

SPEECH AND SILENCE IN CICERO'S FINAL DAYS

Abstract: Composed in spring of 46 BC, Cicero's Brutus emphasizes oratorical silence, in stark contrast with the prominence of the speech act found in the Pro Marcello and first Philippic. Yet in the face of those difficult times and amidst the silence that such times engender, Cicero ironically finds his voice. This paper will demonstrate Cicero's acute awareness, in his final days, of the need to employ his rediscovered voice in light of eloquence's changed role in Rome's new political climate.

In the *Brutus* Cicero grapples with both personal and political conflicts. A survivor in the republic's final hours, he considers lucky those who, like the elder Hortensius, died before seeing the massacre at Pharsalus. He goes so far as to claim that, unlike Hortensius, those orators who live have had their voices extinguished not by his own death, but by that of the republic.¹ Yet his friends Atticus and Brutus, who interrupt his silent and anxious *otium*, seek to restore his voice by leading him toward the processes of remembering and recounting.² Cicero's treatise comes at a pivotal moment when the republic suffers from a deserted forum, yet, within the treatise, memory of a more stable, secure past is renewed and revived. Cicero both uses his voice to remember and invokes a time when eloquence had a significant role in the republic. In addition, the conclusion of the *Brutus* offers the reader a glimpse of the need to protect eloquence, an aspect of rhetoric traditionally employed for intervening in and modifying political reality. But here, Cicero advances the notion of a life withdrawn from political reality, a mode of living entirely "pure," far from the contamination of one who would employ speech in the service of the troubled state (*Brut.* 330):

¹ *Brut.* 328–9.

² I have argued elsewhere (Marchese (2011) 22–30) that reciprocity and memory animate the conversation among Cicero, Brutus and Atticus, transforming the social practice of eloquence into a norm for the future.

Nos autem, Brute, ... domi teneamus eam saeptam liberali custodia,
et hos ignotos atque impudentes procos repudiemus tueamurque ut
adultam virginem caste et ab amatorum impetu quantum possumus
prohibeamus.

But, Brutus, let us keep her (Eloquence) home, penned up inside
with a liberal guard, and let us scold these worthless and impertinent
suitsors, and let us watch over her, as a grown up virgin, chastely, and
let us, to the utmost of our ability, keep her back from the onslaught
of suitsors.³

Here eloquence is separated from the public, an idea that would become a topos of the *res publica litterarum*.⁴ Ironically, the silence of Eloquence, portrayed here as a guarded virgin, will prove to be short lived, since, with the return of Caesar to Rome, the season of speech making will soon reopen.

Dicere as an Expression of Thanks in the Pro Marcello

After Caesar's return, Cicero has an opportunity to step back into the oratorical ring in a meaningful way. The occasion occurs in a session of the Senate in which Caesar asks the senators to give their opinion on a decision that has already been made, the recall of Marcellus, Caesar's most bitter political adversary, who was then in voluntary exile on Lesbos. Cicero takes up the subject of his return to the bar in the opening words of *Pro Marcello* (1):⁵

Diuturni silenti, patres conscripti, quo eram his temporibus usus ...
finem hodiernus dies attulit, idemque initium quae vellem quaeque
sentirem, meo pristino more dicendi. Tantam enim
mansuetudinem, tam inusitatam inauditamque clementiam, tantum
in summa potestate rerum omnium modum, tam denique

³ All translations are those of Hanchey, Hunt, and Smith.

⁴ Cf. Stroup (2003) 140, who views *Brutus* as the work in which Cicero foreshadows how Roman eloquence can function in a world dominated by the power of a single individual, namely in book form. The personification of eloquence as an adult "virgo" reveals Cicero's strategy of transferring the powers of oratory from speech to writing.

⁵ On the different interpretations of the oration it is always useful to consult the survey of Paladini (1973); for the reconstruction of the context of the oration, cf. Fiocchi (1990). For a comprehensive study of the Caesarian orations, cf. Gasti (1997).

incredibilem sapientiam ac paene divinam tacitus praeterire nullo modo possum.

This day, conscript fathers ... has brought an end to the long silence that I have kept in these stormy times. That same day has brought a beginning, too, of my speaking in the way I used to speak when I expressed what I wished and what I felt. For I cannot by any means pass over in silence such great gentility, such unusual and unheard of clemency, such temperance in the wielding of the utmost power over everything, and finally such unbelievable, almost divine, wisdom.

Though his reasons for the *diuturnum silentium* are not expressly stated, Cicero may have had some trepidation about being too visible, since the social and political climate was characterized by anguish and doubt. That anguish derived from the fact that the city was increasingly being abandoned, suggesting an uncertain future. There was also pained regret of those who survived the deaths of so many, as well as grief, both of which emotions were felt throughout the Senate.⁶ Thus, Cicero was hesitant to speak, as the wounds of civil war had not yet begun to heal.

Soon, however, Cicero returned to his former practice, embracing the opportunity to speak for Marcellus. His speech consists of a *gratiarum actio*, whereby he thanks Caesar for wielding power gently. In doing so, Cicero holds to the established practice of appeasing a dictator to tamp down any possibility of violent behavior. Held back from “doing things” with words,⁷ Cicero nevertheless can, through public expression of gratitude, affirm Caesar’s *clementia*. Inasmuch as Caesar’s discretion has exceeded the expectations of all, it cries out for public recognition, and Cicero cannot remain silent. On this momentous occasion, Cicero renews a sense of continuity with the past (*Marc. 2*):

M. enim Marcello vobis, patres conscripti, reique publicae reddito, non illius solum, sed etiam meam vocem et auctoritatem vobis et rei publicae conservatam ac restitutam puto.... Ergo et mihi meae pristinae vitae consuetudinem, C. Caesar, interclusam aperuisti et

⁶ Further on *pudor* and *verecundia*, cf. Kaster (2005) and Thomas (2006).

