Introduction

> quin immo sibi ipsi persuaserant neminem sine eloquentia aut adsequi posse in ciuitate aut tueri conspicuum et eminentem locum. nec mirum, cum etiam inuiti ad populum producerentur, cum parum esset in senatu breuiter censere nisi qui ingenio et eloquentia sententiam suam tueretur, cum in aliquam inuidiam aut crimen uocati sua uoce respondendum haberent, cum testimonia quoque in <iudiciis> publicis non absentes nec per tabellam dare sed coram et praesentes dicere cogerentur. Ita ad summa eloquentiae praemia magna etiam necessitas accedebat, et quo modo disertum haberi pulchrum et gloriosum, sic contra mutum et elinguem uideri deforme habebatur.
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> Moreover, they [the Romans of the Republic] believed firmly that without eloquence nobody could either reach or maintain a position of distinction and prominence in society. It is no wonder that they thought so when they were brought forward at public meetings even when reluctant, when it was regarded as insufficient to express an opinion only briefly in the senate, unless one defended one's opinion with talent and eloquence, when those summoned for some kind of offence or crime had to give a reply in person, when also testimony in criminal trials had to be given not in absence or in writing, but in person and face to face. In this way eloquence not only led to great rewards, but was also a sheer necessity, and just as it was thought splendid and glorious to be regarded as a good speaker, so it was considered shameful to be seen as inarticulate and incapable of speaking.[1]

Tacitus' *Dialogus de oratoribus* (*c.* AD 100–110) presents a picture of the Roman Republic in which speeches had a central role in public life.[2] The

[1] Tac. *Dial.* 36.6–7.
[2] Good introductions include Syme (1958) 100–11; Luce (1993); Mayer (2001) 1–50, esp. 12–18 and 22–7 (date of work); Dominik (2007). Van den Berg (2014) 118–207 (201–2 for passage quoted here) offers a detailed discussion of Maternus' message from the viewpoint of imperial, rather than republican, practice. Manuwald (2001) discusses Maternus specifically.

interlocutor providing this picture, Curiatus Maternus, was himself an advocate and senator and used this description to support his main point that the role of eloquence changed, even disappeared, under the emperors.[3] His argument of the centrality of oratory in the Republic rested upon the view that under the Republic, eloquence was considered a necessity for public activity in the popular assemblies, the senate and in the law courts.

The focus on eloquence, that is, oratorical skill rather than simply speaking in public, as necessary for personal political success in the Republic has been taken for granted because our chief source for republican oratory was the foremost advocate and embodiment of this view.[4] Marcus Tullius Cicero (106–43 BC), recognised as Rome's greatest orator by contemporaries and subsequent generations, built his political career almost exclusively on his rhetorical talent – first in the law courts and later in the senate and the *contio* too – thereby exemplifying how far oratorical successes could forward an aspiring politician and, in his case, a *homo novus*. Cicero emphasised time and again in his rhetorical works the necessity of oratorical skills for a public career.[5] Cicero made himself the example *par excellence* of the Roman orator-statesman, and his career and self-presentation may have inspired Tacitus to present the argument of oratory as a necessity for political success in the Roman Republic.

However, not all successful Roman politicians relied on their oratory. C. Marius (cos. 107, 104–100, 86 BC), who secured himself an unprecedented seven consulships, relied instead on military exploits and clever politicking. The three times consul, triumphant general and Cicero's contemporary, Cn. Pompeius Magnus (cos. 70, 55, 52 BC), used oratory to advertise his achievements in other fields but was otherwise reluctant to speak in public. L. Calpurnius Piso Caesoninus (cos. 58 BC), the object of Cicero's invective *In Pisonem* and Caesar's father-in-law, became both

[3] For discussions of the possible decline in oratory under the emperors, see Brink (1993); Goldberg (1999) with references to earlier scholarship.

