Cicero, statesmanship, and republicanism in Roman historiography
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CHAPTER FOUR

Ciceronian speeches in Appian and Dio

1. Introduction

1.1 THE *VOX CICERONIANA* IN GREEK HISTORIOGRAPHY

In the previous chapters, we have studied the reception of Cicero's life and career from the angle of imperial 'portraits of a statesman', and we have examined in particular the relationship between Cicero's intellectual qualities and his political action. In the present chapter, I would like to look more closely at the representation of Cicero's speech, his oratorical style, and the formulation of his political ideals. Perhaps surprisingly, the most elaborate 'reperformances' of Cicero's oratory are found not in Latin writers, but in the Greek historiographies of Appian and Cassius Dio. In the works of the Greek historiographers Cicero regains his voice, though it is significantly different from the voice familiar to the reader of his own work. As we will see in this chapter, Cicero's own speeches usually provided a solid basis on which to build a new version.[1] Yet this does not mean that the imperial writers cannot present rather idiosyncratic interpretations of Cicero's political rhetoric.

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[1] However, it was not strictly necessary for the historiographers to possess a physical speech, as Cassius Dio's 'complete' version of Cicero's amnesty speech attests: Cass. Dio 44.23–33. On Dio's use of an existing speech, VAN STEKELENBURG 1971: 63; FECHNER 1986: 59; MILLAR 1961: 17–18 assumes there is no parallel for this speech in Livy. The amnesty speech, as we know from several sources, was delivered by Cicero on the second day after Caesar's murder. Information is restricted to Cicero himself (*Phil.* 1.1) and to a select group of later writers: as far as tradition allows us to see, only the epitomes of Florus and Velleius, and Plutarch, Appian, and Dio mention it: Flor. 2.17; Vell.

My analysis will concentrate in particular on the Greek recreation and imitation of Cicero's *Philippics*, which are presented as ultimate examples of Ciceronian rhetoric.[2] The performance of the *Philippics* constituted a significant moment in the final years of the Republic, and this is clearly reflected in the Roman histories of Appian and Cassius Dio. There, the *Philippics* provided the material for two large, conspicuous antilogies which appear at breaking points in the narrative. Appian (*B. Civ.* 3.52–60) composed an altercation between Cicero and one of Antony's main supporters, C. Calpurnius Piso, during a three-day senate assembly discussing the war at Mutina (between Decimus Brutus and Antony).[3] Dio, in turn, created a semi-historical dispute in the senate between Cicero and Q. Fufius Calenus which bridges two books (45.18–46.28).[4] Both antilogies address the same question: should Antony be proclaimed a public enemy? Consequently, the Cicero–Calenus debate is an interesting mirror piece to the Cicero–Piso debate in Appian, though the points of contact between both sets of speeches have received less interest than one would expect.[5] In my discussion

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Pat. 2.58; Plut. *Cic.* 42; App. *B. Civ.* 2.142.593; Dio Cass. 44.23–33. Moreover, Florus, Velleius, and Appian refer to the speech only in passing. It is my belief that Dio took Plutarch's succinct remarks concerning the contents of the speech in *Cic.* 42 as an incentive to write a complete deliberative speech.

[2] The 'Philippics' are the only sample of Ciceronian rhetoric in Appian's historiography. Dio represents Ciceronian speech on two other occasions apart from the 'Philippic' exchange: the first is the dialogue with Philiscus in book 38.18–29, which I discuss in chapter 3; the second is the amnesty speech at 44.23–33, which is a fascinating interpretation of Cicero's political ideology, and which I hope to study in a future project.

[3] Van Stekelenburg 1971: 78–79 and Gabba 1956: 167n.1. Cass. Dio 46.29.2 also suggests that the debate took only three days. This is historically incorrect, as Manuwald 2007: 23 points out. Cf. Gowing 1992: 235n.26. Antony himself left Rome at the end of November 44 bc, see Manuwald 2007: 21. L. Calpurnius Piso Caesoninus was a well-known and long-time rival of Cicero (he was also the addressee of the speech *Against Piso*). Cicero openly inveighs against Piso in *Phil.* 12, a speech delivered in March 43 bc. See further Münzer 1897; Manuwald 2007: 35; Van der Blom 2013; Manuwald 2019, iii (no. 127).

[4] Q. Fufius Calenus was a familiar figure in Roman politics since his praetorship of 59 bc. In the civil war between Pompey and Caesar he stood on Caesar's side, and Cicero's letters to Atticus tell of his bad relationship with Calenus. In *Att.* 11.8.2, dated December 48 bc, Cicero, then at Brundisium, notes: *Fufius est illic, mihi inimicissimus*. In the words of Shackleton Bailey 1986: 395, he was "personally and politically obnoxious to Cicero". After Caesar's assassination, Calenus fulfilled quite a central role in the Roman forum as a supporter of Antony: Münzer 1910 and Manuwald 2007: 38. He also commanded two legions at Philippi in 42 bc. His involvement in the war against Brutus and Cassius is described at length by Appian and Dio: e.g. Cass. Dio 42.13–14, 46.32.2; App. *B. Civ.* 2.58.239, 5.3.14, 5.51.213. There is ample evidence for the antagonism between Cicero and Calenus in the *Philippics*: *Phil.* 3.20, 5.25, 7.5, 8.11–19, 10.3–6, 11.15, 12.3–4.

[5] Gowing 1992: 235–239 and Keeline 2018: 177–188 directly compare the two sets of speeches; Van Stekelenburg 1971: 78–98 is mainly concerned with *Quellenforschung*.

of these historiographical responses to Ciceronian rhetoric, I will treat the speeches written for Cicero on an equal level as those written for his opponents, since the latter also develop themes derived from the *Philippics*.

Despite Cicero's famous reputation as orator and rhetorician (a subject I will return to shortly), the 'Philippics' by Appian and Dio do not occupy a positive place in the narrative. Cicero's speeches are received ambiguously by his fellow citizens. Nor do the historiographers themselves, as we will see, encourage the reader to regard the speeches as admirable specimens of rhetorical fluency. On the contrary, they are presented as part of a larger senatorial debate in which Cicero does not have the moral high ground. Instead, Piso and Calenus are the ones who deliver stylistically impressive and (semi-)effective speeches.

The imperial recreation of Cicero's style of speaking reacted to a diverse image of Cicero as historical figure, rhetorical model, and historical source. To start with, he was a major political player of the first century BC, and his character and actions receive their due attention, as the previous chapters demonstrate. The historiographers took care to reflect this ethos in the speech parts. For example, Cicero's habitual boasting about himself and his achievements is an important element in Cassius Dio's Ciceronian 'Philippic' in book 45.[6] A second aspect to consider is the imperial writers' imitation of the rhetorical model of Cicero. Writing a speech for the master of Rhetoric invited the historiographer to pull out their own rhetorical toolbox.[7] The historiographers could use as many other rhetorical models for their composition as they liked and integrate a mix of Hellenistic and Roman rhetorical theory, but in the case of a famous, well-published orator like Cicero, the main point of reference would remain this particular orator.[8] Thirdly, the imperial historiographers interact with Cicero as a historical source. The historiographers could mine his public speeches for dates on major events, for names and the reputations of prominent politicians, for relationships and feuds within the political parties, for Roman customs—whatever they were looking for. As this chapter demonstrates, the historiographers frequently oscillate between Cicero in his capacity as historical source, rhetorical model, and historical personality.

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[6] See below, §§3.2.3–4.

[7] LA BUA 2019: 85–93 gives no evidence for the reading of the *Philippics* in the Roman schools. According to LA BUA, the *Verrines* and the *Catilinarians* were the most popular speeches in "Latin-speaking regions and Romanized Egypt" (89).

[8] The collections of *suasoriae* and *controversiae* made by Seneca the Elder illustrate that the *Philippics* were a popular text in the declamation schools of the Empire; the 'Philippics' written by Appian and Dio are usually regarded as a reflection of and reaction to this popularity. The most 'comprehensive' account of Appian and Dio's 'Philippics' in relation to Roman declamation is now KEELINE 2018: 177–188, which is still very short.

1.2 SAMPLING CICERO: SPEECHES AS HISTORICAL *EXEMPLA*

We can use different terms in reference to Ciceronian speeches in imperial historiography: reconstruction, reperformance, or imitation. The advantage of the term *reconstruction* is that it acknowledges a historicizing tendency, an attempt to get closer to the historical Cicero, which explains the historiographers' blatant desire to characterize Cicero's personality and actions with great colour. On the other hand, by interpreting the orations as *reperformances* or creative *imitations* the focus comes to lie on the historiographer's art of composition in rewriting Ciceronian pieces, whether or not with a particular speech of Cicero in mind, or even on the table in front of him. I argue, however, that the imperial revival of Cicero's voice contains both a literary-rhetorical and historical component. We need a comprehensive approach to Ciceronian speeches in Greek historiography, which I will outline here.

Quite recently, Adam Kemezis has proposed the theory that Cassius Dio's reconstructions of republican oratory function primarily as a *negative example* of first-century decision-making and the increasingly dynastic nature of politics. Kemezis has recognized the use of three distinctive narrative modes in the *Roman History*: the "republican" mode, the "*dynasteiai*" mode, and the "monarchical" mode. Set speeches are one element to be considered in determining any of these modes. To the narrative of the late republican period Kemezis attributes the 'dynastic' (*dynasteiai*) mode. This mode illustrates the focus on personal interests instead of public benefit, resulting in policy that is driven chiefly by conflicts between a select group of influential political figures. Φιλονικία and φιλοτιμία create a further downward spiral in which no room is left for politicians to excel by their virtue alone or to act truly in accordance with what is best for the state. This observation applies not only to Cassius Dio; Appian, too, spotted obvious flaws in the republican system.[9] In Kemezis' eyes, the speeches included in the narrative of the late Republic, deliberative speeches in particular, serve to elucidate the futility of oratory when one or two powerful magistrates hold the reins. The figure of Cicero would especially exemplify this.[10] Kemezis proposes that we see the speeches as a way "to portray rhetoric itself, and how it functioned, what sorts of propaganda were effective, and how impotent more enlightened forms of discourse could be".[11] He does not support the popular view, which I have also outlined in chapter 1 (§ 3.1.2), that speeches are only a means to illustrate the intentions of the actors or the motives behind main events in the narrative.[12]

This last view, i.e. that the speeches are fully subservient to the narrative and do not carry a message in themselves, has strongly influenced the discussion of the meaning and position of the 'Philippics' in the histories of Appian and Cassius Dio. Modern scholars emphasize that Appian's and Dio's speeches are a way to elucidate or comment upon events and the motivation of characters in the narrative.[13] The content of the Ciceronian speeches would fit the general imperial image of the republican politician who is acting out of personal ambition and eyeing future gains;[14] and the picture of Cicero was thus made to comply with the historiographers' theory of history about the moral degeneration of the Republic.[15] We have already seen, at least with regard to Cassius Dio,[16] that in ethical terms, Cicero's desire for power is presented as unhealthy and destructive. The orations, then, are considered a contribution to this general characterization of him, and to confirm his reputation for being arrogant and obnoxious.[17] Among students of Dio the direct discourse is especially employed as evidence for the prevalence of negative views about Cicero in imperial literature. In particular the speech put in the mouth of Calenus, which incorporates slander produced by the anti-Ciceronian tradition, is a popular medium for doing so.[18] Ultimately, such analyses have led to a method of investigation that highlights the historiographers' own political bias as well as the historicist tendency to project an imperial world view on the republican period—a view which often leads to misunderstandings or misrepresentations of the political system.[19]

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[9] For φιλονικία as a typical element of republican politics, see App. *B. Civ. praef.* 1.1; 5.18; 2.2.4 (about Catiline); 2.102.425 (about the φιλονικία between Caesar and Pompey); 3.61.252 (about Cicero himself); and Dio Cass. 37.27.1; 38.8.1; 41.53.2 (the φιλονικία and φιλοτιμία between Caesar and Pompey).

[10] Kemezis 2014: 92–113.

[11] *Ibid.* 111.

[12] To my brief excursus of the function of speeches within historiography in chapter 1 the present section will add another function of speech, namely to serve as a historical *exemplum* of either beneficial or destructive political deliberation.

[13] So Gowing 1992: 225–245; Kuhn-Chen 2002: 23; Lachenaud 2006, who speaks of an "opération sémiotique" of the speeches in Dio in relation to the narrative; Fomin 2016.

[14] For the wider discussion regarding the extent to which the historian could project his own literary ideals onto the historical material, see Marincola 2007: 298–313.

[15] Cf. Burden-Strevens 2015a: 28 who captures Dio's message nicely by saying: "Cassius Dio made a conscious and deliberate choice to give his audience, through oratory, an insight into the

Ironically, whenever the speeches in Appian and Dio are studied separately from the narrative, they are largely stripped of their historiographical value; the speeches would be products of the rhetorical declamation practiced in the schools of the Roman empire.[20] They would lack any historical aim, being composed as epideictic orations.[21] The status of Appian and Dio as writers of the Second Sophistic further leads scholars to question the historical value of the speeches. 'Sophistic historiography', as Anderson has called it, is "a problem", since the

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constitutional and moral problems of the Roman Republic as he believed contemporary Romans themselves would have perceived and discussed them.

[16] Above, chapter 3.

[17] Cf. ANDERSON 1992: 107, who believes that Dio's dialogue between Philiscus and Cicero in book 38 is meant to purvey an "ethos" rather than "act as a historical chronicle".

[18] The belief that we can distil Dio's own opinion about Cicero from Calenus' words is outdated: cf. MILLAR 1964, VAN STEKELENBURG 1971, LINTOTT 1997, who were the main proponents of this view.

[19] LINTOTT 1997: 2514–2518. Appian and Dio are often portrayed as monarchists. For Dio, see MILLAR 1964 and MANUWALD 1979: 8–26, who wrote a seminal commentary on Dio's narrative of Augustus' career; more critical are the essays in LANGE & MADSEN 2016; cf. MADSEN 2020. For Appian's monarchic stance, see HOSE 1994: 258–30; BUCHER 2000: 429–444 with a near exhaustive bibliography. KUHN-CHEN 2002 maps Appian and Dio's scepticism about republican politics well.

[20] See, most recently, KEELINE 2018: 140–146, who admits that declamation explains only part of the reception of Cicero in the Greek sources, but according to him still a significant part (141), and FOMIN 2016; cf. BURDEN-STREVENS 2020: 12–13 for a refutation of this view, and 112–144 for a novel overview of the influence of rhetorical education on Dio's *Roman History*.

[21] Dio is the most popular subject of such speculations, cf. MILLAR 1961; VAN STEKELENBURG 1971: 152. As travelling ambassadors of their Greek cities, many Greek intellectuals under the Empire performed show speeches celebrating civic values and Roman rule: BOWERSOCK 1969. For a helpful overview of 'sophistic performance', see WHITMARSH 2005: 19–40.

rhetorical artistry confounds historiographical truths.[22] Acting against such views is Christopher Burden-Strevens, who argues that the rhetorical discourse is an integral part of Dio's historiographical programme, and the conspicuously rhetorical style an attempt at demonstrating the corruptness of republican oratory.[23] I agree that the rhetorical nature of the Ciceronian speeches—the topic of discussion here—is meant to be conspicuous. Appian and especially Dio put much effort into the stylistic composition of the speeches. As we will see below, the interest in rhetorical showstoppers has a peculiar function when it comes to the evaluation of Ciceronian speech in light of Greek and Roman history.

I will discuss the Greek 'Philippics' not (simply) as a form of rhetorical commentary on the events in the narrative or declamatory imitations, but, inspired by Kemezis' work, as negative *exempla* of Ciceronian oratory. In chapter 2, I explained that the typical *exemplum* is something said or done by a famous figure in history, a *memorabile dictum aut factum*. Generally, when it comes to speeches in historiography, modern scholars focus on the historical *exempla* used by the speakers rather than examining how the speech in itself might form an example for the readers.[24] Examining exactly this function of the Greek 'Philippics' allows us to investigate to what extent the speeches operate as models of Ciceronian and, by extension, republican speech. On the one hand, I will continue the approach that has already been adopted by Kemezis and Burden-Strevens, in which the Greek 'Philippics' are seen as inseparable from the imperial narrative about the fall of the Republic.[25] The speeches exemplify the destructive impact of Ciceronian oratory, and they are employed to highlight the general demise of republican deliberative procedure due to competition and factional strife. On the other hand, I will also develop the argument that the 'Philippics' were meant to contain an actual sample of Cicero's oratory, and to render what was considered to be a Ciceronian style of rhetoric which fits the typical image of the leader of the optimi. Especially Appian's imitation of Cicero's *Philippics* is still much neglected, which is why a large part of this chapter will be devoted to his exchange between Cicero and Piso in book 3 of the *Civil Wars*.

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[22] ANDERSON 2003: 105–114. On the negative interpretation of 'sophist', also WHITMARSH 2005: 15–19. I would add that modern scholarship is still influenced by this negative understanding of 'sophist(ic)'.

[23] BURDEN-STREVENS 2020: *passim*, but see esp. 147–191.

[24] CHAPLIN 2000 offers the best and most extensive example of this type of approach; in chapter 2 she illustrates "three voices" that can formulate *exempla*: she distinguishes the narrator from the historical character, which she divides into 'speakers' and 'focalizers'. Other important studies are BÜCHER 2006, MARINCOLA 2010 (in PAUSCH 2010), FELDHERR 2012.

[25] KEMEZIS 2014; BURDEN-STREVENS 2020.

I will examine the historiographers' reperformances of Cicero's oratory by using the tools of intertextuality and allusivity. The Ciceronian set speeches illustrate the historiographer's quest for models which could elucidate and further develop the image of Cicero in the historical tradition. Cicero's oratory, as we will see, is patterned on rhetorical strategies both deriving from his own corpus and from Greek models. The goal and result of this literary game is that Cicero receives a firm place in both Roman and, in certain measure, Greek history. Finally, apart from using intertexts to position Cicero in history, Appian and Dio also use the speeches to create a interpretive loop in their account; this loop goes, I think, beyond the common practice, mentioned above, of employing speech as historical explanation. The narrative confirms the image portrayed in the speeches, and vice versa. Especially for the oratorical parts the strong links with the narrative help to extrapolate the rhetoric from its own register to the world of historical events, illustrating in fact that the Ciceronian speeches are more than an innocent example of typical republican courthouse rhetoric, but have their actual (negative) effects on the course of events.