⁷ I refer to Austin’s (1962) definition of the performative function of language.

his omnibus ad bene de re publica sperandum quasi signum aliquod sustulisti.

Since Marcus Marcellus has been given back to you, conscript fathers, and to the republic, I think that not only this man's authority and voice but my own, as well, have been preserved and restored both to you and the state . . . Accordingly, Caius Caesar, you have opened to me afresh my former lifestyle, hitherto hindered, raising me up to all as a sign of good hope for the whole state.

Marcellus' pardon represents something quite radical: the restitution of the voice and the authority of Cicero himself. That voice now finds itself again publicly active because Caesar has demonstrated justice in restoring the vanquished, even those who had opposed him. Up to this moment, *dolor* and *verecundia* prevented Cicero from making public use of speech because Marcellus, represented as a partner in Cicero's actions and beliefs, was still far away and out of favor. Now, Cicero can rediscover his public voice (1f.)

Though his speech is an expression of thanks, Cicero is aware that even so it could give rise to misunderstanding (*Marc.* 12):

Et ceteros quidem omnis victores bellorum civilium iam antea aequitate et misericordia viceras: hodierno vero die te ipsum vicisti. Vereor ut hoc, quod dicam, perinde intellegi possit auditu atque ipse cogitans sentio: ipsam victoriam vicisse videris, cum ea quae erant adepta victis remisisti.

And indeed, you had outstripped all the rest of the victors in the civil wars already in terms of your fairness and mercy. But today you have even outstripped yourself. I fear that the kind of thing I am now stating cannot be understood aurally, at least in terms of how fully as I myself feel it when I ponder it; you seem to me to have conquered victory itself, since you have given back to the conquered those things that victory had taken from them.

The speech-act (*dicere*) of Cicero tracks Caesar's growth from personal interest toward the common good. Cicero uses hyperbole to express his view of the reconciliation between victor and vanquished that comes to the fore in his outline of Caesar's *beneficentia* (*Marc.* 19):

Cetera cum tua recordabere, etsi persaepe virtuti, tamen plerumque felicitati tuae gratulabere: de nobis, quos in re publica tecum simul esse voluisti, quotiens cogitabis, totiens de maximis tuis beneficiis, totiens de incredibili liberalitate, totiens de singulari sapientia cogitabis ... ut haec a virtute donata, cetera a fortuna commodata esse videantur.

As often as you think about us, whom you have wanted to share with you in the republic, just so often you will consider your own great beneficence, your own remarkable generosity, your own stellar wisdom ... While other qualities seem to have been furnished by fortune, these appear to have been granted by virtue.

Cicero interprets Caesar's *beneficentia* as a demonstration of his *virtus*, thereby assigning him the role of benefactor, restorer of dignity to the vanquished.⁸ Such restoration is a signal act of virtue for it encompasses the reintegration of the defeated within the body of the state. Cicero's assignment of such a role to Caesar provides the dictator with an ethical model, thereby establishing rules of conduct derived from the code of *beneficium*, a practice employed in the Roman republic for centuries to manage the relationships of inequality with conquered peoples. The winner's generosity could be demonstrated by his willingness to enter upon an accord, whereby the request for lenience is not demanded by the conquered party, but rather is established by the judgment of the victor.

By pronouncing Caesar's *beneficia* to be outstanding, Cicero shows how the dictator has reintegrated the conquered into the body of the state. These *beneficia* allow the dictator to garner the most authentic and longest lasting glory, *dignitas in magnitudine animi et consili* (*Marc.* 19). Cicero thereby offers Caesar an opportunity to display his new nature in a way which will preserve the memory of his *res gestae*.

Significantly, Cicero has achieved all this through the newfound "voice" that has come to him only after a long silence (*Marc.* 33):

Sed ut, unde est orsa, in eodem terminetur oratio, maximas tibi omnes gratias agimus, C. Caesar, maiores etiam habemus. Nam

⁸ Cf. Marchese (2008) 129–45.

omnes idem sentiunt ... Nam laetari omnes non ut de unius, sed ut de omnium salute sentio.

But let my speech end in the same place as it began: we all, Caius Caesar, offer you the greatest thanks, and we hold back even greater thanks. For all men feel the same thing, ... and I sense that everyone is taking joy not only about the safety of a single man but in the common safety of all.

Cicero responds gratefully to the salvation not merely of an individual but of the entire civic body, reassembled after a long and violent conflict. Cicero's gratitude thus defends his benefactor's life, providing a response to Caesar, the winner who wished to preserve the former republic. This fresh voice of the orator now assumes the task of restructuring relations between Caesar and the Senate. Yet by praising Caesar (*dicere laudes*), Cicero treads what will prove to be a slippery slope for Roman eloquence, that of the exhortation of the powerful.⁹

This use for speech notwithstanding, Cicero is nevertheless beset with the worry that oratorical eloquence cannot recover its performative function (i.e., its capacity to "do things").¹⁰ That eloquence, we saw earlier, is a "maiden come of age" (*adulta virgo*), who takes her tutelage both from Cicero and Brutus in the treatise of 46 BC. Eloquence now belongs to the province of philosophical discourse, as will be clear in Cicero's last work, the *de Officiis*. Yet, as it turns out, eloquence will transcend that setting, for she will serve Cicero well in his first speech against Mark Antony.

