

*Perfecting Literary History*

By beginning his oratorical history with Marcus Cornelius Cethegus (cos. 204) rather than Appius Claudius Caecus (cos. 307, 296), Cicero shows that several sometimes contradictory criteria are required to craft a literary history. As Chapter 5 has just discussed, Caecus is rejected because his speeches are outdated. At the same time, no direct evidence supports the favorable judgment of Cethegus' oratory, and Cicero's stated criteria should have logically led to Caecus' inclusion. By being so visibly inconsistent, Cicero forces the reader to closely examine how he constructs literary history and what self-interested reasons are at play. He also confronts a much larger problem: if literary history is skewed by its author's predilections, then what place can he rightfully assume in his history of Roman orators? Beyond this lies another less evident problem: how can Cicero secure a place not only in his own account but also in future oratorical histories? Cicero's choices, including all the wrangling over Appius Claudius Caecus versus Marcus Cornelius Cethegus, are inherently tied to concerns about securing a lasting place within oratorical history. This is a serious problem, for if Caecus (or any "outdated" orator, such as Cato or Crassus, as Atticus claims) could be excluded from such a history, what prevents the same fate from befalling Cicero?

An answer to this question exists, but it is complex and extends across the length of the dialogue, including the dramatic exchanges, which constructively challenge Cicero's assumptions and methods. As I noted in the previous chapter, Cicero indirectly reflects on the values that underlie his construction of literary history; moreover, the work's different sections can be assembled to create a coherent statement about his own conception of literary history. Cicero crafts a normative historiographical framework for literary history, and also composes a literary history in which he assumes pride of place and which ensures his inclusion in all future histories.

Teleology is central to understanding literary change: orators in successive generations made changes to oratory that contribute to the state of the

art. While relying on a teleological model, Cicero does not fully endorse it and in fact shows its serious limitations. One main concern is how to keep alive the contributions made by authors who now seem outdated – how to appreciate the past without succumbing to its aesthetic criteria. In the dialogue he examines and ultimately rejects both antiquarianism and presentism, which requires him to face the related problem of using absolutist versus relativist standards: when judging an author should we use today's standards or those of the author's own age? He knows that the absolutist and the relativist perspectives cannot be reconciled – the antithesis remains even today a fundamental problem in the writing of literary history. The different steps of the problem and his innovative solution merit examination in detail, since his solution, which amounts to a kind of historicism, continues to determine how literary history is and can be written.

As one of Rome's premier orators, Cicero would seem to be the natural endpoint of his own teleological history. The forward movement involving the gradual improvement and refinement of oratory passes through recognizable stages. Cato's speeches provide a baseline of sorts, filled with the required virtues (*omnes oratoriae virtutes in eis reperientur*, 65), with the τρόποι and σχήματα classified by the Greeks, and yet still wanting polish and refinement (69). Servius Sulpicius Galba (cos. 144) first introduced embellished digressions, pleased and moved his audience, and employed the *loci communes* (82). Marcus Aemilius Lepidus Porcina (cos. 137) first mastered smooth diction (*levitas verborum*), periodic sentence structure (*comprensio verborum*, 96), and skillful writing. Gaius Carbo (cos. 120) made regular practice a virtue as a precursor to the later institution of declamation (105). The virtues of erudition can be read in the likes of Quintus Catulus, philhellene interlocutor of *de Oratore* and consul of 102 (132). Antonius and Crassus finally usher in an age to rival the great age of Greeks such as Demosthenes and Hyperides, and this Roman pair attained a fullness comparable to that of the Greek canon (*in his primum cum Graecorum gloria Latine dicendi copia aequatam*, 138). Crassus is singled out for his terse and compact periodic structure (162). This age also takes us up to Cicero's lifetime, and further developments are elaborated in the Ciceropaideia and perhaps best summed up by Caesar's reported remark that Cicero was the pioneer of full eloquence (*principem copiae atque inventorem*, 253).<sup>1</sup> But the voyage to the present day is not without challenges and detours. Even as the narrative relentlessly gravitates toward

<sup>1</sup> See Chapter 1 on the Ciceropaideia.

Cicero, questions surface about the final trajectory: is the contemporary teleology open or closed, which is essentially to ask, has oratory reached a final stage of perfection? This concern bears directly on Cicero's uncertain place in the forward progress of his history, an uncertainty that he manufactures by omitting judgment on the living in general and on his own accomplishments in particular.

The work's concluding exhortation of Brutus suggests that another stage might develop, a continuation of the teleology that would seem incumbent upon any literary historian hoping to preserve the integrity of the larger narrative. Yet it also raises questions about Cicero's position in the sequence.<sup>2</sup> Cicero first praises Brutus' own accomplishments:

That was your forum and your trajectory, you alone arrived there not only having sharpened your tongue by training but even having enriched eloquence itself with an array of weightier disciplines, and by them joined all distinction of excellence with utmost renown in eloquence.

tuum enim forum, tuum erat illud curriculum, tu illuc veneras unus, qui non linguam modo acuisses exercitatione dicendi sed et ipsam eloquentiam locupletavisses graviorum artium instrumento et isdem artibus decus omne virtutis cum summa eloquentiae laude iunxisses. (331)

He then aligns his and Brutus' achievements by suggesting that each must escape being numbered among the mediocre speakers: *numerari in vulgo patronorum* (332). Although he abjures self-praise to the end, he also hopefully exempts himself from the throng of everyday orators: "if it had happened to me to be counted merely among the many" (*si mihi accidisset, ut numerarer in multis . . .*, 333).<sup>3</sup> The parallel between Cicero's and Brutus' accomplishments allows the viewpoint to shift from orators of the past to orators of the present and future. From a literary-historical perspective, Cicero's oratorical success depends not only on his achievements but also on the prospect that Brutus will embody a subsequent stage of development that builds on his accomplishments. For this reason, Cicero gives Brutus a patently Ciceronian cast, pointing to Brutus' daily practice and his enrichment of oratory through "weightier disciplines" (presumably philosophy) in order to create a fuller style of eloquence.

Once again Cicero makes thoroughly plausible claims even as he distorts the evidence. He does not deny but rather ignores Brutus'

<sup>2</sup> His concern about looking forward in this way is confirmed by *de Oratore's* prediction of Hortensius' rise to prominence (3.228–30; cf. *Orat.* 41), modeled on Plato's prediction of Isocrates' greatness (*Phdr.* 279a).

<sup>3</sup> The text is lost at this point, but the larger thought can be reconstructed.

shortcomings.<sup>4</sup> Rather than lie outright, Cicero focuses instead on daily practice (*exercitatio*) and the influence of adjacent disciplines (*artes*) that were so essential to oratorical preparation in *de Oratore*. The reader is prompted to infer that such preparation necessarily resulted in the full eloquence that was Cicero's hallmark. Alternatives are not countenanced here; for example, that Brutus' real strength was in logical argument rather than oratory, or that philosophical devotion could have a deleterious effect on oratory, exemplified by a dyed-in-the-wool Stoic, Rutilius Rufus.<sup>5</sup> As so often in the dialogue, this masterstroke of indirection will pay off in spades. This praise of Brutus is a marvelous form of indirect self-praise, highlighting the aspects of Brutus that best support Cicero's own habits and values.<sup>6</sup> Most importantly, Cicero creates continuity between his innovations and the established practices of the next generation, suggesting that oratory will move forward and will do so along Ciceronian lines. The teleology is not yet complete in the technical sense, nor has it come to an end in the historical sense.

Cicero's reluctance to include himself in his history of oratory is related to another problem: how serious is Cicero in his critical accounting of the past? The challenges to his interpretation of the history of oratory come from his interlocutors, as in Atticus' demurrals at the likening of Cato to Lysias: "I could hardly contain myself when you were comparing the Athenian Lysias to our Cato, a great man, by Hercules, or rather a uniquely outstanding man – no one will say otherwise – but an orator?" (*risum vix tenebam, cum Attico Lysiae Catonem nostrum comparabas, magnum me hercule hominem vel potius summum et singularem virum – nemo dicet secus – ; sed oratorem?*, 293). The criticism comes in the middle of Atticus' sweeping dismissal of orators prior to Cicero's generation (294–96). It is, of course, Cicero who drives this inquiry and the conflict underlying it, even if he puts the objection into the mouth of an

<sup>4</sup> Cf. Quint. *Inst.* 10.1.23, Tac. *Dial.* 21.5–6. Martin (2014) argues that Brutus is portrayed in an especially negative light in the *Brutus*, but the analysis seems to misread the pedagogical function of the ignorance that Cicero ascribes to Brutus. Cicero portrays Brutus as a student who comes to appreciate the history of oratory as he learns from Cicero's illuminating catalogue. I discuss further below an example of Brutus' pedagogical role in the dialogue.

