BORN TO SPEAK: *INGENIUM* AND *NATURA* IN TACITUS'S *DIALOGUE ON ORATORS**

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Tacitus's *Dialogus de Oratoribus* has received attention over the last few years as a template for political dissidence expressed as "doublespeak," as a chart of new directions in oratory during the early empire, as a subtle and provocative exploration of literary history, and as a turning point for imperial memories of a republican past.[1] The work lends itself to such diffuse responses because it is a dialogue in the fullest possible sense of the word. Almost every idea (both in the author's preface and in the narrated conversation) either is explicitly contested by an interlocutor or is expressed with an ambiguity that invites competing interpretations. Tacitus makes a point of withdrawing himself from an authorial position as creator: his creative talent (*ingenium*) is not needed for the work undertaken, he declares (*Dial*. 1.3), placing his own absent *ingenium* amidst a constellation of other *ingenia*—the talents of "our age" (*nostra . . . aetas,* 1.1)—that provide the topic for discussion. Readers will not be shocked that the word *ingenium*, obsessively repeated in the preface, emerges as a key term for the dialogue—its absence would be far more surprising in a discussion of

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1 This list sketches some of the dominant strands in recent Anglo-American work on the *Dialogus*: Bartsch 1994, Goldberg 1999, Levene 2004, Gowing 2005; in very different ways, these analyses, along with Luce 1993, have thoroughly opened up the work's fundamentally dialogic qualities, particularly in contrast to an earlier strand in the scholarship that viewed Maternus as little more than a surrogate for Tacitus; Goldberg provides a useful summary of these earlier tendencies.

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Roman eloquence. More striking is the whole range of kindred language woven throughout the *Dialogus*, as the work picks up the preface's focus on *ingenium* by employing literally and metaphorically a range of other birth-related terms, in particular, *nascor* and derivatives such as *natura*. The work depicts a search for a collective identity that would define "our era": while Cicero's *de Oratore* exploits the language of *natura* to establish oratorical eloquence as "ours"—as Roman rather than Greek—the *Dialogus* densely weaves a similar vocabulary of birth in order to ask what essentially defines "our" time.[2]

Instead of answering this question, the *Dialogus* probes the strategies and assumptions at work in the search that it narrates and asks its readers to join in puzzling out what is at stake in the attempt. Each interlocutor hopes to delineate a form of eloquence that would allow persuasive speech to communicate some core of truth. Each speech successively reveals how the search for intrinsic truth gets embroiled in the contingent experiences of a community. The *Dialogus*'s genre parallels its content. Dialogue as a literary form attempts to isolate thoughts and lay them open to inspection in a partly abstract framework by detaching ideas from the personal *auctoritas* of the writer. At the same time, by adopting the guise of a quasi-historical narrative (often in memoir form, as is the *Dialogus*), the genre reinserts those ideas into the problems and concerns experienced by a particular group of speakers conversing at a particular moment.[3] Tacitus heightens this generic effect by verbally and thematically connecting the act of writing a dialogue with the questions of eloquence and identity that drive the discussion.

Given Roman society's investment in stratifications created by

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2 Connolly 2007b.96–117. Connolly shows how Romanizing eloquence involves bringing Greek philosophical and rhetorical arts within a civic sphere. She argues that, by the end of *de Oratore,* it is suggested that "not only can there be no rhetoric without virtue . . . but there can be no virtue without rhetoric," though "eloquence itself turns out to be governed by law—the laws of nature" (110).

3 Cicero discusses this explicitly (e.g., *de Natura Deorum* 1.5.10: *auctoritas* should not beat *ratio*, and *ad Q. F.* 3.5.1 on his decision to place *de Re Publica* in a historical setting). See Fox 2007 passim on Cicero's choice of dialogue as a mode of communication. Quintilian 2.15.5, 10 makes it clear that, in his time, readers differed on how to understand the author's role in a dialogue. Discussing definitions of eloquence that think entirely in terms of outcome, he points out that Plato's authority should not stand behind this approach: the attribution to Plato of *vis dicendo persuadendi* ("the power of persuading by speaking") and other such formulations for eloquence is something he blames on the practice of excerpting passages without considering Plato's dialogic form.

birth, it is hardly a coincidence that the Latin word *ingenium* refers to the intellect, personality, and creative power that a person is *born* with, where English (at least in contemporary western societies dominated by a meritocratic ideology) would more often use words such as "ability" (focusing on what may be achieved), "gift" or "talent" (depicting a divine favor that grants someone ability), or perhaps "character" (emphasizing a person's individual stamp). *Ingenium* can also serve as a near synonym for *natura*.[4] English translations, striving to avoid clunky phrases such as "inborn ability," often veil just how closely *ingenium* as a term for intellect or talent is associated with *nascor* and its derivatives in Latin literature.

The language of birth shadows an appeal to a natural order with the specter of arbitrariness. It suits elite Roman ideology that the circumstances of a person's birth should appear to be an intrinsic and essential part of an individual's identity. And it is not only Roman culture that tended (however questionably) to align what is natural with what is essential, inherent, inevitable, and therefore—somehow—true.[5] Yet even at Rome, birth is acknowledged as arbitrary and incidental to the extent that no one has control over when, where, and even with what talent he was born.[6] For example, Cicero's Antonius (laying out guidelines for praise speeches) cites Crassus in contrasting the gifts of nature and fortune with the things that people could obtain for themselves ("quae ipsi sibi homines parare possent"); Antonius's list of fortune's benefits includes *genus*, *forma*, and *ingenium,* as well as *pecunia, amici,* and *opes*, and extends to other attributes that either belong to the body or are extraneous ("quae sunt aut corporis aut extraneae," *de Oratore* 2.45–46; cf. 2.342). Nature here is aligned with the arbitrariness of fortune.

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4 See, for example, the web of intertextual references noted by Heubner 1963–82 on *Hist.* 2.63 and by Woodman and Martin 1996 on *Ann.* 3.26, especially the echo (in discussing early human behavior) in *Ann*. 3.26 of Cicero *de Fin*. 5.61.

5 Bibliography on this immense topic (extending far beyond classical cultures) is too copious to list here. The core problem of *ars* against *natura* in *de Oratore* illustrates the pervasive assumption: *ars* is regarded as disturbingly close to artifice and must be brought within the sphere of *natura*. For a concise example of the way that *natura* is sometimes simply aligned with truth, see *de Fin.* 5.2, where Cicero's Piso asks whether the propensity to be moved by location more than by narrative has been granted by nature or comes from some kind of mistake ("*naturane* nobis hoc . . . datum dicam *an errore quodam*, ut . . .").

6 I am less than partial to the generalizing masculine third person pronoun, but "he" and "his" seem the most appropriate choice in the context of Roman rhetorical theory, which is preoccupied above all with how men communicate as men.

All three main speakers in the *Dialogus,* Curiatius Maternus, Aper, and Vipstanus Messalla, depend on a double vision of birth as something arbitrary and as something that communicates an essential truth. As each looks for a meaningful way to express the significance of eloquence for their generation, we see that the identity sought is always just out of the speaker's grasp: it is determined simultaneously by the unreachable past and by the present; it is constituted both by something innate or intrinsic and by the extraneous circumstances of time and place that nurture a person's *ingenium*. Each speaker addresses the ways that the arbitrary contingencies of birth involve themselves in the essence of eloquence that he is searching out.

One reason that Roman rhetorical theory tends to be lavishly studded with the word *ingenium* is that a focus on the speaker's individual identity responds to a long-standing anxiety about how to evaluate rhetoric. In the final speech of the *Dialogus* (36–41), the poet-advocate Maternus expresses a familiar worry about the nature of oratorical power, even while he locates that concern in a particular political environment, that of the late republic: "When things were in turmoil and lacked a single ruler to keep things within bounds, each orator was exactly as wise as the vacillating and confused populace could be persuaded to believe" ("cum mixtis omnibus et moderatore uno carentibus tantum quisque orator saperet quantum erranti populo persuaderi poterat," 36.2).[7]

In this comment, Maternus localizes to the late republic a persistent transhistorical problem of rhetoric. The goal of an orator must be to make his argument seem wise. If his persuasion is effective, he will succeed. But if the measure of wisdom should turn out to be sheer persuasiveness, how can either eloquence or wisdom be evaluated according to any absolute standards? How can eloquence be measured on any terms except its own? It is an anxiety that we find in the earliest classical literature (one could read the *Odyssey* as an adventure-filled meditation on the problem). Plato's Socrates criticizes forensic oratory forcefully (and influentially) when he tells Phaedrus that, in the law courts, no one bothers about truth (*aletheia*); persuasiveness (*to pithanon*) is the point, and likelihood (*to eikos*) (*Phaedrus* 372d–e).

