtues, and values them only insofar as they advance his own pleasure.

This foil is so valuable to proving Cicero's thesis that he repeats it one more time, at the climax to his argument in 1.49-50: *Atque etiam si emolumentis, non sua sponte virtus expetitur, una erit virtus quae malitia rectissime dicetur*. Virtue sought for the sake of advantage (*emolumentis*) is in fact its opposite, vice (*malitia*). Those, therefore, who seek advantage stand in direct contrast to those who value virtue for its own sake. Naturally this group is to be identified with the same self-indulgent group of 1.39 and 42. To ensure this identification Cicero returns to his shorthand: *Qui virtutem praemio metiuntur, nullam virtutem nisi malitiam putant*. Again this group's aversion to politics is assumed by its inclusion as a target in this argument (point c). Added to this aversion are *malitia*, i.e., the seeking of advantage (point a), and measurement (here of reward) (point b). Even though the Epicureans are not specifically named here or in 1.42, the persistent use of this threefold shorthand clearly identifies those in question at 1.42 and 49 as the same group in question in 1.39, which is positively the Epicureans. They are by definition self-indulgent; because of this self-indulgence they shun political involvement; instead they seek their own advantage by using an almost mathematical method of

calculation, measuring and quantifying the virtues in order to decide how best to indulge themselves.

Such a set of ideals, Cicero goes on in 1.49, jeopardizes the very existence of justice and its sub-virtues, *beneficium*, *gratia*, and *amicitia*.³³⁶ Put another way, the use of an advantage or pleasure calculus in the valuation and quantification of the virtues renders those virtues meaningless. The virtue-oriented individual values law and hence community, the self-oriented one offers a threat to that society.

Gratia itself is only a subset of justice in Cicero's argument in *Leg.*, listed with *beneficium* and *amicitia* as a component ethic governing just action. It is not the only ideal in question. Even so, its role is the same as the other virtues here listed. True *gratia* should not be precisely measured and it should not be sought for one's own gain. If it is measured and sought for gain it is a false *gratia* that belongs to the self-indulgent, viz. the Epicureans.

Cicero of course never published his *Leg.* He nevertheless persists in employing some of the theoretical foundations laid therein in the increasingly philosophical and ethical dialogues of the 40s. Among the ideas he maintains and reiterates is this dichotomization of the virtues between the self-oriented Epicurean and the virtue-oriented Academic (or Stoic or Peripatetic...). This tendency towards the binary would seem to emerge largely from his skeptical method. Rather than give a purely positive definition for a virtue Cicero seeks to define his virtues based on what they are not.

³³⁶ *Ubi enim beneficus, si nemo alterius causa benigne facit? Ubi gratus, si non tum ipsi cernuntur grati, quom referunt gratiam? Ubi illa sancta amicitia, si non ipse amicus per se amatur toto pectore, ut dicitur?* (1.49).

Nowhere does this hold more true than in the case of *gratia*. Beginning with the vocabulary of measurement in *Leg.*, Cicero proceeds to develop in his theoretical works an idea of *gratia* that is readily quantifiable. Because of its dependence on exchange, *gratia* lends itself to such quantification, to being understood as a commodity to buy, sell, or trade. This commodification of *gratia* is precisely what Cicero wants to say is not true *gratia*. This is the *gratia* that threatens to undercut the traditional aristocracy. And so, as in *Leg.*, he continues to assign this quantified understanding of *gratia* to the Epicureans, the group whose patent wrongness is borne out by their self-indulgence.

Cicero first revisits this strategy in *Fin.* 2, in his response to Torquatus' arguments in favor of Epicureanism from book 1. On three occasions Cicero broaches the Epicurean positions on *gratia* and its sister concepts of *amicitia* and *beneficium*. The first instance (2.72) is the most straight-forward and closely recalls the arguments of *Leg.* Cicero adduces for Torquatus the example of his uncle, Aulus Torquatus, who had assisted Cicero during his consulship in 63.³³⁷ In response to the younger Torquatus' claims that one could value friendship because of the value he himself receives from it Cicero assures him that Aulus was only a friend (*amicus*) insofar as he was not acting in his own self-interest (*sua causa*).³³⁸ Specifically, Cicero insists that his own *gratia*, which was an inspired response to Aulus' *amicitia*, could only be true insofar as the

³³⁷ There are, in fact, many Auli in the Torquatus family, just as there are many Lucii. The Aulus in question in *Fin.* 2.72 is actually Torquatus' first cousin twice-removed, praetor of 70 and rough contemporary of Torquatus' father (also *nomine* L. Manlius Torquatus). This same Aulus is apparently also the addressee of several of Cicero's letters of 45 (*Fam.* 6.1-4). Both the Lucius of *Fin.* and his father had died by that time. On the Torquatus family, see J.F. Mitchell (1966) 23-31.

³³⁸ Torquatus' position, based on Epicurus, is summarized by Cicero in *Fin.* 2.82: *amicitiam a voluptate non posse divelli ob eamque rem colendam esse, quod, sine ea tuto et sine metu vivi non posset.*

friendship was true, and a self-interested *amicitia* would not have inspired his *gratia*.³³⁹ Since Cicero was truly grateful, Aulus must have been a true friend, and must therefore not have been acting in his own interest. As in *Leg.* 1.39-50, self-interest is the enemy of genuine *gratia*, which can only fully exist when appreciated and employed for its own sake.

Cicero also returns to his shorthand, though with an omission. The villains, the Epicureans, are still marked by their self-indulgence (a). Likewise Cicero takes his *exemplum* of friendship and true *gratia* from the sphere of politics (c). The example is thus doubly apt in that it not only censures self-interest, but also removes true *gratia* from the grasp of the Epicureans by transferring it to a sphere in which they have no part. It is true both that an Epicurean would not show true friendship because of his self-orientation and that he could not do so even should he want to because he does not have the opportunity afforded him by the society of political involvement. All that is missing from the shorthand in *Fin.* 2.72 is a reference to measuring and quantification (b). This final element he introduces shortly after his appeal to Aulus Torquatus, at *Fin.* 2.83.

Having dispensed with Torquatus' first point, that friendship must be sought for pleasure's sake, Cicero turns to Torquatus' somewhat modified argument, that certain wise Epicureans (*sapientis*) make a pact (*foedus*) to behave towards their friends as they behave towards themselves (2.83).

At first glance, and certainly to Torquatus' way of thinking, this new type of friendship cuts right to the heart of Cicero's arguments against Epicureanism. By this

³³⁹ *Fin.* 2.72: *et hercule mihi vir optimus nostrique amantissimus, Aulus Torquatus, versatur ante oculos, cuius quantum studium et quam insigne fuerit erga me temporibus illis, quae nota sunt omnibus, scire necesse est utrumque vestrum. quae mihi ipsi, qui volo et esse et haberi gratus, grata non essent, nisi eum perspicerem mea causa mihi amicum fuisse, non sua, nisi hoc dicis sua, quod interest omnium recte facere.*

argument an Epicurean who is self-indulgent must also be indulgent towards his friends, and so he shows himself to be more than self-interested. For Cicero, though, such an argument is nonsensical. As he sees it, Epicureans are by nature only self-interested; he who is not only self-interested is quite simply not an Epicurean.³⁴⁰ As he says, he is arguing not merely against the words of Epicurus, which can be perverted and decontextualized, but against those words which are consistent with his system of thought (*quid convenienter possit rationi et sententiae suae dicere*). Accordingly Cicero reinterprets Torquatus' new definition of friendship through the lens of his first definition, namely that friendship is valued *utilitatis causa* (2.84).

To reprove Torquatus Cicero seizes on Torquatus' own language, citing the *foedus* that the wise Epicureans make to treat one another as they treat themselves. Torquatus had himself called the agreement of the *sapientes a foedus* in 1.70.³⁴¹ By definition *foedus* tends to refer to formal agreements, especially treaties and contracts.³⁴² From the tone of Torquatus' argument it is highly unlikely that he intended a formal understanding of *foedus* to describe friendship. He seems to have in mind something more like a bond or a pledge. Cicero, however, uses *foedus* to open the door to the vocabulary of commodity and exchange to describe the Epicurean understanding of friendship. This commodity language allows him to develop a binary opposition similar to that of *Leg.* 1.49. As in *Leg.*, those who value virtues for the sake of virtues stand on

³⁴⁰ Again compare the example of C. Vibius Pansa, whose altruism and popularity are signs for Cicero that, far from upholding the tenets of Epicurus, he has argued against them by his actions (*Fam.* 15.16).

³⁴¹ Naturally Cicero had put that word into Torquatus' mouth in book 1 so that Cicero the interlocutor could respond to it here.

³⁴² Asmis (2008) 141-57, has recently looked at the meaning of *foedus* in an Epicurean context, in Lucretius' *De Rerum Natura*. She looks specifically at the phrase *foedus naturae* (or *foedera naturai*) and the relationship between treaties and the physical world. Cicero may be building here off *foedus* as an Epicurean watchword, but, with his emphasis on commodities here, he has clearly appealed to something different than the limits of the natural universe discussed by Lucretius.

one side; on the other side stand the Epicureans. In *Leg.*, the Epicureans were characterized by their self-indulgence, here they are characterized by the language of commodity.

Posuisti etiam dicere alios foedus quoddam inter se facere sapientis, ut, quem ad modum sint in se ipsos animati, eodem modo sint erga amicos; id et fieri posse et saepe esse factum et ad voluptates percipiendas maxime pertinere. hoc foedus facere si potuerunt, faciant etiam illud, ut aequitatem, modestiam, virtutes omnes per se ipsas gratis diligant. an vero, si fructibus et emolumentis et utilitatibus amicitias colemus, si nulla caritas erit, quae faciat amicitiam ipsam sua sponte, vi sua, ex se et propter se expetendam, dubium est, quin fundos et insulas amicis anteponamus?

You even proposed that some (Epicureans) say that wise men make some sort of pact amongst themselves so that they might be disposed towards their friends just as they are disposed towards themselves. And you claimed that this could happen and has in fact often happened, and that it pertains directly to achieving pleasure. If they were able to make such a pact, they should also make one wherein they value *aequitas*, *modestia*, and all the other virtues for their own sake, *gratis*. But if we cultivate friendships for their benefits and gains and utility, if there is no *caritas*, which produces friendship of its own accord, by its own force, sought from and for its own sake, it is unclear whether we ought not prefer acquiring property to acquiring friends.

On the side of friendship built on virtue Cicero marshals *modestia* and *aequitas*, along with *virtutes*. He even uses the contracted ablative plural of *gratia*, *gratis*. As an adverbial *gratis* generally functions to mean, as the *OLD* has it, ‘for thanks alone,’ which means ‘for no price,’ and, by extension, ‘for free.’ This final definition extends from a conception of gratitude as something that is not a commodity. An action performed ‘for free’ does not require return. In the context of *Fin. 2*, the use of *gratis* helps locate true friendship outside of the realm of any kind of exchange; it is the true meaning of *gratia*, the one that seeks no reciprocity.

After he has lined up these virtues, Cicero introduces his Epicurean foil. Friendship that takes personal gain into account falls into the same semantic and conceptual range as the buying and selling of commodities.³⁴³ Self-seeking (i.e., Epicurean) friendship is associated with ideas such as *fundi* and *insulae*, principles from the outset of the argument based on a *foedus*. Cicero suggests that if friendship is a matter of contract, then it is a matter of commodity, and if it is a matter of commodity, it is a matter of personal gain. A *foedus* friendship (as defined in Epicurean terms) is a self-serving one.

To describe personal gain Cicero uses a vocabulary which directly echoes his description of the Epicureans in *Leg.* 1.42 (*fructibus* and *utilitatibus*) and 1.49 (*emolumentis*). The commodity vocabulary also provides an echo of *Leg.* In the *Laws*, Cicero associates the Epicureans with measurement, a precise weighing of the value of the communal virtues of *beneficium*, *gratia*, and *amicitia*. The contract and property vocabulary of *Fin.* conforms to this critique. The self-indulgence typical of the Epicureans can be identified by the treatment of these communal virtues as commodities. At the same time, by Cicero's baseline definition of the Epicureans presented both in *Leg.* and the preface to *Rep.*, the Epicureans are uninterested in political involvement. Taking the Epicureans as our intermediary and example, we can therefore conclude that those who treat these virtues as commodities show themselves in fact to be disinterested in the running of the state. Cicero has constructed an equation wherein not merely does self-indulgence (point a) + commodified *gratia* (point b) + absence of genuine civic concern

³⁴³ For personal gain Cicero uses a vocabulary which directly echoes his description of the Epicureans in *Leg.* 1.42 (*fructibus* and *utilitatibus*) and 1.49 (*emolumentis*).

(point c) = Epicureanism, but one wherein self-indulgence (point a) = commodified *gratia* (point b) = absence of genuine civic concern (point c) = Epicureanism.

The pattern recurs once more in Cicero's rebuttal of Torquatus (2.117). The Epicureans are again in the wrong because their emphasis on pleasure nullifies virtue and is antithetical to the interests of the community. So in *DF* 2.117 he says,

ergo in iis adolescentibus bonam spem esse dicemus et magnam indolem, quos suis commodis inservituros et quicquid ipsis expediat facturos arbitrabimur? nonne videmus quanta perturbatio rerum omnium consequatur, quanta confusio? tollitur beneficium, tollitur gratia, quae sunt vincla concordiae. nec enim, cum tua causa cui commodas, beneficium illud habendum est, sed faeneratio, nec gratia deberi videtur ei, qui sua causa commodaverit.

Will we therefore claim that there is good hope for and great promise in our youth, the youth we will judge to be eager to serve their own benefit and to do whatever is best for themselves? Do we not see how great a disturbance, how great a disorder would come as a result of all these things? *Beneficium* is destroyed, *gratia* is destroyed, the bonds of concord. For it should not be considered *beneficium* when you make an outlay for your own sake; it should be considered usury. And *gratia* can hardly be owed to him who has made an outlay for his own sake.

