

RHETORIC AND INTENTION IN CICERO'S *PRO MARCELLO**

By R. R. DYER

I

Caesar returned to Rome from his African campaign on 25 July 46 B.C. (by the old calendar). Cicero felt comparatively secure at Rome at this time, both because of the assurances of safety he had received from Caesar and because of his intimacy with those who expected to play a role in the new administration: A. Hirtius, L. Cornelius Balbus, and the pardoned C. Cassius Longinus, M. Iunius Brutus, and P. Cornelius Dolabella. At Brutus's request he had composed a treatise on the role of oratory in the practice of republican politics (*Brutus*, published earlier in the year)¹ and was at this very moment composing a panegyric on Cato.² Cassius, Dolabella and Hirtius had been guests at his Tusculan villa engaged with the master in long-interrupted oratorical exercises ('intermissis exercitationibus', *Fam.* 9. 18. 3) for some time during the month,³ whence he 'sent' them to greet Caesar and put in a word for him with their *familiaris*.⁴

He appears content to retire from life in the forum and, following the proverbial example of Dionysius of Syracuse and the advice of his Epicurean friend, L. Papirius Paetus, open a school with Paetus as his assistant, thus defending himself against the dangers of the times, exercising his voice and enjoying the arts of cooking.⁵ As he writes to his friends in these months, his influence in Rome is weakened ('fortuna ipsa debilitatae gratiae nostrae', *Fam.* 6. 12. 1), and he has retired from public life into the camp of Epicurus⁶ and can have a little influence with Caesar's administration.⁷ He passes his days in receiving callers, who admire his integrity, and in working in his library.⁸

He left no doubt that the purpose of his study was to praise the republican form of government and to encourage its restoration. His beloved oratory, to which he was devoting much of his study in these months, was ill-suited to monarchic forms of government and required, in his view, the freedom of a restored republic.⁹

On his return from Africa Caesar was disposed to pardon at least some of his enemies. Cicero secured the pardon of Aemilius Balbus, and noted with pleasure the list of those who had received Caesar's clemency. Yet he remained concerned in a letter to A. Caecina that, despite Caesar's *mitis clemensque natura*,¹⁰ the condition and fortune of all in similar circumstances was not the same.

Sometime that summer, probably in September before the victory games,¹¹ Cicero broke his self-imposed silence in the Senate at an extraordinary session where Caesar, faced with supplications for clemency to M. Claudius Marcellus, turned the

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¹ Cicero, *Brutus*, ed. A. E. Douglas (1966), ix-x.

² *Att.* 12. 5. 2. For Brutus's request see *Or.* 35.

³ Beaujeu argues that these sessions took place in Rome (Cicéron, *Correspondance VII* (1980), 25 n.1., 281 n. 5).

⁴ *Fam.* 9. 18. 1, 'cum essem otiosus in Tusculano, propterea quod discipulos obviam miseram, ut eadem me quam maxime conciliarent familiari suo ...'.

⁵ *ibid.*, '... intellexi probari tibi meum consilium, quod, ut Dionysius tyrannus, cum Syracusis pulsus esset, Corinthi dicitur ludum aperuisse, sic ego sublatis iudiciis, amisso regno forensi, ludum quasi habere coeperim.'

⁶ *Fam.* 9. 20. 1 (early August, to Paetus), 'nam omnem nostram de re publica curam, cogitationem de dicenda in senatu sententia, commentationem causarum abieci; in Epicuri nos, adversarii nostri, castra coieci.' To join the camp of Epicurus did not necessarily at this time mean to abandon public life. Several prominent Epicureans (C. Matius, C. Trebatius Testa, and Cassius) were active supporters of Caesar (A. Momigliano, *Secondo Contributo* (1960), 375 f.). The latter was himself, in all likelihood, some-

thing of an Epicurean (M. Rambaud, 'César et l'épicurisme d'après les Commentaires', in *Actes de l'VIII^e Congrès de l'Association G. Budé* (1969), 411-34).

⁷ *Fam.* 6. 12. 2 (early October, to T. Aemilius Balbus, for whom he has just secured Caesar's clemency). Cicero also observes that Caesar is more easily manipulated by petitions based on duty to friends than by those based on self-interest ('valent tamen apud Caesarem non tam ambitiosae rogationes quam necessariae'). He was clearly considering in these months how Caesar's psychology and beliefs could be manipulated enthymemically.

⁸ *Fam.* 7. 28. 2 (August, to Curius).

⁹ e.g., *Brut.* 21, 22, 328-32, cf. M. Gelzer, *R-E vii*. 1008 f. Throughout the period when *pro Marcello* was delivered and written Cicero was working on *Orator*.

¹⁰ *Fam.* 6. 6. 8, 11. *Clementia* and its relatives are rare before Cicero (S. Weinstock, *Divus Julius* (1971), 236, cf. *TLL*), who first uses it at *de Inv.* 2. 54 for one sort of *sophrosyne*, a sense it probably retains for him until he replaces it with *temperantia*, *moderatio*, and *modestia* in the 40s.

¹¹ Beaujeu argues forcefully for October (op. cit. (n. 3), 65, 307f.), against the common view.

issue over to that body for decision. He admits, in the letter to Ser. Sulpicius Rufus which first describes the incident (*Fam.* 4. 4), that Caesar had him (and, by implication, the other senators) in a bind. To continue in implacable silence would have conveyed an opposition to the regime as unconstitutional which Cicero could not afford to do, if he was to continue effectively lobbying for the restitution of men like Ampius Balbus, Caecina and Ligarius. Cicero had no alternative but to speak up in favour of the resolution and in praise of Caesar's magnanimity in referring the decision to the Senate. Indeed Caesar's act was magnanimous in a dictator towards so implacable a foe, and Cicero's gratitude needed not to be false.¹²

Yet Caesar's act was calculated, part of a policy of selective *clementia* popular with his troops (cf. n. 28 below) and followers but offensive to his former peers. This policy appears very differently according to whether we view it from his perspective or from that of the senators. Treu and Rambaud see it as purely cynical, designed to seduce the people in the pursuit of absolute power.¹³ De Romilly and Grimal see it as based on two distinct traditions of exercising authority: the traditional Roman practice for *patres* in the family, judges in public law and conquering generals to mitigate justice with mercy; and the gentleness traditional in the hellenistic kings after whom he may have wished to model himself.¹⁴ In either case Caesar was undoubtedly following in Rome the same policy of divide and conquer which had served him so well in the 'pacification' of the hostile Gauls,¹⁵ and was undercutting the theoretical and moral base so important to political foes such as Cato and Cicero.

Syme and Earl, on the other hand, view the *clementia Caesaris* from the perspective of the outraged senators who were left no choice but to accept from their conqueror what they would never have accepted from an equal.¹⁶

No copy was or is available of the impromptu words with which Cicero thanked Caesar *pluribus verbis* (*Fam.* 4. 4. 4) in the curia. We must deduce their contents and motives from the letters which Cicero wrote immediately afterwards to Sulpicius and Caecina (4. 4; 6. 6), and in which he responded to Marcellus's letter of gratitude (4. 11). Clearly he articulated the gratitude appropriate both to the act itself and to the bind in which he found himself.

These impromptu remarks were probably not regarded as a speech. For, two months later, Caesar, as he was going to hear Cicero plead Ligarius's case, could jest easily, 'What stops me hearing Cicero after all this time (διὰ χρόνου), since Ligarius has long since been judged a bad man and an enemy?'¹⁷ He thus ignored his words in the senate hearing on Marcellus.

Cicero justified his remarks in the letter to Sulpicius not only by his fear of

¹² 'Le meilleur moyen d'implorer la clémence du dictateur était d'en faire devant lui l'éloge enthousiaste, pour l'obliger à se montrer ressemblant au portrait qui était fait de lui' (Cicéron, *Discours XVIII*, ed. Marcel Lob (1952), 13).

¹³ Max Treu, 'Zur clementia Caesaris', *MH* 5 (1948), 197–217; M. Rambaud, *L'art de la déformation historique dans les Commentaires de César* (1966), 283–93. D. C. Earl calls it 'sharp and hostile' (*The Moral and Political Tradition of Rome* (1967), 60). See also Plut., *Cato min.* 66; Lucan, *Phars.* 4. 1–401, where he rewrites the episode illustrating *clementia* reported by Caesar at *BC* 1. 74–5 (cf. F. Ahl, *Lucan* (1976), 192–7). Cf. n. 28.