This difficulty is one clear reason that ancient theorists search for

7 Throughout this article, I use Mayer's text of the *Dialogus* (2001). Translations with no attribution are my own.

an understanding of the *orator*'s identity that goes far beyond whether or not a speaker could get the job of persuasion done.[8] Cicero in *de Oratore* and Quintilian in the *Institutio*, although writing from significantly different political and literary contexts, nevertheless respond to the problem with a similar core strategy: both argue that the speaker's job must be elaborated and given a political and ethical value that would both surpass mere persuasiveness and provide a foundation for eloquence.[9] We see this also in *Brutus*, both in its overall project and, more particularly, at moments when Cicero deduces oratorical *ingenium* from political *prudentia*: for instance, when he concludes from their political efficacy that characters such as Lucius Brutus and Lucius Valerius Maximus *must* have been effective speakers (*Brutus* 14.53–56).

Establishing an ethically sound and wise orator to stand behind his language is one way that ancient theorists hope to overcome the risk of eloquence working its persuasive effects without being anchored in truth.

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8 Cicero's Scaevola wittily summarizes a more limited role for the orator: "Satis est . . . denique ut prudentibus diserte stultis etiam uere dicere uidearis" ("It is enough . . . in short, that you should seem to the intelligent to speak skillfully, and that to the foolish you should appear even to speak the truth," *de Or.* 1.44).

9 But see Gowing 2005.108 and Connolly 2007b.255–61 on equally important distinctions between the two approaches to rhetorical theory. Quintilian's argument for an understanding of eloquence as fundamentally ethical is particularly direct and explicit. See *Inst. Or.* 12.1, as well as 2.15.38. In 2.15, he asserts that the goal of rhetoric is simply *bene dicere*, regardless of outcome. At 12.1.11, he reacts to the kind of concern expressed in *Phaedrus* and elsewhere; here he admits that effective speech is measured by its persuasiveness, not by its truth or falsehood, but he asserts that an ethically good speaker will also be more persuasive: "Nam hoc certe nemo dubitabit, omnem orationem id agere ut iudici quae proposita fuerint vera et honesta videantur. Utrum igitur hoc facilius bonus vir persuadebit an malus? Bonus quidem et dicet saepius vera atque honesta. Sed etiam si quando aliquo ductus officio (quod accidere, ut mox docebimus, potest) falso aliqua adfirmare conabitur, maiore cum fide necesse est audiatur," "No one surely will doubt that the aim of all oratory is to make its propositions appear true and honourable to the judge. Which then will find it easier to be convincing, the good man or the bad? The good man will also *say* true and honourable things more often; but even if some particular duty leads him (and this can happen, as I shall show later) to attempt to make some false statements, he is still bound to be believed more than the other man" (text and translation Russell 2001). Winterbottom 1964 argues that Quintilian's explicitness responds to a particular need for correction in the oratory of the principate due to the aggressive and destructive eloquence of *delatores*; several recent scholars have made the case for greater continuity. Rutledge 1999 argues that the *delatores* of the principate have more in common with the *accusatores* of the republic than is often acknowledged; Goldberg 1999.227–29 argues that the *Dialogus*'s concern with *delatores* has been overstated and gives a nuanced evaluation of Vibius Crispus, Eprius Marcellus, and Messalla's brother Regulus.

When Tacitus in the *Dialogus* so pointedly removes his creative *ingenium* from consideration, he simultaneously distances himself from this approach and draws attention to its temptations.

Readers of a dialogue come prepared for a work of fiction that will pose as some kind of memoir or commemoration, so Tacitus's creative role as writer juts out from the text all the more for the fact that Tacitus has sidelined his own *ingenium*. This contradiction reverberates through the discussion. On the one hand, Tacitus's disavowal of any role for his *ingenium* in the text appears a prudent strategic move: it makes sense to remove the dialogue's own author from view when a key strand of the discussion probes what it means to make the speaker (or author, presumably) the repository of value in persuasive eloquence. Tacitus as speaker is not trying to persuade anyone of anything, apparently; his job is merely to record, so he claims, and that puts him safely offstage in this debate.[10] On the other hand, that line has convinced few readers of the dialogue. It is as if there were a cluster of arrows all pointing away from a central spot, Tacitus's authorial *ingenium*, with a label, "not *here*," affixed to that space in the middle.

So Tacitus's insistent removal of his own authorial *ingenium* from the text implicates the work's form as dialogue in the issues of communication that are at stake. Just about every sentence in the preface is shaped dialogically, with opposing viewpoints condensed into each short phrase. The kaleidoscopic representation of *ingenium* in the preface keeps readers guessing about what place *ingenium* will occupy in the questions addressed by the work as a whole.[11] Will the sense of *ingenium* as "creative talent" or as "innate character" dominate? Will the work celebrate or condemn the *ingenia* of Tacitus's own generation?

Tacitus disclaims even raising the topic under discussion and instead attributes the central question of oratorical decline—including the

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10 He is remarkably unobtrusive even as an audience member. In the main body of the narrative, there are no reminders of his presence during the debate that he claims to have overheard, unlike Cotta in *de Oratore*, whose presence as a rising young orator (along with Sulpicius) forms an intrinsic part of the dialogue's narrative.

11 Like Cicero in *de Oratore*, whose exploration of *ingenium* is rich and subtle but centers around a single core opposition (*ingenium* and *ars*), and Sallust in the preface to his *Bellum Catilinae* (where the central opposition is *ingenium* as intellect contrasted with bodily strength), Tacitus sets up one defining pair of terms (*ingenium* and *memoria*), but allows the multivalence of the word *ingenium* to come through in his nuanced presentation. See Gunderson 2000 on the instability of Sallust's presentation of *ingenium* and Dugan 2005.72–74, 289–309 on how Cicero presents his own *ingenium* as embodied in his written oeuvre.

assumptions attendant on that question—to his near contemporary Fabius Iustus.[12] Not only does he avoid commitment to Fabius's presuppositions, he gives him words that highlight the uneasy relationship between raw *ingenium* and its cultural context; Fabius's question offers us the chance to differentiate between actual talents and the praise that *acknowledges* talent in any particular era (1.1):

> saepe ex me requiris, Iuste Fabi, cur, cum priora saecula tot eminentium oratorum ingeniis gloriaque floruerint, nostra potissimum aetas deserta et laude eloquentiae orbata uix nomen ipsum oratoris retineat; neque enim ita appellamus nisi antiquos, horum autem temporum diserti causidici et aduocati et patroni et quiduis potius quam oratores uocantur.
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> Often you ask me, Iustus Fabius, why, given that earlier generations flourished in the talents and glory of so many exceptional orators, *our* age in particular, abandoned and bereft of the distinction of eloquence, should scarcely retain even the name "orator"; for we term only the ancients "orators," while fluent speakers of *these* times are called case pleaders and advocates and patrons and anything rather than orators.

Fabius's question depicts the problem of decline ambiguously: is the point here that earlier generations had a blossoming of *ingenia* while their own time is bereft of eloquence, or that in earlier generations, glory flourished alongside talent, while their own generation no longer acknowledges eloquence and refuses the accolade of *orator* to speakers? *Ingeniis gloriaque*

12 Goldberg 1999.225–26 thoroughly explores this displacement of the question about decline onto Fabius. On its own, one could regard this as merely a conventional disclaimer, typical of the genre, but Goldberg notes: "The decline of oratory becomes a question which Tacitus never answers in his own voice, and his reluctance to do so is not the result of false modesty. He instead is putting distance between what has become Fabius's statement of the theme and what might be his own opinion on the subject." This is in keeping with the rest of Tacitus's preface, in which Tacitus speaks out directly only about the qualities of specific individuals such as Aper and Secundus. Mayer 2001 ad loc. conveniently summarizes sources for the conventional address and for the information we have about Fabius.

offers itself as a possible hendiadys (we could translate the phrase *ingeniis gloriaque floruerint* as "flourished in the glorious talents," for instance), but when we are invited to combine a pair of words, we notice the mental leap that would be needed to elide the conjunction; readers are drawn into the act of consciously choosing which perspective to adopt.[13] A similar ambiguity crops up in the phrase *laus eloquentiae*. We have two choices of how to take the relation between *laus* and its modifying genitive *eloquentiae* here. If we merge the two ideas, we are saying that the age lacks the kind of eloquence that *merits* praise, which is how most readers have understood the phrase. Yet its context in the sentence invites us just as readily to place the emphasis on *laus* as praise: grammatically, it is not *eloquentia* itself that is missing but the public acknowledgment of eloquence.

Following Fabius's question, an explanatory continuation of the sentence (*neque enim ita appellamus* . . . , 1.1) draws a line between full oratorical authority (and the social recognition that goes with it) and a more limited form of achievement attained by contemporary speakers. The ambiguity of Fabius's question sits well with the rest of the sentence: is the label *orator* withheld because there is no eloquence that deserves the name or because the current received wisdom is all against glorifying modern speakers with a word so loaded with expectations in the rhetorical tradition?

