From a *Novus Homo* in Arpinum to a Cicero in Rome: How Cicero Tied Himself to the Roman Republic

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ABSTRACT

From a Novus Homo in Arpinum to a Cicero in Rome: How Cicero Tied Himself to the Roman Republic

A thesis presented to the Graduate Program in Ancient Greek and Roman Studies

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The political career of Marcus Tullius Cicero left a profound impact on the history of Rome. Because of his status in the Roman Republic, Cicero had to overcome the novitas of his family before he could establish himself in Rome. To accomplish this feat, Cicero honed his skills in oratory and developed the ability to sensationalize issues and produce spectacles for the people of Rome, gaining reputation in the city and throughout Italy, which was a powerful source of political capital in the Roman Republic. During his early candidatures, Cicero used the courts as a setting for his spectacle, particularly with his defense of Sextus Roscius and his prosecution of Verres. During the year of his consulship, Cicero used his position to strengthen his position in Rome. After denouncing the agrarian law of the tribune Rullus and standing in opposition to Catiline, Cicero left office as a hero of the Republic, with numerous titles to bolster his reputation. Cicero’s position in Rome was threatened when he was sent to exile by the tribune Clodius; however, his response to the exile was to return to the city as if in triumph and to deliver two speeches that illustrated his intimate connection to the constitution and well-being of the Republic. His return from exile indicates the importance of his position in Rome, and his actions led to a restoration of his position. The true power of Cicero was in his use of spectacle; it was his use of spectacle that balanced his novitas, and it was his use of spectacle that built his reputation to such an extent that he became a vital piece of the Roman Republic.
This thesis is dedicated to my Lady, who was my biggest fan and supporter in all of my endeavors.
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Introduction

In the Roman Republic, power was firmly in the hands of the wealthy Romans who held the political positions, called magistracies, and composed the Senate. These wealthy Romans were distinguished from each other based on their ancestry. Men whose ancestors had risen to the highest three magistracies of the Republic (the aedileship, the praetorship, and the consulship) were known as nobiles. After generations of Romans rose through the *cursus honorum*, the term for the progression of magistracies leading from quaestor to consul, many families had earned the rank of nobiles. By the time of the late Republic, it was a rare feat for anyone who was not a member of the nobiles to break into the ranks of the senators and reach the highest magistracies. Men who came from families without high-ranking ancestors had novitas and were considered to be new men, or novi homines. The number of novi homines that achieved nobilitas by achieving curule status, meaning they achieved at least the rank of aedile, is small, with fewer and fewer of these men achieving nobilitas as time went on. One of the most remarkable instances of a novus homo achieving the curule rank and gaining nobilitas for his family is that of Marcus Tullius Cicero, who ascended each rank in the *cursus honorum* at the earliest age allotted by law.

Cicero gives history the best example of a novus homo rising to the highest ranks in the Roman Republic. He had to overcome a tradition of bias from the nobiles against any man with novitas, and he did so by strategically choosing his speeches and playing to the favor of the people to build his reputation as a senator. Cicero proved himself in the law courts, both as an
efficient advocate, but also as a producer of spectacle. The Roman law courts were open to the public and crowds of Romans would come to the courts to watch the advocates perform. Cicero often remarks in his court cases that the crowds were eagerly listening to his speeches and he used his skill at oratory to sensationalize the cases and produce a spectacle that would entertain his audience. Since he did not have a strong military background, his skill in the courts and the reputation he built there were his primary source of political capital. In order to overcome the obstacles in the Senate, Cicero used key cases to increase his reputation and spread his name throughout the voting tribes, which successfully lifted him through the *cursus honorum*. Even after he achieved the curule rank in the Senate, Cicero continued to use the people as a tool for tying himself firmly to the Republic itself.

The bias against *novi homines*, which often kept these aspiring politicians from achieving *nobilitas* and an increase in rank in their families, is most clearly shown in Sallust’s history of the Jugurthine War and his account of the consul Gaius Marius around 110 BCE. Marius was a famous *novus homo* that had achieved the consulship not only once, but seven times in his career at Rome. Unlike Cicero, Marius used his achievements from the military to garner the love of the people of Rome, which supported him in his elections to the magistracies and the achievement of his *novitas*. Sallust composed a speech, given by the character of Marius, in which he directly addresses the differences between the men with *novitas* and those with *nobilitas*. Sallust writes that the key difference between the two groups was that the *nobles* gained their honor from the deeds of the great men in their ancestry, while the *novi homines* were forced to gain honor based on their own deeds. The character of Marius says:

> If the patricians justly despise me, let them also despise their own ancestors, whose nobility, like mine, had its origin in merit. They envy me the honor that I
have received; let them also envy me the toils, the abstinence, and the perils by which I obtained that honor.¹

Sallust assesses the differences between these groups of senators and hints at the bias that existed in the Senate against those men who had not yet achieved nobilitas. The nobiles, using the deeds of their ancestors to increase their own reputations, attempted to keep these novi homines from getting the chance to establish their own reputations and pass them on to their descendants. Sallust, supporting the dignity of the novi homines in their ascent of the cursus honorum, also argues that, because they did not have the deeds of their ancestors to fall back on, these men had nothing but their own deeds to support them in their political ambitions. The character Marius tells the people of Rome:

If others fail in their undertakings, their ancient rank, the heroic actions of their ancestors, the power of their relatives and connections, their numerous dependents, are all at hand to support them; but for me, my whole hopes rest upon myself, which I must sustain by good conduct and integrity; for all other means are unavailing.²

Although Sallust romanticizes the role of novi homines in the Republic with his character of Marius, his depiction of Marius as a novus homo and the speeches he composes emphasize the difficulty of achieving nobilitas and the singularity of Marius’ achievement in holding the consulship for five consecutive years.

Cicero, being fully aware of the bias against his novitas, devoted his efforts to establishing himself as an orator and garnering the support of the people of Rome. This paper seeks to analyze how Cicero used his speeches in the courts, the Senate and from the rostrum to achieve this nobilitas and how he set his goal not only to achieve curule rank, but to establish

² Sallust Bellum Iugurthinum 85
himself as one of the key players in the politics of the Roman Republic, and therefore firmly establishing his family in the ranks of the nobiles of Rome. This paper observes Cicero’s speeches and letters in three key time periods in his career: his candidatures and ascendance of the cursus honorum, his year as consul of Rome, and his reaction to his removal from Rome. During his early candidatures, Cicero used his oratory to achieve the curule rank and to achieve nobilitas, but even after he reached this rank he used the singularity of his ascent from novitas to emphasize his position during his consulship. His reaction to his exile, both in the letters written during his time away from Rome and in the speeches upon his return, indicates that his physical presence in Rome was an integral part of his reputation and his position within the Republic. The emphasis and energy with which he sought to reestablish himself both in the public eye and in the political sphere shows that his deeds before and during his consulship were means to achieve such a status in Rome that he would be a vital component of the Republic itself.  

3 The relationships between Cicero and other influential Romans, especially Julius Caesar and Gnaeus Pompeius, are important aspects of Cicero’s political career, but have been purposefully placed aside in the course of this paper because that analysis lies outside of the scope of the intended argument. Cicero’s relationships with these Senators permeate all aspects of Cicero’s life, but this paper focuses on Cicero’s use of his oratory to balance his novitas with spectacle and establishing himself in the Republic. Further arguments will be made to analyze how the relationships with Caesar, Pompey and other senators played a role in Cicero’s strategy in positioning himself in Rome, but for the purposes of this paper, the evidence will be drawn from Cicero’s use of oratory and reputation to prove that his ultimate goal was to achieve a necessary position in the Roman Republic.
I. Cicero’s Candidatures

The novitas of Marcus Cicero played a key role in the realization of his ambition to rise to the top of the cursus honorum. Cicero makes no attempt to conceal his equestrian background and, in the later years of his career, he even emphasizes it in his speeches. His dynamic rise through the magistracies, with each position held in suum annum, was made much more profound by his humble novitas. Knowing his lowered status gave him a disadvantage, Cicero carefully timed his high-profile court cases and public appearances so as to place him in the most opportune position to achieve the ultimate rank of consul of Rome. The years of his campaigns were marked with speeches that he used to create a spectacle for the people of Rome. Cicero’s strategy for fulfilling his political ambitions began during the time of Sulla’s reforms on Rome, and he entered into the public spotlight after the Sullan proscriptions as a novus homo determined to balance the novitas of his family and achieve that which had not been achieved since 94 BCE⁴; he was setting a course for the consulship.

The best source for Cicero’s youth comes in his dialogue dedicated to Brutus, in which he intends to define what makes the best orator, and to do so he lays down the history of oratory in Rome and its roots in Greece. Throughout the dialogue, the characters Atticus and Brutus urge Cicero’s character to tell of his own formative years in oratory. The narrative given by Cicero is the description of an orator being made and he emphasizes the time he spends studying and

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⁴ The last noted novus homo to achieve the consulship before Cicero’s victory in 64 BCE, was the Consulship of C. Coelius Caldus in 94 BCE (cf Brunt, 1982, p.8)
preparing his skills of speech, although an incomplete picture. Cicero makes no mention of any military service, however, we know from Plutarch that Cicero served under Sulla in the wars against the Marsians.\(^5\) This time of youth which Cicero speaks of would have been one of the most important times for military service and advocacy for the young men in Rome with political ambitions. Cicero, however, writes that he spent this time working on his craft, rather than putting it into practice. In his work on Cicero’s ascendancy, Thomas Mitchell writes that “young men in their early twenties who were not on military service were generally busy in the courts and frequently involved in electoral processes and political controversies.”\(^6\) Mitchell then argues that Cicero must have been more active than he recalls in the *Brutus*, but the political atmosphere of Rome in the time of Sulla does offer a justification. Being a novus homo from a family of equites, Cicero would have risked his political ambition appearing in the public eye too soon and not being prepared to demand the attention of the Roman public and the nobles in the Senate. Despite our lack of sources, Cicero may have been more active in the periphery of Roman politics, but it would not be out of the question to believe his narrative in the *Brutus* when he writes of years spent preparing himself.

In this dialogue, Cicero describes how he watched in the Forum as Cotta was banished and when Q. Varius was condemned and banished by his own law the following year. During the year between Cotta’s banishment and Varius’, Cicero recalls that he spent his time preparing himself with “reading, writing, and private declamation”.\(^7\) The condemnation of Varius marks the year in which Cicero was first under the tutelage of Scaevola the Augur, in order that he

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\(^6\) Mitchell, 1979. p.53

might acquire “a competent knowledge of jurisprudence”. Paired with his legal education from Scaevola, Cicero listened to the almost daily speeches of the plebeian tribune Sulpicius to learn from his oratory, and also became a student of Philo, a philosopher from the Academy at Athens who was among many Greeks seeking refuge from Mithridates in Rome at that time. Cicero claims that he had chosen to focus his study in philosophy, and not enter into the public eye, because “there was reason to apprehend that our laws and judicial proceedings would be wholly overturned by the continuance of the public disorders”. His hesitancy to enter into the quicksand of Roman politics at the time is justified by him as a humble pursuit of philosophy, but there can be doubt that any attempt by Cicero, a novus homo with no firm standing in the city of Rome outside of family connections, to enter into the political sphere would have ended just as badly as the men he witnessed condemned by their fellow Romans and banished from the city or, worse, killed in the proscriptions. His ambitions for a public life, both as an advocate and a politician, were strong even then, and his assessment of the period indicates the level of planning that he put into his first appearances in the courts.

Hortensius rose to become the first speaker in the forum, either “by the death, the voluntary retirement, or the flight” of Rome’s foremost orators. The plight of the nobles in Rome had left the playing field clear of the most powerful speakers, which would appear to have cleared the way for Cicero to make his debut, but he writes that he continued his studies in private and “never suffered even a single day to escape [him], without some exercise of the oratorical kind” and he “constantly declaimed in private”. His justification for this continuation of his private studies comes in the following lines in the passage, when he writes that this time

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8 Cic. Brutus 306
9 Ibid. 306
10 Ibid. 308
11 Ibid. 309-10
period was distinguished by the “barbarous slaughter of three Orators, Scaevola, Carbo, and Antistius” but also the “re-establishment of the laws and courts of judicature”.\textsuperscript{12} Cicero, therefore, waits until the most opportune moment to enter into the public eye, after waiting for years in private study and practice. After carefully preparing his skills, Cicero finally enters the forum as an advocate and begins to manage public and private cases. His defense of Sextus Roscius of Ameria in 80 BCE was his first case and, therefore, a vital moment for him to gain the notice of the people of Rome.

1.1 The Defense of Sextus Roscius of Ameria

In 81 BCE, Sextus Roscius, the father of the defendant, was set upon and killed in the city of Rome by a group of men looking to take advantage of the Sullan proscriptions. Cicero argues in his defense that a group of men had used the proscriptions as an opportunity to seize the valuable property of Sextus Roscius. Once he was killed, they rushed to have his name placed upon the list of men proscribed, so that they could purchase his lands at a fraction of their value. The people of Ameria, however, sent word to Rome pleading Roscius’ case and claiming that he was not one of the men involved in the rebellion against Rome. In order to continue holding their lands, they brought charges of parricide against his son, the younger Sextus Roscius. The case was further complicated by the involvement of a man named Lucius Chrysogonus among these men. Chrysogonus was a freedman of Lucius Sulla, which brought the case even closer to the dictator and his regime and made it even more important that the advocate be careful in his assessment of the situation. The assumption was that no advocate would take the case out of fear for repercussions and the men responsible for the prosecution would be able to keep their lands and remove the problem of the heir at the same time. Cicero, to the surprise of the prosecution, stood to take the defense of Roscius. According to Cicero, the prosecutor was

\textsuperscript{12} Cic. \textit{Brutus} 311
relieved when he stood up, although young men were often the advocates in court cases, particularly when the advocate could have faced harsh consequences from giving a speech. A general rule in the Roman Republic was that “unless they arose from bitter and justified personal enmity, prosecutions were usually handled by lower-status professionals or rising men at the beginning of their careers, even when they were as young as seventeen or eighteen years old.”13

The surprise at Cicero’s undertaking of the defense would not have been at his age, but rather at the risk he was taking in speaking in a case tied to such a politically charged subject.

Cicero addresses this risk in his opening lines of the defense. He claims that he stood for the defense “not as being the one selected who could plead with the greatest ability, but as the one left of the whole body who could do so with the least danger”.14 If a member of the nobles had stood for the defense, he would have risked his reputation and potentially his political position by daring to speak on a subject so close to Sulla and the effects of his regime. This danger in speaking would have been nullified by Cicero’s relative low status, yet he does not allow that to stop him from speaking on the subject. Using his novitas as a defense, Cicero proceeded to rail the jurors with a full discourse on the corruption in the government. The high public interest in the case can be seen when Cicero refers to the large crowd that gathered to watch the case.