[4] And Cicero's dialogues were inspirational to Tacitus' *Dialogus*: Levene (2004); van den Berg (2014). Hölkeskamp (1995) 25 takes Tacitus' claim seriously to underline the importance of oratory in the Republic.

[5] In Cicero's rhetorical works, especially the *De oratore*, the fundamental role of oratory in politics is used as a premise throughout, and oratory forms the necessary element in his ideal of the Roman orator-statesman expounded in these works (see, e.g., Cic. *De or*. 1.34; *Brut*. 7–9, 23). In Cic. *Orat*. 141–2; *Off*. 2.65–7, Cicero places eloquence above any other civil pursuit, and in *Mur*. 24 includes it in his list of must-haves for a consular career. See also Cic. *Leg. Man*. 42 where Cicero includes oratorical skill alongside his praise of Pompeius' military and political skills. See Hölkeskamp (2011b) 12 for other examples in which Cicero makes past Romans appear as great orators in order to underline the central role of oratory.

consul and censor less through his speeches and more through his ancestry and strong networks in the elite. Other politicians, such as C. Julius Caesar (cos. 59, 48, 46, 45, 44 BC) and M. Porcius Cato (pr. 54 BC), were known as good, even excellent, orators, but the turns and developments of their careers were not exclusively founded on oratorical skills. There were clearly other routes to political success apart from oratory, yet all these politicians had to deliver speeches when magistrates and senior senators. To what extent did a politician have to be an orator, even a good orator? How problematic was it not to be (perceived) as a good orator or, worse, being (perceived) as a bad orator?

Before we begin to address these questions, it is necessary to highlight that Tacitus' Maternus was right in thinking oratory a central aspect of public life. This observation is broadly shared by scholars working on public life in republican Rome. Current scholarship in the field now operates with a model in which the political decision-making process was conducted in public, in front of and with the people, and where public speeches formed the main means of communication.[6] The precise role of the people in this decision-making process, however, remains disputed. Although the Roman people, as represented in the electoral and legislative assemblies, elected their magistrates and either passed or rejected bills for new legislation, the precise circumstances under which these decisions took place still pose more questions than answers.

Millar's 'democratic' model, in which the Roman people's electoral and legislative prerogative demonstrates their ultimate dominance in politics, transformed the field in moving attention away from senatorial factionalism and focusing instead on the communication between senatorial elite and the crowd in the popular assembly – the *contio*.[7] However, Millar's central argument about the people's political power has received sustained attack. Mouritsen has questioned the composition of 'the Roman people' addressed in the *contio* and argued that the contional crowd was fundamentally unrepresentative of the Roman people at large.[8] From another angle, Hölkeskamp has argued that the policy discussions in the *contio* were not real policy discussions but rather symbolic displays of a collective

[6] As opposed to earlier scholarship, dominated by Gelzer (1912); Münzer (1920); Syme (1939) and Taylor (1949), which offered a model in which decision-making was conducted in private between members of the senatorial elite, who were organised in *factiones*.

[7] Millar (1984), (1986) and developed into Millar (1998). For central studies on the *contio*, see Pina Polo (1989); North (1990a); Tan (2008); Hiebel (2009) and the following footnotes. Further discussion of contional oratory follows in Chapter 1 with further references to scholarship.

[8] Mouritsen (2001).

consensus about the fundamental hierarchical and reciprocal relationship between senatorial speaker and mass audience.[9] Jehne's explorations of the relationship between people and elite support the model of a symbolic exchange of benefits, services and recognition, while Morstein-Marx' depiction of the 'ideological monotony' in Roman politics emphasises the lack of real popular influence.[10] The debate is far from over. In this study, 'the people' generally means the collective Roman people as represented by those individuals who came to the *contio*, courts and other public venues in the City of Rome, unless I have expressly included other groups.[11]