¹⁴ Jacqueline de Romilly, *La douceur dans la pensée grecque* (1979), 258–60; P. Grimal, 'Les idées de la clémence et de la douceur dans la politique romaine', *CRAI* 1984, 466–78; cf. K. von Fritz, 'The mission of L. Caesar and L. Roscius in 49 B.C.', *TAPA* 72 (1941), 125–57 (= *Schriften* (1976), 449–78), 'Caesar also acted as a true sovereign in that he always tried to be polite personally ...'; *TAPA* 73 (1942), 146–80 (= *Schriften* (1976), 479–512).

¹⁵ *BG* 8. 49. Although he uses *clementia* comparatively often in *BG*, it may be linked with *mansuetudo* (2. 14. 4. 31. 3) or replaced by *miseriordia* (28. 3), synonyms which are later preferred by Sallust, *Cat.* 54. 2: 'ille mansuetudine et misericordia clarus factus'; cf.

J. Hellegouarc'h, *Le vocabulaire latin ...* (1972).

¹⁶ R. Syme, 'Caesar, the Senate and Italy', *PBSR* 14 (1938), 4 (= *Roman papers* 1, 91); idem, *Roman Revolution* (1952), 51, cf. 159, following Ed. Meyer, *Caesars Monarchie* (1922³), 306, 309 cf. 406–10; idem, *Tacitus* (1958), 1, 414; Earl, op. cit. (n. 13), using Seneca's analysis of *clementia* as a royal virtue (*Clem.* 2. 3. 1 'lenitas superioris ad versus inferiorem' cf. 1. 3. 3, 11. 2): 'Clementia, in fact, denoted the arbitrary mercy, bound by no law, shown by a superior to an inferior who is entirely in his power ... The true nature of Caesar's clementia appears clearly in Cicero's speeches for Marcellus and Ligarius ... The significance of Caesar's clementia did not escape those who, like the son of Ahenobarbus, refused to accept it.' M. P. Charlesworth pointed out Tacitus' ironic use of *clementia*, which 'had become too much a despotic quality' (*PBA* 23 (1937), 113, n. 14, citing *Ann.* 4. 31, 74 et al.).

¹⁷ Plut., *Cic.* 39. 65. Caesar seems to have tolerated *Brut.* and *pro Lig.* with equanimity, responding only to *Cato* but in sophisticated intellectual terms with *Anti-Cato*. Cicero himself thought that Caesar was impressed by men of his own intellectual calibre (*Fam.* 6. 6. 8, 'accedit quod mirifice ingenii excellentibus, quale est tuum [sc. Caecinae], delectatur'), and the two men were perhaps engaged from time to time in an elegant intellectual and rhetorical game of retortion.

offending Caesar but also by claiming that he saw some superficial resemblance as if of a republic being reborn, and felt that he could tread, albeit warily, on the razor's edge between serving Caesar's *voluntas* and his own *studia*:

ita mihi pulcher hic dies visus est ut speciem aliquam viderer videre quasi reviscentis rei publicae ... itaque pluribus verbis egi Caesari gratias, meque metuo ne etiam in ceteris rebus honesto otio privarim, quod erat unum solacium in malis. sed tamen, quoniam effugi eius offensionem, qui fortasse arbitraretur me hanc rem publicam non putare si perpetuo tacerem, modice hoc faciam aut etiam intra modum, *ut et illius voluntati et meis studiis serviam* (*Fam.* 4. 4. 3-4).¹⁸

He did not need to spell out to Sulpicius, who shared with him the dream of a restored republic, either his own *studia* or the *voluntas* of Caesar. Both understood that they lived at the whim of one man, and must express any critical views in a disguised fashion.

Cicero characterized Caesar's regime consistently. Take for example two letters of spring and summer 46, before that pardon. In July he writes to Paetus that the part of a *sapiens* is to avoid acting or speaking foolishly against those who hold *potentia* ('reliquum est ne quid stulte, ne quid temere dicam aut faciam contra potentis; id quoque puto esse sapientis', *Fam.* 9. 16. 5).¹⁹ He is a citizen of Rome and must operate as such within the limits of opportunity which his social status allows. In the duties of a good citizen he cannot be blamed ('ergo in officio boni civis certe non sum reprehendus'). All his philosophy had taught him this. He loved Rome and those principles of individual rights which were protected by her laws and forms of government. He saw no reason to be on Caesar's list of enemies, so long as he had any hope of influencing or controlling the brilliant but cynical man who had overturned those rights ('qui omnia iura divina et humana pervertit', as he wrote later, *de Off.* 1. 26). In September to Marcellus, before the pardon, he describes Caesar's rule as an arbitrary monarchy: 'omnia enim delata ad unum sunt. is utitur consilio ne suorum quidem sed suo' (4. 9. 2). His hopes of a restored republic, if indeed he ever had any, did not survive the autumn and Caesar's dictatorial disposition of the state for his absence in Spain. It seems unlikely that *pro Marcello* was written up and published before *pro Ligario*, which Caesar was reading in Spain in May 45, nine months after it was delivered.²⁰ But although we cannot be sure of the date, we know that the written version reflects Cicero's feeling about Caesar's *clementia* at some point after September 46.

II

Recently the scholarly focus on the speech has changed in the direction of a political interpretation. In a review of modern scholarship up to 1976 G. Cipriani noted the growing trend to see the speech less as a *gratiarum actio*, praising the *clementia Caesaris*, than as a political *suasoria*, edging him under the cloak of praise towards the restoration of the republic.²¹ Two later studies have analyzed this political manipulation of Caesar.²²

¹⁸ 'This day seemed to me so beautiful that I seemed to see some ghost of the republic, so to speak, coming to life again ... Therefore I thanked Caesar at length, and I fear I have also for other matters deprived myself of my honourable leisure, my only consolation in my troubles. But yet, since I have avoided offending the man, who probably would think that I did not consider this a republic if I were to maintain a continuous silence, I will do this in moderation, or even beyond moderation, to serve both his will and my pursuits.' Cicero often uses *species* negatively for a 'likeness' (e.g. *Cic.*, *Div.* 1. 12. 21 of a statue) or 'superficial outward appearance' (*Cat.* 2. 8. 18; *Verr.* 2. 1. 22. 58; *Phil.* 2. 116 (of Caesar's clemency, cf. n. 28); *Off.* 3. 2. 7), and probably uses it here sarcastically to indicate he knows this is merely a propaganda ploy. Linked with *reviscentis* it may also imply 'ghost'.

¹⁹ cf. 9. 16. 3, 'quem penes est omnis potestas' (cf. a similar phrase to Marcellus, 4. 7. 3, where also: 'te fore in eius quem fugeres potestate. ... sed cum ita late

pateat eius potestas quem veremur', 4); 4. 8. 2, 'is qui omnia tenet'; 13. 5, 'qui plurimum potest' (also 6. 10. 5); 6. 5. 3, 'hic cuius in potestate sumus'; cf. 4. 9. 4. He also makes a daring oblique reference to 'reges', 9. 19. 1.

²⁰ *Att.* 13. 12. 2, 19. 2, 20. 2, 44. 3. For the contrary argument, that our present text is a stenographic record of Cicero's actual words in the curia, see V. Paladini, *Scritti minori* (1973), 115-28.

²¹ *A&R* 22 (1977), 113-25, with bibliography. Note also J. H. Collins, 'Caesar and the corruption of power', *Historia* 4 (1955), 445-65 (arguing that Cicero's attitude changed between the speech and the end of the year); H. Kloft, *Liberalitas Principis* Kölner hist. Abh. 18 (1977), 58 f.; Weinstock, op. cit. (n. 10), 233.

²² M. Rambaud, 'Le pro Marcello et l'insinuation politique', *Caesarodunum* 19 bis (1984), 43-56; G. Dobesch, 'Politische Bemerkungen zu Ciceros Rede pro Marcello', in *Römische Geschichte, Festschrift A. Betz* (1985), 153-231.

Yet it is inappropriate to study Cicero's political intentions in the speech without first studying the rhetorical framework within which they are set and its craft. *Pro Marcello* has stood out, in the centuries when Cicero was the authority and source for the study and practice of rhetoric, as a mine of rhetorical techniques and figures for the classroom teacher.²³ Moreover, the tradition has not unanimously agreed that it is a straightforward *gratiarum actio*. Some at least have looked for levels of ambiguity hidden in its figures.