<sup>5</sup> Cicero earlier noted the insufficiency of Stoic and Academic/Peripatetic philosophy for oratorical training, even while praising Cato as an exception (118–120). On Cato's style see Strem (2005) and van der Blom (2016) 204–47. On Rutilius Rufus, see 110–18 (part of a syncrisis with M. Aemilius Scaurus), *de Orat.* 1.227–30, Cic. *Off.* 3.10; Aubert-Baillet (2014); D'Alton (1931) 163, 217 notes Cicero's terminological overlap in describing Stoics and Atticists. Moretti (1995) 71–138 discusses (Cicero's take on) Stoic style.

<sup>6</sup> Just as the praise of Brutus' speech *pro Rege Deiotaro* early in the dialogue advertises Cicero's values: *ornatissime et copiosissime* (21).

interlocutor. The underlying question of how to appreciate the past is crucial to how a literary history can be constructed. To an orator of the 40s BCE, what good are Cato the Elder's speeches, nearly 150 in number and dating back almost as many years?

To ask about Lysias versus Cato, apart from the significant (if different) difficulty of cross-cultural comparison, is ultimately to bring into conflict the dual commitments to aesthetic absolutism and aesthetic relativism. Absolutism dictates that we use only today's standards, while relativism requires that we judge a style by its contemporary criteria. The two possibilities are crucial to writing literary history, largely irreconcilable, and the Achilles heel of any such project: should authors be judged only by the standards of their day, and, conversely, why are today's standards better than those of yesterday? The antithesis between absolute and relative judgments is not small and not transient, since it abides even today as a central problem of literary history.<sup>7</sup> Cicero offers a solution (discussed in the next section), but it is worthwhile to outline first in greater detail what is at stake. It will also be necessary first to counter one common suggestion – offered in the *Brutus* itself by Atticus and accepted by some modern readers – that Cicero is merely being ironic in his support for older authors and that he actually believes only in the absolute standards of the present day.

Initially Cicero might seem to sidestep the question of how to appreciate past authors, either by excusing it as a problem beyond the scope of the present discussion or by retreating into an ironic pose.<sup>8</sup> Atticus criticizes as ironic Cicero's support for Crassus' speech on the Servilian law of 106 BCE, both suggesting that Cicero is at heart an absolutist and pinpointing the very problem of what standards to use when judging past ages. Atticus' charge amounts to little more than disbelief at the prospect that Cicero actually appreciates older authors. Cicero again goes to great lengths to manufacture this and other objections in order to draw attention to fundamental problems of the construction of literary history. Behind the interlocutors' objections lies not a rejection of Cicero's literary-historical principles but rather an indication of the theoretical issues at stake.<sup>9</sup> Atticus remarks that Cicero's ironic pose may be acceptable in a Socratic

<sup>7</sup> Perkins (1992) again is the seminal study of the tensions, esp. 46 and 175–86.

<sup>8</sup> "You've brought up a matter worthy of a new discussion" (*remque commovisti nova disputatione dignam*, 297). Another suggestion is that the scheme falls apart when pressure is placed on it: Goldberg (1995) 6–7.

<sup>9</sup> Pace Dugan (2005) 208 and Fox (2007) 188. Suerbaum (1997) 417–18 n.20 rejects the ironic reading. Desmouliéz (1982) offers the most astute reading of Cicero's irony in the *Brutus*.

dialogue, “but in historical matters, which you’ve drawn on throughout the discussion, . . . perhaps irony should be censured as much as when giving evidence” (*sed in historia, qua tu es usus in omni sermone . . . vide . . . ne tam reprehendenda sit ironia quam in testimonio*, 292). Irony and aporia are inherent features of the dialogue genre, familiar from the Greek tradition, yet recognition of the well-known Socratic ploy does not entail acceptance of it, and Cicero pointedly rejects the suggestion:

We must scroll through the works of others and especially of Cato. You’ll see that only the floridity and brightness of not yet discovered pigments were wanting from his general features. And I do think that Crassus himself perhaps could have written a better speech, but I don’t think anyone else could have. Don’t think I’m being ironic because I said this speech was my teacher. You see, although you might seem to think better of whatever ability I may now have, still when I was young there wasn’t a Latin model to imitate instead.

volvendi enim sunt libri cum aliorum tum in primis Catonis. intelleges nihil illius liniamentis nisi eorum pigmentorum, quae inventa nondum erant, florem et colorem defuisse. nam de Crassi oratione sic existumo, ipsum fortasse melius potuisse scribere, alium, ut arbitror, neminem. nec in hoc εἰρωνία me duxeris esse, quod eam orationem mihi magistram fuisse dixerim. nam etsi [ut] tu melius existumare videris de ea, si quam nunc habemus, facultate, tamen adulescentes quid in Latinis potius imitemur non habebamus. (298)

Cicero adamantly defends the formative significance of Crassus’ speech on the Servilian law.<sup>10</sup> Older authors, including Cato, still merit study, despite their unquestionable shortcomings. Atticus doubts the value of Cato’s speeches and takes a more extreme position than that of Cicero’s reserved judgments on Cato earlier in the work (61–76, esp. 63). Atticus will not yet concede the point at issue (is Cato worth reading?). Brutus ultimately settles the matter when he asks to examine these older texts under Cicero’s guidance (*orationes nobis veteres explicabis?*), a prospect Cicero saves for a future conversation (300).

Cicero neither avoids the question at hand nor concedes that older texts have no value. With Brutus’ assistance he overcomes the underlying problem in what amounts to ingenious question-begging. Rather than explain why older texts must be read, he dramatizes a solution based on his own authority, showing how Brutus, and presumably any other student of oratory, should accept the reading of older texts under the guidance of

<sup>10</sup> C. Steel (2002) 208 stresses its importance. Cf. *de Orat.* 1.225.

an experienced orator. Although the evaluation of such texts is postponed to some other occasion, the work's dramatic fiction justifies Cicero's inclusion of older orators in the first place, because Brutus will eventually read their texts.<sup>11</sup> Cicero's point here is not, nor is it anywhere in the *Brutus*, to insist that ancient orators will satisfy the stylistic criteria of any era, but rather to insist that older texts remain valuable resources for study, appraisal, and excerptation even when, and at times because, their faults are apparent.<sup>12</sup>

The interlocutors' objections undoubtedly undermine Cicero's insistent praise for Crassus' speech and isolate weaknesses in his evolutionary model. Yet it would be futile to construct so long a history in full cognizance of its shortcomings, only then to let that entire construction collapse. And there would be little intellectual benefit in Cicero's advancing positions to which such easy responses can be offered – why put himself in the position of being such a crude and refutable advocate? To read Cicero's sparring with Atticus or Brutus as a disguised dismissal of models like Cato or Crassus is to deny him the acknowledgment of a complex challenge requiring a complex answer: how to benefit from the teleological perspective and yet escape its inherent, and inherently destructive, limitations.<sup>13</sup>

The answer to this challenge has typically been to argue that Cicero must be using either absolute or relative criteria in judging style.<sup>14</sup> Neither alternative is satisfactory. Indeed, he shows the value, limitations, and irreconcilability of the two categories before turning to historical context as the means to escape the antithesis. Cicero undoubtedly emphasizes the value of past innovations as a stage of development. But when assessing older speeches, he insists on honoring not the final product as an eternal artifact but rather the intelligence and artistry that led to its initial creation. For this reason, he observes that ancient writers would nowadays

<sup>11</sup> To postpone the discussion is not to concede the point. The examination of mechanics has no place in the *Brutus*. How to read ancient authors is a significant, if different, technical question from the fundamental question of whether to read them at all. Brutus will revisit older material (*multa legenda . . . quae antea contemnebam*, 123).

<sup>12</sup> *Orat.* 169 reprises the balancing act: "I don't demand what antiquity lacks but praise what it has" (*nec ego id quod deest antiquitati flagito potius quam laudo quod est*). Gaius Gracchus' imperfect speeches still sharpen and enhance one's talent (*non enim solum acueri, sed etiam alere ingenium*, 126).