“You see how great a crowd of men has come to this trial. You are aware how great is the expectation of men, and how great their desire that the decisions of the courts of law should be severe and impartial. After a long interval, this is the first cause about matters of bloodshed which has been brought into court, though most shameful and important murders have been committed in that interval.”15

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13 Vasaly, 2009. p.118
15 Cic. Pro Roscio 11
References to the size and make-up of the audience gathered in the forum is a common rhetorical device used by Cicero in his court cases, but if Cicero is right in his statement that this is the first homicide case in a long interval, the crowd would not have been a surprise. Cicero alludes to the interest of the crowd in severe and impartial decisions, but more likely the crowd came to hear the case because of the politically charged atmosphere. The fact that this was the first case involving “matters of bloodshed” in years would have attracted a wide audience, which would have been amplified by the charge of parricide, which was a very severe accusation in the Roman world.

Cicero argues that the charge is simply a cover for more serious acts and chooses to use his speech to declaim against the men who were taking advantage of the political situation in Rome during the reign of Sulla, hinting at the commonality of these acts. The way in which Cicero addresses Sulla is one of respect and fear. He mentions that Chrysogonus claims he bought the lands from “that most gallant and most illustrious man Lucius Sulla, whom I only name to do him honor”. Fear of Sulla is apparent in his reference; however, Cicero does not shrink from describing the events that were currently happening that were enabled by the administration of Sulla. This he addresses as well, by saying:

I know well, O judges, that all this was done without the knowledge of Lucius Sulla; and it is not strange that while he is surveying at the same time both the things which are past, and those which seem to be impending; when he alone has the authority to establish peace, and the power of carrying on war; when all are looking to him alone, and he alone is directing all things; when he is occupied incessantly by such numerous and such important affairs that he cannot breathe freely, it is not strange, I say, if he fails to notice some things; especially when so many men are watching his busy condition and catch their opportunity of doing something of this sort the moment he looks away. To this is added that although he is fortunate, as indeed he is, yet no man can have such good fortune, as in a

16 Cic. Pro Roscio 6
vast household to have no one, whether slave or freedman, of worthless character.\textsuperscript{17}

He justifies the lack of just actions from Sulla by claiming that Sulla could not possibly be expected to know everything that happens in the Republic. This argument would help to mollify the \textit{nobiles} in the Senate and especially those in the jury. Cicero relates the Sullan government to be like a household, which itself is not without worthless characters. In order to protect his reputation and life, Cicero frees Sulla from responsibility for this corruption, but he does not ignore the men in the different magistracies and positions within the government. He claims that the real agents of corruption were acting in these positions. The spectacle of this speech is amplified by Cicero’s status.

Here we have a young man, a \textit{novus homo} with no familial ties to the government and aristocracy, laying out the corruption of the Roman government in front of the very men he was accusing. His \textit{novitas} was a line of defense from repercussions, but his status was also a tool for inciting the passions of his audience. This charge of parricide, which Cicero argues as an absurd claim, was the most severe charge that could have been brought against Roscius, and bore the harshest punishment. The atmosphere of a parricide case gave Cicero the optimal setting for a sensational and exciting spectacle which would please the people. In this, his first case, Cicero used this spectacle to counteract his status as a \textit{novus homo} and build a reputation amongst the people of Rome.

Since the people of Rome were the voters of magistrates and legislation, the ability to impress the people of Rome with a spectacle, both on the rostrum and in the courts, was a key component of building a power base in the Republic. Andrew Bell correctly asserts, in his assessment of the power of spectacle in Rome, that “In any polity where citizens or subjects have

\textsuperscript{17} Cic. \textit{Pro Roscio} 21-22
some aesthetic contact with the comportment of their leaders, those leaders will find that some of their power is dependent upon the spectator’s view of them; even the power of autocrats may be weakened if there is jeering not cheering in the streets.”\textsuperscript{18} In his history of oratory, Cicero reflects on the impact of this first speech as a time when he had been “met with such a favorable reception that, from that moment, I was looked upon as an advocate of the first class, and equal to the greatest and most important causes.”\textsuperscript{19} This result was echoed by Plutarch when he writes that Cicero had “won his cause, and men admired him for it”.\textsuperscript{20} Using the opportunity to speak on a subject which carried the interest of so many people throughout Rome, Cicero created a spectacle that cemented his footing the public eye and began to balance his $novitas$ with the esteem of the public.

\textbf{1.2 Cicero’s Journey to the East and Entrance into Politics}

Soon after succeeding in his defense of Sextus Roscius, Cicero left Rome from 79 BCE until 77 BCE, traveling to Greece and Asia in order to visit teachers of oratory and to continue his studies of philosophy. According to Plutarch, this trip was conducted through fear of Sulla, and he had spread “a report that his health needed attention.”\textsuperscript{21} Cicero makes no mention of Sulla in his account of this time period, but he does mention having poor health and needing to recuperate. Cicero writes:

\begin{quote}
At this time my body was exceedingly weak and emaciated; my neck long and slender; a shape and habit, which I thought to be liable to great risk of life, if engaged in any violent fatigue or labor of the lungs. …When my friends, therefore, and physicians advised me to meddle no more with forensic causes, I resolved to run any hazard, rather than quit the hopes of glory, which I had proposed to myself from pleading; but when I considered that by managing my voice and changing my way of speaking, I might avoid all future danger of that
\end{quote}

\textsuperscript{18} Bell, 1997. p.1
\textsuperscript{19} Cic. \textit{Bratus} 312
\textsuperscript{20} Plutarch, \textit{Life of Cicero} 3.6
\textsuperscript{21} Ibid. 3.6
kind and speak with greater ease, I took a resolution of travelling into Asia, merely for an opportunity to correct my manner of speaking. So that after I had been two years in the courts, and acquired some reputation in the Forum, I left Rome. 22

Since the Brutus is intended to illustrate the importance of philosophy as a foundation for the ideal orator, Cicero’s voyage to the East would be the real establishment of that foundation. Therefore, Cicero needed to justify his motives for leaving Rome, especially since he had acquired a reputation in the forum already. The justification he offers is his poor health and his desire to complete his studies, but the political situation in Rome is conspicuous in its absence. Cicero makes no mention of Sulla or the continued tension in the Senate, yet this would have definitely been a factor in Cicero’s decision to leave Rome. His continued presence in the courts and the forum, as well as his upcoming thirtieth birthday in 76 BCE, which would mark his eligibility for the position of quaestor, would have pressed him to make a stronger stand in the public eye and in the political sphere. As a young man in such politically charged times, both Cicero’s and Plutarch’s justification for this trip abroad are understood. Cicero may have indeed needed to recuperate and strengthen his body for the physical trials of prolonged and energetic orations, but the political situation in Rome, with the continued Sullan regime, made it practical for him to stay out of Rome until matters had calmed down.

Cicero returned to Rome in 77 BCE, one year before he stood for the quaestorship and one year after the death of Lucius Sulla in 78BCE. Cicero recalls in the Brutus that he traveled from scholar to scholar, learning and honing his skills, until he felt ready to return to Rome.

Thus, after an excursion of two years, I returned to Italy, not only much improved, but almost changed into a new man. The vehemence of my voice and action was

22 Cic. Brutus 313-14
Cicero makes no mention of his upcoming campaign for the position of quaestor or the death of Sulla, but he does portray himself as a fully prepared orator, one which is new. He refers to himself as being changed into a “new man”, recalling his novitas, but also signifying that what he had trained himself to be was something that was new in the scene of Roman law and politics. He had a stronger constitution and a clear understanding of the schools of oratory and philosophy. His audience would recognize this “new man” as the Cicero who returned to the Forum and began his ascent of the cursus honorum in the following year, making this a natural transition to his recollection of his candidature.

To prepare for his campaign for quaestor, Cicero spent a year undertaking several capital charges in the courts. At the time of his return from the East, there were only two orators in Rome that were gaining a huge following: Hortensius and Cotta. Cicero tells Brutus that “As Hortensius, therefore, was nearer to my in age, and his manner more agreeable to the natural ardor of my temper, I considered him as the proper object of my competition.” Hortensius had been active for years and had already gained not only respect of the people, but also the rank of quaestor in 81 BCE. Hortensius was due to stand for the position of aedile at the same time that Cicero was campaigning. In positioning himself in a rivalry with Hortensius, Cicero was not only staking his claim politically, but also placing himself as an arguable equal to a man who had spent the past decade impressing the people of Rome. Cicero’s rivalry with Hortensius plays a key part in his ascent of the cursus honorum. Pitting himself against Hortensius would have given him the stage to perform in front of the Roman people and to gain the reputation that

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23 Cic. Brutus 316
24 Ibid. 317
would help him balance out his *novitas* and win in his upcoming election for quaestor. Cicero successfully stood for the office of quaestor in 76 BCE and went to Sicily for the following year.

Cicero’s year in Sicily was uneventful. He performed his duties as he was expected, with nothing impressive having been done, yet Cicero felt that his duties in Sicily would have earned the attention of the people and Senate of Rome. In his defense of Gnaeus Plancius in August 54 BCE, nearly ten years after he achieved the consulship, Cicero describes his return to Italy and his disappointment in the welcome he received.

But when one day by chance at that time, I , on my road from the province, had arrived in the course of my journey at Puteoli, at a time which great numbers of the wealthiest men are accustomed to spend in that district, I almost dropped with vexation when someone asked me what day I had left Rome and whether there was any news there. And when I replied that I was on the road from my province, “Oh yes,” he said, “From Africa, I suppose.”

On this I, angry and disgusted, said, “No; from Sicily.” And then someone else, with the air of a man who knew everything, said, “What? Do you not know that Cicero has been quaestor at Syracuse?” I need not make a long story of it; I gave over being angry and was content to be considered one of those who had come to Puteoli for the waters. 

Cicero returned from his position with the hopes of returning to the attention and the respect of the people of Rome, but instead he found that his absence was all but ignored by the people. His political ambitions relied upon his reputation and after his return it appeared that he would have to rebuild his public persona. His *novitas* pushed him to enter the forum once again and begin rebuilding the public support he had enjoyed before taking his first magistracy. The best way for him to achieve that reputation was by renewing his rivalry with Hortensius. Cicero writes that “Hortensius, whose new office required his presence at Rome, was left of course the undisputed

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Hortensius had an advantage over Cicero because he had been able to keep his reputation intact and himself in the public eye, whereas Cicero returned to Rome with little fanfare and a fading reputation.

Cicero returned to Rome and spent the next five years pleading cases in the Forum, with a constant eye towards strengthening his reputation before he stood for the position of aedile. During the year 70 BCE, Cicero was approached by a group of Sicilian clients, asking him to take up their cause in the courts. The opportunity they presented Cicero was ideal for not only building his reputation as an advocate, but also for crafting another spectacle as he did with the defense of Roscius. In the last few months of 70 BCE, Cicero took on the prosecution of Verres, the corrupt governor of Sicily who had left a trail of crime throughout his political career.

1.3 The Prosecution of Verres

The prosecution of Verres took place during the aftermath of two big changes in Roman legislation. The first piece of legislation, in 75 BCE, restored the ability to seek higher office to the tribunes, meaning that the position was again a position along the *cursus honorum* for ambitious young men. This was a problematic bill because now the tribunician power to call *comitia* and to veto bills could be in the hands of men and young politicians who could be persuaded, or even bought. The other piece of legislation was passed in the latter half of the year and dealt with judicial reform. The law, promulgated by Lucius Aurelius Cotta, proposed that juries should be composed equally of Senators, *equites*, and also from *tribunii aerarii*, a class of citizen of which little is known other than they were closely tied to the *equites*. Legislation of this sort was meant to limit the power of the Senate in Rome, and Cicero, in his first action against Verres, again uses the political climate as a setting for a spectacle that would launch him to the forefront of public attention.

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26 Cic. *Brutus* 318
The year 70 BCE had several huge events that had the potential to lessen the power of this case’s value in Cicero’s political ascendance. Pompey had just returned from a victory in Spain and held a triumph on the last day of December in 71. Crassus had also returned in 71 BCE from a victory over Spartacus and the slave revolt in Campania, although he was only rewarded with an ovation from the Senate. Both generals put on shows of their success in the city of Rome as a way of gaining the favor of the public, particularly with respect to their upcoming campaigns for office. Pompey dedicated a temple to Hercules in the Forum Boarium and planned public games in honor of victory, set for August of 70 BCE. Crassus, known for his wealth, put on a public feast which involved 10,000 tables set out in the Forum Boarium for most of Rome to take part. He also gave each man a three-month allowance of grain, paid for out of his own accounts. Such displays of wealth and power had the potential to eclipse the trial, but Cicero was able to use the impact of Pompey and Crassus’ actions to his advantage.

The crowds at Rome would have been rather large, not only because of the upcoming games in honor of Pompey, but also because the first census in 15 years was being conducted in Rome that year as well. These large crowds of citizens filling the city would have been in the Forum to see the spectacle of the case, particularly the lines of witnesses, dressed in mourning garb, coming to the court to present their testimony. These crowds would have seen this case as a form of entertainment, especially in watching a novus homo newly elected to the aedileship, who would be responsible for the public games among other duties in the following year, against Hortensius, a man of curule rank who was considered the finest speaker in Rome. Hortensius was strongly supported by the nobiles and his own career, having been voted to the consulship in the following year (69 BCE), had a rank which contrasted starkly with Cicero’s novitas. By

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simply meeting Hortensius in the courts, Cicero was guaranteeing the attention of the Roman public, and by beating Hortensius, he would cement himself as the leading orator in Rome. Here we see Cicero using his *novitas* in contrast with Hortensius’ curule rank to increase the fame he would receive when he won the case.

Despite the six extant speeches *in Verrem*, only one action was performed in the court against Verres. As a way of protecting against a conviction, Verres went off into voluntary exile after the first action was carried out and remained in exile for the rest of his life. The second action, in five parts, were published by Cicero after he had succeeded in his prosecution and carry on his speech as if Verres had returned to the courts to continue the trial. Since these were not read in the Forum, Cicero has the ability to control the situation of the speech and compose a work that fully illustrates, and adds to, the spectacle that he was able to create in the first action. In the first action, Cicero chooses to use a nonconventional form of prosecution, wherein he would decline his right to a lengthy speech and instead present the evidence and witnesses one by one and allow Hortensius and the defense to respond in turn. In doing so, he was able to put Hortensius off guard but also control the positioning of evidence so as to create the greatest spectacle.

The calling of witnesses took several days, with Cicero coordinating the appearance of witnesses and victims as well as having documents be read until Verres’ defense was faced with a tower of evidence. Cicero used dramatic images of the victims to play on the emotions of the people watching this spectacle. Cicero writes in the second action about the crowd’s reaction to his witnesses and his presentation of evidence. Hortensius complained that Cicero was trying to rouse the emotions of the people when “the young Junius came clad in his *praetexta*” and stood
next to his uncle as they read the evidence of their loss of property at the hands of Verres. The use of the *toga praetexta*, the toga of freeborn Roman boys who have not reached puberty, would signify his citizenship and also allude to the same togas worn by curule-ranked members of the Senate. Hortensius felt that Cicero had brought young Junius before the crowd so as “to excite odium” against Verres, but Cicero said that he brought him only as a sign of a young man who was “deprived of his paternal property and fortune”. The sight of a young Roman citizen stripped of his inheritance would surely have done just what Hortensius claimed, and it would have played a key part in making this spectacle a success.