Already in the *scholia Gronoviana* we read that 'most people think that that speech is figured (*plerique putant figuratam esse istam orationem*) and explain it thus as if it has more vituperation than praise. This suits neither the times nor Caesar. For the time is such that Caesar may be endued to clemency by sincere praise, and he is the sort of orator who cannot be hoodwinked.'²⁴

The scholiast clearly understands the political situation in which the spoken remarks were delivered. His arguments apply to the moment when Cicero spoke impromptu in the curia and praise for clemency was enough to put pressure on Caesar to continue on a policy of pardoning his enemies.

But the scholiast fails to understand that the bind in which Cicero's hyperbolic praise puts Caesar works because Caesar does understand it. He also fails to see that the most important 'audience' of the document as a published speech must be the educated traditional senators. My purpose here is to investigate the theory reported in the scholia (Section v) and to analyze two other aspects of the rhetoric used in the speech: the arousing of *indignatio* against Caesar's policy of clemency (Section III) and the creation of one or more dilemmas from that policy (Section IV).

III. INDIGNATIO AND ODIUM IN EMOTIONAL PROOF

There were those at Rome disposed to regard with *indignatio* or *invidia* not only Caesar's rise to monarchic power and the slaughter of the nobles at Thapsus but also his parade of clemency. Plutarch understood the goal of Caesar's enemies as aimed at offering 'him honours so excessively high and pretentious that they aroused envy in the baser sort' (*Caesar* 57). But it is a mistake to believe that these emotions were felt only by the baser sort. Cato's last words to Lucius Caesar were his refusal to be incorporated in the policy of clemency:

If I wanted to save myself through Caesar's grace and favour, I would have had to go myself to him alone. But I do not want to owe gratitude to the despot for his lawless acts. He acts lawlessly saving, as if a master, those over whom it was inappropriate for him to be a master (*Cato min.* 66. 1).

Only those of the senatorial class²⁵ who accepted the inevitability of a one-man state or who owed their ennoblement to Caesar could accept mercy from their former equal. Syme writes, 'When Caesar the Dictator paraded a merciful and forgiving spirit (certainly from calculation, and perhaps from generosity), he did not endear himself to all men in his class and order. Clemency depends not on duty but on choice and whim, it is the will of a master not an aristocrat's virtue. To acquiesce in the "clementia Caesaris" implied a recognition of despotism.'²⁶

Cicero had spent his career manipulating this sense of *dignitas* among his contemporary upper class. In *de Oratore* he had written that *invidia* is aroused against our equals if they become our superiors:

²³ See, for example, J. S. Freedman, 'Cicero in sixteenth- and seventeenth-century rhetoric instruction', *Rhetorica* 4 (1986), 227-54, tables c, f, g, m. It was perhaps the most often studied and influential of all Cicero's speeches until F. A. Wolf began a lengthy controversy over its authenticity (Lob, op. cit. (n. 12), 30 and n. 2, with bibliography). Was it perhaps studied as a source of that 'allegorie' which was so popular both in medieval interpretation of scripture (J. J. Murphy, *Rhetoric in the Middle Ages* (1974), 236 f., 319 f.) and in renaissance Britain (e.g. G. Puttenham, *The Arte of*

English Poesie, in J. Haslewood (Ed.), *Ancient Critical Essays* (1811), 155 f., cf. B. Vickers, *In Defence of Rhetoric* (1988), 133 f.)?

²⁴ *Ciceronis orationum scholiastae*, rec. T. Stangl, II. 295.32-296.2.

²⁵ See Hinnerk Bruhns, *Caesar und die römische Oberschicht in den Jahren 49-44 v. Chr.: Untersuchungen zur Herrschaftsetablierung im Bürgerkrieg* (1978).

²⁶ *Tacitus* I. 414; cf. *PBSR* 14 (1938), 4; *Rom. Rev.*, 51; cf. n. 16.

But there is also often powerful envy against our superiors and all the more if they parade intolerably and transgress the equality of shared status (*aequalitatem communis iuris*) by superiority in their dignity or fortune; if these are to be the cause of inflaming emotions, it should be stressed that they were not won by virtue, next even by vices and crimes, then, if they are rather honourable and serious, still those merits are not as great as the insolence and contemptuous indifference of the man (2. 52. 209).

Hirtius reported to him after the assassination that Caesar's followers saw the policy of clemency as his downfall.²⁷ It had always been an insincere and insidious policy designed to make him *popularis*,²⁸ and Cicero advised Brutus strenuously against it as a mistake.²⁹

Thus in publishing *pro Marcello* Cicero saw the opportunity in Caesar's clemency to arouse a sense of outraged *dignitas* and *gloria* in his noble peers. He had always taken the greatest joy in the manipulation of emotions by pathetic proofs.³⁰ He makes Crassus say,

But nothing seems to me ... more important than to be able by speaking to hold the minds of a gathering of people, to win its wills over, to push it forward where it wishes, to divert it whence it wishes.³¹

In his youthful *de Inventione* he illustrates pathetic proof with the arousing of Roman *indignatio* (1.52. 100–54. 105).

Aristotle stresses in his lengthy analysis of pathetic proof (*Rhetorica* II) that the speaker must know human psychology. For he must assume within his audience the capacity for the emotions he seeks to manipulate and must understand the actions likely to result from them. Cicero himself writes,

Only the man who has examined deeply the natures of men, the whole capacity of humanity, and the reasons for which minds are either aroused or changed will by saying these things be able to accomplish what he wants.³²

Cicero, no less than Sir Ronald Syme and D. C. Earl, can assume within at least some segments of his audience the capacity for *indignatio*, and can, by extravagant praise, seek the same goal that others sought by offering Caesar extravagant honours. He can also assume in his audience a sense of shame (*verecundia*), that inner sense of loss of reputation (*Rhet.* 1384a22) which results not only from loss of honour or reputation, suffering insults or violence, and failure to defend oneself, but also from the appearance of flattering a man to his face (*Rhet.* 1383b30–34). Cicero understood that his servile flattery of Caesar's character and achievements, coupled with the violence Caesar had done to the reputations and rights of others, would create this emotion.

He also exploits the related emotions of anger, enmity and hatred (*Rhet.* 1382a3–5), chiefly caused by 'contemptuous indifference' (*fastidium*),³³ which Aristotle divides into three classes: contempt, spiteful pleasure in thwarting someone's

²⁷ *Att.* 14. 22. 1, 'clementiam illi malo fuisse; qua si usus non esset, nihil ei tale accidere potuisse'.

²⁸ *Phil.* 2. 116, 'adversarios clementiae specie devinxerat', (so Cassius refers to him as 'clemens dominus' in late 45, *Fam.* 15. 19. 4); *Att.* 8. 9. 4 (February 49), 'metuo ne omnis haec clementia ad unam illam crudelitatem colligatur'; 8. 16. 2 (March 49), 'huius insidiosa clementia delectantur'; 10. 8. 6, 'simulatio mansuetudinis' (towards Metellus in 49); 10. 4. 8 (Curio's account in April 49 of clemency as a policy popular with Caesar's men). For accounts of Caesar's brutality see *BG* 8. 44, Pliny, *NH* 7. 92, Lucan 7. 168, 240, 551, 557, 579, 721–31, 798 f.

²⁹ *Ad. Brut.* 2. 5. 5; 1. 15. 5.

³⁰ See Vickers, *op. cit.*, 73 f. *et passim*.

³¹ 'Neque vero mihi quicquam ... praestabilius videtur, quam posse dicendo tenere hominum coetus mentis, adlicere voluntates, impellere quo velit, unde

autem velit deducere', *de Or.* 1. 8. 30, cf. 2. 42. 178; *Brut.* 23. 89, 80. 279; *Or.* 37. 128, 130; 38. 132. See E. A. Lussky, *The appeal to the emotions in the judicial speeches of Cicero as compared with the theories set forth on the subject in the de Oratore* (Diss. Minnesota, 1928); F. Solmsen, 'Aristotle and Cicero on the orator's playing upon the feelings', *CP* 33 (1938), 400 f. (cf. n. 60); A. E. Douglas, *Eranos* 55 (1958), 18 f.

³² 'Quae nisi qui naturas hominum vimque omnem humanitatis causasque eas quibus mentes aut incitantur aut reflectuntur penitus perspexerit, dicendo quod volet perficere non poterit', *de Or.* 1. 12. 53, cf. 5. 17.