The preface prepares us to distinguish an intrinsic natural capacity for eloquence from the contingent role played by such eloquence during any particular era. Speakers nowadays may get a certain amount done in the law courts, as *causidici* and so on, but they have lost a more substantial authority, the distinction granted by the label orator: the *nomen* . . . *oratoris* has gone missing. When Tacitus (or is it still Fabius's voice here, although the mood has shifted into the indicative?) tosses out the labels "causidici et aduocati et patroni" ("case pleaders and advocates and patrons") almost as if they were insults, he implicitly distinguishes the full prestige (*laus* or *gloria*) granted to outstanding orators from any mere notoriety that may come from effective speaking in the law courts. Again ambiguity is lurking: the discussion of labels evokes Cicero's Crassus, who in *de Oratore* (1.202) famously contrasts the *causidicus* with the *orator-cum*-priest who holds the power of speech granted to mankind by *natura ipsa* ("nature herself") and by a god.[14] Crassus makes *causidicus* into a far more dismissive

13 Mayer 2001 ad loc. comments "not necessarily an instance of hendiadys."

14 This is a widely recognized allusion: "non enim causidicum nescio quem neque clamatorem aut rabulam hoc sermone nostro conquirimus, sed eum virum, qui primum sit eius

appellation than the one we see here, as he groups the "case pleader" not with the perfectly respectable *aduocatus* and *patronus* but with such raucous slippery operators as the *rabula* or *clamator*. The difference between Crassus's group of labels (*causidicus, rabula,* and *clamator*) and Tacitus's (*causidicus, aduocatus,* and *patronus*) hints that the present era may be acting arbitrarily when it accords the name *orator* to the ancients without extending the label to speakers who do perfectly satisfactory jobs in the present-day law courts.[15] The true *orator* is a concept that has always been in danger of receding into a more or less legendary past or (in *de Oratore*) an imagined future. So in Fabius's question, even before Aper challenges Messalla's complaints about oratorical decline, there lurks the notion that nothing very much has changed since Cicero's time: praise is granted to earlier generations (whether they are regarded as real or as legendary) just as it always has been, and is denied to current speakers despite their talent and value to society.[16]

It is after unobtrusively offering these distinctions between changes in the supply of raw talent and shifts in cultural recognition that Tacitus inserts his own role as author into the mix of problems that are up for discussion. The questions surrounding decline become caught up in the production of the *Dialogus* itself: if Fabius cannot be answered, the *ingenia* of the age must be condemned (1.2).[17] But fortunately, Tacitus claims, his

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artis antistes, cuius cum ipsa natura magnam homini facultatem daret, auctor tamen esse deus putatur, ut id ipsum, quod erat hominis proprium, non partum per nos, sed divinitus ad nos delatum videretur," "After all, what we are looking for in our discussion here is not some second-rate pleader, a shouter, or a ranter. The man we are searching for is, in the first place, the high priest of his art, an art whose great powers, it is true, were bestowed upon the human race by nature herself, but which is at the same time regarded as having had a god for its creator: the very faculty that is the hallmark of humanity appears not to have been produced through our own agency, but to have been presented to us from above by divine decree" (translated May and Wisse 2001).

15 Admittedly the difference between Crassus's republican insults and Tacitus's more neutral labels also coheres with Maternus's claim in his final speech that the era of rabble-rousing oratory has ended along with the turmoil of the late republic; this ambiguity about the kind of change pinpointed by the preface is indicative of the thoroughly dialogic structure of the whole text.

16 Horace *Ep.* 2.1 expresses the persistence of this notion with particular vividness, and Horatian mockery of an age-old decline *topos* colors much of the *Dialogus*, evoked most strikingly by Aper at *Dial.* 16–17.

17 (1.2) "cui percontationi tuae respondere, et tam magnae quaestionis pondus excipere ut aut de ingeniis nostris male existimandum <sit> si idem adsequi non possumus aut de iudiciis si nolumus, uix hercule auderem si mihi mea sententia proferenda ac non disertissimorum, ut nostris temporibus, hominum sermo repetendus esset, quos eandem hanc quaestionem

own *ingenium* is not to be put to the test: he is merely a historical source for the discussion he narrates.[18] He happens to have been physically present and will recall and commemorate the conversation; he discourages readers from looking to him for the creative impulse that has generated it. Tacitus sets *ingenium*, which originates, against *memoria*, which recalls and celebrates, claiming that the dialogue is a work of recollection and commemoration that will preserve and pass down the display of each man's *animus* and *ingenium*. This suggests that the efficacy of the *Dialogus* will lie in its degree of success in restoring its deserved *laus* to contemporary eloquence

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pertractantes iuuenis admodum audiui. (1.3) ita non ingenio sed memoria et recordatione opus est, ut quae a praestantissimis uiris et excogitata subtiliter et dicta grauiter accepi, cum singuli diuersas quidem sed probabiles causas afferrent, dum formam sui quisque et animi et ingenii redderent, isdem nunc numeris isdemque rationibus prosequar, seruato ordine disputationis." (1.2) "I would hardly dare reply to this enquiry of yours and take up the burden of so massive a problem that it must reflect badly either on our talents if we cannot follow it up or on our powers of judgment if we do not choose to, if my own opinion had to be put forward, instead of recounting a conversation held by thoroughly eloquent men—at least eloquent for our times—whom I heard handling this question when I was quite a young man. (1.3) So it is not ability but a store of memory and the power of recollection that are needed for me to set out now, in the same arrangement and with the same arguments, preserving the order of the discussion, the subtly reasoned and conviction-filled words that I heard from exceptional men, when each individually offered a range of different but plausible reasons, while each displayed the form of his own mind and his own inherent ability."

18 The device of purporting to recount a discussion held by one's seniors echoes Cicero's *de Oratore* (among other dialogues), but the paradoxical withdrawal of the author's self is far more strongly marked here than in *de Oratore*, partly because of the weight that the word *ingenium* has already acquired through repetition by the third sentence of the *Dialogus* and partly because this work explicitly promises to aim at a blow-by-blow account of the once-heard conversation, not an approximation. This section of the *Dialogus* evokes terms that *de Oratore* 1.4 uses to different effect: not deflecting attention away from Cicero as author but instead emphasizing how the discussion will address Quintus's request that Cicero should write something on oratory that will be more polished than his earlier efforts, something to match the level of his experience. Cicero does present *de Oratore* as an act of commemoration, but he offers to pass down the styles and characters of Crassus, Antonius, and the others; Cotta is the conduit for the memories of the series of conversations that Cicero narrates. Dugan 2005.90–92 points not only to the similarities and contrasts between these passages in *de Oratore* and *Dialogus*, but also to the way that Cicero's ambiguous formulation "highlights his role as the author of the *De Oratore*, in which he must have had recourse to his literary *ingenium* in order to fill the gaps left in the imperfect recollection of the events he represents" (92). See also Luce 1993.37. Gowing 2005.112, emphasizing the important intertextuality between the *Dialogus* and *Brutus*, reminds us that Tacitus's phrase *memoria et recordatio* quotes *Brutus* 9. But, of course, the key difference in the employment of this phrase is that Cicero himself speaks in the *Brutus*, unlike Tacitus in the *Dialogus*.

and that this, in turn, will enable the *ingenia* of recent generations to pass into a literary tradition.

The formal dispute in the *Dialogus* kicks off after the energetic speaker Aper harasses Maternus for neglecting his dependents in the forum and wasting time instead on playwriting (3.4). At the heart of Aper's attack is his complaint that Maternus, by turning from forensic speaking to poetry, reneges on the duty laid on him at birth. He characterizes Maternus as "born for the eloquence that belongs to a man and an orator" ("natus ad eloquentiam uirilem et oratoriam," 5.4), and uses this description to justify goading his friend about his poetry.[19] In devoting his time to writing tragedies, Maternus has abandoned his natural destiny, as Aper would have it: poets who are not up to the public oratory of the forum may do what they choose, but those made for *eloquentiam uirilem* should appreciate their birthright.[20] He returns to this line of argument towards the end of his speech: "sed tecum mihi, Materne, res est, quod, cum natura tua in ipsam arcem eloquentiae ferat, errare mauis et summa adepturus in leuioribus subsistis," "I'm bothered about you, Maternus, because even though your nature takes you to the very summit of eloquence, you prefer to ramble about and stick with frivolities when you could attain the heights" (10.5). The ability to speak is idealized by Aper as a natural force granted Maternus at birth; at

19 This phrase echoes Crassus's praise of Sulpicius in *de Or.* 1.99 as "unum ex omnibus ad dicendum maxime natum" ("uniquely born to speak") and of Sulpicius and Cotta in *de Or.* 1.131 as possessing "egregiam quamdam ac praeclaram indolem ad dicendum" ("a certain distinctive and splendid innate propensity for speaking").