Cicero concludes his prosecution of Verres with the stories of Roman citizens wrongfully put to death. Cicero coordinates the order of the evidence so that the entire prosecution builds from theft and debauchery to murdering Roman citizens. Verres had released pirates from prison by making a deal with them, but the people of Sicily were keeping careful watch of how many pirates needed to be put to death. To settle the total, Verres had Roman citizens that he had thrown into prisons earlier executed, with their heads covered so they wouldn’t be recognized. Roman citizens could not be stripped of their rights, and they could not be put to death without a proper trial, making this an especially atrocious act. Cicero makes no mention of the reaction the audience had when they heard this, but the final piece of evidence was the case of Publius Gavius.

Cicero ended his list of evidence with the testimony of witnesses to the crucifixion of a Roman citizen, Publius Gavius. Gavius had been wrongly sent to the quarries by Verres, but he secretly escaped and came to Messana. He was within sight of Italy and he began speaking of

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29 Ibid. II.1.152
30 Ibid. II.5.72
how he, a Roman citizen, had been thrown in prison and how he was going to Rome to confront Verres. Verres’ men seized him and Verres himself ordered that Gavius be bound and crucified within sight of Italy, who all the while repeatedly shouted that he was a Roman citizen.\textsuperscript{31} The audience was so bothered by this story that they became violent. Cicero writes:

\begin{quote}
For what—what, I say—did you yourself lately say when in an agitated state you escaped from the outcry and violence of the Roman people? Why, that he had only cried out that he was a Roman citizen because he was seeking respite, but that he was a spy.\textsuperscript{32}
\end{quote}

The audience was in such an uproar at this evidence that Verres was chased from the court. Cicero succeeded in making this court case such a spectacle that the praetor, Glabrio, was forced to dismiss the witness from the court.

\begin{quote}
And I rejoiced that Glabrio had acted (and he had acted most wisely) as he did in dismissing that witness immediately, in the middle of the discussion. In fact, he was afraid that the Roman people might seem to have inflicted that punishment on Verres by tumultuary violence, which he was anxious he should only suffer according to the laws and by your judicial sentence.\textsuperscript{33}
\end{quote}

Cicero had excited the people in the audience so much that they were about to take justice into their own hands. This reaction, along with the removal of the witness and the frightening of Verres, would not have been easily forgotten by the crowds at Rome, and the success would add greatly to Cicero’s reputation. At the end of the speech, Cicero won the case and surpassed Hortensius. The spectacle of this case would have shifted the balance against Cicero’s \textit{novitas} and given him a firm foundation in the public eye.

\begin{footnotesize}
\textsuperscript{31} Cic. \textit{In Verrem} II.5.160-2
\textsuperscript{32} Ibid. II.5.165
\textsuperscript{33} Ibid. II.5.163
\end{footnotesize}
1.4 The Implications of the Prosecution of Verres

The most significant implications from this case concerned Cicero and his status in Rome. Not only did he officially defeat Hortensius and gain the reputation as the foremost orator in the courts, but he also gained the gratitude of the entire province of Sicily, even more than the gratitude he brought back from his quaestorship. The support of Sicily would help to continue his reputation from this case, since he could refer to himself as the patron of the island. Cicero was able to take on the character of a defender of not only the Sicilians, but also of the *res publica* itself. Cicero made it clear in his prosecution that he took on this case as a way of defending the state and the people from such a corrupt man, and by prosecuting Verres for corruption he was also claiming that he himself was free of that corruption. Cicero’s image among the people was hereby solidified as an upright defender of the people, and no longer the image of a young *novus homo* with political ambitions.

Whether Cicero gained any *praemia*, or rewards, for his successful prosecution is a point of contention among scholars. Lily Ross Taylor argues that “he seems to have obtained a concrete reward that I do not find mentioned in any biography of the orator. I think he gained the seniority rights of Verres in the Roman senate.”

Taylor believed that when a Roman advocate successfully prosecuted another Roman citizen of higher rank, he was able to assume the rank of the convicted senator. Taylor writes:

> If Cicero acquired Verres’ place in the senate, he would still have to be elected to the praetorship in order to advance in the state. But he would be permitted at once to appear with the *praetorii* in the senate, where a strict of seniority governed procedure.

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34 Taylor, 1968. p.112
35 Taylor, 1968. p. 113
Little is known about procedure in the Senate, but we know that the presiding consul, when beginning a debate or discussion on an issue, would first call upon the men of consular rank for their opinion and then the men of praetorian rank and so on. In a heated debate, Cicero at his lower rank would not likely be called on to give his opinion. Since Verres had been of praetorian rank, Cicero would have risen to a level that would allow him to address the Senate ahead of his years. For a *novus homo*, this would have been the most valuable reward that Cicero gained from this successful prosecution.

Michael C. Alexander, approaching Taylor’s argument, feels that the evidence of laws and customs in Rome does not support this form of reward. Alexander did not present any evidence that disproves Taylor’s argument; instead he argues that the evidence Taylor uses does not explicitly support her argument. According to Alexander, more evidence is necessary before we can assume that Cicero would have gained this reward.\(^{36}\) He argues that Cicero would have made a reference to this boon in his works and that the lack of any mention of advancement shows that it did not exist. By reviewing these sources, however, it can be seen that Cicero most likely gained this reward and did receive a higher rank within the Senate.

The first piece of evidence is in Cicero’s speech *Pro Balbo*. Cicero defended Balbus when he was prosecuted for assuming the rights of a citizen against the law. In Cicero’s defense of Balbus, Cicero refers to how Balbus had entered into the Clustumine tribe after a successful prosecution of another citizen who had been a member of that tribe.

It has been imputed to him also that he has become one of the tribe Clustumina, a privilege which he obtained by means of the law concerning bribery, and which is less invidious than the advantages acquired by those men who, by the assistance

\(^{36}\) Alexander, 1985.
of the laws, obtain the power of delivering their opinion as praetor, and of wearing the praetexta.\textsuperscript{37}

Cicero’s reference to the \textit{invidia} of other rewards from prosecutions is the key factor in this source. Balbus, a non-citizen, was given the reward of Roman citizenship in the same tribe as his patron, Pompey. When Cicero writes of the \textit{invidia} of assuming the \textit{praetexta} and delivering a speech as a praetor as a result of a successful prosecution, he is describing the very situation which he would have been in after the trial of Verres. The \textit{invidia} would have been even greater in Cicero’s case because of his \textit{novitas}, which would have bothered the \textit{nobiles} in the Senate.

The other two pieces of evidence used by these scholars are both extant legislation from the Roman world. One is a law from a Spanish colony at Urso, established in 44 BCE. The charter for the colony states that when a decurion, the title of the leaders of the colony, successfully prosecutes another decurion he is allowed to speak in his place in the local Senate.\textsuperscript{38} Taylor argues that this charter was following the model of the Roman laws regarding prosecution, but Alexander argues that this could be a system that was set up in order to counteract the lack of censors in these colonies, whose duty it is to regulate the membership of the Senate. But, even so, the Roman custom must have been in place, whether in a law or just in customary practice, and was being emulated in the charter of the Spanish colony, it seems unlikely to have been invented for this charter.

In the \textit{Lex Pedia} from 43 BCE, which provided for the prosecution of Caesar’s assassins, anyone who prosecuted one of these assassins was given specific \textit{praemia}.

For they received money from the estate of the convicted man and the latter's honors and office, if he had any, and exemption from further service in the army


\textsuperscript{38} \textit{Lex Ursonensis}, CIL 2s.5439
both for themselves and for their sons and grandsons.³⁹

These prosecutors are promised a large reward for this act, larger than any prior Republican law that survives. The reward of the office of the assassin is necessary because of the extent of the conspiracy against Caesar and the amount of empty positions that would be left after the prosecutions if the position was not passed to someone else. This reward is so great as a way of enticing advocates to step forward to prosecute these assassins.

Alexander argues that “neither law unequivocally corroborates the notion that such advancement followed automatically from successful prosecution under any criminal law whatsoever.”⁴⁰ It is true that the extant evidence for this custom is slim; however, besides Cicero’s Pro Balbo, quoted above, there is also another piece of evidence that these two scholars did not refer to in his Pro Roscio, in which Cicero discusses his motives for being hesitant to take up a prosecution case.

For if it were pleasing to me to accuse, I might accuse others more from whom I might be able to grow [in rank or wealth], which is certainly not the case, nor is it even possible.⁴¹

Cicero, in his first defense case, is explaining to the jurors what motivation he would have to take up a prosecution of another citizen. He explains that if he wanted to increase his wealth or rank, he would take up prosecutions. In the Pro Balbo, Cicero gives an example of a prosecutor earning a reward, and in his first defense speech, Cicero explains that growing in rank or wealth is a motive for advocates in taking up prosecution cases. Therefore it is most likely that Cicero did indeed grow in rank when he successfully prosecuted Verres in 70 BCE. The custom of

⁴⁰ Alexander. 1985. p.25
⁴¹ Cic. Pro Roscio 83.1
rewarding successful prosecutors with citizenship or rank or even the position of the convicted citizen is evident in these examples and the case of Verres, with the excitement it provoked from the people of Rome and the politically charged subject of corruption in the province, would have been an example of a case that demanded a reward for the successful prosecutor.

**1.5 Conclusions**

Cicero’s candidature was marked by spectacle. As a *novus homo*, Cicero was at a significant disadvantage against rivals from prestigious families. In order to realize his political ambitions, Cicero needed to find a way to balance his *novitas* in order to compete with his peers in his rise along the *cursus honorum*. Cicero carefully timed his entrance into the public eye so that he would avoid risking his career by catching the attention of the contentious political leaders of the 80s BCE. In order to make up for lost time, Cicero chose for his first case a defense cause with strong political themes that would draw the attention of the Roman people, making it a prime setting for a spectacle. Cicero’s defense of Sextus Roscius of Ameria was his first use of spectacle as a way to balance out his *novitas*. After the defense, Cicero’s reputation began to rise, which helped him to begin building his connections in the city.

After returning to Rome from his tour of the East and also from his first magistracy in Sicily as quaestor, Cicero realized that his reputation was dependent upon his position in the city and his continued presence in the forum. He began, after his tour of Asia, to set himself as a rival of Hortensius in the forum and used the stark contrast between Hortensius’ noble upbringing and Cicero’s own *novitas* to his advantage in building his reputation. The rivalry culminated in Cicero’s prosecution of Verres, wherein he pitted himself against Hortensius and won, earning the reputation of the foremost speaker in the forum.
In both the *Pro Roscio* and his two actions *In Verrem*, Cicero proved his understanding of the role spectacle and public reputation played in balancing his *novitas*. Each speech used politically charged cases to highlight attention on the speaker and increase the reputation of Cicero, therefore solidifying his position in Rome. These cases gave him the opportunity to make a name for himself, despite his *novitas* and lack of curule ancestors, and promote his success in the votes for positions. The spectacles made his name commonplace and his reputation gave him a solid platform on which to campaign for the positions on the *cursus honorum*. The timing of the spectacle of the prosecution of Verres so close to Cicero’s campaign for the aedileship is no coincidence. Cicero was, at this time, clearly using the spectacle he created in the courts as a way of garnering support in his rise to the consulship.
2. Cicero’s Consulship

Cicero was elected to the consulship in 64 BCE with Antonius Hybrida as a colleague. The year of his consulship, 63 BCE, was marked by controversial events, chief among them an agrarian law that was being proposed by the tribune Publius Servilius Rullus and the conspiracy of the senator Lucius Sergius Catilina against the state. Cicero used the spectacle of his appearance as the consul on the rostrum to unite Rome with him in a common cause using his speeches. In denouncing the law and revealing the conspiracy, Cicero’s reputation and prestige in the Republic rose exponentially. In the extant speeches, made from the rostrum and in the Senate, Cicero utilized his novitas and his skill in constructing public spectacles to increase the impact of his consulship and to solidify himself as not only a defender of the people (a popularis) but also a defender of the res publica. These speeches gave Cicero the opportunity to take himself from a renowned speaker in the courts to a true statesman who addresses the public from the rostrum.

Cicero’s determination to use his consulship to solidify his position in the public eye can be clearly seen in how he managed to nullify his colleague Antonius. According to Plutarch, Antonius was a supporter of Catiline and his plans for the Republic. To avoid a potential power struggle and to win the favor of his colleague, Cicero undertook “getting the province of Macedonia voted to his colleague, while he himself declined the proffered province of Gaul; and by this favor he induced Antonius, like a hired actor, to play the second role to him in defense of
their country.” The provinces of Cisalpine Gaul and Macedonia were allotted as the consular provinces for 62 BCE, and Cicero, instead of drawing lots for the provinces, allowed Antonius to take the province of Macedonia in exchange for him allowing Cicero to take control of the affairs of state. Cicero was able, with a simple act, to negate a potential problem for his year as well as guaranteeing that the state would remember him as the primary Consul for the year.

With Macedonia going to Antonius, Cicero would have Cisalpine Gaul as his province for the year immediately following his consulship. This would remove him from the city immediately after his consulship, which would decrease his reputation in the city. Just as it happened after his quaestorship, Cicero would have been aware that his reputation was dependent upon his constant presence at Rome. If he left the city so soon after finally achieving his consular rank, he would risk losing all the fame he had built for himself in his candidature as well as the fame he would earn in his year as Consul. Instead of finding himself forgotten, like he did upon returning to Italy from Sicily in 74 BCE, Cicero chose to forego his province and instead used his influence to pass the province of Cisalpine Gaul to the praetor Quintus Metellus Celer. By doing so, Cicero ensured that he would be able to continue to build his reputation and remain in the public eye after his Consulship.

Knowing that he had, by foregoing his province, neutralized his consular colleague, Cicero used his position to address the Roman people and, using his novitas to emphasize his rise to the consulship, was able to rouse the public of Rome in such a way that he was granted a thanksgiving by the Senate and the title of pater patriae, a title which had not been granted since the early days of the Republic. At the end of his consulship, Cicero was conveyed home amidst

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42 Plutarch, *Life of Cicero* 12.4
a crowd of the people, and he refers to this moment in later years as the highlight of his political
career. In this way, Cicero used the events that happened in his consular year in such a way as
to give the people a show with his consular speeches, and to increase his fame and position in
Rome.

Cicero took great pride in the role he played in his consular year, particularly in the way
he defended the state against the corruption of Catiline. In fact, in his later years, Cicero was
often accused of boasting of the events of his consulship by political opponents. Cicero used
his record as a consul as political capital throughout the rest of his career. By 60 BCE, Cicero
refers to his attempt to write an epic poem based on his year as consul, giving him an opportunity
to extend his fame even further. He had written his own version in ancient Greek and
disseminated it among the Greek poets of the time in order to excite their interest in taking up his
story and to give them a source on which to base their own poems. Cicero, boasting of his skill
with the Greek language, writes to Atticus:

Posidonius, however, has already written to me from Rhodes that when he read
this memorial of mine, which I had sent him with the idea that he might compose
something more elaborate on the same theme, so far from being stimulated to
composition he was effectively frightened away. The fact is, I have dumbfounded
the whole Greek community, so that the folk who were pressing me on all sides to
give them something to dress up are pestering me no longer. If you [i.e. Atticus]
like this book, please see that it is made available at Athens and the other Greek
towns. I think it may add some luster to my achievements.