Dicere as Testimony in the First Philippic

Cicero composed his first *Philippic* in a context requiring rhetorical force.¹¹ In his speech of 2 September 44 BC, Cicero addressed senators gathered in the Temple of Concord in the forum.¹² One day earlier Antony had called a preliminary meeting to gain approval for ritual ceremonies in memory of Caesar. Cicero, not yet having returned to Rome, had not participated in the session, but

⁹ On these aspects of the speech Connolly (2011) has recently offered a convincing interpretation.

¹⁰ See Austin, cited in n. 7 above.

¹¹ For a discussion of the rhetorical characteristics of the oration, see Manuwald (2004).

¹² For an accurate reconstruction of the historical context of the oration, cf. Ramsey (2003) 1–10; also Frisch (1946).

sent his regrets to Antony. Yet Antony's reaction was hostile, as he interpreted Cicero's absence as a provocation. He thus undertook the extreme measure of forcing the senators into a deliberative session.

The form and structure of Cicero's speech appear to be strongly influenced by this context: his oratorical style is deliberative, as he intervenes in a political debate, though in fact he is treating what is essentially a personal question.¹³ At the speech's opening, Cicero indicates that he will state his motivation directly (*Phil.* 1.1):

Antequam de re publica, patres conscripti, dicam ea quae dicenda hoc tempore arbitror, exponam vobis breviter consilium et protectionis et reversionis meae.

Before, conscript fathers, I should say these things about the republic that I think at this time must be said, I will briefly set forth to you the reason for my departure and for my return.

Here Cicero offers a kind of self-definition that unequivocally communicates the pressing need for him to say (*dicere*) the things that need to be said (*dicenda*) regarding the management of the state (*de re publica*); he indicates that circumstances require such intervention (*hoc tempore*). Yet he will also explain that his absence from the prior meeting was engendered by his excursion from Rome, which had involved an unexpected deviation in itinerary. Before speaking, Cicero will explain (*exponam*) the facts that establish his own credibility, an important feature inasmuch as he now inserts his voice into the political debate. This *expositio* also explains the unexpected direction of his public life in the aftermath of Caesar's assassination.

In June everything had changed (*mutata omnia, Phil.* 1.6). The consuls had shown an ambiguous attitude toward the management of power, and Cicero had thus decided to leave Rome to return the following year, in the hope that a new beginning could restore dignity to the Senate's authority. At first, Cicero notes,¹⁴ Antony and Dolabella seemed to return strength to the established institutions and to repress attempts to subvert order. Yet, as he headed south, important news came to Cicero at Leucopetra, where some of the townsfolk of Rhegium came to

¹³ Ramsey (2003) 83.

¹⁴ Cicero *Phil.* 1.2 and esp. 1.5.

greet him (he also heard of it later from Brutus, who explained things in person to Cicero at Velia). The people of Rhegium informed Cicero that the political climate was changing and that negotiation had commenced between Antony and Caesar's killers. Brutus told him of the strong stance taken by Caesar's supporter, Lucius Cornelius Piso, in the Senate on August 1, a statement designed to oppose any attempt to manipulate Caesar's true intentions. That position, however, isolated Piso from the greater part of the Senate; more importantly, Piso's intervention compelled Cicero to return hurriedly (*Phil.* 1.10):

Hunc igitur ut sequerer properavi quem praesentes non sunt secuti, non ut proficerem aliquid (nec enim sperabam id nec praestare poteram), sed ut, si quid mihi humanitus accidisset (multa autem impendere videntur praeter naturam etiam praeterque fatum), huius tamen diei vocem testem rei publicae relinquerem meae perpetuae erga se voluntatis.

Therefore, I hastened to support him whom those present had not. I did not do this to accomplish something (for I neither was hoping for that nor could I offer that), but so that, if that which happens to all men (death) should happen to befall me—in fact many things seemed to be threatening me beyond what was normal (and even beyond fate!)—nevertheless I might leave my testimony on this day as a witness to the republic of my perpetual goodwill toward it.

Cicero would have wished to offer his testimony to a colleague who courageously defended the institutions of the republic. In doing so, the voice of the orator could express support for the community's functional integrity. This commitment to the commonwealth could have complemented that of Piso, Caesar's adjutant and the father of his wife, Calpurnia. Though he had not shown much sympathy for Piso in the past, Cicero reveals his personal willingness to join him in loyal support of the state and to renew the watchfulness (*vigilia*) that he had shown in the days following the death of Caesar.

Cicero's rhetorical strategy distinctively features a redefinition of his ethical persona: he assumes the role of a witness, as his words meant to reveal that freedom has not yet been eradicated. On the agenda of the preliminary meeting called by Antony on September 1 there had been a proposal of supplications for the slain dictator; accordingly, he had decided not to attend the meeting, an

action, we saw earlier, angrily criticized by Antony. Though he afterward returned to put his voice to good use, during the vote on supplications Cicero had chosen the path of absence and silence in a decisive moment.

The justification he offers in the first *Philippic* for his decision minimizes its importance: it was not, Cicero suggests, an issue vital to the state, and was certainly not comparable, for example, to the presence of Hannibal at the gates, or the peace negotiations with Pyrrhus. Cicero thus reduces the issue of supplication to private interest, not that of the community.¹⁵ His choice not to attend, then, was in accord with the custom of the senatorial sessions, and was justified, on a personal level, by the notice that he had sent to Antony. Cicero's absence, if an autonomous gesture, did not break with recognized convention; conversely, Antony's response is a wrathful *iniuria*, an act of aggression against a political ally.