³³ Cicero's use of *fastidium* and *insolentia* in *de Or.* 2. 209, quoted above, suggests familiarity with Aristotle's discussion of these causes (*Rhet.* 1378b14–31). He may invoke *insolentia* in *Marc.* by his ambiguous use of *inuitatus*, *inauditus*, *incredibilis* (1. 1. 6. 19, 9. 28).

purpose, and *hybris* (*insolentia*) or the wanton disgracing or harming of another. In each case the act of indifference must, to cause these emotions, be done not for personal gain but simply to show power over, or contempt for, the victim. Those who have unsatisfied desires are prone to anger and easily excited to passion, especially against those who show 'contemptuous indifference' to their present condition. Cicero can assume from theory that his readers will feel, whether they dare admit to it or not, *indignatio*, defined as pain at undeserved success, against the injustice of a man risen, against his deserts and reputation, to a *dignitas* from which he can exercise *clementia* towards whom he chooses.³⁴ He suggests that Caesar is concerned not with the welfare of the state but only with his personal glory (*Marc.* 8. 23–9. 30), and assumes prejudice against such a man as leader. The speech is certainly published after the *Ludi victoriae Caesaris* in late September, when Caesar showed by the public humiliation of Laberius that his *clementia* did not extend to all his enemies but was still at his own discretion. Cicero projects an image of Caesar become so vain-glorious that he may consider himself a god rather than a man (e.g. *Marc.* 9. 27–8). His acts of punishment and clemency are acts of cynical and contemptuous indifference to the senatorial class and the republic. At the same time by talking of the lost republic he stirs up in those he is addressing the unsatisfied desire for the system within which their *dignitas* was secure. Yet he seeks more than anger from rousing this frustration. He seeks hatred. For he tries to attach to Caesar a particular ethos, defined in ps-Demetrius as τὸ δυναστευτικὸν ἦθος or in Rome as that of a *rex*. He does not go so far here as in *pro rege Deiotaro*, where he appears to ask for special favours for Deiotarus from Caesar on the grounds that the name of king had always been sacrosanct in the state: 'semper regium nomen in hac civitate sanctum fuit' (15. 41), although he knows full well that it has been *sanctum* in the republic (in contrast to the earlier monarchy) only in the negative sense of 'abhorred, taboo' (cf. Livy 27. 19, 'regium nomen, alibi magnum, Romae intolerabile esse'). He here paints in with rhetorical colours the ethos of a dynast, indifferent to his subjects' welfare, concerned only with flattery, personal ambition and closeness to the gods. This ethos is intolerable to all *nobiles*, trained since childhood to hate such men.

In a forensic speech the orator seeks to arouse emotions to act as *argumenta* in the audience's mind for a favourable decision or vote. This speech, however, has no such tangible goal. To what end then does Cicero work on the nobles' potential shame, indignation, envy and hatred? There are two answers:

1. The threat of hatred is presented to Caesar, who as orator and politician understands the danger in Cicero's ability to enrage the senatorial class. Cicero uses this threat as one horn of the dilemma in which he binds Caesar (see IV below). He also serves notice that he is a force to reckon with.
2. Hatred seeks only one goal, the annihilation of the person who stands in the way of one's goals. If Caesar continues to stand in the way of old nobles and ambitious young men who seek the restoration of the republic, he will be destroyed as an enemy. Caesar failed to heed this threat and was destroyed by these very men in the manner suggested, assassination.

Now it is implicit in emotional persuasion that the orator should not betray his purpose; it is part of rhetorical manipulation that he should not articulate his effort at arousing emotion but should rather appear morally detached. Thus Cicero portrays himself as having abandoned politics, left his former moral philosophy for Epicureanism, become a lover of Caesar, eager for the companionship of his underlings. For those who may still cherish the ideals for which he once stood, these positions are a further cause for indignation. Only under a despot could a man of his philosophy be reduced to such a state.

Antony was not far from the mark when in September 44 he charged Cicero with

³⁴ Aristotle contrasts pity at ill-deserved ill fortune with *nemesis*, the emotion we have towards those who fare well without deserving to (1386b10–14). In *Marc.*

Caesar's success is constantly attributed to Fortuna rather than his own merit, and is thus open to *nemesis*.

having instigated the assassination (*Fam.* 12. 2. 1). Yet the conspirators had excluded him from the plot, fearing infirmity of years and resolve. It was in their minds *their* hatred (or, as they called it, their love of Rome) that impelled them. That is, of course, the very goal of the rhetorician using emotional proofs. Only when they dedicated their act in his honour³⁵ could he articulate how fully he was one of them.³⁶

IV. THE DILEMMA OF CLEMENCY

Dilemma as a Ciceronian figure

Cicero develops a dilemma from the reverse of the popular Roman belief that kings and other unvirtuous conquerors or dynasts deserve to die. He divides his enthymeme as follows:

Major premise: The conqueror/king, if virtuous, does not deserve to die and need not fear for his life.

Minor: Caesar in his recent actions demonstrates the virtues.

Conclusion: Caesar, so long as he demonstrates the virtues, need not fear for his life.

Strictly speaking, a dilemma must be based on a disjunctive minor premise to a major premise of the form: if A, never B, and is similar to Chrysippus's second syllogism, analyzed by Rambaud (see Section v(ii) below and n. 69). The dilemma of *pro Marcello* may be divided, in its simplest (though, unexpressed) form:

If Caesar continues to exercise *clementia*, e.g. towards Marcellus, he proves he is a virtuous conqueror and need not fear for his life;

If he continues to act despotically in exercising *clementia* to his former *socii*, he proves he is a dynast who deserves to die.

No detailed discussion of this figure is known from antiquity. Indeed Quintilian (9. 3. 93) excludes it from his list of figures as a structuring of argument. It owes the name 'dilemma' to post-classical times,³⁷ and is to-day more commonly called 'double bind' or 'catch-22'. The elder Seneca illustrates it extensively under the rubric *divisiones*, and at *Rhet. ad Herennium* 4. 40. 52 it is distinguished as a figure from *divisio* in the sense of *partitio*. Cicero at *de inv.* 1. 29. 45 defines it as *complexio*, a form of argument: 'complexio est, in qua, utrum concesseris, reprehenditur, ad hunc modum: "Si improbus est, cur uteris? si probus, cur accusas?"' As Cicero uses this exact *complexio* in *pro Caelio* we can turn to the speeches for a clearer view of his use of it.³⁸

If Clodia presses her charges, she proves herself an immoral woman and loses her credibility as a prosecution witness;

If she drops her charges, she will have remembered her *dignitas* as a Roman matron, a Claudia, the widow of a Metellus—but will lose her case.³⁹

Cicero presents his dilemma skilfully, to show that, whichever alternative Clodia chooses, she is a woman ruled by *libido*, either sexual immorality or irresponsibility in

³⁵ *Phil.* 2. 12. 28, quoting Antony: "Caesare interfecto" inquit "statim cruentum alte extollens Brutus pugionem Ciceronem nominatim exclamavit atque ei recuperatam libertatem est gratulatus".

³⁶ *Fam.* 6. 15 (to Minucius Basilus), 'tibi gratulor. mihi gaudeo, te amo, tua tueor. a te amari et, quid agas quidque agatur, certior fieri volo', cf. *de Off.* 3. 21. 82 ff.

³⁷ Servius knows it as an alternative to *complexio*: "si periturus abis" argumentum dilemma, id est, com-

plexio, quae adversarium ab utra parte concludit' (*ad Verg. Aen.* 2. 675); cf. Galen, *Inst. Log.* 6.5, Hermog., *Inv.* 4.6.

³⁸ G. A. Kennedy (*The Art of Rhetoric in the Roman World* (1972)) discusses Ciceronian dilemmas in *pro Quinctio* (41. 73; p. 145), *pro Cluentio* (p. 170), and *pro Caelio* (p. 199).

³⁹ For various formal expressions of this dilemma in *pro Caelio* see 13. 32, 20. 50, 23. 58.

inventing stories without basis. Either will work on prejudices in the male jury. He has equated a vote against Caelius with a vote for a woman who has given up her title to be a *materfamilias* by her involvement in this case and may be a liar bent solely on vengeance.

Of dilemmas directed at men in power the most remarkable may be that which Cicero aims at M. Metellus in the jury of the *quaestio* trying the case against Verres, and at his family.⁴⁰ The Metelli are trying to postpone the trial to the following year (69) when he will be praetor. Cicero begins the bind delicately:

... that the matter will thus come fresh to M. Metellus as praetor, after the prosecution has grown weary and cold. I would not have accepted this man as a judge if I had distrusted him; but now I am of the opinion that I would prefer the matter to be handled with him as judge rather than praetor, and to trust his voting-tablet to him under oath rather than the voting-tablets of others to him unsworn (*in Verr.* I. 10. 31–2).