On one side of the aisle stand the communal virtues of *gratia* and *beneficium*, the foundations of *concordia*; on the other is profit. Forms of *commodum/commodo* appear three times in direct contrast to the ideal selflessness of the communal virtues. This idea of *commodum*, of profit, is in turn identified with money-lending (*faeneratio*). As in *Leg.* and *Fin.* 2.83, the Epicureans are painted as self-indulgent, and their estimation of virtue is portrayed as based on the calculus of the marketplace, weights and measures. This posturing against a commodity idea of *gratia* limits who can practice it in its true form. It is not, like commerce, the province of anyone who wants to participate; it is restricted to the *boni* who value virtue for its own sake.

In *Leg.* Cicero's argument against the Epicureans, falling as it does into his argument in favor of the self-worth of virtue, marks the climax of the first book. In *Fin.* 2, Cicero again makes the true communal virtues the climax of his argument (2.117). The most compelling argument he has against Epicureanism, the *sine qua non* of his rebuttal with which he leaves Torquatus, is that a philosophy is unworthy insofar as it cheapens and de-emphasizes the virtues that build true community. The location of this argument here at the end of book 2 is even more notable when Torquatus' own argument is taken into account. For Torquatus, the idea of finding *utilitas* in friendship had come towards the middle of his speech (1.70). Cicero dealt with Torquatus' argument at the appropriate place in his own rebuttal (2.83), but returns to it here not only because of his unwavering confidence in its truth, but because it effectively responds to his baseline criticism of the Epicureans, their self-indulgence.

In *Nat. Deor.*, the content of the arguments greatly differs from those of *Leg.* and *Fin.* It is telling that in spite of these differences Cicero returns yet again to the same binary of commodity and *gratia* as the culmination of his anti-Epicurean position. The focus has, of course, moved upward in *Nat. Deor.*; it is now the principles of the gods' actions that are under investigation. And because the date of the action of the dialogue is somewhat earlier than that of *Leg.* or *Fin.*, Cicero must give the rebuttal of the Epicurean argument of Velleius to the Academic Cotta.³⁴⁴ Cotta shows a basic contempt for the

³⁴⁴ The action of *Fin.* 1-2 slightly precedes the premature death of Torquatus in 48. The date of the action of *Leg.* is as uncertain as the date of its composition (on which see Dyck (2004) 9-10; Schmidt (1969); Reitzenstein (1894); Robinson (1950)). However the composition is dated (between 52 and 43), the action appears to be roughly contemporary. *Nat. Deor.*, on the other hand, presents a quiet and deferent Cicero in the company of his elders in 77/6. On this date see Dyck (2003) 7.

idea that the Epicureans actually believe in the gods at all, but as book 1 comes to an end, he fully explains why the belief in the gods they do profess is unsatisfactory.³⁴⁵ Cotta's chief objection to Velleius' stance on the disinterested existence of the gods is the claim that the gods show no *gratia* (*negat idem esse in deo gratiam*).³⁴⁶ The fallout of such a stance, Cotta continues, is that the gods love and esteem no one (*neminem ab eo amari, neminem diligi vultis*). The Stoics, on the other hand, uphold that even men, provided they are wise, even if they be strangers, are friends because of their mutual appreciation for virtue.

Cotta himself is neither Epicurean nor Stoic, but he here sets them up as foils to represent the dichotomy Cicero has already used in two other dialogues. With the introduction of the Stoics Cicero's Cotta has picked up on the now-familiar argument of the valuing of the communal virtues for their own sake. It is what good men do, and it leads to true friendship, the bedrock of community.

The correlative to this position is familiar, too: *quam si ad fructum nostrum referemus, non ad illius commoda, quem diligemus, non erit ista amicitia, sed mercatura quaedam utilitatum suarum* (1.122). Friendship that seeks to benefit the self is but commerce (*mercatura*), and it marks friends as the equivalents of *prata et arva et pecudum greges*.³⁴⁷ Cotta ends his argument on this note: even the existence of the gods, it turns out, is contingent upon a right understanding of *et gratia et caritas*.³⁴⁸

Cotta had first been introduced as a Ciceronian interlocutor in *De Orat*. His positive characterization there gives a background for his primacy in *Nat. Deor*.

³⁴⁵ This issue is treated substantially in both Diels (1916) and Obbink (1996).

³⁴⁶ *Nat. Deor*. 1.121. He later conflates *gratia* with *bonitas* and *beneficentia*.

³⁴⁷ Cf. the *fundi* and *insulae* of *Fin.* 2.83 above. The association of animals and herds with Epicureans goes back to Epicurus himself (DL 10.137), who points to the natural impulse of pigs and babies towards pleasure. The comparison to animals and babies is not meant to inspire Epicureans to imitate them, but to justify the innate quality of a desire for pleasure. Cf. Lucretius 5.932-59. See also J. Warren (2002), Ch. 5,

Cicero's final use of the *gratia* binary comes in the most community-interested of all the dialogues, *Laelius de Amicitia*. Because Laelius is concerned primarily in his eponymous dialogue with his own friendship with Scipio and Scipio's *amicitia* in general, Epicureanism plays a small role in the dialogue. But when Laelius has come to the point of defending his motives for friendship, he too appeals to the familiar dichotomy.

Ut enim benefici liberalesque sumus, non ut exigamus gratiam (neque enim beneficium faeneramus sed natura propensi ad liberalitatem sumus), sic amicitiam non spe mercedis adducti sed quod omnis eius fructus in ipso amore inest, expetendam putamus. Ab his qui pecudum ritu ad voluptatem omnia referunt longe dissentiunt.

For just as we do not do good and show generosity so that we may extract *gratia* (for we do not lend good deeds at interest, but are by nature prone to generosity), so too we think friendship should be sought not because of a hope for the profit it will bring, but because its every benefit is contained in the very idea of love. They disagree sharply with those who, in the manner of cattle, base all their decisions on pleasure.

On one side stand the *benefici liberalesque*, who value friendship for its nature (for the *amor* in *amicitia*); on the other are those who have a *spes mercedis*. Like *Leg.*, and unlike *Fin.* and *Nat. Deor.*, the theories of the Epicureans are not one of Cicero's primary targets in the *Laelius*. As a result, as he had in *Leg.*, Cicero leaves them unnamed. His shorthand, though, leaves no doubt about their identification. They are first introduced by their hope for commercial profit (*mercedis*) and they are shortly characterized by their

on the Epicurean origin of the pig comparison. Horace (*Ep.* 1.4.16) picks up on this self-identification with animals when he claims to be from the *grex* of the Epicureans. Cicero's reference to friends as *greges pecudum* picks up on this traditional Epicurean symbol, but not in the same sense. Cicero's interest is clearly the context of commodity, and he is more than ready to censure the use of animals as examples in any context. Cf. n46 below.

³⁴⁸ These are the final words of *Nat. Deor.* 1.

animal-like referral of all things to pleasure.³⁴⁹ Even in a dialogue largely unconcerned with Epicureans, the mention of true *gratia* conjures up its rival, the commercial *gratia*. And this *gratia* leads inevitably to the evocation of the Epicureans.

Over nearly a decade and the span of several theoretical topics, Cicero regularly locates the Epicureans in a semantic grouping that includes self-interest, political aversion, and commercialized, commodified ideas of *gratia*.³⁵⁰ The equation of these four ideas allows Cicero to use them interchangeably, and to introduce one into a discussion in which another appears. In *Leg.*, a discussion of politics turns to a discussion of the communal virtues, and the Epicureans become a natural foil. In *Fin.* and *Nat. Deor.*, the Epicureans as target leads to the introduction of self-interest and commodified *gratia* as targets. And in *Laelius*, it is the discussion of friendship and *gratia* that leads to a critique of the self-indulgence of the Epicureans.

The grouping of these four qualities also results in a grouping of their opposites. Interest in politics and community reflects a belief in a true *gratia* which values virtue for its own sake. It is the way of the Academics, Stoics, and Peripatetics alike. In Cicero's equation, the philosophical theorist who values virtue for its own sake is naturally engaged in community with others who do the same. It is an engagement regularly

³⁴⁹ Cicero elsewhere in his dialogues makes similar comparisons of Epicureans to animals. E.g., in *Fin.* 2.110 Cicero further maligns the Epicurean position by claiming that even the animals demonstrate *simulacra virtutum* (2.110). It is these *simulacra* which raise the animals above mere slavery to pleasure, which is in turn the province assigned by Cicero to the Epicureans. In *Fin.*, not only are the Epicureans like animals, they are worse than animals. Cicero's use of *simulacra* here is a clear reference to Epicureanism, if not to Lucretius' poem in particular. Cf. n44 above.

³⁵⁰ While my focus here has been Cicero's dialogues, *Off.* makes use of a similar shorthand for the Epicureans and draws many similar conclusions to those outlined here. For instance at 1.5 we find the pleasure calculus associated with measuring profit and the inability to demonstrate true friendship (*Nam qui summum bonum sic instituit, ut nihil habeat cum virtute coniunctum, idque suis commodis, non honestate metitur, hic, si sibi ipse consentiat et non interdum naturae bonitate vincatur, neque amicitiam colere possit*). See also 1.24. *Off.*, though, with its Stoic backdrop and the absence of the dialogue form, presents a less idealized version of community than the dialogues do (cf. the application of measurement vocabulary to virtue by implication here and at 1.59).

exhibited in the dialogues by the interlocutors (including Cicero himself on several occasions) and manifested by Cicero in his dedication of the texts of the dialogues to others. Cicero the interlocutor engages with Atticus, Brutus, Torquatus, Cato, Quintus, Hirtius, Cotta, Velleius, Balbus, Piso, and others. As dedicator, Cicero participates in *gratia* relationships with Atticus, Brutus, and Hirtius.

This social engagement is very specifically an engagement with the *boni*, those who value virtue and do not condescend to construct relationships based on commerce and exchange.³⁵¹ It is only these *boni*, who are true practitioners of *gratia*, who truly manifest the appropriate political concern and involvement. This model stands in direct contrast not only to the Epicureans, but also to the positions of a *popularis* like Caesar. On the surface Cicero's texts are philosophical, and so the targets are too. But the Epicureans become a sort of philosophical placeholder for the target of Cicero's broader polemics.³⁵² They stand in for the self-indulgent, who are the practitioners of false *gratia*, and therefore are ill-equipped for political engagement. In the political sphere their counterpart is those who sacrifice traditional social imbalances to the principles of equal and quantifiable exchange. Such ideas are akin to commerce: they erase social distinctions, distinctions to Cicero's mind that are based on virtue and its intergenerational embodiment as *mos maiorum*. The example of the Epicureans serves to show that such exchange is self-interested and unsuited to politics. When Cicero makes his repeated critique of the Epicureans with reference to their commodification of *gratia*,

³⁵¹ It is again worth noting that some of these figures (Atticus, Torquatus, and Hirtius) have Epicurean sympathies. To Cicero's way of thinking, though, their methods of living are inconsistent with the ideas of Epicurus as he understands them.

³⁵² And of course in the dialogues in question here that are not specifically philosophical (*Leg.* and *Laelius*), the specter of the Epicureans is conjured anonymously. Even though it is clear who is meant in each dialogue, the absence of the name "Epicurean" leaves the shorthand description to be applied more broadly.

self-indulgence, and unsuitability for political involvement he is in fact criticizing an entire system of social activity that was rapidly moving the social climate of Rome away from the traditional system with which Cicero identified.

The Conflict of Right and Wrong *Gratia* amongst the Interlocutors

Cicero's aversion to commodified *gratia* is reiterated through the social interactions of his interlocutors, who regularly practice both right and wrong *gratia*. Perhaps the best articulation of social interaction in all the dialogues is that of *De Orat.* In it, the first of the dialogues, Cicero gives particular attention to dramatization and discussion. It is an attention that makes *De Orat.* the most readable of all the dialogues, and gives the clearest representation of Cicero's original dialogic ideal of unity from polyphony. More than any of the dialogues it affects to offer a snapshot of true aristocratic life in the Roman republic. How accurate Cicero's representation of a historical event matters far less than the ideological framework to which Cicero appeals to make the scene legible and comprehensible to his aristocratic audience.

Jon Hall has usefully explored what he calls "social evasion and aristocratic manners" within the *De Oratore*.³⁵³ Implicit to Hall's analysis, and indeed the dialogue as a whole, is that the manners and actions exhibited both in *De Oratore* and elsewhere are performed by Roman aristocrats in the company of other aristocrats. So, when the interlocutors lay out theories of the communal virtues, they are constructing their principles according to their aristocratic audience. They have no need to emphasize the *gratia* of the *plebs* when plebeians are neither present as characters or readers. In the

³⁵³ Hall (1996), in the title of his article.

same way, the modes of interaction demonstrated by the characters in the dialogues are not universally representative of Roman social interaction, but only of the interaction of the aristocracy. However, since the theorizing and the interacting occur within the same groups of figures, it is not unreasonable to expect them to line up. And this agreement between theory and practice is first underscored by this very restriction of audience: the theoretical principle that the true exhibition of the communal virtues occurs between the *boni* finds practical confirmation in the makeup of the *dramatis personae* of the dialogues.

Keeping this restriction in mind, let us return to Hall and his evaluation of the social ethics of *De Orat*. Hall takes as his subject matter the moments in the dialogue when various interlocutors try to persuade Crassus to speak on a topic and his corresponding refusals. Noting that, “[o]n repeated occasions L. Crassus is depicted as trying to sidestep the suggestion that he take part in a *disputatio* on the subject of oratory,” Hall examines the social methods Crassus uses to avoid incurring the obligations other interlocutors attempt to place on him.³⁵⁴ He then turns to Cicero’s correspondence to find reiteration of the same methods of social interaction, which serve as convincing reaffirmation of his reading of *De Orat*. Even so, Hall never fully answers the question of why Crassus should wish to evade the social obligations his companions want to impose upon him.³⁵⁵ The answer, as I will argue, seems to lie not with Crassus’ refusal, but with the way the interlocutors seek to oblige him. Just as they hear from

³⁵⁴ Hall (1996) 95.