Symbolically, Cicero's choice not to attend the meeting and not to speak during the vote about the ceremonies honoring the dictator can be seen as highly effective on the performative level. Cicero, in fact, depicts such inaction as merely a part of the established protocol. Through his apology, he seeks to preserve his private relationship with Antony. In response to the reaction of the consul, Cicero can create a contrast between the practical effect of his missing the meeting and the hypothetical scenario of his participation (*Phil.* 1.13):

An me censetis, patres conscripti, quod vos invite secuti estis, decreturum fuisse, ut parentalia cum supplicationibus miscerentur, ut inexpiabiles religiones in rem publicam inducerentur, ut decernerentur supplicationes mortuo?

But can it be that you think that I, conscript fathers, would have voted for a thing that you agreed to unwillingly, that the honors accorded to deceased parents be blended with divine supplications, that inexpiable religious observances be brought into the republic, that supplications be decreed for a dead man?

If Cicero had participated in the resolution, the vote would not have turned out in Antony's favor, and he would only have taken the floor to remind the Senate how risky a proposition it was for the Roman people to mingle the cult of the

¹⁵ *Phil.* 1.12.

dead with the religion of the immortal gods. His position would not have been favorable, and his voice would have been raised chiefly to recall the divide between the deceased dictator and Brutus who liberated Rome from the domination of a king, pointing out that such honor was better preserved for those who were benefactors of the city.

If, therefore, Cicero chose silence and absence because he recognized in them a high performative value, it is also clear that the attendance and speech making of the Senate was not successful in allaying dissension, since the Senate rendered its decision unwillingly. In the current situation, senators no longer “do” the things they say, but rather have succumbed to acts that destabilize their hitherto commonly accepted authority.

In this context, Cicero asks whether it is still possible to speak (*dicere*) to solve problems (*Phil.* 1.14). Evidently not, since the Roman people seem to accept decisions of which they do not approve while the Senate for its part now distorts the procedural and political prerogatives of its role. Speaking (*dicere*) is only possible for those who have not debased its function and purpose, by choosing the opposite strategy of silence and absence (*Phil.* 1.14):

Mihi vero licet et semper licebit dignitatem tueri, mortem contemnere. Potestas modo veniendi in hunc locum sit: dicendi periculum non recuso. Atque utinam, patres conscripti, Kalendis Sextilibus adesse potuissem: ... Non modo voce nemo L. Pisoni consularis, sed ne vultu quidem assensus est.

Yet it is right, and always will be, that I watch closely my dignity and despise death. Provided only I have the power to come into this place, I recuse not the danger of declaration. And would that, conscript fathers, I had been able to be present on the Kalends of Sextilis! ... No one of consular rank assented to Lucius Piso, whether with words or even by mere expression.

In a political dynamic as inconsistent and dysfunctional as the one under which the city is living after Caesar’s murder, it seems especially necessary for Cicero to preserve the power of intervention and the action of speaking in isolation from the corrupt circumstances in which he finds himself. Those circumstances offer, as the only way out of the present situation, the subjugation of the common will to the privilege of a single individual. Yet Cicero demonstrates here that he has

devised a preventative treatment, as it were, the one with which he closes *Brutus*: he exhorts himself and his (ideal) successor in rhetoric “to keep eloquence home,” as if she were a mature virgin (*adulta virgo*) who should preserve chastity as her primary feature (330).

Now the central feature of Cicero’s rhetorical strategy emerges more clearly: speech can continue to function as it hitherto had only if it is distanced from contamination, specifically the subjection of Roman institutions to the will of a single person. Cicero takes up this idea in a context characterized by the abuse of the deliberative speech act: he shows his preference for silence instead of words, absence instead of presence. The ability to change the situation and to guide decisions is nullified, although the possibility of a good use of language, for building solidarity and rendering testimony, abides. His voice is employed to guard the dignity of Roman institutions and to express contempt for personal risk, even death. Having maintained his proper sense of self in relation to political institutions and preserved his integrity amidst the current disorder, Cicero now exercises his right to choose whether or not to attend the senatorial meeting. Whether he enters or not, his choice is dependent upon the action appropriate to the situation and the role in which he finds himself.

For Cicero, the recovery of this autonomy requires the full acceptance of physical vulnerability to which public speech sometimes leads. Speaking has always had the power to produce results, but in the present circumstances, it can also expose Cicero to violence. Further, if a speech act cannot always effect change, it can at least express solidarity, and thus, in effect, put dignity on display. In this regard, the lack of support from the other senators in the arguments of Piso is an affront, as it even manifests the corruption of the speech act as much as does silence itself.

Cicero notes that no one indicated agreement with Piso, even by expressions of face or gesture.¹⁶ Additionally, there was no one who, from the position of consular authority, lifted his voice to support Piso. By its silence the Senate robs itself of its capacity of genuine communication, thereby “deliberating” in a manner contrary to its own will.