Cicero assumes that the Greek poets felt that they could add no embellishments to the memorial
of his consulship in which he had devoted all of his skill with language. The reaction of the

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45 Cic. ad Fam. 1.16.5 “ad me autem eadem frequentia postridie convenit quacum abiens consulatu sum domum
reductus.”
Marketplace, 2014. 93
47 Cic. ad Fam. 2.1
48 Ibid. 2.1.2
Greek poets could also have been from a lack of interest in the topic, although we have no evidence to support that claim. Since he could find no better artist to craft a poem, he had Atticus spread his Greek memorial throughout Athens and other Greek cities, which would spread the word of his success even further throughout the Roman world.

Cicero also refers to a desire in Rome for him to publish his consular speeches and make them available. In the same letter to Atticus mentioned above, Cicero writes:

I’ll send my little speeches, both those you ask for and some more besides, since it appears that you too find pleasure in these performances which the enthusiasm of my young admirers prompts me to put on paper. Remembering what a brilliant show your countryman Demosthenes made in his so-called Philipics and how he turned away from this argumentative, forensic type of oratory to appear in the more elevated role of statesman, I thought it would be a good thing for me too to have some speeches to my name which might be called ‘Consular’.

Not only were the “young admirers” requesting the speeches, but Cicero had already collected them into a publishable form and, we can assume, had begun to distribute them as early as three years after his consulship. His reference to Demosthenes and the Philipics reveals his desire to have his consular year be remembered as homage to the Greek orator who he idolized throughout his writings. Cicero recognized the role these speeches would continue to play in strengthening his position in Rome, and among these speeches two sets stand out as the most sensational: his three speeches de Lege Agraria and his four speeches in Catilinam.

2.1 The de Lege Agraria

In December 64 BCE, Publius Servilius Rullus entered the office of tribune and began the process of proposing an agrarian law. Cicero, in his second speech de Lege Agraria which he

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49 Cic. ad Fam. 2.1.3
50 See his Brutus, wherein he sets Demosthenes as the ideal Greek orator in the history of oratory. Cicero also later refers to his 14 speeches against the Senator Marc Antony, delivered from 44-43 BCE, as his Philippicae in reference to Demosthenes’ speeches against Philip II of Macedon in the fourth century BCE.
gave from the *rostrum*, describes how Rullus announced his proposal of an agrarian law but did not reveal the details. Cicero writes that the tribunes “did not cease to have secret meetings among themselves, to invite some private individuals to them, and to choose night and darkness for their clandestine deliberations.”\(^{51}\) The secrecy of the tribunes in preparing the law was a key part of the argument Cicero presents to the people of Rome. According to Cicero, the tribunes chose to leave him, as consul-elect, out of their deliberations, despite his eagerness to support the bill.\(^{52}\) When Rullus finally called a *comitia* to discuss the proposed legislation, Cicero told the people:

> He makes a long enough speech, expressed in very good language. There was one thing which seemed to me bad, and that was that, out of the entire crowd there present, not one man could be found who was able to understand what he meant.\(^{53}\)

Although he had called an assembly of the people, Rullus had not fully explained the details of his plan, raising an even higher cloud of suspicion over the legislation he was proposing. Rullus did not release his agrarian bill until Cicero entered his office in January 63 BCE, in which he proposed that ten commissioners (*decemviri*) be appointed with absolute power over all the revenues of the republic for five years. These *decemviri* would have the power to purchase and distribute lands at whatever costs they deemed appropriate, as well as power over the spoils of war won by Roman generals. The most offensive power given to the *decemviri* by this proposed legislation, according to Cicero’s speech to the people, was the power to settle colonies anywhere and fill them with colonists of their own choosing. Cicero takes the opportunity to

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\(^{52}\) Ibid. 2.10-12

\(^{53}\) Ibid. 2.13
showcase his talent for spectacle in his public opposition to the bill, first before the Senate and then two speeches from the *rostrum* before the Roman people.

In the opening statements of his second speech *de Lege Agraria*, Cicero, in his first speech from the *rostrum* as a consul, addresses his *novitas* and his rare rise to the consulship as a *novus homo*. Cicero sees his consulship as a chance for him to fully overcome the prejudices of the *nobiles* against his *novitas*, and, by referring to it in his first address to the people of Rome, he is placing himself as an outsider among the other men of consular rank. His achievement of the position was accomplished when “not the single voices of the criers, but the whole Roman people with one voice that declared [Cicero] consul.”

To express fully the magnitude of his election as a *novus homo* in his own year, Cicero elaborates on the obstacles that stood in his way and the way he relied upon the goodwill of the people to secure his political ambitions.

This also is a most honorable thing for me, O Romans, which I mentioned a few minutes ago, that I am the first new man for many years on whom you have conferred this honor, that you have conferred it on my first application, in my proper year. But yet nothing can be more splendid or more honorable for me than this circumstance, that at the *comitia* at which I was elected you delivered not your ballot, the vindication of your silent liberty, but your eager voices as the witnesses of your goodwill towards and zeal for me.

In using his notable victory in the election in this way, Cicero was able to place himself as a firm defender of the people who put him in his position. The establishment of Cicero as a *popularis* in his consular year was crucial for his strategy is combating the legislation. The proposed bill would put the power of the Republic in the hands of ten men for five years, putting all of the people in the Republic in the hands of men who could easily take advantage for their own self-

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54 Cic. *de Lege Agraria* 2.4
55 Ibid. 2.4
interests. Cicero used the contrast between his position with the people and the positioning of Rullus and his “clandestine” group as a foundation for his rhetoric against the bill.

In addition to using his own novitas to support his popularis image, Cicero also invokes the Gracchi brothers, Tiberius and Gaius, who were famous for their own agrarian law.

For I will speak the truth, O Romans: I cannot find fault with the general principle of an agrarian law, for it occurs to my mind that two most illustrious men, two most able men, two most thoroughly attached to the Roman people, Tiberius and Gaius Gracchus, established the people on public domains which had previously been occupied by private individuals. Nor am I a consul of such opinions as to think it wrong, as most men do, to praise the Gracchi, by whose counsels, and wisdom, and laws, I see that many parts of the republic have been greatly strengthened.\(^{56}\)

The agrarian laws of the Gracchi in the second century BCE, and the fate of the brothers themselves, would have been common knowledge even at this time. Tiberius Gracchus, as tribune of the people, used his strong support from the people to pass a law to support the Roman population and to decrease the control of public property and wealth in the higher classes. The regulation of the law had been performed by triumviri, Tiberius, his brother Gaius, and his father-in-law Appius Claudius.\(^{57}\) The law met with powerful opposition in the nobiles of Rome and Tiberius, after attempting reelection as tribune, was attacked and killed by a group of senators and their supporters.\(^{58}\) Gaius, after becoming tribune as well, passed even more legislation with the intention of shifting the power from the nobiles to the people of Rome, and for this he was also pursued and killed at the command of the Senate.\(^{59}\)

\(^{56}\) Cic. de Lege Agraria 2.10
\(^{58}\) Ibid. 1.2.16
\(^{59}\) Ibid. 1.3.18-26
The years of the Gracchi and their reforms saw a strong division between the *nobiles* and the lower classes of Rome. Cicero, invoking the names of the Gracchi, is relating the agrarian law of Rullus to the reforms of the notorious brothers. In appearing to break with the tradition of the *nobiles* and to praise the wisdom and politics of the Gracchi, Cicero solidifies his position as a *popularis* consul, which would increase the public interest in his consular speeches throughout the rest of his year as consul. The knowledge of the details of the deaths of the Gracchi at the hands of the Senate, despite their having the love of the people of Rome, would set a stark tone of danger in the rest of speech.

Once the tone of the speech is set, Cicero then begins to address the legislation’s clauses, one by one, in an order which will show the extent of the corruption in it. Cicero even claims that this law is not an agrarian bill, but rather a political maneuver by corrupt *nobiles* intending to place a few men as “kings” (*reges*) of the Republic.

And from the first clause of the proposed law to the last, O Romans, I find nothing else thought of, nothing else intended, nothing else aimed at, but to appoint ten kings of the treasury, of the revenues, of all the provinces, of the whole of the republic, of the kingdoms allied with us, of the free nations confederate with us—ten kings of the whole world, under the pretense and name of an agrarian law.  

The establishment of a panel of *reges* in Rome was the key argument in this speech to the people. Cicero, knowing the Roman connotation of the word *rex*, plays on the emotions of the audience in establishing the setting of a political juncture which would surely end in the overthrowing of the *status quo*. These *decemviri* would have the power to control the wealth of the city, and they would not have been controlled by the powers of the magistrates or the Senate. Cicero saw this as not so much a risk of corruption and abuse of power, but a promise of it.

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60 Cic. *de Lege Agraria* 2.15
Cicero details the powers granted to these men, although his strongest argumentation is focused on two powers in particular: the power to buy and sell state revenue and the power to establish colonies at will. Cicero, in a similar style to his description of the corruption of Verres mentioned in Chapter 1, sets out, in laborious detail, how these men have the unstoppable power to assess the value of any asset of the state, from public lands (ager publicus) to the statues in the various temples throughout the Republic, and to sell those assets for the purpose of acquiring the wealth to purchase land from private individuals, with whatever remaining wealth being distributed among the decemviri and not returned to the state. Cicero presents the people of Rome with the image of these ten men stripping the Republic of every statue and the people of their lands at prices that depend on the whims of these men. No doubt the people would be outraged at the idea of losing their lands and having corrupt men in charge of the process, but the truly sensational aspect of Cicero’s speech lies in his portrayal of the Republic as being stripped. Personifying the Republic is a common rhetorical device of Cicero’s, but in this speech he surpasses his earlier examples and the imagery is carried even further when examining the other power of the decemviri.

Cicero’s description of the decemviri snatching lands begins with descriptions of the seizing of provinces far from Rome, such as Egypt and Macedonia; then Cicero shifts his focus closer to Rome with the description of Sicily and even closer with descriptions of the towns along the roads leading to the city. Ann Vasaly, in her analysis of Cicero’s rhetoric, argues that Cicero does this deliberately so that the people of Rome would feel that the decemviri were working towards the city with their corruption. Vasaly writes, “The suggestion that the decemvirs would exercise power in these places would have led Cicero’s audience to associate

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61 Cic. de Lege Agraria 35-42
decemviral power with military opposition to the state."\(^{62}\) This, in addition to the vagueness of the specific sites to be purchased in the bill, would have given the audience the feeling that these men were given limitless power that they could enact against the Republic itself.

Cicero ends his second speech in the description of the *decemviri* establishing colonies within Italy itself, even just outside of Rome. The region of Campania in Southern Italy is the focus of Cicero’s colonial example, a region that was not only renowned for its fertility, making it a key asset for anyone planning to overcome the Republic. According to Cicero:

> He orders five thousand colonists to be enrolled for the purpose of being settled at Capua; and to make up this number, each of the *decemviri* is to choose five hundred men…But, if a place and a city is being looked out for five thousand men, picked out as fit instruments for violence, and atrocity, and slaughter, from which they may be able to make war, and which may be able to properly equip them for war, will you still suffer a power to be raised and garrisons to be armed in your own name against yourselves?\(^{63}\)

The use of Capua as the center of this “other Rome” (*altera Roma*\(^ {64}\)) portrays to the Roman people the image of an enemy just outside the gates of their city. Once he has fully depicted this new colony as an enemy that would rival Rome and rob the city of one of its sources of produce,\(^ {65}\) Cicero then equates Capua to Carthage and Corinth, two of Rome’s ancient enemies, furthering the idea that this *altera Roma* will stand in opposition to the Republic.

> These towns, though they were out of the sight of the empire, our ancestors not only crushed, but, as I have said before, utterly destroyed, that they might never be able to recover and rise again and flourish. Concerning Capua they deliberated much and long. Public documents are extant, O Romans; many resolutions of the

\(^{62}\) Vasaly, 1988. p.415  
\(^{63}\) Cic. *de Lege Agraria* 2.77  
\(^{64}\) Cic. *de Lege Agraria* 2.86: “Tunc illud vexillum Campanae coloniae vehementer huic imperio timendum Capuam a viris inferetur, tunc contra hanc Romam, communem patriam omnium nostrum, illa *altera Roma* quaeretur.” “Then that other Rome, which has been heard of before, will be sought in opposition to this Rome, the common country of us all.”  
\(^{65}\) In *de Lege Agraria* 2.80, Cicero writes “Have you forgotten what armies you supported by means of the produce of Campania, in the Italian war, when you had lost all your ordinary sources of revenue?” He means to allude to the possibility that this source of produce would be sustaining the *altera Roma* and its armies.
Senate are extant. Those wise men decided that, if they took away from the Campanians their lands, their magistrates, their senate, and the public council of that city, they would leave no image whatever of the republic; there would be no reason whatsoever for their fearing Capua.\textsuperscript{66}

The destruction of Carthage and Corinth were famous moments in the city’s history, and by tying the fate of Capua to them, Cicero foresees the destruction of this \textit{altera Roma}. Since this was the end of his speech, it leaves the Roman people with the feeling that they are being attacked on all sides by a revived enemy.

The legislation did not specifically give this power to the \textit{decemviri}; however, the bill was written so vaguely that Cicero was able to cast doubt upon the intentions of Rullus and use that doubt to sensationalize the issue and use the emotions of the people to oppose it. This rhetorical strategy, commonly used by politicians in Rome, succeeded in ensuring that the bill was dropped before it was voted upon. Cicero’s charges against the legislation were not entirely without justification, but his exaggerations and hyperbole tactically ensured the excitement of the people of Rome. With these speeches, his first public consular speeches, Cicero establishes the foundation for the rest of his year as consul. Not only was he acting on the behalf of the people and the Republic of Rome, but he was also doing it as the primary consul for the year. And it was his vigilance alone that brought this corruption to the attention of the people, the same vigilance which he promises would be put to use for the rest of his time as consul. The role that Cicero takes on in this speech is reprised in the most powerful speeches of his year as consul, the speeches \textit{in Catilinam}.

\textbf{2.2 Cicero’s Address to the Senate Regarding Catiline}

The four speeches \textit{in Catilinam} are among Cicero’s most famous extant speeches. Using his authority as the consul of Rome, his position in the Senate, and the reputation he had

\textsuperscript{66} Cic. \textit{de Lege Agraria} 2.87-88
established with the people of Rome, Cicero was able to thwart successfully the plans Catiline made in his second conspiracy against the Senate and magistrates. The first conspiracy of Catiline occurred two years earlier when, on the first day of January 65 BCE, Catiline allegedly planned to slaughter a number of senators during a meeting with the support of influential senators in order to give the consulship to Publius Sulla and Lucius Autronius, both of whom had been found guilty of bribery and had their consulships taken away from them. From Cicero’s addresses to the Senate and to the people of Rome, Catiline had clearly planned a similar event for the year 63 BCE. According to the first speech Cicero gives in Catilinam in the Senate, Catiline had already raised an army in Etruria, under the command of a man named Manlius, to incite a full-scale rebellion, using connections to the veterans of Sulla’s wars, throughout Italy, to set Rome on fire in several places at once, and to massacre the Senate. Cicero urged Catiline to leave the city of his own accord, yet he did not make any immediate move to banish him or to have him executed as a traitor. The justification for this, according to Cicero, was that Catiline was only part of the conspiracy; if he were killed, the danger would not necessarily pass by, but if Catiline were sent from the city then the rest of the conspiracy would likely follow him.

