

THE DATE OF DELIVERY OF CICERO'S IN PISONEM

IF one were to find a date for the games put on by Pompey to celebrate the opening of his theatre in 55 B.C., it would be possible to assign a more precise date to the delivery of Cicero's speech *in Pisonem* than seems to have been done so far.¹ Asconius states quite firmly that the *in Pisonem* was delivered in the second consulship of Pompey and Crassus, a few days before the lavish games celebrating the opening of Pompey's theatre.² Asconius rejects a counter-view that the speech was delivered late in the following year.³ As Nisbet points out (p. 199), 'there can be no doubt that the *in Pisonem* in its original form was delivered in 55 B.C.' Asconius' statement of the time of delivery is confirmed by Cicero's own comment in the speech: 'instant post hominum memoriam apparatissimi magnificentissimique ludi, quales non modo numquam fuerunt, sed ne quo modo fieri quidem posthac possint possum ullo pacto suspicari' (§ 65). Although Cicero does not mention the promoter of these games, we know that the games conducted by Pompey in 55 B.C. were extremely lavish,⁴ and it is clear that Cicero is referring to them.

Now, there is a piece of evidence to give us a date for these games, which has (strangely) been overlooked in the attempts to date the delivery of the speech. Associated with Pompey's theatre was a temple of Venus Victrix;⁵ this temple was apparently built on top of the theatre in such a way that the rows of seats appeared to be the steps leading up to the temple.⁶ According to Tertullian, Pompey claimed at the time to be dedicating this temple, in order to avoid censure for building a permanent theatre.⁷ Gellius' account would seem to indicate that the temple of Venus Victrix was not dedicated until Pompey's third consulship (52 B.C.), for it comes in the midst of a discussion whether one should write *tertium* or *tertio consul*: quoting Varro and Tiro as sources, Gellius says that Pompey solved the problem when preparing the inscription for the

¹ Some examples: spring (F. Münzer, *R.E.* iii. 1389; E. Ciaceri, *Cicerone e i suoi tempi* [Milan, 1930], ii. 113); July–September (R. G. M. Nisbet [ed.], *M. Tulli Ciceronis in L. Calpurnium Pisonem Oratio* [Oxford, 1961], App. viii, p. 201: hereafter cited by page number only); the end of summer (Drumann–Groebe, *G.R.* iv. 529); September (L. R. Taylor, *C.P.* xlv [1949], 220); September–October (M. Gelzer, *Cicero: ein biographischer Versuch* [Wiesbaden, 1969], 180 ff.).

² I. 1–3C: 'haec oratio dicta est Cn. Pompeio Magno II M. Crasso II coss. ante paucos dies quam Cn. Pompeius ludos faceret quibus theatrum a se factum dedicavit.'

³ I. 7–8C: '... quidam posuit hanc inter eas orationes quas dixit Cicero L. Domitio Appio Claudio coss. ultimam.' The identity of the authority who made this claim has

been lost. Three possibilities have been put forward: Tiro (by Kiessling and Schoell, in their edition of Asconius [Berlin, 1875], intro. pp. xii–xiii and p. 1), Cornelius Nepos (also by Kiessling and Schoell, basing their conjecture on Gell. *N.A.* 15. 28. 4), and Fenestella (by, among others, C. Lichtenfeldt, *De Q. Asconii Pediani fontibus ac fide* [Breslau, 1888], 56, and H. Peter, *H.R.F.*, intro. p. xxiv).

⁴ *Cic. fam.* 7. 1, off. 2. 57; Plin. *N.H.* 8. 20 and 53; Plut. *Pomp.* 52. 5; Dio 39. 38. 1–6.

⁵ Plin. *N.H.* 8. 20; Gell. *N.A.* 10. 1. 1 ff.; Tert. *spect.* 10.

⁶ For a detailed discussion and diagrams, see J. A. Hanson, *Roman Theater-Temples* (Princeton, 1959), chap. 3.