In sum, the present chapter aims at exploring the process by which Cicero's Philippic oratory, through Appian and Cassius Dio, became a model for republican rhetoric in Greek imperial historiography. The *Philippics* are meant to present a negative example of contentious, i.e. *philonikistic*, speech. In a world where everybody acts out of personal motives, there is no basis for a commonly shared rhetoric. Cicero's career exemplifies this extremely well, because despite being a publicly proclaimed Defender of the Republic he could not master the political game, and his inability to do so foreshadowed the imminent fall of himself and the Republic's constitution. Before I apply this approach to the Ciceronian speeches in Appian and Cassius Dio, however, the next sections will briefly discuss the relationship between the cultural background of these Greek historiographers and their interaction with Cicero's Latin writing.

1.3 WHEN THE ROMAN WHO IS ΔΕΙΝΟΤΑΤΟΣ ΕΙΠΕΙΝ SPEAKS GREEK

A major issue underlying the argument of this chapter is to what extent Appian and Cassius Dio actually imitate Cicero's *Philippics* as Latin texts. In general terms, what is the textual relationship between the 'Philippics' written by the imperial historians and Cicero's *Philippics*? This is a question that has long since occupied modern scholars. Until very recently, the dominant approach in answering it was to point out parallels between the texts and to review the representation of historical details.[26] With the work of Christopher Burden-Strevens, however, the study of the speeches in Cassius Dio has received a rhetorical-literary impulse. In his monograph, he illustrates not only the many parallels between Cicero's *Philippics* and Dio's antilogy between Cicero and Calenus, but he also convincingly argues that Dio takes over argumentative structures and stylistic figures from Cicero's speeches.[27] Though Dio's 'Philippic' does not completely map onto the original Latin speeches, Burden-Strevens' analyses show two things very clearly: first, that Dio closely read the text of the *Philippics* in Latin, and second, that he deliberately imitates the original speeches.[28] In a similar vein, I will closely study the literary process of reperforming Ciceronian speech. There is much to gain with respect to the representation of republican oratory in Greek historiography. Accordingly, the present chapter has two particular aims. On the one hand, it will add to the remarkably limited research about the relationship between Appian's history and Cicero's (rhetorical) corpus.[29] On the other, it intends to demonstrate the influence of Greek Attic oratory on the Ciceronian *Philippics* more fully than Burden-Strevens allows for.[30]

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[26] For Appian, see MAGNINO 1984; HAHN 1968: 199–202. For Dio: GOWING 1992: 235–245, particularly illustrative is 238 n.34 in response to VAN STEKELENBURG 1971; MILLAR 1961: 18; cf. FOMIN 2016: 231.

[27] BURDEN-STREVENS 2020: 72–93.

[28] Cf. RODGERS 2008 and BURDEN-STREVENS 2018 on the presence of Cicero's *On the Manilian Law* as a text within Dio's account of the debates concerning the Gabinian and Manilian laws.

[29] PELLING 1985 and GOWING 1992: 235–239 offer a starting point. Cf. BURDEN-STREVENS 2018: 113, who (still) signals that "we need a fuller rhetorical analysis of these discourses in relation to their sources".

[30] I have set out this view elsewhere: PIEPER, VAN DER VELDEN & JANSEN 2022. BURDEN-STREVENS 2020: 90, 92 discards this topic rather resolutely due to the "tremendous attention" given

Indeed, a primary feature of Second Sophistic literature is the constant reference to the Greek past. Among others, Anderson and Swain have shown how the period in which Appian and Dio wrote was defined by not only an overwhelming interest in classical Athens but also the re-establishment of the classical Greek language.[31] Barbara Kuhn-Chen has demonstrated that the historiographers of the second and third century worked in a long tradition of moral history extending back to Herodotus, featuring a consistent interest in civic virtues, like courage and moderation, and vices, like ambition (*philotimia*) and greed.[32] Greek as well as Latin (Roman) writers took part in this tradition: as the literary models of Roman Greek historiographers, Kuhn-Chen not only names Thucydides and Polybius, but also Sallust, Livy, and Tacitus (although in the end she finds it easiest to assimilate the philosophy of history of the imperial Greek writers with that of their classical Greek predecessors).[33] The rhetorical style of the speeches in Appian and Dio's histories is predominantly Attic in accordance with

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to it by previous scholars. I am not sure this is justified, since, similarly to the superficial search for parallels dominating the discussion about the imperial reception of the *Philippics* (cf. BURDEN-STREVENS 2020: 72 n. 113), scholars usually do no more than signal allusions to or intertexts in the Attic orators, without exploring the question as to what extent these intertexts have shaped and constructed the discourse parts on a more substantial, thematic level.

[31] Cf. BOWERSOCK 1969 and BOWIE 1974 for the imperial Greek scholars' reorientation on their classical past. With regard to education, SWAIN 1996 gives a general overview of the literary and historical background of imperial Greek scholars; SIDEBOTTOM 2007 reviews the training of Severan orators. See MILLAR 1964 on Cassius Dio's background. ANDERSON 1993 *passim* offers a good idea of the all-pervasive influence of the rather "narrow" (70) set of classical Greek authors. Questions of literary influence and intertextuality with regard to these individual classical models are still being explored and expanded. To give but one example, there are unmistakable references to Thucydides and Demosthenes in the discourse parts of the imperial historiographies. For a recent discussion of such references see BURDEN-STREVENS 2018. Dio's reliance on Thucydides was first investigated by Ernesto KYHNITZSCH 1894. Regarding the allusions to Demosthenes in the Cicero–Calenus debate, KOSTER 1980 is most systematic, though he only points out three allusions to Aeschines and Demosthenes—this sufficiently shows the poor state of research. BERTRAND 2008 provides occasional points of contact between Dio and either Aeschines or Demosthenes, but does little to interpret them; perhaps due to the historical nature of her commentary she also omits many allusions.

[32] For example, see App. *B. Civ.* 2.98–99 and Cass. Dio 37.57.3 (with KUHN-CHEN 2002: 158) on Cato the Younger. Cato is explicitly presented as a recognized (and recognizable) model for high-mindedness in a corrupted society; Dio states he is of the sort who have "innate virtue", ἀρετὴ ἔμφυτος.

[33] KUHN-CHEN 2002: 25–30 on the literary predecessors of imperial Greek historiographers. HOSE 1994: 165–329 and 364–417 is more comprehensive in including the Latin historiographers as possible sources for Appian and Dio's work. Cf. PITCHER 2018, who makes a good case for Sallust's influence on Appian's Catiline; URSO 2019 on Dio.

the classicistic fashion, the desire for linguistic purity, of the second and third centuries AD.[34]

In particular, there was one important model in Athenian history whose life and career in many respects happened to mirror the life and career of Cicero: Demosthenes. Cicero's own imitation of Demosthenes was no secret.[35] Caroline Bishop has argued that by putting tremendous energy into modeling his career after that of Demosthenes, Cicero established his (future) canonical status already during his lifetime. Demosthenes' speeches, of course, enjoyed canonicity as an important model for orators in the Roman Republican period; Cicero could ride this wave of exemplarity by inventing himself as the Roman Demosthenes.[36] The pairing of Demosthenes and Cicero became a popular theme in historiography as well as rhetorical handbooks.[37] Both men were models for rhetorical style and exemplary citizenship (for they both employed their rhetoric to the benefit of the state), with Cicero at the same time reviving his Attic example and setting the standards for successful civic rhetoric according to which he himself would be judged—and which he was able to fulfil. The comparison between the Roman and Athenian orator became itself canonical, which is attested by literary critical texts (Caecilius of Caleacte, Ps.-Longinus' *On the Sublime*) as well as by imperial biography (Plutarch's *Parallel Lives* of Demosthenes and Cicero) and historiography (Appian pairs the two men at some length in his discussion of Cicero's exile).[38] Whereas the similarities addressed by Plutarch and Appian mainly concern personality traits and life events,[39] Dio picked up on Cicero's relation to Demosthenes as an orator too, as I shall argue below. In fact, Andrew Lintott uniquely stated that "one might say that Cicero's

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[34] Swain 1996: 248–253 (Appian), 401–408 (Dio).

[35] The most notable example is *Phil.* 2, which is written after the example of Demosthenes' *On the Crown*. Cf. Manuwald 2007: 135–136. Essential are the multiple studies on this subject by Wilfried Stroh, e.g. 1982 and 2000; cf. Wooten 1983; Weische 1972, esp. 99–112, 166–194.

[36] Bishop 2019: 173–219.

[37] Manuwald 2007: 136–138; Bishop 2015.

[38] *B. Civ.* 2.15.56, and 60. Gabba 1956: 227 believes Appian took his information directly from Plutarch.

[39] On the *synkrisis* of Demosthenes and Cicero in ancient literary criticism, De Jonge 2019. De Jonge is right to note that Plutarch also pays attention to the rhetorical style of the orators. Yet, as the biographer remarks himself (*Comp. Dem. et Cic.* 1.3), his main aim is to give the reader insight into the orators' characters.

Philippic in Dio is what Demosthenes would have said, had he been in Cicero's position."[40]

1.4 FROM GREEK TO LATIN (AND BACK): READING CICERO AS A LATIN CLASSIC

It is now commonly thought that Appian and Dio read Latin and used Latin sources in writing their histories: Asinius Pollio, Cremutius Cordus, and Sallust are all mentioned by Dio, though he does not say he consulted their works during his own project.[41] Appian in his *Civil Wars* mentions, among others, Asinius Pollio, Varro, Caesar, and Augustus as literary predecessors.[42] In terms of education, we know that within the Greek schools of the empire Virgil and Cicero were the most popular authors for learning Latin (though most of the didactic papyri found date to slightly later than Appian and Cassius Dio's lifetime).[43] One of the first scholars to research the Greeks' use of Latin, Bruno Rochette, has argued that Cicero predominantly offered them a source of historical information and did not inspire the Greek historians in the form of a literary model.[44] This view has been sufficiently countered, at least with respect to Cassius Dio, by the work of Burden-Strevens. Moreover, Rochette's view seems to contradict the evidence that Greek imperial writers were very sensitive to the rhetorical features of speech(es) in general. More importantly, if indeed Cicero was taught in the provincial schools of the empire, this would have turned him into one of the classical models for the Greek students to imitate and emulate. Despite the strong focus on Athens and the Athenian legacy which is attested by the Greek writers of the empire,[45] it is therefore not improbable that the speeches of Cicero provided templates for thinking about and performing oratory, especially Roman republican oratory. It is not unthinkable either that Greek students, similarly to native Roman students, practiced giving 'Ciceronian' *suasoriae*. This chance may have increased if they, as Rochette believes for Plutarch, Appian, and Dio, enjoyed their Latin education at least for some time in the city of Rome itself.[46]

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[40] Lintott 1997: 1501. This observation has not led to any closer examination of Demosthenic imitation in the (Ciceronian) speeches of Dio's *Roman History*.

[41] Burden-Strevens 2015a: 39–44, esp. 36; on Dio's ability to read Latin, see also Burden-Strevens 2018: 114.

[42] Brodersen 1993: 356–359. On Appian's command of Latin, see also Famerie 1998: 27–32; Hose 1994: 173 n. 19; Hahn & Németh 1993: 397. Cf. Gowing 1992: 274–277.

[43] Dickey 2015.

[44] Rochette 1997: 279.

[45] Anderson 1992: 119–120 argues that Athens was "the teacher and foster-mother of Rome" (120).

A particular factor which may have contributed to Appian and Dio's interest in Ciceronian oratory is their participation in Roman city life. As discussed in the Introduction, both men were based in Rome for the greater part of their adult life, and fulfilled civic duties in which good speaking abilities were vital. Similar to Cicero, Appian was an advocate (*causidicus*), which would have fueled a professional interest in Cicero's oratorical skills.[47] As a historiographer, he appreciated Cicero's fame no differently from the Latin writers: he paid a visit to the site at Caieta in order to write the account of Cicero's death (*B. Civ.* 4.19.73).[48] Of Cassius Dio's personal experience with Cicero's life and work we know little, but his public career resembled that of the republican orator. Dio's senatorial rank, his successful public career in Rome and his thorough reading about the history of Rome[49] bring him intellectually close to Cicero; they especially shared a double life of *otium* and *negotium*.

Alain Gowing has suggested that the Greek historians must have enjoyed—and taken—quite some freedom in composing their orations because the difference in language also meant a completely different end product which readers would not readily compare with the original.[50] These Greek historiographers must have been excited to compose a 'new' product which would also relate to the cultural framework of readers outside of Italy because it could render Ciceronian and Roman concepts in the language of the (Greek) provincial. Also at play must have been the competitive wish to emulate similar Ciceronian orations in the works of fellow historiographers (Asinius Pollio? Livy?), or perhaps to produce a Greek specimen of Ciceronian rhetoric. Yet on the other hand, Appian and Dio were *intimi* of the Roman court and must have expected their audience to contain at least some native speakers of Latin who knew their Cicero well. It is probably best to see the speeches given by Cicero from a more general perspective as moments of creative imitation which were specifically triggered by the canonical status of Cicero as the 'best speaker in Roman history'.[51] The question of language in this case relates more to the author's self-representation than it does to the image of Cicero, although, as we will see, his Greek style does have consequences for the interpretation of his position in history. Since we possess no comment that expresses the Greek historiographers' knowledge of or familiarity with Cicero's work, we cannot decide on any of these possibilities—and perhaps all of them are true.

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[46] ROCHETTE 1997: 331. I do not believe, however, as he seems to suggest, that these Greek writers developed all their knowledge of Latin in Rome; they may have practiced speaking or writing Latin in their hometown. What is more, it is very likely that if Greeks came to Rome to obtain or continue a certain political function, as we know Plutarch, Appian, and Dio did, they made the effort of learning at least a certain amount of Latin before they reached the city.

[47] In court, Appian would probably have been expected to speak Latin: see MILLAR 1964: 188–189; ADAMS 2003: 562.

[48] In narrating how Cicero's flight from his assassins failed, Appian says that "brought to shore, he retreated to his own estate, near the Italian city of Caieta, which I have seen in my inquiry into this event" (εἰς ἴδιον χωρίον, ὃ καθ' ἱστορίαν τοῦδε τοῦ πάθους εἶδον, ἀμφὶ Καιήτην πόλιν τῆς Ἰταλίας, καταχθεὶς ἠρέμει).

[49] See Cass. Dio 73[72].23.5 for the remark that Dio took ten years to read (or compile: συνέλεξα) the history of Rome from its foundation until Severus' reign.

[50] GOWING 1992: 226.

2. The debate between Cicero and Piso (App. *B. Civ.* 3.52–60)

2.1 READING APPIAN'S ACCOUNT OF 44–43 BC

Appian's *Roman History* is not often appreciated for its literary qualities, which means that the speeches have been relatively neglected as objects of study.[52] Their value has been properly acknowledged by István Hahn and Alain Gowing, who have situated them within Appian's historiographical programme, and also examined certain rhetorical features.[53] Yet much thought on the matter is still needed. This part of the chapter is an attempt to unravel further the literary intertexts which played a role in the construction of the Philippic debate in book 3 of the *Civil Wars*.

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[51] Cf. Plut. *Cic.* 13.1; App. *B. Civ.* 2.1.2; Cass. Dio 37.33.1, 38.12.4.

[52] Whereas the scholarly tradition initiated by GABBA 1956 is directed to *Quellenforschung* and attempts to retrace Appian's account of the *Civil Wars* back to Augustan sources—most notably Asinius Pollio and Livy—the current tendency, first exemplified by HAHN 1968/1993 and GOLDMANN 1988, is to emphasize Appian's personal creativity and independency as a scholar. See WELCH 2015: 1–13 for an overview of modern approaches to Appian's work.

For the sake of clarity I have divided my analysis into three parts. The first part will examine Appian's engagement with the Philippics as a primary intertext and medium for interpreting the debate about the actions of Mark Antony. The second part will address the thematic and ideological features framing the debate, showing how the Philippic exchange between Cicero and Piso serves as a negative *exemplum* of republican oratory. Finally, by analyzing the political argument that underlies the conflict between Piso and Cicero with the help of Demosthenic intertexts, I will explain in the third part how Athenian democratic concepts informed Appian's representation of Roman republican politics.

Appian stages the debate between Cicero and Piso at the moment in the narrative when Antony is besieging Decimus Brutus in Gaul; Hirtius and Pansa, the consuls of 43 BC, convene the senate "on the matter of Antony" (ἐπὶ Ἀντωνίῳ).[54] This is the reason for Cicero and his followers—Appian calls them οἱ Κικέρωνος φίλοι or, more frequently, οἱ Κικερωνείοι—to create disturbances in the city and to propose voting Antony a public enemy. Antony's lust for power and his wily tricks (indicated by the verb τεχνάζειν) for achieving sole rule (δυναστεία, μοναρχία) are described earlier in books 2 and 3.[55] In 3.46.188–47.193 the historiographer remarks that it was hard to follow the sudden changes of heart that the senators seemed to have: they now favoured Antony, now Octavian, without there being a clear line of policy among them. In this general confusion, Cicero and his followers are not the first or the only ones to cultivate a hatred publicly against Antony. One impor-

[53] Hahn 1968; Gowing 1992.

[54] *B. Civ.* 3.50.202.

[55] Formulations with τεχνάζειν: 2.124.518 (Antony and Lepidus), 2.131.547 (cf. Lepidus at 2.132), 2.143.599 (regarding Caesar's funeral oration); with δυναστεύειν/δυναστεία: 3.7.22, 3.13.43 (Octavian's words), cf. 2.124.518 (ἀρχῆς ὀρεγόμενοι); Antony having monarchical power, μοναρχικὴ ἀρχή: 3.7.22. Gabba 1956: 153–154 signals in book 3 "un completo mutamento di rotta" on the part of the narrator toward Antony and a decisively negative tone in the characterization of Antony's behaviour. His explanation is that Appian used Augustan material in writing his account of the events.

tant instance in book 3 is the speech given by the tribune Cannutius, in which the people "who were afraid that Antony was aiming at tyranny (ἐπὶ τυραννίδι)" are exhorted to support Octavian.[56] Another such instance is the revolt among Antony's Macedonian legions assembled in Brundisium, who accuse Antony of not having dealt properly with Caesar's murderers. When Antony vindicates himself by decimating a larger than normal part of the army, feelings of "anger and hatred" increase considerably.[57] It is clear, therefore, that within book 3 of the *Civil Wars* Cicero represents but one specific movement in Roman society that is anti-Antonian. The "Ciceroniani", his followers, might or might not be the men who have rejected Antony's conduct in the preceding narrative, like Cannutius; they are not mentioned by name. At any rate, from 3.50.202 onwards, Cicero is Antony's main opponent—similarly to how Cicero represents the situation in the *Philippics*.