<sup>13</sup> Valuable analysis in Goldberg (1995) 3–12 and Hinds (1998) 52–98, but Barchiesi (1962) 21–38 best adumbrates the relativist perspective and its consequences.

<sup>14</sup> Douglas (1966a) xl–xli believes that Cicero holds absolute standards and rejects the analysis of J. W. H. Atkins (1934), who argues that Cicero defends relativism. Douglas must, however, make an exception for Cato. Hendrickson (1962) 254 n.a suggests that Cicero has Atticus voice the absolutist perspective, which Cicero shares, despite his earlier support for relativism.

update their works if given the opportunity: Crassus would not only rewrite his own speeches, he would rewrite them better than anyone else could (298).<sup>15</sup>

Cicero must maintain an open teleology because oratory will continue apace.<sup>16</sup> The focus on Brutus' future prospects makes no sense otherwise, and that future is indistinguishable from the reception of Cicero, who implicitly predicts that he will himself become one stage in a long development. The preface uses political imagery to underscore the difference in age and the transfer of authority to the next generation: "since at my age I am now making way for you and lowering the fasces" (*cum tibi aetas nostra iam cederet fascisque submitteret*, 22).<sup>17</sup> Recognition of this inevitability enhances rather than diminishes Cicero's oratorical achievements, since crafting a literary history in this way frames his reception and ensures a place for his speeches, even when their aesthetic values will show the inevitable wear of time.<sup>18</sup> He relies not solely on the perspective of the present, but acknowledges the different perspectives that can be brought to bear on texts both in the past and also in the future.

Later authors would take up Cicero's terms, focusing on his innovations while bringing their own revised expectations. This is why Quintilian can praise Cicero (but not only Cicero), why Pliny can still hope to rival his achievements, and why Marcus Aper of the *Dialogus* can criticize Cicero's lumbering digressions and outmoded fullness of language, all from viewpoints that are neither utterly beholden to Cicero nor wholly irreconcilable to one another.<sup>19</sup> Neither Cicero nor any other classical author (to my knowledge) suggests the converse and necessary conclusion that dawned

<sup>15</sup> Horace portrays Lucilius in Cicero's terms (*S.* 1.4, 1.10, 2.1).

<sup>16</sup> A crucial historiographical insight, even if non-teleological models are certainly possible; cf. Gadamer (1989) 201: "The ontological structure of history itself, then, is teleological, although without a telos." It is worth considering the alternative framing of artistic development, namely that the telos has been reached from a presentist and biological perspective, but that this does not exclude the possibility of future development. Cf. Edelstein (1967) 124 n.145: "it does not follow that, once this τέλος is apprehended, nothing further can be added"; Citroni (2001), esp. 309–10, Cavarzere (2012).

<sup>17</sup> The striking image *fascis submittere* ("to lower the fasces") refers to the lictors' symbolic recognition of the authority of the people or of another magistrate's greater *imperium*. See A. J. Marshall (1984), Bell (1997) 11–13, Goltz (2000), Hölkeskamp (2011b), with Livy 2.7.7, Plut. *Publ.* 10.7; Cic. *Rep.* 2.53; V. Max. 4.1.1.

<sup>18</sup> See Dugan (2005) and Stroup (2010, 237–68) on Cicero's textual afterlife. My interest here is in how Cicero crafts a normative historiographical framework through which posterity could place him into a literary history.

<sup>19</sup> Quint. *Inst.* 10.1 and 10.2 impress upon students the need to know many styles, to improve on the past, and to recognize the inevitable shortcomings of even the best speakers. Pliny remarks: "You see, I too rival Cicero" (*est enim . . . mihi cum Cicerone aemulatio*, *Ep.* 1.5.12). Marcus Aper details Cicero's flaws at *Dial.* 22–23.

on Erasmus centuries later in his *Ciceronianus*: Cicero spoke as best he could for his own day, but would have spoken differently if born in an earlier age, since his style would have cloyed earlier tastes.<sup>20</sup> What Erasmus lays out clearly and emphatically is given a rather obscure form at the conclusion of Tacitus' *Dialogus* by Maternus, who notes that different ages produce different eloquence and "that each man should enjoy the good in his own age without the detraction of another" (*bono saeculi sui quisque citra obtreccionem alterius utatur, Dial. 41.5*). Tacitus reads backward into history and brilliantly captures Cicero's evolutionary logic; he justifies stylistic change and yet still appreciates the oratorical merits of distinct generations.

### Saving the Past

A general principle about the value of past authors emerges from Cicero's discussion of Ennius' rivalry with Naevius, in which Cicero notes the crucial dependence of the former on the latter:

Grant that Ennius is clearly more polished: yet if Ennius scorns him as he pretends, he wouldn't have left out that fiercely contested First Punic War when he treated all wars. But he explains his actions: "others wrote about the event in verses." They did write brilliantly, even if with less refinement than you. And in fact it shouldn't seem otherwise to you, who either borrowed much from Naevius, if you admit it, or stole much, if you deny it.

sit Ennius sane, ut est certe, perfectior: qui si illum, ut simulat, contemneret, non omnia bella persequens primum illud Punicum acerrimum bellum reliquisset. sed ipse dicit cur id faciat. 'scripsere' inquit 'alii rem vorsibus'; et luculente quidem scripserunt, etiam si minus quam tu polite. nec vero tibi aliter videri debet, qui a Naevio vel sumpsisti multa, si fateris, vel, si negas, surripuisti. (76)

The portrayal of this rivalry reflects a disposition toward early oratory as well as early poetry. Mandating that Ennius must recognize his debt to Naevius makes a general argument on the need to value literary

<sup>20</sup> Erasmus (1528 [1986]) 381: Bulephorus notes, "Cicero spoke in the best possible way in the age he lived in. Would he still have spoken in the best possible way if he had adopted the same style in the age of Cato the Censor, Scipio, or Ennius?" Nosoponus replies, "No. The ears of his audience would have rejected that polish and rhythm of his, being accustomed of course to a more rugged form of speech. Their language matched the customs of the age they lived in." Cf. Bulephorus at Erasmus (1528 [1986]) 404: "Cicero's style would not have met with approval in the time of Cato the Censor, as it was too elaborate and fancy to suit the standards of that age." I am grateful to David Quint for first suggesting the usefulness of the *Ciceronianus*.

predecessors. Later authors may be more refined (*perfectior, polite*), but that does not acquit posterity of its standing debt or the need to acknowledge it.<sup>21</sup> The remark typically has been connected to ideas about poetic *imitatio*, a tendency already fostered in antiquity by Seneca the Elder's oft-cited reprisal of the opposition "borrow" and "steal" to describe Ovid's transparent reworking of Vergil.<sup>22</sup> The claim serves no less as an oblique response to the detractors of the early oratorical tradition – to an Atticus or a Brutus disparaging the dusty pleadings of a Cato or a Crassus. Once again, part of the brilliance of the *Brutus* consists in Cicero's ability to offer such indirect reflections on literary history within the shaping of that history and its polemical assertions. Through such indirection, theory is integrated seamlessly into the historical picture advanced throughout.

It is equally important not to misconstrue partial approval of older authors for antiquarianism. Orators cannot live solely for the virtues of the past, hence the muted criticism of antiquarian style in the case of Laelius (83). Similarly, Lucius Aurelius Cotta was a middling orator who attained only limited fame for his rustic and antiquated manner (137).<sup>23</sup> A penchant for the outdated may have some merit, but blind appreciation of older material can sever the live connection to the present. On this score Cicero undermines his Atticist detractors by suggesting that they admire outdated Greeks, such as Thucydides, and yet overlook the native equivalents (287–88). He caps his diatribe at 284–88 with an oenological analogy, recommending that one should neither search out the vintages of Lucius Opimius (121 BCE) and Lucius Anicius (160 BCE) nor draw from a fresh vat. The analogy distinguishes appreciation of the past from being trapped in it: how can we walk the divide between antiquarian escapism and presentist solipsism (doubtless an antithesis familiar to modern classicists)?

### Absolutism and Relativism

The need to honor the achievements of the past comes out most prominently in the evaluation of Cato early on (61–76). Cicero likens Cato to Lysias but notes the latter's universal preeminence: "in these [speeches]

<sup>21</sup> Cicero's *sumpsisti* and *surrupisti* were broadly applicable to discussions of literary borrowing, as Terence's prologues show. Goldberg (2005) 48–51 and McGill (2012), esp. 115–45.

