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CICERO: *DIVINATIO IN Q. CAECILIUM*

CICERO
DIVINATIO
IN Q. CAECILIUM

EDITED WITH
INTRODUCTION AND COMMENTARY
BY

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CONTENTS

<i>List of Figures</i>	page vi
<i>Preface</i>	vii
<i>Previous Editions and Commentaries</i>	ix
<i>List of Abbreviations</i>	xi
Introduction	1
I. The Setting	1
II. The Opponent: Quintus Caecilius Niger	3
III. Pre-Trial Legal Procedure in the Sullan <i>Quaestio de Repetundis</i>	10
IV. Structure and Genre	20
V. Publication	25
VI. The Manuscripts and Textual Tradition	31
TEXT	55
COMMENTARY	83
<i>Appendix A: Map of Sicily</i>	469
<i>Appendix B: Map of Roman Territory in 70 BCE</i>	471
<i>Bibliography</i>	474
<i>Index of Latin and Greek Words</i>	507
<i>Index of Names and Places</i>	517
<i>General Index</i>	522

FIGURES

1	Forum with location of the Extortion Court.	<i>page</i> 15
2	Stemma for the present edition.	49
3	A denarius of 45 BCE minted by the son of Palicanus depicting Libertas and the rostra and the tribunician <i>subsellium</i> .	134
4	The shrine of Venus Erycina as commemorated on a silver denarius of C. Considius Nonianus in 57 BCE.	367

PREFACE

The *Divinatio in Caecilius* is usually circulated in modern editions along with the voluminous speeches against Gaius Verres. Cicero's colourful caricatures of Rome's poster child for maladministration and his depictions of provincial government often dominate the reader's view; the *Divinatio* itself is often skipped over. Yet it is a speech unlike any other from Antiquity. It is our sole surviving example of the Roman legal procedure of *divinatio*, in which potential prosecutors made their claims to indict the accused, and in no other speech does Cicero call such attention to his rhetorical methods of persuasion or seem so self-consciously literary in his publication. He delights in the generic ambiguity of the *divinatio*. And in the hands of such a master of persuasion, we should avoid the common pitfall of assuming this speech to be representative of its kind.

This new commentary and critical edition aims to return the *Divinatio* to the scholarly main, to question the assumptions that have been made about legal procedure and representation as drawn from the speech, and to present a more complete assessment of the challenges confronted and strategies deployed by the young orator. A new text and critical edition have been prepared in light of recent manuscript discoveries and rely on a full collation of the major witnesses to the tradition.

This volume began in part as a doctoral dissertation at the University of Oxford but has been expanded and extensively developed in the intervening years. The culmination of this long-term project owes thanks to many individuals and institutions. I owe especial thanks to Tobias Reinhardt, who supervised the dissertation with unwavering support and taught me to always ask more of our text, to Kathleen Coleman, who first stoked my interest in the Verrines as an undergraduate at Harvard, to Michael Reeve, who shared his unpublished work on the

PREFACE

manuscript tradition with me, and to Stephen Oakley, who along with Professor Reeve read and commented on multiple drafts of the book. They have all been exacting yet patient teachers and advisors. Along the way, I have also benefited from discussions with Bob Kaster, Stephen Heyworth, T. P. Wiseman, Kyle Harper, Christopher Craig, Tony Corbeill, Luca Grillo, and Alex Sens. Further gratitude is due to Oriel College, Oxford, the Department of the Classics at Harvard University, The Clarendon Fund, Lawrence University, The University of Oklahoma, and the many libraries that have supported this research. Michael Sharp and the editors at Cambridge University Press have been extraordinary throughout. Especial thanks are due to Bethany Johnson and Anna Oxbury, who guided the project through the last stages of publication. All involved have immeasurably improved the final book and have my enduring gratitude. What errors remain are my own. Of course, none of this would have been possible without the support of my loving family to whom this book is dedicated.