20 Aper ends his elaborate indictment of Maternus by claiming that he is giving up a pursuit that is unmatched by any other in the state when it comes to usefulness, *dignitas*, and distinction ("quo non aliud in ciuitate nostra uel ad utilitatem fructuosius uel ad dignitatem amplius uel ad urbis famam pulchrius uel ad totius imperii atque omnium gentium notitiam inlustrius excogitari potest," 5.4). Like Bo 1993.302 n. 114, I remain unconvinced by Ritter and Schulting's addition of <*uel ad uoluptatem dulcius*> at 5.4 (in support of the addition, see Güngerich 1980 ad loc). When Aper outlines what Maternus is giving up, the series *uel ad utilitatem . . .* forms more than merely a list of headings for the rest of his speech (though it does largely coincide with his arrangement of topics); the list also explains in broad terms his definition of Maternus's birthright as *eloquentia uirilis et oratoria*, after specifying the particular activities and results of oratory ("qua parere simul et tueri amicitias, asciscere necessitudines, complecti prouincias possit," "an eloquence by which it is possible both to generate and sustain friendships, take on connections, and extend one's reach over provinces," 5.4). In the course of his speech, he explains the particular pleasure that the power of oratory can bring, but in his initial list, bereft of explanation, it would not immediately be clear how *uoluptas* would help Aper define the manly qualities of oratorical eloquence.

the same time, in its social value, eloquence has its own generative power to produce friendships (*parere . . . amicitias*, 5.4). One reason for depicting forensic oratory as a particularly masculine form of eloquence is because of its practical value for men establishing their authority in the social practices that distribute power in Rome and that constitute Rome's power. And in discussing *utilitas* (5.5–7), Aper praises the security of an orator's position in military metaphors that must be calculated to make the forensic speaker's wielding of words an explicitly masculine activity.

In this first speech (5.3–10.8), Aper is more interested in the results of speech than in eloquence as a means of communication in the usual sense. He cares about what successful persuasion can do for the speaker and seems relatively untroubled about what speakers actually say. He measures eloquence in terms of its relation to the speaker's self, though not in the ethically centered terms advocated by Quintilian. The effects of eloquence communicate a kind of truth, Aper suggests, regardless of whether the orator speaks truly or knowledgeably. Successful oratory, by its results, informs the world around him, and the speaker himself, who he really *is*.

Aper's densely clustered verbal references to birth direct attention away from the content of oratory and towards its success in establishing a speaker's identity. For Aper, oratory is both something that certain privileged men are born to through their *ingenium* and *natura*, and something whose value can be measured by the heights a speaker has achieved in spite of his social standing at birth. This view emerges not only in the ways he rebukes Maternus but also in his personal reminiscences on the joys of success and in his most provocative examples of achievement: Vibius Crispus and Eprius Marcellus. His *laudatio* of forensic oratory follows the structuring principles outlined by Cicero's Antonius, who advises that the extraneous advantages of fortune (family, appearance, wealth, and so on) reveal a person's *uirtus*, which emerges in the way he uses those advantages (*de Or.* 2.341–42). Oratory's excellence lies in the fact that, by its materially identifiable results in society, it allows the truth about a man's birth—a truth constituted by his *ingenium*—to overcome the incidental circumstances into which he was born.[21]

At the same time, Aper never lets go of a normative Roman belief that one's status at birth as freeborn must provide the basis for any pleasure

21 At 7.3, Aper suggests that the ability even to discern the value of other men as speakers depends on *recta . . . indoles* ("the right sort of native disposition").

to be had from the success that talent brings. When listing some of the materially perceptible rewards of oratory, he defines these as desirable in terms of a person's birth: "What is sweeter for a mind that is free, freeborn, and born for honorable pleasures" ("libero et ingenuo animo et ad uoluptates honestas nato"), asks Aper (6.2), "than seeing one's home always full and thronged with a gathering of the most distinguished people, and knowing that this is not given to one's wealth, one's childlessness, the holding of some office, but is given to one's self (*sibi ipsi dari*)?"[22] Aper appeals to the deepest laid status distinctions in Roman culture and applies these terms to the seat of personality (*animus*); the *animus* born for honorable pleasures is the culminating point of a triad in which a quality that might seem a matter of *ingenium* tops off characteristics that are matters of material fact to a Roman: being neither slave nor freedman. These broad status distinctions differ decidedly from the more socially and politically specific circumstances of birth that Aper will address later (such as being an *homo nouus* [7.1] in the 70s C.E.).

Invoking these basic categories of *libertas*, which articulate the most fundamental ways that birth divides Roman society, gives Aper a foundation on which to build as he lays out how the recognition accorded a successful speaker (the thronging of the speaker's home, in this instance at 6.2) marks out the value granted to that speaker's *self*. Applying the terms *liber* and *ingenuus* to the *animus* instead of the body brings out the full metaphorical layering that the language of freedom and slavery provides to a Roman ear, so that the material, bodily circumstances of being owned or not owned are entwined with all the ways that Roman culture naturalizes its ownership of slaves through its figurative and evaluative uses of words such as *liber* and *ingenuus*.[23] Grouped with the phrase *ad uoluptates*

22 (6.2) "quid enim dulcius libero et ingenuo animo et ad uoluptates honestas nato quam uidere plenam semper et frequentem domum suam concursu splendidissimorum hominum, idque scire non pecuniae, non orbitati, non officii alicuius administrationi, sed *sibi ipsi dari*."

23 See Roller 2001.214–33 for analysis of how these metaphors operate under the early principate. Roman metaphorical layering of the vocabulary of *libertas,* of course, differs in important ways from the relationship between literal meaning and metaphor invoked by our use of "free" in twenty-first-century Anglo-American discourse. It is in keeping with this complicated layering that English translations, especially those dating from nineteenth- and early twentieth-century Britain (i.e., from a time when slave owning had been illegal for a considerable time, but when society was more explicitly birth-stratified than it is today), often use words like "gentleman" for *ingenuus* (e.g., Peterson's 1914 Loeb translation gives "free born gentleman" for *libero et ingenuo animo*).

honestas nato and coming after Aper's appeal to Maternus's sense of duty as a born forensic orator, the word *ingenuus* here (as so often) unites a materially descriptive sense (freeborn) with an evaluative meaning. In this way, Aper associates oratorical *ingenium* with *ingenuitas* ("the position of being freeborn"), depicting oratorical *ingenium* as the highest instantiation of a collective identity for his generation.[24]

Provided that one is free (in the full, figurative sense), one's status as a speaker can, according to Aper, overcome other qualities that would normally lower a person's standing: at 6.3, he points out how the childless, the wealthy, and the powerful are ready (and will go in person) to entrust their affairs to someone who is young and poor. He links the pleasure to be had from reversing this normal ranking (6.3–4) with the pleasure of oratory's direct efficacy in allowing the speaker to inspire in a crowd whatever emotional state he should choose (6.4). Aper links the raw power of oratory as it works its effects on listeners with the secondary social results that mark out the worth of such verbal efficacy by showing how widely its value is acknowledged. He makes a similar move in 7.1, declaring that days when he successfully pleads for defendants have been happier even than the days on which he was made senator or those on which he received the quaestorship, tribunate, and praetorship—despite being an outsider by birth: a *homo nouus* and born in a community that was decidedly not in favor ("in ciuitate minime fauorabili natus"). Political success and marks of imperial favor are transcended by Aper's verbal actions—his successful defense speeches—but his achievements in moving from his status at birth to the rank of praetor are used to quantify the satisfaction he takes in verbal efficacy.

So in this section of his speech (6.2–7.2), Aper draws together the pleasures that occur in the act of speaking with the pleasures that result incidentally from oratorical achievement. He not only depicts oratorical ability as something that allows the speaker to transcend his birth, but also uses the language of birth to celebrate his favorite oratorical activity, which is extempore speech: "For in the human intellect (*in ingenio*), as on the

24 Again, we can compare this with Cicero's Cotta's memory of Crassus urging the young orators to continue their devotion to the craft: *de Or.* 1.31: "Quid enim est aut tam admirabile, quam ex infinita multitudine hominum exsistere unum, qui id, quod omnibus natura sit datum, vel solus vel cum perpaucis facere possit?" "What could be so wonderful as when out of an infinite crowd one human being emerges who—alone or with very few others—is able to use with effect the faculty that is a natural gift to all" (trans. May and Wisse 2001).

land, although other things are long cherished and worked over, still more welcome are those that spring up (*nascuntur*) on their own" (6.6). In this context, the verb *nascuntur* strikingly connects extempore speech with the birth of the speaker and gives a freshly minted vividness to familiar metaphors of fertility. (We see this standard stylistic vocabulary elsewhere in the dialogue: Aper praises speakers for their *ubertas,* "fertility," at 18.2 and 23.6; Maternus presents Catiline, Milo, Verres, and other late republican transgressors as providing *uber materia,* "productive substance," at 37.6.) The naturalness of a speaker's *ingenium* makes it a particular treasure; Aper conceives of *ingenium* as independent of externals such as training, social status, money, or a position in government. Tacitus makes that clear even in the way he introduces Aper to readers, pointing out that he had intentionally achieved a reputation that depended on *ingenium* and *uis naturae* (natural force) rather than on scholarship (2.2).[25] It is eloquence itself (*ipsa eloquentia*) that counts for Aper, and its "divine power and heavenly force" (*numen et caelestis uis*) that allow people to attain a high place in society and politics through the strength of their talent (*ingenii uiribus,* 8.2). Yet the authenticity of this talent—indeed its naturalness—is to be measured by precisely those criteria that the speaker's gift is said to transcend.