⁷ Cf. Tac. *ann.* 14. 20: 'quippe erant qui Cn. quoque Pompeium incusatum a senioribus ferrent, quod mansuram theatri sedem posuisset.'

dedication of the temple by simply writing the first four letters (*tert.*). Gellius seems to be quite wrong in assigning the dedication to Pompey's third consulship, in view of the other clear evidence that it took place in his second. The temple and theatre, even in Gellius' account, seem to have been dedicated at the same time ('cum Pompeius . . . aedem Victoriae dedicaturus foret, cuius gradus vicem theatri essent, nomenque eius et honores scriberentur'), and Gellius himself admits that many years later the inscription did not read the way that Varro and Tiro had indicated. Pliny's description of the games at the dedication of the temple of Venus Victrix (*N.H.* 8. 20-1: the fight between seventeen or twenty elephants and Gaetulians armed with javelins, and the annoyance of the crowd at Pompey out of sympathy for the wounded elephants) seems to tally with Dio's account of the games (39. 38. 1-6) which he says marked the opening of Pompey's theatre. Velleius (2. 48. 2) mentions that the theatre and the other works which surrounded it were completed in Pompey's second consulship. This all seems to indicate that the theatre and temple were dedicated at the same time in 55 B.C.¹

In the fasti Amiternini (*C.I.L.* i². 244 = *Inscriptiones Italiae* 13. 2. 191), there is the following entry for 12 August:

HERCVLI INVICTO AD CIRCVM
MAXIM VENERI VICTRICI
HON VIRTVT FELICITATI
IN THEATRO MARMOREO

A similar entry is found in the fasti Allifani, though both the locations for the festivals have been lost in this inscription (*C.I.L.* i². 217 = *Inscriptiones Italiae* 13. 2. 181). The theatre of Pompey, being the first permanent one and made of stone, became known as the *theatrum marmoreum*,² so that what we have in the mention of Venus Victrix in the second part of these entries looks like the date for the dedication by Pompey in 55 B.C. of his theatre and temple of Venus Victrix.³

But what does one make of the entry regarding Hercules Invictus? Associated with Pompey's building activity was a temple of Hercules: does the linking of these two entries in the fasti indicate that it too was dedicated on 12 August 55 B.C.?⁴ It would have been appropriate, in view of the association of these two deities with military success,⁵ if Pompey had made dedications to them on the same day, but against this one must ask whether Pompey would have wanted the dedication to Hercules to be overshadowed by the magnificence of the dedication to Venus Victrix, as would surely happen if both dedications were made at the same time. Unfortunately, we cannot fix the year that Pompey's temple of Hercules was dedicated as clearly as that for the dedication of the temple of Venus Victrix, where we have clear evidence that it was in

¹ So S. B. Platner, *A Topographical Dictionary of Ancient Rome*, rev. T. Ashby (London, 1929), 516, and T. R. S. Broughton, *M.R.R.* ii. 214.

² T. Mommsen, commenting on the two fasti in *C.I.L.* i². 324; Platner-Ashby, op. cit. 515.

³ Drumann-Groebe, *G.R.* iv. 529; Platner-

Ashby, op. cit. 515-16, 555; C. Koch, *R.E.* viiia. 1. 864; Hanson, op. cit. 43, 52-53.

⁴ That is the view of G. Wissowa, *Religion und Kultus der Römer* (Munich, 1912), 275, and Platner-Ashby, op. cit. 256.

⁵ On the epithets Victor and Invictus and their development, see S. Weinstock, *Harv. Theol. Rev.* 1 (1957), 211-47.

Pompey's second consulship: we do not even know whether it was an original building or a restoration,¹ or that it was a temple to Hercules Invictus.² The entry in the *fasti* may simply be recording the date of a festival at any one of the three centres of worship of Hercules Invictus (or Victor), which were all near the Circus Maximus—the Ara Maxima, the temple in the Forum Boarium, or the temple of Pompey.³ The last one, however, is the only one described in the literature as *ad circum maximum* (see above, n. 2), so it may well be that it is the temple of Pompey which is being referred to in the *fasti*. Even if the entry in the *fasti* is a reference to the dedication date of Pompey's temple of Hercules, that is no help in determining the year when it was dedicated.⁴ Fortunately that will not affect the conclusions we can draw from the other part of the inscription relating to the dedication date of Pompey's theatre and temple of Venus Victrix.