In this context, Cicero makes an appeal to the Senate to recover its autonomy: *Quae, malum, est ista voluntaria servitus? Fuerit quaedam necessaria ... Alia causa est*

¹⁶ The distinction between the level of referential content and how it is conveyed belongs to the pragmatic aspects of human communication, for which cf. Watzlawick *et al.* (1967).

eorum, quorum silentio ignosco, alia eorum, quorum vocem requiro (Oh the wickedness! What is that willingness to capitulate to slavery? Of course, a certain type of capitulation might have been necessary Yet the cause of those whose silence I pardon is quite different from that of them whose speaking out I require, *Phil.* 1.15). The Senate's silence is proof of its transformation from forced enslavement to voluntary servitude. The argument of the orator is that slavery can be necessary for survival, but that the real damage is done by capitulation to the loss of freedom. Although it might happen to anyone with a weak character to subordinate his personal inclinations to another's will, this particular transformation is widespread and seems to have affected everyone.

Accordingly, Cicero asserts that refusing to speak on behalf of others is a violation of authentic dignity, especially if that silence is borne not only out of fear but from the pressure of selfish or utilitarian motives. To interpret this general condition Cicero has recourse to the category of *turpe*, the systematic violation of honor and decency, as the discussion contained in his contemporary work *de Officiis* teaches.¹⁷ With regard to the theme of *decorum*, Cicero offers a lengthy but interesting exposition in his *de Officiis*, useful to our interpretation of *Philippic* 1 (*Off.* 1.110–13). The discussion centers on Cicero's summary of the *personae* that affect and reflect an individual's unique character. He emphasizes that an individual, while he should not strive against nature in general, in order to achieve the balance of *decorum* must follow his own nature and not that of another person. He ultimately concludes: *id enim maxime quemque decet, quod est cuiusque maxime suum* (For what especially befits each person is that which is uniquely characteristic of himself, *Off.* 1.113). It is perhaps not unimportant that in this passage Cicero describes as an ethical disorder the violation of the properties that befit a specific personality.¹⁸

In the first *Philippic*, it is clear to Cicero that every last one of his colleagues suffers from a moral and ethical lapse: each of them has forgotten himself and is no longer able consistently to keep up with the prerogatives of his role, acquired over many years of political activity. Thus, the first *Philippic* diagnoses as a loss of *dignitas* that which the *de Officiis* posits as a violation of *decorum*.

¹⁷ On the relation between the two works, see Stone (2008).

¹⁸ Picone (2008) 66–70. The author also offers a general interpretation of the *de Officiis* in Picone (2012) viii–xxxvi.

Cicero, however, intends to avoid the common malady: he has done so by choosing when and how to participate in sessions of the Senate, and then by undertaking the maintenance of the entire performative capability of his own voice and silence. In the present circumstance, having finished his exposition, Cicero is able to use his voice to “say what must be said”; the first act is to thank Piso, who, like himself, took note of the changed political conditions in which it was honorable to use speech not so much to change the situation as to define one’s own autonomy and to affirm one’s dignity: *Qua re primum maximas gratias et ago et habeo Pisoni, qui non quid efficere posset in re publica cogitavit, sed quid facere ipse deberet* (Wherefore, in the first place, I feel and I render great thanks to Lucius Piso, who was thinking not about what great thing he could accomplish in the republic but rather simply what his duty was, *Phil.* 1.15). The principle of justice that presses each person to do what he ought, without creating clear expectations for how well he might succeed, is, according to Cicero, closely joined to the Stoic proposition of doing good “in itself.” In so doing, one displays the best aspect of one’s character. Piso has done this, and Cicero intends to do so as well. Thus Cicero asks again, in accordance with a long-standing practice, the audience’s indulgence (*Phil.* 1.15).

The moment of *dicere quae dicenda sunt* has finally arrived. In the name of peace, Cicero shows a degree of approval of the acts of Caesar—although these acts were already effectively rendered “legal” by the dictator. He also, however, declares that to gain approval one cannot use force and supersede the traditional procedure of enactment by popular consensus, appealing to a law that has never been written (*Phil.* 1.26–7):

Quid tum? quod ita erit gestum, id lex erit? et in aes incidi iubebitis, credo, illa legitima: CONSULES POPULUM IURE ROGAVERUNT (hocine a maioribus accepimus ius rogandi?) POPULUSQUE IURE SCIVIT. Qui populus? isne qui exclusus est? Quo iure? an eo quod vi et armis omne sublatum est? Atque dico de futuris, quod est amicorum ante dicere ea quae vitari possint: quae si facta non erunt, refelletur oratio mea. Loquor de legibus promulgatis, de quibus est integrum vobis; demonstro vitia. Tollite! Denuntio vim, arma; removete!

What then? Will that which will have been thus accomplished become law? And you will order, I trust, that those legal decrees be

engraved in bronze: “The consuls have duly consulted the people”—did we receive this way of consulting from our ancestors?—“and the people duly passed the law.” What people? Is it the people who were kept out? By what law? Can it be the law that has been wholly cast aside by violence and weapons? Moreover, I am speaking about the future, because it is the duty of friends to mention things that can still be avoided. Which, if they never happen, my speech will be justly refuted. I am speaking of laws that have been put forth, about which it is entirely yours to decide. I am pointing out their flaws: take them away! I am denouncing violence and weapons: get them out of here!