Vibius Crispus and Eprius Marcellus vividly illustrate Aper's preoccupation with oratorical talent both as something natural and intrinsic to a speaker's identity and as something that can allow a man to reshape the social identity with which he was endowed at birth (8.3):

> nam quo sordidius et abiectius nati sunt quoque notabilior paupertas et angustiae rerum nascentes eos circumsteterunt, eo clariora et ad demonstrandam oratoriae eloquentiae utilitatem illustriora exempla sunt, quod sine commendatione natalium, sine substantia facultatum, neuter moribus egregius, alter habitu quoque corporis contemptus, per multos iam annos potentissimi sunt ciuitatis ac, donec libuit, principes fori, nunc principes in Caesaris

25 Apparently he disdains *litterae* not only because literary training would sully that sense of natural force (his *ingenium* must be independent of external supports), but also because literary pleasures are associated with *otium*. He wants a reputation for *industria* and *labor* (2.2)—another way to establish forensic oratory as unequivocally *uirilis* (5.4) in Roman eyes, as we see in Cicero's *de Oratore*, in which Roman eloquence, based on *usus*, has to be very careful how it incorporates Greek literary *otium*.

> amicitia agunt feruntque cuncta atque ab ipso principe cum quadam reuerentia diliguntur, quia Vespasianus, uenerabilis senex et patientissimus ueri, bene intellegit ceteros quidem amicos suos iis niti quae ab ipso acceperint . . . Marcellum autem et Crispum attulisse ad amicitiam suam quod non a principe acceperint nec accipi possit.
>
> For the more lowly and undistinguished their birth, the more striking the poverty and straitened circumstances that surrounded their origins, the clearer and more distinctive they are as examples for showing the value of oratorical eloquence, in that while they have not been promoted by the circumstances of their birth, although they lack solid skills and neither of them is distinguished for their character, although one of them is slighted for his bodily appearance, for many years now they have been the most powerful men in the state—as leading advocates while that suited them—now leaders in the circle of Caesar's friendship, they carry all before them and are cherished even by the *princeps* himself with a kind of awe, because Vespasian, an august old man and one who fully accepts reality, understands perfectly well that his other friends rely on those things that they have received from him . . . while Marcellus and Crispus have brought to their friendship something that they have not received from the *princeps* and that could not be received at all.

Marcellus and Crispus combat the disadvantages of their birth (the social position they were born into) and of characteristics that could be seen as inborn traits (their problematic characters and appearance) with their eloquence, which Aper sees as most fundamentally their own possession—it is something that cannot be conferred upon them by anyone else, least of all by Vespasian.[26] This is a truth that Vespasian (*patientissimus ueri*) acknowl-

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26 Being born into a particular location matters, too: one mark of Crispus's and Marcellus's success is that their fame extends so far from their birthplaces: "They are no less well known in the furthest reaches of the globe than in Capua or Vercelli, *where they are said to have been born*" (*ubi nati dicuntur,* 8.1). Their achievements have so far transcended their birth that their place of birth becomes in itself a matter for rumor or speculation.

edges: the value that Vespasian sets on these men marks out for Aper the reality of oratorical eloquence as a good. In his *laudatio* of forensic oratory, he makes it the single activity that defines the identity of his generation: he situates oratory firmly in his own time and political circumstances, and he uses the contingencies of those circumstances to evaluate oratory—but it is a reciprocal process: all other social or material benefits are valuable to Aper precisely because they measure oratorical efficacy, which in itself is independent of those benefits.

Aper, in his second speech (16.4–23.6), uses the language of *natura* in a new way so as to emphasize the perceptible artifice involved in demarcating present and past. He uses a complicated and in some ways flippant argument to show how arbitrarily divisions between "then" and "now" occur. In this speech, he is responding to Messalla's and Maternus's challenge to defend modernity after Messalla's entrance provokes the debate over oratorical decline that was promised in Tacitus's preface. He does not pack this second speech as densely with the language of birth as his first, but he keeps such language pivotal to his method of enquiry. During both speeches, Aper presents *natura* as standing simultaneously for arbitrary strokes of chance (which allow men of value to be born into undistinguished social positions and people to live for widely varying lengths of time) and for the essential nature of things (which offers access to some larger truth—a truth about individual identity in the first speech or about time itself in the second). He begins by questioning the methods of historical enquiry, challenging his companions' habit of using the label "ancients" (*antiqui*) to artificially cut off the current era from the time of their predecessors: calling people *antiqui* makes them sound as if they were born long ago (*olim natos,* 16.5) and summons images of Ulysses and Nestor. He sets the frailty of human bodies against the *natura saeculorum* to show how arbitrarily a unit of time is assessed as "long" or "short" (16.6). *Natura*, governing the movements of the stars, moves slowly and makes human generations look fleeting by comparison, so that even Demosthenes and Hyperides appear quite close in time, despite the passing of 300 years since their era. Aper distances himself from this way of ordering time, passing responsibility to Cicero (in his lost

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And when Aper returns to the job of attacking Maternus because he goes in for fictive eloquence instead of *uera proelia*, he implies that it is his birth in the geographical sense (as well as his inborn talent) that should compel him to perform real oratorical actions; if he had been born in Greece, he would owe it to the world to engage in a different kind of reality (10.5).

Hortensius) for the notion of a "great, true year" (*magnus et uerus annus,* 16.7) in which the constellations return to their previous position. But in a dialogue that examines change over time alongside arbitrary and essential realities, and that has an ambiguous temporal structure of its own, we are decidedly *not* invited to share Messalla's dismissive view of Aper's questions as merely a *nominis controuersia* (25.1).[27]

Aper next exploits an accident of birth in order to upset an overschematic periodization of oratorical history; he tells of an old man he met in Britain whose remarkably long life enabled him to experience what are usually considered two distinct eras, so that only accidents of place (the man not having come to Rome) would have prevented him from hearing Cicero and Caesar as well as "our own proceedings" (*nostris actionibus*) (17.4–6).[28] In praising forensic oratory during his first speech, Aper was deeply invested in incidental circumstances, interpreting these as markers for what belongs intrinsically to the speaker's self. In this second speech, before assessing oratorical eloquence stylistically (he moves on to evaluate speakers of the late republic), he sensitizes his listeners to the contingencies that determine how time is conventionally ordered. In his first speech, the language of *natura* helped Aper make the forensic orator's identity both the pinnacle and representative of a civic identity; here in the second speech, the language of *natura* provides continuity, so that the stylistic questions raised by any one generation of speakers will be seen in relation to the stylistic developments of previous eras. The *Dialogus*'s preface has already invited readers to wonder about the boundaries of *nostra . . . aetas* (1.1): is the era of Nerva (or possibly Trajan) to be smoothly elided with the discussion's setting in the middle of Vespasian's rule?[29] Are "our times" (1.2) delineated by accidents of birth or by political structures? Are they the times in which Tacitus himself and Iustus Fabius happen to have lived or the period of the principate as opposed to the republic?

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27 By "ambiguous," however, I do not mean to endorse Williams' (1978) suggestion that Maternus's second speech moves out of the Vespasianic setting and into a Trajanic present.

28 Levene 2004.173–74 points out that in Aper's scheme, the age of Augustus begins at the end of the republic: "Aper is positing an essential unity of circumstances between the age of Cicero and the time when he is speaking. It is not only that the life of a man could—just—have spanned the two periods; it is also that such a long-lived individual would, he implies, have seen no real change in the political circumstances under which he was living."

29 Uncertainty about the time frame is heightened for us today because we have no absolutely sure way to pin down the *Dialogus*'s date of publication.