These and other studies into the political culture of the Roman Republic recognise and incorporate the crucial role of oratory within this culture, but this observation has limited impact in itself. One important line of inquiry is the use individuals made of oratory because the range of ways in which oratory could be employed was vast and complex. This multifaceted reality opens up a number of questions related to the individual orator and the ways in which his oratorical actions reflect upon the political culture. One central question is whether we can distinguish between being a speaker and an orator, where a speaker denotes anybody addressing a public audience and an orator signifies a speaker with a certain level of oratorical skills and a reputation for being an orator. Were there politicians who were not considered orators because their speaking powers were no more than functional? This question links to a question of choice, because a politician faced with a vast and complex range of ways to use oratory would have to make crucial choices about how best to use his oratory to promote his own agendas, whether political, ideological or self-promotional. Which factors influenced these choices and how were they perceived? This question leads on to another issue, namely that of limitation of choice for specific (groups of) individuals, since in a society of privilege some would always have more and better opportunities than others – even within a social elite. This question relates to the claim that we must cease to take Cicero as normative for republican oratorical practice, because he was a man with both limited and outstanding opportunities when compared with his peers.

[9] Hölkeskamp (1995), (2004), (2006), (2010), (2011a).
[10] Jehne (1995), (2000a), (2000b), (2006), (2011a), (2013); Morstein-Marx (2004). See also Flaig (2003) on the symbolic element of the *contio*.
[11] This group must have been composed of a wide range of socio-economic groupings: citizens and non-citizens, rich and poor (and those in between), senators and non-senators, men and women, free and slaves. Obviously, a number of these individuals did not have any voting rights (only adult male Roman citizens registered in a tribe did), but might still have had some, if minor, influence on politics and general opinion through gossip and networking.

If Cicero is unrepresentative, we need to consider the extent to which a politician needed oratorical skills and how far a reputation for good oratory or bad oratory influenced his chances for political success. Wisse's analysis of the bad orator (*malus orator*) concludes that such a man was at a real disadvantage in Roman republican politics.[12] That 'bad' could refer to both technical weaknesses and cultural/political failing suggests, firstly, that the designation was subjective and, second, that any designation operated on a sliding scale from bad to good. Moreover, this designation could refer to one single episode with one outcome, such as acquittal in a trial or the passing of a legislative bill, but it could also refer more generally to an orator, based on the perception of several oratorical occasions with a variety of outcomes. Although one can get a rough idea about the technical skill and reception of certain orators, whose speeches survive in fragments and testimony, it would be very difficult to determine exactly how bad or good an orator had to be (in technical terms) in order to have an impact on politics, because any political situation and decision depended on a number of factors in which the oratorical skill of a politician was just one.

A different way to address this problem is to ask whether there was a perceived dividing line between performing oratorically and being an orator. Was 'an orator' more than simply someone delivering a speech at some point, or did all those many politicians who spoke in public count as orators? In his rhetorical treatise, the *Brutus*, Cicero operates with two criteria for inclusion into his history of Roman orators: oratorical activity and no longer living at the time of writing (46 BC).[13] This very inclusive approach suggests that anybody who delivered a speech in public could count as an orator. Yet, in his earlier treatise, *De oratore* (55 BC), Cicero used a much more exclusive approach and stated that only a small number of orators can be found, suggesting a criterion of quality when defining an orator.[14] Both these works have complex backgrounds and agendas, but the dividing line between 'an orator' and somebody delivering a speech is evidently not clear from Cicero's point of view.

[12] Wisse (2013) 192. The real test of an orator was his reception with the people, as pointed out by both Demosthenes (18 (*De cor.*) 277) and Cicero (*Brut.* 186 – discussed at the start of Chapter 1); see Plut. *Cic.* 51 with Lintott (2013) 212–13.

[13] With some exclusions of deceased prominent politicians whom we know spoke in public: Marius, Sulla, Catiline and Clodius being the most obvious; see Steel (2003) for discussion. See also van den Berg (2014) 208–12 for Tacitus' adoption of the Ciceronian topos of lack of real orators in his *Dialogus de oratoribus*.

[14] Cic. *De or.* 1.16. See Steel (2013b) for further discussion.