The words of Cicero are directed toward the recovery of the community's memory of shared conventions and institutional practices. The act of speaking seeks to restore the proper sense to words, to prevent them from being used as empty shells that no longer correspond to reality. Moreover, Cicero's voice proves to be intrinsically connected to the practice of admonition and is employed as a means of amicable intervention that warns of avoidable errors. The conveyance of such correction is certainly a desirable outcome, as it offers a preemptive warning that has achieved its goal, whereby the task of the genuine politician is fully realized.¹⁹

Cicero's speech thus becomes an authoritative denunciation: it is necessary to speak of those flaws that are before the eyes of all. Speech now begins to have a concrete function again, that of prescribing what must be done to restore the rule of law.²⁰ Yet the speech that he makes is also one of deliverance; by the mere act of speaking, Cicero is able to promote the truth, and thus enhance, through the proper channels, an opportunity for Roman solidarity. He thus posits a specific dynamic that makes it difficult for anyone to show ire toward another interlocutor; in the present circumstance, as Cicero says to Dolabella, anger is not appropriate. Anger suits an offense, or to an act of aggression that damages

¹⁹ For the reconstruction of such a code, albeit in the context of Plautine comedy, I refer to Raccanelli (1998).

²⁰ Cicero's use of *loquor* (1.27) seems to reecho an ancient formulation of Lucilius, an *equus* as well as a satirical poet, in no way disposed to renounce the privilege of speaking about that which concerns him: *mihī necesse est eloqui, / nam scio Amyclas tacendo periisse* (I must needs speak out, for I know that Amyclae perished through keeping quiet, 696-7 Warmington). For these foundational aspects of the genre of satire, cf. Marchese (1998) 23-47.

someone's integrity; it is certainly not the appropriate response to a speech that defends the state.

Antony, however, is more closely connected with the current state of affairs than Dolabella (*Phil.* 1.27):

Sed proponam ius, ut opinor, aequum, quod M. Antonium non arbitror repudiaturum. Ego, si quid in vitam eius aut in mores cum contumelia dixerō, quo minus mihi inimicissimus sit non recusabo; sin consuetudinem meam ... tenuero, id est si libere quae sentiam de re publica dixerō, primum deprecor, ne irascatur; deinde, si hoc non impetro, peto ut sic irascatur ut civi.

But I will propose a law, a fair one, as I see it; I think that Marcus Antonius will not reject it. If, to effect an insult, I will have spoken anything against his lifestyle or his character, I will not deny him the right to be most inimical toward me. But if I will have kept to my regular practice ... , that is, if I will have freely spoken what I am thinking about the republic, first I beg that he not be angry, and then, if I fail to obtain that, I seek at least that he only be angry as befits a fellow citizen.

An important question is introduced in this section of the speech. Antony has reacted to Cicero's absence as being a rejoinder to a personal injury; yet Cicero explains clearly that he addresses a matter of public interest, unconnected to his personal relationship with Antony.

Cicero's absence sets forth a political question concerning whether or not he should deliver a speech. Seizing that opportunity, Cicero's speech points up Antony's impropriety, both with regard to Roman institutions and on the level of the divine. Cicero's initial absence is therefore telling, but not because it suggests an affront, as Antony believes. Rather, Cicero's absence reflects a defensive posture, meant to preserve the state. While it is possible for Antony to become angry with Cicero, the citizen who defends the *res publica*, can only do so in terms that befit one citizen becoming angry with another: words, not weapons, will wage such a war. Cicero's own classification of such conflicts, posited in *de Officiis* (1.38), provides a context for his handling of Antony:

Ut enim cum civi aliter contendimus, si est inimicus, aliter si competitor (cum altero certamen honoris et dignitatis est, cum

altero capitis et famae) sic cum Celtiberis, cum Cimbris bellum ut cum inimicis gerebatur, uter esset, non uter imperaret, cum Latinis, Sabinis, Samnitibus, Poenis, Pyrrho de imperio dimicabatur.

As with a fellow citizen we contend in one way if he is a personal enemy, we do so in another if he is a competitor (for with the one it is a struggle for office and dignity, with the other, it is a struggle for life and reputation). Just so, when we fight a battle with the Celtiberians and Cimbrians, our deadly enemies, we do so not to discover which should have the power to rule, but which should survive; but with the Latins, Sabines, Samnites, Carthaginians and Pyrrhus such struggles were about ruling.

The distinction that Cicero presents here posits a *certamen* as a struggle outside of a community for political sovereignty. The other kind of struggle governs interactions among citizens, who may compete among themselves to attain public offices and to earn social standing. For some citizens, the struggle can concern life itself and one's reputation, and so becomes a matter of enmity. Between communities Cicero justifies a greater level of ferocity beyond mere political gambits, for those conflicts concern the survival of the people.

When, at *Phil.* 1.27, Cicero states that he does not intend to commit an act of aggression against Antony, he brings the conflict back merely to the exercise of civic power. Cicero's position pertains to proper conduct within the state; Antony's, by contrast, is presented as a matter of bad faith. Antony deliberately misinterprets Cicero's position as a personal attack; Cicero, by contrast, seeks to employ speech to establish a proper lexicon for defining the problem and analyzing behavior. Accordingly, Cicero's speech takes on a didactic feel, as he explains the conduct of Dolabella and Antony as the fruit of misunderstanding that has led them to attribute value to the wrong things. If only in the wrong way, they nevertheless do move toward the existential horizon of a Roman citizen, the achievement of glory: *te enim intuens, Dolabella, qui es mihi carissimus, non possum de utriusque vestrum errore reticere. Credo enim vos nobilis homines ... caritatem civium et gloriam concupivisse* (For when I look at you, Dolabella, who are so very dear to me, I cannot keep silence about the error of you both; for I believe that you both, noble men that you are ... have been eager to acquire glory and the love of your fellow citizens, *Phil.* 1.29). The words of Cicero radically rewrite the intentions of the two politicians: on Cicero's interpretation, it is not an

attachment to money and personal power that drives them, but the aspiration to lofty things that befits magnanimous people, who admittedly are able to err when they undertake unbecoming methods of self-promotion. For Dolabella and Antony, Cicero provides as correctives the evaluations offered in the *de Officiis* of the destructive effects of the greatness of spirit that is not tempered by self-control. Nevertheless, Cicero subjects these correctives to additional revision: the admonition against mixing aspiration to greatness with the desire for wealth and power concludes with the positive instruction to aspire to the love of citizens as an authentic achievement of glory. Such a result comes from actions in the common interest, actions whose value is recognized by collective testimony, as the objective condition of glory is transformed into the subjective (and public) condition of praise.²¹ In fact, in *de Officiis* Cicero goes on to join magnanimity with justice, positing such a connection as an effective deterrent against self-interested desire and action (*Off.* 1.62).