Metellus cannot be trusted to preside over the *quaestio*. The dilemma rests on the political situation also, for the electorate is ready to remove the courts from senatorial privilege and give them to a quota system drawn from the top three classes. Any appearance of corruption in this trial will strengthen those campaigning for the change:

If he tries to postpone the hearing to 69, he will appear to justify Cicero's fears that he cannot be trusted, and give arguments for change to a new jury system under which Cicero has a better chance;

If he helps speed up the trial, he will play into Cicero's hands—he may delay change, but will also give the appearance that he wants a decision before the reformed court replaces the older, more corrupt system.

Either way his actions discredit his political cause. From this dilemma Cicero builds his dilemma for the jury, hinted at by innuendo:

If you vote to acquit Verres, you will prove yourself unworthy to man the juries and will lose control over them;

If you abandon Verres as a means of preserving popular support, you convict yourself of trying to continue your corrupt conduct of public law.

Before this dilemma, Verres chose the wise course of going into exile.

The two audiences of the dilemma

The dilemma of *pro Marcello* is also modified to suit the terms of two audiences. But here Cicero sets side by side on the two horns two versions of his major premise that differ in philosophical content.

For the first horn of his dilemma, that urging Caesar to continue displaying through *clementia* his title to virtuous ruler, Cicero modifies his premise along the lines of one implicit in the treatise *On the Good King according to Homer*, by the Epicurean *familiaris* of Piso, Philodemus:⁴¹ If a good ruler, never a despot. As this treatise has most recently been dated to the 70s,⁴² Caesar, who became Piso's son-in-law in 59, probably knew it and was influenced by it in his dynastic ambitions and policy of *clementia*.

The treatise deals with the setting up of regimes (6D col. XLIII 18) and argues that

⁴⁰ The three grandsons of Metellus Calvus Dalmaticus had profited from Verres' governorship. Quintus (later Creticus) was elected consul for 69; this Marcus became praetor urbanus; Lucius, praetor in 71, currently in Sicily, would be consul for 68. Cicero discusses their relations with Verres circumspectly, but leaves no doubt that he saw them as accomplices.

⁴¹ I follow the text and chapter numbers of the edition by T. Dorandi (1982) rather than those of A. Olivieri (1909).

⁴² Dorandi p. 42 f., cf. O. Murray, 'Rileggendo Il buon re secondo Omero', *Cron. Erc.* 14 (1984), 157–60 (cf. *JRS* 74 (1984), 235–6, n. 51). For a later date, in the summer of 45, see P. Grimal, *REL* 44 (1966), 254–85.

on the king's behaviour depends the state of the nation (ID col. IV, citing *Od.* 19. 109–14). He should not resemble the suitors (*Od.* 24. 282, 22. 37), stealing the goods of others, killing and incurring the curse of murder (ID col. III). These are the acts of a despot. He should have *philostorgia* and oversee (?) everything as far as possible.⁴³ He should avoid symposia because drunkenness leads to mockery, contempt and loss of loving respect,⁴⁴ and to the *aischrologia* common among the younger generation. He should be self-confident and handsome (8D). He should be a lover of victory but not a lover of war and battle.⁴⁵ He does away with great divisions (5D) and does not boast over his fallen enemies (7D col. XXXVI, citing *Od.* 22. 412).

Philodemus mentions the virtues of *phronesis* and *epieikeia*. *Phronesis* is one mark of a good counsellor or ruler. The good king is surrounded by good counsel, for 'one wise counsel conquers many hands'.⁴⁶ The king is 'to hate the austere, harsh, bitter image and practise mildness, clemency and the serenity and harmony of disposition of a king, as far as possible, as things leading to a stable monarchy and not to a monarchy despotic through fear ... he is to be loved for mildness ...'.⁴⁷

Caesar's behaviour as a 'good king', as described by Cicero, includes several echoes of these prescriptions. Caesar would have preferred not fighting to conquest (*Marc.* 5. 15, 'qui vero victor pacis auctores diligit, is profecto declarat maluisse se non dimicare quam vincere'). He would have liked to restore from the dead his fallen enemies (6. 17). When Cicero urges Caesar to persist in his policy of *sapientia* and *clementia*, he seems to be translating Philodemus's advice on *phronesis* and *epieikeia*.⁴⁸ After all, Cicero has been proclaiming himself an Epicurean during the preceding months. It would be natural for him to espouse the views of its leading exponent in Rome and to urge the very regime which Philodemus proposes and Caesar seems disposed to establish.

Caesar must continue his policy of *clementia* if he is to prove to himself and to his Epicurean followers that he is not a despot and win the love of the citizens.

He is thus drawn into the trap of the dilemma. For the Roman nobles, particularly the Stoics among them, do not regard the concepts of 'good king' and clemency as virtuous or as freeing Caesar from the assassination due in Rome to any *rex*, virtuous or not.

For this second audience, Cicero alters the premise on the second horn of the dilemma, that rousing the nobles against clemency and making Caesar's *clementia* dangerous: If a wise conqueror, then a restorer of republican institutions and noble privileges.

To the Stoics, as to any Roman noble, clemency is not a virtue.⁴⁹ Zeno had condemned it, and, despite attempts to find it as a virtue in the Scipionic Circle, there is no clear evidence for this in Stoicism before Seneca.⁵⁰ Cicero acts, as we have seen in III above, on the assumption that it is not a virtue to those nobles like Cato (whose remark to L. Caesar he surely knew and repeated in his *Cato*) who are its recipients. His task with this second audience is to equate virtue, in particular *sapientia*, with restoration of the republic. If Caesar fails to restore the republic, he lacks the wisdom necessary to lead Rome.

Cicero was at this time in *de Finibus* defining this concept by dialogue among the various philosophies. The *sapiens* must learn he is a social being living not just for

⁴³ 2D col. VIII, τὸ πάντ[α γ'] εἴπερ εἴη{ι} δυνατόν ἐφοροῦν ...

⁴⁴ 3D col. XX, καὶ γελάσθαι μετὰ καταφρονήσεως, ἀλλ' οὐκ ἀγαπᾶσθ[αι] μετὰ σεβασμοῦ. Cicero tries to arouse *kataphronesis* against Caesar on these grounds in *pro rege Deiotaro*. Catullus represents the 'younger generation'.

⁴⁵ 5D col. XXVII, χρῆ τοιγαροῦν φιλόβικον εἶναι τὸν ἀγαθὸν δυνάστην, ἀλλὰ μὴ φιλοπόλεμον μηδὲ φιλόμαχον.

⁴⁶ Eur., *Antiope* fr. 200.3N. Caesar may have jested on this reference when he visited Cicero with a disconcertingly large body of troops in December 45.

⁴⁷ 6D col. XXIV–XXV, αὐστηρὸν μὲν καὶ τῆραχὺ [τι ἔθος καὶ] πικρὸν ἐχθ[ρ]αίρειν καὶ πρᾶσθητα διασκεῖν [καὶ δ']

ἐπιείκειαν καὶ τὸ βασιλείῳς ἡμερον καὶ σ[χέ]σεως ἀρμυονικόν, ἐφ' ὅσον πλείστον, ὡς φοροῦντα π[ρ]ὸς εὐσταθῆ μοναρχ[ί]αν [καὶ] μὴ δεσποτικὴν φόβω δυνασ[τ]εῖαν ...] ... δ[ι]ὰ μὲν τὴν ἡπίστη[ι]τα φιλήται.

⁴⁸ A. Michel (*Rhétorique et philosophie chez Cicéron* (1960), 375–6) and Rambaud (op. cit. (n. 22), 44 f.) regard Cicero's use of *sapientia* and other virtues in the speech as Stoic. Yet *sapientia* and *clementia* are able to stand for different virtues in the various philosophies of the audience.

⁴⁹ Cicero later warns Brutus against *clementia* (n. 29).