³⁵⁵ He comes closest in pp. 96-7, where he says that the Crassus’ reluctance to speak helps to dissociate him from the untrustworthy, “tongue-wagging” Greeks. And, he says, the evasion helps to structure the dialogue as a whole. Then, in his concluding arguments Hall reaffirms that Cicero intends to give an accurate depiction of Roman aristocratic manners and interaction (e.g., 117-18). While all of these reasons do seem to contribute to Crassus’ evasion, they do not seem to explain the repeated emphasis on the subject that Hall is both accurately noting and explaining.

Crassus an idealized picture of the orator, they see in him a demonstration of the idealized mode of social interaction. While they attempt to barter with the Roman communal virtues, treating them like commodities, using *gratia et al.* to define the terms of fair trades and reciprocal responsibilities, Crassus refuses to inscribe himself in their method, preferring instead an ideal of *gratia* according to which each individual offers it freely, motivated in equal parts by his own goodness and the goodness of others.

Forcing the wise interlocutor to speak has its precedent in the dialogues of Plato. The most ominous of all such moments, and indeed one of the most threatening moments of all the Platonic dialogues, comes at the end of the *Charmides*, after Socrates has “failed” to lead Charmides and Critias to an accurate definition of *sophrosune*. Charmides and his elder kinsman and future member of the Thirty, Critias, concoct a plan for Socrates to charm Charmides through his philosophical discussion for as long as it takes to make him temperate. But they do not allow Socrates a say. Charmides claims to have his “orders” from Critias, and indicates he will use “force” on Socrates if necessary, not even allowing him a “hearing” (176c). The scene as a whole anticipates the violence of the Thirty to come. The irony is, of course, that such a demonstration of force is the last way to show progress towards self-control. It is, in fact, other-control, a method sure to fail in extracting wisdom from Socrates.

The scene in *De Orat.* is naturally much more amicable than the one in the *Charmides*, notwithstanding the fact that civil unrest and violent oligarchic rule will characterize the Rome of the early 80s as it did the Athens of the late 400s. The interlocutors of *De Orat.* do not threaten Crassus in the same sense Charmides does Socrates. They are, as Hall and others have rightly pointed out, intended as models of

Roman *humanitas*, after all.³⁵⁶ But, like Charmides, the interlocutors must be prepared to fail because they attempt to use the wrong methods to encourage Crassus to speak. They may not be crassly violent, but they run the risk of being overly commercial.

There are ten scenes of evasion in *De Orat.* and a full half of them (5) – including all of the lengthiest and most substantial – make mention of *gratia*.³⁵⁷ The first scene (1.96-107) involves a request from Sulpicius for Crassus to speak on the *ars* of oratory. Crassus has already participated in the discussion of book 1, but Sulpicius at this point wants Crassus to speak *de omni genere dicendi*. Recognizing he is in no social position to demand such a discussion, Sulpicius assures Crassus that he will be rewarded with *magna gratia* for speaking. Specifically Sulpicius claims he will rank (*anteponam*) Crassus' villa above the Academy and Lyceum of Athens (1.98-99). He has thus set the stage for Crassus to acquire *gratia* by simply giving his own taxonomy of correct rhetorical practice. Crassus' first reaction, one Hall describes as characterized by “urbane modesty,” is to deflect the request, by pleading ignorance and attempting to substitute Antonius in his place.³⁵⁸ The claim of ignorance of oratory, though, would hint strongly of disingenuousness, and the modesty would be accordingly empty, if Crassus did not tailor his refusal to Sulpicius' specific request. According to Crassus he cannot speak specifically because he is not equipped to discuss oratory as an *ars*.³⁵⁹

³⁵⁶ On *humanitas* and similar words, see Hall (1996) 101-02, along with the bibliography listed in 102n17.

³⁵⁷ The scenes are 1.96-107, 1.133-34, 1.160-65, 1.205-07, 2.13-27, 2.121-28, 2.233-34, 2.350-51, 2.361-67, and 3.18. This list is amended from the one given by Hall (96) with the addition of the scene from book 3.

³⁵⁸ Hall (1996) 105.

³⁵⁹ *De Orat.* 1.99 (Crassus speaking): *quod ego non superbia neque inhumanitate faciebam neque quod tuo studio rectissimo atque optimo non obsequi vellem, praesertim cum te unum ex omnibus ad dicendum maxime natum aptumque cognossem, sed me hercule istius disputationis insolentia atque earum rerum, quae quasi in arte traduntur? inscitia.*

The identification of oratory as an *ars* is the key to Crassus' refusal. An *ars* generally, and the *ars rhetorica* specifically, conjures all sorts of problems for the Roman aristocratic theorist. In the case of rhetoric, the development of a taxonomy for practice is notoriously daunting. Connolly, using Barthes, describes the "art" of rhetoric as an attempt "to master the unmasterable in [the] attempt to freeze language, a necessarily dynamic system."³⁶⁰ It is a complication that comes in for direct censure in the *Gorgias*, and one that implicitly provokes Cicero's writing of *De Orat.* to replace *Inv.* The complication assumes a prominent place in the first book of *De Orat.* when Crassus examines the split between rhetoric and philosophy. Narducci, among others, has found in the discussion of the split in book one a Ciceronian emphasis on the figure of the orator, rather than on the art of oratory. Cicero obviates the theoretical problems engendered by the split of the philosophy and rhetoric into two disciplines by concentrating on the quintessentially Roman orator, who is politically, ethically, and socially engaged. He is more than a practitioner of an *ars*.

Many biases underlie the aversion to rhetoric as an art. Implicit in the conflict of philosophy and rhetoric is a conflict between Greekness and Romanness. The Greek *ars* (*techne*) of rhetoric traditionally stood in conflict with philosophy, but the Roman orator supercedes and in a way coopts both of these individual disciplines. Lurking too is the issue of gender. As Connolly explains, the practice of an *ars*, *artificium*, entails aspects of performance and pretense which ascribe to oratory a potentially dangerous inauthenticity, a traditionally effeminate quality.³⁶¹ Because of these associations, the

³⁶⁰ Connolly (2008) 198. She is drawing on Barthes, "The old rhetoric."

³⁶¹ Connolly (2008) 199. Gunderson (2000) treats the association of rhetoric and gender in Cicero extensively.

appeal to *ars* foregrounds several threats to Romanness, manhood, and the survival of the state, all chief concerns of Cicero in his dialogues.

But the problem with *ars* runs deeper still than this. The very nature of an *ars* suggests that oratory or any other discipline should be subject to a systematic classification of the rules, and therefore quantifiable in the same way as a commodity. That is to say, an *ars*, like the exchange of commodities, assigns specific and quantifiable values to every element in question. It purports to contain all that is necessary for the performance of a skill, which would then make that skill (e.g., oratory) available to any reader, just as commerce makes available any object to the one who has enough money. Both moves are populist in nature. They seek to disembed their objects from the traditional aristocratic systems. Commerce makes exchange available to a broader group, an *ars* makes a given discipline more available. According to Crassus' extended refusal to speak in the first book of *De Orat.* (1.102-109), the systematizing of oratory into an *ars* restricts its scope and leaves out some of the most important factors for the eloquent man. In this context his refusal is not so much a matter of "self-effacement", as Hall calls it, as it is a critique of the type of request Sulpicius has made.³⁶² Sulpicius has not only asked for an *ars*, he has evoked ideas of Greekness and effeminacy that have no place in the ideal orator. More than this, he has conjured up the mathematical constructs of classification and commodification in his request. He has asked Crassus to perform the task of a textbook, an act which would educate Sulpicius but would elide Crassus as an individual, and the *auctoritas* that accompanied his personal knowledge, experience, ancestry, and political involvement. He asks Crassus to explain not the unique quality of

³⁶² Hall (1996) 105.

his knowledge, but the common quality. In framing his request in this way Sulpicius does offer Crassus *gratia*, but it is *gratia* at the expense of *auctoritas*. Crassus rejects Sulpicius' request in large part because he has no desire for this kind of *gratia*, and indeed would not find it useful for his ideal orator. Sulpicius' *gratia* is too commercial, too common.

Crassus eventually accedes to the request to speak only after Antonius modifies it at 1.110: *Sed existimo, inquit, gratum te his, Crasse, facturum, si ista eueris quae putas ad dicendum plus quam ipsam artem posse prodesse*. Two factors have changed in this altered request.³⁶³ In the first place, Antonius asks Crassus to speak on topics of oratory that extend beyond *ars*. He thereby excises classification from the request. Secondly, the *gratia* Antonius promises is coupled with the verb *existimo*. Though *existimare* has its etymological roots in the exchange of goods and money, it undergoes a semantic shift beginning as early as Cato the Elder in his *De Agricultura*.³⁶⁴ From Cato onward *existimare* assumes a meaning of establishing worth based on a non-pecuniary standard. It is therefore possible for Cicero to draw the contrast in *Pro Roscio* that *pecunia levissima, existimatio sanctissima*.³⁶⁵ So, when Antonius alters Sulpicius' request in *De Orat.* to include a *gratia* conditional upon *existimatio*, he moves towards an uncommodified idea of *gratia*, a *gratia* embedded in the social interaction of the aristocracy. Combined with the de-emphasis on classification created by disavowing oratory as *ars*, this new request succeeds in losing Crassus' tongue. Crassus, it turns

³⁶³ There is, in fact, also a third factor; the maker of the request. It is no longer a junior member of the discussion, but Crassus' peer Antonius who asks him to speak. Hall (1996) touches on this distinction in his own discussion of *gratia* (98f.). I do not include this distinction because much of the effect of this distinction is manifested in the other two. I.e., Antonius knows how to phrase his request correctly because of his increased wisdom, experience, and familiarity with Crassus.

³⁶⁴ For the full argument, see Habinek (1998) 45-49.

³⁶⁵ *Pro Roscio Amerino* 15, as quoted in Habinek (1998) 49.

out, has only refused Sulpicius because Sulpicius had asked in the wrong terms. He asked in the terms of classification, which is the tool of commercialization, and leads to the general devaluing of the *boni*. It therefore comes as no surprise when Crassus opens the speech he finally does give with a discussion of the importance of *natura* (*De Orat.* 1.113).³⁶⁶

The next coincidence of *gratia* and Crassus' evasion comes in 1.205, when Crassus has finally finished the speech he began at 1.113. Again it is Sulpicius who speaks, first to express his gratitude (*Nobis vero, inquit, Sulpicius ista sunt pergrata perque iucunda; sed pauca etiam requirimus in primisque ea, quae valde breviter a te, Crasse, de ipsa arte percursa sunt*). But, in spite of this thanks, he nevertheless asks Crassus to return to the topic of oratory as an *ars*. The admission of thanks is Sulpicius' duty, incurred through his promise of *gratia* at 1.98. So he dutifully discharges it. Even so, by cursorily following his admission of *gratia* with *sed*, by repeating his plea for a discussion of the *ars* of oratory, Sulpicius shows that he has fully misunderstood the implications of the altered request given by Antonius. As soon as Crassus has finished speaking Sulpicius returns to a commodified *gratia* and a classified oratory. Needless to say, he does not convince Crassus to speak further. The discussion, as it had threatened to at the moment of Sulpicius' first request, now passes to Antonius.

Antonius actually bears the baton once passed through the rest of book 1 and all through book 2, leading the discussion according to his terms and those of the requesters. His subject matter is the very *ars* of oratory Sulpicius was so interested in, the type of

³⁶⁶ *Natura* here as elsewhere in the dialogues indicates that nature which supercedes culture and is to be identified with the traditional character of the Roman republic.

material that characterizes the rhetorical handbooks of the day (though the dialogue form introduces an elegant *variatio* to the traditional treatise).

Antonius' discussion also includes a division of labor; he will provide an *ars* of oratory, but he relegates to Crassus the topic of how an orator should express the content he has collected (*quo modo dicamus*).³⁶⁷ The division as Antonius describes it is, in essence, one of words and content. Antonius will teach what to say, and Crassus how to say it. Crassus, of course, wants his orator to be a unified whole, unable to be divided into these types of portions. He says so immediately following Antonius' proposal and must eventually grapple with how to rejoin these two halves in book 3. But Antonius' plan carries the day, and he leads the discussion for the remainder of book 2. Antonius does not again make reference to this role of Crassus until 2.350-51, as he prepares to speak on his final topic, memory. Here he pronounces that he will conclude with this topic, leaving to Crassus only the job of "adorning" the orator (*exornentur*), another reference to Crassus' divided half of the labor. In fact, despite the disapproval Crassus will show at the beginning of book 3 of the technical division Antonius has made, Antonius has done Crassus a great favor. He first rephrased Sulpicius so as to make his method of request palatable to Crassus, and then, when Sulpicius did not relent, Antonius acceded to the request in Crassus' place. Crassus, fully aware of his friend's assistance, uses the moment before Antonius concludes his speech to give him thanks.

Perge vero, inquit Crassus, libenter enim te cognitum iam artificem aliquandoque evolutum illis integumentis dissimulationis tuae nudatumque perspicio; et quod mihi nihil aut non multum relinquis, percommode facis estque mihi gratum.

(*De Orat.* 2.350)

³⁶⁷ *De Orat.* 2.120. See *supra*.

Go ahead, says Crassus, for I freely observe that you are recognizable as a master of the *ars* once you have been unveiled and stripped of the covers of your dissimulation; and by leaving to me nothing (or at least not much), you do very well and I give you *gratia*.

Crassus' gratitude arises not from his own unwillingness to speak, but from the fact that Antonius has assumed the specific responsibility of discussing oratory as an *ars*.