That part gives us a date of 12 August for the dedication of the theatre and temple of Venus Victrix. The lavish games associated with the dedication must have taken place at the same time: we know the games went on for some days—the beast-shows for at least five (Cic. *fam.* 7. 1. 3; Dio 39. 38. 2). One piece of evidence helps to confirm that Pompey's games were held in August: Valerius Maximus (2. 4. 6) mentions that Pompey made special arrangements for cooling the audience at his games. The mention of heat probably applied to the time of Pompey's well-known games in 55 B.C. (though his games in 70 B.C. cannot be entirely ruled out, as they began on 15 August), and suggests a summer month: August of the official calendar equalled midsummer of the solar calendar. The mention by Cicero of approaching games in *Pis.* 65, and Asconius' comment that the speech was delivered a few days before Pompey's games, combine to indicate that the *in Pisonem* was delivered early in August, 55 B.C.

It remains to examine whether the internal evidence of the speech confirms or contradicts a date early in August. There is some internal evidence for the

¹ Platner-Ashby, op. cit. 256.

² Pompey's temple of Hercules is the only one described in the literature as *ad circum maximum* (Plin. *N.H.* 34. 57: '[Myron] fecit . . . Herculem, qui est apud circum maximum in aede Pompei Magni'; Vitruv. 3. 3. 5: '... fastigia tuscanico more, uti est ad circum maximum Cereris et Herculis Pompeiani, item Capitoli'), and the entry in the *fasti* Ambrunian names the temple near the Circus Maximus as the temple of Hercules Invictus. For this argument, see Platner-Ashby, op. cit. 256. In addition it is known that Pompey had other links with Hercules Invictus: e.g. on the day of the battle of Pharsalus, Hercules Invictus was the watchword issued by Pompey (App. *B.C.* 2. 76; cf. B. Rawson, *Antichthon* iv [1970], 30).

³ There was a third temple of Hercules Invictus, near the Porta Trigemina (Macrob. 3. 6. 10); its festival day was 13 August (*fasti* Allifani, *C.I.L.* i³. 217). There is some confusion between the temple in the Forum Boarium and Pompey's temple: for the

attempts at reconciliation, see Platner-Ashby, op. cit. 256, 258.

⁴ Rawson, op. cit. 30-7, has recently suggested that the temple of Hercules should be assigned to an early period in Pompey's career, either 79 or (more likely) 69-68 B.C.; if the latter, she connects it with a competition between Pompey and Crassus to secure the mantle of military prowess as the heir of Sulla. She uses the entry in the *fasti* to suggest that there already existed a festival of Hercules which Crassus used for his lavish sacrificial feast in 70 B.C. (Plut. *Crass.* 2. 3, 12. 3), attempting to steal the limelight from Pompey, whose games celebrating his Spanish victories were due to begin in a few days, on 15 August (Cic. *Verr.* 1. 31). But as suggested above, the entry in the *fasti* probably refers to a dedication by Pompey, and not to an already existing festival, and so cannot be used to date Crassus' feast. On the entry in the *fasti* regarding the temple of Hercules Invictus, see B. A. Marshall, *Antichthon* viii (forthcoming).

wider question, raised by Asconius, whether the speech was delivered in 55 or 54 B.C. It must have been delivered before Gabinius' return (§ 51: '... ego tamen os ut videam hominis exspecto'), but this is not conclusive because he did not return until well into 54 B.C. The counter-view, however, says that this was the last speech delivered by Cicero in 54 B.C., and even allowing for Gabinius' late return and in view of Cicero's comment that he was awaiting his return, the speech could not have been Cicero's last in that year. In § 94 Cicero mentions a *lex iudiciaria*, which is recent and will soon come into operation: this can be no other than the *lex Pompeia* of 55 B.C., confirming that the speech was delivered in that year. In § 58, where other senators are referred to in the third person, Cicero addresses Crassus in the vocative, implying that he was present in the senate: Crassus left for his command in Syria in November 55 B.C. (Cic. *Att.* 4. 13. 2). In the same section, Cicero implies that the fathers of both the current consuls had celebrated triumphs, which would suit Pompey and Crassus, the consuls of 55 B.C.,¹ whereas neither of the fathers of the consuls of 54 B.C. is known to have celebrated a triumph.