⁵⁰ On Seneca's *clementia* see A. Elias, *De notione vocis clementiae* ... (1911). I see no sign of Stoic *clementia* in Panaetius or early Cicero (*pace* Grimal, op. cit. (n. 14)).

himself but for *societas* at large.⁵¹ 'Non sibi se soli natum meminerit sed patriae, sed suis, ut perexigua pars ipsi relinquatur' (2. 14. 45). Caesar had affronted this principle by his quip 'Satis diu vel naturae vixi vel gloriae', for which Cicero rebukes him, 'At, quod maximum est, patriae certe parum' (*Marc.* 8. 25), continuing in words taken directly from *de Finibus*, 'tum id audirem, si tibi soli viveres aut si tibi etiam soli natus esses'. Later Cicero justifies the assassination of Caesar in *de Officiis*, where he argues that dynasts cut themselves off from their bond with humanity (*societas*) by denying their social obligations and are thus to be exterminated 'ex hominum communitate' (3. 6. 32, cf. 4. 19). In 46/45 he probably already had philosophical authority for this argument. Caesar risked assassination if he ignored his social obligations (*Marc.* 7. 21-2).

Thus those of the audience who share this view of *sapientia* see Caesar placed in a bind where he must act in a socially responsible fashion—according to their (prejudiced) view of society—if he is to exercise the wisdom requisite in a leader they would accept. Caesar will understand the bind in which he has been placed between Epicurean and noble or Stoic expectations. Yet this understanding does not protect him from its embrace. It compels him, with all the force familiar in Cicero's other dilemmas, towards abandoning his hard-won victory and his intellectual justification as 'good king' and restoring the republic. Despite the eulogy of Caesar, so welcome to his supporters, he is warned of the consequences should he continue in dynastic power.

V. ORATIO FIGURATA

Cicero does not attack Caesar directly in *pro Marcello*. He warns that, if Caesar fails to respond to his bind, he will be in danger of assassination. But, he suggests ironically, Caesar will of course act as a good conqueror and restore the republic; it is this course of action which he has foreshadowed by offering the senate the decision on whether to restore Marcellus; thus those who would otherwise be his enemies will fight to protect him from assassination (*Marc.* 10. 32).

Under this heavy irony Cicero veils his call to the lovers of the republic to rally under the standard Caesar has offered his opponents.⁵² This speech is to be the first attack launched under this standard.

In the atmosphere of fear generated at Rome by the execution of the conquered after Thapsus, Caesar's opponents could not risk their lives by an open attack. There was, however, available to those experienced in rhetoric a tradition of veiled attack. It is to this tradition that I, following the *plerique* of the scholiast, believe *pro Marcello* and the other Caesarian speeches belong. This structuring of argument, which the scholiast calls *oratio figurata*, is most fully discussed in ps.-Demetrius, *On Style* 287-95 and illustrated in the practice of literary dissenters under the Empire, such as Ovid and Lucan.⁵³ The concept of rhetorical attack disguised by figures is already present in Anaximenes (ps.-Aristotle), *Rhet. ad Alexandrum* 35. 18-19 (1441b). Alexander is to designate shameful acts, if he wishes to avoid slandering a man's ethos, under the cover of enigma (ἀνιγμᾶτωδῶς ἐρμηνεύειν), and to reveal such an act 'by using the names of other acts' (ἐτέρων πραγμάτων ὀνόμασι χρώμενος).⁵⁴ He is to use irony and to ridicule a man for the very things on which he prides himself.

We cannot be certain of the date of *On Style*. In general I accept Dirk Schenkeveld's thesis that it was written in the first century A.D. but follows closely a

⁵¹ These views are taken as Stoic by L. Edelstein, *The Meaning of Stoicism* (1966, 14, 72, 79), and G. Watson, 'The natural law and Stoicism', in A. A. Long (Ed.), *Problems in Stoicism* (1971), 216-38. Yet Cicero does not argue as a Stoic, rejecting much that is obviously Stoic, e.g. *Fin.* 4. 78. As J. R. Howes argues (in J. R. C. Martyn (Ed.), *Cicero and Vergil. Studies in honour of H. A. K. Hunt* (1972), 37-59), *de Fin.* offers an example of philosophical method, with a series of fair and painstaking expositions of three major ethical

positions' (44).

⁵² *Marc.* 1. 2, 'his omnibus ad bene de omni re publica sperandum quasi *signum* aliquod sustulisti'.

⁵³ F. Ahl, 'The art of safe criticism in Greece and Rome', *AJP* 105 (1984), 193 f., citing Quintilian 9. 2. 67; cf. Hermog., *Inv.* 4.13.

⁵⁴ The Roman theory of *translatio* uses this observation as a basis for its use of metaphor, allegory and related figures, cf. n. 62.

model prior to Cicero's time.⁵⁵ But whether Cicero included this treatise or not in the extensive reading that went into preparing *Orator* this spring and summer, it clearly belongs to a Peripatetic tradition known to him.⁵⁶ The treatise describes τὸ δυνάστευτικὸν ἦθος, the ethos of those dynasts who are driven to exercise power, and offers this advice for those addressing them:

Flattery is shameful, censure is dangerous, the best course is the middle, which is called figured speech.⁵⁷

However, men often also speak ambiguously. If one wants to seem like them and insults to be 'imaginary insults', the model is the speech of Aeschines about Telauges. Almost the whole passage about Telauges would leave you at a loss whether it is eulogy or satire. Such a style is ambiguous; although it is not irony, yet it has a hint of irony (291) ... And sometimes we will praise the man who has failings (or makes mistakes) not for his mistakes⁵⁸ but for the times he did not make mistakes, for example praising the angry man because yesterday he seemed mild against the mistakes of so-and-so and because he lives with his fellow citizens an enviable man (with ambiguity in 'enviable', ζῆλωτός). For each man gladly imitates himself and wants to join praise to praise—or rather to win one continuous praise. (295)

To Cicero's contemporaries and the rhetorical commentators who knew this theory, *pro Marcello* illustrates these precepts for a 'middle style'⁵⁹ between flattery and censure. The fulsome praise of the *clementia Caesaris* leaves doubt of its sincerity. It is too much. When Caesar is praised for merciful acts in which he conquers the nature of the conqueror, we are constantly reminded by this exaggerating *emphasis* that he has as conqueror in civil war, often without mercy, overstepped the limits and convicted himself of having a dynast's method. Ps.-Demetrius takes as a model of *emphasis* a quip by Demetrius of Phalerum to Craterus, when the latter received the Greek embassies in regal style: 'We once received these men as ambassadors, even this Craterus here.'⁶⁰ Demetrius may provide the real source for Cicero's *oratio figurata* and σχήματα εἰς βασιλέα.⁶¹

The figures by which *pro Marcello* is linked to the figured style include *divisio* (examined in IV above) and *emphasis*, but, more importantly, the series which Demetrius exemplified and Cicero calls *translationes* (*Or.* 27. 94), but which the classical tradition knows as *allegoria*.⁶² According to a classification known to

⁵⁵ See D. M. Schenkeveld, *Studies on Demetrius on Style* (1964), 116 f. G. Morpurgo-Tagliabue (*Demetrio: dello stile* (1980), 159–62) argues that Cicero used the treatise (13–14) at *Or.* 168–9, but the commonplace is probably drawn from a common source.

⁵⁶ cf. G. L. Hendrickson, 'The Peripatetic mean of style and the three stylistic characters', *AJP* 25 (1904), 125–46; F. Solmsen, 'Demetrios ΠΕΡΙ ΕΡΜΗΝΕΙΑΣ und sein peripatetisches Quellenmaterial', *Hermes* 66 (1930), 241–67; and 'The Aristotelean tradition in ancient rhetoric', *AJP* 62 (1941), 35–50, 169–90.

⁵⁷ τὸ μὲν οὖν κολακεῖν αἰσχρόν, τὸ δὲ ἐπιτιμᾶν ἐπι-σφαλές, ἄριστον δὲ τὸ μεταξύ, τοῦτ' ἔστι τὸ ἐσχηματισμένον (294). The Latin translation of τὸ ἐσχηματισμένον is *oratio figurata* (cf. the scholiast on *pro Marc.*). I follow Ahl (op. cit. (n. 53), 179) in translating the Latin. W. Rhys Roberts translates it as 'covert hint', G.M.A. Grube (*A Greek Critic* (1961), 124–5) as 'innuendo'.

⁵⁸ 'Mistake' is an inappropriate translation. For the important Aristotelian definition of *hamartia* as falling between wrong-doing and right, see my correction of the standard punctuation and translation of Aristotle, *E.N.* v. 1135b8–25 in *CR* xv (1965), 250–2. Perhaps 'failures in foresight'.