<sup>22</sup> Seneca's opposition is *surripere* and *mutuo(r)*: Sen. *Con.* 3.3.7. See D. A. Russell (1979) 12, McGill (2012), Peirano (2013).

<sup>23</sup> Dihle (1957) 200 rightly distinguishes – as does Cicero – between contemporary antiquarianism and the dated style of an eminent speaker from the past such as Cato.

there's some likeness between the two men: they are pointed, elegant, clever, terse; but that famous Greek has fared better in all manner of praise" (*est nonnulla in iis etiam inter ipsos similitudo: acuti sunt, elegantes faceti breves; sed ille Graecus ab omni laude felicior*, 63). Readers must be on guard against Cato's acknowledged imperfections: "let men choose the parts worthy of being marked out for distinction" (*licet ex his eligant ea quae notatione et laude digna sint*, 65). Cicero implicitly and crucially shows the differences between literary criticism with an eye to the needs of the present and literary history with its eye on the horizons of the past.

The evaluation of a style for imitation in the present requires some measure of absolutism, insofar as we must keep in mind present-day expectations when choosing what to imitate. This absolutist tendency is fundamentally different from the decisions governing the inclusion of a given author within a literary history, which requires a relativist sensibility: how are texts valuable in their own day and how might they be written differently now? Like Crassus (discussed above), Cato could be brought up to date, since his style necessarily lacks modern refinement:

His speech is rather dated and certain words are pretty rough. That's how they spoke then. Change what he couldn't at the time and add rhythms, arrange and join (as it were) the words so that the speech has a better fit – which even the old Greeks didn't do – then you'll prefer no one to Cato.

antiquior est huius sermo et quaedam horridiora verba. ita enim tum loquebantur. id muta, quod tum ille non potuit, et adde numeros et, <ut> aptior sit oratio, ipsa verba compone et quasi coagmenta, quod ne Graeci quidem veteres factitaverunt: iam neminem antepones Catoni. (68)

The true danger lies in the tendency of later innovators to overshadow earlier authors: "and so this style of later men, heaped up (as it were) to the sky, has blocked out Cato's brilliant features" (*sic Catonis luminibus obstruxit haec posteriorum quasi exaggerata altius oratio*, 66). The problem would affect more than a few luminaries in older generations: the speeches of Servius Galba "are now scarcely visible" (82), and Cicero recognizes, with some prompting from Brutus, that his own rise has contributed to the fall in popularity of older authors (123–24).<sup>24</sup> Even as Cicero admires the innovations that have cast a pall on preceding generations, he still works to highlight past contributions: although their brilliance has been "cut off" by subsequent authors, the later eclipse should not discredit the earlier

<sup>24</sup> Lebek (1970) notes that Cicero's contemporaries weren't reading older orators (but rather historians and poets).

luminaries. Cicero carefully balances the conflicting criteria that result from his teleology, discerning key developments in successive stages without losing sight of past achievements. He is wedded to neither the relativist nor the absolutist approach.

That ambivalence, though not yet a solution to the problems posed by each alternative, does show his alertness to the competing, and potentially irreconcilable, perspectives. At stake are larger questions: to what extent is historical context essential to understanding texts? How do texts relate to their contexts? The mindsets of absolutism and relativism cannot offer adequate responses: absolutism fails to appreciate the past or account for future developments, while relativism can excuse any style and thus render aesthetic judgments useless. Yet if neither approach sufficiently captures history's relationship to literature, how will Cicero arrange a marriage between text and context?

### **Greek Evolution, Roman Evolution, and the Problems of Atticism**

That Cicero connected literature to history is partly visible in the Greek formalization of rhetorical methods after the abolishment of the Sicilian tyrants (46). Much later at Rome, Livius Andronicus' dramatic performance in 240 BCE is a literary response to military victory over the Carthaginians a year before. However, the connection of the play to the event is too thin to offer a satisfactory causal narrative of how Livius' play became a piece of literature. In literary terms, the Roman victory was the occasion but not the artistic cause of the literary drama that Livius produced.<sup>25</sup> Elsewhere Cicero does offer a more nuanced consideration of how aesthetic developments are connected to historical circumstance. His connection of text to context is related to the acknowledged problems of his teleology and his attempt to find solutions. Foremost among the problems is that the teleology can elucidate artistic changes in successive generations, yet often cannot explain why certain changes were made or why they were meaningful and necessary.

Powerful evidence for Cicero's attachment to historical understanding emerges from comparing the trajectories of oratory at Greece and Rome. Cicero only occasionally looks back to Greek developments to assess

<sup>25</sup> Crane (1971) is the seminal modern work on literary-historical principles and the complexity of ascribing causes to final products. *CAH*<sup>2</sup> VIII: 422–76 and Feeney (2016) on the contexts of the rise of Roman literature.

Roman ones, but the most prominent similarity exists between the great ages of the Greeks and the Romans:

Just as a while back we arrived at Demosthenes and Hyperides; now we've come to Antonius and Crassus. You see, I think that these men were supreme orators and that in them the fullness of Latin oratory first came to equal the renown of the Greeks.

ut dudum ad Demosthenen et Hyperiden, sic nunc ad Antonium Crassumque pervenimus. nam ego sic existimo, hos oratores fuisse maximos et in his primum cum Graecorum gloria Latine dicendi copiam aequatam. (138)

Perhaps surprisingly, that great age does not coincide with Cicero's generation – even if an exemplary speech by Crassus coincided with Cicero's birth (161). This cross-cultural analogy of Greeks and Romans raises the question of how to interpret subsequent oratorical history at Rome against the Greek model. If Rome equaled Greece in the generation of Antonius and Crassus, then what changes have befallen Roman oratory and do they parallel those in Greece? The next Greek stage was its “endpoint” or “decline” in Demetrius of Phalerum, who succeeded the older generation of great Athenians while a young man (37). The negative portrayal of Demetrius as the endpoint of Greek oratory conflicts with some positive portrayals in other works, and this different account meaningfully suits the local purposes of the *Brutus*.<sup>26</sup>

The parallel developments suggest that Rome has surpassed – or at least has the potential to surpass – the accomplishments of Greece's canonical figures. While Greece has declined, Roman oratory culminates in Cicero's triumphant values, *vis* and *copiam* (forcefulness and fullness) in the service of *movere* (emotive persuasion). Even as Cicero promotes these values, he must also refute his Atticist detractors. Syncrisis of Greece and Rome shows that Cicero advances oratory while the Atticists blindly follow Greece's downward trajectory. Aesthetic similarities liken the notionally classical periods to one another: at Greece “this age poured forth its bounty and, in my opinion, that noteworthy sap and blood maintained its integrity up to this age of orators, whose splendor was natural and not made-up” (*haec enim aetas effudit hanc copiam; et, ut opinio mea fert, succus ille et sanguis incorruptus usque ad hanc aetatem oratorum fuit, in qua naturalis inesset, non fucatus nitor*, 36). At Rome the same features first arise with Crassus and Antonius: “in all these exists a remarkable shade of

<sup>26</sup> I differ here from Chiron (2014), who suggests that Demetrius parallels Cicero.

reality without any rouge” (*in his omnibus inest quidam sine ullo fuco veritatis color*, 162).

The post-classical generations also share certain key characteristics of style. At Athens:

You see, Demetrius succeeded the old generation, surely the most learned of all these, but practiced less in real weaponry than in wrestling. He would entertain rather than inflame the Athenians, since he had ventured out to the sun and dust of action not as though from the soldier’s tent but as though from the shady retreats of the very learned Theophrastus. He was the first to bend speech and render it soft and tender; he preferred to seem charming, as was his nature, rather than formidable, but with a charm that flooded rather than broke through their susceptibilities, so that he left but a memory of his refinement and not also, as Eupolis wrote about Pericles, pleasurable stings in the audience’s minds.