The address to Crassus, while Pompey is referred to in the third person, could be taken to indicate that Crassus was the consul presiding at the senate meeting when the speech was delivered (Nisbet, p. 201). Crassus' name comes after Pompey's in the *fasti*, and by normal practice he should have presided in the even-numbered months.² Hence August would fit. But there is an objection to this argument: in 55 B.C. the consuls did not assume office till late January or early February. Writing to his brother some time after 11 February. (*Q.f.* 2. 7. 2), Cicero mentions escorting Crassus as consul home from the senate, presumably alluding to the procession home of newly inaugurated consuls. Later in the letter, Cicero refers to arrangements for the forthcoming praetorian elections, at which it is known that Pompey presided (Plut. *Pomp.* 52. 3; *Cat. Min.* 42. 4). This seems to suggest that Pompey presided in February, and therefore in the even-numbered months, and Crassus in the odd. But, as Nisbet points out (p. 201), this argument is very uncertain, and in view of the abnormal start to the year, it is unlikely that this line of approach will be conclusive. It may be that Cicero simply turned to address an individual member of the senate directly, as was frequently done, or it may be that Cicero, when he came to rewrite the speech, made a slip in thinking that Crassus was presiding that month.

In the panegyric of Caesar (§ 81), Cicero does not mention the invasion of Britain, an exploit which we would have expected him to mention if the news had been known. Caesar landed on 4 October (by Groebe's calculation) or on 12 September (by Rice Holmes's calculation).³ As news from Britain would take about a month to reach Rome,⁴ the absence of a mention of Britain would suggest that the speech could not have been delivered later than October: Plutarch's implication (*Pomp.* 52. 5) that Pompey's games were held about the time of Crassus' departure for the East (i.e. mid November) must be discounted, for this and for other reasons (such as Valerius Maximus' evidence: November would hardly have been a hot month). But Cicero does mention the Rhine:

¹ Crassus' father, P. Licinius Crassus, triumphed *de Lusitanis* in 93 B.C. (for the references, see *M.R.R.* ii. 15), and Pompey's father, Cn. Pompeius Strabo, triumphed *de Asculaneis Pidentibus* as consul in 89 B.C. (*M.R.R.* ii. 32). This argument is put

forward by Asconius, 14. 11-13C.

² L. R. Taylor and T. R. S. Broughton, *M.A.A.R.* xix (1949), 4-9, followed by J. Linderski, *Historia* xiv (1965), 423-32.

³ *The Roman Republic* (Oxford, 1923), ii. 98.

⁴ Cf. Cic. *Q.f.* 3. 1. 25.

Caesar could not have made his famous bridge across the Rhine (*B.G.* 4. 16–19) much less than about two months before the invasion of Britain (Nisbet, p. 199), that is about the beginning of August (on Groebe's system) or mid July (on Rice Holmes's dates). Allowing for the time it would take for news of this to reach Rome, a date in early August for the delivery of the speech would seem to be indicated by the mention of the Rhine, a recently reported and therefore more newsworthy exploit.

Nothing much can be inferred from § 55: Cicero claims that not even the electoral candidates turned out to welcome Piso back from his province, when normally they were the most zealous of all in doing that sort of thing. This implies that when Piso returned the elections had not been held, and this might suggest a date not later than July when the elections were normally held. But there are problems with this line of argument: the candidates may not necessarily have been those for the elections in 55 B.C., as some candidates began their preparations a long way in advance; the elections may have been held between the time of Piso's return and the delivery of Cicero's speech (though the two events must have come close together—see below); and the elections in 55 B.C. seem not to have been held at the normal time but to have been considerably delayed, for in November of that year Cicero wrote to Atticus, 'comitiorum non nulla opinio est' (*Att.* 4. 13. 1).