Antonius and Crassus have no explicit discussion about Antonius assuming this role, but Crassus recognizes the aid of his friend and responds as good men do, by an expression of *gratia*.

To press the issue a bit further, it is perhaps worth noting that Crassus even thanks Antonius because "*facis percommode*", no doubt best translated as something like "you do very well," but it may also contain a pun on the word *commodus*, which has a natural meaning of "profit." "You are taking care of the commodity business", Crassus says, and for that I thank you.

Regardless of the pun, once he has received Crassus' gratitude, Antonius goes on to assure (or warn?) his friend that he has done all he can. It is up to Crassus, Antonius says, to figure out how to deal with any further requests of the interlocutors. Only then, after these two have come to their mutual understanding, does Antonius move on to his concluding discussion of memory.

The themes of evasion and gratitude return shortly to the fore, when Antonius reaches the end of his discussion at 2.360. Having gone on for so long, he concludes with an apology for his loquacity. Catulus reassures him that, not only has he not been too talkative, but that he is deserving of the interlocutors' thanks (*te diligimus magnamque*

tibi habemus gratiam).³⁶⁸ This is the *gratia* that Sulpicius had promised to Crassus in 1.98, the *gratia* he had qualified with a *sed* at 1.205, here given fully to Antonius. It is the specific completion of a specific promise for the performance of a specific task. It is the *gratia* which had not interested Crassus.

The other interlocutors may well have left the discussion at this point, but Antonius himself forces the discussion forward by admitting an ulterior motive for his agreeing to speak. When pressed by Catulus to reveal this motive, Antonius admits, “I wanted to take away Crassus’ every excuse” (*adimere, inquit, omnem recusationem Crasso volui*). Antonius makes it clear that there is more left for Crassus to discuss. He himself has answered to the inappropriately framed request of the interlocutors, and now it is up to Crassus to fill in, or more accurately, to expand as he sees fit.

When it appears Crassus will refuse yet again, the others take the bait. Sulpicius recalls Antonius’ division of labor. Crassus refuses to be implicated. Cotta insists on Crassus’ participation. Crassus demurs. Caesar seeks to oblige him either because Crassus’ opinion is either of great value or great ease to express. Catulus invokes an (exaggerated) pledge of Crassus’ from 2.27, citing *mores* and *fides*. Cotta elevates Crassus’ obligation to the level of *religio*. Finally, faced with such a mass of requests, Crassus cannot but accede. He agrees to speak in the afternoon discussion. But when he does, it will be on his own terms, and he will begin by scrapping the restrictive and *ars*-centric division of labor proposed in book 2.

The action of book 3 opens with Caesar reminding Crassus of his promise to speak. There is no talk of *gratia per se*, but Crassus responds to Caesar in familiar terms:

³⁶⁸ *De Orat.* 2.362.

an me tam impudentem esse existimatis, ut vobis hoc praesertim munus putem me diutius posse debere? In asking this question Crassus acknowledges two aspects of his relationship with the interlocutors. On the one hand, he appeals to their *existimatio* of him; on the other, he cites his debt, using the commodity vocabulary of *munus* and *debere*. In fact, the dialogue has come to the point where, if Crassus insists on his idealized concept of *gratia*, his failure to satisfy the interlocutors' idea of *gratia* will affect his own *gratia*. It has reached the point where Crassus must explain his ideal so as not to violate that of his friends.

It should be noted, he does not capitulate. He does not accept the interlocutors' idea of *gratia* over his own. Instead, in order to maintain a favorable *existimatio* among his peers, in order to ensure that this community does not devolve and disappear, Crassus recognizes the need not to respond to a request, but to confer a *beneficium*. The specific *munus* that Crassus acknowledges is to speak on *ornatus* or *quo modo dicas*, according to Antonius' division. But, as mentioned above, Crassus begins his discourse by eliminating this distinction. He instead appeals to the concept of the unified orator, and predicates it upon the unity of the liberal arts (an idea he attributes to Plato), and eventually the very unity and harmony of the cosmos. So, by speaking, Crassus seems to provide the understood *munus*, but by shifting the paradigm of the conversation, he is in fact achieving a positive *existimatio* while avoiding the specific exchange terms the other interlocutors have used to define the relationship. The subject of book 3, Crassus' speech, seeks then to move the orator into the sphere of the *bonus*. If he can convince his listeners of his position on the orator, he has educated them not only as to how to become eloquent, but as to how to be virtuous. The interlocutors, once virtuous, can then move

beyond the exchange model of *gratia* to the virtue-oriented one, the one Crassus has sought to demonstrate through his regular evasion throughout the dialogue.

While none of the other dialogues put the same quantitative emphasis on the role of aristocratic manners, *gratia* still appears in several places as a fundamental tool for determining who speaks and when. Scipio, the primary interlocutor of *Rep.*, does not have nearly the same compunction when he is first asked to speak as does Crassus in *De Orat.*, despite his own apparent self-effacement at *Rep.* 1.34-7. But in fact, Scipio need go no farther towards refusing to speak than showing some urbane modesty because the request given to him comes not from a misguided Sulpicius, but from his close friend Laelius. Laelius makes his appeal to Scipio on three levels, citing three qualities of Scipio that make him a suitable speaker on the topic of government (1.34). In the first place, Scipio is an excellent statesman himself (*potissimum principem*); secondly, he is acquainted with the Greek theories on governance through Panaetius and Polybius,³⁶⁹ and finally he supports the political legacy of his ancestors (*quem maiores nostri nobis reliquissent*). If Scipio should speak from these qualifications, Laelius assures him, he would receive the *gratia* of all present (*nobis gratum omnibus*).

Laelius' mode of request immediately distinguishes itself from Sulpicius'. Laelius recognizes both Scipio's political authority, itself dependent upon *gratia*, and his felicity to the ideas of his ancestors. There is a certain sense in which Scipio can bring the wisdom of his ancestors to bear on the conversation, and so the *gratia* of those gathered will be offered to Scipio *cum maioribus*. In any sense, Laelius' request appeals

³⁶⁹ Laelius also points to Scipio's discussions with them as experiences that have further qualified him to participate in yet another discussion of the subject.

to Scipio's precise area of expertise. As Scipio himself admits, his knowledge derives from a combination of skill, study, ancestry, and experience, and so Laelius' request is by and large amenable to Scipio, but Scipio does determine to reject one element of his friends' proposal: he does not wish to speak on Greek theory. Unlike Crassus, who claims an ignorance of the *ars* of oratory, Scipio admits to a familiarity with the *ars* of government. He even identifies politics as the *maxima ars*, telling the others gathered that it would be shameful for the practitioners of the lesser crafts to attain mastery of their humble skills, if he should not also demonstrate a mastery of the *ars* of politics. But Scipio goes on to say that he does not want to speak only on the topics of the Greek handbooks: "I am not content with the things that the best and wisest Greeks have written on the topic, but neither do I want to privilege my own opinions" (*sed neque iis contentus sum quae de ista consultatione scripta nobis summi ex Graecia sapientissimique homines reliquerunt, neque ea quae mihi videntur anteferre illis audeo*).³⁷⁰ Like Crassus, Scipio does not want to limit his discussion to an *ars*, and his refusal to do so largely shapes his response, and hence the course of the dialogue. Instead of proceeding with an exposition of the Greek theories of politics, the received wisdom that defined the "political art," Scipio reaffirms the validity of the other parts of Laelius' request: his ancestry, his Romanness, and his experience. As the two friends eventually agree, it is these traits, and not a knowledge of an *ars* that make Scipio worthy of *gratia*.

³⁷⁰ The full passage runs thus at *Rep.* 1.35-6: *ego cum mihi sit unum opus hoc a parentibus maioribusque meis relictum, procuratio atque administratio rei publicae, non me inertiorem esse confitear quam opificem quemquam, si minus in maxima arte quam illi in minimis operae consumpserim? (36) sed neque iis contentus sum quae de ista consultatione scripta nobis summi ex Graecia sapientissimique homines reliquerunt, neque ea quae mihi videntur anteferre illis audeo. quam ob rem peto a vobis ut me sic audiat: neque ut omnino expertem Graecarum rerum, neque ut eas nostris in hoc praesertim genere antepontem, sed ut unum e togatis patris diligentia non inliberaliter institutum, studioque discendi a pueritia incensum, usu tamen et domesticis praeceptis multo magis eruditum quam litteris.*

Scipio's response to Laelius in 1.35-36, in which he acknowledges his familiarity of an *ars*, but refuses to detail one, contains a verbal echo of the somewhat similar request that Sulpicius had made to Crassus in *De Orat.* 1.98. Sulpicius had told Crassus that, should Crassus speak on the *ars* of oratory, he (Sulpicius) would surely rank (*anteponam*) Crassus' Tusculan villa above the Academy and the Lyceum of Athens. Scipio, a whole dialogue later, in his dismissal of the *ars*-centric type of discussion, responds to Sulpicius' type of request in similar terms. He claims, when it comes to politics, he is neither unfamiliar with Greek theory, nor does he rank it (*anteponentem*) above Roman theory.³⁷¹ At the same time, Scipio says he will not dare to rank his own opinions over those of the Greeks (by which he almost certainly means Plato and Aristotle). In direct contrast to Sulpicius, who had offered *gratia* to Crassus for the discussion of an *ars*, a *gratia* that would take the form of the ranking of Roman things above Greek things, Scipio explicitly eschews the ranking of Greek and Roman traits that had been at the center of Sulpicius' offer. Like the unresponsive Crassus, Scipio preferred to locate the source of his topic outside of the handbook. There is not a question of comparing theories side by side; Scipio and Crassus' opinions are inevitably embedded in the pedigree and character of the speakers themselves. Crassus refuses to allow his opinions to be assigned to a school of thought like an Academy or Lyceum, and Scipio wishes to build not on Greek theories, but on an ancestral inheritance. The verbal echo of the ranking of Greek and Roman ideas underscores the similarity between Crassus' and Scipio's approaches, even as Scipio puts up a much shorter fight.

³⁷¹ For the full passage, see preceding note.

After Scipio has responded, a third interlocutor, L. Furius Philus, reiterates the company's desire to hear from Scipio as an authoritative source. He encourages Scipio to speak in accordance with the position Scipio had just laid out for himself. He does give voice to the limiting language of *ars*, but he puts a twist on it, locating Scipio's authority in his familiarity with what he calls the *ratio et quasi ars* of politics (1.37).

The introduction of *ratio* into the request effectively rehabilitates the asker's position. In direct contrast to *ars*, which conjured for Crassus and Scipio ideas of exchange and unregulated social interaction, *ratio* evokes the closely related ideas of *natura* and virtue. Cicero explores the relationship between the ideas of nature, goodness, society and *ratio* in his own voice in his excursus on natural law which serves as the opening of the discussion in *Leg.* From 1.22-45 he says:

“When *ratio* has matured and been perfected it is rightly called ‘wisdom’.”
quom [ratio] adolevit atque perfecta est, nominatur rite sapientia. (1.22)

“For virtue is nothing but nature perfected and brought to its best point.”
Est autem virtus nihil aliud, nisi perfecta et ad summum perducta natura.
(1.25)

“And many skills have been discovered through nature's teaching. And *ratio*, having imitated nature, has accomplished in its skillful way the things necessary for life.”
Artes vero innumerabiles repertae sunt, docente natura, quam imitata ratio res ad vitam necessarias sollerter consecuta est. (1.26)

“And to those to whom nature gave *ratio* she also gave ‘right *ratio*’; and therefore nature has also given these law, which is ‘right *ratio*’ in arranging and forbidding; and if she gave them law, she has also given them justice; and nature has given *ratio* to everyone. Therefore nature has given justice to everyone.”
Quibus enim ratio a natura data est, isdem etiam recta ratio data est; ergo et lex, quae est recta ratio in iubendo et vetando; si lex, ius quoque; et omnibus ratio. Ius igitur datum est omnibus. (1.33)

“For virtue is the perfected *ratio* of some good individual, which is surely present in nature.”

Est enim virtus boni alicuius perfecta ratio, quod certe in natura est.

(1.45)

Cicero returns regularly to *ratio* throughout his explanation of natural law because it is the fundamental endowment of nature upon all humans. It is what makes humans humans. It is the bond they share which dictates that they should live together in community through justice. But Cicero also identifies degrees of *ratio*: all humans have *ratio* but in some cases *ratio* can be ‘perfected’ and it can be ‘right’. Right *ratio* leads to laws and justice; perfected *ratio* is wisdom. Later, in a way suggesting his belief in the unity of the virtues, Cicero identifies the perfected *ratio* of the good man, not only as wisdom, but as virtue itself.³⁷² All men have *ratio* by nature; virtuous, good men have a developed kind of *ratio*. Nature gives *ratio* to humans, who must then realize it in its fullness (*recta* or *perfecta ratio*) through their own actions.

This kind of description of *ratio* helps to explain why Cicero can simultaneously describe virtue as perfected *ratio* (*perfecta ratio*) and perfected nature (*perfecta natura*). Perfect *ratio* refers to an individual’s perfect understanding of the workings of nature, nature in its fullness, which is itself embodied in the idea of virtue. Once a man comprehends virtue (via *ratio*) he is virtuous.

When Philus calls Scipio’s knowledge a *ratio* he is suggesting that it is something natural, a rational method that leads towards virtue. An *ars* need not lack virtue; good men practice and even create *artes*. But an *ars* exists outside of the semantic field of nature, virtue and reason. When someone like Sulpicius privileges *ars* over *ratio* the

³⁷² Compare also the association of *ratio* with *ius* in *Leg.* 1.33.

benefits of the former are erased. Philus does not elide *ratio*. On the contrary he sees that *ars*, when combined with *ratio* only further qualifies Scipio to speak on government. Scipio will speak well not because he refuses the idea of *ars*, but because *ars* rests on the natural foundation of *ratio*.³⁷³

Interestingly, Philus does not offer *gratia* to Scipio during the course of his request, but to Laelius, in gratitude for the request that Laelius had made to Scipio (*habeo maximam gratiam Laelio*).³⁷⁴ This *gratia* again stands in contrast to Sulpicius. Sulpicius had hoped to exchange *gratia* for knowledge; Philus receives nothing from Laelius but the virtuous selection of a speaker. Unlike a commodity model of gratitude, Philus' offer of *gratia* to Laelius shows that true *gratia*, inspired by virtue and other examples of *gratia*, need not operate dyadically. True *gratia* involves all who appreciate and demonstrate virtue.