Cicero first mentioned the senatus consultum ultimum in this first speech, a decree by the Senate giving the consul the powers and right to take whatever measures necessary to ensure the

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67 Suetonius Iulius 9 : It should be noted that Suetonius makes no mention of the involvement of Catiline in this account of the first “Catilinarian” conspiracy. The only agents involved in this account were Caesar, Crassus, Sulla and Autronius; cf. Sallust, Bellum Catilinae 18: Here Sallust clearly states Catiline as one of the agents in this conspiracy and even names him as the originator of the conspiracy.; cf. Livy, Epitome 101.2: The Epitome is very sparse, but clearly refers to the events of the conspiracy.; For a more in-depth analysis of the events of the first Catilinarian conspiracy and the roles played by Caesar and Crassus in it, please see: Jones, Francis L. “Crassus, Caesar, and Catiline” The Classical Weekly, Vol. 29, No. 12, 1936. pp.89-90.
68 Cic. in Catilinam 1.7
69 Ibid. 1.29
70 Ibid. 1.9
71 Ibid. 1.2
72 Ibid. 1.29, 1.20
safety of the state. Although the decree did not clearly state that the consul could put Roman citizens to death, two consuls had set a precedent for doing so. The *senatus consultum ultimum* was a controversial decree in that there were sources who questioned the legality of the decree. In Sallust’s history of the Catilinarian conspiracy, he records the speech of Julius Caesar claiming that this law was illegal because of its cruelty as well as the speech of Cato supporting the execution of the conspirators. Despite the questionable legality of the decree, Cicero announces that he was granted this power by the Senate after he proved the danger of the conspiracy.

There was—there was once such virtue in this republic, that brave men would repress mischievous citizens with severer chastisement than the most bitter enemy. For we have a resolution of the senate, a formidable and authoritative decree against you, O Catiline; the wisdom of the republic is not at fault, nor the dignity of this senatorial body. We, we alone, I say it openly, we, the consuls, are waiting in our duty.

To solidify the legitimacy of his power from the *senatus consultum ultimum*, Cicero makes references to the precedents of the consul Lucius Opimius, who named Gaius Gracchus an enemy of the Republic without delay, and also of the consuls Caius Marius and Lucius Valerius, who used their power to name both the tribune Lucius Saturninus and the praetor Caius Servilius enemies of the Republic without hesitation. Both of these examples led to the death of these “enemies of the state”, with Gracchus committing suicide and the murder of Saturninus and Servilius by a mob of angry Romans. Cicero contrasts the lack of delay in these precedents with his own delay in utilizing this power, saying that “we [the Senate] for these twenty days have

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51
74 Ibid. 52
75 Cic. *in Catilinam* 1.3
been allowing the edge of the senate’s authority to grow blunt”. Cicero appears willing to use the power granted to him, but, whether from the question about the legality of the decree or from the fear of repercussions, he chooses instead to take a non-violent approach and push Catiline to leave the city of his own free will rather than to arrest him and name him an enemy of the Republic.

Sallust records the aftermath of this first speech, describing the response Catiline makes to Cicero’s invective.

…[Catiline] began to beg the Fathers of the Senate not to believe any unfounded charge against him; he was sprung from such a family, he said, and had so ordered his life from youth up, that he had none save the best of prospects. They must not suppose that he, a patrician, who like his forefathers had rendered great service to the Roman people, would be benefited by the overthrow of the government, while its savior was Marcus Tullius, a resident alien in the city of Rome.

Catiline makes little denial of the charges Cicero places against him, but instead he pleads with the Senate on account of his social rank. He was a high ranking senator, with a long line of family members who had helped to make Rome what it was. His use of Cicero’s rank alludes to Cicero’s novitas, despite having achieved the consulship. The word Sallust uses to define Cicero’s position in Rome is inquilinus, meaning a person who has taken up residence in a place that is not his home. This word alludes to Cicero’s home city of Arpinum and his novitas as well, even though he does not refer to Cicero as a novus homo. Sallust indicates that Catiline felt that Cicero was below him in rank, fitting with the prejudice against novi homines that was common among the nobiles. This also strongly marks Cicero and Catiline as opposing parties, giving

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76 Cic. in Catilinam 1.4
77 Sallust, Bellum Catilinae 31
Cicero the advantage, once again, of addressing the public as the primary defender of the Republic and its people.

2.3 Cicero’s Address to the People Regarding the Conspiracy

After Cicero’s first speech in the Senate, Catiline chose to leave Rome and join his troops outside the city. In order to address the danger of the situation, as well as to explain the circumstances of this voluntary exile, Cicero called an assembly of the people in the forum. The emphasis is on the fact that Cicero had forced Catiline to bring his conspiracy into the light and to reveal himself for the danger that he was. The city was not yet safe, however, because Catiline’s men could still be seen lingering in the streets and in the forum. Cicero says, “I wish he had taken those soldiers of his, whom I see hovering about the forum, standing about the Senate-house, even coming into the senate…”\(^{78}\) Here he instills a feeling that the enemy is still within the very walls of Rome, adding to the anxiety in the crowd. He even announced that he knows the exact route by which Catiline chose to leave the city.\(^{79}\) From the very beginning of this speech, Cicero has established himself, again, as the one defender of the people against the enemies within the city.

The supporters of Catiline are broken down into six classes by Cicero in his first speech to the people. He first describes men who are wealthy but carry “enormous debts” and wish to have them forgiven so they can keep their wealth.\(^{80}\) Sallust also records that one of the main incentives for Catiline’s followers was a forgiveness of debts and the promise of wealth. He writes “Catiline promised abolition of debts, the proscription of the rich, offices, priesthoods, plunder, and all the other spoils that war and the license of victors can offer.”\(^{81}\) Each of the

\(^{78}\) Cic. in Catilinam 2.5
\(^{79}\) Ibid. 2.6-7
\(^{80}\) Ibid. 2.18
\(^{81}\) Sallust, Bellum Catilinae 21
following groups in the list suffers from some degree of poverty, but there is a significant decrease in morality as Cicero’s description continues. The second group also came from debt, but they desired power more than debt-forgiveness.\textsuperscript{82} The third group was made up of veterans from Sulla’s wars, men who lived their lives above their means after accruing wealth from the wars and now sought to fight again to pay off their debts.\textsuperscript{83} The fourth group consisted of men who managed their affairs poorly and put themselves in debt from living lives without honor.\textsuperscript{84} The fifth were the most morally bankrupt citizens, namely “assassins” and “parricides” that “are so numerous that a prison cannot contain them.”\textsuperscript{85}

The final group is filled with men who appear effeminate with “carefully combed hair, glossy, beardless, or with well-trimmed beards; with tunics with sleeves, or reaching to the ankles; clothed with veils, not with robes; all the industry of whose life, all the labor of whose watchfulness, is expended in suppers lasting until daybreak.”\textsuperscript{84} These men are placed last strategically by Cicero. This definition is the most vague of the list, with the only defining quality being that these men are young men who have been corrupted by Catiline so much that they have lost the masculine virtue that the ideal Roman would have. Cicero emphasizes the effeminacy of these men by asking:

\begin{quote}
Are they going to bring their wives with them to the camp? How can they do without them, especially in these nights? And how will they endure the Apennines, and these frosts, and this snow, unless they think that they will bear the winter more easily because they have been in the habit of dancing naked at their feasts. O that war must be dreaded, when Catiline is going to have his bodyguard of prostitutes!\textsuperscript{86}
\end{quote}

\begin{footnotes}
\textsuperscript{82} Cic. \textit{in Catilinam} 2.19
\textsuperscript{83} Ibid. 2.20
\textsuperscript{84} Ibid. 2.21
\textsuperscript{85} Ibid. 2.22
\textsuperscript{86} Ibid. 2.23
\end{footnotes}
These men have weak constitutions from their disgraceful lifestyles, coming from the corrupt relationships with Catiline. Not only was Catiline defending himself with these effeminate men, he was also the source of their effeminacy and corruption. Referring to them as prostitutes put them in a submissive role as well, stripping even more of their masculinity away. Cicero describes the most immoral group of men in Rome, but also a group that could have been dispersed widely throughout the city, giving the audience, again, the impression that the worst of the enemies, and the closest companions of Catiline, are among the very crowd that has gathered to hear Cicero speak.

Cicero, once he has given a lengthy description of the assets that Catiline has preserved in his escape, indirectly offers a comparison to the assets left to the Republic, in order to show that the cause of Catiline is already defeated in its deficiency.

But if, omitting all these things in which we are rich and of which he is destitute—the Senate, the Roman equites, the people, the city, the treasury, the revenues, all Italy, all the provinces, foreign nations—if I say, omitting all these things, we choose to compare the causes themselves which are opposed to one another, we may understand from that alone how thoroughly prostrate they are. For on the one side are fighting modesty, on the other wantonness; on the one chastity, the other uncleanness; on the one honesty, the other fraud…In a contest and war of this sort, even if the zeal of men were to fail, will not the immortal gods compel such numerous and excessive vices to be defeated by these most eminent virtues?  

The strengths of the Republic rested in the institutions of the Republic, which Catiline stood against. By standing in opposition to the Senate and the people, Catiline was placing himself as the opposite of everything they represented, which prompted Cicero to recite a long list of the virtues of the Republic and the vices of its opposition. By continuing at length about the vices of the men who support Catiline, Cicero clearly wanted the audience to feel that they embodied the

87 Cic. In Catilinam 2.25
very virtues he was praising. This subtle flattery would have increased Cicero’s standing and credibility with the people of Rome. Cicero emphasizes his role in the defeat of Catiline’s conspiracy by building upon this lengthy assessment of the differences between the two and announcing that he would assume the lead in the actions against Catiline.

…The greatest dangers shall be avoided without any tumult; and internal civil war the most cruel and terrible in the memory of man, shall be put an end to by me alone in the robe of peace acting as general and commander-in-chief. And this I will so arrange, O Romans, that if it can be by any means managed, even the most worthless man shall not suffer the punishment of his crimes in this city.88

The entire speech builds up to this moment when Cicero places himself as the sole savior of the Republic. Firmly positioning himself as the general in this war against Catiline, he then addresses the senatus consultum ultimum, although he does not refer to it directly. Instead he mentions that he will not punish even the most worthless Roman citizen in the city, referring to his power for doing whatever he needed in order to defend the Republic. He does go on to justify the use of the power, however, when he says:

But if the violence of open audacity, if danger impending over the Republic drives me of necessity from this merciful disposition, at all events I will manage this, which seems scarcely even to be hoped for in so great and so treacherous a war, that no good man shall fall, and that you may all be saved by the punishment of a few.47

If this war proved dangerous to the Republic and the people of Rome, or if the war could be stopped in a single act, the use of the senatorial decree would be justified. By using his speech to rally the people in support of him against Catiline and then firmly placing himself as the only protector, Cicero attempted to ensure that, should he be forced to use his power from the senatorial decree, he would be supported in the act by the people of Rome.

88 Cic. In Catilinam 2.28
2.4 The End of the Conspiracy and the Aftermath

When Cicero addresses the people of Rome for the second time regarding Catiline and his plots, he had already, using his informants and connections, successfully cut off Catiline’s conspiracy. He used this address to the people to inform them of his success and to detail the decrees that the Senate had announced after hearing of his actions against Catiline. The Senate decreed a vote of thanksgiving to Cicero because “the republic has been delivered from the greatest dangers by my valour and wisdom and prudence.” The most important honor bestowed upon him at this time was a supplication decreed in his name.

And also a supplication was decreed in my name, which is the first time since the building of the city that such an honor has ever been paid to a man in a civil capacity, to the immortal gods, for their singular kindness. And it was decreed in the words, “Because I had delivered the city from conflagrations, the citizens from massacre, and Italy from war.” And if this supplication be compared with others, O citizens, there is this difference between them—that all others have been appointed because of the success of the republic, and this one alone for its preservation.

This honor was emphasized in the speech, again playing on his role as the savior of Rome. Since Cicero writes that the Senate had not yet written out the decrees, this speech would serve as the first time that the people of Rome hear about this supplication. By beginning the list of decrees with his thanksgiving and ending the list with his supplication, Cicero is able to emphasize his singular role in the repelling of Catiline’s conspiracy and increase his reputation. The supplication called for the people of Rome to celebrate and make sacrifices to the gods, all in the name of Cicero and his success. These days of celebrating the consul would do much to increase Cicero’s standing in Rome, particularly since he was the first to be given such an honor for

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89 Cic. in Catilinam 3.14
90 Ibid. 3.15
91 Ibid. 3.13
defending the city and not just for adding to the Republic. The success of Cicero over Catiline is further enhanced by the lack of bloodshed.

You have been snatched from a most cruel and miserable destruction and you have been snatched from it without slaughter, without bloodshed, without an army, without a battle. You have conquered in the garb of peace, with me in the garb of peace for your only general and commander.\textsuperscript{92}

The image of Cicero as a successful general, especially as a consul with no military reputation, increases the spectacle of his success. Other commanders that had received this supplication had done so through military success, but Cicero’s defense of the city came in such a way as to avoid battle altogether. This speech, meant to address the defeat of Catiline and the capturing of conspirators, is conducted so as to sensationalize the role Cicero played in the conspiracy.

The fourth speech, given in the Senate, indicates Cicero’s deliberations on what to do with the captured conspirators. Since he had received the \textit{senatus consultum ultimum}, Cicero had the power to do with these men whatever he deemed necessary to ensure the safety of the Republic, yet the Senate was split as to what he should do with them. As mentioned above in Section 2.2, Sallust records the speeches of both Caesar and Cato regarding what Cicero should do. Cicero opens his statement on his decision by describing the setting of his consulship, which was filled with treachery and plots from the Campus Martius to the Forum and even his own home.\textsuperscript{93} Once he had established that he alone was responsible for the end of that treachery, he begins to speak of the captured conspirators, the last remaining sources of treachery in the Republic.

In response to Caesar’s argument that the decree is illegal to use against Roman citizens, due to the Sempronian law, Cicero argued that these conspirators are not protected by this law

\textsuperscript{92} Cic. \textit{in Catilinam} 3.23  
\textsuperscript{93} Ibid. 4.2
because “he who is an enemy of the republic can by no means be a citizen”.\textsuperscript{94} The decision to execute the conspirators is further supported by the will of the people, which Cicero’s second and third speeches had ensured for him already. Cicero told the Senate:

All men of all ranks are present, and of all ages; the forum is full, the temples around the forum are full, all the approaches to this place and to this temple are full. For this is the only cause that has ever been known since the first foundation of the city, in which all men were of one and the same opinion…\textsuperscript{95}

Cicero described the setting of his speech as a powerful moment in Roman history. According to his speech, the entire city of Rome was united and demanded that these men be executed and therefore bring an end to the conspiracy. Cicero even claims that, in this moment, even the \textit{equites} were united with the Senate, which would produce even more fame for Cicero for creating this unity. The true unity of Rome was questionable, but his rhetoric gave him the justification for his actions. Cicero, with a united Rome, had no choice but to make a decision that would please the public of Rome.