An important consideration for determining the date of delivery is the time of Piso's return to Rome. Cicero's speech was an answer to Piso's attack on him in the senate, resulting from Piso's annoyance at Cicero for having criticized his governorship of Macedonia and been partly responsible for causing his replacement.¹ Cicero mentions some of Piso's charges in §§ 18, 31, 72, 82 and 94, and it would seem that there was an exchange between them in the senate (§ 55). Clearly, as Asconius says (1. 12–13C; cf. 2. 7–9C), Piso would have wanted to make his attack on Cicero as soon as possible after his return. Piso's successor as governor of Macedonia was Q. Ancharius, one of the praetors of 56 B.C.; Piso did not wait for Ancharius to arrive, but left his quaestor in charge of the province (§ 88). As Ancharius was appointed after the delivery of Cicero's *de provinciis consularibus* in June(?) 56 B.C., and presumably was available to take over Macedonia at the end of his year of office, one would have expected Piso to have left his province at the end of 56 or beginning of 55 B.C. Yet Cicero says Piso returned after a three-year period in Macedonia (§ 55), that he had controlled the corn supply there for a three-year period (§ 86), and that he had sent no message of success back to Rome after three years of campaigning (§ 97: 'nulla ex trinis aestivis gratulatio'). It is the last phrase

¹ E. G. Hardy, *C.R.* xxxi (1917), 11–15, is right in saying that Asconius (2. 5–6C) has made a mistake in attributing Gabinius' recall directly to the *sententia* expressed by Cicero in his speech *de provinciis consularibus*. In that speech Cicero had followed Servilius Isauricus' proposal that Macedonia and Syria be allocated as the provinces for the consuls of 55 B.C. (i.e. to be taken over in 54 B.C.), adding a clause that these two provinces be made praetorian for 55 B.C. (thus enabling Piso and Gabinius to be replaced from the beginning of 55 B.C.).

Cicero did not hold out much hope for his addition, for he seems to have expected a tribunician veto (*prov. cons.* 17), whereas under the lex Sempronia the decision on the consular provinces could not be vetoed. The result of the debate on the consular provinces produced a form different from Cicero's proposals: only Syria, Gabinius' province, was made consular for 54 B.C., while only Macedonia, Piso's province, was made praetorian (and thus able to be taken over at the beginning of 55 B.C.).

which causes the most difficulty: Piso did not set out for his province until the end of 58 B.C.¹ This must mean that Piso was in his province in person for the campaigning seasons of 57 and 56 B.C., and part at least of 55 B.C.² Even allowing for Cicero's exaggerations, Piso could hardly have left Macedonia before May or June (when part of the summer on the solar calendar had already passed), and in view of his circuitous route (§§ 53, 89, and 92) he could hardly have reached Rome before July.³ This would fit well with an attack on Cicero by Piso soon after his return, and a reply by Cicero early in August.

The internal evidence of the speech agrees with the time suggested by the date of Pompey's games which is discussed in the first part of this paper, and points to a date of delivery a few days before 12 August 55 B.C.⁴

University of New England, Armidale, N.S.W.

B. A. MARSHALL

¹ § 57; cf. § 31 and *Sest.* 71-2. On the ability of consuls to leave for their provinces before the end of their year of office, see J. P. V. D. Balsdon, *J.R.S.* xxix (1939), 57-68.

² Hardy's suggestion (*op. cit.* 12 n. 3) that Cicero must have been reckoning the length of Piso's governorship from the spring of 58 B.C. when he was given his province by the

lex Clodia, will not stand up in the light of Cicero's phrase 'nulla ex trinis aestivis gratulatio'.

³ Nisbet, 200. Drumann-Groebe, *G.R.* iv. 529, suggests a return at the end of summer.

⁴ I should like to thank Professor R. G. M. Nisbet, of Corpus Christi College, Oxford, who read an early draft of this paper, for his helpful advice and criticism.