The context of the Appianic debate is the beginning of January, when multiple sessions in the senate were devoted to the question of what to do with Antony; Appian's account thus chronologically coincides with Cicero's *Philippics* 5–6.[58] The debate between Cicero and Piso, then, thematizes a question which is also essential within *Phil.* 5, and which concerns all senators: were the laws issued at Antony's initiative after Caesar's death legal, or should they be declared void since Antony enacted them *per vim* and *contra auspicia*?[59] Was Antony not acting like a despot—in sum, like an enemy of the Republic?

The historiographer describes in 3.50.202–205 how the Ciceronians are lobbying for the public denunciation of Antony, and how L. Calpurnius Piso, the curator of Antony's business while he was abroad,[60] tries to de-escalate the situation by saying that it is not appropriate to convict a consul who is not even present to defend himself. Emotions run high when the senate is prevented from voting Antony a public enemy by the single veto of the tribune Salvius, who next enters into (verbal) combat with the 'Ciceronians' in front of the people.[61] The senate is now definitely angry with Antony,[62] and since they cannot vote him a public enemy at that point, they decide to bestow honours on Decimus Brutus and Octavian, and to reward those troops who have defected from Antony. The senators know that proclaiming these honours for Antony's enemies is effectively proclaiming him a public enemy to the state, as the historiographer remarks. However, the situation is complicated by the appearance in the curia of Antony's mother, his wife, and his young son together with his entire household, who beg the senators to take mercy on their *paterfamilias*. The event causes the senate to doubt their decision, at which point Cicero addresses them (ἐβουληγόρησεν)[63] in fear (δείσας) of seeing the proceedings turn in favour of Antony.

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[56] *B. Civ.* 3.41.167.

[57] *Ibid.* 3.43.178.

[58] Dating of the speeches at RAMSEY 2003: 14–15 and MANUWALD 2007: 19–31, where the historical context of the speeches is also being discussed.

[59] *Phil.* 5.7–10, 21.

[60] Cicero himself states that Fufius Calenus fulfilled this function (*Phil.* 12.18).

[61] For Salvius, who is only mentioned by Appian, see BROUGHTON, *MRR* 2.340; MÜNZER 1920.

The debate itself has a unique, triadic plan. At 3.52.213–53.220 we have the speech performed by Cicero, followed by the answer of Piso, which is twice as long, at 3.54.221–60.248. After Piso's speech, Appian reflects on the results of the discussion, which turn out negatively for Cicero. He presents a peculiar episode in which Cicero falsifies the decrees of the senate that were brought to Antony by an embassy. Then comes a second response to Cicero's invective rhetoric, this time given by Antony himself in the form of a letter (3.63.257–258). Antony's response is represented partly by paraphrase and partly by direct speech and constitutes a personal attack on Cicero. Cicero's reaction is not reported in the narrative, but after hearing about Antony's angry letter the senate votes him a public enemy forthwith.[64]

In §§ 2.2 and 2.3.1–2, I shall discuss the speeches of Cicero and Piso together as a literary and thematic reworking of the *Philippics*. In § 2.3.3,

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[62] The historiographer quickly recaps the main reasons for this anger, the primary one being Antony's move against them after the amnesty was proclaimed on 17 March: *B. Civ.* 3.51.208.

[63] Strikingly enough, a search in the *TLG* shows that the term βουληγορέω is only used twice in Appian (and outside Appian only once, in Poll. *Onom.* 4.27). The second time the subject is Octavian, speaking to the senate and people after the battle of Actium (*B. Civ.* 5.13.130); here the term is paired with the more common δημηγορεῖν. This latter term occurs 18 times in Appian's *Roman History*, of which 12 times are in the *Civil Wars*. Naturally, Cicero is not speaking to the people at 3.52–53, so to use δημηγορεῖν would have been inappropriate; cf. *B. Civ.* 4.4.20, where in the description of Cicero's death it is said that his head and hand were attached to the rostra, the place where he used to speak to the people (ἡ κεφαλὴ δὲ τοῦ Κικέρωνος καὶ ἡ χεὶρ ἐν ἀγορᾷ τοῦ βήματος ἀπεκρέμαντο ἐπὶ πλεῖστον, ἔνθα πρότερον ὁ Κικέρων ἐδημηγόρει). Thus the only two people in Appian's history who are explicitly said to address (harangue) both the senate and the people are Cicero and the future Augustus.

[64] *B. Civ.* 3.63.258.

I will look at the ways in which Antony's response is deployed by the historiographer to unmask the corruption of the republican senate, and to enhance the ideological role of the *Philippics* within the narrative.

2.2 CICERO'S *PHILIPPICS* AS AN ESSENTIAL MEDIUM FOR INTERPRETING THE POLITICAL CONFLICT

2.2.1 Appian's 'Philippic' for Cicero

In the opinion of previous scholars, Appian's 'Philippic' for Cicero is not a worthy imitation of the *Philippics*. Gowing notes that "we should instead stress the degree to which Cicero's speech in Appian does *not* resemble its ostensible model",[65] though he does point out some parallels between Appian's speech and the Latin original. In this section, I would like to argue to the contrary that we should see both Cicero and Piso's speech as a creative interpretation which is definitely modelled on the *Philippics*. As mentioned before, I take the more comprehensive perspective that we should view both speeches as a response to the *Philippics* instead of only Cicero's contribution. Modern scholars have let themselves be disappointed by the lack of verbal parallels, but the imitation of specific phrases is not the only method for creating allusivity. Appian's reperformance of the Philippic debate is built on an imitation of thematic features and pathos rather than particular rhetorical strategies inspired by the Latin text.[66] Most importantly, as I will argue in this section and the next, for the argument made in this part of the *Civil Wars* Appian did not need to draw strongly on the precise Latin text: it was enough to capture the tone and the tenor of the *Philippics*, which as a whole serve as an illustration of republican oratory. Having said that, there are in fact two traditionally *Philippic* features that jump out at the reader: the repetitive emphasis on Cicero's argument that Antony was πολέμιος to Rome and the unprofessional hatred that Cicero seems to display toward Antony, which interferes with his role as counsellor. We will examine these after a general overview of the speeches of Cicero and Piso.

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[65] Gowing 1992: 235. See now also Keeline 2018: 177, who believes that Appian's 'Philippic' is more of an "epitome" than a "rhetorical reworking" of the Philippics, and dismisses it as "rather less interesting" than the 'Philippic' in Dio.

[66] However, there are some verbal parallels with *Phil.* 5: see next note.

Appian's 'Philippic' for Cicero does not have a very clear structure and begins rather *in medias res* with a reference to the proceedings of the day before as well as an attack on the tribune Salvius. It can be (roughly) divided into four parts:

1. Exordium (3.52.213–215). Cicero refers to the senate meeting on the day before and the decrees that have been passed, and he directs himself at Salvius, who should know better than to oppose the entire senate; he is either driven by his friendship with Antony or he is ignorant of what is happening. He should follow the senate's opinion. Cicero presents the argument that the majority always prevails.
2. Argumentation (3.52.216–217): this is a review of Antony's actions. These are: the embezzlement of money from Caesar's heritage; taking the armies from Macedon and marching to Gaul without permission from the senate—besides, Cicero argues, these troops were meant for Thrace, but he led them to Italy and he did it secretly; surrounding himself by a royal cohort in Brundisium; and (?) keeping a guard of armed men in the city; marching from Brundisium to Rome but turning around and proceeding to Gaul as soon as he saw the size of Octavian's army.
3. As an additional charge (3.53.218), Cicero dwells on Antony's cruel decimation of the soldiers at Brundisium (though the location is not clear from the speech).
4. Peroration (3.53.219–220). Cicero again refers to the honours awarded to the soldiers of Antony who deserted or will still desert, which decree is tantamount to declaring Antony a public enemy. He returns to the ignorance of Salvius, and emphasizes the threat that Antony currently poses for Rome.

Most of the arguments in this speech can be found in *Phil.* 5, which was held in the period Appian describes in this part of the narrative, and in Cicero's other *Philippics*.[67] Piso's speech, on the other hand, is written more independently than the 'Philippic' by Cicero.[68] Piso's emphasis on Cicero's negative portrayal of Antony clearly links the two speeches together:

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[67] Thematic parallels between *Phil.* 5 and Appian's 'Philippic', with the arguments in order of Appian's speech: *stupidity of the person who considers Antony to be his friend*, **B. Civ. 52.213 = *Phil.* 5.5–6** (exordium) (cf. *Phil.* 3.34); *we have already voted Antony a public enemy*, **52.213 = *Phil.* 5.29** (cf.

1. Exordium (3.54.222–223). Piso appeals to the law, which demands that the accused should be present, and challenges Cicero, 'the cleverest speaker' (δεινότατον εἰπεῖν). He will prove Cicero's charges false.
2. Refutation of Cicero's accusations (3.54.224–56.233): a) the embezzlement of money, which Antony investigated by a decree ratified by the senate; b) he was given the governorship of Gaul by law, while Decimus Brutus illegally holds an army. The people are the sole arbiter in deciding who is a friend and who is an enemy; c) Antony's function as general (αὐτοκράτωρ) allowed him to decimate his soldiers; moreover, his army was disobedient. Cicero argues inconsistently because of his hatred for Antony (Κικέρωνα δὲ καὶ ἐς ἀνωμαλίαν ἐξέστησεν ἡ ἔχθρα, 3.58.233).
3. Proof (3.57.234–238) that Antony has not behaved like a tyrant since Caesar's death, as Cicero claims: review of his actions (*inter alia*, amnesty, recall of Sextus Pompey, Pseudo-Marius) which were all done for the benefit of the state, not otherwise.

Phil. 3.14, 4.5, 7.10–11, 13); *Antony has squandered Caesar's heritage,* **52.215 = *Phil.* 5.10**; *Antony's armed troops in the city,* **52.215 = *Phil.* 5.18** (cf. *Phil.* 5.17, 3.9, 2.112); *Antony fled back to Gaul when he saw Octavian's camp,* **52.217 = *Phil.* 5.23–24** (cf. *Phil.* 3.31); *Antony cruelly decimated his troops,* **52.218 = *Phil.* 5.22** (cf. *Phil.* 3.4, 12.12, 13.18); *we need to declare war against Antony,* **52.220** ≈ (e.g.) ***Phil.* 5.33**. As this short overview shows, apart from the argument that Antony had already been voted a public enemy, Appian's speech follows the order of the arguments in *Phil.* 5, which suggests he looked closely to this text as a model, but the parallels are not that conspicuous. Verbal parallels can be found on two occasions: 1) the idea that the decimation was cruel (53.218), τὴν οὕτως ὠμὴν ὥρισε τιμωρίαν, which is much emphasized in Cicero's account of the story, cf. *Phil.* 3.4 (*hac ille crudelitate imbutus*), 5.22 (*crudelis*), 12.12 (*praedicatio crudelitatis*), 13.18 (*crudelis tyrannus*; *crudelissimae uxoris*); 2) the exordium, which appears to imitate both the theme and the structure of *Phil.* 5.5–6. Compare 52.213 Σάλουιον δὲ τὸν μόνον ἐμποδὼν γινόμενον **ἢ** πάντων εἶναι χρὴ **συνετώτερον ἢ** φιλίᾳ τάδε πράσσειν **ἢ** τῶν ἐνεστώτων **ἀμαθίᾳ**. ὧν τὸ μὲν αἴσχιστόν ἐστιν ἡμῖν, εἰ δόξομεν ἀσυνετώτεροι πάντες ἑνὸς εἶναι, τὸ δὲ αὐτῷ Σαλουίῳ, **εἰ φιλίαν τῶν κοινῶν προτιμῴη**, with *Phil.* 5.5–6 *Hoc qui non videt, excors, qui, cum videt, decernit, impius est. … Nullae istae excusationes sunt: 'Meus amicus est.' Sit patriae prius. 'Meus cognatus.' An potest cognatio propior ulla esse quam patriae, in qua parentes etiam continentur?* In both *exordia*, the consideration of friendship above the fatherland (τὰ κοινὰ vs. *patria*) and the idea of stupidity (*excors*, συνετώτερον) play a central role; moreover, Appian appears to imitate the succession of alternative elements (cf. ἢ… ἢ … ἢ, εἰ with *qui … qui, an potest*).

[68] Gowing 1992: 235–237 argues that Piso's speech resembles the *Philippics* more closely in its rhetorical fervour than Cicero's oration.

[69] *B. Civ.* 3.53.220.

4. Refutation (3.58.239–242) of the senate's suspicion that Antony would march on Rome, although Octavian's encampment is outside Rome, but he is not considered an enemy. How hypocritical was the praise for Antony, also from Cicero, when he left Rome with the army. Reference to Antony's family in front of the curia.
5. Peroration (3.59.243–60.248). Cicero is inconsistent (cf. Κικέρωνος μεταβολῆς, 59.243). Piso's proposal is to de-escalate, take the armies away from Decimus and Octavian, let the suffering city fortify itself with these armies. He exhorts the senate: the hatred, strife, and contention should cease, and it would be rash to declare Antony a public enemy. The people have voted Antony his governorship; the senate should be their wise councillors.

The one subject that is seriously and strangely lacking from both Cicero and Piso's speech is the debate regarding the embassy. This question features very prominently in the original *Philippics* dating to this period, and one would from a historical point of view expect Appian's Piso, who was part of this first embassy, to refer to it himself. In fact, the embassy is left completely unmentioned by the historiographer until the point that they are actually almost departing, having received the decrees passed in the senatorial debate and penned down by Cicero (Κικέρωνα συγγράψαι τε καὶ δοῦναι τοῖς πρεσβεύουσι προσέταξαν, 3.61.252). Since the surrounding narrative focuses on Cicero's vendetta with Antony, Appian's 'Philippic' is probably not meant as an accurate representation of the *Philippics*, but it offers a sample of the typical invective that characterized Cicero's oratory in 44–43 BC, and which is not necessarily productive, as we will see.

Yet, Appian does imitate certain prominent themes in the *Philippics*. I will give the most notable example from Cicero's speech, in the peroration where he argues that Antony is indeed an enemy already, and Salvius is stupid not to see it:

> Πότερον οὖν ἡμεῖς Ἀντώνιον ψηφιζόμεθα εἶναι πολέμιον, ἢ Ἀντώνιος ἡμᾶς ἤδη πολεμεῖ, καὶ ὁ δήμαρχος ἡμῶν ἔτι ἀγνοεῖ, μέχρι ἄρα Δέκμου πεσόντος ἥ τε χώρα τοσήδε οὖσα καὶ ὅμορος ἡμῖν καὶ ἐπὶ τῇ χώρᾳ ὁ Δέκμου στρατὸς ἐς τὰς καθ᾽ ἡμῶν ἐλπίδας Ἀντωνίῳ προσγένηται. Τότε γὰρ αὐτόν, ὡς ἔοικεν, ὁ δήμαρχος ψηφιεῖται πολέμιον, ὅταν ἡμῶν γένηται δυνατώτερος.[69]

> Do we now vote that Antony is an enemy, or is Antony rather already waging war upon us? But our tribune will remain clueless, until Decimus has fallen, and this great land that borders on our land and, apart from the land, Decimus' army has come into Antony's possession to use in his plans against us. For then, it seems, will the tribune vote him an enemy: when he has gained power over us.

As the educated reader knows, the discussion as to whether Antony was a public enemy or not takes up a central place in the *Philippics*. In *Phil.* 5.33 Cicero spoke: "Against him, fathers, a war, a war, I say, must be fought, and right away; any delay by sending ambassadors should be rejected!" (*cum hoc, patres conscripti, bello, bello, inquam, decertandum est, idque confestim; legatorum tarditas repudianda est*).[70] Later that year, Cicero's use of *bellum* would become the subject of discussion when his fellow senators openly rejected his polemical attitude—this is in fact the opening topic of *Phil.* 8 (see next section). As a result of his attempt to designate Antony as an enemy of the Roman people, Cicero's *Philippics*, more than anything he had produced, were a call for battle. The passage quoted above demonstrates how Appian's speech for Cicero alludes strongly to this particular rhetoric of war: the term πολέμιος functions as a frame for this peroration. The first sentence states that Antony is actually not only an enemy of Rome but already waging war on it, ἤδη πολεμεῖ; the verb πολεμέω echoes the preceding noun πολέμιος. What is more, the idea that Antony is πολέμιος to Rome in fact frames the entire 'Philippic', since Cicero began his speech by reminding the senate that they voted Antony an enemy the day before (ἐψηφιζόμεθα εἶναι πολέμιον), and now comes back to this thought in the peroration.[71]

2.2.2 *Piso's anti-'Philippic': more Ciceronian intertexts*

Piso's speech is an ironic response to Cicero's use of πολέμιος. Piso uses the term no less than six times. Four of the six times Cicero's use of the word is contrasted with the letter of the law and shown to be invalid. One example suffices to show the tenor of Piso's argument. With regard to the matter of the decimation of Antony's army, Piso claims that Antony possessed full authority to punish misbehaving soldiers: nobody ever calls a general to account for such actions.

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[70] Cf. *Phil.* 5.25; the word occurs no less than 36 times in this speech; words of the stem *inimic-* 6 times.

[71] *B. Civ.* 3.52.213.

> Οὐδὲ τῶν νῦν συγγενὴς οὐδείς, ἀλλὰ Κικέρων ἐπιμέμφεται καὶ φόνου κατηγορῶν **πολέμιον κοινὸν** ἀντὶ τῶν ὡρισμένων ἐπιτιμίων τοῖς φονεῦσι τίθεται.[72]

> And none of their [sc. the soldiers'] relatives bear a grudge against him now, but Cicero does, and while accusing him of murder he brands him a **public enemy** in contradiction to the legal punishments for murderers.

The claim that Antony was an enemy of the Roman people, which is the hallmark of the *Philippics*, is cleverly dismantled by Appian's Piso. On the one hand, he sets Cicero off from the rest of the Roman people by suggesting that he is the only person to find fault with Antony's behaviour.[73] The addition of the word κοινός, which does not occur in Cicero's 'Philippic' or elsewhere in Piso's reply, carries an ironic tone: even though the Roman citizens directly affected by Antony's policy have no complaints, Cicero presents Antony as an enemy to all of them. On the other hand, Piso stresses the illegal character of Cicero's programme: Cicero heaps angry accusations upon Antony instead of applying the codified legal action to his charge. As we shall see below in more detail, this is part of Piso's rhetorical technique to characterize Cicero as a blasphemer who does not have any respect for the Roman law.

A second aspect of Piso's contribution to the debate which alludes to the thematic discourse of the *Philippics* is the complaint that Cicero was acting out of anger instead of arguing reasonably. In *Phil.* 8, Cicero directly responds to the accusation made by Calenus that he is arguing in an irascible manner with him:

> *Nam quod me tecum iracunde agere dixisti solere, non est ita. Vehementer me agere fateor, iracunde nego. Omnino irasci non temere soleo, ne si merentur quidem.*[74]

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[72] *Ibid.* 3.56.231.