Messalla, too, draws attention to the artifice by which the present is established in relation to the past; his technique is less overt than Aper's because he is characterized as believing that a drastic shift has, in fact, occurred between the era of Cicero and the Vespasianic present. He employs the language of nature to talk about the destructiveness of nurture, and he locates these destructive habits in the present and recent past that is contrasted with a rather more distant republican past. Having entered the room mid-dialogue, he immediately picks a fight with Aper over the question of whether oratory has in fact declined: this dispute prompts Aper's second speech (16.4–23.6) and Messalla'a own first, brief speech (25.1–26.8), which is interrupted by Maternus before Messalla can get too personal about contemporary speakers. Messalla asserts the importance of seeing Cicero's generation of speakers (Calvus, Asinius, Caesar, Caelius, and Brutus) as a family group: each with distinctive individual *ingenia* but perceptibly akin in their judgment and aims (25.4). He next produces an organic metaphor of oratorical history: archaic speakers like Galba and Laelius need not be debated, because the most ancient eloquence lacked certain qualities during its birth ("nascenti adhuc nec satis adultae," 25.7).[30] He moves on to depict stylistic decline as a gradual change in oratory's gender; he describes its effeminization using metaphors and analogies that we recognize from famous passages in Cicero, Seneca, and Quintilian.[31] Messalla scorns Maecenas's girly curling tongs and prefers discourse clothed in a rough toga to speech that is dressed up like a prostitute.[32] The rough toga retains its real substance, unlike the prostitute's clothes that use the artifice of dye. Messalla's gendered metaphors appeal to an essentialist view of "natural" masculinity, familiar from other Roman writers: something originally manly and real becomes feminized and artificial through excessive application of culture.[33]

By depicting this transformation as a taint acquired from the stage

30 See Levene 2004.182 on this phrase in relation to the "'natural' life cycle" of oratory.

31 See Connolly 2007a for a useful collection and brief analysis of highly gendered language in Roman rhetorical writers of the late republic and early empire (see, especially, 88–90 and 93–94).

32 "malim hercule C. Gracchi impetum aut L. Crassi maturitatem quam calamistros Maecenatis aut tinnitus Gallionis, adeo melius est orationem uel hirta toga induere quam fucatis et meretriciis uestibus" (26.1).

33 In case we should miss the point, Messalla repeatedly interjects *hercule* (26.1, 26.2), underlining the vehemence of his passionately expressed disgust by appealing to the hero-god who most obviously embodies rugged masculinity in myth, and who is notorious in Roman culture for having abandoned that masculinity while enslaved to Omphale.

over time, Messalla aligns the licentious fictive eloquence of the theater with corrupt modernity. The real oratory of our Ciceronian *maiores* was transformed as modern speakers began to imitate the lax practices of actors (26.2), he suggests; modern style and thought, instead of basing its identity on a solid inheritance from the past, derives its nature from a mode of discourse that Messalla regards as frivolous and insubstantial. For Aper, by contrast, it is the results achieved by oratory that make it a manly category of eloquence (*eloquentiam uirilem et oratoriam*, 5.4), and its masculine quality may even be enhanced by any stylistic changes that help speakers obtain results with their listeners, even if those changes involve adapting poetic and theatrical techniques. Yet both Aper and Messalla draw a line between drama and oratory and categorize oratory as (actually or ideally) real and masculine, unlike the frivolity of drama.[34]

Messalla's use of figurative language takes a surprising turn in his second speech (28.1–32.7 and 33.4–35.5). His key strategy is to expand upon the metaphors he used when diagnosing oratory's ills by turning those metaphors into a story of actual change in educational practices. In his second speech, he enlarges upon his metaphorical characterization of flawed recent styles by presenting this process of corruption in a narrative form that maps out on a historical chart the gradual change in oratory's gender. Asked by Maternus to give the causes of decline, Messalla responds by making literal his earlier metaphors of how feminine culture defeats masculine nature. He tells a tale of educational decline to match the stylistic decline he analyzed. Like Quintilian in the *Institutio*, he begins by looking at the arrangement of the household, claiming that in the old days, before the time of the newly bought-in nurse (*empta nutrix*), a child learned his language in the lap of a chaste mother (28.4) with the help of old-established and carefully chosen members of the household. According to Messalla, typical mothers resembled Cornelia, the mother of the Gracchi, or the mothers of Julius Caesar and of Augustus as they are depicted by tradition (28.5). But nowadays, the child is passed off, right after birth, onto a random Greek slave ("at nunc natus infans delegatur Graeculae alicui ancillae," 29.1). The corrupt feminization of masculine discourse is due to a shift in women's actual, lived behavior—due to a change from the time when a woman's chief glory was to serve (or be enslaved to) her children (*inseruire liberis,* 28.4). Moving beyond early

34 While Messalla derides the *leuitas sententiarum* that belongs to the stage (26.2), Aper attacks Maternus because *in leuioribus subsistis* (10.5).

childhood, he presents Cicero's own education, described in *Brutus*, as if it were a typical practice among earlier generations. Messalla echoes Cicero's Crassus in contrasting philosophical training, founded on real knowledge (including the knowledge of *natura humana,* 31.2) with the artifice of the rhetorical schools that turn eloquence into a cheap form of craftsmanship and deprive it of *ingenuitas,* "the attributes of free birth" (32.4).

Natura metaphors accompany Messalla's narrative as well as underpinning its logic; the language of birth describes the spread of ills in contemporary childrearing as cultural decline seeps into natural talent and perverts it: these ills "born in the City, swiftly spread through Italy, are now trickling into the provinces" ("primum in Urbe nata, mox per Italiam fusa, iam in prouincias manant," 28.2). Such homebred Roman vices (*uernacula uitia*) are ready to welcome children when they are born (28.3). Messalla adds that Rome's own special vices (the passion for theater, gladiators, and horses) appear to him "to be conceived almost in the mother's womb" ("paene in utero matris concipi," 29.3). His *natura* language expresses the search for a particular form of reality, located in the past, against which he negatively defines a corrupt collective identity for his own time—an identity based in unreality. This lost reality of the past lies not only in the philosophical knowledge that he attributes to the entire Ciceronian generation of speakers, but also in real courtroom experience set against fictive exercises by declaimers (34.1–35.5). Just as he changes a conventional gendered metaphorical discourse about oratorical style into a story of changed childrearing practices, so also he transforms a figurative opposition between real old-style oratory (*uera . . . et incorrupta eloquentia,* 34.4) and fake modern speech into a matter of history, speaking as if there had been a thoroughgoing shift in oratorical training between Cicero's time and the present.[35]

Messalla uses the language of *natura*, which anchors his narrative of transformation in physical experience, to depict contemporary stylistic trends as intrinsic and identity-shaping for his generation. In doing so, he adopts as specific to his own time a set of pervasive, transhistorical anxieties concerning the artifice involved in effective rhetoric. Maternus, in the final speech of the dialogue, inverts this temporal localization when he attributes

35 Many readers have by now pointed out that several details in his picture of change are inconsistent with other evidence both within the *Dialogus* and elsewhere. Luce 1993.20–21 summarizes these details; see also Brink 1989.491, 494 and Goldberg 1999.235.

to Cicero's era the high water mark for persuasiveness ungrounded in real wisdom (36.2).

The figure of Maternus draws together but does not resolve the questions raised by Tacitus's authorial preface and by Aper and Messalla's speeches. Maternus's exceptional *ingenium* provokes Aper's attempt to explain why (he believes) the eloquence achieved as a legal advocate encapsulates the most that a man can achieve at Rome. Maternus's tragedies provide a counterweight to Messalla's strictures on the theatrical, feminized corruption of contemporary eloquence. And when Maternus declares that his dramas successfully express his personal commitments, he contrasts strikingly with Tacitus's disavowal of self-expression through the *Dialogus*.

The framing narrative of the *Dialogus* concerns the authorial intent communicated by Maternus's tragedy *Cato*, which has brought his friends Aper and Iulius Secundus to his home after its recitation on the previous day. They are led there by rumors that Maternus's drama has run up against the feelings of powerful people: "It seemed that in working out the plot of his tragedy, he had forgotten himself (*sui oblitus*) and thought only of Cato" (2.1).[36] Self-oblivion apparently means self-exposure on this occasion, and if Maternus has forgotten himself, his friends fear that Cato will draw attention to him all too vehemently. Secundus (from whom we have no full-length speeches) hopes that Maternus is engaged in some drastic editing. He presents the apparently dangerous allusions of Maternus's *Cato* as figments of its audience's malign imaginations; surely Maternus should rule out possible misreadings when he circulates a written version of his drama?[37] Secundus here plays on the double meaning of "Cato" as the name both of the drama and of the person; he suggests that Maternus might put out a "Catonem non quidem meliorem, sed tamen securiorem," "a Cato which (who) may not be better, but will at least be safer" (3.2)—a reference not only to the quality of the drama, but also to the man Cato's famous moral qualities. Maternus rebuts Secundus while continuing his play on *Cato* as both title and man, and emphatically gives his own name in the third person so that he, Cato, and Thyestes form a group of three characters who will all speak out whatever Maternus feels duty bound to communicate. "You will read what Maternus owed himself, and you will

36 Gowing 2005.112 suggests that at this point it is said that Maternus "actually for a time *became* Cato and 'forgot' himself."