⁵⁹ Cicero may in these years be stressing the *genus medium dicendi*, exemplified by Demetrius, as an acceptable *translatio* of the Peripatetic μεταξύ, appropriate under despots. On the *suavitas* of the style see P. Gotzes' analysis of *de Imp.* (*De Ciceronis tribus generibus dicendi* (1914)). On the genus see H. M.

Hubbell, 'Cicero and the styles of oratory', *YCS* xix (1966), 173–86 (184 f.). It is first mentioned at *ad Her.* 4. 8. 11, where it is applied solely to choice of words, and by Cicero at *de Or.* 3. 55. 212 (cf. 52. 199), yet Cicero continues to ignore its existence at *Fam.* 9. 21. 1 (undated, to Paetus), *opt. gen.* 4. 12 and *de Fin.* 3. 19. See also G. M. A. Grube, *AJP* 73 (1952), 251–67; *TAPA* 83 (1952), 172–83; G. A. Kennedy, *HSCP* lxxii (1957), 93–104; cf. n. 56.

⁶⁰ 289. On *emphasis* see Ahl, op. cit. (n. 53), 176 f.

⁶¹ *De Leg.* 3. 6. 14, 'mirabiliter doctrinam ex umbraculis eruditorum otioque non modo in solem atque in pulverem, sed in ipsum discrimen aciemque produxit' (cf. 2. 25. 63 ff.; *de Fin.* 5. 19. 54; *Or.* 27. 95). In *Brut.* he praises the middle style of Demetrius, who '[orationem] mollem teneramque reddidit, et suavis sicut fuit videri maluit quam gravis; sed suavitate ea qua perfunderet animos, non qua perfringeret' (9. 38; cf. 82. 285; *de Or.* 2. 23. 94 f.) It is meant to overpower the mind of the hearer with charm, to 'per-suade' in the etymological sense of making successfully sweet (cf. n. 63).

⁶² Cicero first uses *allegoria* at *Att.* 2. 20. 3 (July 59): 'de re publica breviter ad te scribam; iam enim charta ipsa ne nos perdat pertimesco. itaque posthac, si erunt mihi plura ad te scribenda, ἀλληγορίας obscurabo'. In rhetoric he reserves it for continuous, connected *translationes* (cf. *de Or.* 2. 65. 261–7. 271; 3. 41. 166: 'illud quod ex hoc genere [sc. metaphor] profuit non est in uno verbo translato, sed ex pluribus continuatis connectitur, ut aliud dicatur aliud intellegendum sit'; *Quint.* 9. 2. 46). Cicero also uses it in *Or.* 27. 94. 6.

Philodemus, and hence perhaps to Cicero,⁶³ *allegoria* consists of three sub-classes: *aenigma*, *paroemia*, *ironia*.⁶⁴

i. *Aenigma*

Cicero achieves *aenigma*, an undecidable or ambiguous quality, in otherwise straightforward sentences by a subtle choice of a less likely word or phrase. It often uses the figure which he calls at *Or.* 27. 92 'immutata verba' ('in quibus pro verbo proprio subicitur aliud, quod idem significet, sumptum ex alia re consequenti'). After one enigmatic sentence, Cicero warns us of a meaning hidden below the surface, and not accessible at first hearing 'hodierno vero die te ipse vicisti. vereor ut hoc quod dicam perinde intellegi possit auditu atque ipse cogitans sentio' (4. 12). The innuendo in the phrase for 'defeating yourself' may be elucidated from an earlier enigmatic sentence on raising a standard (of support or attack?, cf. n. 52). Further he promises 'laterum nostrorum oppositus et corporum' (10. 32), in a context which suggests that Caesar needs protection against hidden opposition. This is the only occurrence of *oppositus* in Cicero. The word can be seen then as a *mutatio* of a more expected word for protection, leading us by its very oddity to look for an explanation. Further, are 'sides and bodies' a rhetorical redundancy (of which the speech is full), or should we take 'latera' as the lungs of the orator, a perfectly acceptable meaning? In that case 'laterum oppositus' seems more likely to mean the offensive interposition of oratory against Caesar. The ambiguity thus created highlights the enigmatic threat in the whole sentence:

quare omnes te, qui haec [of uncertain reference—the republic?] salva esse volumus, et hortamur et obsecramus ut vitae, ut saluti tuae consulas [a formula for threat?], omnesque tibi ... non modo excubias et custodias, sed etiam laterum nostrorum oppositus et corporum pollicemur.

A sentence which praises his supreme triumph also highlights his isolation (in sharp contrast to Cicero's description of Marcellus as *aemulus*, *socius*, *comes*, 1. 2) and moral bankruptcy: 'at vero huius gloriae, C. Caesar, quam es paulo ante adeptus, moral habes neminem' (2. 7).⁶⁵ But the most bitter *aenigmata* are the shortest: 'gladium vagina vacuum in urbe non vidimus' (6. 17), suggesting to us by the odd alliteration a *mutatio* of 'vagina strictum';⁶⁶ and 'cum et patriae quod debes solveris et ...' (9. 27). What is the price he owes to the fatherland he has conquered, whose laws he has violated?

ii. *Paroimia* (*proverbium*, cf. *de Or.* 2. 64. 258)

This figure usually depends on cryptic allusions to well-known sayings or legends. Here Cicero uses three maxims apparently as premises of laudatory *enthymemes*. However, each is subject to explanation by innuendo, and is memorable, if at all, as a rallying-cry against Caesar:

(i) 'Est vero fortunatus cuius ex salute non minor paene ad omnis quam ad illum ventura sit laetitia pervenerit; quod quidem merito atque optimo iure contigit' (1. 4).

⁶³ Cicero knew Philodemus well enough (D. Delattre, 'Philodème dans la correspondance de Cicéron', *BAGB* 1984, 27–39; T. Maslowski, 'Cicero, Philodemus, Lucretius', *Eos* LXVI (1978), 215–26) and had attacked him in his speech in *Pisonem* 28. 68 (cf. Asconius 5 pt. 2 p. 16 Orelli). We do not know that he knew the *Rhetorica*, although its remarks on the use of charm in manipulating despots (1. 377, II. 252 Sudh.) may be to the point.

⁶⁴ *Rhet.* 1. 181, cf. Quint. 8. 6. 44–59 on *allegoria aenigma*, *ironia*, *paroimia*. I ignore the category of *griphos*, as something undetectable. Several apparent witticisms might pass muster as *asteismos* or *urbanitas*. These categories recur in Bede, *de trop.* 615. 31 (Halm,

Rhet. lat. min.), *Compendium rhetorice* (1332) and Puttenham (cf. n. 23).

⁶⁵ Lucan grants Cicero a similar play on the word *comes* when he is made to confront Pompey before Pharsalia: 'propera te ne tua classica linquant./ scire senatus avet, miles te, Magne, sequatur/ an comes' (*Phars.* 7. 83–5, cf. Ahl, op. cit. (n. 13), 161 on *comes* as implying a social equal).

⁶⁶ C. Guttman (*De earum quae vocantur Caesarianae orationum Tulliarum genere dicendi* (1883), 66 f.) defends the phrase, rejected by Wolf as un-Ciceronian, on the grounds that the sword of the conqueror, as yet unseen in Rome, is eager to free itself of its constraining sheath.

The man who has secured 'merito atque optimo iure' what is his, as Marcellus has received his *iura*, should not need to thank Fortune.⁶⁷ For the Roman senators to express joy at his safety highlights the fact that *merita* and *iura* are no longer guarantees of privilege at Rome but are at the discretion of Fortune and a conqueror.

(ii) 'Nulla est enim tanta vis quae non ferro et viribus debilitari frangique possit' (3.8).

This high-sounding proverb is applied to Caesar's conquest of the Gauls, and reads with a curious derogatory logic after, 'ea tamen vicisti quae et naturam et condicionem ut vinci possent habebant'.⁶⁸ Thus Cicero follows Anaximenes' advice to Alexander to use irony towards a man's proudest boasts. When he later writes of Caesar, 'recte igitur unus invictus es a quo etiam ipsius victoriae condicio visque devicta est' (4. 12), we ask whether Caesar, who owes his position to his proofs of this maxim in Gaul and the Civil War, is to be its only exception.

(iii) 'Numquam enim temeritas cum sapientia commiscetur neque ad consilium casus admittitur' (2. 7).