[73] This is completely opposite to Cicero's own self-representation in the speeches. See below on the image of Cicero as *publica vox*, n. 106.

> For with respect to what you said, that I'm often angry when I argue with you, that is not true. I confess that I'm a vehement speaker, but I deny that I'm an angry one. Trust me, I do not get angry without reason, not even when people deserve it.

Possibly in response to this image of Cicero as an irascible speaker, Piso explicitly voices the argument that anger is not a fitting emotion in official debate:

> Καὶ τάδε μὲν εἴρηται τοῖς ἄνευ φθόνου καὶ φιλονικίας ἀκροωμένοις· τοῖς δὲ ἀπερισκέπτως καὶ ἀπαρασκεύως δι᾽ οἰκείαν ἔχθραν ἢ φιλονικίαν ἐκθορυβοῦσιν ὑμᾶς κριτὰς παραινῶ μὴ ταχεῖς εἶναι μηδὲ προπετεῖς ἐς ἄνδρας μεγίστους τε καὶ στρατιᾶς ἄρχοντας ἱκανῆς μηδὲ ἄκοντας ἐκπολεμοῦν…[75]
>
> And this was said to those who listen without envy or love of competition. To those who are running amok inconsiderately and thoughtlessly because of personal hate or strife—I advise you not to make hasty or premature decisions which concern men who are mighty and lead powerful armies, and not to make them hostile if they don't want to be…

When senators let their personal feelings obscure their counsel the results of their decisions could be detrimental to the state. Feelings of hatred (ἔχθρα) and bad competition (φιλονικία) cause unrest (θόρυβος), and this is exactly what should be avoided if large armies are involved. Piso does not mention Cicero's name explicitly as part of the "people who speak inconsiderately and thoughtlessly" (ἀπερισκέπτως καὶ ἀπαρασκεύως), but the vocabulary used in this passage reminds us of his argument about Cicero's inconsistency. In a reaction to the defection of two of Antony's legions (to the side of Octavian), Piso argued that this kind of desertion opposes military law and should be condemned instead of praised. Moreover, by accusing Antony at the same time of tyrannical ambitions and of punishing his soldiers so harshly—two things which are irreconcilable in Piso's line of argument—"Cicero has been driven to inconsistency by his hatred" (Κικέρωνα δὲ καὶ ἐς ἀνωμαλίαν ἐξέστησεν ἡ ἔχθρα).[76] Therefore, in Piso's speech we encounter the same idea as the historical Calenus already expressed in 43 BC: Cicero allows his emotions, and especially his anger, to in-

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[74] *Phil.* 8.16.

[75] *B. Civ.* 3.60.246.

[76] *Ibid.* 3.58.233.

fluence him in the debate over Antony. As becomes clear from Piso's speech, just as it does from Calenus' oration in Dio book 46 (see below, § 3.2), Cicero's aggressive rhetoric leads to complaints that he is stimulating the outbreak of civil war instead of tempering the conflict. The charge of warmongering seems to be historical, since Cicero in *Phil.* 7.3 also defends himself against certain other senators that he was "playing the war trumpet" (*bellicum me cecinisse dicunt*).

Appian's representation of the polemic between Cicero and his fellow senators, which featured so prominently in the Latin speeches, is a unique recreation of the objections made against Cicero's anti-Antonian rhetoric by his fellow senators. Piso's speech displays a type of indignation which is completely different—as we will see—from the tone of Dio's speech for Calenus, which incorporates a range of popular themes from the invective tradition *in Ciceronem*.[77] In my opinion, the lack of "bitter personal invective" and "sweeping rhetorical flourishes"[78] is not evidence that Appian ignored the *Philippics* as a model; rather, the historiographer was interested in the terms of republican debate as well as the harmful element of pathetic rhetoric as a problematic aspect of this debate.

To recapitulate, I have demonstrated that with regard to the themes of the debate between Cicero and Piso, the *Philippics* were an important medium through which Appian envisaged the events of early 43 BC. His imitation of the polemic expressed in (and by) the *Philippics* lends coherence to his antilogy. Furthermore, we might say that Appian's debate offers a very compressed sample of Cicero's oratory in his final years, whose main features consist of the representation of Antony as public enemy as well as a contentious or angry rhetoric.

2.3 THEMATIC AND IDEOLOGICAL FEATURES OF APPIAN'S PHILIPPIC DEBATE

2.3.1 The position of the debate within the narrative

Classical Greek historiography is full of democratic assemblies where political matters are explored from multiple sides in symbouleutic speeches. As multiple scholars have demonstrated, the classical historiographers often presented their speeches in clustered groups to mark major, dramatically intense moments in the course of events during the Peloponnesian war.[79] Appian's speeches, all located in the period after Caesar's death, serve a similar ideological purpose. After the murder of Caesar, in the historiographer's words, it became much more difficult to find men who were φιλελευθέροι than μισθωτοί, 'sycophants' who would support whomever was in power.[80] Furthermore, in the preface to the *Civil Wars* Appian notes that the assassination of Caesar, who actually brought the *staseis* temporarily to a halt, revived the citizens' ambitions to surpass their peers (ἐς τὰ ἀντίπαλα φιλονικία).[81] The debate in the senate in January 43 BC marks a transitional moment in Appian's text. After months of heightened tension and ambivalence, the senators finally decree that war must be waged against Antony; this is the official beginning of the final civil war of the late Republic.

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[77] See below, § 3.2.4.

[78] Gowing 1992: 235.

As if to highlight this pivotal moment, the antilogy between Cicero and Piso is the only senatorial debate in the *Civil Wars*. Before this debate there have indeed been important moments marked by direct speech, but they consist of separate contributions to senatorial meetings or of direct addresses to either the Roman people or military troops.[82] Antony, for example, has addressed the senate several times to express his preferred course of action, and Brutus has given a long speech to the people which clarifies the goals of the Liberators. The exchange between Cicero and Piso, in contrast, constitutes the first time that multiple sides of the conflict are articulated in the space of one meeting.

Viewing Appian's Philippic debate from a narratological perspective, we can safely say that it is meant as a recapitulation and illustration of the attitudes of the different factions in Roman society as they are described in the main narrative. Narrative and speech work together in demonstrating the reasons each party had for either attacking or supporting Antony. There are strong verbal parallels between the narrative and discourse; Cicero and Piso frequently echo the words of the historiographer in the main narrative. In this regard, the speeches do not present any new information about the situation of 44–43 BC. Appendix A provides a complete overview of parallel passages. As is confirmed by this overview, Cicero's words are often mainly repeating those of the historiographer. Consequently, they are less a piece of vile invective than Appian makes us believe in his imitation of Cicero's angry Philippic rhetoric, in his account of the social disturbances caused by the Ciceronian faction, or in the condemnation of Cicero's falsification of the senate's decree at 3.61.251–252. For instance, with regard to Antony's management of Caesar's documents, Appian already concedes at the beginning of book 3 that Antony is misusing them in order to hand out favours (3.5.16). Another fine example is the tale of Antony's decimation of the soldiers at Brundisium. In his contribution to the debate, Cicero relates that Antony wished to "crush the soldiers' spirit" (τὴν στρατιὰν καταπλησσόμενος, 3.52.218), and he emphasizes that these soldiers were executed without trial only because they mocked Antony's conduct. Piso counters this image by arguing that a general is definitely allowed to punish his soldiers for such disobedience (3.56.230). Yet if we study the episode in the main narrative, the historiographer appears to present the matter in a similar manner as (but independently from) Cicero. The situation is focalized from the soldiers' point of view: Appian describes their anger and their scorn at Antony's empty words (οἱ δὲ ἐγέλασαν τῆς σμικρολογίας). The word σμικρολογία, not present in other accounts of the story, is especially deprecating. The army's explicit mockery of Antony is Appian's own addition to the story, and it makes it all the more significant that this element returns in Cicero's speech. Furthermore, just like Cicero, in order to define Antony's main aim with the decimation the historiographer uses the term καταπλήσσειν. With his speech for Cicero Appian has created a strong reminder of several particularly unpopular episodes that have been related in the preceding narrative of book 3. Thematically, then, through the repetition of value-laden terminology the 'Philippic' affirms the ambiguous portrayal of Antony in the narrative.

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[79] For Herodotus, see LANG 1984; for Thucydides, COGAN 1981: 123–126, who identifies these moments as "changes"; for Xenophon, BARAGWANATH 2017, HUITINK & ROOD 2019: 102.

[80] *B. Civ.* 2.120.504. On the negative portrayal of the Roman senators and elite in this period, HOSE 1994: 290–294.

[81] *B. Civ. praef.* 5.

[82] Appian also includes a few dialogues between the Second Triumvirate and their followers, but by then the balance of power has shifted so much to the side of Antony and Octavian that it is difficult to see these dialogues as an equal exchange of thoughts.

In terms of narrative structure, the direct introduction to the debate neatly summarizes its content and tone. The historiographer clearly explains both sides of the debate. Cicero and his friends believe that Antony should be declared a public enemy (πολέμιον αὐτὸν ἠξίουν ἤδη ψηφίσασθαι), considering his attack on Gaul and his abuse of the army which was designated for Thrace but now employed to march on Italy. Moreover, Antony has antagonized them by strutting about the city surrounded by his guard, an armed band, and using arms and watchwords around his house as if it were a fortress (ἔν τε τῇ πόλει φανερῶς δορυφορηθέντος ὑπὸ τοσῶνδε λοχαγῶν καὶ περὶ τὴν οἰκίαν ὥσπερ ἄκραν ὅπλοις καὶ συνθήμασι κεχρημένου).[83] Piso, on the other hand, who Appian says managed Antony's affairs in his absence (ὁ τῷ Ἀντωνίῳ τὴν ἀποδημίαν ἐπιτροπεύων), and many others in his wake believed that Antony should be brought to trial and that it was not appropriate if a consul who was honoured one day was to be convicted the next (καλεῖν αὐτὸν ἐς κρίσιν ἠξίουν, ὡς οὐ πάτριον σφίσιν ἀκρίτου καταδικάζειν οὐδ᾽ εὐπρεπὲς τοῦ χθὲς ὑπάτου τῆς ἐπιούσης ἡμέρας).[84] By outlining the main points of the speakers in advance, the historiographer strongly guides the readers' interpretation of the debate.

2.3.2 *Cicero and Piso unmasked by the historiographer*

Although the speeches carry little informational value, they possess a strong ethical value and function as a tool to interpret morally both the events and the motivation of the political players. Intratextual links within the *Roman History* are used to illustrate the distortion of the facts in the speakers' representations of the events up to January 43 BC. Although we have just seen that Appian is in some ways as anti-Antonian as Cicero in his 'Philippic', both Cicero and Piso are seen to present a charged version of Antony's actions compared to the words of the historiographer himself.

An example of such tendentiousness on Cicero's part is the account of Antony's interruption of the march on Rome. This would have been the result of the news that two of his legions had defected to Octavian, and were now stationed near the city. Cicero relates that out of fear of Octavian and his army, Antony broke off his march and fled to Gaul (Καίσαρος δὲ αὐτὸν τοῦ νέου σὺν ἑτέρῳ στρατῷ φθάσαντος ἔδεισε καὶ ἐς τὴν Κελτικὴν ἐτράπετο, 3.52.217). In the main narrative, this event is related somewhat differently (3.45.186): "thrown off by this (διαταραχθείς), Antony visited the curia; they discussed some minor matters, and then he immediately proceeded to the city gates and from the gates to the city of Alba in the hope of changing the deserters' convictions." On the basis of this version, the reader has no reason to believe that Antony took flight because he was afraid of Octavian's military power.

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[83] *B. Civ.* 3.50.204.

[84] *Ibid.* 3.50.205.

By depicting Antony as a coward, Cicero betrays his contentious strategy to undermine Antony's authority. He further blackens his opponent's reputation by adding that Gaul was a good place from which to attack Rome (ὡς εὔκαιρον ἐφ' ὁρμητήριον), *since* (ὅτι) *Caesar had taken power over us marching from there* (ὅτι καὶ ὁ Καῖσαρ ἐκεῖθεν ὁρμώμενος ἐδυνάστευσεν ἡμῶν).[85] This ominous observation illustrates that Cicero is contriving to present Antony as a would-be Caesar, i.e. a tyrant. This type of rhetorical strategy confirms the image of the 'Ciceroniani' in the main narrative, who aim at dividing society instead of reconciling the different parties. The comparison of Antony's consulship with Caesar's *dynasteia* was exactly the kind of incendiary rhetoric that Piso and his party rejected.

Piso himself, despite his excellent credentials,[86] is guilty of distorting the truth in an even more consequential manner. With regard to the law that gave Antony the command over Gaul (and made D. Brutus its illegitimate defender), Piso notes:

> Τὴν δὲ Κελτικὴν ἡγεμονίαν οὐκ ἐψηφισάμεθα μὲν ἡμεῖς Ἀντωνίῳ, ἔδωκε δὲ ὁ δῆμος νόμῳ, παρόντος αὐτοῦ Κικέρωνος, ᾧ τρόπῳ καὶ ἕτερα πολλάκις ἔδωκε καὶ τήνδε τὴν ἡγεμονίαν αὐτὴν Καίσαρι πάλαι.[87]
>
> We have not voted to give the government of Gaul to Antony, the people, with Cicero himself present, gave it to him by law, just like they often gave other offices and this same governorship to Caesar in the past.[88]

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[85] *Ibid.* 3.52.217.

[86] *Ibid.* 3.50.205, ἀνὴρ ἐν τοῖς μάλιστα Ῥωμαίων ἐπιφανής.

[87] *Ibid.* 3.54.225.

[88] For the comparison with Caesar, see also *B. Civ.* 3.27.104.

Piso here counters both Cicero's accusation that Antony illegally acquired the province of Gaul, and his statement that Caesar envisaged Gaul as an operating base from which to attack Rome. Both men had been given the province legally, both men had a right to be stationed there with an army. From a rhetorical perspective, this is a fairly convincing argument. It would have been successful had not the historiographer presented a very different picture earlier in book 3 (27.102–30.119). For what Piso does not mention is that Antony's request for Gaul was first denied by the senate. Having this knowledge, Piso's remark that "*we* have not voted in favour of giving Antony Gaul" acquires a very different flavour. What Piso also does not mention is the σύνθημα, the secret plan, Antony is subsequently said to have devised. According to the narrative, on the day of the vote, Antony bribed the tribunes to keep quiet during the election, he surrounded the forum with a guard preventing citizens from leaving, and used an uncommon procedure which made the citizens vote by tribe instead of century. The corrupt nature of the 'law' Piso mentions in the above passage will not have escaped Appian's readers.

I shall give one final example of Piso's double agenda as it is uncovered in the debate; other minor incongruencies will be pointed out in Appendix A. An important moment when the historiographer himself comments on the illegal aspects of the consul's behaviour is during the episode with Pseudo-Marius, also known as Amatius. Piso presents Antony's quick liquidation of Pseudo-Marius as a praiseworthy action done for the benefit of Rome (3.57.235). However, the main narrative reports that Antony exploited the rumour that Amatius was plotting against the state for his own benefit and executed him χωρὶς δίκης, μάλα θρασέως—without a trial and precipitately (3.3.6). According to the historiographer, Amatius' conspiracy functioned as a pretext for restoring Antony's own unpopularity with the senate, which was due to his (quite literally) incendiary funeral speech for Caesar (3.2.2). The reactions to Antony's decision are described as mixed; certainly not everybody felt blessed by Amatius' removal. Though they also saw how it would be useful, "the senate was struck by the deed, since it was excessive and illegal".[89]

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[89] *B. Civ.* 3.3.6: καὶ ἡ βουλὴ τὸ μὲν ἔργον ἐθαύμαζεν ὡς μέγα καὶ παράνομον…

The discrepancies between the speeches and the main narrative pinpoint the real problem in this situation: the orators’ deceptive rhetoric combined with a competitive need to trump their opponent undermine the process of decision-making. Appian proves himself a master in showing the flaws of all the parties involved in this conflict.

2.3.3 *Antony’s speech and the exemplary lesson of the debate*

The final part of the debate in the senate shows the subtlety of Appian’s moralizing technique. He notes that “either unawares or on purpose (λαθόντες εἶτ’ ἐξεπίτηδες), the senate ordered Cicero to write up and give the other orders to Antony to the envoys”.[90] Still led by his personal strife with Antony, Cicero writes down this letter φιλονίκως καὶ ψευδῶς, “contentiously and mendaciously”.[91] Cicero’s contentious deed unlocks a disastrous chain of events in Appian’s narrative. The narrator comments that it seemed like a malevolent *daimon* was leading Cicero to his destruction in its machinations to overthrow the Republic:[92] “he was not so much influenced by hatred, as, it seems, by a demon who disturbed the state to the point of revolution, and who was evilly disposed toward Cicero himself” (οὐδεμιᾶς ἔχθρας τοσῆσδε ὑπούσης, ἀλλ’, ὡς ἔοικε, τοῦ δαιμονίου τὰ κοινὰ ἐς μεταβολὴν ἐνοχλοῦντος καὶ αὐτῷ Κικέρωνι κακῶς ἐπινοοῦντος).[93]

When he reads the letter Antony bursts out in anger (σὺν ὀργῇ πολλὰ ἐς τε τὴν βουλὴν καὶ τὸν Κικέρωνα ἀπερρίπτει), and he gives two replies, which are quoted (partly) in direct speech.[94] First, in a personal outburst against the poor ambassadors, he defends himself to the senate against the attacks made by Cicero, recapitulating the main points of Piso’s speech. Most notable about Antony’s first reply is the continuing antithetical structure (built by repeated μέν–δέ constructions) in which Cicero's actions are contrasted with those of his rivals in such a way as to demonstrate his inconsistent behaviour, just like Piso was prone to highlight Cicero's hypocrisy (ἀνωμαλία, 3.56.233). The explosive response is followed by the narratorial remark that Antony nevertheless wrote to the senate to confirm he would hand himself over. In his second reply, which takes the form of a letter, Antony addresses Cicero, showing himself to be unwilling to release Gaul at all. The "contentious and false" orders Cicero wrote thus seduce Antony into admitting his bellicose ambitions, making him immediately dangerous to the state. On hearing Antony's personal response to Cicero, the senate votes him a public enemy (3.63.258). Did the senate give Cicero the task to write the orders to Antony on purpose, as the narrative suggests, knowing that it would create an explosive answer by Antony and draw him out? If so, according to the way it is presented in Appian's account this was at the cost of Cicero himself, since it made him Antony's direct enemy. Every reader is aware of what that would eventually lead to.