Phalereus enim successit eis senibus adulescens eruditissimus ille quidem horum omnium, sed non tam armis institutus quam palaestra. itaque delectabat magis Atheniensis quam inflammabat. processerat enim in solem et pulverem non ut e militari tabernaculo, sed ut e Theophrasti doctissimi hominis umbraculis. hic primus inflexit orationem et eam mollem teneramque reddidit et suavis, sicut fuit, videri maluit quam gravis, sed suavitate ea, qua perfunderet animos, non qua perfringeret; [et] tantum ut memoriam concinnitatis suae, non, quemadmodum de Pericle scripsit Eupolis, cum delectatione aculeos etiam relinqueret in animis eorum, a quibus esset auditus. (37–38)

The contrast of Demetrius with Pericles is slightly different from but related to the later distinction of the two primary oratorical virtues in the *Brutus*: the grand style aimed at forceful persuasion, *movere*, and the sparse style, *docere*, aimed at instruction (89 and *passim*).<sup>27</sup> Cicero’s insistence on *movere* is part and parcel of his attack on Atticism, and his ambivalence here about refinement based on excessive learning is part of

<sup>27</sup> Narducci (1997) 114–24 on the “two kinds of eloquence.” Fantham (1979) 450 suggests Cicero’s argumentative motivations for suppressing *delectare* in the *Brutus*. Traces of the three aims remain (cf. *delectare*, 185, replacing *conciiliare* from *de Oratore*). Cicero criticizes Demetrius’ pleasing qualities (*delectare*) and the Atticists’ focus on explication (*docere*). The common criticism is lack of emotional force (*movere*) because of excessive devotion to (Greek) learning. Guérin (2014) sees the binary system of the *Brutus* as the remnants of a separate tradition and as Cicero’s first steps toward the definition of ideal style and the connection of *officia* to *genera* in *Orator*. For him the *Brutus* only temporarily suspends the tripartite understanding of the *genera dicendi*. Crucial for my purposes is that the binary abides: grand style aimed at forceful persuasion versus sparse style aimed at instruction. Cf. C. Steel (2002) 209–10 and Dugan (2005) 196–203. Fortenbaugh (1988) discusses how Cicero’s divisions differ from Aristotle’s tripartite *logos*, *ethos*, and *pathos*. May (1988) 1–11 valuably summarizes the centrality of ethos as argument at Rome. Wisse (1989) examines *ethos* and *pathos* in rhetorical works.

the weaponry in his arsenal. Demetrius, like the Atticists at Rome, ignored the needs of the audience in favor of his own standards of learning: *eruditissimus* (along with Theophrastus' *doctissimus*) sounds complimentary, but ultimately results in feebler oratory. The earlier evolution toward the great generation of classical Athenian orators is depicted in retrograde, a decline in the ability to fulfill the orator's chief duty to persuasion (*movere*).

In the case of the Roman Atticists, Cicero similarly faults their precious attention to learned detail. Their fastidious style is a result of the surrender to the dogma of learned refinement, yet overly precious oratory fails to captivate the masses, as in the case of Calvus (283). Cicero evokes Demetrius' wanting innovations through linguistic parallels to the "proto-Atticist" Calidius, who is soft, delicate, and pleasing (*mollis, tener, and suavis*), all virtues to be sure, but insufficient in the absence of emotional forcefulness.<sup>28</sup> Calidius becomes the Roman counterpart to Demetrius, and both are similarly flawed.<sup>29</sup> Cicero quotes liberally from his defense of Quintus Gallius, when he chided Calidius: "far from having you fire our emotions, we nearly fell asleep on the spot" (*tantum a fuit ut inflammaret nostros animos, somnum isto loco vix tenebamus*, 278).<sup>30</sup> Like Demetrius and Calidius, the Atticists in general cannot rouse their audience (279), which soon abandons them (289).

The Atticists' failures stem from their indifference to the expectations of the audience:

It follows that a speaker approved by the masses is also approved by the learned. You see, I'll judge what's right or wrong in speaking, provided I'm a capable speaker or can judge; but it'll be possible to understand what sort of orator a man is from his effectiveness in speaking.

<sup>28</sup> "Supple and transparent speech would clothe his profound and extraordinary thoughts" (*reconditas exquisitasque sententias mollis et pellucens vestiebat oratio. Nihil tam tenerum quam illius comprehensio verborum*, 274); "If the best thing is to speak pleasingly, you wouldn't think it necessary to search out anything better than this" (*si est optimum suaviter dicere, nihil est quod melius hoc quaerendum putes*, 276). The parallels are reinforced by the fact that Cicero uses *inflammare* strategically: to describe Demetrius (37), to draw the fundamental distinction between *movere* and *docere* (89), and to discuss Calidius (278–79). Cicero also remarks that Atticus has fired his mind (*inflammavit*) with the passion to write the *Brutus* (74).

<sup>29</sup> Douglas (1955a) emphasizes that Calidius was not an Atticist. However, Cicero represents Calidius as though his style were essentially Attic. On Calvus see *Fam.* 1.5.21.7 (SB 207) with Hendrickson (1926) 237; cf. Chapter 7.

<sup>30</sup> A passage that Tacitus' Marcus Aper brilliantly turns against contemporary aficionados of late republican orators (Tac. *Dial.* 21.1).

nesse est, qui ita dicat ut a multitudine probetur, eundem doctis probari. nam quid in dicendo rectum sit aut pravum ego iudicabo, si modo is sum qui id possim aut sciam iudicare; qualis vero sit orator ex eo, quod is dicendo efficiet, poterit intellegi. (184)

The distinction drawn between the learned and unlearned audience anticipates the later claims about Atticism's failure to adapt their style to large-scale public oratory.<sup>31</sup> The underlying assumption is clear: aesthetics must be anchored in immediate realities. This is neither relativism nor absolutism in aesthetic terms. Rather, Cicero here makes a fundamental point about the role of context in determining how literature works: aesthetic change is only meaningful and necessary if it is effective in its own context.

While the larger historical thrust of oratory at Rome proceeds through stages of progressive refinement, the Atticists exemplify the reality that formal refinements are pointless if they cannot captivate the public. Authors in any genre must to some extent accommodate the needs and expectations of their audience. Cicero has anticipated what literary historians of late have so strongly emphasized: literature evolves in consonance with changing standards and expectations in the extraliterary world. Although modern scholars have faulted ancient critics for failing to account for extraliterary influences, the *Brutus* will show that cultural and historical contexts can and must shape literary values. Cicero makes this conclusion inevitable in those parts of the *Brutus* that document the relationship between text and context.

### Anti-Philhellenism and Cicero's Culture Wars

Nowhere is Cicero's historical sensibility on display more than in his attack on Atticism, which is in fact part of a much larger consideration of one significant influence on literature: Greek culture, and specifically Greek oratory. Cicero's historical mindset is inextricable from the portrayal of Greek culture. Roman oratory has not only equaled the Greeks but surpassed them. If Antonius and Crassus rivaled Greek orators (138, discussed above), Brutus will propose Rome's superiority: "the one domain in which we were being conquered by conquered Greece we have now either taken from them or surely share with them" (*quo enim uno vincebamus a victa Graecia, id aut ereptum illis est aut certe nobis cum illis communicatum*, 254).<sup>32</sup>

<sup>31</sup> Schenkeveld (1988) and Bolonyai (1993) on judgments by *docti* and *indocti*.

<sup>32</sup> Consider Cicero's subsequent exhortation to snatch philosophical glory from the Greeks, since Romans had already conquered all the other arts (*Tusc.* 2.5, with Gildenhard and Zissos 2004).

For all the brazen assertions about Rome's oratory, contemporary philhellenism still posed a threat, and we should take Cicero's anti-hellenism seriously, as James Zetzel has argued: "Greek learning, which had been deracinated by excessive cleverness from its own society, could only be rescued, or even understood, by anchoring it once more in a social and moral context – in the service of Roman tradition and Roman values."<sup>33</sup> Cicero acknowledges the Greek forerunners of Roman oratory, championing the *doctus orator* while subordinating the meaning of being *doctus* to the practical aims of being a public *orator*. Oratory's developmental narrative is grounded in a distinctly Roman past, which is contrasted with competing threats to Roman cultural production. He instances various forms of contemporary philhellenism and faults their failure to appreciate the history of intellectual activity at Rome: the jejune Lysianic refinement of the Atticists, Caesar's overly systematic *de Analogia*, and even the writing of biography.