This saying undercuts Caesar's own accounts of the role chance and aggressiveness played in his successes, and raises sharply the question of whether Caesar has the wisdom and vision to lead Rome. Rambaud analyzes⁶⁹ it as the major premise in a Stoic syllogism, to which the implicit minor premise appears to be, 'Caesar has *sapientia*', and the conclusion, 'Fortuna in istius se societatem gloriae non offert'. The minor premise is, however, for the 'second' (Stoic) audience, 'Caesar has *temeritas* and no true *sapientia*' (for he ignores the *societas* or *communitas*, see IV above). The conclusion is now seen to have a second meaning by innuendo, 'Fortune is not prepared any longer to join in the *societas* of a man⁷⁰ who ignores the principles of *societas*'.

iii. *Ironia (allusio)*⁷¹

Irony is woven throughout the speech, much as *On Style* describes Aeschines' speech against Telauges,⁷² and is difficult to analyze except through a commentary.

The dominant ironic theme concerns the immortality of Caesar and the state. Caesar, whose *res gestae* have embraced⁷³ the safety of the citizens and the whole republic, has become the state personified. If we wish the state safe we must preserve him from conspirators and ill-health (7. 22-3). Cicero underlines the irony by impling hyperbolically that, if we want the republic to be immortal, we must preserve Caesar as divine.⁷⁴ Two other ironies are more localized, the sharing of glories with others and Caesar's quip that he has lived long enough. At 2. 6 Cicero praises Caesar for allowing the return of Marcellus as a glorious act in which he has no *socius* (the *aenigma* just analyzed), and contrasts it with those 'bellicae laudes' which some say are not the sole property of conquerors but shared with many: 'et certe in armis militum virtus, locorum opportunitas, auxilia sociorum, classes, commeatus multum iulant'. In these phrases Cicero ironically points out Caesar's custom, in the *Commentarii* as in reality, of reserving for himself all the glory of victory, a practice which had already alienated some of his lieutenants.⁷⁵ On the other hand, Caesar underlines the role of

⁶⁷ On Caesar's *Fortuna* see Ahl, op. cit. (n. 13), 286-305. For this sense of *fortunatus* as the man enjoying no more than a conditional happiness see my 'Ambition in the Georgics: Vergil's rejection of Arcadia', in B. F. Harris (Ed.), *Auckland Classical Essays presented to E. M. Blaiklock* (1970), 148 f. (*ad G. II. 493 f.*).

⁶⁸ Rambaud, op. cit. (n. 22), 45.

⁶⁹ *ibid.*, Rambaud quotes Cicero's use of Chrysippus second figure at *de Fin.* 4. 19. 55, with a useful account of disjunctive logic in the Stoic syllogism.

⁷⁰ Note the derogatory courtroom use of *iste* (cf. 7. 19, 8. 25, 9. 27). In *Orator* Cicero counsels the user of the suave style to avoid *contentio*, the agonistic style of politics and the courts. He here disobeys that rule.

⁷¹ On Cicero's irony see A. Haury, *L'ironie et l'humeur chez Cicéron* (1955).

⁷² 291. See above. For irony similarly woven through *pro Ligario* see W. C. McDermott, *TAPA* 101 (1970), 317-48; C. Loutsch, *REL* LXII (1984), 98-110.

⁷³ The verb *complexae sunt* suggests two other meanings: in warfare 'have besieged or surrounded', in rhetoric 'have placed in a bind' (cf. Section IV). This triple meaning probably counts as an urbanity.

⁷⁴ Has Caesar already laid claim to divinity as the descendant of Venus? See Dobesch, op. cit. (n. 22), 168, n. 45, and *Caesars Apotheose zu Lebzeiten u. sein Ringen um den Königstitel* (1966), 39, 41 f., 48 f. This may be the *terminus post quem* for publication of this speech.

⁷⁵ Rambaud, op. cit. (n. 13), 295 f.

Fortuna in his military victories.⁷⁶ Cicero now stresses this with ironic hyperbole: 'maximam vero partem quasi suo iure Fortuna sibi vindicat et, quicquid est prospere gestum, id paene omne ducit suum'. He returns to the irony, when he says of the action over Marcellus, 'nihil sibi ex ista laude centurio, nihil praefectus, nihil cohors, nihil turma decerpit; quin etiam ... Fortuna ... tuam esse totam et propriam fatetur' (cf. 4. 11 'huius autem rei tu idem dux es et comes'). As part of Cicero's argument rejecting Caesar's quip, 'satis diu vel naturae vixi vel gloriae', he says, 'tantum abes a perfectione maximorum operum ut fundamenta nondum quae cogitas ieceris. hic tu modum vitae tuae non salute rei publicae, sed aequitate animi definies?'⁷⁷ At one level he is urging Caesar to ensure the safety of the republic, of the *communitas*, as his greatest work; at another he points ironically to the absence of any achievements but military victories or of any practical domestic policy initiatives.⁷⁸ This is undoubtedly the most damaging criticism that can be made in 46/5 of the ambitious man who has seized supreme power for himself.

With such figures of thought and *argumentatio* Cicero has chosen a style which foreshadows the figured speech of the empire, striking a careful balance between giving grounds for offence to the dynast and abandoning his crusade for republican rights.

VI

Despite the optimistic tone of the advice given to Caesar, the published speech is a *suasoria* only in the sense that a rhetorical question is a question. At best Cicero saw in the summer of 46 only a 'species reviscentis reipublicae'. By Caesar's return from Spain in 45 it was clear that he had no thought of accepting this advice and restoring the republic. *Pro Marcello* may thus be restored to its proper place in Cicero's campaign against the despotic actions and aimlessness of policy which he perceived beneath Caesar's facade of gentle conqueror. Its most important audience comprised the educated nobles, whose emotions were roused by it and by the sight of Caesar refusing the one exit offered from the dilemma of clemency. As a written document it appears not to belong with the more reserved and intellectual efforts of 46 B.C.—*Brutus*, *Paradoxa*, the spoken speeches to Caesar for Marcellus and Ligarius, the letters to the Epicureans, to Marcellus, to Caecina and to others, and *Orator*,⁷⁹ but to the more bitter and resolute tone which may have begun with the publication of *Cato*.⁸⁰ It appears contemporary in tone with the letters to Atticus in May and June of 45 on the location of Caesar's statue.⁸¹ For it issues, under the veil of figures, a clear summons to tyrannicide as the one course of action for those who believe in the principles of *societas* and the republic.

The Hotchkiss School, Lakeville, Connecticut

⁷⁶ *BG* 6. 35. 2, 'hic quantum in bello Fortuna possit et quantos adferat casus cognosci potuit', cf. 30. 2; 5. 58. 6 (cf. Rambaud, op. cit. (n. 13) 256–64).

⁷⁷ The verb *ieceris* seems, by *mutatio* from the expected verb *conideris* or *posueris*, to suggest Caesar's offhand approach to the real questions of government.

⁷⁸ Cicero attacks Caesar's neglect of his social obligations from the Stoic position discussed in *de Fin.* 2. 14. 45; 5. 23. 66. See Section IV (ii) above and n. 69.

⁷⁹ 'Ainsi, il est donc vrai que Cicéron, avec le *Brutus*, les *Paradoxes* et le *Caton* ne renonçait pas à l'action politique, mais la continuait sur le plan des idées, et défendait toujours le même idéal ...' (P. Grimal, *Cicéron* (1987), 330).

⁸⁰ H. J. Tschiedel sees *Cato* as an affront to Caesar and a turning point in his policy of *clementia*: 'Caesar

müsste seine Versöhnungspolitik als gescheitert betrachten; aufs neue sah er sich als Mensch und Staatsmann isoliert und in der Rolle des einzelnen, der genötigt ist, eine verständnislosen Umwelt zu deren Besten den eigenen Willen aufzuzwingen' (*Caesars 'Anticato'*, (1981), 17–18). Caesar responds to it only from Spain, and, whenever completed, it was hardly published much earlier.

⁸¹ This statue to Caesar, inscribed *Deo Invicto*, was to be placed in the temple of Quirinus on the Quirinal, close to Atticus's house: *Att.* 12. 47. 3, 'domum tuam pluris vides futuram vicino Caesare'; 45. 3, 'de Caesare vicino scripseram ad te quia cognoram ex tuis litteris. eum *σὺνναον* Quirini malo quam Salutis' (referring to the disappearance of Romulus), cf. *de Leg.* 1. 3; *Corn. Nep.*, *Att.* 13. 2; *Dio Cass.* 43. 45. 3; Weinstock, op. cit. (n. 10), 111, 185, 285.