Yet, it is possible to approach this problem by distinguishing between politicians who spoke only when necessary and politicians who sought out oratorical occasions. For a magistrate, certain speech occasions were unavoidable and the higher his office, the higher the frequency and importance of such speeches. But other speech occasions were open to choice, for example, most *contiones* and forensic speeches. Some politicians hardly spoke at such occasions, while others frequently looked for any available opportunity to address an audience. Were those eager to speak considered orators to a higher degree than those who only spoke when necessary?

Gaius Gracchus, Caesar and Cato the Younger, for example, were all considered good orators in their lifetime and beyond, and they all actively sought out occasions to speak and made the most of these occasions to further their political agenda and their personal profile. Politicians in a more reactive mode to oratory include Pompeius, Calpurnius Piso and Marcus Antonius. While these three politicians had to deliver speeches in the capacity of magistrate (especially as consuls), they let possibilities for public speeches pass and used other channels to communicate their thoughts and concerns. This may help to explain why none of these three politicians were designated good orators by their contemporaries or subsequent generations.

A further clear example is that of Marius, who was never hailed as a good orator, was not included in Cicero's history of Roman orators (the *Brutus*), has no entry in Malcovati's collection of Roman republican oratorical fragments and testimonia,[15] and whose oratory survives only in ancient testimonia.[16] Yet, he spoke at a number of occasions as a magistrate and we even have evidence of some of the speeches he delivered as tribune of the plebs (119 BC) and during some of his seven consulships. Delivering public speeches was an unavoidable aspect of public office. But Marius did not actively seek out oratorical occasions and instead he, at times, made supporters deliver his message in public, or simply avoided oratory as the channel for communication. However, when put on the spot, he could be an effective speaker: he surfed on the general perception that the senatorial generals of the 110s and 100s were incompetent and presented himself as a preferable alternative as an untainted new man with military victories under his belt,[17] and he silenced the riotous crowd after the shocking murder of Memmius in 100 BC.[18] This suggests that

[15] Malcovati (1976).
[16] Cic. *Red. pop.* 20; *De or.* 2.194–9; *Balb.* 49; *Leg.* 3.38; *Off.* 3.79; Sall. *Iug.* 84.5–85; Val. Max. 2.2.3, 5.2.8, 6.9.14, 8.2.3; Plut. *Mar.* 8.5–9; Oros. 5.17.6.
[17] Cic. *Off.* 3.79; Sall. *Iug.* 84.5–85; Plut. *Mar.* 8.5–9; cf. Tatum (2013).
[18] Oros. 5.17.6.

his decision to speak or not was not necessarily linked to oratorical ability. While Marius in his tribunate took up certain causes and delivered speeches in support or opposition of these causes, he seems to have chosen to canvass for the tribunate for reasons other than to obtain the possibility for frequent public speaking.

The tribunate of the plebs was never an obligatory or even standard element of a public political career. While there were attempts to regulate the order and frequency of the other public magistracies, the plebeian tribunate was always considered as being outside the standard *cursus honorum*.[19] Therefore, any candidate for the tribunate had a particular motivation for seeking this office. Apart from its relative accessibility, owing to the ten places available in each year and the limited number of candidates from both formal (patricians could not stand for election) and informal reasons (the office did not attract all eligible candidates), the tribunate offered many optional chances for public speaking: the right to call a popular assembly and address the people, as well as the right to present tribunician bills to the people, provided almost unlimited access to oratorical occasions. A candidate for the tribunate could therefore have been driven by the wish to use oratory to present himself as a capable orator and future good praetor. Others might have sought the office from more ideological motives, often but not exclusively including a stance related to the interests of the people. The Gracchi brothers exemplify the latter group, while also being very effective orators. A careful examination of each individual's choice to stand for the tribunate or not, along with his actions once he had become tribune, can therefore help to explain what republican politicians aimed to do with their careers and to what extent they wanted oratory to play a part.