Laelius is again in the position of making a request in *Cato Maior de Senectute*, but this time he is partnered with Scipio in asking Cato to speak. This is now the third dialogue in which the first request to speak has been made by two different individuals (Sulpicius and Antonius in *De Orat.*; Laelius and Philus in *Rep.*). In the other dialogues, one requester knew how to make the request, while the other either did not or almost did not. The pairing of requests here, as in the previous dialogues, ensures that the request will be made in the appropriate terms, that a communal request will prevail where an individual request might not. It is actually Scipio who first asks for Cato to speak on old

³⁷³ Crassus clearly has a knowledge of what could be called an *ars* of oratory as well. Antonius as much as says so in *De Orat.* 2.350-1. But, like Scipio, Crassus merely lets it inform, and not constitute, his speech.

³⁷⁴ *Rep.* 1.37.

age. His motivation, in his own words, is Cato's *perfecta sapientia*, which has enabled him to bear old age better than all others (4). Cato of course responds modestly, but follows the thread of Scipio's request by emphasizing being wise and living in accord with nature as the keys for a person of any age. This response is intriguing, but insufficient for Laelius, who, his appetite once whetted, wishes to hear more. The danger, as shown in *De Orat.* and *Rep.* is that Laelius will offer *gratia* to Cato in exchange for a discussion of an *ars* of growing old. What Laelius says instead is this:

*Atqui, Cato, gratissimum nobis, ut etiam pro Scipione pollicear, feceris, si, quoniam speramus, volumus quidem certe senes fieri, multo ante a te didicerimus, quibus facillime rationibus ingravescentem aetatem ferre possimus.*³⁷⁵

And Cato, we would give you the utmost *gratia* – if I may speak on Scipio's behalf – if, as we hope and wish to become old men, we will have learned from you much earlier by what *rationes* we might most easily be able to bear the increasing burden of age.

Where Sulpicius would have said *ars* and Philus *ratio et quasi ars*, Laelius limits himself to *rationes*. The appeal for a *ratio* rather than an *ars* of growing old demonstrates Laelius' understanding of the wisdom-motivated request of Scipio. The language of *ratio* is the language of nature, of wisdom, and of virtue.

In *Laelius de Amicitia*, it is the lot of the pair of Scaevola and Fannius to turn the tables and to ask Laelius for his ideas on friendship. The request is again two-headed, and again requires repeating before it is accepted. At the moment of first request (16), Scaevola and Fannius offer Laelius *gratia* three times. Their request, specifically, is for Laelius to tell them what he thinks about friendship, how he evaluates it, and what *praecepta* he would give (*quid sentias, qualem existimes, quae praecepta des*). Laelius,

³⁷⁵ *Laelius* 6.

like Crassus, Scipio, and Cato before him, demurs with a modest claim of ignorance. Still, as Cato had done in *Cato*, Laelius does offer a short summary of his position, speaking briefly on the interdependence of virtue and friendship. But he quickly concludes at 24 by telling his sons-in-law that he has expressed all he can, namely what he thinks (*quid sentirem*). In fact, by giving his short discourse on virtue, Laelius has only satisfied the first part of the request (to tell *quid sentias*). It still remains to say *qualem existimes, quae praecepta des*.

The first part of what remains again invokes *existimatio*, and appeals to a non-commodified idea of friendship. The request for precepts, on the other hand, is nothing more than a request for an *ars of amicitia*. Both sides of the issue remain untouched, and so Scaevola and Fannius must speak again. This time they use methods reminiscent of those employed by the several interlocutors at the end of *De Orat.* 2 (361-67). They resort to flattery, insisting on the ease with which Laelius should speak on the topic, since he is such an expert. The move is not the right one. As it had to Crassus in the *De Orat.* this type of insistence requires Laelius to respond. But he describes this method of request in no uncertain terms: *vim hoc quidem est adferre* (26). Fannius' and Scaevola's request is a blunt instrument of *gratia*-guilt, intended to trap their father-in-law.

In a Crassan response, Laelius parlays this misconstrual of *gratia* into a discussion of true friendship. He opens his inevitable discussion by juxtaposing two definitions of friendship. The first is characterized by mutual benefit, by the commodity-oriented methods of exchange (*dandis recipiendisque*).³⁷⁶ He has, in fact, been reminded of this type of *gratia* by the way in which Fannius and Scaevola have sought to force him

³⁷⁶ *Laelius* 26.

to speak. The second type of *amicitia* is the one based on virtue, the one built on *amor*. It is *antiquior et pulchrior et magis a natura ipsa profecta*. It is finally at this point that Laelius begins to address another part of the original request, passing over the *praecepta*/commodity request of Fannius and Scaevola and instead turning to a non-commodified assessment of friendship. That is, he answers the question *qualem existimes*. He uses the inappropriate form of *gratia* employed by his sons-in-law as a foil for the reorientation of his discussion towards the vocabulary of true *gratia*: *natura*, *existimatio*, the *maiores*, and virtue.

Altogether the interlocutors of the dialogues present an understanding of *gratia* through their actions that is largely consistent with the theories they lay out in their speech. By default, *gratia* is limited to a restricted group of aristocrats. It defines itself through *existimatio*, and not through classification. It can be dyadic, but it also regularly involves three or more people. And, as implied by Laelius in *Laelius* 26 and *Rep.* 1.34, it benefits by reference to that which is *antiquior*, the *maiores*. Most significantly, a Crassus, Scipio, or other exemplary interlocutor must avoid the kind of *gratia* that depends on, or is a tool of, exchange. This kind of *gratia* closely adheres to the concept of *ars* in the social exchanges of the dialogues. The right kind of *gratia* prefers *ratio* to *ars*. *Ratio* is a product of nature, and closely related to virtue. It is an appropriate inspiration for *gratia* that a quantified *ars* can never be.

Cicero's Practice of *Gratia*

The picture becomes a little more complicated when Cicero himself enters the frame. For, besides being a character in his dialogues, Cicero is also author, and his

dialogues are themselves tools in his own negotiation with society. Cicero carries out his negotiations in two ways. In the first place he can flatter, offend, compliment, or censure certain individuals by the inclusion and characterization of living and historical figures within the dialogues. Secondly, and perhaps more significantly, he can use the texts themselves as gifts which can physically manifest the giving or receiving of *gratia*. The treatment of the text itself acquires a new significance in its role as gift. By using his texts in specific ways Cicero can either undercut or reaffirm the theories of *gratia* which he expresses in the words and actions of the characters.

The first immediate threat to Cicero's theory is the very treatment of the texts as things. We looked earlier at the distinction between gift-exchange and commodity-exchange as explained by Matthew Roller. Integral to the distinction is the emphasis placed on objects in commodity-exchange. "Things" are often nothing more than commodities. In the theory and practice of the interlocutors we have seen that Cicero regularly disavows the use of commodities and precise measurements in his expressions of ideal *gratia*. So when Cicero uses his texts as things, he must avoid treating them as fundamental to the processes of social interaction. He does so primarily through employing instead the processes of gift-exchange, a specific and tangible subset of the broader ethic of *gratia*.

Though he never describes his idealized construction of *gratia* in these terms, Cicero, as we have seen, essentially argues for gift-exchange against commodity-exchange. The former *involves* things in relationships, the latter privileges *only* things. The former in general concentrates on the generation and extension of social ties, while the latter only uses society as a backdrop from which to operate. But Cicero's theory and

the interlocutors' practice agrees with the model of gift-exchange only through a tightly defined understanding of "gift-debt." For Cicero the gift-debt and subsequent relative lowering of social position are in fact something more like 'virtue-debts.' That is, the receiver of a gift does not owe a gift back to the giver so much as he will, if he is a good man, recognize the example of virtue that the giver has set. This demonstration of virtue by the giver highlights for the receiver his own comparative lack of virtue, and inspires him to perform a virtuous act in imitation of the giver. This second act of virtue usually redounds to the benefit of the original giver, but, as in the case of Scipio, Laelius, and Philus in *Rep.*, it can also be 'paid forward,' so to speak. That is, the first receiver can perform a virtuous act not only in the requital of a gift, but in the giving of a gift to another.

The "virtue-debt" as I am describing it deemphasizes exchange even relative to the typical gift-exchange model. The dedication and gifting of texts defines and regulates the pre-commercial literary market of republican Rome. Joy Connolly explores the terms of a literary, gift-exchange friendship which only slightly predates Cicero's dialogues, the relationship between Catullus and Mallius as exhibited in Catullus 68. Connolly particularly notes that the friendship between the two men is embedded in a literary relationship, and that Mallius has called upon Catullus to write something in response to a letter that Mallius himself has written to Catullus. As Connolly explains, "Mallius calls on Catullus to take his turn in the obligatory exchange of amicable duties that the poet calls *officium*, and in doing so he casts *amicitia* explicitly as a social economy governed by a law, a law that has to do with sentiment, to be sure, but that is a law all the same."³⁷⁷

³⁷⁷ Connolly (2008) 177.

The “virtue-debt” process described above, wherein virtue is the only motivation for exchange, does not attain to this same level of “economy” and legality which Connolly has observed in Catullus 68. As a rough contemporary of Catullus, Cicero was certainly acting under similar social constraints, similar *officia* to the ones governing the exchange in 68, but his ideal of social interaction in the dialogues even abjures the laws of text-for-text. The story is different for *Off.* There Cicero explicitly approves of methods of gift-exchange which insulate and benefit the aristocracy. The “virtue-debt” model maintains many of the functions of this kind of gift-exchange, but in the end depends upon a shared appreciation of virtue rather than, for example, similar political goals or “shared literary values.”³⁷⁸ Failure to observe either a gift debt or a virtue debt can lead to the dissolution of social bonds and the fracturing of the social apparatus, but the virtue debt does not, like the gift debt, grant a social superiority to a specific creditor if it goes unpaid. A virtue debt is a debt which takes the society more generally as a creditor. As such its socially generative force depends in large part on the natural (and hence virtuous) quality of community. In the following section I will analyze Cicero’s strategies of exchange within the dialogues. I will attempt to demonstrate that these strategies more closely resemble gift-exchange than commodity-exchange, and that they even aspire to the sort of virtue-exchange that privileges the abstract of community over the one-to-one relationships of gift-exchange.

First we may turn again to Catullus, to observe strategies of exchange present in a contemporary of Cicero. In *carmen* 1, Catullus balances his own *libellus* with the antiquarian histories of Nepos. The textual tradition makes it impossible to identify with

³⁷⁸ Connolly (2008) 177 in describing the Mallius-Catullus friendship, drawing on the work of Krostenko (2001).

certainty which of Catullus' poems actually belonged in the *libellus*, but it is very likely that the *carmina docta*, including 68, did not. The exchange of 1 reflects a principle similar to the one observed by Connolly in 68, an exchange showing the social viability of a one-for-one exchange of texts.

Carmen 14 memorably inverts the idea of text exchange when Catullus receives a book of bad poetry from Calvus. His response is to show his "thanks" by repaying Calvus in kind. The relationship is an ironic mirror of the relationship of *carmen* 1. But in the midst of the Calvus-Catullus exchange, Catullus sandwiches a comment on Calvus' *cliens*. He (again jokingly) concludes that Calvus' gifted book of poems is so bad that it must itself be a gift from a *cliens* showing his *gratia*. Here Catullus highlights a second type of exchange (text for service), suggesting that texts need not be exchanged only for texts, though here the giver and receiver are of different social status.

In *carmen* 42, the exchange value of a text is upset when a *moecha turpis* steals and refuses to return some of Catullus' poems. The unpermitted, free circulation of Catullus' poetry threatens to undermine not only those poems, but any other gift of poems he should give.³⁷⁹

Finally, in *carmen* 49, Catullus offers a poem to Cicero himself. Here he both gives thanks (*gratias*) to Cicero and creates a contrast between Cicero and himself. According to the famous conclusion of the poem, Catullus is a *pessimus poeta*, Cicero is the *optimus patronus omnium* (49.5-7). By a literal reading the poem seems to instantiate

³⁷⁹ Cf. the situation of Cicero in relation to the *In Curionem*. As addressed in *Att.* 3.12, the promulgation of the text without Cicero's permission worried him, but he hoped the speech's lack of finish would allow him to pass it off as a forgery. Cf. also *Att.* 13.21a, where Cicero criticizes Atticus for giving Balbus a copy of *Fin.* 5 before Brutus, the dedicatee has received one. Cicero is worried *ne et adiorthota habeat Balbus et eola Brutus*.

or at least acknowledge a great social divide between Catullus and Cicero, but an ironic reading of the poem is in many ways more tempting. D.F. Thomson hypothesizes that Catullus' short poem is in response to the text of a poem from Cicero.³⁸⁰ Whether or not he is right, Catullus' entire description of Cicero makes no mention of Cicero as a poet. So, either Catullus is balancing his little poem against a large one of Cicero, or he is at the very least excluding Cicero from the designation poet. In these terms the poem is by no means grateful, and the very size of the poem belies Catullus' claim to give Cicero *maximas gratias* (49.4).