Cicero decided to execute these men, not only because of the conspiracy, but because they, as citizens, had chosen to attempt to bring down their own country.

Because foreign enemies, either if they be crushed become one’s servants, or if they be received into the state, think themselves bound to us by obligations; but those number of citizens who become depraved by madness and once begin to be enemies to their country—those men, when you have defeated their attempts to injure the republic, you can neither restrain by force nor conciliate by kindness.\textsuperscript{96}

These men, stripped of their citizenship by their actions, must be put to death because, according to Cicero’s argument, they cannot be restored to the Republic through any means. Treating them

\textsuperscript{94} Cic. \textit{in Catilinam} 4.10  
\textsuperscript{95} Ibid. 4.14  
\textsuperscript{96} Ibid. 4.22
as citizens is out of the question, so they must be treated as enemies who had been seeking to destroy the Republic. Cicero justified the use of his power in this way, and, giving the people of Rome, unified by the sensational speeches presented to them, what they were demanding, he has the conspirators executed. This action, the last of his consular year, marked the highest point in Cicero’s political career. The execution of these conspirators, however, would eventually lead to severe repercussions for Cicero in the following years.

2.5 Conclusions

At the end of a consul’s term in office, he was called to give an oath to the people stating that he had conducted his office dutifully and he is then allowed to address the public concerning the events of his year. Cicero, however, was not allowed to give this oath. In a letter to Metellus Celer in January 62 BCE, immediately after his year had ended, Cicero mentions that there were “very many who regretted [his] saving of the commonwealth” during an argument in the Senate.97 He also writes that Metellus’ brother had taken away his rights to give a speech to the assembly, leaving him to only give the standard oath.

And yet, on the last day of the year, as I am sure you’ve heard, he put upon me, Consul and savior of the commonwealth, an insult which has never been put on any holder of the magistracy, no matter how disloyal: he deprived me of the power to address an assembly before retiring from office. This affront, however, redounded greatly to my honor. In face of his refusal to let me do more than take the oath, I swore in loud tones the truest and finest oath that ever was, and the people likewise in loud tones swore that I had sworn the truth.98

The stripping of Cicero’s right to address the people indicates that these Senators that disagreed with his saving the commonwealth wanted to limit his power. Cicero gives no clear motive for stripping him of this right, but the senators must have had enough influence in the senate to do

97 Cic. ad Fam. 5.2.1
98 Ibid. 5.2.7
this for the first time to a magistrate. The reason for this act is impossible to know for certain, but there were several factors involved in Cicero’s consulship that may have pushed them to keep him from speaking. The *nobiles* in the senate would have still held the bias against his *novitas*, and many of the senators would have been angered by his actions against either Catiline or the agrarian law. The most powerful factor in Cicero’s consulship, however, was clearly his ability to garner the attention and love of the people of Rome. By not letting him address the people, Metellus was taking away Cicero’s opportunity to end his consulship with the full support of the people. Cicero’s reaction justifies this theory of the motive behind the ban. He says that he gave an oath that invoked the roar of the people of Rome. Plutarch records that Cicero “pronounced, not the usual oath, but one of his own and a new one, swearing that in very truth he had saved his country and maintained her supremacy.”

Despite not being able to fully address the people, Cicero gave an oath that was met with the roar of the people. Even in a few words, Cicero was able to illustrate his standing with the people of Rome, although his non-conventional oath would have emphasized the power of Cicero’s oratory skills. The power Cicero wielded would have intimidated the senators who could not produce such sensational reactions from the people of Rome.

Cicero used his consular year to secure his place in the political sphere and the public eye. His consular speeches *de Lege Agraria* and *in Catilinam* provoked the power of the will of the people and established the support of the people behind his actions. The will of the people helped him to stop the agrarian bill of Rullus and also to bring the conspiracy of Catiline to an end. Cicero used his *novitas* to magnify the importance of his rise to the consulship, and he thanked the people for their help in overcoming the obstacle of the *nobiles* and their prejudices.

This *novitas*, as well as the image of him as the sole defender of the people in troubled times,

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99 Plutarch *Life of Cicero* 23.3
gave him the political capital necessary for sensationalizing the events of his consulship and making his year one that would be remembered by the Senate and people of Rome.
3. Cicero’s Exile and His Return to Rome

In the years following Cicero’s consulship, he continued to advocate cases in the forum and take on his duties in the Senate, despite an increasingly hostile political climate.\(^{100}\) The divide between the Senate and the *equites* was deepening and both Pompey and Caesar were beginning their rise towards the triumvirate. At this time, a group of men, led by Publius Clodius Pulcher, a young man who had already developed a level of notoriety as a thug in the public and in the Senate, began to move against Cicero. The actions leading to Cicero’s exile in 58 BCE began with a trial against Clodius for his actions in the house of Caesar during the sacred rites dedicated to the *Bona Dea*. In this trial, Cicero made an enemy out of Clodius and started the chain events that would lead to his exile.

Each year a secret rite to the *Bona Dea* was held, led by the Vestal Virgins and a group of noble women at the house of the wife of the *pontifex maximus*. In 62 BCE, the year following Cicero’s consulship, the *pontifex maximus* was Julius Caesar, so his wife hosted the sacred rites. Caesar, knowing that for a man to witness these rites was sacrilegious, left his home. Clodius, lusting after Caesar’s wife Pompeia, decided to sneak into the house to see her. Plutarch writes:

> This man, being in love with Pompeia, Caesar’s wife, got into his house secretly, by assuming the dress and guise of a lute-player; for the women of Rome were celebrating in Caesar’s house that mysterious rite which men were not allowed to witness, and no man was there; but being still a beardless youth Clodius hoped without being noticed to slip through to Pompeia along with the women.\(^{101}\)


\(^{101}\) Plutarch, *Life of Cicero* 28.2
Clodius was approached by one of the female slaves and his voice gave him away as a man. The house was barred shut and searched, and Clodius was found in a chamber with the girl who had let him into the house.\textsuperscript{102} The affair quickly became public knowledge, and Caesar decided to divorce his wife Pompeia and brought forth an action of sacrilege against Clodius for defiling the sacred rites. The first mention of this affair by Cicero comes in a letter to Atticus in January of 61 BCE when he writes that “P. Clodius, son of Appius, was caught dressed up as a woman in Caesar’s house at the national sacrifice, and he owed his escape to the hands of a servant girl—a spectacular scandal.”\textsuperscript{103} The case was determined a sacrilege and the Senate began to compose a bill of sacrilege against Clodius, and Hortensius led a prosecution against him.\textsuperscript{104}

The trial went poorly, with Clodius being found not guilty. Cicero describes the entire prosecution in a single letter to Atticus in July of 61 BCE. The jury was filled with impious men, but Hortensius excelled in his speeches against Clodius.\textsuperscript{105} Cicero himself was then called as a witness against Clodius’ alibi. Clodius had claimed that he had been outside the city of Rome when the scandal happened, but Cicero testified that he had met with Clodius during the time Clodius had claimed to be out of the city.\textsuperscript{106} When Cicero gave his testimony, the jury surrounded him to protect him from the supporters of Clodius in the crowd.\textsuperscript{107} The next day, however, Clodius had succeeded in bribing the jury and was acquitted of the charges.\textsuperscript{108} The cause was brought back into the Senate, with an intense debate ensuing between the supporters and detractors of Clodius.

\textsuperscript{102} Plutarch, \textit{Life of Cicero} 28.3-4
\textsuperscript{103} Cic. \textit{ad Att.} 1.12
\textsuperscript{104} Ibid. 1.13
\textsuperscript{105} Ibid. 1.16.2-3
\textsuperscript{106} Plutarch, \textit{Life of Cicero} 29.1
\textsuperscript{107} Cic. \textit{ad Att.} 1.16.4
\textsuperscript{108} Ibid. 1.16.5
The supporters of Clodius wasted no time in attacking Cicero and the rest of Senate, aiming speeches at Cicero himself. These men claimed that this upheaval of Roman morals sprang from Cicero’s actions at the end of his consulship, thus focusing their attention on the wrongs done by Cicero rather than the sacrilege of Clodius.

They quite supposed that with the collapse of religion and good morals, of the integrity of the courts and the authority of the Senate openly triumphant villainy and vice would wreak vengeance on the best in our society for the pain branded by the severity of my consulship upon the worst.

This attack against the legality of Cicero’s use of the *senatus consultum ultimum* pressed Cicero to enter the debate and begin accusing the supporters of Clodius of taking part in bribing the jury and acting impiously in the entire case. Later, on the Ides of May, Cicero began aiming invective against Clodius himself, saying:

Clodius, you are mistaken. The jury has not preserved you for the streets of Rome, but for the death-chamber. Their object was not to keep you in the community, but to deprive you of the chance for exile. And so, gentlemen, take heart and maintain your dignity. The political consensus of honest men still holds. They have gained the spur of indignation, but lost nothing of their manly spirit. No fresh harm has been done, but harm already there has come to light. The trial of a single wretch has unmasked more like him.

What followed this was direct discourse between Cicero and Clodius in front of the entire Senate, with Clodius attacking Cicero’s credibility and character and Cicero responding with his characteristic wit. In the end, “the roars of applause were too much for [Clodius] and he collapsed into silence.” This incident sparked a heated rivalry between Cicero and Clodius,

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109 For a more in-depth analysis of the executions of the Catilinarian conspirators in December 63 BCE, please see Chapter 2 above.
110 *Cic. ad Att.* 1.16.7
111 Ibid. 1.16.9
112 Ibid. 1.16.10
pushing Clodius to expend all of his energy and influence to see that Cicero was punished for the use of the power granted by senatus consultum ultimum.

In this letter to Atticus, Cicero laments that this trial would cost Rome the loss of “the unity of all men and the prestige of [his] consulship”. Indeed this rivalry with Clodius would lead to Clodius to move to be adopted by a plebeian so that he could run for the tribunate of the plebeians. As tribune, Clodius was able to propose legislation and in 58 BCE, he began proposing laws that would send Cicero into exile from 58 BCE until August 57 BCE. While in exile, Cicero told his family and friends of the magnitude of his punishment. He was stripped not only of his possessions, but also of his reputation in the city. All the honors he had gained from his rise to the consulship and from his consular year were taken away from him. The focus of this chapter will be on his reaction to this loss while in exile and his strategic use of his oratorical skills in reestablishing himself in the city upon his return.

3.1 The Exile of Cicero

In order to achieve his goal of sending Cicero from Rome and stripping him of his possessions, Clodius, as tribune of the plebeians, passed a series of laws that removed Cicero’s rights in the city. Cicero, in his letters to Atticus, begins to show a fear of prosecution or even violence from Clodius at the end of 59 BCE. At the advice of friends, Cicero decided to leave the city early in March 58 BCE, not yet because he had been sent to exile, but rather as a way of removing himself from the potentially deadly situation in Rome. Clodius, seeing that Cicero had fled Rome, passed a bill that solidified his exile from the city. Since it was against the laws and customs of Rome for a citizen to be exiled or prosecuted without a proper trial, Clodius

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113 Cic. ad Att. 1.16.6
114 Ibid. 2.22, 2.23, 2.24
115 Plutarch Life of Cicero 32.1
116 Cic. de Domo Sua 33
instead passes a law written in a general statement and not directly naming Cicero. According to Velleius Paterculus, the law stated “whoever put to death a Roman citizen without trial should be forbidden fire and water.”\textsuperscript{117} The law alludes to the use of the \textit{senatus consultum ultimum} and Cicero’s execution of the conspirators.

This legislation had multiple clauses that Clodius hoped would keep Cicero out of the city indefinitely. To hasten Cicero’s flight out of Italy, Clodius included a clause that restricted Cicero to remain at least 400 miles outside of the city, but it took effect immediately, before Cicero was able to safely reach that distance.\textsuperscript{118} Cicero feared for the safety of his friends, because many of them ignored the bill and offered him assistance along his journey into exile.\textsuperscript{119} Atticus offered his home in Epirus for Cicero to reside in until this bill could be repealed, but Cicero chose not to stay with Atticus because he feared to stay in a place that was too heavily populated, either out of shame or out of fear of violence being brought against him as a way of pleasing Clodius and his supporters.\textsuperscript{120} Cicero spent the majority of his exile in Thessalonica at the house of the quaestor Plancius until late in the year, when he made for Epirus and Atticus’ home before he received the news that he was being recalled in early 57 BCE.\textsuperscript{121}

The loss of his position and honors in Rome was such a burden on Cicero that he alluded to plans of suicide in his letters to Atticus as well as letters to Terentia and his family.\textsuperscript{122} Cicero asked Atticus, “Has any man ever fallen from so fine a position, with so good a cause, so strong in resources of talent, prudence, and influence, and in support of all honest men? Can I forget what I was, or fail to feel what I am and what I have lost—rank, fame, children, fortune,

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\textsuperscript{118} Cic. \textit{ad Att.} 3.4  \\
\textsuperscript{119} Plutarch, \textit{Life of Cicero} 32.2  \\
\textsuperscript{120} Cic. \textit{ad Att.} 3.7.1  \\
\textsuperscript{121} Ibid. 3.8, 3.22  \\
\textsuperscript{122} Cic. \textit{ad Att.} 3.4, 3.7, 3.3.26; Cic. \textit{ad Fam.} 14.4, 14.1, 5.4; Cic. \textit{ad Quint} 1.3, 1.4
\end{flushright}
brother?"¹²³ This is a common theme throughout his letters from this year. His loss of his position at Rome struck a serious blow at Cicero, who had spent his entire adult life establishing himself as a key player in Rome. In this way, Clodius had given Cicero the worst form of punishment for his offense, namely stripping him of his rank in the city and the titles he had gained, making him a new man again. Cicero composed a list of what he feels he had lost in being forced from Rome. The list echoed his achievements in life. The list begins with his most recent accomplishment, his rank as an ex-consul; then the fame he received in his ascent along the cursus honorum, then his children who were born in 79 BCE and 64 BCE, his fortune (possibly referring to how he had finally accrued enough wealth, one million sesterces, to achieve the senatorial rank), and his brother, naturally the first asset he had, and, by the nature of being the last of a list, his most cherished.

In his correspondence with his family, Quintus and Terentia, Cicero pleads with them to seek the compassion of the public by appearing in mourning in the forum and throughout the city. Cicero writes to Quintus:

As matters stand, if through public compassion you can alleviate our common plight, yours will doubtless be an incredible achievement, thrust down as you are into an abyss of mourning and trouble the like of which no man has ever known. But if we are really lost, (oh the misery of it!), I shall have been the ruin of all my family, to whom in time gone by I was no discredit.¹²⁴

As Cicero’s brother, Quintus was able to push for the interests of Cicero, as well as attempt to rally support against the laws of Clodius. Both Quintus and Terentia appeared publicly in mourning. Terentia was left to manage the household affairs while Cicero was in exile. Cicero urged her to look after the interests of young Marcus, as he had already lost so much of his

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¹²³ Cic. ad Att. 3.10.2
inheritance as a result of the seizing of Cicero’s assets.\textsuperscript{125} As not only the manager of his estate, but as a matron of Rome appearing in mourning clothes, Terentia was just as vital as Quintus in Cicero’s campaign for the compassion of the people. Cicero wrote to her, in his first extant letter during his exile, saying, “Be sure of one thing: if I have you, I shall not feel that I am utterly lost”.\textsuperscript{126} Through constant correspondence between Atticus, Quintus, Terentia and his connections in Rome, Cicero attempted to remain connected to his city, despite being in exile. His reputation was being diminished by the actions of Clodius and his supporters, but these core connections gave him a lifeline to the city that helped to restore him to the Republic. Once he returned to the city in the middle of 57 BCE, Cicero wasted no time at all in reestablishing himself in Rome through sensational addresses to the Senate and to the people of Rome.