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[90] *Ibid.* 3.61.250.

[91] *Ibid.* 3.61.252.

[92] GOLDMANN 1988: 30 explains this comment as indicative of Appian’s belief “die Entstehung des römischen Weltreiches sei durch göttlichen Beschluß erfolgt”. However, as GOLDMANN argues (30–31), it is typical for Appian that, rather than being a pawn in the hands of the gods, Cicero is also presented as partly responsible for the events himself.

[93] *B. Civ.* 3.61.252.

[94] *Ibid.* 3.62.254. I propose to place the quotations marks after ἀπερρίπτει (sim. WHITE 1913). The phrase ἀπερρίπτει θαυμάζων ὅτι has more or less the same value as ἔφη or ἔλεγεν; the two *verba praesentia* ἡγοῦνται and νομίζουσιν invite us to note the transition.

Most importantly, in this final part of the deliberations, the whole episode is interpreted as an *exemplum* of republican φιλονικία interfering with political relations and removing all roads to constructive counsel. Cicero, then, is the unlucky lead actor. We have seen that in the preface to the Civil Wars it is stated that, when Caesar and his autocratic regime died, bad competition, φιλονικία, between republican politicians became rife again. Piso's speech picks up on this theme of φιλονικία, as we have seen above:[95] in the peroration he appeals to the part of the audience which is free from ill-will (φθόνος) and contentiousness (φιλονικία), and he admonishes those who are causing unrest because of their personal hatred (οἰκεῖα ἔχθρα) and contentiousness (φιλονικία) to act instead as proper councillors. The concept of φιλονικία is explicitly placed in the realm of exemplary discourse by Piso's reference to the *exemplum* of Marcius Coriolanus (ἀναμιμνησκομένους Μαρκίου τοῦ Κοριολανοῦ).[96] As Piso implies, most senators are not able to separate their personal emotions and professional responsibilities. Cicero's personal rivalry with Antony exemplifies that fault, as the historiographer also confirms. Piso's speech frames Cicero's actions as an example of the contentious attitude of the republican senators, which is thematized throughout the *Civil Wars* as part of the explanation for the fall of the Republic. Even though, as we have seen in the previous section, Piso himself is not flawless, he is able to reflect on the (dangers of) moral corruption within republican politics. It is this aspect of the speech that gives him the moral high ground in the discussion. Again, as we have seen in chapter 3, Cicero's lack of reflection on his behaviour and his difficulty in controlling his emotions make him an example of the disintegration of the republican institutions.

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[95] See § 1.2 above.

[96] *B. Civ.* 60.246. The thought that personal ambitions should be repressed in political debate is also present in republican texts, as the opening of Caesar's speech in Sallust's Conspiracy of Catiline illustrates. See chapter 1, § 3.2.

2.4 ATTIC ORATORY AS A STYLISTIC AND IDEOLOGICAL TEMPLATE FOR THE DEBATE BETWEEN CICERO AND PISO

2.4.1 *Simplifying Cicero as a representative of the elite 'majority'*

In the previous sections, we have focused on the *Philippics* as the main intertext for the debate between Cicero and Piso; an *exemplum* of contentious oratory, these speeches demonstrate the problem of political competition. In this part, we will look at Appian's interaction with the Greek tradition. I will argue that, in fact, the ideological framework of the debate is not so much Roman as it is Greek. There is a strong thematic antithesis between the arguments of Cicero and Piso, which could be summarized as a clash between the personal interests of the ruling elite and the law. Cicero's aristocratic standpoint that the senate is the ultimate arbiter in the debate is corrected by Piso's argument that democratic law should be the ultimate point of reference. What is at stake in their oratorical exchange is the proper functioning of the republican system in its legislative, elective, and juridical procedures. By simplifying Cicero's argument into a defence of the special rights of the senators, and centering Piso's argument around the law, Appian revives the fourth-century Greek discourse around democratic procedure. In § 3.2.5, it will be seen that Demosthenic oratory, in particular, functions as an important model for Appian's representation of the senatorial debate.

Appian's Cicero is an aristocrat through and through. In his opening words, he argues that Salvius should obey his superiors, who have more political power and more knowledge than he does:

> Ἀμαθῶς δ᾽ αὐτὸν ἔχοντα τῶν παρόντων ἔδει πιστεύειν ὑπάτοις ἀνθ᾽ ἑαυτοῦ καὶ στρατηγοῖς καὶ δημάρχοις τοῖς συνάρχουσιν αὐτῷ καὶ τοῖς ἄλλοις βουλευταῖς, οἳ τοσοίδε τὴν ἀξίωσίν τε καὶ τὸν ἀριθμὸν ὄντες διά τε ἡλικίαν καὶ ἐμπειρίαν ὑπὲρ τὸν Σάλουιον καταγινώσκομεν Ἀντωνίου. ἔστι δ᾽ ἔν τε χειροτονίαις καὶ δίκαις αἰεὶ τὸ πλέον δικαιότερον.[97]
>
> If he is ignorant of what is happening he ought to listen to the consuls instead of himself, and to the praetors and the tribunes who govern together with him, and to all the other councillors—us great men surpassing Salvius by authority and numbers as the result of our age and experience, we condemn Antony. In elections and in trials the majority is always the most rightful.

What does Cicero mean by the platitude that the majority is always the most rightful in elections and court cases (ἔστι δ᾽ ἔν τε χειροτονίαις καὶ δίκαις αἰεὶ τὸ πλέον δικαιότερον)? Indeed, many republican institutions, for example regarding legislation and election procedures, functioned by virtue of the right of the majority.[98] However, the comments preceding this sententia indicate that it is not necessarily a democratic idea: Cicero argues that Salvius would do better in trusting the consuls, praetors, tribunes, and the other senators, because as a result of their seniority and their experience they have authority and they form a large group. The 'majority', τὸ πλέον, refers to the men at the top of the political hierarchy—definitely not to the common majority formed by the Roman people. Cicero is shown to vary on the familiar argument that a republic is governed by the multitude of citizens, turning it into a particular validation of the power of the senatorial order. The argument made in this peroration will be proven by Piso to be a wrong interpretation of the democratic right of the majority.

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[97] *B. Civ.* 3.52.214.

[98] It is interesting that the two official procedures that Cicero mentions here, the election of magistrates and the criminal trial, are usually believed to be strongly influenced by the Roman elite at the cost of the will of the Roman people. For election procedure as influenced by the elite, especially in the *comitia centuriata* where the consuls and praetors were chosen, see Taylor 1949: 50–75; *contra*, Lintott 1999: 202–206. Cf. Mouritsen 2001: 94–96. Fundamental is also Hölkeskamp 2004a: 257–280 in reaction to the opposite views of Millar 1998; Mouritsen 2001 is less polemical. Hölkeskamp 2004b usefully reviews the international scholarship about Roman political culture. On criminal trials specifically, see the succinct overview in Harries 2007, who explains that with the rise of standing courts, the *quaestiones perpetuae*, in the latter part of the Republic, the original *iudicium populi* (Harries 2007: 14–16) lost in power; the standing *quaestiones* were officially termed *publica iudicia*, but they were set up rather as a means of self-regulation for the elite (16–18). Cf. Badian & Lintott 2012.

To a certain extent, the views of Appian's Cicero resemble those expressed in the historical Cicero's political and philosophical writings. According to Cicero's philosophy, the power of the republican constitution should depend on two important bodies: the state laws and the senate. The laws were seen as the cornerstone of the state's organization, as the famous quotation from *In defence of Cluentius* illustrates.[99] The senate was the agent determining the manner in which they ought to be exercised. In his treatises, Cicero expresses scepticism about the rule of the people. He believed that "the safety of the citizens is found in the deliberations of the best men", *in optimorum consiliis posita est civium salus* (*Rep.* 1.51).[100] Institutionally, the laws were adopted (or blocked) by the people's assembly, which, in contrast to the senate, had political power, *potestas*. Cicero himself, however, thought that the only road to a "balanced and harmonious" Republic was through giving the senate (the elite, or the *boni cives*) ultimate responsibility (*auctoritas*) over state policy.[101] Cicero believed that the system of democratic voting, as it was exercised in the *comitia*, was fragile.[102]

However, the Cicero of the public speeches takes on a very different persona, and hammers on the influence of the Roman people on state policy and the outcome of specific law cases. On multiple occasions, particularly whenever the reputation or safety of one of his clients or of himself was at stake, Cicero is seen to appeal to the ultimate power (*maxima* or *summa potestas*) of the *populus Romanus*.[103] The *vox populi* that Cicero claimed to represent forms a central argument of his public speeches.[104] For instance, in *Phil.* 7.22 Cicero proudly remarks "What shall I say about all of the Roman people? From a forum fully packed they have twice called upon me to speak in an assembly, with one mind and one voice, and they have expressed their great wish to restore freedom."[105] In accordance with this image, Cicero is often framed in imperial literature as the *publica vox* that represented the feelings of the Roman citizens and defended their interests.[106]

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[99] *Cluent.* 146, *Legum ministri magistratus, legum interpretes iudices, legum denique idcirco omnes servi sumus ut liberi esse possimus*. Cassius Dio alludes to this passage in his speech of Cicero: 45.43.4. Cf. Cic. *Rep.* 1.49.4 (*quid est enim civitas nisi iuris societas civium?*)

[100] Transl. by J. ZETZEL 1999: 22.

[101] E.g. *Leg.* 3.10, 3.28, 3.38; *Sest.* 137 contains another such plea for the *auctoritas senatus*. On this concept, BLEICKEN 1975: 304–324; LINTOTT 1999: 86–88.

[102] Cf. *Rep.* 2.22, 3.23; *Sest.* 96–143. See BLEICKEN 1975: 280–284, 288–294.

[103] Cf. *Rab.* 5, *Dom.* 80 (see BLEICKEN 1975: 288–294, MEIER 1997: 116–117). MILLAR 1998: 71–72 and 172–174 also discusses *Ver.* 2.5.143–144 and *Planc.* 10–15 as examples of Cicero's reference to the people as a powerful, legislative body.

[104] This theme is ubiquitous in the public speeches. Apart from the *Philippics*, see e.g. *Cat.* 4.19,

Despite this image of Cicero as a guide and leader of the Roman people, Appian's *Roman History* devotes no attention at all to Cicero's relationship with the people. (Not even, as we might expect, in his account of the Catilinarian conspiracy, in which the historiographer focuses rather on the proceedings in the senate.)[107] The only reference to Cicero's popularity is Appian's comment that the people (ὁ δῆμος) voted Cicero *pater patriae* at the instigation of Cato the Younger.[108] The speech for Cicero in book 3 guides the reader further towards a view of Cicero as the optimate who believed in the power of the intellectual elite.[109] Moreover, in his rendition of Cicero's 'Philippic', Appian responds to an existing tradition in which Cicero is primarily the spokesman of the senate.[110] In chapter 2, we saw that in Lucan's *Civil War*, Cicero acts as the representative of the senate, who has little feeling for the people's wishes or interests. Appian's speech presents a similar Cicero who adopts an exclusively aristocratic point of view, but he actually gives voice to this aristocratic ideology, using a type of vocabulary that recalls elite republican discourse. The most prominent example of this is the emphasis on hierarchy and the authority of the senate, which makes Salvius' disobedience to more esteemed senior senators highly offensive (τοῖς ἄλλοις βουλευταῖς, οἳ τοσοίδε τὴν ἀξίωσιν τε καὶ

Pis. 7. Cf. *Red. pop.* 25, *Red. sen.* 28; *Cat.* 1.18, 27–29. A good discussion of the concept and its afterlife is found in Keeline 2018: 84–89.

[105] *Nam quid ego de universo populo Romano dicam? Qui pleno ac referto foro bis me una mente atque voce in contionem vocavit declaravitque maximam libertatis recuperandae cupiditatem.* Cf. *Phil.* 14.16.

[106] Sen. *Suas.* 6.19 (Cremutius Cordus), 6.21 (Bruttedius Niger), 6.26 *publica vox* (Cornelius Nepos); Luc. 7.62; Cass. Dio 38.18.1.

[107] *B. Civ.* 2.2.4–7.23.

[108] *Ibid.* 2.7.24.

[109] Gabba 1956: 165–175 already signals that "Dal cap. 50 in poi Senato e Cicerone sono strettamente congiunti nell'azione politica e nel disprezzo del storico" (167).

[110] E.g. Luc. 7. 62–84; Juv. 7.197–199, 8.244 (*patrem patriae*); Plin. *HN* 7.116–117 (*primus in toga …*); Sen. *Suas.* 6.26 (*ingentia consulis acta / iurataeque manus*); Sen. *Dial.* 10.5.1; Sid. Apol. *Carm.* 2.186 (*Arpinas consul*); Plut. *Cic.* 13. Cf. Catul. 49 for Cicero as typical aristocrat (*tu optimus omnium patronus*).

τὸν ἀριθμὸν ὄντες διά τε ἡλικίαν καὶ ἐμπειρίαν ὑπὲρ τὸν Σάλουιον).[111] However, as we will see below, this expression of the Roman *auctoritas senatus* is still a coloured interpretation of Ciceronian thought, for it also prepares the reader for Piso's Greek interpretation of civic justice.

2.4.2 Piso for the people? Projecting a Greek perspective on the Roman constitution

Piso's defence of the law functions as a corrective to Cicero's aristocratic beliefs. The image of Piso as a pious citizen has been established in advance of his speech: in book 2.136.567, Piso is already introduced as a man bound to the legal institutions of Rome, when he does not succumb to the other senators' wishes that he divulge Caesar's testament. The first words of his contribution, which are concerned with the legal aspects of the controversy over Antony's policy, confirm this portrayal:

> Ὁ μὲν νόμος, ὦ βουλή, δικαιοῖ τὸν εὐθυνόμενον αὐτὸν ἀκοῦσαί τε τῆς κατηγορίας καὶ ἀπολογησάμενον ὑπὲρ αὑτοῦ κρίνεσθαι· καὶ τὸν δεινότατον εἰπεῖν Κικέρωνα ἐς ταῦτα προκαλοῦμαι. ἐπεὶ δὲ ὀκνεῖ μὲν παρόντος Ἀντωνίου κατηγορεῖν, ἀπόντος δ᾽ ἐγκλήματά τινα εἶπεν ὡς μέγιστα ἐκ πάντων καὶ ἀναμφίλογα ὄντα, παρῆλθον ἐγὼ δείξων αὐτὰ ψευδῆ βραχυτάταις ἀποκρίσεσι.[112]
>
> The law, dear senate, states that he who is under investigation himself hears the accusation and that a verdict is passed after he has defended himself; and I challenge Cicero, he who is most skilled at speaking, to do this. But since he hesitates to accuse Antony with him being present, and now that he is absent brings certain indictments against him as if they are the most important of all and indisputable, I will step forward to show in a few brief words that these are false.

Piso will in fact continue to make more than a few brief comments on the matter. He makes a sustained argument for obeying the law in matters of civil conflict. "It is not," he says, "fitting for those of good counsel (i.e. the senators) to engage in factional strife against the people during times of great danger, and to forget, that in the past this used to be the task of the people, to make a distinction between the actions of friends and enemies." He goes on to imbue the senators with some historical awareness:

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[111] *B. Civ.* 3.52.214.

[112] *Ibid.* 3.54.222.

> Μόνος γὰρ ἐκ τῶν πάλαι νόμων ὁ δῆμος αὐτοκράτωρ εἰρήνης πέρι καὶ πολέμου σκοπεῖν. ὧν μηδὲν ὁ δῆμος ἐπιστήσειε μηδὲ ἐπιμηνίσειεν ἡμῖν, προστάτου λαβόμενος.[113]
>
> For according to the laws of old the people alone have the authority to decide on matters of peace and war. May the people never be aware of this and project their anger at us, having taken themselves a leader.

Piso's remark that the people were traditionally the αὐτοκράτωρ is extraordinary. Appian never uses this term, which commonly refers to the official function of (military) 'imperator' or general, for the people except in this passage.[114] Theoretically, the *populus Romanus* did have a sovereign position in the election of magistrates, Roman legislation, and particular criminal cases.[115] These institutional rights have even led Fergus Millar to argue that Rome was a direct democracy.[116] However, this idea has been much contested by other historians of Rome, and the *communis opinio* is that effectively, the plebs were in many respects dependent on as well as manipulated by the elite, who monopolized all the magistracies.[117] In reality, therefore, the sovereignty of the people was structurally undermined.

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[113] *B. Civ*. 3.55.229.

[114] The term is frequent in the *Civil Wars*, and can roughly be used for three categories of officials (cf. FAMERIE 1998: 91–102): a) generals, e.g. 1.5.40 and 2.12.87, who can also receive the official Roman title of 'Imperator', e.g. 5.13.124 (Octavian); b) dictators, e.g. 1.11.99 (Sulla), 1.2.16; c) the Emperor, e.g. 1.5.38 (Hadrian) or 2.13.90 (Trajan). Cf. VRIND 1923: 31–37 on the term in Cassius Dio, where it would be a synonym of *imperator*.

[115] On the sovereignty of the Roman people, BLEICKEN 1975: 28–32 (in response to MOMMSEN's articulation of this political ideal) and 244–324; MEIER 1997: 117–151 who describes rather how the assemblies were restricted in their rights. LINTOTT 1999: 40–41, 43, 199–208 nuances the effect of these limitations. Cf. SANDBERG 1993. Cic. *Rab*. 5, *Dom*. 80; Sall. *Hist*. 3.48.15 (Licinius Macer); [Sall.] *Ep*. 2.3.2, 2.5.2 and 2.5.5 (about the ancient Roman constitution) are the few ancient sources which voice the concept of the *summa potestas/vis populi*. [Sall.] *Ep*. 2.5.5 most closely resembles Piso's turn of phrase: *ita paulatim populus, qui dominus erat, cunctis gentibus imperitabat, dilapsus est…*

[116] See MILLAR 1998: 197–226 (who also defended this argument in later articles). The power of the people's assembly is confirmed by MORSTEIN-MARX 2013, who illustrates that the assembly did have an effect on public policy in Rome, by blocking on occasion laws which the elite wanted to push through. However, despite this 'democratic' feature of public policy, there seems to have been little attempt by the people to change the nature of republican administration also, which enabled the magistrates and senate to control most of what was going on in Rome. Compare also Cic. *Rep*. 2.56 on the traditional Republic, which places the authority to govern with the senate. WIRSZUBSKI 1950: 14 explains: "Libertas [sc. of the *populus Romanus*] primarily consists in those rights which (a) affect the status of the individual citizen, and (b) ensure that the State is a real *res publica*; the nominal right to govern is included among them, but its actual exercise is subject to the possession of *auctoritas* and *dignitas*."