Hints of the problem surface in the discussion of biography and autobiography – hardly the most prominent theme in the work, but an area in which philhellenism undermines Roman achievements and their documentation:

There exist speeches of his [Scaurus] and also three very useful books of autobiography addressed to Lucius Fufidius, which no one reads; yet they read *The Education of Cyrus*, which, though illustrious, neither befits our circumstances much nor yet merits being preferred to the praises of Scaurus.

huius et orationes sunt et tres ad L. Fufidium libri scripti de vita ipsius acta sane utiles, quos nemo legit; at Cyri vitam et disciplinam legunt, praeclaram illam quidem, sed neque tam nostris rebus aptam nec tamen Scauri laudibus anteponebam. (112)

Cicero undoubtedly appreciated both the style and the content of Xenophon's *Cyropaideia* (as his letters repeatedly show), but emphasis on practical applicability to Roman circumstances (*utiles; nostris rebus aptam*) lends the Roman biography a pragmatic authority that cannot exist in the Greek version.<sup>34</sup> This is not in any case a rejection of Greek authors but rather a call to appreciate them with due measure. Cicero opposes not Greek culture but his contemporary philhellenes who admire Greek

<sup>33</sup> Zetzel (2003) 137.

<sup>34</sup> Cf. Cic. *Fam.* 9.25.1 (SB 114) on the *Cyropaideia*. M. Aemilius Scaurus is the consul of 115. Dugan (2005) 213 n.125 offers suggestive observations on biography in the *Brutus*; see Chapter 1 for brief discussion and further references to the development of (auto)biography.

culture to the detriment of the Roman tradition. Gaius Memmius, praetor in 58 and immortalized in the poetry of Catullus and Lucretius, was surely not the only senator enamored of Greek rather than Latin literature (247). Such attitudes meant the neglect of Roman contributions:

Quintus Catulus was educated not in that old but in our new way, or perhaps more perfectly, if that's possible: he possessed wide reading, the utmost grace not only of his life and disposition but even of his speech, and an untainted soundness of Latin speech; this can be seen both in his speeches and most readily in that book he wrote about his consulship and accomplishments, composed in a smooth Xenophontean style and addressed to his friend Aulus Furius, the poet. Yet this book is no more known than those three by Scaurus I mentioned.

Q. Catulus non antiquo illo more sed hoc nostro, nisi quid fieri potest perfectius, eruditus. multae litterae, summa non vitae solum atque naturae sed orationis etiam comitas, incorrupta quaedam Latini sermonis integritas; quae perspicui cum ex orationibus eius potest tum facillime ex eo libro, quem de consulatu et de rebus gestis suis conscriptum molli et Xenophonteo genere sermonis misit ad A. Furium poetam familiarem suum; qui liber nihilo notior est quam illi tres, de quibus ante dixi, Scauri libri. (132)

The mentions of Xenophon – here noted only as a stylistic accomplishment – and Scaurus connect the later passage to the earlier one. The favorable comparison of Catulus' language to Xenophon's smoothness has the added bonus of documenting Roman stylistic achievements, comparable to Greek models but focusing on Roman events. Brutus will draw the appropriate conclusion as a surrogate student for the audience: "I'll search them out more diligently in the future" (*conquiram ista posthac curiosius*, 133). The mention of two stages in Roman biography mirrors on a miniature level the grander evolution of oratory and anticipates Cicero's own autobiography at the end of the *Brutus*. Again, the objection is not to Greek literature, but to Greek literature when it eclipses native texts.

In moving from biography to the study of language and grammar, a similar criticism of philhellenism emerges in the discussion of Caesar's *de Analogia*. Cicero is our first witness to Caesar's work, called here *de ratione Latine loquendi* (253), of which a few dozen fragments survive, partly from Cicero, often from Gellius, but mostly through citation from later grammarians such as Charisius, Pompeius, and Priscian.<sup>35</sup> The shortcomings of

<sup>35</sup> See Garcea (2012) on *de Analogia*. Schironi (2007) 333–34 on Cicero's "paraphrasing" title. By necessity the account here limits itself to examining Cicero's anti-philhellenism in relation to Caesar's (alleged) views on language. I should make it clear, once again, that this book's analysis reflects Cicero's representation in the *Brutus*. I am not suggesting that Cicero's picture is accurate.

analogy are visible in the entertaining story of Gaius Ruscus and Sisenna. Ruscus once mocked Sisenna's fondness for neologism when Sisenna coined the term *sputatilica* ("spittlicious," 260). Sisenna had said that accusations made against his client, Gaius Hirtilius, were *sputatilica*.<sup>36</sup> Ruscus countered with a marvelous stroke of sarcasm: "Unless you help me, judges, I'm done for. I don't get what Sisenna's saying. I'm worried it's a trap. Spittlicious – what *is* that? I get 'spit' (*sputa*) but not 'tlicious' (*tilica*)" (*circumvenior . . . iudices, nisi subvenitis. Sisenna quid dicat nescio; metuo insidias. sputatilica, quid est hoc? sputa quid sit scio, tilica nescio*, 260).

The humorous anecdote may at first seem to have little to do with Cicero's arguments against philhellenism or even Caesar's *de Analogia*, but it contains an indirect jibe against Roman appropriation of Greeks. Cicero takes aim not merely and not wholly at analogy, but at analogy that results from untrammelled philhellenism, that is, from the brute imposition of Greek morphological forms onto the Latin language: As Alessandro Garcea notes, Sisenna's *sputatilica* is derived from "a formally correct but wholly unused calque of \*πτυαλιστικός."<sup>37</sup> The barbarous neologism is patently Greek, as is the linguistic competence required to produce it. Most crucially for an audience-directed art such as oratory, expertise in Greek is also necessary to understand it.

Caesar may have backed some poor alternatives in theory, but the occasional peccadillos in his system hardly matched the exuberance of Sisenna's *sputatilica* in a Roman court of law. It is true that Caesar recommended analogical forms unused by his contemporaries or himself, such as the nominative pronoun *isdem* or the participle *ens*. Cicero objects to the former in the *Orator*, and in the eyes of posterity (and probably many contemporaries) Cicero had the more sensible argument. But Cicero's discussion of Caesar is all the more powerful (and tendentious) because of the false opposition it creates, suggesting that the alternatives are either forms produced by the mastery of a Greek system or native habits of speech that have developed as Rome itself has. Cicero champions *consuetudo* over Caesar's analogical *ratio* in part because analogy derives from a Greek scientific model, but especially because strict application of its methodology excludes the authority and diversity of Latin's native evolution.

His deft citation of Sisenna seems to ignore the fact that Caesar was probably not an extreme analogist. Cf. Pezzini (2018).

<sup>36</sup> I read *Hirtuleium* for *Hirtilium* (Kaster 2020, following Reis).

<sup>37</sup> Garcea (2012) 103 n.80. Compare Lucian's similar figure, Lexiphanes, who is so taken with linguistic novelty that he cannot be understood (*Lex.* 22–25). On Sisenna see Rawson (1979).

Cicero's criticisms throughout the *Brutus* are directed at visible appropriations of Greek intellectual matter that either have no history at Rome or are too obviously Greek. This would partly explain the odd analogy – one that has yet to find a full scholarly explanation – of *eloquentia* as a maiden who should be guarded at home as an *adulta virgo*, both mature and also a product of domestic tutelage.<sup>38</sup> Cicero argues on behalf of a distinctly *Roman* oratorical history. However much the Greeks are valuable, it is ultimately the best of the Romans who merit the limelight. Greek intellectual achievement must help Romans move forward, an idea already prominent in Cicero's rewriting of Platonic dialogue in the 50s: "The end result," William Stull observes, "is not a return to earlier models but the attainment of new possibilities."<sup>39</sup> Despite his continued support for the *doctus orator*, Cicero deftly manipulates the tension between Roman *auctoritas* and Greek *paideia* in order to place himself squarely on the Roman side.<sup>40</sup> Greek oratory remains valuable as a model for comparison and emulation or as a template for the stages of artistic improvement but not as the ultimate authority on aesthetic standards. Only with this assumption in mind can Cicero simultaneously admit Cato's stylistic inferiority to Lysias and yet still insist on Cato's exemplary status for Roman orators.

### Oratorical Development and Roman History

The interdependence of literature and history, however significant a theme in the *Brutus*, has been overshadowed by historical interest in the context of Caesar's rule.<sup>41</sup> The changes in legal advocacy are one aspect of the work's intermittent interest in how historical change produces aesthetic change: changes in court procedure are linked to changes in oratorical practice. As an aspect of literary historiography, the notices about legal procedure, while not a strong emphasis, nevertheless show that the development of a literary form depends on factors extrinsic to the art alone.

A century before the writing of the *Brutus*, numerous changes in court procedure placed greater demands on orators – and intertwined politics

<sup>38</sup> See Stroup (2010) 237–68. Cf. Dion. Hal. *Orat. Vett.* 2–3. <sup>39</sup> Stull (2011) 252 n.10.