37 See Bartsch 1994.88–90, 125.

recognize what you heard. But if Cato has left anything out, Thyestes will speak it in the next recitation" (3.3: "leges tu quid Maternus sibi debuerit, et agnosces quae audisti. quod si qua omisit Cato, sequenti recitatione Thyestes dicet"). Gossip has been mistaken in imputing self-oblivion to Maternus, it turns out. When he asserts that the published document of his *Cato* will be unchanged from the version heard in performance, he also declares that his friends will recognize a true expression of his own character, ventriloquized through Cato—and readers' eyes are drawn to the author as subject through the reflexive pronouns used both by Maternus (3.3: *sibi debuerit*) and by the Tacitean narrator in describing the rumored perception of Maternus's authorial decisions (2.1: *sui oblitus*).

It is a strange scene, perhaps all the more poignant for us as twenty-first-century readers in that, with our uneven knowledge of the period, we never find out precisely what his friends fear; the *Dialogus* says little about Maternus's dramas beyond the titles.[38] Tacitus's contemporaries would presumably have been better informed.[39] Recent hypotheses have run the gamut, from an argument that this scene explores substantial though subtle political dissidence, to a suggestion that Cato is rather passé as a "poster boy for Republicanism and anti-imperial sentiment" (Gowing 2005.113).[40] The net effect of Tacitus's discretion is to mimic and invert the effect caused by his withdrawal of his own *ingenium* from the *Dialogus*. While the *Dialogus*

38 Penwill 2003 draws on Lucan's Cato and Seneca's Thyestes to hypothesize about Maternus's tragedies; the problem remains that with so much early imperial literature lost to us, there are limits as to what we can or should extrapolate from those canonically central texts that we read today.

39 Given generic convention, and given that we have separate evidence (including Tacitus's own *Histories*!) for Vipstanus Messalla and Iulius Secundus, I share the prevalent view that all the speakers of the *Dialogus* lived in reality. But as Goldberg 1999.226 notes (citing Bartsch 1994.260), the possibility that Maternus is a fictional composite adds yet another intriguing layer of ambiguity for us as twenty-first-century readers.

40 Most influentially, Bartsch 1994 explores the figure of Maternus as a dissident poet and the whole dialogue as a template for "doublespeak" during the ambiguous transitional period of Nerva's rule, noting the analogies we are invited to draw between Tacitus's dialogue and Maternus's drama, including the selection of figures who will speak with authority (*Dial.* 10.6) (see also Penwill 2003.130ff.). Gowing 2005.113–14 emphasizes the gossipy, speculative quality of the reactions to Maternus's play, and argues that we have little evidence that Maternus was challenging Vespasian. Cameron's suggestion (1967) that generic patterns place Maternus in a long line of dialogic interlocutors who are depicted shortly before death has some force, not so much because we need assume that Maternus died under Vespasian, but because if he died later (e.g., in 93 C.E. as Barnes 1981 speculates), the generic pattern heightens the *Dialogus*'s temporal ambiguities.

offers us substantial content—a cluster of ideas and arguments—and withholds its writer's communicative intent, by contrast, the *Cato*'s content is obscured from us, and what comes across most clearly is its author's passionate conviction and willingness to ally himself with the historical and mythic characters who speak for him. Even Maternus's reasons for having *Cato* in his hands show how he invests his inmost being in the creation of his dramas.[41]

As the debate over poetry and legal advocacy gets going, Maternus's tragic eloquence threatens to break through the bounds that Aper would set in his panegyric of forensic speaking; Aper acknowledges the force of Maternus's poetry and locates that force in his friend's exceptional natural gifts. At first, he claims to regard Maternus's tragedy writing as ineffectual self-indulgence: "cui bono est si apud te Agamemnon aut Iason diserte loquitur?" "Who benefits if Agamemnon or Jason speaks skillfully in your writing?" he asks (9.2). Here he sets real verbal efficacy far apart from fictive eloquence, and he divides them according to measurable results.

Yet it turns out that Aper shares Secundus's anxiety about Maternus's future. Aper agrees with Maternus that he has successfully poured himself into his poetry; even when Maternus is not fighting what Aper considers "real battles" (*uera proelia,* 10.5), the force of his fine nature (*uis pulcherrimae naturae tuae,* 10.6) bubbles over and he gives offence—and gives offence while speaking for Cato, not for the sake of someone living and with social ties to him that would excuse frankness (*libertas,* 10.8) as an expression of personal loyalty. Cato becomes both client and advocate within Aper's framework: Maternus's evocation of the past enters the public sphere and produces a form of public speech that works in parallel with legal oratory. Maternus speaks for Cato, but Cato also speaks out for Maternus just as Maternus himself had described: "It's evidently on purpose that you have chosen a notable *persona*, one who would speak with authority" (10.6). When Maternus's *uis pulcherrimae naturae* is so readily perceptible in his drama, Aper can no longer dismiss his poetry on the grounds that it has no value in the social currency of the city. In this sense, the force of Maternus's natural eloquence pushes through into the public

41 3.3: "hanc enim tragoediam disposui iam et *intra me* ipse formaui. atque ideo maturare libri huius editionem festino ut dimissa priore cura nouae cogitationi *toto pectore* incumbam," "For I have already planned this tragedy and have shaped it *within myself*. At that's the reason I'm hurrying the publication of this book here, so that I can put aside the older work and plunge *wholeheartedly* into thinking out the new one."

sphere even from the fictive realm of the theater. For Aper, this seems all the more reason to keep Maternus safely wrapped up in the most immediate concerns of his own generation ("priuatas et nostri saeculi controuersias," 10.8). Maternus's entwining of present and past helps Aper define his manifesto of contemporary eloquence, even at the same time as it undermines the categories on which that manifesto is based.

Maternus's dramas generate a kind of fictional truth: even while Aper sets them aside as frivolous and unreal, he acknowledges that they create a kind of new reality, forcing Maternus to take on a powerful adversary (10.7). This coheres with the conception of eloquence upheld by Maternus, who resists entering into Aper's functional understanding of eloquence as a means of translating a man's value into materially identifiable features, limited to a particular period and social context. In his own evaluation of eloquence, Maternus does not answer to Aper's *cui bono* formulation. Maternus's version of eloquence separates itself from the social currency of one time and place; instead, it relies on the authority of the poet as *uates*. Maternus (like the contemporary speakers praised by Aper later in the discussion at 20.5) takes his articulation of eloquence from a Horatian shrine: poetry is the sacred form of speech, the language of oracles, original and originary, welcomed by hearts that were pure and untouched by human vices (12.2).[42] By contrast, the practice of oratory was born from evil behavior (*ex malis moribus natus*) and invented as a kind of weapon (12.2–3):

> sic oracula loquebantur. nam lucrosae huius et sanguinantis eloquentiae usus recens et ex malis moribus natus atque, ut tu dicebas, Aper, in locum teli repertus. ceterum felix illud et, ut more nostro loquar, aureum saeculum, et oratorum et criminum inops, poetis et uatibus abundabat, qui bene facta canerent, non qui male admissa defenderent.
>
> This was how oracles spoke. The practice of this grasping and bloody eloquence is recent and was born from a bad way of life and, as you, Aper, were saying, was invented to serve as a weapon. But that fortunate, and—in our way

42 Horace *Ars Poetica* 391–401; Maternus differs from Horace, however, in his sequence; Horace makes the framing of laws an example of poetic wisdom rather than situating poetry in a pre-legal golden age.

> of putting it—golden age, was destitute of both orators and accusations, while it overflowed in poets and seers to sing of fine deeds, not to defend wrongdoings.

Maternus blends a Horatian story of poetry's vatic origins with an image of nature corrupted into a need for laws that we recognize from Seneca's *Epistle* 90—except that, unlike Seneca, Maternus here does not use the language of *natura* to present the pure, golden age before crimes, laws, and legal advocacy set in.[43] He does employ the language of birth, but to depict the emergence of forensic speech as a form of eloquence.[44] This form of eloquence comes into being naturally to match the circumstances of human life.