As we have already seen, in *de Officiis* Cicero's ideas on the healthy exercise of high-mindedness reveal a degree of austerity regarding public recognition of the value of action (*Off.* 1.66):

Omnino fortis animus et magnus duabus rebus maxime cernitur, quarum una in rerum externarum despicientia ponitur Altera est res, ut, cum ita sis affectus animo, ut supra dixi, res geras magnas illas quidem et maxime utiles, sed et vehementer arduas plenasque laborum et periculorum cum vitae, tum multarum rerum, quae ad vitam pertinent.

The soul that is altogether brave and great is especially marked by two distinctions: of these, one is the capacity to disregard external circumstances The second distinction is that, when you have been disciplined in your soul in the way I explained earlier, you do indeed perform great and useful tasks, and you also perform tasks that are arduous and laborious and dangerous not only for life but also for the many things that make up life.

For Cicero, the best control over the aspiration to greatness is to be found in keeping one's distance from extraneous factors. While such an attitude of disdain

²¹ For this distinct classification, see Mazzoli (2004). An important semantic analysis can be found in Thomas (2002).

can be seen in the refutation of wealth and honor, it is especially discernable in the propensity with which one is prepared to give up life and possessions. Cicero fine-tunes a system of exercises for anyone who aspires to greatness. That system is characterized by an ascetic emphasis on the renunciation of self and abandonment of earthly desires, including all material comfort and public recognition, even to the point of eschewing some paths to glory (*Off.* 1.68).

In comparison with the proposition that makes a magnanimous man into an ascetic—one who returns his wealth to the city and knows how to step away from glory to preserve freedom and objective choice—the paraenetic instruction that Cicero offers to Dolabella and Antony in the first *Philippic* is clearly more delicate. In *Phil.* 1.29 cited earlier, we saw that the renunciation of the attainment of wealth and personal power gained through violence is set beside a positive model of upright action. The Roman people as a whole are described as capable of testifying to action that leads to genuine affection and glory.

Cicero thus attempts to bind his interlocutors to their proper responsibilities. The exercise of power in a city that has emerged from fire and slaughter should compel them toward proper action on behalf of the community as a whole. On behalf of that community, Cicero had recently demonstrated gratitude to Antony, who, after restoring *concordia* and *salus* to a wounded city, suddenly had changed course (*Phil.* 1.33):

Num te, cum haec pro salute rei publicae tanta gessisses, fortunae tuae, num amplitudinis, num claritatis, num gloriae paenitebat? Unde igitur subito tanta ista mutatio? Non possum adduci ut suspicer te pecunia captum. Licet quod cuique libet loquatur, credere non est necesse. Nihil enim umquam in te sordidum, nihil humile cognovi. Quamquam solent domestici depravare non numquam; sed novi firmitatem tuam. Atque utinam ut culpam, sic etiam suspicionem vitare potuisses!

When you had done such great things to preserve the republic, certainly you were not bothered by your fortune, prestige, renown or the glory that had accrued to you? Whence, therefore, this striking volte-face? I cannot be led to suspect that you have been captivated by money. Anyone may say what he wants to, but it is not necessary to believe it. Truly, I never saw anything base or low-class in you. Although the members of one's household do sometimes

corrupt him; but I know your firmness. And would that you could avoid blame, let alone all suspicion of it.

In compelling Dolabella and Antony to adopt responsible behaviors toward the city, Cicero avoids calling too much attention to Antony's capricious and undependable character. How should Cicero, then, explain the volatility of his conduct? Perhaps he could have simply dismissed Antony's about-face as stemming from a lack of proper family role models. Yet, even if he had some hope for the constancy of Antony's inner disposition, Cicero clearly shared what was likely also his audience's wariness, intimating that Antony had already begun to reveal his lack of self-control.

Cicero's speech, therefore, through various twists and turns, redefines the nature of glory, thereby suggesting Antony might simply have fallen victim to a misunderstanding, to an error of evaluation about what it requires (*Phil.* 1.33):

Illud magis vereor ne ignorans verum iter gloriae gloriosum putes plus te unum posse quam omnes et metui a civibus tuis quam diligi malis. Quod si ita putas, totam ignoras viam gloriae. Carum esse civem, bene de re publica mereri, laudari, coli, diligi gloriosum est; metui vero et in odio esse invidiosum, detestabile, imbecillum, caducum.

I fear this the more, lest being ignorant of the true way of glory, that you be more glorious than all your fellow citizens put together, and lest you should prefer being feared by your fellow citizens to being esteemed by them. But if you think so, you are ignoring the path of glory. That a citizen is dear to his fellow citizens, that he deserves well of the republic, that he is praised, respected and esteemed is a thing of glory; but that he is feared and hated, is invidious, detestable, weak and frail.