What inspired Appian to make Piso say this? I would like to propose that the historiographer, rather than voicing a Roman idea, projects his Greek views about the authority of the people on the constitution of the Roman Republic. Jochen Bleicken already signalled a similar tendency in a fragment from Appian's *Punic Wars* (*Lib*. 112.531), where it is described how the Roman people are frustrated over the election of Scipio Aemilianus as consul for 147 BC. This would have been in contradiction with the decrees issued by the Roman kings Romulus and Tullius, which stated that the people held the authority (τὸν δῆμον εἶναι κύριον) in the assembly and had legislative power.[118] Bleicken does not examine how Appian's formulation of this ideal imitates the conceptual language used to discuss the powers of the people in Greek political writings, which, I think, lends more strength to the case for his Greek interpretation of Roman government.

The idea that the *dēmos* is sovereign (κύριος in the *Punic Wars* fragment, or αὐτοκράτωρ in Piso's speech) is found in a few other Greek analyses of the Roman constitution.[119] Dionysius of Halicarnassus discusses the same historical period as does the fragment from Appian's *Punic Wars*; it is probably also this period to which Piso refers. Dionysius relates how, during his reign, Romulus granted the *populus* three rights: to choose magistrates, to authorize (new) laws, and to decide on matters of war whenever the king allowed them to do so (*Ant. Rom.* 2.14.3). Three books later in his discussion of Servius Tullius' transformations of the Roman constitution, Dionysius revisits and expands on these rights, saying "that according to the ancient laws the people possessed the authority over three matters, which were extremely important and vital: to appoint the magistracies both civil and military, to sanction laws and abolish them, and to judge whether a war should be started or ended" (ὅτι τριῶν πραγμάτων ὁ δῆμος ἐκ τῶν παλαιῶν νόμων κύριος ἦν τῶν μεγίστων τε καὶ ἀναγκαιοτάτων, ἀρχὰς ἀποδεῖξαι τάς τε κατὰ πόλιν καὶ τὰς ἐπὶ στρατοπέδου, καὶ νόμους τοὺς μὲν ἐπικυρῶσαι, τοὺς δ' ἀνελεῖν, καὶ περὶ πολέμου συνισταμένου τε καὶ καταλυομένου διαγνῶναι, *Ant. Rom.* 4.20.1). Note that just like Dionysius, Piso mentions that the power of the people also pertained to decisions about peace and war (εἰρήνης πέρι καὶ πολέμου σκοπεῖν).[120]

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[117] See note 98.

[118] According to BLEICKEN, this comment about popular sovereignty is "ohne Anspruch auf den Wert eines verfassungstheoretischen Grundsatzes" (292). He states: "Soweit es Aussagen in antiken Quellen gibt, die im Sinne einer omnipotenten, schrankenlosen Beschlussfähigkeit der römischen Volksversammlungen ausgelegt werden könnten, handelt es sich um Übertragung griechischen Denkens auf römische Verhältnisse." (292–293).

[119] Polyb. 6.14.4, where Polybius distinguishes between the people who are κύριος with regard to the laws, political offices, matters of honour and punishment, and peace and war; and the consuls who have αὐτοκράτορα δύναμιν and αὐτοκράτορα ἐξουσίαν with regard to military equipment and field operations; Dion. Hal. *Ant. Rom.* 2.14.3.

The Greek articulation of Roman popular sovereignty reflects the classical Athenian formulation of the people's rights. In his *Constitution of Athens* Aristotle describes how Solon famously devised the democratic system in which "having the authority of the vote, the people were sovereign in the state" (κύριος γὰρ ὢν ὁ δῆμος τῆς ψήφου κύριος γίνεται τῆς πολιτείας, 9.1).[121] The idea is also conspicuous in the Demosthenic corpus, especially in the forensic speeches. The authority of the people and their role as "guardians" of the law forms an essential topic within Demosthenes' rhetorical discourse:[122] "Here with us [sc. in Athens], the people are sovereign in the state, and the imprecations and laws and guards [are], to prevent anybody else from becoming sovereign", the orator says in *Against Leptines*.[123] In short, looking at the frequency of this type of analysis in the Greek tradition (and its absence in the Latin texts), we may argue that it was indeed his Greek predecessors who provided Appian the terminology to colour Piso's argument.

It is true that on many counts, Piso's argument also coheres with Roman elite views about politics, such as Cicero expresses in his speech: while Piso acknowledges the traditional sovereignty of the people, he also implies that the people should not become too aware of this power, since it might induce them to "take a leader" (προστάτου λαβόμενος) and try to overrule the senate. In general, though, the emphasis on the *potestas populi* is remarkable, especially in light of the last hundred years of the Republic where party politics was the rule rather than the exception, Caesar and Antony, whom Piso defends, being some of the best-known examples of this.

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[120] Cf. Polyb. 6.14.10: ὑπὲρ εἰρήνης οὗτος βουλεύεται καὶ πολέμου.

[121] Similar terminology occurs in Plato, *Leg.* 700a: οὐκ ἦν, ὦ φίλοι, ἡμῖν ἐπὶ τῶν παλαιῶν νόμων ὁ δῆμός τινων κύριος, ἀλλὰ τρόπον τινὰ ἑκὼν ἐδούλευε τοῖς νόμοις. The thought here is, however, directly the opposite from that of Aristotle. The idea of the people being 'slaves to the law' would recur in Cicero, *Cluent.* 146 (see n. 99). On the voting procedure of the Athenian assembly, OBER 1989: 133–134. The sovereignty of the Athenian people is explored in OSTWALD 1986, see esp. 77–83 and 520–524, where he describes the differences between the fifth- and fourth-century constitution.

[122] WOHL 2010.

[123] Dem. 20.108: παρὰ δ' ἡμῖν ταύτης μὲν ὁ δῆμος κύριος, καὶ ἀραὶ καὶ νόμοι καὶ φυλακαὶ ὅπως μηδεὶς ἄλλος κύριος γενήσεται.

In the next section, I will further contextualize Piso's argument by demonstrating that it was the oratory of Demosthenes, in particular, which furnished Appian with the terminology as well as the ideological framework for the Cicero–Piso debate.

2.4.3 *Evaluating republican oratory through Athenian discourse*

The vocalization of the different perspectives in the Cicero–Piso debate is not only Greek, it is also peculiarly Demosthenic. The speeches feature an arsenal of words and phrases taken from the Demosthenic corpus. Cicero, for example, uses a phrase which occurs nowhere in Appian except here: ἡ χώρα τοσήδε οὖσα καὶ ὅμορος (3.53.220).[124] The combination χώρα ὅμορος, "neighbouring land", is used in the exordium of Demosthenes' *Olynthiac* 1.5, where Philip is said to threaten the nearby lands—a reason for the Athenians, so argues Demosthenes, to take quick action.[125] Just as Philip is on the border of the Athenian state, threatening to make himself her master, so Antony is waiting to march on Italy and take over power. More significant, however, is Piso's use of Demosthenic phrases. The opening words of Piso's speech, ὁ μὲν νόμος (... ἐπεὶ δὲ ὀκνεῖ), are based on an antithetical structure which only Demosthenes frequently employed in his forensic orations, and which therefore became a hallmark of his oratory;[126] the second-century rhetorician Hermogenes acknowledges it as particularly successful.[127] By placing his opponents directly opposite the law, Demosthenes could nullify their trustworthiness and emphasize the illegality of their actions. Take as an example the speech *Against Timocrates*:

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[124] There are more phrases in the Cicero–Piso debate which are seldom used by Appian (on the basis of a *TLG* search): διαστασιαζέσθαι 55.229 (only in *Mac.* fr. 11.1); ἀνωμαλία 56.233, cf. *B. Civ*. 2.134, *Mac*. fr. 18.3, *Mithr*. 163; νυκτοφυλακεῖν 52.216 and 57.237 (twice), cf. *B. Civ*. 2.125.522, 3.45, and 5.46 (and *Mithr*. 198); ἀμαφίλογος 54.223 and 57.238, cf. *B. Civ*. 2.128; ἀπερισκτέπτως 60.246, only in *Celt*. fr. 2.4; ἀπαρασκεύως 60.246, only in *B. Civ.* 2.7.23.

[125] (Sparing) usage of this phrase is restricted to Demosthenes and Isocrates. Cf. Dem. 2.1 (again the exordium), 15.22; Isocr. *Archid*. 76, cf. 61. The phrase is otherwise common in Diodorus Siculus and imperial historians.

[126] In the classical corpus, there are nine instances of this formulation in Demosthenes' or Demosthenic texts (26.8, cf. 25.15–16; 23.84; 24.47, 55; 27.17; 37.35; 39.39; and the spurious 46.13, 20), one

> Καὶ ὁ μὲν νόμος μηδ᾽ ἐπιψηφίζειν φησὶ τῶν ἀρχόντων παρὰ ταῦτα μηδένα· ὁ δ᾽ ἔγραψε τοῖς προέδροις ἐπάναγκες, ἐάν τις καθιστῇ, προσάγειν, καὶ προσέγραψεν «ὁπότ᾽ ἄν τις βούληται».[128]
>
> Now, the law says that no one of the magistrates is allowed to put the question in contradiction of these measures; yet he wrote that it is necessary for the commissioners, when somebody nominates sureties, to account for themselves, and he added “whenever a man wishes”.

We recognize the same strategy in the exordium of Piso’s oration:[129] “The *law*, dear senate, states that he who is under investigation himself hears the accusation and that a verdict is passed after he has defended himself; and I challenge Cicero, he who is most skilled at speaking, to do this. But since he hesitates to accuse Antony with him being present …”. The law poses a particular procedure for prosecuting the accused, but Cicero follows his own procedure that violates the law.[130]

A rhetorical formula that corresponds with this strategy of adducing the law as technical proof (πίστις ἄτεχνος) is the focus on its antiquity.[131] Demosthenes has a particular way of referring to “the ancient laws” of Athens: οἱ πάλαι (κείμενοι) νόμοι. The more common formulation would be οἱ παλαιοὶ νόμοι, as it also occurs in other Greek authors.[132] As far as I have been able to trace, Demosthenes is the only classical author who has the adverb πάλαι instead of the adjective παλαιός.[133] It is therefore worth observing that Piso uses the

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single instance in Aristotle’s *Constitution of Athens* (60.9) and one in Dinarchus (*Aristogeit*. 14.5). Dio Chrysostom uses the formulation in 31.132.

[127] In *Id*. 1.6, Hermogenes quotes the example of Dem. 25.15 (with plural subject).

[128] Dem. 24.55.

[129] Full Greek text on p. 295.

[130] The only other place in his *Roman History* where this device is used is in the speech by Brutus in book 2, who opposes the law with Caesar: καὶ ὁ μὲν νόμος ὁ τῶν προγόνων καὶ ὁ ὅρκος οὐδ᾽ ἐπάγεσθαι δίκην ἔτι οὖσι δημάρχοις ἐπιτρέπουσιν· ὁ δὲ Καῖσαρ αὐτοὺς ἐξήλασεν, οὐδὲ δίκην ἐπαγαγών (2.138.575).

[131] WOHL 2010: 28.

[132] Cf. Pl. *Leg*. 700a and Dion. Hal. *Ant. Rom*. 4.20.2.

[133] On multiple occasions: Dem. 20.8.1; 21.35.1; 24.137.1 and 5, 139.4, 142.6; (spurious) 58.17.2. It is noteworthy that both this phrase and the ὁ μὲν νόμος … ὁ δέ construction figure in pseudo-Demosthenic texts.

Demosthenic phrase in his rather charged analysis of the *dēmos* as the αὐτοκράτωρ in the ancient laws: μόνος γὰρ ἐκ τῶν πάλαι νόμων ὁ δῆμος αὐτοκράτωρ (3.55.229). The classical 'Athenian' idea stating the sovereignty of the people is accompanied by a word usage familiar from Athens' most renowned orator.

One more passage from Demosthenes' *Against Meidias,* a speech delivered—probably in public—in 346 BC against his personal rival Meidias,[134] will in my view explain not only these minor Demosthenic features but also the broader framework of the debate. I will show that while imitating Demosthenic vocabulary and style, Appian also took over the conceptual framework present in orations of the Attic orator. Let us have a look at an iconic passage from the final part of *Against Meidias,* which proposes how an incorrupt legal (democratic) system should function:[135]

> Μηδαμῶς, ὦ ἄνδρες δικασταί, μὴ προδῶτε μήτ᾽ ἐμὲ μήθ᾽ ὑμᾶς αὐτοὺς μήτε τοὺς νόμους. **Καὶ γὰρ αὐτὸ τοῦτ᾽ εἰ θέλοιτε σκοπεῖν καὶ ζητεῖν, τῷ ποτ᾽ εἰσὶν ὑμῶν οἱ ἀεὶ δικάζοντες ἰσχυροὶ καὶ κύριοι τῶν ἐν τῇ πόλει πάντων, ἐάν τε διακοσίους ἐάν τε χιλίους ἐάν θ᾽ ὁπόσους ἂν ἡ πόλις καθίσῃ, οὔτε τῷ μεθ᾽ ὅπλων εἶναι συντεταγμένοι μόνοι τῶν ἄλλων πολιτῶν, εὕροιτ᾽ ἄν, οὔτε τῷ τὰ σώματ᾽ ἄριστ᾽ ἔχειν καὶ μάλιστ᾽ ἰσχύειν, οὔτε τῷ τὴν ἡλικίαν εἶναι νεώτατοι, οὔτε τῶν τοιούτων οὐδενί, ἀλλὰ τῇ τῶν νόμων ἰσχύϊ.** Ἡ δὲ τῶν νόμων ἰσχὺς τίς ἐστιν; ἆρ᾽ ἐάν τις ὑμῶν ἀδικούμενος ἀνακράγῃ, προσδραμοῦνται καὶ παρέσονται βοηθοῦντες; οὔ· γράμματα γὰρ γεγραμμέν᾽ ἐστί, καὶ οὐχὶ δύναιντ᾽ ἂν τοῦτο ποιῆσαι. τίς οὖν ἡ δύναμις αὐτῶν ἐστίν; ὑμεῖς ἐὰν βεβαιῶτ᾽ αὐτοὺς καὶ παρέχητε κυρίους ἀεὶ τῷ δεομένῳ. Οὐκοῦν οἱ νόμοι θ᾽ ὑμῖν εἰσιν ἰσχυροὶ καὶ ὑμεῖς τοῖς νόμοις. δεῖ τοίνυν τούτοις βοηθεῖν ὁμοίως ὥσπερ ἂν αὐτῷ τις ἀδικουμένῳ, καὶ τὰ τῶν νόμων ἀδικήματα κοινὰ νομίζειν, ἐφ᾽ ὅτου περ ἂν λαμβάνηται, **καὶ μήτε λῃτουργίας μήτ᾽ ἔλεον μήτ᾽ ἄνδρα μηδένα μήτε τέχνην μηδεμίαν εὑρῆσθαι, μήτ᾽ ἄλλο μηδὲν δι᾽ ὅτου παραβάς τις τοὺς νόμους οὐ δώσει δίκην.**[136]
>
> By all means, men of the jury, do not betray me or yourselves or the laws. **For if you are willing to consider and investigate this question**

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[134] On the historical context and argument of the speech, HARRIS 2008.

[135] MACDOWELL 1990: 37 comments: "Elsewhere we can analyse his [sc. Demosthenes'] cleverness and skill at arguing; at the close we can simply admire a masterpiece of eloquence." Further on this speech, whose authenticity is questioned but generally accepted, in OBER 1994 (the current passage is discussed at 102–104). HARRIS 2008 offers good introductory remarks (10–13, 75–87).

[136] Dem. 21.223–225.

> **in particular, why those of you always called upon to judge are influential and responsible for everything in the city, if you're either two hundred or a thousand or as many as the city gives a seat, you will find that it is not through being organized in arms, alone of all the citizens, or through having the best bodies and being the strongest, or by being the youngest in age, or by any of these things — no, it is by the strength of the law.** What is the strength of the law? If one of you gets hurt and screams, will they come running and be there to help him? No. For they are written words, and they cannot do this. What then is their power? You are, when you confirm them and validate them when necessary. Surely then, the laws have force because of you, and you because of the laws. Therefore you must help them in the same way as someone would do himself whenever he is harmed, and consider any wrongs done to the laws as being common (wrongs), by whomever they are committed, **and absolutely nothing must be devised, no public services nor pity nor any individual nor any rhetorical trick, by which anyone who has transgressed the laws will not serve a penalty.**

In fourth-century Athenian forensic oratory there were two sources of authority one could appeal to: the laws (οἱ νόμοι) and the jurors as representatives of the people (ὁ δῆμος).[137] This representative body, however, should never make a decision on its own, for it was their task to guard the sanctity of the laws (παρέχητε κυρίους) and confirm their validity (βεβαιῶτε αὐτούς) when necessary. Their authority relies not on their numbers or their military force, their physical strength, or their age, but on their power to enact the laws (ἡ τῶν νόμων ἰσχύς). Demosthenes emphasizes at the end of the passage that jurors should never be seduced by the bribery (of wealthy men), by their personal pity or by any man's wiles. The law is the only yardstick for making a decision about right and wrong.[138]

If we replace "men of the jury" in the above passage from *Against Meidias* with 'conscripted fathers' we are not far away from Piso's argument in Appian's history. Despite the major gap between the Athenian and Roman concept of democracy, Appian has injected a Demosthenic view of civic justice into his discussion of late republican debate. Demosthenes argues that councillors should never appeal to their extraordinary power, to strength, or age in order to overrule others—in short, their place at the top of the hierarchy is irrelevant in their task as council. The thought recalls Cicero's opposite, elite viewpoint, according to which Salvius should follow the opinion of his superiors, who are older and wiser and greater in number (τὴν ἀξίωσίν τε καὶ τὸν ἀριθμὸν ὄντες διά τε ἡλικίαν καὶ ἐμπειρίαν). Against this conviction, Piso, just as Demosthenes does in *Against Meidias*, places the law as the ultimate compass for counsel. Furthermore, the absence of personal views or interests, which Demosthenes discusses here, is one of Piso's major criticisms of Cicero.

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[137] Wohl 2010: 26; Ober 1989: 299–304. Harris 2008: xxi–xxviii is also useful. For a good discussion of this passage in *Against Meidias*, see Wohl 2010: 35–37.

[138] For the extraordinary emphasis on the rule of the law within this speech, see Harris 2008: 12–13; he states that the term νόμος is used approximately 100 times.