<sup>40</sup> I draw the opposition from Wallace-Hadrill (1997) 14: "social authority and academic learning pull in opposite directions."

<sup>41</sup> Haenni (1905) is seminal but brief. He balances the competing influences of history, theory and doctrine, and personal elements. M. Gelzer (1938) emphasizes Cicero's reentry into political life. Rathofer (1986) examines how Cicero's *auctoritas* influences *Brutus* in the face of Caesar's dictatorship. Cf. Narducci (1997) 98–101, Dugan (2005) 244–46, Lowrie (2008), and Chapter 3.

and advocacy ever more tightly. The *lex Calpurnia de repetundis* of 149 BCE (106) saw to the establishment of the *quaestiones perpetuae* for cases of *repetundae* (extortion). Later struggles to fortify the laws included the addition of *equites* to the panels of juries and an increase in the severity and nature of penalties.<sup>42</sup> These developments, along with introduction of the secret ballot for courts and legislation, shifted the center of gravity from aristocratic control toward a socially diverse group of advocates.<sup>43</sup>

The *lex Pompeia de vi et ambitu* of 52 BCE, which allotted speakers three hours for defense and two for prosecution and limited the number of advocates, reduced the opportunities for lengthy speeches (324). The date and the effects would become a watershed for later authors gauging oratorical change in what we commonly think of as the transition from republic to principate.<sup>44</sup> The limitations on the length of speeches also presumably curtailed the orator's ability to overwhelm an audience. Cicero remarks that the changes to forensic procedure could only be endured by those whose extensive training had prepared them for it. Speakers almost daily had to prepare fresh arguments for several often similar cases (*ad causas simillimas inter se vel potius easdem novi veniebamus cotidie*, 324). Cicero, somewhat counterintuitively, adduces the restrictions on time as a cause for the increase in the orator's daily workload. Most important, however, are the law's effects: Brutus and Cicero could endure the changes because their training had prepared them for it (*exercitatio*, 324). The same changes ruined the likes of Arrius, who lacked sufficient training and succumbed to the new rigors of the new forum: "he couldn't endure the severity of that judicial year" (*illius iudicialis anni severitatem . . . non tulit*, 243).<sup>45</sup>

<sup>42</sup> On the development of the courts, see *CAH*<sup>2</sup> IX.2: 491–530, Kunkel (1962), Nicolet (1972), Gruen (1968), Lintott (1992). On the Sullan reforms, compare the different takes in Brunt (1988) 194–239 and Hantos (1988) 63–68, 154–61. On legal and court procedure in Cicero's day, see Greenidge (1901), Lintott (2004), J. G. F. Powell (2010a).

<sup>43</sup> The democratizing effects remain a matter of debate. Pro-democratizing: Yakobson (1995) and (1999) 116–33; anti-democratizing: Gruen (1991) 257–61, Jehne (1993), U. Hall (1998), and Morstein-Marx (2004) 286, with an overview and further bibliography; U. Hall (1990) offers a more intermediate position. Secret ballot was introduced by the *lex Gabinia* (139 BCE), *lex Cassia* (137 BCE), *lex Papiria* (131 BCE), and *lex Coelia* (106 BCE), which covered elections, non-capital trials, legislation, and capital trials, respectively. For an overview, see Lintott (1999) 47–48, Brennan (2000) II: 365–71, Flower (2010) 72–75, Cic. *Leg.* 3.34–39. Salerno (1999) is a general study.

<sup>44</sup> Cf. Asc. *Mil.* 31, 34, Cass. Dio 40.52.2, Tac. *Dial.* 38.1, Plin. *Ep.* 2.14, Syme (1939) 28–46, Taylor (1949) 148–52, Gruen (1974) 458–60, Lintott (1974), Ramsey (2016), Morrell (2018). This watershed event in ancient accounts is cited more readily than the institution of the principate and, as Tacitus' *Dialogus* demonstrates, complicates the separation of republican from imperial orators. Cf. Kennedy (1972) 16.

<sup>45</sup> *Pace* Douglas (1966a) 180, it is unlikely that Cicero means that Arrius was convicted of a crime.

The true significance of this later development becomes evident only in light of the earlier discussion of oratorical training in the *Brutus*. Gaius Carbo (cos. 120) “was industrious . . . and painstaking and would typically put considerable effort into exercises and compositions” (*industriam . . . et diligentem et in exercitationibus commentationibusque multum operae solitum esse ponere*, 105).<sup>46</sup> Carbo grew up under the new set of prosecutions in the wake of the *quaestiones perpetuae* established in 149 BCE; he also introduced the habit of regular practice and declamatory-style exercises (105–6). No direct dependence is initially posited between regular practice and the orator’s ability to manage a heavy workload. Carbo’s dedication is connected to his abilities and hence his popularity: through constant training and advocacy he became the best orator of his generation. Carbo’s assiduous reliance on oratorical exercises would prove essential to later generations, when extensive pedagogy and training prepared speakers to endure the new burdens. However, Carbo had initially introduced these changes for the sake of his own stylistic improvement. What was at an earlier point a matter of aesthetics would subsequently become a means of survival.

Historical change and aesthetic change are involved in a circular process of cause and effect: pedagogical techniques derived from Greek rhetoric and an emphasis on formal training were initially introduced to improve eloquence, but would later equip orators for the stress of forensic advocacy, which in turn allowed the best orators to become better pleaders. Cicero marvelously demonstrates the close interplay of intrinsic and extrinsic factors in shaping literature and therefore how to write literary history: an educational development initially meant to promote a speaker’s style acquires new meaning in the light of historical factors that loomed well over the horizon.<sup>47</sup> He delivers a remarkably successful account of the mystifying relationship of text to context, what David Perkins calls “mediation,” adequate explanations for which remain the greatest obstacle to the writing of literary history.<sup>48</sup> Cicero’s version of oratorical history is put into the service of the orator’s need for extensive preparation, championing broad learning in all fields and regular practice with diverse training. This

<sup>46</sup> A generation after the *Brutus* Cassius Severus would become the standard-bearer of the orator’s increased workload, usually getting up one criminal or two civil cases per day (Sen. *Con.* 3 *pr.* 5). Cassius and the aesthetic changes he introduced could later be cited to demonstrate the interdependence of style and historical circumstance (Tac. *Dial.* 19.1–2).

<sup>47</sup> Gadamer (1989) 201: “success or failure causes a whole series of actions and events to be meaningful or meaningless.”

<sup>48</sup> Perkins (1991) 5: “Mediation, the paths leading from the alleged context to the text, is an insurmountable problem. The paths can never be fully known, and if this were possible, a book could not be long enough to trace them.”

historical justification is an important and compelling advance over the persuasive, yet largely dogmatic, justification first presented in *de Oratore*.<sup>49</sup>

### The Ciceronian Futures of Oratory and Literary History

Several interrelated questions and consequences emerge from Cicero's framework for literary history. One practical question is whether Cicero believed that oratory had come to an end, either in the evolutionary terms he sketches out or in absolute terms in light of Caesar's rule. The presentation of his career, along with meaningful parallels in that career, point the way to an answer. Sylvie Charrier examines the temporary halt of oratory under Sulla's domination as a parallel for oratory's abeyance under Caesar's and has argued that it suggests that oratory has a viable future.<sup>50</sup> Just as Cicero previously developed under political constraints, so too can Brutus (and other orators) in present circumstances. Furthermore, Cicero's reluctance to write himself explicitly into his canon of orators nonetheless suggests his inevitable inclusion in oratorical history as well as the prospect that oratory will continue to develop as an art.<sup>51</sup> Actual history confirms what Cicero might have hoped or even expected: he would subsequently return to the dust and sun of the forum to deliver the *Philippics*.

Accounts sympathetic to the thesis of the "death of oratory" rely on *post hoc ergo propter hoc* assumptions. They tend to read the *Brutus* by superimposing later history and the rise of the principate onto the Cicero of the mid-40s and his staged retreat from public life. Such pessimism cannot be reconciled with the elaborate simile of *eloquentia* (330), which depicts the art of speech as a maiden bereft of her protector, Hortensius, and in need of a new *tutor*, Cicero and Brutus in the immediate sense, but also the future inheritors of the Ciceronian legacy.<sup>52</sup> What matters most is trying to

<sup>49</sup> This argument supplements that made in Chapter 7 about Cicero's insistence on having a historically diverse canon to emulate. How and to what extent Cicero agrees with Crassus' maximalist position in *de Oratore* is less certain than has often been assumed; see Görler (1974) 27–45.