**3.2 Cicero’s Speeches post Reditum in Senatu and in Quirites**

In the extant letters between Cicero and Atticus, a large gap of time remains unrecorded between the last months of his exile and his return to Italy. In the last three letters written from exile (\textit{ad Atticum} 3.25-27) Cicero told Atticus that was at his lowest point, saying “I finally see that I am utterly finished” in the third letter in February of 57 BCE.\textsuperscript{127} Cicero’s mood was not always optimistic in his correspondence during exile, but as time went on and the possibility of his return to Italy diminished, Cicero lost hope. The tone of his letters, however, changed completely in the next extant letter to Atticus, written shortly after Cicero had triumphantly returned to the city, welcomed by crowds of Romans. After a break of seven months, Cicero’s next letter, in September,\textsuperscript{128} congratulates Atticus on his return and the restoration of his position in Rome, two things which he had completely given up in the previous letters. Cicero writes:

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\textsuperscript{125} Cic. \textit{ad Fam.} 14.1.5
\textsuperscript{126} Ibid. 14.4.3
\textsuperscript{127} Cic. \textit{ad Att.} 3.27.1
\textsuperscript{128} Ibid. 4.1
\end{flushright}
Of my general position it can so far be said that I have attained what I thought would be most difficult to recover, namely my public prestige, my standing in the Senate, and my influence among the honest men, in larger measure than I had dreamed possible.\textsuperscript{129}

This return to position came after he had been welcomed home by large crowds of citizens at Brundisium. He had planned his return to Italy so that he arrived at Brundisium on the Nones of August, during festivities for the founding of the city, ensuring that his return from exile would be marked by the people of Italy. The city, along with his daughter Tullia who was there to greet him, welcomed him into the festivities, and, when he heard from Quintus that the law regarding his recall from exile had been passed, he left Brundisium for Rome, followed by congratulations from the people of the towns he passed through. His description of his entering Rome is a sensational image of a returning hero.

When I reached the Porta Capena I found the steps of the temples thronged by the common people, who welcomed me with vociferous applause. Like numbers and applause followed me to the Capitol. In the Forum and on the Capitol itself the crowd was spectacular. In the Senate on the following day, the Nones of September, I made a speech of thanks to the House. Two days later I spoke again.\textsuperscript{130}

His great welcome back to Rome, no doubt excited by his supporters in the city, was the first spectacle which Cicero used to reestablish himself at Rome. By arriving in Brundisium on a festival day, Cicero was sure to be welcomed by large numbers of Italians, and since he remained in Brundisium for several days, reports of his return and imminent journey to Rome would have flown throughout Italy, piquing the interest of the Romans. His return, as he describes it, was like

\textsuperscript{129} Cic. \textit{ad Att.} 4.1.2  
\textsuperscript{130} Ibid. 4.1.5
a triumph of a victorious general, not the return of an exiled citizen. The true impact of this return can be seen in the two speeches, alluded to in this letter, he gave after his return.

The first speech, given in the Senate on the Nones of September, marked his return to the senate-house and also his return to the political activities of Rome. In his speech, he thanks individual senators for their contributions to his return to Rome and for fighting constantly against the legislation of Clodius. He says, “Your unanimity with respect to my safety was so great that my body only was absent, my dignity had already returned to this country.” Cicero takes this opportunity, once he has thanked everyone, to justify his flight from Rome before he had been officially exiled, as well as to emphasize the fact that the safety of Rome depended on him remaining in the city. Cicero claims that he chose to flee the city in order to keep the situation from escalating to violence, which would surely have ended in bloodshed.

I abandoned my own safety in order to save the Republic from being (for my sake) stained with the blood of the citizens; they thought fit to hinder my return, not by the votes of the Roman people, but by a river of blood. Therefore after those events, you gave no answers to the citizens, or the allies, or to kings; the judges gave no decisions; the people came to no vote on any matter; this body issued no declarations by its authority; you saw the forum silent, the senate-house mute, and the city dumb and dispirited.

Clodius, in exiling Cicero, had put a halt to all the activities of the Senate and the people of Rome. Cicero gave up his own life and position in order to keep the Republic safe, but here we see that the Republic has shut down because of his absence. In fact, since Clodius had passed a law preventing any bills to be passed concerning the repeal of Cicero’s exile, the Senate passed a

132 Cic. post Reditum in Senatu 6
resolution that called for the Senate to wear the garments of mourning, but Clodius outlawed this as well.\textsuperscript{133}

The recall of Cicero began with several attempted laws, beginning only a few months after his exile, but it wasn’t until after the elections for 57 BCE when the newly elected consul Quintus Metellus Nepos led the Senate in enacting a bill to draw Cicero back to Rome, and he announced that he would retaliate against anyone who attempted to hinder it.

So that the Senate summoned the citizens and the whole of Italy to come from all their lands and from every town to the defense of one man, with the very same force of expressions which had never been used but three times before since the foundation of Rome, and at those times it was the consul who used it on behalf of the entire Republic, addressing himself to those only who could hear his voice. What could I leave to my posterity more glorious than the fact that the Senate had declared its judgment that any citizen who did not defend me, did not desire the safety of the Republic?\textsuperscript{134}

Again Cicero places himself in a rare occasion of honor in Roman history. Not only was he called back from exile by the senators, but the Senate decree stated that all Italy and the entire Republic awaited his return. The formal bill of his recall, as he describes it, was voted by a \textit{comitia} led by Publius Lentulus.

On which day, in the \textit{comitia centuriata}, which our ancestors rightly called and considered the real \textit{comitia}, he summoned us back to our country, so that the same centuries which had made me consul should declare their approval of my consulship…Therefore, through the active, and admirable, and godlike kindness of Publius Lentulus, we were not allowed to return to our country, as some most eminent citizens have been, but we were brought back in triumph, borne by white horses in a gilded car.\textsuperscript{135}

Cicero emphasizes the singularity of his return against the return of other honorable men, which will be a theme he follows in more detail in later speeches. The event was so momentous for

\begin{footnotes}
\item[133] Cic. \textit{post Reditum in Senatu} 12
\item[134] Ibid. 24-5
\item[135] Ibid. 27-8
\end{footnotes}
Cicero because, not only was the city welcoming him back as the defender of the Republic, but it was also welcoming back the constitution of Rome as well. Cicero tells the Senate that “as soon as ever the constitution was restored it brought [Cicero] back in triumph as its companion.”

The address to the people of Rome covered the same topics, but did so with Cicero’s characteristic style of sensationalism. He begins the speech with the justification of his flight from Clodius, and in doing so he places himself again as a hero of the people.

If I had at any time preferred my own interests to your safety, I might find that punishment which I was then encountering of my own accord, everlasting; but that if I had done those things which I had done out of an honest desire to preserve the state, and if I had undertaken that miserable journey on which I was then setting out for the sake of ensuring your safety, in order that the hatred and audacious men had long since conceived and entertained against the Republic and against all good men, might break upon me alone, rather than on every virtuous man and on the entire Republic.

Cicero claims that he left the city in order to protect it from the bloodshed that Clodius had planned for them. As he did during his consular year, Cicero here depicts himself as the sole savior of the Republic, only this time he not only saved the Republic, but also took the pain that was planned for the people upon himself to suffer in his exile. As his letters from exile show, Cicero was acutely aware of the loss of his status and position at Rome, and in setting himself up as the defender of the people and the Senate, he began to regain the position he had in his consular year.

Once he justified his flight, Cicero then emphasized the impact his absence had on the Republic and the way he was intimately connected to the well-being of Rome. The description of Clodius’ control of the city is much different from his description in his speech in the Senate,

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136 Cic. post Reditum in Senatu 34
with this description being done from the perspective of the common people of Rome, who witnessed the violence and upheaval of the government without knowing the specific details.

Cicero says:

Therefore, when I was absent, the Republic was in such a state, that you thought that I and it were equally necessary to be restored. But I thought that there was no Republic at all in a city in which the Senate had no influence—in which there was impunity for every crime—where there were no courts of justice, but violence and arms bore sway in the forum—where private men were forced to rely on the protection of the walls of their houses, and not on that of the laws, where tribunes of the people were wounded while you were looking on—where men attacked the houses of magistrates with arms and firebrands, while the fasces of the consuls are broken and the temples of the immortal gods attacked by the incendiary. Therefore, after the Republic was banished, I thought there was no room for me in this city, and if the Republic were restored, I had no doubt that it would bring me back in its company. 138

Cicero uses powerful rhetoric here to solidify his connection to the Republic and his empathy for the people of Rome. He begins by arguing that his absence led to the removal of the Republic; that the state of affairs demanded that he be returned so that the Republic could be restored as well. What follows, however, adds to Cicero’s credibility as a defender of the people and the Senate. Since Cicero was out of the city, the people had no defender to keep corrupt men from bringing chaos into Rome. Cicero does not simply declare that Clodius ruined the Republic; he describes the upheaval of the state in a detailed list, from the perspective of the Roman people, of the key events that came about during his absence. Not only does this add credibility to Cicero’s cause before the people, but it also indicates that, despite his exile from the city, he was very keenly aware of what was going on in the city. His knowledge of the events in the Republic while he was absent leads to the restatement of the connection between his restoration and the

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138 Cic. post Reditum in Quirites 14
return of the Republic, with the long list of tragic events adding to the solemnity of this connection.

Cicero ends his speech with a list of promises, alluding to his future role in the city. With the reestablishment of his position as the defender of the people, Cicero promises always to be attached to the Roman people as his saviors. Since the Republic was responsible for his complete restoration, he also promises never to fail the Republic herself. He vows that he has not lost his courage or changed his inclinations, saying that “all that the violence, and injustice, and the frenzy of wicked men could take from [him], it has taken, stripped [him] of, and destroyed; that which cannot be taken away from a brave man remains and shall remain.”¹³⁹ By ending his speech with promises of the future, Cicero achieves the position he once had with the people. He is not returning to Rome defeated, but strengthened and ready to defend the people of Rome against corrupt men like Clodius.

Cicero emphasizes that his exile and return was unique in the history of Rome in these two speeches given immediately upon his return to the city. Instead of being recalled after long discussions, Cicero’s recall was started immediately after Clodius passed the law. He emphasizes that his recall was not like the recall of others. Not only had the Senate called for his return, but also the people of Rome and all of Italy as well. He was not simply recalled and allowed to enter the city either; he was welcomed as if he were a triumphant general. This aspect of his return is deliberately intensified by references to Gaius Marius, a man who had much in common with Cicero, including being a novus homo from Arpinum.

3.3 Cicero’s References to Gaius Marius

Gaius Marius and Cicero had much more in common than their hometown. Marius, born in 157 BCE, was the son of an equestrian man from Arpinum, and he had connections at Rome

¹³⁹ Cic. post Reditum in Quirites 19
from an early age, just as Cicero had in his early career. Both men overcame their *novitas* and reached the consulship. Marius used his prestige in military campaigns as a platform for his political ambitions, achieving an unprecedented seven terms as consul, with five of them being consecutive from 104-100 BCE.\(^{140}\) Marius struggled in his campaigns, however, and received all but one of his consulships because of the people’s fear of barbarian attacks on Rome. Like Cicero, Marius relied on his reputation with the people to balance his *novitas*. The strongest comparison, and the one Cicero makes at this time, lies in the fact that both Marius and Cicero were exiled from Rome. Cicero uses the difference in how they returned to Rome as a way of increasing the spectacle of his return.

Marius was forced to flee from Italy after Sulla marched on Rome in 88 BCE. Sulla’s regime passed a law calling for no Roman citizen to give him fire or water\(^{141}\) and “word had already been sent to every city that Marius was to be pursued by the authorities and killed by his captors.”\(^{142}\) Marius fled to Africa where he gained some support from locals and Italians, then in 87 BCE, he joined forces with the deposed consul Cinna in Italy and made plans to march on Rome and seize power back from Sulla and his supporter Octavius.\(^{143}\) When the army was just outside of Rome and it was clear that Cinna and Marius were planning to take the city with violence, the Senate sent an envoy to them, begging them to spare the citizens.\(^{144}\) Plutarch writes that Marius, once he entered the city, had his men put numerous citizens to death because of anger, “killing all whom he held in any suspicion whatsoever”.\(^{145}\) The men who sought refuge by hiding with friends or fleeing the city were hunted down and killed as well. When Sulla began to


\(^{141}\) This is the common wording for banishment legislation, not just a coincidence between the examples of Marius and Cicero.

\(^{142}\) Plutarch *Life of Marius* 38.2

\(^{143}\) Ibid. 41.3-4

\(^{144}\) Ibid. 43.1

\(^{145}\) Ibid. 43.4
march his legions back to Rome, Marius’ slaughter of the citizens was slowed.\textsuperscript{146} Marius, having achieved his seventh consulship, died in January of 86 BCE, leaving the city for Sulla and his regime to control.

The return of Marius was only three decades before this speech was given, which means many of the Senators would remember the slaughter. Cicero’s reference to Marius in his speech to the Senate makes no direct ties between his own character and Marius, but rather merely compares the nature of their returns to the city. Cicero, after listing several examples of exiled Romans, ends the list with Marius, saying:

For Gaius Marius, the only man of consular dignity in the memory of man who was ever driven from the city in times of civil discord before me, was not only not restored by the Senate, but by his return almost destroyed the Senate. There was no unanimity of magistrates in their cases, no summoning of the Roman people to come to the defense of the Republic, no commotion throughout Italy, and no decrees of municipalities and colonies in their favor.\textsuperscript{147}

The difference in their recall emphasizes that Cicero did not come by force. He did not return with an army, and he was not planning to overturn the \textit{status quo}. The reference strengthens his argument that his return was intimately tied to the prosperity of the Republic and the continuation of the Senate. That Cicero and Marius were both \textit{novi homines} from Arpinum who used the people as a foundation for their political ambition would have been noted by the Senators, making this comparison an even stronger support for Cicero’s reputation. Where Marius was a destructive force, constantly giving speeches against the \textit{nobiles} and opposing the Senate when he could\textsuperscript{148}, Cicero was a supporter of the Senate and his presence was necessary for the good of the Republic.