PREVIOUS EDITIONS AND COMMENTARIES

Following the system established by Berry in his *Pro Sulla*, only select editions, commentaries and translations of the *Divinatio in Caecilium* published after 1800 are listed here. For works earlier than 1800, one may consult J. C. Orelli and J. G. Baiter (1836) *Onomasticon Tullianum* I 197–215, 238–252, 257, 275–276 and W. Engelmann (1847) 287–290, 293–295, 299. ‘E’, ‘C’ or ‘A’, and ‘T’ denote ‘edition (or reprinted text)’, ‘commentary’ or ‘annotations’ (the latter for those with limited notes), and ‘translation’.

C. G. Schütz	Leipzig 1815	E
J. C. Orelli	Zurich 1826	E
C. T. Zumpt ²	Berlin 1831	E
J. Sluiter	Leiden 1832	C
R. Klotz	Leipzig 1838	E C
R. Klotz	Leipzig 1852	E
C. A. Jordan (Orelli)	Zurich 1854	E
C. L. Kayser	Leipzig 1861	E
G. Long	London 1862	E C
W. E. Heitland and H. Cowie	Cambridge 1876	E C
F. Richter – A. Eberhard	Leipzig 1884	E C
K. Hachtmann	Gotha 1891	E C
C. F. W. Müller (Teubner)	Leipzig 1891	E
E. Thomas	Paris 1892	E C
J. Schmalz	Leipzig 1895	C
H. Nohl	Leipzig 1897	E C
K. Halm – G. Laubmann	Berlin 1900	E C
J. R. King ²	Oxford 1912	E C
F. Ramorino	Bologna 1915	E A
W. Peterson (Oxford Classical Texts) ²	Oxford 1917	E

PREVIOUS EDITIONS AND COMMENTARIES

A. Klotz (Teubner)	Leipzig 1923	E
L. H. G. Greenwood (Loeb)	London 1928	E T
P. Fabbri	Naples 1931	E C
H. de la Ville de Mirmont (Budé)	Paris 1938	E T
P. Michel	Paris 1938	T
S. Broccia	Rome 1955	E A
G. Calisti	Milan 1957	E C
G. Morabito	Milan 1966	E T A
G. Bellardi	Turin 1978	E T
G. Krüger (Reclam) ²	Stuttgart 1983	E T
A. Biscardi, et al. (Corpus Iuris Romani Publici)	Milan 1984	E
R. Salinas	Mexico City 1987	T A
M. Rodríguez-Pantoja and J. M. Miguel Requejo Prieto (Biblioteca Clásica Gredos 139)	Madrid 1990	T A
N. Marinone and L. Fiocchi (Biblioteca Universale Rizzoli) ²	Milan 1994	E T A
M. Fuhrmann (Tusculum)	Zurich 1995	E T A

ABBREVIATIONS

Berger	Berger, A. (1953), <i>Encyclopedic Dictionary of Roman Law</i> , TAPS 43.2 (Philadelphia, PA).
B.N.F.	Bibliothèque nationale de France.
CAH	Various authors. (1984–2005), <i>The Cambridge Ancient History</i> (Cambridge).
CIL	Various editors. (1873–) <i>Corpus Inscriptionum Latinarum</i> (Berlin).
Ernout–Meillet	Ernout, A. and A. Meillet (1959), <i>Dictionnaire étymologique de la langue latine</i> (Paris).
Forcellini	Forcellini, E. (1831–1835), <i>Totius Latinitatis Lexicon</i> . Leipzig. 4 volumes.
GLK	Keil, H. (1857–1880), <i>Grammatici Latini</i> (Leipzig). 7 volumes.
Greenidge	Greenidge, A. H. J. (1901), <i>The Legal Procedure of Cicero's Time</i> (Oxford).
Hellegouarc'h	Hellegouarc'h, J. (1963), <i>Le vocabulaire latin des relations et des partis politiques sous la République</i> (Paris).
Heumann–Seckel	Heumann, H. and E. Seckel. (1907), <i>Heumanns Handlexicon zu den Quellen des römischen Rechts</i> ⁹ (Jena).
Hofmann	Hofmann, J. B. (1985), <i>La lingua d'uso latina</i> ³ . Trans. Ricotilli (Bologna).
H-Sz.	Hofmann, J. B. and A. Szantyr (1965), <i>Lateinische Syntax und Stilistik</i> (Munich).
K-St.	Kühner, R. and C. Stegmann (1912–1914), <i>Ausführliche Grammatik der lateinischen Sprache</i> ² , 2 volumes. (Hannover).