Catullus' poetry in general seems to aim largely at the least at a reevaluation of traditional principles.³⁸¹ His ideas of text exchange are no exception.³⁸² He balances short and personal with long and national in *carmen* 1; he inverts typical motives for exchange in *carmen* 14 and mocks the failed efforts of a *cliens*; and, in *carmen* 49 he undermines a gift he has received even as he claims to give *gratia* for it. His techniques show him to critique traditional text exchange even as he practices it. Traditional exchange creates a network of writers; Catullus inscribes himself into that network and then ridicules several of the permutations by which it is sometimes practiced.³⁸³ Cicero in the dialogues inscribes himself into a similar network, but tries more actively to preserve that network at all costs in the face of a republican government that was

³⁸⁰ Thomson (1967) 225-30.

³⁸¹ Though cf. Connolly (2008) 176 (and much of her fourth chapter). She makes a strong claim that Catullus' poetry, instead of attempting to overthrow traditional morality, relies on it as the condition for the "legibility" of his poetry. I tend to agree with this approach. So while I discuss here Catullus' new twists on old ideas, I do not necessarily observe therein Catullus' rejection of the old ideas.

³⁸² Catullus, of course, also describes other types of exchange and giving in his poems, but it is only the specific characteristics of text exchange that interest me here.

³⁸³ I do not wish to comment on Catullus' motives, only to describe his methods.

becoming increasingly individualized, where power was increasingly concentrated in the hands of single persons.

Cicero makes use of the dynamics of textual exchange in several different genres. Among his speeches, none is more concerned with these dynamics than *Pro Archia*, where a finely crafted epideictic text means to inspire a reciprocal text from the defendant.³⁸⁴ But it is Cicero's letters and dialogues that exploit these dynamics most thoroughly. He sets his precedent in the proem to the first dialogue, *De Orat.*, when he frames the situation for his writing. He commits the text to his brother, and claims to write it in response to Quintus' explicit request (1.4-5). According to Cicero, Quintus had requested something *politius perfectiusque* to replace Cicero's earlier rhetorical treatise, *De Inventione*, a work which had "slipped out" of Cicero's notes into publication (*ex commentariolis nostris... exciderunt*). According to this picture, the *De Orat.* fills two needs. In the first place it responds to a request by Quintus; in the second place it is something refined, something meant for circulation in a way *De Inventione* had not been. When combined, these two points express Cicero's belief that a dedication to someone (here Quintus) marks a text as worthy of circulation. That is, a private dedication and exchange implicitly qualifies a text for broader circulation. And a private dedication, in its turn, expects an existing relationship. So then a private personal relationship allows for a public exhibition.³⁸⁵ As Cicero responds to it, Quintus' request functionally substitutes for a request from the general reading audience.

³⁸⁴ On the dynamics of this relationship, the specific features of the text to which Cicero hopes Archias will respond, and the epideictic character of the speech, see Dugan (2005) Ch.1.

³⁸⁵ In this case the private relationship is further buttressed by the ongoing disagreement about oratory that Cicero uses as a frame for the dialogue (1.5).

At the same time, Quintus' request succeeds because, like Antonius will in the narrative of the dialogue, Quintus phrases his question in the right terms. The *De Inventione*, that text of Cicero's youth unworthy for publication, had failed by following the traditional form of a Greek rhetorical treatise (*techne*): it was an *ars*. Quintus' correct appraisal of this earlier shortcoming is central to Cicero's approval of his brother's request. Quintus, like Antonius, expects something more than an *ars*. As a result, in return for his request is a dialogue that believes elegance to be "established on the *artes* of the most sophisticated men."³⁸⁶ The shift is a subtle, but extremely important one. *Artes* are a foundation for eloquence only when they belong to the *eruditissimi homines*. As May and Wisse observe, "the well-known triad, theory, natural ability, and practice stands in the background" of Cicero's statement, but he has blended the triad into a synthesized unity.³⁸⁷ Quintus, by asking for something beyond the *ars* of *De Inventione*, has his request met in the form of the combination of *ars* with wisdom.

It is notable that Cicero's dialogue comes in response to a request alone, and never entails upon Quintus that he write something in return. It is a request-text exchange more akin to the request-discussion exchange observed within the dialogues than to, for example, the exchange between Catullus and Nepos, or even Atticus and Cicero. Quintus is, in fact, a different kind of dedicatee, and is not even the sole dedicatee. In the proem to book 3, Cicero gives a second dedication, an *in memoriam* to Crassus: "Even if it is in no way equal to his talent, yet for my devotion, I dedicate this to

³⁸⁶ *De Orat.* 1.5: *eruditissimorum hominum artibus eloquentiam contineri statuum.*

³⁸⁷ May and Wisse (2001) 58n6. As they rightly point out, "[t]his modification reflects the central theme of the work."

him, a pledge of *gratia* well-deserved and owed.³⁸⁸ This kind of pledge resembles the memorials discussed in chapter 3, but, as so often for Cicero, *memoria* here is linked to *gratia*. It is the faculty by which *gratia* becomes intergenerational. This kind of dedication, like the one to Quintus, still differs from the reciprocal dedications of Catullus. This first dialogue, with its twofold semi-dedications is only hinting at its own physicality. When it functions as an item of exchange, it is unconcerned with receiving or having received an item. It instead responds to the impetuses of conversation and memorialization.

This style of exchange reappears in the dedications of several later dialogues, but it also begins to alternate with a text-text type of exchange.³⁸⁹ So, *Tusc. Disp.* and the *Orator* both find Cicero writing when asked, as in *De Orat.*³⁹⁰ In *Brutus, Fin.*, the *Topica*, and, to a certain extent *Cato* and the *Acad.*, on the other hand, the dialogues show a greater textual self-awareness as they move to a more specific gift-exchange type of dedication.³⁹¹ These are two methods of exchange that seem to stand in contrast to one another, at least potentially. The text-for-text gift-exchange model threatens to come very close to the commodity ideas that the request model strictly abjures with its

³⁸⁸ *De Orat.* 3.14: *ei, si nequaquam parem illius ingenio, at pro nostro tamen studio meritam gratiam debitamque referamus.*

³⁸⁹ All of the post-exile *retorica* and *philosophica* of Cicero contain dedications except for *Leg.*, which was never published, and *Rep.*, of which the first several paragraphs are missing. The rest of the texts a). exhibit one of the two models of exchange presented here, b). mention a dedicatee only in passing, or c). have a presumptive dedicatee as the main interlocutor. For examples of b)., note that Cicero mentions Atticus by name in *Laelius* 2 and Brutus by name in *DND* 1.1, but never fully explains his reasons for writing. As both of these figures receive dedications elsewhere, though, the reasons can be extrapolated. For c)., cf. *Fin.ato* and *Div.*, where Hirtius and Quintus respectively are the only figures besides Cicero mentioned. Though they are presented as interlocutors, the dialogues fashion themselves as some sort of extension of a prior relationship.

³⁹⁰ Cf. also *Leg.* 1.10, where Cicero the character responds to the request of Atticus for him to write a history. This request, if the historical Atticus ever actually made it, was never fulfilled.

³⁹¹ Though in general I exclude the treatises, as they do not demonstrate many of the formal characteristics of dialogues, I include them here as comparanda because they do, like the dialogues, contain dedications.

disapproval of *ars*. In practice, however, Cicero's use of both styles succeeds in rehabilitating the text-text model. Because the dedicatees of text-text exchange also appear as dedicatees in request-text exchanges, Cicero never has to balance one of his texts with one of his dedicatee's text in a specific one-for-one relationship.

In the previous chapter we observed that *memoria* can often pluralize a relationship, so that, for instance, Cicero can access Furius either through their mutual acquaintance Cotta or simply through his own memory. So memory makes a network out of a direct line. The two different types of exchange suggest that *gratia* works in the same way. The text-text exchange runs the risk of establishing an insulated, commodified, and potentially terminal dyadic relationship. But the repeated dedications to the same people, coupled with a model of request-text exchange and dual dedications in single works, multiplies the cords that bind Cicero to his dedicatees and generates a forward-looking network of relationships. Cicero can respond to the gift of a text with appropriate *gratia* and still avoid the populist model of commercial exchange he finds so destabilizing to the republic.

In *Tusc. Disp.* and the *Orator*, where Cicero responds to requests, it is Brutus to whom he responds.³⁹² The *Orator* begins with Cicero debating with himself whether or not he has the capability to compose the treatise in response to Brutus' request.³⁹³ Naturally he capitulates in the end, and when he does so, he gives two reasons. In the first place, Brutus is persistent. As Cicero says, he writes *quoniam me saepius rogas*, using a present tense verb which suggests that the requests continue up until the time of

³⁹² On the historical relationship between Cicero and Brutus, see Welch (1998) and Douglas (1966) xvii-xxii.

³⁹³ *Orator* 1: *Utrum difficilius aut maius esset negare tibi saepius idem roganti an efficere id quod rogares diu multumque, Brute, dubitavi.*

the *Orator*'s composition (1). And secondly, Cicero says, he would rather be seen to lack *prudencia* than *benevolentia*. The specific terms of Brutus' request, repeated as it is, are never explicitly revealed, but they do inspire in Cicero a demonstration of *benevolentia*, one of the communal virtues.

In *Tusc. Disp.*, Cicero again writes at Brutus' behest. The request is again not specific, and this time is not even overtly textual. Cicero simply says that he returns to philosophical study with Brutus' encouragement (*te hortante*).³⁹⁴ But as with the *Orator* the request is only half of Cicero's motivation. He also composes *Tusc. Disp.* "since the system and learning of all *artes* is joined together with the pursuit of wisdom, i.e., philosophy."³⁹⁵ Such a statement is a sort of manifesto for Cicero the philosopher; it generally summarizes his method for his *retorica* and *philosophica*; it might equally be found in a speech of Crassus in *De Orat.* As much as they demonstrate the synthesized interchange of the interlocutors, Cicero's dialogues attempt to forge a unity between the notions of *ars* and *sapientia*.³⁹⁶ What makes the re-expression of this motif the more relevant here is its pairing with the request of Brutus. A response to Brutus' request, both here and in the *Orator*, also happens to be a demonstration of virtue. This coincidence gives the impression that the response to Brutus' request actually is the demonstration of virtue. This impression is, in turn, possible because Cicero's Brutus has apparently asked in the right way: the right response to the right question is virtuous. The coupling of Brutus' requests with impetuses to virtue (*benevolentia, ars cum sapientia*) establishes correct executions of the request-text exchange model squarely on the side of virtue.

³⁹⁴ *Tusc. Disp.* 1.1: *rettuli me, Brute, te hortante maxime ad ea studia.*

³⁹⁵ *Ibid:* *cum omnium artium ... ratio et disciplina studio sapientiae, quae philosophia dicitur, contineretur*

³⁹⁶ Cf. the balancing of *honestum* with *utile* in *Off.*

The key to the request-text exchange is a prior personal relationship. It is this kind of relationship that equips the asker to know how to ask in the right terms. For Brutus and Cicero this relationship not only predates the writing of *Tusc. Disp.* and the *Orator*, it actually makes a textual appearance, albeit in a different form, in *Brutus*. *Brutus*, as the first of Cicero's dialogues of the forties, in some ways sets the stage for the dialogues to follow. The political scene had, of course, shifted considerably since the *Leg.*, and especially since the last dialogue with a dedication, *De Orat.* By 46, Caesar's power was approaching its zenith, and the traditional republic its nadir. According to his own claims in the dialogue, Cicero wrote *Brutus* in such a context as a tribute to Hortensius, a figure whose death in part symbolized the dying of the republic. But *Brutus* is hardly a defeatist text.³⁹⁷ On the contrary, it inaugurates a period of prolific writing in Cicero's life – a period that takes a philosophical turn at the death of Tullia – in which writing substitutes for oratory as his medium for civic involvement and influence. *Brutus* does look to the past in much of its content, but its form does not accept the republic's decline and uses its own physicality, and in turn its exchangeability, to look forward to the republic's rehabilitation.

Brutus has no formal preface with a formal dedication, which means that any self-awareness in the dialogue must be metatextual. And indeed, after a short *laudatio* for Hortensius, *Brutus* begins to show both an awareness of other texts and an awareness of itself as a text (11-20). As the dramatic action of the dialogue gets underway, featuring Cicero, Atticus, and Brutus, Cicero the interlocutor welcomes his guests with a request for news. Atticus in response immediately insists on a rule that will guide much of the

³⁹⁷ I do not deny the sense of gloom that Narducci, Dugan, et al. have perceived in the dialogue, but the dialogue, as I will argue, though perhaps anticipating defeat, does not accept it.

remainder of the dialogue: no talk of politics. He is worried that such talk will only distress Cicero, when in fact he and Brutus have come to cheer him. Cicero in return assures Atticus that any words from him and Brutus can only bring cheer. As proof of his claim Cicero tells Atticus that it was the *litterae* sent to him by both Brutus and Atticus that had recalled him to writing after a period of literary inactivity.³⁹⁸ He goes on to describe these *litterae* as a *delectatio* and a source of *salus*, comparing them to the Roman victory at Nola in the second Punic war as sources of hope after a series of grave defeats (12-13). Cicero could not be more fulsome in his praise for these letters because, as his argument implicitly goes, they made him write again and in writing was his salvation. Here at the beginning of his second wave of dialogue-writing, such an emphasis on the written word is striking.

But while writing alone could accomplish Cicero's "salvation" in several ways, including the encouragement contained within writing or the therapeutic or cognitive value of the act of writing, Cicero puts his emphasis on the physicality of that which is written. It is actually Brutus who takes the first step in this direction, when he asks Cicero to be more specific about the *litterae* of Atticus (14). Cicero clarifies by assuring Brutus he is speaking of the *Liber Annalis*, which he now names a *liber*. The *Liber Annalis*, as its name implies, was an annalistic history written by Atticus and dedicated to Cicero, which must have been published only shortly before *Brutus*. That Brutus suspects this to be the text to which Cicero refers shows that he, too, has read it. Brutus' letter, meanwhile, seems to have been his treatise *De Virtute*, which Atticus in his turn

³⁹⁸ *Brut.* 11: *Vos vero, inquam, Attice, et praesentem me cura levatis et absentem magna solacia dedistis. nam vestris primum litteris recreatus me ad pristina studia revocavi.* *Rep.* had been the last thing circulated by Cicero (cf. 19), though it is likely that the writing of *Leg.* intervened.

admits to having read (11).³⁹⁹ It too is dedicated to Cicero. So then, the texts that have inspired Cicero to return to writing do so not only through their content, but through their function as gifts to him. And, as was the case with *De Orat.* but not with *De Inventione*, the existence of a dedication marks the texts as worthy to be read by a broader audience. To put it another way, even though both texts are dedicated to Cicero, Brutus and Atticus are linked to one another because of their mutual reading of each other's letters. More than this, the dialogue itself pluralizes Cicero's relationships, so that he is not simply part of two dyadic relationships, but part of a network.