There were, however, restrictions on the choice available to the individual politician. Patricians were not eligible to the tribunate (a fact which helps to explain Caesar's choices), certain priesthoods were open to patricians only, both formal rules and informal customs regulated appearances in court cases (for example, odium against repeated prosecutions), and men who lacked the necessary or right connections (for example, *homines novi*) had fewer choices: they would have less chance to be asked to appear in the courts as advocate early in their careers, fewer invitations to address a *contio* from the summoning magistrate, and much less of a public profile on which to build a candidacy for a magistracy.

[19] Astin (1958). The Sullan reforms of the late 80s BC meant that the tribunate was a political dead end until 70 BC. Those seeking it in spite of this must have had an even greater reason for their candidature.

For election to the public magistracies, oratory played a role too. While there was no tradition of election speeches as we know them from modern politics, candidates still had to follow certain norms for electioneering, and they could still create occasions at which they could promote themselves through oratory.[20] Trials timed with the canvassing period offered the chance to perform in the Forum, a friendly magistrate could invite a candidate to speak in a *contio*, and if fairly senior already, a senator could also address his fellow senators. At all these occasions, the candidate could not speak explicitly about his own qualities as a candidate, but instead had to display these through his engagement with the issue at hand or in connection with another public role.[21] Alongside physical expressions of suitability for the office through morning *salutationes* and throngs of supporters escorting a candidate down to the Forum, oratory remained a central means of communication with the electorate.[22] Therefore, an ambitious (would-be) politician would always speak to, at least, two purposes: the immediate question at hand and a further purpose of self-presentation. Any speech delivered in front of the people – forensic and contional – could potentially influence an orator's public image and have an impact on his chances of election.[23] Even speeches delivered at senate meetings, which were attended by senators only, could be reported to the people subsequently, sometimes immediately afterwards, and thereby have an indirect effect on the people's perception of an orator.[24]

This study centres around oratory and political elite, around ways of using oratory in career-making and around the potential for teaching successors; it also looks at how public life worked in Rome and how the actions of individuals and specific issues had further repercussions for public life in general. In doing so, this study offers new perspectives on the role of oratory in republican politics and on the nature of republican political culture.

[20] No election speeches: Mommsen (1887) 3.1, 392; Pina Polo (1989) 115–18 (listing some exceptions); Jehne (1995) 60; Tatum (2007), (2013). Norms for electioneering: Yakobson (1999) 211–25. A brief discussion of the nature and procedures of elections: Feig Vishnia (2012) 105–49.

[21] Jehne (1995) 60–2 underlines the difficulty of accessing a larger crowd as electoral candidate.

[22] Less common was the use of appeals and supplications in relation to elections; see discussion in J. Hall (2014) 64–73.

[23] Hölkeskamp (1995) 22–3, (2011a) 26–8 emphasises too that every speech was a self-presentation of the orator as *uir bonus* and a tool in the intense competition for offices, power and prestige.

[24] While the senate was for senators only, the assemblies and the courts were conducted in the Forum, open to all onlookers who wanted or happened to be present. While such onlookers could not deliver speeches unless invited by the magistrate in charge of the assembly or by an advocate in a trial, the audience could respond to speeches through shouts, murmurs and physical activity. The people also had some form of choice, but it is the choices of politicians which remain at the centre of the present discussion.

The discussion focuses on politicians with exceptional careers in the late Roman Republic who all delivered public speeches as part of their political career. The oratorical activities of C. Sempronius Gracchus, Cn. Pompeius Magnus, C. Julius Caesar, L. Calpurnius Piso Caesoninus, M. Porcius Cato the Younger and Marcus Antonius (the triumvir) show an enormous variety in oratorical technique, in attitudes to oratory and the possibilities it offered, in outcomes and in the complexities of using public oratory as part of a political career. These politicians also show a range of career choices which highlight the scale of possibilities open to an ambitious politician and the limitations imposed on politicians. Although all present exceptional career progressions, the oratorical activities and career choices of these politicians highlight the sheer complexity and diversity of political life in the late Republic, and rather what could be done as opposed to what was commonly done.