Maternus perceives real eloquence as a true reflection of the world more than as a means to reshape actions or to undo the effects of wrongs done. He explains that innocence sets a better guard than eloquence over a man's position and safety ("nam statum cuiusque ac securitatem melius innocentia tuetur quam eloquentia," 11.3): his hopes of unity between words and actuality reach a level that almost renders irrelevant any differences between poetry and oratory, and he implies that reality somehow speaks for itself. Maternus values poetic language because its efficacy is commemorative and originates in the need to remember what is good and pass this knowledge down to future generations. Maternus contrasts the lasting value of poetry with the provisional character of oratory; unlike poetry's vatic transhistorical communication, oratory stems from specific moments of wrongdoing that prompt accusation and defense as reactions. Poetry can speak for a generation, in Maternus's view, because it brings the wisdom of

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43 In *Annals* 3.26, Tacitus applies *natura* language to a pre-legal era: "uetustissimi mortalium, nulla adhuc mala libidine, sine probro, scelere eoque sine poena aut coercitionibus agebant. neque praemiis opus erat, cum honesta *suopte ingenio* peterentur, et, ubi nihil contra morem cuperent, nihil per metum uetabantur," "The most ancient mortals still lived without destructive desire, without disgrace and crime, and, accordingly, without punishment or coercion. There was no need of rewards when people sought things that were right because of their own nature, and when people experienced no improper desires, they were forbidden nothing through fear." (See Heilmann 1989; Feeney 2007.127–36 examines the connections between Tacitean and Senecan pictures of primitive or golden age humanity.)

44 Readers such as (most influentially) Winterbottom 1964.92–93 have detected a reference to the imperial *delatores* here, but these practitioners of bloody eloquence are surely encompassed in a much larger category of speakers; *recens* must be opposed to "primordial," not to "republican."

the past into the present: it reaches a truth that is inaccessible to a discourse so temporally bounded as that of legal defense speeches.

Yet Maternus, like Aper, entangles the power of eloquence in external sources of authority. The primeval vatic authority of poets vouches for the solid foundation in truth of their utterances. Poets were once given supreme glory—initially by gods, then among sacred kings and those born from gods (*apud illos dis genitos*): poetry achieves a kind of divine descent by association with the heroes that it used to depict (12.4). Like Aper, Maternus emphasizes the glory granted by those of exalted status (just as Aper emphasizes the recognition granted to orators by the *princeps*): he evokes the glory granted by figures born with high status in a sacred, mythic sphere, but in differentiating that glory from the favor that Aper celebrates, he uses vocabulary like Aper's—words that derive their force from the administrative arrangements of the principate. Responding to Aper's examples of Crispus's and Marcellus's achievements, Maternus sees those speakers as equivalent to freedmen: in the eyes of those in power, they are insufficiently slavish; to the perception of anyone else, they are insufficiently free ("alligati cum adulatione nec imperantibus umquam satis serui uidentur nec nobis satis liberi . . . quae haec summa eorum potentia est? tantum posse liberti solent," 13.4). For Maternus, there is no question of the *liber* and *ingenuus* man described by Aper (6.2) reveling in the attention paid him by those who are ranked above him but who nevertheless depend on his ability to persuade. For Maternus, like Aper, a man's status as free, freed, or slave becomes a central metaphor for the kind of utterance to which he has access: but in Maternus's view, the status of a freeborn man depends on the content and wisdom expressed in his speech, not merely on the persuasive power he may wield.[45] The force of this figurative language is allied to the force of Maternus's golden age etiology of poetic power. His argument moves away from Aper's functional viewpoint, which was based on the rewards contingent in a particular society. Yet when he tries to outline a form of verbal efficacy that is grounded in truth, Maternus uses metaphors that rely on the same values as Aper's: monarchical approbation (admittedly this is mythical, sacred glory rather than actual recognition in the far-flung reaches of the Roman empire) and the avoidance of a slavish status (though, of course,

45 So it makes sense that he should quote from a passage in Vergil's *Georgics* where the didactic poet asks for knowledge, hoping that the Muses will receive him and teach him the ways of the universe (13.5; cf. *Geo.* 2.475).

Maternus defines a man's freedom figuratively by his mode of persuasion—truthfulness as opposed to *adulatio*—rather than in terms of being actually bought and sold). Just as Aper's material world finds itself making room for Maternus's fictional truth, so Maternus's almost transcendent notion of eloquence grounds itself in the values of a particular time and place.

Maternus's final speech (36.1–41.5) politicizes his golden age imagery, presenting Vespasian's reign as a renewed period of innocence. Maternus never goes so far as to call the present a new golden age—presumably either because such praise would appear artificial (*fabulosa et composita,* 12.5) or, perhaps, because it would remove the potential for anti-monarchical interpretations of his praise.[46] But he draws on his story of how the practice of money- and blood-stained forensic eloquence was born (12.2) to describe how the force of *ingenium* grows alongside the substance it deals with: corrupt elections, the pillaging of allies, the murder of citizens (37.4–5). Just as forensic eloquence itself emerged naturally in the distant mythical past out of a corruption of golden age innocence when speech came to serve as a weapon of self-defense (12.2–3), so the political turmoil of a more recent past brought that form of eloquence to its full glory. Taming the state makes it inevitably a less fertile field for talent (40.4). Once again, the language of birth communicates a natural convergence of external circumstances and the language that responds to those circumstances, so that the condition of eloquence—by an inverse relation—tells us all we need to know about the society in which *ingenia* have been growing. "Believe me, my excellent friends—who have quite as much skill as you need—if you had been born in earlier times, or those whom we admire had been born in these days, and some god had suddenly exchanged your lives and times, you wouldn't have gone without that high distinction and glory in your eloquence, and neither would those men have lacked restraint and moderation" ("Credite, optimi et in quantum opus est disertissimi uiri, si aut uos prioribus saeculis aut illi quos miramur his nati essent ac deus aliquis uitas ac tempora repente mutasset, nec uobis summa illa laus et gloria in eloquentia neque illis modus et temperamentum defuisset," 41.5).

Maternus paints a picture of political and legal tranquility that has cut off the supply of *ingenium* fodder, but he also argues that the current

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46 Like so much Roman panegyric, Maternus's speech is deeply ambiguous, and as so often, much of that ambiguity stems from the complexities of how Rome imagines her past, as well as from ambivalence about her present.

arrangements of law courts and government alter the whole meaning of eloquence. As we saw earlier, he lays at the door of the republican political system a general problem with persuasive efficacy. In the old days, it was an entire populace that measured the force, and wisdom, of a speaker's words (36.2). Maternus offers up the *princeps* as *moderator* to rein in speakers' unbounded persuasive force. By serving as *moderator* (36.2), the *princeps* allows or perhaps compels eloquence to break out of its self-defining circle: the circle in which a speaker's wisdom, which authorizes his persuasive efficacy, is deduced by the audience from his success in persuasion.[47] But the *moderator* himself also relies on the same troubling sustenance as those speakers whom Maternus condemns. Political efficacy for the *princeps* works by very much the same circular logic as persuasive efficacy for those late-republican speakers. "Why do we need long debates in the senate when the best men reach agreement right away?" Maternus asks. "Why do we need assembly speeches for the people, since it isn't the ignorant multitude who deliberate about the state, but instead the one and only wisest man (*sapientissimus et unus*)?" (41.4). The *sapientissimus* is acknowledged as such because he is also *unus:* he is the sole regulator of wisdom.

The *Dialogus*'s exploration of the problems faced in pinning down the value and significance of persuasive eloquence culminates here in Maternus's depiction of the monarch's power. The links drawn by Maternus between monarchical authority and oratorical power show why it is so difficult to evaluate persuasive efficacy without reducing it ultimately to sheer power. Whether one attributes a controlling wisdom to a monarch, to a speaker, or to an author, this wisdom risks being defined by the power wielded. This suggests a reason, beyond any reasons of political tact towards either Nerva or Trajan (depending on its date of publication), why Tacitus makes the dialogic form of his work consistent with the problems under investigation. The text will expose the workings of rhetoric and political identity more thoroughly if it seems to emanate from a narrator who observes instead of an author who wishes to wield his own persuasive force. Yet this is not a destructive exposition: in itself the richness of the dialogue celebrates

47 Maternus's term *moderator* echoes Quintilian's word for the ideal orator, who will resemble the man imagined by Vergil in his famous simile for Neptune's calming of the storm: "an non talem quendam videtur finxisse Vergilius, quem in seditione vulgi iam faces et saxa iaculantas moderatorem dedit," "It was surely some such man as this whom Vergil imagined, and whom he shows taking control when the rioting crowd hurls torches and stones," 12.1.27 (translation Russell 2001).

the *ingenia* of the current generation; whatever may or may not be happening in the forum, here is an eloquence not tamed by circumstance.

The historicized dialogism of the work is distilled in the ambiguities of the *Dialogus*'s first sentence, which at once differentiates natural gifts from the role they play in society and elides eloquence with the praise it receives. Transhistorical continuities enrich the debate, but the text also acknowledges how strongly each generation desires not only to embed its experience in the past but also to differentiate itself from earlier eras. The *Dialogus* is a text whose complexities must surely have special appeal for classicists, as we not only engage in a conversation between the present and the past but establish a dialogue between the modes of thought that we perceive as transhistorical and those beliefs or practices that we see arising from the concerns of a particular generation or of a specific political system.

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