Cicero calls attention to the gifted-ness of his friends' letters so that he may call attention to his own responsibilities as writer and giver.⁴⁰⁰ He intends to respond to both gifts and uses the dialogue to bear witness to his plans. Cicero first deals with Atticus, and the *Liber Annalis*, when he promises to repay Atticus for his gift. The passage (15-16) is too long to quote in full, but the central ideas are a). that Cicero owes a debt, and b). that he cannot repay it.⁴⁰¹ Though Cicero's language and Atticus' response are peppered with the language of *gratia*, Brutus picks up on the debt language and threatens to enforce payment as Atticus' *procurator*. All three interlocutors then begin to talk in terms of debt, payment, pledge, and demand (17-18). Finally Atticus, in exchange for Brutus' intervention on his behalf, offers to serve as Brutus' *procurator* in recovering the

³⁹⁹ Hendrickson (Loeb, 1939) 6, first proposes the *De Virtute* as the letter in question, and is followed by Douglas (1966) xi. *De Virtute* apparently expressed the Stoic doctrine that virtue alone is sufficient for a happy life.

⁴⁰⁰ Narducci (1997) suggests that the discussion of gifts and debts in *Brutus* 18 plays off of the Atticus' reputation as a meticulous accountant and banker.

⁴⁰¹ Among the phrases that point to payment are: *teque remunerandum si non pari, at grato tamen munere... eadem mensura reddere iubet qua acceperis... nec enim ex novis, ut agricolae solent, fructibus est unde tibi reddam quod accepi... quod ita diligenter colemus, ut impendiis etiam augere possimus largitatem tui muneris*. Throughout the passage farming provides a fitting analog to the idea of repayment, with Cicero's mind the field, himself the farmer, and his ideas the crop. This analogy recalls the description in *Fin.* where Cicero recommends the imitation of the fields, which give back more than they receive.

debt that Cicero owes to *him* (Brutus). The letters of Atticus and Brutus have by this point become entirely conceptualized as objects, and the language, introduced by Cicero himself, is fully that of commodity. But before Cicero has a chance to respond or even to promise a specific object in return, Atticus moves the conversation towards the topic at hand, the history of rhetoric.

In fact, Cicero the interlocutor does not need to respond because Cicero the author is doing so in the very act of writing. This exchange in sections 11-18 replaces the preface with a formal dedication seen elsewhere. As Hendrickson has argued, *Brutus* itself is the text with which Cicero repays Brutus.⁴⁰² Or, more specifically it is *a* text with which Brutus is repaid. After all, Cicero will go on to dedicate not only *Tusc. Disp.* and the *Orator* to Brutus, but *Fin.* as well.⁴⁰³ What Cicero frames as a commodity-exchange in the opening of *Brutus* turns out to be a much more complex relationship. He gives many texts to repay the one, even making specific reference to *De Virtute* at *Fin.* 1.8 and *Tusc. Disp.* 5.1. And at the same time, the gifts of *Tusc. Disp.* and the *Orator* are framed as coming in response to requests, so that Brutus and Cicero's relationship is never discharged by a text-for-text exchange. It is rather cemented through many types of action and reaction.

Likewise, Cicero does not dedicate *Brutus* to Brutus alone. Though Hendrickson wants to see Atticus repaid by some later work of Cicero, there is little reason given by the text itself to suppose that he is any less a recipient of the text than Brutus.⁴⁰⁴ The title

⁴⁰² Hendrickson (1939) 405n4.

⁴⁰³ As in *Brutus*, Cicero cites *De Virtute* as his inspiration for the writing of *Fin.*: *quamquam a te ipso id quidem facio provocatus gratissimo mihi libro, quem ad me de virtute misisti* (1.8).

⁴⁰⁴ Hendrickson (1939) never allows Atticus as a dedicatee. Douglas (1966) *ad* 16 suggests it as one possible option. The name of the dialogue naturally suggests that Brutus

of course does take its name from Brutus, and the character Brutus dominates the dialogue's conclusion; both factors point to him as chief dedicatee. But the very fact that the early part of the dialogue is so concerned with textual exchange coupled with the fact that Cicero never names one specific dedicatee suggests that Brutus, even were he first recipient, was not the text's only recipient. What Cicero does say explicitly is that he is inspired to return to writing by the letters of both Atticus and Brutus, and that he "owes" each of them. This first foray of Cicero's back into writing, by acknowledging his indebtedness to both of his friends, implies that the dialogue seeks to satisfy both of them in some way. When he identifies Brutus and Atticus as readers of each other's *litterae* he suggests a certain relationship between the two, mediated by himself. The dual dedication of the single dialogue then reinforces an affinity between the two. Like the dedication of several dialogues to Brutus, this dedication of one dialogue to two people undermines the commodity-exchange ideas hinted at in the conversation of 11-18. *Brutus* cannot be an item in a one-for-one exchange because it is only one-half of a dedicated item itself.

In addition, Atticus, like Brutus, is the dedicatee of other Ciceronian texts.⁴⁰⁵

These repeated dedications to Atticus and Brutus should come as no surprise to the reader of *Brutus*. Before the misleading discussion of debt and payment takes the stage, the true

⁴⁰⁵ Atticus is the dedicatee of *Laelius* and *Cato*. Cf. *Cato* 1: *Sed mihi, cum de senectute vellem aliquid scribere, tu occurrebas dignus eo munere, quo uterque nostrum communiter uteretur. Mihi quidem ita iucunda huius libri confecto fuit, ut non modo omnis absterserit senectutis molestias, sed effecerit mollem etiam et iucundam senectutem.* Cicero notes two benefits to the writing of *Cato* in this dedication. In the first place it is a *munus* for Atticus. In the second place, the process of writing alleviates Cicero's care. Thus they are able to enjoy the text *communiter*. Cicero paints a picture of growing circles of influence for the text. Originally it consoled him personally; by dedicating it to Atticus he shared the consolation with a friend; and finally, the very ascription of a dedication marked the text as worthy of circulation, expanding the circle even more broadly. It is further proof that, no matter how introspective or personal his writings claim to be, Cicero's dialogues are always looking outward.

role of the *litterae* of Atticus and Brutus is contained in their inspiration to Cicero to return to his *studia*. His true motivation in dedicating texts to his friends has far less to do with repayment than in responding in gratitude to this inspiration. Since his *studia* occupy all of his works, it is not out of place for him to dedicate any (or many) of them to Brutus or Atticus.

So the situation outlined by the three interlocutors of *Brutus* as they talk, in which texts are commodities to be used to pay and repay, does not correspond to Cicero's methods at all. His text exchanges are not dyadic; they do not take into consideration only other texts; and they do not terminate through the giving of one text. Instead they involve several parties; they respond to inspiration and request; and they carry over from one text to another.

Before looking briefly at the other dialogues dedicated to Atticus and Brutus, it is worth taking note of the dedicatee of *Brutus* who wasn't: Caesar. Like Atticus and Brutus, Caesar had recently dedicated a text to Cicero, *De Analogia*, whose subject was *Latinitas*. Unlike Atticus and Brutus, Caesar's text does not appear until section 253, as the end of the discussion draws near. The discussion of Caesar violates the established rules that Cicero will only speak about the dead and that the conversation will steer clear of politics. Nevertheless, Brutus shows an interest in hearing about Caesar. But instead of complying with Brutus himself Cicero shifts the burden of discussing Caesar to Atticus (251). Because of the dual role of Cicero as author and interlocutor there is a sort of sleight of hand at work in such a shift. Cicero manages to use Atticus as a way of pretending to observe his relationship with Caesar from the outside. In the course of Atticus' description of Caesar the orator he comes to Caesar's Latinity, and hence *De*

Analogia. He then repeats Caesar's dedication to Cicero verbatim. The dedication cannot help but recall the *litterae* of 11. But whereas those texts had taken virtue and traditional Roman history as their subjects, Caesar's treatise concerned itself with providing rules to govern correct Latin usage as a way of democratizing the language.⁴⁰⁶ Among other things *De Analogia*, by prescribing fixed rules for Latin, was Caesar's effort to marginalize the traditional language usage of the aristocracy and to erase social divisions engendered by language. In this way the ideology closely resembled that of commodity-exchange, which theoretically grants equal access to everyone wishing to participate in exchange. Needless to say, it did not inspire Cicero to return to his *studia*; it was the very type of thing that had kept him from them.⁴⁰⁷ And in fact it keeps him from his studies even here, where Atticus takes over the discussion and the digression on Caesar interrupts the progress of the dialogue.

Because of the differences between *De Analogia* and the *litterae* of Brutus and Atticus, Cicero responds in a whole new way. In the first place he does not dedicate a text to him, much less this text. He thereby excludes Caesar from this network. Still, he cannot very well ignore Caesar's dedication. So, after exploring the sincerity of Caesar's dedication (just quoted by Atticus), Cicero instructs Atticus to continue on with his discussion of Caesar in very particular words: *Sed perge, Pomponi, de Caesare et redde quae restant* ("But go on about Caesar, Atticus, and repay what is left to repay.")⁴⁰⁸ The payment language of 15-18 is revisited here, but this time without qualification. On the

⁴⁰⁶ For more on Caesar's goals and the disagreement between Cicero and Caesar on *Latinitas*, see Dugan (2005) 177-89.

⁴⁰⁷ Cf. *Brut.* 262: *sanos quidem homines a scribendo deterruit*. The topic here is the writing of history, but the sentiment sounds almost gnomic given Cicero's foregoing period of literary inactivity.

⁴⁰⁸ *Brut.* 258.

one hand, Atticus must simply finish up the discussion of Caesar. But at the same time, by reintroducing this commodity language, Cicero is having Atticus repay the debt he has incurred to Caesar through the dedication.⁴⁰⁹ Cicero is playing by the type of rules Caesar laid down in *De Analogia*, acknowledging a debt by including Caesar in this discussion. At the same time Cicero shifts this type of activity from his own character to Atticus, and he removes it far in the dialogue from his dedicatory preface. In fact Cicero uses a contrast in dedication styles to show that the commodity method of Caesar is greatly inferior to the many-tiered methods of exchange he himself prefers. Caesar becomes a sort of anti-dedicatee, whose presence late in the dialogue serves most of all to mark his absence at its beginning.

So far, then we have seen three and a half dedicatees, and one individual specifically excluded. In all cases Cicero claims to be at least partially motivated by either a text or a request to which he is responding. It also seems to be the case, based largely on Cicero's own statements in the preface and epilogue of *Brutus*, that Atticus and Brutus offered distinct advantages as dedicatees. Atticus, as author of *Liber Annalis*, was a backwards-looking figure. A dedication to Atticus in a Ciceronian dialogue links that very dialogue to the project of annalistic historiography. It grounds the dialogue in tradition, so that the dialogue can establish a connection to the past. A dedication to Atticus in *Brutus* makes sense in these terms, since the dialogue's own project is largely historical. Likewise, Atticus is the dedicatee of *Cato*, which not only deals with Atticus

⁴⁰⁹ Atticus functions here again as a *procurator*, but he is the agent on behalf of the debtor here (Cicero) and not the creditor (Brutus), as before. He is therefore not an additional member in the group, but a representative of one member, Cicero, in a two-way exchange. There is certainly no reference to Caesar having read Atticus.

and Cicero's own inexorable slide into the past, but invokes the most ancient of all the figures in the dialogues, Cato, as chief interlocutor.⁴¹⁰

Brutus serves the complementary role as dedicatee. Whereas Atticus gives Cicero access to the past, Brutus is Cicero's link to the future. Cicero says as much at the conclusion of *Brutus* (332). The dual dedication of *Brutus* works all the better when these temporal roles of Atticus and Brutus are taken into consideration. The dialogue is both backward- and forward-looking, a union of past and present symbolized both in Atticus and Brutus' mutual readings of each other's texts and in the intermediary figure of Cicero himself. Though none of the other texts dedicated to Brutus focus as explicitly on his future promise as does his eponymous dialogue, Brutus' role as forward-looking dedicatee is reinforced by the fact that most of the dialogues dedicated to him occur in the recent present, and never do any of them extend into the past beyond the 70s.⁴¹¹ So for the works of Cicero's second period of writing Brutus and Atticus function in much the same way as do Quintus and Crassus in *De Orat.*. They look both to the past and future, and do it all in the context of a close personal relationship with Cicero, which is the foundation for the public reorientation of a private text.

The only two complications to this repeatedly established network come in Cicero's *Topica* and the *Academica*. These texts stand out both because of the identities of their dedicatees and because of references to them in Cicero's correspondence. The *Acad.* has already been discussed in the previous chapter in relation to Varro as

⁴¹⁰ *Laelius*, the other dialogue dedicated to Atticus, focuses little on the actual dedication. Cicero really only addresses Atticus once, in passing. That one mention, however, does ask Atticus to use his *memoria* to recall what he had heard in his youth about the scene of the dialogue. And of course the scene itself is set in the past, a further hint at the past-orientation of Atticus the dedicatee.