In selecting these orators as case study figures, I have aimed to illustrate different approaches to public speaking and the ways in which oratory could influence individual careers and advertise career choices. The selection has necessarily also been determined to some extent by evidence, that is, where it is possible to reconstruct an oratorical career in sufficient detail. The six figures represent great variety in oratorical activities and career progressions, but not all possibilities available. Other politicians could have been chosen, such as M. Porcius Cato the Elder or P. Clodius Pulcher, but while the oratorical fragments and testimonia for Cato are substantial, he operated in a different time and would have presented a problem of comparability, while Clodius' oratory has been dealt with to a considerable extent by Tatum.[25] By contrast, the oratory of the six politicians analysed here have not received sufficient attention in scholarship.

One of the reasons for this neglect is the relative inaccessibility of the sources for their oratorical activity. Enrica Malcovati's *Oratorum Romanorum Fragmenta* (first edition 1930, fourth edition 1976), which collected the fragments and testimonia of Roman republican oratory, was a major step forward in the study of republican oratory and has been an essential reference work since its first appearance.[26] However, Malcovati's selection and categorisation of fragments and testimonia is at times confusing, misleading or lacunose.[27] A second look at these six politicians and

[25] Tatum (1999).
[26] Malcovati (1976).
[27] Badian (1956); van der Blom (2013) 300–1. For each of the six orators presented here, Malcovati's collection presents omissions, misidentified passages (testimonia appearing as fragments, inclusion

their oratory show not just the potential for a systematic re-examination of (non-Ciceronian) oratorical activity in the Roman Republic, but also the enormous variety in speech occasions available, oratorical techniques adopted, purposes for speaking and the effects of oratory. This study therefore also aims to put some of Cicero's most important fellow senators back into the picture as orators.

Owing to the survival of Cicero's speeches – the only republican speeches to survive in full – much scholarship has focused on Cicero's oratory and many have taken his oratorical activity and his claims about oratory as representative for his time, sometimes even generations before and after. Yet, not only is his claim about the necessity of oratorical skills for a successful political career not applicable on a general scale, his career itself appears increasingly exceptional as the careers of other Roman politicians are subjected to closer scrutiny. Cicero's use of oratory as his main means to promote his career can mislead as it pointed forward to his claim about the necessity of oratorical skills for a successful political career. Not only were there other routes to success, but a combination of different approaches – oratory, military career, charisma, claim to elevated position owing to ancestry, wealth, patronage – seems more common than a steely focus on only one route. Moreover, Cicero began his career in the courts, developed a public profile as a forensic orator, and used his fame as an advocate as the platform for his political career. But this forensic route may not have been common as he embarked on his first major prosecution at the later age of thirty-six and he carried on his advocacy when a senior consular.[28] Finally, Cicero's decision to continue his forensic career alongside his political career may say more about his need to bank on his oratorical brilliance in as many oratorical settings as possible than about what other politicians did once they had secured their first magistracies, especially since the political circumstances and leading politicians had changed from when he first used oratory to this end. We need to know the details of other oratorical careers, entwined with political choices, to

of passages which should not count as fragments or testimonia) and lack of context. I have not compiled a detailed list of variations between Malcovati (1976) and my own findings, but a comparison between my Appendices of the public speeches of the case study figures and Malcovati's collections will show the variations. The coming new edition of the fragments and testimonia of all Roman republican speeches and speech acts, *The Fragments of the Roman Republican Orators*, will, it is hoped, provide a replacement of Malcovati's work.

[28] Cic. *Off.* 2.49–50; cf. Cicero's excuses for prosecuting Verres when no longer a very young man: Cic. *Div. Caec.* 1, 70; Tempest (2011b) argues this a central part of Cicero's rhetorical strategy. See discussion in Chapter 1, pages 26–33.