LIST OF ABBREVIATIONS

Laurand	Laurand, L. (1907), <i>Études sur le style des discours de Cicéron</i> (Paris).
Lausberg	Lausberg, H. (1998), <i>Handbook of Literary Rhetoric: A Foundation for Literary Study</i> (Leiden). trans. Bliss, Jansen, and Orton.
LGRR	Gruen, E. (1974), <i>The Last Generation of the Roman Republic</i> (Berkeley, CA).
LSJ	Liddell, H. G., R. Scott., H. Stuart Jones, and R. McKenzie, eds. (1968), <i>A Greek–English Lexicon</i> (Oxford).
Merguet	Merguet, P. A. H. (1877–1897), (<i>Lexikon zu den Schriften Ciceros</i>) <i>Lexikon zu den Reden.</i> (Jena).
MRR	Broughton, T. R. S. (1951–1986), <i>Magistrates of the Roman Republic</i> (New York & Atlanta). 3 volumes.
Neue-Wagener	Neue, F. and Wagener, C. (1892–1905), <i>Formenlehre der lateinischen Sprache</i> (Berlin).
NP	Cancik, H. and H. Schneider, eds. (1996–2004), <i>Der neue Pauly: Enzyklopädie der Antike</i> (Leipzig).
OLD	Glare, P. G. W., ed. (1982), <i>Oxford Latin Dictionary</i> (Oxford).
OLS	Pinkster, H. (2015), <i>The Oxford Latin Syntax</i> , 2 volumes. (Oxford).
Parzinger	Parzinger, P. (1911–1912), <i>Beiträge zur Kenntnis der Entwicklung des Ciceronischen Stils</i> ² (Landshut). 2 volumes.
RE	Wissowa, G. et al. (1893–1980), <i>Paulys Real-Encyclopädie der classischen Altertumswissenschaft</i> (Stuttgart and Munich).
RLM	Halm, C. (1863), <i>Rhetores Latini Minores</i> (Leipzig).
Schmalz	Schmalz, J. (1905–1907), <i>Antibarbarus der lateinischen Sprache</i> (Basel). 2 volumes.
Seyffert	Seyffert, M. (1878), <i>Scholae Latinae: Beiträge zu einer methodischen Praxis der</i>

LIST OF ABBREVIATIONS

	<i>lateinischen Stil- und Compositionsübungen.</i> (Leipzig). Volume 1 ⁴ . ———. (1872), <i>Scholae Latinae: Beiträge zu einer methodischen Praxis der lateinischen Stil- und Compositionsübungen.</i> (Leipzig). Volume 2 ³ .
Stangl	Stangl, T. (1912), <i>Ciceronis Orationum Scholiastae</i> (Leipzig).
Staats.	Mommsen, Th. (1887–1888), <i>Römisches Staatsrecht</i> (Leipzig).
Straf.	———. (1899), <i>Römisches Strafrecht</i> (Leipzig).
Statutes	Crawford, M. H. (1996), <i>Roman Statutes</i> (London). 2 volumes.
Sutherland	Sutherland, J. G. (1891), <i>Statutes and Statutory Construction</i> (Chicago).
TLL	<i>Thesaurus Linguae Latinae</i> (Leipzig 1900–)
TLRR	Alexander, M. C. (1990), <i>Trials in the Late Roman Republic: 149BC to 50BC</i> (Toronto).

References to ancient works will follow the abbreviation system of the *OLD* and *LSJ*. Citations from Latin and Greek texts are normally from the editions listed in the Packard Humanities Index and the *Thesaurus Linguae Graecae*, respectively. For other citations, including epigraphic sources, the editor will be indicated.