<sup>50</sup> See Charrier (2003) on the parallels of the decade of the 80s to the period 49–46 (erroneously attributed to Catherine Steel at van den Berg 2019 598).

<sup>51</sup> C. Steel (2002) notes six pairs of orators, although the last pair includes only Hortensius, with Cicero understood as the implicit other half. Cf. C. Steel (2005) 131–36, 140; Gildenhard (2011) 381 n.21. Kytzler (1970) 293 similarly counts a key group of Greek orators (discussed in Chapter 4).

<sup>52</sup> Zetzel (1995) 205–6 notes the political significance of *tutor* as a citizen watching over the state in crisis. C. Steel (2005) 137 on Cicero's writings as "an aspect of, and not a substitute for, political activity."

recapture Cicero's perspective in this period, and that was likely – in unison with historical circumstances – to be far more in flux and subject to far more volatile judgments than are likely to result from the clearer perspective of later hindsight, when the dust in the republican forum had settled, and the sun shone on a new generation of speakers born to the principate.<sup>53</sup> In the meantime, and despite Caesar, oratory must move forward.

Modern readers have faulted Cicero and the Roman epigones for failing to acknowledge the relationship of history to literature. As D. A. Russell put it some decades ago, “the historical study of literature in antiquity was very rudimentary by modern standards.”<sup>54</sup> Admittedly, unlike its modern counterparts in literary historiography, the *Brutus* eschews laborious explanations of cause and effect or the protracted weighing up of one developmental factor over another. Yet in a few instances – the development of the *quaestiones perpetuae*, Carbo's innovations in training, or the effects of Pompey's laws in 52 – he does demonstrate how historical change can be a catalyst for aesthetic change. Other seemingly crucial elements are nevertheless overlooked. We do not, for example, hear of the fundamental change in the *contio* introduced by C. Licinius Crassus in 145 as tribune of the plebs, when he turned around and faced outward on the *rostra*, thus addressing the Roman forum and the much larger crowds that could be assembled there.<sup>55</sup> Nonetheless Cicero's account shows that literature can be a product and catalyst of history.<sup>56</sup>

His apparent silence on matters of method has caused modern readers wrongly to regard Roman criticism as a still brutish stage in the long development of literary history. Still, he foresaw the difficulties inherent in writing literary history and innovatively examined several interrelated problems: presentism and antiquarianism, the difficulty of contextual mediation, the benefits and dangers of the evolutionary model, and the necessity of intellectual and aesthetic appropriation tempered by the

<sup>53</sup> David (2014) 38: “Certes, l'époque était difficile. Mais l'Histoire n'était pas close.” C. Steel (2002) 211. *Tusc.* 2.5 posits oratory's decline, but must be read in light of its local justification of philosophy and Cicero's subsequent reemergence with the *Philippics*.

<sup>54</sup> D. A. Russell (1981) 159, although scholars are coming to acknowledge the complexity of ancient literary history and criticism: cf. Goldberg (1995) 3–12, Hinds (1998) 52–98, Feeney (2002), Ford (2002), Farrell (2003), Levene (2004), Feeney (2005), Goldberg (2005), Laird (2006).

<sup>55</sup> Morstein-Marx (2004) 271–72 examines this change in the context of the emergence of populist rhetoric and (soon after) of its premier representatives, the Gracchi. Were Cicero devoted to extrinsic history, he might have cited the role of the *lex Cincia* of 204 in regulating legal advocacy, the same year as Cethegus' consulship.

<sup>56</sup> Even the main figures of new historicism, the scholarly movement most devoted to tracing mediation, have forsaken claims to methodological coherence. See Gallagher and Greenblatt (2000) 1–19.

realization that alien influences can overwhelm a native tradition. Cicero offered compromises and workarounds when faced with these competing or irreconcilable demands. The inability to craft a perfect system only makes him resemble subsequent thinkers: solutions still have yet to be found, and all the guilty avowals of recent literary historians have brought at best penance without absolution.<sup>57</sup>

The arguments made thus far have tended toward the conclusion that the *Brutus*' scheme of oratorical development confounds our ability to "slot" Cicero with absolute certainty into the picture of literary history advanced throughout.<sup>58</sup> Yet some calculated misdirection is at work here as well: to prompt us to place Cicero, or even Brutus, into the work's teleology already requires complicity with the vision of evolution that Cicero creates. The open-endedness of the historical development gives readers latitude to read into the narrative the details and trajectory they prefer; such latitude accounts for the differing modern opinions about Cicero's own place in the *Brutus*' history and his belief in oratory's continued viability. Perhaps modern disagreements exist not because we don't get Cicero but because we do. Cicero gestures toward himself as the endpoint but refuses to make the claim overtly. He secures a place for himself and for future orators within his canon, and yet this openness exists not because of uncertainty about oratory's future but as a meaningful feature of the entire system of literary history he has created.

This explains as well why he insists on preserving the contributions of past *ingenia* and yet notes the necessary changes to artistry and training. For the individual craftsmen of a tradition, *ars* and *labor* can always be applied with greater rigor and finesse, but *ingenium* is the foundation for the history of an artistic practice. It is a sort of natural substrate of human accomplishment, outlasting revised artistic and pedagogical standards: "as talent adorns the man, so does eloquence illuminate genius" (*ut enim hominis decus ingenium, sic ingeni ipsius eloquentia*, 59).<sup>59</sup> Cicero could not become the final endpoint of his telos, because doing so would derail the entire historical thrust of his literary history. The teleological framework would devolve into a defense of technical ability based on contemporary aesthetics, what George Saintsbury considered to be the aim of

<sup>57</sup> For all his hand-wringing and optimism Perkins (1992) ultimately concedes failure.

<sup>58</sup> I have borrowed the idea of "slotting" in literary history from Levene (2004).

<sup>59</sup> Authors leave behind writings as proof of their *ingenium* (93); at Tac. *Dial.* 1.1 orators are judged for the reputation (*laus*) of their *ingenia*. Gell. *NA* 17.21.1 divides in terms of talent and command: *vel ingenio vel imperio nobiles insignesque*. Cf. Plin. *Nat.* 7.117; Kaster (1998) on Cicero's *ingenium* in Seneca the Elder.

literary criticism: “the reasoned exercise of Literary Taste – the attempt, by examination of literature, to find out what it is that makes literature pleasant, and therefore good.”<sup>60</sup> Cicero had already grasped what Saintsbury could not, that a belletristic endeavor, whatever its appeal, would be literary history without history and the end of Cicero’s entire project.

The impressive prosopographical labors of the last century have shown that Cicero uses not the consulships but (essentially) dates of birth to determine the sequential presentation of Roman orators.<sup>61</sup> Despite Atticus’ presence, the dialogue is not a purely annalistic account, perhaps in recognition of the reality that artistic practices like human lives do not develop solely in chronological terms.<sup>62</sup> In some sense, then, a partial answer exists to the still pertinent question posed in the mid-twentieth century by Wellek and Warren: “Is it possible to write literary history, that is, to write that which will be both literary and a history?”<sup>63</sup> Their concern was not a chronology of texts and authors but the entire cultural system in which texts were produced across time, something that would be both literature and history. Cicero anticipated this question with an answer that was artistically feasible and free from belabored quibbling over method, even if we might challenge his final answer or object to his manipulation of the record. To write literary history requires the careful discernment of meaningful patterns no less than it entails distortions of the material and acknowledgment of the chronicler’s inevitable influence; to write successful literary history requires that our misgivings remain *sotto voce*.

<sup>60</sup> Saintsbury (1900) 4.

<sup>61</sup> Sumner (1973): dates of birth when known or those surmised by offices held. Cf. Douglas (1966b), David (1992), Fogel (2007) 45 n.6. Badian (1964) 241 n.111 remarked, “the order in the *Brutus* will not help in fixing the chronology of a man or an event not otherwise chronologically anchored.”

<sup>62</sup> On Atticus’ *Liber Annalis*, see Chapter 2.

<sup>63</sup> Wellek and Warren (1956) 263. Crane (1971) elaborates the underlying principles of what this might be, while Perkins (1992) considers whether literary-historical principles can ever produce a successful account. Cf. Citroni (2005).