\textsuperscript{146} Plutarch, \textit{Life of Marius} 45.1
\textsuperscript{147} Cic. \textit{post Reditum in Senatu} 38
\textsuperscript{148} Plutarch, \textit{Life of Marius} 9.2
In his speeches to the people of Rome, however, Cicero elaborates on the comparison between him and Marius. He recalls that he saw Marius once, which would have been when Cicero was a young man\textsuperscript{149} and just about to enter into the public eye. Marius, Cicero told the people, was miserable during his exile while he watched his rank, position, and property get destroyed in his absence, just as Cicero was in his letters to Atticus, but when “he had recovered his dignity he would take care, as all things which he had lost had been restored to him, still to preserve that fortitude of mind which he had never lost”.\textsuperscript{150} A statement like this in front of the Senate indicates that Cicero’s exile made him sympathize with Marius and his actions, however the people of Rome would have had a different reaction to this allusion to Marius. The people of Rome were the main support of Marius in his elections, and Marius used this support as political capital in his struggles against the \textit{nobiles} of Rome. By tying himself to Marius as a sharer of similar misfortunes, Cicero gains more credibility as a man of the people.

Cicero also elaborated on the key difference between his and Marius’ returns to Rome. Cicero told the Senate that Marius had nearly destroyed the Senate in his return to Rome, but in the narrative that he gives the people of Rome, Marius returned to Rome, having been stripped of all but the qualities that could not be removed from him, and began to use his particular skills in warfare to avenge himself upon his enemies. Cicero told the people:

But there is a difference between myself and him, that he used those means in which he was most powerful, namely his arms, in order to revenge himself on his enemies. I, too, will use the instrument to which I am accustomed; since it is in war and sedition that there is room for his qualities, but in peace and tranquility that there is scope for mine. And although he, in his angry mind, labored for nothing but avenging himself on his enemies, I will only think of my enemies as much as the Republic herself allows me.\textsuperscript{151}

\textsuperscript{149} Marius died when Cicero was twenty years old.
\textsuperscript{150} Cic. \textit{post Reditum in Quirites} 20
\textsuperscript{151} Ibid. 20-21
The key to this argument is that Cicero’s return is a peaceful one, and his re-assimilation into the city of Rome would be as well. Cicero’s skill is in his oratory, meaning that he is already using his skills to reassert himself in Rome, just as Marius used his arms to reassert his own power in 87 BCE. He alluded to the slaughter of Roman citizens in mentioning Marius avenging himself, but Cicero did not give details of Marius’ actions, just as he gives no details for how he plans to avenge himself on Clodius and his supporters. This veiled threat to Clodius would be seen, in such close connection to the revenge of Marius, to be an aggressive move in the future, but Cicero emphasized that he would only seek revenge when the Republic allowed him, and when it could be done legally.

The use of Marius as a point of comparison strengthens his goals in talking to the Senate and the people of Rome. In the Senate, it was important for Cicero to assert that he would assume his old position and rank without violence or difficulty. The use of Marius, who also overcame novitas in his ascent to the consulship, gives Cicero the perfect example of how he could have returned to Rome; however, he emphasized that he chose the peaceful alternative to Marius’ return. To the people of Rome, Marius was a defender of the public interest and an activist against the power of the nobiles in the Senate. Cicero marketed off of these feelings towards Marius in asserting that their only difference was that Marius’ assets were all military and therefore his mode of revenge was violence, while Cicero was an orator, whose strength lay in the courts, making his mode of revenge legal action rather than illegal bloodshed. Cicero included a reference to Marius’ return in both his speeches upon his return. Cicero realized that Marius’ example solidified his argument that his return would restore the Republic, rather than destroy it.
3.4 Cicero’s speech *de Domo Sua*

As a way of solidifying the removal of Cicero from the Republic, Clodius had seized his property, particularly Cicero’s house on the Palatine Hill. He had the house looted and destroyed and then built a shrine to Liberty on the site, so that, since it had been consecrated for the shrine, neither Cicero nor his associates could restore the house. Cicero was greatly distressed by this, and in several letters from exile, he writes of how the loss of his house was a terrible blow against him in addition to his exile.\(^{152}\) Soon after his return, Cicero began the process of restoring his house, but, as he had promised the people of Rome, he had to do so legally. Once the ground had been consecrated, Cicero was not, according to the religion of Rome, permitted to use that property for his private home, but if Cicero could convince the priests to recall the consecration and release the ground from religious services, then he could have the Senate decree that his house be rebuilt at the public expense. In September 57 BCE, Cicero delivered a speech *de Domo Sua* to the priests of Rome in which he argued that Clodius, being an immoral and sacrilegious man, could not have consecrated the grounds in earnest as well as arguing that his entire tribunate was void because he had achieved the position of tribune by illegal means. This speech focuses mainly on a character analysis of Clodius and a review of his history in the Republic, rather than any analysis of the religious duty of the property Clodius consecrated. Cicero used this speech not only as a means of restoring his house, but also as a means of decrying Clodius’ entire political career and finally obtaining his revenge for his exile.

Cicero argued that this was not a case of deciding private property, but rather a case of an impious man using the religious practices of the priests to prevent an honest man from restoring his position in the state. Cicero reviews the actions of Clodius during his exile,\(^{153}\) depicting him

\(^{152}\) Cic. *ad Att.* 3.15, 3.20; *ad Fam.* 14.4, 14.2

\(^{153}\) See descriptions of Clodius’ actions above.
as a man who sought nothing but the destruction of the Republic. This impious and wicked image is projected further in the past when Cicero describes how Clodius achieved plebeian status so that he could run for the office of tribune of the plebeians.

Unless, perchance, the question was put to you in this way—whether you were intending to disturb the Republic by seditions and whether you wished to be adopted with that object, not in order to become that man’s son, but only in order to be made a tribune. That appeared to the priests to be a sufficient reason. They approved of it.  

Cicero continues this argument, saying “I am speaking before the priests; I say that that adoption did not take place according to the sacerdotal law.” Clodius’ adoptive father was younger than him and had another son of his own, making this a strange case for adoption. According to Cicero, adoption takes place when a man cannot have a son of his own or if he wants to bring a young man into his own family, but Clodius did not take on that family name nor even treat this man as his father. Cicero argued that this was an obvious attempt to circumvent the law that was meant to keep the tribunate free of corruption, but if the priests continued to observe this as a legitimate adoption, then Clodius’ example will set a precedent that would lead to even more corrupt tribunes that sought the office for immoral reasons.

Cicero argued that, despite achieving the position illegally, the true motives for Clodius’ tribunate can be seen in his legislation. Cicero reminded the priests that “the laws of the Twelve Tables forbid bills to be brought in affecting individuals only, for such a bill is a privilegium,” and then he compared the wording of Clodius’ bill to the wording of the proscriptions of Sulla, saying:

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154 Cic. de Dom. Sua 35
155 Ibid. 36
156 Ibid. 37
157 Ibid. 43
For I ask what else proscribing is, except proposing such a law as this, “That you will decide and order that Marcus Tullius shall no longer be in the city, and that his property may become mine?”—for this is the effect of what he carried, although the language is somewhat different.  

The law of Clodius did not directly name Cicero, but the wording of the law makes it clear that the legislation had been aimed at a single target. Clodius passed other legislation, not just the laws aimed at Cicero, but Cicero used this example to illustrate the extent of Clodius’ use of the tribunate for corrupt aims. And, to sensationalize the issue, Cicero adds:

But, if he was able to do this in my case, I being a man protected by the honors which I had attained, by the justice of my cause, and by the Republic; and being not so rich as to make my money an object to my enemies, and he had nothing which could be injurious to me, except the great chances which were taking place in the affairs of state, and the critical conditions of the times; what is likely to happen to those men whose way of life is removed from popular honors and from all that renown which gives influence, and whose riches are so great that too many men, needy, extravagant, and even of noble birth, covet them?

Cicero was only the first victim of Clodius’ wickedness. Cicero asks the priests to consider what would stop him from repeating this and passing more legislation indirectly against men just to remove them from the Republic and take their possessions. Again, Cicero is making this a speech wherein the priests have the power to stop a wicked man from taking advantage of an honest man, and by doing so they will also remove this threat of loss from all men in the Republic.

Cicero, after giving a full account of the events of his exile which have already been addressed above, moved his argument to an analysis of the actual consecration of the house. At this point in the argument, Cicero has already depicted Clodius as a man who abuses the political and legal processes to suit his own purposes, and so Cicero begins to display that the religious

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158 Ibid. 44
159 Ibid. 46
processes were not exempt from Clodius’ corruption either. Cicero reminded the priests of the Bona Dea scandal, saying:

Whom of your ancestors did you ever hear of, of those men who were attentive to their private religious duties, and who presided over the public priesthoods, who were present when a sacrifice was being offered to the Bona Dea? No one, not even that great man who became blind…but in the case of [Clodius], who has polluted the ceremonies, not only by his presence, but also by his incestuous guilt and adultery, all the punishment due to his eyes has fallen on the blindness of his mind. Can you, O priests, avoid being influenced by the authority of this man, so chaste, so religious, so holy, so pious a man, when he says that he, with his own hands, pulled down the house of a most virtuous citizen, and with the same hands consecrated it to the gods?\(^\text{160}\)

The use of the Bona Dea scandal here is clear: Cicero wanted to show that Clodius not only had no right to the power of the tribunate, but, by sacrilegiously spoiling the sacred rites because of his lusts, he forfeited his rights to perform consecration. Clodius’ actions were the sort that marked him for life, and Cicero argued that this should negate the consecration that Clodius had performed, if not because of his sacrilegious history with rituals then because it was clear he was not doing the consecration with pure religious motives.

The effect of this speech was that the priests removed the consecration of the grounds and the Senate was then able to decree that Cicero’s house be rebuilt at the expense of the state. Cicero’s argument was thorough and, more importantly, followed the laws. The character of Clodius was used against him, although the priests did not repeal the adoption. This speech, although aimed at the priests, was an interest to the public. In a letter to Atticus in October 57 BCE, Cicero writes that he is already hurrying to record the speech for distribution.

\(^\text{160}\) Cic. de Domo Sua 105
I think I can say that on that occasion intensity of feeling and the importance of the issue lent me a certain force of eloquence. So our younger generation cannot be kept waiting for the speech. I shall send it to you shortly, even if you are not anxious to have it!  

The rivalry between Cicero and Clodius was not ended with this speech, but we can see that Cicero has recovered, to a certain degree, his reputation as an orator. His speech *de Domo Sua* rivals his consular speeches and was just as successful. Despite the enmity between him and Clodius that would continue for years, Cicero, with this speech, achieved his complete restoration to the Republic using his skills of oratory.

### 3.5 Conclusions

Cicero told the priests in his speech *de Domo Sua* “I have twice saved the Republic, both when as consul in the garb of peace I subdued armed enemies, and when as a private individual I yielded to the consuls in arms.” He returned to Rome from his exile in a dangerous predicament. If he wasn’t careful, he could risk losing his reputation and rank in the Republic, which was something that Cicero would have seen as the ultimate wound. Cicero, despite his depression during his exile, returned to Rome with the same energy and ambition that he had when he first started ascending the *cursus honorum* as a young man, and in essence he was at the same level. If he did not reestablish his reputation and rank in the Senate and before the people of Rome, Cicero would be back to his days as a *novus homo* from Arpinum, rather than a consular Senator of Rome. These speeches in front of the Senate, the people, and the Pontiffs of Rome were strategically written and presented in such a way that he appears to return to Rome the same man that he was when he left.

These speeches illustrate Cicero’s ability to utilize spectacle and tailored arguments to reach his audience. The differences in his use of Marius as a foil for his own return proves that

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161 Cic. *ad Att.* 4.2.1  
162 Cic. *de Domo Sua* 99
Cicero was not only aware of his audience, but able to craft his argument so as to flatter both the Senate and the people. His speech *de Domo Sua* not only restored his house, but asserted his superiority over Clodius. Cicero illustrates Clodius’ corruption of the tribunate and his sacrilegious use of the laws of Roman religion, while he depicts himself as using his reputation and the proper legal avenues to negate the tribunate of Clodius. In the course of one year, Cicero was able to reestablish himself fully in the political sphere and the public eye, as well as reaffirming all the honors that he had accrued over his career in the courts and in office. The importance of Cicero’s position in Rome can be seen not only in his reaction to the exile, but also in how vigorously he worked this year to accomplish this task and to overcome the disgrace of being exiled from Rome.
Conclusion

In the late Roman Republic, any politician with the ability to manipulate the favor of the people of Rome had a powerful asset at his disposal. Young men with political aspirations took every opportunity to present themselves before the Roman people and to show their ancestry and their skill at oratory. For a *novus homo*, the task was significantly more difficult, since he would not have had the glory of his ancestors to refer to when building his reputation. The opportunities for a *novus homo* were therefore limited to pleading cases in the courts and military service to build their own reputation before they began their ascent on the *cursus honorum*. When Marcus Cicero entered public life at Rome in the courts, he began to develop, beginning with his first court case, his skills at sensationalizing the issues and stirring the emotions of the people in his audience. Cicero proved himself throughout his career as a master of producing spectacles, giving him an excellent source of political capital.

Once Cicero achieved the consulship, he continued to use this power to establish himself as a force in the Republic using his reputation with the people. Andrew Bell, in his article “Cicero and the Spectacle of Power”, argued:

Only the people made Cicero what he wanted to be: a man whose election to a consulship gave him not only further authority to direct popular sentiment wheresoever his interest and ambitious inclinations pointed but also a valid entitlement to be deemed praiseworthy.\[^{163}\]

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\[^{163}\] Bell, 1997. p.20
Cicero’s references to his achievement of nobilitas in his consular and later speeches indicate that he felt this was his shining moment in his career. His strategic use of his oratory led to prominent role in the Republic, a fact that he emphasizes after his return from his exile when he had to rebuild his reputation with the people and the Senate.

The skill in oratory that Cicero developed in his early career and honed throughout his ascendance along the cursus honorum became the defining characteristic in his career following his return from exile. As the political climate of Rome became even more hostile leading up to, and immediately following, the civil war of Caesar and Pompey, Cicero used his skill to become one of the leading senators in Rome. The highest point Cicero reached after his return from exile came during his rivalry with Marc Antony, but it also led to his death in the proscriptions of the second triumvirate in 43 BCE. The Phillipics saw a resurgence of Cicero’s power to produce spectacle, and not only garnered the anger of Antony, but also showed that Cicero was still a player in Roman politics. The death of Cicero was a political move, but it was also a spectacle. Antony ordered that Cicero’s hands and head be removed and placed on the rostrum.\textsuperscript{164} Cicero’s death, therefore, was a spectacle in itself, which is a fitting end for the man who established his reputation and status using his sensational speeches to produce spectacle in Rome. The same skill that helped him to overcome his novitas in his early career was the cause of his death in the proscriptions.

Cicero’s novitas was one of many factors that played a role in Cicero’s career; however, with his political ambition, Cicero’s novitas was the most crucial obstacle in his goal of establishing himself in the Roman world. The way in which his novitas influenced the other aspects of his life, such as his relationship with Caesar and Pompey and his speeches against Antony, has yet to be fully examined in scholarship and could be the subject of future research.

\textsuperscript{164} Plutarch, \textit{Life of Cicero} 48.6-49.2
By examining these three stages in Cicero’s career, we can better understand how Cicero utilized his *novitas* to his advantage in achieving his ultimate goal of becoming a necessary part of the Roman Republic. Although Cicero was not the only *novus homo* to achieve curule rank, his example is well attested in his own speeches and letters, allowing us to see, in his own words, how he went from a *novus homo* from Arpinum to Marcus Cicero, Senator of Rome.
Bibliography