As Appian presents it, the conflict between Piso and Cicero is caused by the latter's rash factionalism and elite vision on the rights that the senate could take in prosecuting a man: Piso's chief problem is the inconsistency in Cicero's political behaviour, which seems to be the result of a personal vendetta, and his neglect of the law (the first word of his oration). Piso points the senate to the particular responsibility of preserving (not undermining) laws enacted by the people, just as Demosthenes refers the jurors to their official function as protectors of the laws. The polar opposition between the law and the private individual with their personal ambitions, which we have also seen manifesting itself on a syntactic level in the opening of Piso's oration, is part and parcel of the forensic argument in the speeches of Demosthenes and to a lesser extent (that we know) of his contemporaries. Appian did not need to quote Demosthenes directly in order to participate in this discourse; the educated reader would probably recognize it quickly enough on the basis of his own reading of the Attic orators.[139] In this regard, the continuous repetition of the word νόμος not only serves the internal coherence of Piso's oration, but is an allusive tool that signals the foundation of this imperial speech on Athenian models, especially Demosthenes.

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[139] The only exception I have found so far (but there will definitely be more) is in Antony's speech to Octavian (3.20.76), the apophthegm that the common people are as fickle as a stormy sea, which can be traced back to Dem. 19.135. It must have been a more commonly used expression, for Dio Chrysostom is also seen to use it in 3.49: HAHN 1968: 202. HAHN provides an incorrrect reference for Dem. 19.

Therefore, whereas in their representation of the senate's role in government, Appian's speeches for Cicero and Piso are also compatible with aristocratic political philosophy during the Republic, the discourse used to articulate the ideological opposition within the debate is Greek. Cicero's undemocratic theory about the prevalence of the senate is exactly the kind of argument that is rejected as harmful (for: a mark of φιλονικία) both by the narrator and by Piso. When Piso subsequently counters Cicero with a speech that concentrates completely on the legal aspects of the conflict, the reader is offered a mix of typical aristocratic denigration of the people and a continual emphasis on the ancestral laws of the Roman people—an emphasis with Athenian overtones, which are reinforced by verbal allusions to Demosthenes' oratorical corpus. Appian is constantly inviting his readers to switch contexts or codes: the speeches move back and forth from the Roman senate house, which is the setting for the actual events in the narrative, to the court of democratic Athens, which has shaped the rhetorical discourse in which the ideas of the opponents are voiced. The fact that the Roman politicians are not capable of meeting the ideological standards they express, creates an uneasy contrast between Greek and Roman republican history. It is indeed possible for a Roman to talk like Demosthenes, but if one cannot embody the words, what meaning do they still have? And if the great imitations of Demosthenes' speeches, Cicero's *Philippics* turn out to be an *exemplum* for faulty oratory, how successful should we say this imitation still is?

It is tempting to consider Cicero's short and rather ineffective speech as a dismissal of his political involvement and of his character, too. Piso, who gives the longer and more Hellenic (Demosthenic) speech would be the better politician, representing the sincerity and the moral reflection that Cicero appears to lack. This must partly be true: Appian explicitly identifies Cicero's conduct as contentious and dishonest, and the whole episode, as we have seen, is designed to make Cicero's 'Philippic' opposition to Antony a negative *exemplum* of the bad competition between republican politicians, which eventually destroyed the constitution. A simpler reason for denying Cicero the longer speech could be that Appian did not want to repeat the *Philippics* or, alternatively, create a conflicting version. Yet, the debate gains most in impact when the reader acknowledges that it is firmly embedded in the narrative of books 2 and 3, which reveal both of the speakers *and* Antony to have personal motives that are harmful to the state. Even the senate, who are as a majority supposed to make a fair judgment of the speakers' arguments, appear to have ulterior motives, tricking Cicero into fanning the dispute with Antony. Applying the language of *Against Meidias,* we could say that once all the councillors have become corrupt, the system on which the constitution is founded falls apart—which is precisely what Appian wants to show has happened to the Republic.

3. The debate between Cicero and Calenus (Cass. Dio 45.18–46.28)

3.1 FRAMING THE DEBATE

We will now turn to the second monumental manifestation of Ciceronian oratory in Greek imperial historiography: the debate between Cicero and Calenus in Cassius Dio, books 45 and 46, which constitutes one of the longest pieces of direct speech in the entire extant work. The debate has been a popular subject of study, especially in relation to the anti-Ciceronian invective in Calenus' speech.[140] Another traditional point of attention, as I discussed in the introduction above, are the parallels between Dio's speech for Cicero and the Latin *Philippics.* Alain Gowing was the first to go as far as saying that Dio tried to *imitate* Cicero's *Philippics,* but he was less interested in Dio's method of literary imitation than in the use of the speeches to support Dio's characterization of Cicero and Antony.[141] Scholars also recognize that Dio's speech for Cicero contains allusions to all fourteen Philippics.[142] In the words of Estelle Bertrand, "L'abondance des échos des Philippiques ainsi que la présence de quasi-citations attestent également de l'utilisation, très probablement directe, des discours cicéroniens par Dion Cassius".[143] In recent years, Christopher Burden-Strevens has done much to determine the literary method behind the Ciceronian speeches, examining in particular Dio's strategies for imitating the themes as well as the rhetorical structure of *Phil.* 2.[144] My own approach will be somewhat different. We will certainly examine which elements Dio has imitated from Cicero's *Philippics,* but we will use these results to determine what Dio considered as typical of Ciceronian oratory, and especially the ways in which this oratory confirmed or weakened Cicero's political reputation. As in the analysis of Appian's debate above, the central question that concerns us here is how the *Philippics* function as an *exemplum* of Cicero's public conduct and political programme. As has been discussed in the introduction, for Dio, too, the *Philippics* provide a sample of the type of contentious rhetoric that destroyed the Republic. In illustrating this, I will also pay attention to the Ciceronian 'soundbites', the political slogans Cicero devised during his career, which feature in the speeches of both Cicero and Calenus.[145] Within the broader exemplum of the Philippics, these recognizable Ciceronian catchphrases function as (negative) exemplary *dicta* of the orator's rhetorical self-fashioning. Finally, we will see how Dio Hellenizes the debate by reinventing the Demosthenic template for Cicero's *Phil.* 2; the still preliminary findings in this section should especially inspire further research. However, in advance of my discussion of the speeches themselves, I should say a few words about the thematic framework of the debate: the narrative already provides clear cues for the prob-

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[140] Calenus' oration is an essential part of ZIELIŃSKI's argument about the imperial "Cicerokarikatur", the negative, ahistorical portrait of Cicero's faults that was devised in the declamation schools: cf. ZIELIŃSKI 1912: 280–288. ZIELIŃSKI believed that the speech Calenus gives was modeled on the example of a Greek declamatory speech, a view which has little influence anymore (but see recently KEELINE 2018: 178–188). See MILLAR 1961: 19–20, KOSTER 1970: 200–210, VAN STEKELENBURG 1971: 83–87; BURDEN-STREVENS 2020: 80, 84.

[141] GOWING 1992: 238–239, "Dio's version of the *Philippics* is a faithful if motley imitation of the originals…" (238); cf. GOWING 1992: 238n.34. GOWING responds to VAN STEKELENBURG 1971: 80.

Both follow the practice of the nineteenth-century study *de fontibus*. For a good overview of these early sources, see Fechner 1986: 63–69.

[142] I see prominent allusions to *Phil.* 1, 3, 4, 5, 12, and 14 (see Appendix B). Burden-Strevens believes the closest correspondences are with *Phil.* 2, 5, and 8, whereas Gowing 1992 and Van Stekelenburg again give different parallels to consider. These parallels appear to be remarkably open for interpretation. See Bertrand 2008: xxiii–xxvii for a "tableau de concordance" listing all the parallel passages in Dio's speech and Cicero's *Philippics*.

[143] Bertrand 2008: xxii.

[144] Burden-Strevens 2020: 79–84, 89–92 is now the fullest account of Dio's imitation of *Phil.* 2.

[145] For this idea, see also Pieper, Van der Velden & Jansen 2022.

lems that are at the core of the debate, and which concern not just the welfare of the Republic but of Cicero, too.

Dio situates the Cicero–Calenus antilogy in the same setting as Appian does the Cicero–Piso debate, namely the first days of 43 BC and as part of a senatorial meeting.[146] In contrast to Appian, however, Dio's speech bears no resemblance to the subject or themes of Phil. 5, which was performed at the beginning of January. As we will see in §§ 3.2.1 to 3.2.3, Dio's recreation of the speeches, based on the imitation of *Phil.* 2 and parts of *Phil.* 1 and 3–14, takes little account of chronology. His time frame is even more confusing since Cicero's opponent, Calenus, is addressed at length in *Phil.* 8 and *Phil.* 10 (both dating to February).[147]

The vehement altercation between Cicero and Calenus takes up approximately half of the narrative of books 45–46, which deal with the events after the assassination of Caesar. In the first half of book 45 Dio describes the rise of the young Caesar as well as the factional strife between the Antonii and the followers of Octavian and Decimus Brutus. In Dio's words, Rome had *de facto* become a monarchy: Antony and Octavian were only upholding the appearance of liberty (τό τε τῆς ἐλευθερίας σχῆμα ἐφαντάζετο καὶ τὰ τῆς δυναστείας ἔργα ἐγίγνετο).[148] Cicero is presented as one of the key players in this chaotic situation. Dio relates that when at the end of 44 BC it is decided that all senate meetings will be protected by a guard, all the senators are happy with this new measure, but Cicero in particular:[149]

> Ταῦτα γὰρ ἤρεσκε μὲν καὶ τοῖς ἄλλοις τοῖς πλείοσι τῶν ἐν τῇ Ῥώμῃ τότε ὄντων … μάλιστα δὲ δὴ τῷ Κικέρωνι· διὰ γὰρ τὸ πρὸς αὐτὸν ἔχθος σφοδρότατον ὑπάρχον τόν τε Καίσαρα ἐθεράπευε, καὶ πᾶν ὅσον ἐδύνατο καὶ λόγῳ καὶ ἔργῳ τούτῳ τε ἐβοήθει καὶ ἐκεῖνον ἐκάκου. καὶ διὰ τοῦτο … ἐπανῆλθεν ἐπειδήπερ ἐκπεπολεμωμένους σφᾶς ᾔσθετο.[150]

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[146] Cf. Van Stekelenburg 1971: 89–91 who presupposes at least one common source. It is interesting that both Appian and Dio make little mention of Cicero's speeches before the people, for example *Phil.* 6, which was held shortly after *Phil.* 5.

[147] *Phil.* 8.11–19, *Phil.* 10.3–6. However, Calenus is also addressed, yet without the mention of his name, in *Phil.* 5.25 (cf. 5.1), where Cicero directly responds to his proposal to send an embassy to Antony.

[148] Cass. Dio 45.11.2.

[149] Plut. *Cic.* 43.3–4 tells a different story: Cicero would have come back because Antony had "undergone a miraculous change of behaviour" (μεταβεβλῆσθαι Ἀντώνιον θαυμαστὴν μεταβολήν), and collaborated nicely with the senate.

[150] Cass. Dio 45.15.3–4.

> This pleased most of those who where in Rome at the time, but Cicero in particular. Because of his intense hatred towards Antony he was courting Caesar, and he supported the latter as much as he could with speech as well as action, and was trying to harm Antony. And therefore … he returned when he found out that these men were enemies.

Whereas the Roman senators are presented en bloc and without any mention of names (τοῖς ἄλλοις τοῖς πλείοσι), Dio lifts Cicero out of this group. He focalizes the orator's feelings towards Antony (hatred, ἔχθος), and he comments on Cicero's motivation to support Octavian, namely to harm Antony (ἐκάκου).[151] Just as in Appian's narrative preceding the debate, Dio emphasizes Cicero's hateful relationship with Antony as the main drive behind his political conduct.

The destructive effects of Cicero's incapacity to prevent his emotions from influencing his political choices[152] resonate in Dio's catalogue of bad omens and the oracles predicting the fall of the Republic (καὶ λόγια πρὸς κατάλυσιν τῆς δημοκρατίας φέροντα παντοῖα ᾔδετο),[153] which frames the debate between Cicero and Calenus. In the narrative directly preceding the senatorial debate Cicero's downfall is portended together with the fall of the Republic. The historiographer relates the mutilation of the statue of Minerva as Guardian Goddess, which Cicero had set up before leaving Rome in 58 BC. This omen is said to be the prediction of death for Cicero himself: καὶ τοῦτο μὲν καὶ αὐτῷ τῷ Κικέρωνι τὸν ὄλεθρον προεδήλωσε (45.17.4). This fatalist view is reinforced by his reflection on the debate *after* Calenus' speech. Cicero is said to be incapable of himself enduring the *parrhēsia* he employed against others (παρὰ δὲ δὴ τῶν ἄλλων οὐκ ἠξίου τὴν ὁμοίαν ἀντιλαμβάνειν), and as a result he takes to insulting Calenus (ἐς λοιδορίας αὐτῷ κατέστη), losing the public cause out of sight (καὶ τότε οὖν ἀφεὶς τὸ τὰ δημόσια διασκοπεῖν). Consequently, the day is wasted, as well as the possibility of effective counsel.[154] The whole debate is thus more or less futile to begin with. Moreover, it only fuels Cicero's excessive frankness, which within the *Roman History* as a whole is thematized as forming a significant contribution to his downfall later in 43 BC, as we have seen in chapter 3, § 2.4. The historiographer's conclusion and introduction of the debate form a neat ring composition which signals the devastating effects of the senatorial deliberations in 43.

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[151] Cf. Plut. *Cic*. 45.1.

[152] This incapacity is thematized as a serious problem by Dio, as we have seen in chapter 3.

[153] Cass. Dio 45.17.6.

[154] *Ibid.* 46.29.1: ὥστε τὴν ἡμέραν ἐκείνην καὶ διὰ τοῦτο οὐχ ἥκιστα μάτην κατατριβῆναι.

3.2 DIO'S IMITATION OF THE *PHILIPPICS*

3.2.1 *Establishing the* Philippics *as the main intertext*

Right from the beginning of Cicero's speech, Dio leaves little doubt that he wrote his 'Philippic' in close reference to the Latin *Philippics*. We have seen in the previous section that the historiographer frames the debate as being of great personal relevance for Cicero. The *exordium* of the speech now confirms that Cicero's *Philippics* constituted his main political activity in 44–43 BC. Again, as in Appian's narrative, Cicero's Philippic oratory is the main lens through which to view his conduct in his final years.

The exordium of Cicero's speech immediately embeds the speech in the larger context of his public performances of 44–43 BC:

> Ὧν μὲν ἕνεκα τὴν ἀποδημίαν, ὥς καὶ ἐπὶ πλεῖστον ἐκδημήσων, ἐστειλάμην, καὶ διὰ σπουδῆς τὴν ἐπάνοδον, ὥς καὶ πολλὰ ὑμᾶς ὠφελήσων, ἐποιησάμην, ἠκούσατε πρῴην, ὦ πατέρες, ὅθ᾽ ὑμὶν περὶ αὐτῶν τούτων ἀπελογησάμην.[155]
>
> You have heard the day before yesterday, fathers, for which reasons I prepared my journey abroad, with the aim to stay away for a long time, and why I made a hasty return, with the aim to be of good assistance to you, and I have apologized for the actions themselves.

While Appian's Cicero began by referring to the senate's deliberations of the previous day (ἐχθές, 3.50.213), Dio's Cicero connects his speech to an earlier speech that he delivered himself on "the day before yesterday" (πρῴην). These temporal indications in the discourse are connected with the information in the narrative, which states that the senatorial deliberations lasted multiple days.[156] However, Dio is more specific than Appian in referring to the *First Philippic*, delivered on

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[155] Cass. Dio 45.18.1.

[156] See n. 3 above.

2 September 44 BC in response to Antony's speech on 1 September,[157] in which Cicero indeed explained his reasons for leaving Rome, and apologized for his action. The *First Philippic* is not mentioned in the narrative preceding the speech. The reference to a (non-specified) speech outside the narrative invites the reader to activate his knowledge about the series of speeches in this period by which Cicero exerted an extensive political influence.[158] Right at the beginning of Cicero's speech, the historiographer flags up the main intertext(s), encouraging the reader to interpret the speech as a Greek imitation and reperformance of the famous Latin orations.

Apart from establishing the main intertexts of the speech, the exordium also introduces the importance of the *Philippics* for Cicero's reputation as defender of the Republic:

> Οὔτε γὰρ ἐν δυναστείᾳ καὶ τυραννίδι ζῆν ὑπομείναιμ᾽ ἄν, ἐν ᾗ μήτε πολιτεύσασθαι ὀρθῶς μήτε παρρησιάσασθαι ἀσφαλῶς μήτε τελευτῆσαι χρησίμως ὑμῖν δύναμαι, οὔτ᾽ αὖ παρὸν τῶν δεόντων τι πρᾶξαι, κατοκνήσαιμ᾽ ἂν καὶ μετὰ κινδύνου τοῦτο ποιῆσαι.[159]
>
> For I would not be able to survive either under a dynastic rule or a tyranny, in which I could not be of proper service to the public, nor have the freedom to speak my mind safely, nor die in a manner that would be useful to you; but, on the other hand, when there is an emergency, I would not hesitate to act, even when it was dangerous.

In this passage, Cicero associates himself with the essential republican values of *parrhēsia* and *eleutheria* (the opposite of living under a dynastic or tyrannical rule),[160] and expresses the wish to serve the public (πολιτεύσασθαι ὀρθῶς) in order to demonstrate his complete allegiance to the republican constitution.[161] The identification with the state is further strengthened by the thought that a good republican citizen cannot and will not live under the rule of an autocrat. It is a thought that marked Cicero's Catilinarian oratory (*Cat.* 4.3), and which returns in Cicero's *Phil.* 2.119, where he explicitly refers to his consulship.[162] There, he rhetorically poses that death cannot come too soon for a consular, who has reached the highest office in which to serve the Republic. In *Phil.* 2.119 he adds that it is the highest good to die in the fight for a free people (*ut moriens populum Romanum liberum relinquam*; compare μήτε τελευτῆσαι χρησίμως ὑμῖν δύναμαι in the passage above). The *Philippics* were more than a means to oppose Antony: they were also an attempt to establish his reputation as a true republican hero. Dio's allusion to the Ciceronian motif also recreates this double layer of meaning in the Greek 'Philippic'.

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[157] The exact dating for this speech is provided by Cicero himself, at *Phil.* 5.19, but see Manuwald 2007: 19n.53.

[158] Cf. Burden-Strevens 2020: 80.

[159] Cass. Dio 45.18.2.

[160] At Cass. Dio 45.11.2, the historiographer also reflects on this antithesis between ἐλευθερία and dynastic or monarchical rule, see p. 307 above.