The true path toward glory is furrowed and paved by the love of the citizens, not by their fear. Cicero's definition is pointedly explanatory: to obtain true glory, one must be a citizen toward whom others feel gratitude for acquired beneficial actions that are objects of respect and veneration. Diametrically opposed to this is the fear felt for one who exerts superiority through violence. Cicero shows that one who positions himself to be feared will ultimately become an object of hatred, thereby attaining only a fleeting form of power that has the ideological

features of tyranny.²² In his speech to Antony, Cicero is not able to ignore *gloria* as an objective that cannot be fully renounced. The consonance that we have posited between the themes of *de Officiis* and those of the first *Philippic* is expressed through a new and contextualized meaning of glory: the only feasible curbing of the individual is not his withdrawal from material and useful things, but rather his seeking the love of the citizens as a guarantee of his high position and as a durable tool for the maintenance of his power.

In these arguments, Cicero again puts forth the paraenetic functions accorded to speech in the *Pro Marcello*, confirming how dear the recovery of specific duties for the voice of the orator can be. Through his speech, the orator plays the role of a guide along the path toward the reorganization of political dynamics, suggesting behaviors useful for training anyone who might wield power. Cicero's attempt to restore to eloquence its capacity to effect change reaches an apex shortly following Caesar's assassination. Soon, however, that attempt gives way to the results of an evident change in political conduct, a change too radical to be ignored.²³ The recovery of speech, we have seen, signifies for Cicero first that his exposition of the factual truth places him in open opposition to Antony, as does his act of speaking, whereby he says "the things that must be said" about the life of the state. Though Cicero's speech seems to recover its lost capacity for effective action, it does so not because it succeeds in freely inserting itself into a political debate. Rather, it becomes the expression of an independent capacity for intervention turned toward redefining the proper bounds of ethical and political conduct.

Though in this speech Cicero precisely defines for the powerful the true path to glory, at the same time he shows awareness of the difficulty that he has had in the present circumstances in using speech to bring about concrete action. Cicero's doubt about his speechmaking's continued paraenetic or exhortative potential is explicitly revealed in the concluding remarks that the orator reserves for discussion of true glory: *Sed quid oratione te flectam? Si enim exitus C. Caesaris efficere non potest ut malis carus esse quam metui, nihil cuiusquam proficiet nec valebit oratio* (But why should I bend you by my speech? For, if the death of Caesar cannot affect you, so that you may prefer to be dear (to your fellow citizens) to being feared by them, no speech of anyone will profit you at all, nor will it

²² For a discussion of Antony's tyrannical characteristics, see Stevenson (2008) and (2009).

²³ Further on the changing atmosphere, cf. Zanker (1988) and Smith (2005).

influence you, *Phil.* 1.35). We have now wandered well beyond the path opened by the *Pro Marcello* in which Cicero had expressed his doubt that his speech could bend opinion or have the strength to show that the appreciation of the people is most desirable. In the particular setting in which the state finds itself, while it laboriously attempts to understand how and in what terms the institutional machine ought to begin to function again, the persuasive power of speech is easily overcome by the didactic value of concrete experiences, which are offered as right and proper *exempla* for actions and behavior. That the true path to glory is the love held, not the fear harbored, by one's fellow citizens, is amply demonstrated by Caesar's death. If such a traumatic event should fail to produce an instructive experience for all those engaged in politics, how can speech hope to be able to have the same effect or be as persuasive? In short, what can speech hope to achieve in a context that is capable of being deaf to the outcries caused by the wounds that *res publica* had suffered (*Phil.* 1.38)?

Cepi fructum, patres conscripti, reversionis meae, quoniam et ea dixi ut, quicumque casus consecutus esset, exstaret constantiae meae testimonium, et sum a vobis benigne ac diligenter auditus. Quae potestas si mihi saepius sine meo vestroque periculo fiet, utar; si minus, quantum potero, non tam mihi me quam rei publicae reservabo. Mihi fere satis est quod vixi, vel ad aetatem vel ad gloriam; huc si quid accesserit, non tam mihi quam vobis rei publicae accesserit.

I have reaped, conscript fathers, the fruit of my return, since I have said even these things to establish them as an outstanding testimony to my consistency, whatever fate may attend me, and I have been heard out by you kindly and diligently. If this opportunity will occur for me more often without danger to you or myself, I shall take it. If not, as far as I will be able I shall hold myself back, not for myself but rather for the republic. The span that I have lived has been just about long enough for me, both in terms of my age and my glory. If anything else comes my way, it shall accrue not so much to myself as to you and to the republic.

At the conclusion of this oration, through the topos of thanking his listeners, Cicero finds a way to restore to his speech the only available prerogative left. He may still obtain a final harvest from this Senate meeting: Cicero has one last

opportunity to testify to how much can be achieved through the consistency of one's choices and behavior.

The power of speech thus offers him the potential to report, declare and evaluate the facts that involve the state. While such power does not necessarily allow him to "accomplish" things with words or to transform intervention into a position shared by all, nonetheless the power of speech does seem to contribute decisively to the final self-definition that Cicero will present to his fellow citizens. He presents himself as a witness, one who uses speech to bring before the eyes of all the rule of law, along with its potential for violation, and to establish the real dynamic of political conduct and its more-or-less revealed objectives. The orator and senator no longer speaks to effect action but to give testimony in accordance with the prerogatives of a voice, the recognizable remnant of which seems to be the maintaining of a connection with the past and proclaiming the mastery one can have over one's own choices.²⁴

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