⁴¹¹ *Fin.* 5 is set in 79, *Nat. Deor.* seems to have been set in the mid-70s (cf. Dyck [2003] 7), and the rest during the late 50s and 40s.

interlocutor, but, as so often, Varro does double duty in the dialogue as dedicatee. Like *Brutus*, the *Acad.* has no formal preface with a formal dedication. Instead, as in *Brutus*, the action of the dialogue begins when Cicero starts to ask Varro of politics only to have Atticus insist he not (1.2-3). The conversation turns to Varro's own activities, and it is here that Varro makes first reference to his own text (*De Lingua Latina*). He tells Atticus and Cicero that he is hard at work on polishing his treatise, dedicated to Cicero and – as Cicero himself claims – promised long ago. That is where the dedication ends; and it is from Varro to Cicero, not the other way around. The implication that Cicero is dedicating the text at hand to Varro (a fact unknowable at the time of the fictional conversation) is plausible, considering the similar situation in *Brutus*. But in addition to this probability, Cicero confirms his dedication in his letters to Atticus.

The thirteenth book of Cicero's *epistulae ad Atticum*, as we have seen, closely chronicles the requests of Varro for inclusion in Cicero's new literary projects and Cicero's own responses.⁴¹² Of greatest interest is *Att.* 13.12 where Varro has again requested inclusion in a project of Cicero's.⁴¹³ As in *Acad.*, Cicero makes reference to Varro's own promise of a work dedicated to him (Cicero) and his slowness in accomplishing it. Cicero even quotes the same line of Hesiod that he had quoted in *Brutus* 15 to say he would have been more than happy to repay Varro had his dedication ever actually been made. But faced with a delayed dedication and this renewed request, Cicero determines to acquiesce anyway. His method of acquiescence seems to belie his sincerity in some of his other dedications, especially *Fin.*. Rather than writing a new work with Varro in mind Cicero purposes to "transfer" (*transferamus*) one of his already

⁴¹² The first request comes in *Att.* 4.16, but it is book 13 which moves towards the specifics of dedication.

⁴¹³ On Varro's request, see also *Att.* 13.13-19.

completed, but not yet published works to Varro. Two texts fit the bill (*Fin.* and *Acad.*), but as Atticus had already urged Cicero to dedicate *Fin.* to Brutus, the *Acad.* is all that remains.

Cicero's tone in this letter differs somewhat from the one he uses in his dedications. The dedication of *Fin.* to Brutus, colored as a response to Brutus' *De Virtute*, proves to be only an arbitrarily selected work with no personal relation to its dedicatee. And even after Cicero decides to dedicate the *Acad.* to Varro he has second thoughts, and considers transferring it all (*transeamus*) to Brutus (13.25). Still, Cicero's methods seem to be similarly motivated here as in the dialogues. Texts are not considered to be one-to-one items for exchange. Brutus potentially functions as a multiple dedicatee. And Cicero's response to Varro, though first seen to be in reaction to Varro's own dedication, actually precedes the completion of *De Lingua Latina*, and responds to a request instead of a text.

That Brutus and Varro can be interchanged in some places does not mean that Cicero's dedications are insincere, but that they can fully function in a few contexts, so long as appropriate methods of exchange are maintained. Cicero even tells Atticus that he is seeking a dialogue to house a dedication to Dolabella, though by this time he is out of completed ones (13.13). All who are willing to play by Cicero's rules of exchange are potential dedicatees. That people ask to be included suggests that they understand that Ciceronian exchange is working to construct a community, and that the dialogues themselves are the tools for conferring social favor. Their desire to be a part of such a community marks them as worthy to be members of it because it demonstrates their genuine belief in the viability of such a community. Varro is so aware of the potential

importance of being included in the Ciceronian community that his request is regularly coupled in the letters with references to his jealousy.⁴¹⁴ The dedication of *Acad.* satisfies this jealousy not only for Varro, but also for anyone else in favor of this system. The inclusion of a new dedicatee only broadens Cicero's circle slightly, but it hints at the circle's potential for expanding to include anyone who is likeminded.

The final dedication of note comes in Cicero's *Topica*, which is dedicated to Cicero's friend and correspondent, the jurist C. Trebatius Testa. The relationship between the two dates back at least to the mid-fifties, as Cicero's correspondence shows (*Fam.* 7.6-18). In this period the relationship is characterized almost entirely by social navigation. Cicero speaks regularly of letters of recommendation that he has written on behalf of Trebatius, including one that has helped him to acquire a position with Caesar in Gaul. In turn Cicero regularly encourages Trebatius to maintain the relationship with Caesar, and repeatedly asks for updates on that front. The *Topica* does not come until a decade later, but here too relative social positioning plays an important role. Cicero actually has three motives for writing the *Topica* for Trebatius. In the first case, Trebatius had been asking for Cicero's translation insistently (4). In the second place, Trebatius had written much for Cicero and his friends (4). These writings may have been some sort of text dedicated to Cicero, but in all likelihood Cicero is making reference to legal opinions Trebatius the jurisconsult had given him. Finally, Trebatius has apparently been involved in the oversight of some of Cicero's personal affairs, affairs which Cicero did not want to suffer (5). For all of these motives, and a general affection for his friend

⁴¹⁴ *Att.* 13.12-19 *passim*. Cicero does not know the object of Varro's jealousy, but presumes it must be Brutus.

occasioned by the sight of his hometown (*Fam.* 7.19), Cicero dedicates the *Topica* to Trebatius.

Like *Brutus*, the *Topica* is heavy on debt language. Unlike *Brutus*, the *Topica* is not a dialogue, and it is largely targeted to an audience interested in a specific branch of rhetorical education. And, as Cicero says in a letter to Trebatius, it requires the supplement of a teacher in order to be fully understood (*Fam.* 7.19). In addition, it is conceived of as a translation of Aristotle's original. So then the *Topica* as a whole participates in a multiply-motivated exchange, as demonstrated throughout the other Ciceronian texts, but it is not dialogue. Since it is not dialogue, it does not perform the same community-generating functions; its goal is to satisfy a very specific request, not to provide the communal example the dialogues provide. Accordingly the dedication, though Ciceronian, does not go to the same lengths to include Trebatius in the community of Quintus, Brutus, Atticus, Cicero, and Varro. This is not a text whose dedication could be arbitrarily assigned. Though it functions as favor and not as commodity, the *Topica* meets a specific, non-communal need.

The same seems to hold true for Cicero's textual relationship with Luceius witnessed in *Fam.* 5.12. As Dugan has argued extensively, this letter, in which Cicero asks Luceius to write an embellished history of Cicero's consulship, closely resembles Cicero's speech *Pro Archia*.⁴¹⁵ According to Dugan, the letter, like the speech, is epideictic, a showpiece that not only makes a request, but offers examples of the style Cicero hopes Luceius will use if he accedes to the request. Specifically, Cicero uses *ornatus* in his letter to inspire the same in Luceius. But the letter to Luceius, like the

⁴¹⁵ Dugan (2005) 47-54.

speech for Archias, failed in achieving its aim. The goal of these texts, in general terms, had been “to project the rhetoric of display into the political domain. They therefore mark an intermediate step between texts of private reflection and ones of direct political engagement.”⁴¹⁶ It is only when this strategy fails that Cicero turns to a new genre to try to bridge the private-political gap, the dialogue. The letter to Lucceius thus represents a different strategy of dedication. It is still a strategy that depends upon *gratia* to be sure, but one which requires an external response instead of inscribing a response internally.

Conclusions

The dedications of the dialogues have a unique power relative to other textual dedications because the dialogues themselves give both instruction and example of how their dedications should be interpreted. The dedications model an idea of exchange that bristles back from a commercialized ideal of text-for-text. Central to the subversion of this commercial ideal is the involvement of several figures in one dedication. Atticus and Brutus especially embody this explosion of dyadic exchanges. Not only are they two distinct figures brought into relation, but they are representatives of two different eras which can become associated through their persons. At the same time, Cicero’s dedications respond to multiple motivations; they are “answers” both to other texts and to requests, often with one text balancing many texts or many requests or a combination of the two. In this way they work more to establish a network of texts and requests than to achieve commercial balance. Such a network mirrors the human one Cicero wants to establish. Finally, a dedication paradoxically makes a text public. It is a mark signifying

⁴¹⁶ Ibid. 70.

the completeness of a text, which certifies it to circulate, and so give communal awareness to a private relationship.

The requests that inspire the dedications of texts also closely resemble the requests that flavor the interactions of the dialogues' interlocutors. In these exchanges, as in those embodied by the dedications, only the right kind of request can succeed. This request is one that does not seek only an *ars*, but something more, an *ars* synthesized with wisdom and virtue. An interlocutor such as Crassus will respond only to such a request, or in such a way that he can correct the errors in the request.

This particularity on the part of the requested is no surprise; it fits right in with the theories of *gratia* and exchange that the dialogues support. According to these theories, *gratia* is a communal virtue which is the exclusive property of the good. The *boni* alone practice true *gratia* because *gratia* itself is the demonstration of virtue in response to the virtue of another. This type of response initially engenders personal relationships, but easily translates into the public sphere. This is one reason why Epicureans are so often contrasted with those who demonstrate the communal virtues. Epicureans try to commodify their private dealings, a course of action that renders them unfit for public service. The fact that they shun public service in the first place only supports their ignorance of the community-generating principles and responsibilities of true *gratia*. True *gratia*, once inspired, carries over from generation to generation, and supplies the virtue-minded glue that ensures a community's survival.

Conclusion

In the opening lines of the preface to *De Divinatione 2*, Cicero describes his motivation in composing of the *complures libros* of his post-exilic years. Most of all, he says, he wished to prevent any interruption in his service to the state. Though he does not say so explicitly, he clearly refers to an interruption occasioned by his exile and Caesar's ascension.⁴¹⁷ Elsewhere Cicero describes this period of his life as enforced *otium*, an *otium* threatened by the absence of the *dignitas* which Cicero identifies with the *otium* of L. Crassus in the opening words of *De Oratore*. As he claims in *Div. 2*, Cicero achieved a level of usefulness to the state (and so maintained a certain amount of *dignitas*) by writing his theoretical books, books which he says communicate the *optimarum artium vias* to the Roman reading public.

What Cicero does not explicitly explain is why the great majority of those works assume the form of the dialogue. In this dissertation I have sought to explore the formal capabilities of the dialogue which would make it attractive to a Cicero seeking to maintain *dignitas* and to render significant service to a state faced with a rapid shift of political and social structure. In general I have argued that the dialogue form itself represents an antidote to the decommunalizing and populizing nature of Caesarian hegemony. Other scholars, especially Narducci, Fantham, Dugan, and Connolly, have observed Cicero executing a similar pro-community political strategy in the dialogues, but they have tended to identify this strategy with Cicero's rhetorical works and theory. Building on this effective and convincing mode of analysis, I have sought to expand the

⁴¹⁷ On the dating of *Div.*, especially relative to the assassination of Julius Caesar, see Falconer (1923) and Durand (1903).

parameters of Cicero's strategy by exploring the qualities unique to the dialogue form that allow it participate in this same project.

The communal character of the dialogue is clear on the surface in the interactions of the interlocutors, but there are three qualities which I have argued best encapsulate the project of community-building/repair: *imitatio*, *memoria*, and *gratia*. Each of these qualities depends on community for its expression and serves to generate community where it does not exist. Dialogues are, like dramas, inherently imitative insofar as they represent the actions and speech of their characters. Dialogues are, in Cicero's case, memorial because their action occurs in close temporal proximity to the death of one of the interlocutors. Cicero often assumes the role of a mourner at a funeral. They are also memorial because they conjure figures from the past into the present, for a new generation to contemplate and consider. And dialogues are the *loci* for the expression of *gratia*, because, like other texts they may be treated as objects of exchange or as responses to requests, but also because they exhibit the *humanitas* and social ethics of the interlocutors.

Cicero treats each of these qualities in the theory of his dialogues, he represents each of them through the drama of the interlocutors, and he himself practices them as the author of texts. For Cicero, imitation is the method by which an individual may access the virtue and community present in nature. As an imitator of Plato, Cicero himself seeks to access the natural through the use of dialectic, and to create a continuity between himself and the great ethical theorist of Athens.

Memoria is, in Cicero's thinking, a communal process. The rememberers remember best when they do so in cooperation, and it is best to remember the

remembered in the context of their communities. Memory erases temporal boundaries and allows for a sort of transtemporal space in which figures from different generations may intersect (a space approximated by *otium* in the dialogues). The players in the dialogues all come to inhabit this transtemporal space through the interweaving of the dialogues, and Cicero includes himself amongst their community. Cicero envisions this community of the *boni* reiterating the ethics and political processes intergenerationally, in such a way that, in Arendt's terms, the act of foundation is reproduced from one generation to the next, forming an organic connection between the seat of authority, the *boni*, and traditional Roman ethics (*mos maiorum*).

The connection between *gratia* and community is well-established. Cicero, however, seeks in his dialogues to distinguish between two types of *gratia* that lead to two types of society. The first and wrong kind of *gratia* treats favors and gifts as quantifiable and commoditized objects of exchange. To cast aspersions on this kind of *gratia* Cicero regularly associates it with the Epicureans. The preferred type of *gratia* is the response of a virtuous individual to the expression of virtue by another. Cicero himself seeks to avoid the commoditization of his knowledge into the form of a treatise, or *ars*. The dialogue form is an acceptable alternative that privileges virtuous communal interaction over quantification. At the same time, Cicero practices *gratia* in his dedication and exchange of the dialogues themselves. Cicero repeatedly resists the temptation to treat the dialogues as tools for the advancement of his own social position. For, after all, as he says in the opening words of *Div. 2*, it is his goal in the dialogues "to benefit as many as possible" (*prodesse quam plurimis*).

In the end the dialogue form exhibits these communal characteristics better than any medium available to the Cicero of the 50s and 40s. As power continued to be concentrated in the hands of Caesar, and as traditional ideas of politics and social ethics began to shift, Cicero turned to the dialogue both to demonstrate and to enact the ways in which his best idea of society might operate.

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