[161] Mallan 2016: 265–266. He also draws a link with the death scene of Cato the Younger in book 43.10.5, where the two terms are explicitly connected.

3.2.2 *Imitating Cicero's 'Philippic' style*

As mentioned above, the 'Philippic' imitates arguments, themes, and rhetorical strategies used in the Latin *Philippics*, with a special number of references to *Phil.* 2 (see also Appendix B). I summarize the speech in the overview below. In this section and the next, we will then look more closely at some stylistic aspects and political themes that for Dio formed the heart of Ciceronian oratory.

- 45.18–19: Cicero introduces himself and his political position.
- 45.19–20.2: He stresses the importance of making good council, and he inveighs against those who deny that Antony should be regarded as an enemy of state.
- 45.20.3–20.4: quasi-*narratio*. Cicero lists the illegal measures Antony has taken, allegedly on behalf of the state.
- 45.20.5–22.2: it is extremely important that Antony be hated and punished—we could call this the *propositio* of the speech.
- 45.22.3–25.4: Antony has deceived the senate to vote for measures which he only executed in such a way that they were beneficial to himself.
- 45.26–34.1: The review of Antony's measures as a consul is followed by a more personal attack on his life. This attack functions as the *argumentatio* of the speech, demonstrating the reasons why

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[162] For the topos, cf. Dem. 18.205 (*On the Crown*).

Antony should in no way be regarded as a trustworthy leader. Antony's chief qualities are his avarice and licentiousness, which define everything he does. Cicero, however, confines himself to examples of Antony's bad behaviour while he was in public office: the climax of this catalogue of crimes is his attempt to crown Caesar—by which action he destroyed the Republic.

- 45.34.2–37.6: Lingering on the consequences of proclaiming Caesar *rex populi*, Cicero warns the senate of Antony's own tyrannical ambitions, and admonishes them once again to stop him and punish him.
- 45.38–42.5: We arrive at the heart of the speech, where Cicero's two aims become clear: on the one hand he tries to convince the senate that Antony is an enemy of the state and a plotter against freedom, and on the other he advises them to support the young Caesar.
- 45.41: Interlude: Cicero defends himself at this point against the charge that he was complicit in the conspiracy against Caesar, and he appeals to his own reputation as a *consularis*.
- 45.42.6–45.3: As the second part of his advice, the idea of an embassy is rejected, since it would only cause a delay favourable to Antony.
- 45.4–46.5: In the penultimate paragraph of the speech a heightened tone is employed to reaffirm his wish to die rather than to live under a tyranny, and to celebrate his political fame and the successes he has won through his παρρησία. This should probably be regarded as the *peroratio* of the speech…
- 45.47: … but as it stands, the dramatic conclusion is followed by yet another topic of invective, namely Antony's failure to imitate his grandfather Marcus Antonius and his habit of gathering all kinds of suspicious characters around him.

The speech as a whole bears little resemblance to Appian's 'Philippic', except perhaps for its general premise that Antony should be declared a public enemy. However, it is useful to compare the Greek 'Philippics' on the matter of a particular anecdote recurring in the *Philippics*, and which features in both Appian and Dio's speech for Cicero: Antony's decimation of the army at Brundisium. Such a comparison shows us how Dio, much more conspicuously than Appian, tried to imitate Cicero's rhetorical style and the actual language of the *Philippics*, not just the content of the speeches. It is also a useful addition to Burden-Strevens' recent research, who limits himself to Dio's representation of passages from *Phil.* 2.[163]

Cicero's account of Antony's slaughter of his own soldiers is reported most vividly in *Phil.* 3, which also appears to have been the main source for the anecdote in Dio's speech.

> *Quippe qui **in hospitis tectis** Brundisi fortissimos viros optimosque civis **iugulari** iusserit; quorum **ante pedes eius morientium sanguine os uxoris respersum esse** constabat. Hac ille **crudelitate** imbutus, cum multo bonis omnibus veniret iratior, quam illis fuerat, quos trucidarat, cui tandem nostrum aut cui omnino bono pepercisset?*[164]
>
> Cic. *Phil.* 3.4
>
> For he ordered that the bravest men and noble citizens were **slaughtered under the roof of his guest** at Brundisium; it was well known that the **face of his wife was bespattered with the blood** of these men, who were dying **at his feet**. That man, who is tainted with such **cruelty**, who of us or which good citizen at all would he have spared, given that he came here being much more angry with all good men than he was with those whom he butchered.

Juxtaposing the two versions of the anecdote in Appian and Dio's speech for Cicero quickly demonstrates to which extent Dio attempted to cover the peculiarities of Cicero's rhetorical style.

Τὴν στρατιὰν ἐπὶ τοῖσδε καταπλησσόμενος, ἵνα πρὸς μηθὲν αὐτῷ παρανομοῦντι κατοκνῇ, διεκλήρωσεν ἐς θάνατον, οὐ στασιάσαντας ἢ φυλακὴν ἢ τάξιν ἐν πολέμῳ λιπόντας, ἐφ᾽ ὧν μόνων ὁ στρατιωτικὸς νόμος τὴν οὕτως **ὠμὴν** ὥρισε τιμωρίαν, καὶ ὅμως αὐτῇ καὶ ἐπὶ τοῖσδε ὀλίγοι μόλις ἐν τοῖς πάνυ κινδύνοις ἐχρήσαντο ὑπ᾽ ἀνάγκης· ὁ δὲ φωνῆς ἢ γέλω-

Ὁ μὲν ἐν τοῖς πολέμοις κρατήσας πολλῶν ἐφείσατο, οὗτος δέ, πρὶν καὶ δυνηθῆναί τι, τριακοσίους στρατιώτας, καὶ ἐν αὐτοῖς καὶ **ἑκατοντάρχους** τινάς, μηδὲν ἀδικήσαντας, **οἴκοι παρ᾽ ἑαυτῷ, παρούσης τῆς γυναικὸς καὶ βλεπούσης, ἐφόνευσεν, ὥστε καὶ τοῦ αἵματος αὐτὴν ἀναπλῆσαι.** *Καίτοι τὸν οὕτως **ὠμῶς** ἐκείνοις, ὅτε καὶ θεραπεύειν αὐτοὺς ὤφειλε, χρησάμενον τί* τος ἦγεν ἐς θάνατον τοὺς πολίτας καὶ θάνατον οὐ τῶν ἐλεγχθέντων, ἀλλὰ τῶν διαλαχόντων.

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[163] Burden-Strevens 2020: 79–84.

[164] Cf. *Phil.* 5.22: *Cum eius promissis legiones fortissimae reclamassent, **domum ad se venire iussit centuriones**, quos bene sentire de re publica cognoverat, eosque **ante pedes** suos **uxoris**que **suae**, quam secum gravis imperator ad exercitum duxerat, **iugulari** coegit.* Cf. *Phil.* 12.12, 13.18.

In addition, to frighten his army, so that they would not shrink back from any crime he committed, he decimated them, even though they had not mutinied nor had they deserted their watchpost or the ranks in war, the only offences for which military law prescribes such a **cruel** sentence, and even in these cases only few have used it, but sparingly and in very dangerous situations when it was absolutely necessary. But he killed citizens because of a word or a laugh, citizens who were not convicted in trial but were chosen by lot.

App. *B. Civ.* 3.53.218

οὐκ οἴεσθε τῶν δεινοτάτων πάντας ὑμᾶς, ἂν καὶ νικήσῃ, ποιήσειν;

Caesar, after he conquered in war, spared many, but this man, even before he had any power, **killed in his own home** three hundred soldiers, among whom also several **centurions**, who had done nothing wrong, **while his wife was present and watched, so that even she was stained with their blood**. *Now, what horrible things do you think he, who has treated these men so* **cruelly** *when he was supposed to take care of them, will do to all of you, when he wins?*

Cass. Dio 45.35.3–4

In Appian's account, there is one traceable allusion to Cicero's report: the motif of Antony's cruelty in exacting this punishment on the soldiers.[165] Appian's Cicero frames the act in the context of military practice, commenting that the *decimatio* (διεκλήρωσεν ἐς θάνατον) was usually exacted only on soldiers who deserted or committed mutiny. Antony, however, applied it only because his soldiers mocked him, and not even because they had been convicted for a misdemeanour (οὐ τῶν ἐλεγχθέντων). In the original anecdote in the *Philippics*, Cicero makes no mention of official, military terminology. Instead, he takes recourse to the language of murder (*iugulari*).

Cassius Dio imitates all the essential elements of the Ciceronian anecdote. Firstly, the refusal to frame the event as a military act: like *Phil*. 3.4, the speech for Cicero speaks of murder (ἐφόνευσεν vs. *iugulari iussit*). Secondly, the event is situated in Antony's (guest) house, which further moves the act from military practice into the personal sphere; *Phil*. 3.4 and *Phil*. 5.22 have *in hospitis tectis* and *domum*, respectively, which is imitated in Dio's οἴκοι παρ᾽ ἑαυτῷ. Thirdly, an addition which most distinguishes Dio's anecdote from Appian's, Dio includes the presence of Antony's wife, a central element to the story as is told in *Phil.* 3.4, 5.22, and 13.18. Not only was the wife present (παρούσης τῆς γυναικὸς καὶ βλεπούσης vs. *ante pedes eius uxoris*), she was besmeared by the soldiers' blood (ὥστε καὶ τοῦ αἵματος αὐτὴν ἀναπλῆσαι), a gory detail that is only included in Cicero's report of the story in *Phil.* 3.4 (*morientium sanguine os uxoris respersum*). The pathos in the image of Fulvia's face bespattered with the soldiers' blood is mirrored by the exaggeration in the term ἀναπλῆσαι, which has the double meaning of filling up and defiling something.[166] Finally, Dio ends his anecdote with a rhetorical question, the same strategy as employed in *Phil.* 3.4. When Antony, "tainted with cruelty" (*imbutus crudelitate*), is even angrier with the Roman elite (*bonis omnibus*) than with these soldiers he has slaughtered, how will he spare any of the senators, or any good citizen, Cicero asks. Similarly, Dio's Cicero poses the question: when Antony has treated his own army so cruelly (ὠμῶς), what terrible things will he do to us when he wins this war? Cicero's Philippics offered a blueprint for Dio's imitation of Cicero's oratory, which captures the main motifs, rhetorical pathos, and even particular stylistic figures.

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[165] See also above, n. 67. Perhaps Appian's πολίτας also mirrors Cicero's use of *cives*, a term which emphasizes the enormity of Antony's action: the murder of fellow citizens.

3.2.3 *Typifying Cicero through his political slogans*

Apart from imitating rhetorical features of Cicero's Philippic oratory, Dio integrates another, infamous aspect of Ciceronian rhetoric: the promotion of his own achievements, or his self-praise. Cicero's tendency to boast about his career features prominently in Plutarch's work and in Dio's narrative of the Catilinarian conspiracy, as we have seen in chapter 3.[167] Dio's speech for Cicero is unique for its imperial interpretation and reperformance of Cicero's self-fashioning techniques. We have seen that in the introduction of the 'Philippic', Cicero presents himself as a defender of republican freedom. In addition, Cicero relies on his consular authority on multiple occasions, and refers to his successful suppression of Catiline's wicked conspiracy.

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[166] LSJ s.v. II.

[167] Plut. *On Self-praise* 540f, *Cic.* 24.1–2, *Comp. Dem. et Cic.* 2; Cass. Dio 38.12.6–7.

> Ἐγὼ μὲν δὴ ταῦθ᾽ ὑμῖν παραινῶ, καὶ εἴγε ὑπατεύων ἔτυχον, πάντως ἂν καὶ ἐποίησα, καθάπερ καὶ πρότερον, ὅτε καὶ τὸν Κατιλίναν καὶ τὸν Λέντουλον αὐτῷ τούτῳ προσήκοντα ἐπιβουλεύσαντας ὑμῖν ἠμυνάμην.[168]
>
> I now am giving you [sc. the senate] this advice, and had I perchance been consul, I would have taken care of all of it, just like in the past, when I defended you from Catilina and Lentulus (a relative of this man here) who were plotting against you.

In the *Philippics,* Cicero frequently refers to his single-handed suppression of Catiline's wicked crimes.[169] Within the Ciceronian tradition as a whole, Cicero's praise of his own consular deeds was a controversial topic, as I have shown in chapter 1, § 1.3. The quoted passage is definitely a response to the popular subject of this recurring autoreferentiality, but in this case, Dio also incorporated it as part of his accurate representation of the style of the *Philippics.*[170]

The most obvious example of Cicero's strategies for self-fashioning comes at the end of the speech, in the 'semi-peroration'. In a rhetorical *tour de force,* Dio imitates Cicero's concern with his own reputation by including famous Ciceronian slogans.

> Ὡς ἔγωγε οὕτω γνώμης, ὦ πατέρες, ἔχω ὥστ᾽ ἂν μὲν πεισθῆτέ μοι, καὶ πάνυ ἂν ἡδέως καὶ τῆς ἐλευθερίας καὶ τῆς σωτηρίας μεθ᾽ ὑμῶν ἀπολαῦσαι, ἂν δ᾽ ἄλλο τι ψηφίσησθε, τεθνάναι μᾶλλον ἢ ζῆν ἑλέσθαι. οὔτε γὰρ ἄλλως τὸν θάνατόν ποτε τὸν ἐκ τῆς παρρησίας ἐφοβήθην (καὶ διὰ τοῦτο καὶ κατώρθωσα πλεῖστον· τεκμήριον δὲ ὅτι καὶ θῦσαι καὶ ἑορτάσαι ἐφ᾽ οἷς ὑπατεύων ἐποίησα ἐψηφίσασθε, ὅπερ οὐδενὶ πώποτε ἄλλῳ μὴ οὐκ ἐν πολέμῳ γέ τι καταπράξαντι ἐγένετο), νῦν δὲ καὶ ἥκιστα. Καὶ γὰρ ὁ μὲν θάνατος οὐκ ἂν ἄωρος ἄλλως τε καὶ πρὸ τοσούτων ἐτῶν ὑπατευκότι μοι γένοιτο (καίτοι μνημονεύετε ὅτι τοῦτο καὶ ἐν αὐτῇ τῇ ὑπατείᾳ ὑμῖν εἶπον, ἵνα μοι πρὸς πάντα ὡς καταφρονοῦντι αὐτοῦ προσέχητε)· τὸ δὲ δὴ φοβηθῆναί τινα καθ᾽ ὑμῶν καὶ τὸ δουλεῦσαί τινι μεθ᾽ ὑμῶν καὶ πάνυ ἄν μοι

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[168] Cass. Dio 45.42.6.

[169] *Phil.* 2.118 (*contempsi Catilinae gladios*); 4.15 (*ut igitur Catilinam diligentia mea, senatus auctoritate, vestro studio et virtute fregistis* [sc. the people] …); 8.15 (*Ego Catilinam perire volui*); 14.14 (*An vero ego qui Catilinam haec molientem sustulerim, everterim, adflixerim, ipse exstiterim repente Catilina?*). The figure of Catiline is also employed separately throughout the Philippics, representing the archetypical villain.

[170] Contrary to the *Philippics,* where only Catiline is mentioned, Dio adds Lentulus to the picture, who was the stepfather of Antony. The addition of Lentulus probably suited the historiographer's own purposes, since it creates another condensed reference to the chief intertext, *Phil.* 2 (18). The mention of Lentulus also anticipates Calenus' slanderous description of Cicero's imprisonment and execution of the senior statesman in 46.20.3–5.

> ἀωρότατον συμβαίη. Ὅθενπερ τοῦτο μὲν καὶ συμφορὰν καὶ ὄλεθρον, οὐ τοῦ σώματος μόνον ἀλλὰ καὶ τῆς ψυχῆς τῆς τε δόξης, ὑφ᾽ ἧς που καὶ μόνης ἀίδιοι τρόπον τινὰ γιγνόμεθα, εἶναι νομίζω· τὸ δὲ δὴ λέγοντά τε καὶ πράττοντα ὑπὲρ ὑμῶν ἀποθανεῖν ἰσοστάσιον ἀθανασίᾳ ἄγω.[171]
>
> For I hold this opinion, Fathers, that, if you follow me, I shall very gladly enjoy freedom and safety together with you, but if you vote for something different, I'd choose to die rather than be alive. For never have I feared death as a result of my outspokenness (and because of this I have had great success; evidence of this is that you have voted to organize sacrifices and a festival in the name of the things I've done during my consulate, something which has never before happened to anybody unless they had done something exceptional in war), and not in any way do I fear it now. Death, you know, would not come unseasonably for me, especially since I have been consul so many years ago (yes, remember that I have said this to you in my very consulship, in order that you would always take me seriously, knowing that I despise death); however, to fear anyone who acts against you, and to serve as a slave together with you would appear truly unbecoming to me. This constitutes, I believe, unhappiness and destruction, not only of the body but of the soul and of one's reputation, by which, and by which alone, I think, we become immortal in a way; I, then, believe dying while speaking and acting on your behalf is paramount to immortality.

This passage revisits the theme of the exordium, namely Cicero's inability to live under a tyranny, but this time in direct allusion to the peroration of *Phil.* 2. In *Phil.* 2.119, Cicero boldly asserts that if he did not believe twenty years ago that death came too soon for a consular, it would surely not come too soon for an old man (*etenim, si abhinc annos prope viginti hoc ipso in templo negavi posse mortem immaturam esse consulari, quanto verius non negabo seni*).[172] In the Greek 'Philippic', Cicero similarly states that death cannot come too soon for a consular like him (ὁ μὲν θάνατος οὐκ ἂν ἄωρος … γένοιτο); Dio's ἄωρος is a Greek translation of Cicero's *immatura*. Furthermore, he also reminds the audience that he had spoken the same words during his consulship (μνημονεύετε ὅτι τοῦτο καὶ ἐν αὐτῇ τῇ ὑπατείᾳ ὑμῖν εἶπον).

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[171] Cass Dio 45.46.2–5.

[172] Cf. *Cat.* 4.3: *Nam neque turpis mors forti viro potest accidere neque immatura consulari nec misera sapienti*, Bertrand 2008: 91 notes that the remark in *Cat.* 4.3 became one of Cicero's famous sentences, proven by the fact that Quintilian quotes it as one of Cicero's apophthegmata. Cf. Sen. *Controv.* 7.2.10 and *Suas.* 6.12 with Keeline 2018: 111–112.

Reminding us of his opening words, Cicero emphasizes the importance of personal freedom (ἐλευθερία) and freedom of speech (παρρησία), and signposts his republican ideals. Yet in this final part of his speech, Cicero now takes the opportunity to review how his practice of freedom has always yielded him personal success. His final advice to the senate about the measures against Antony turns into extended reflection on his own political career. He recalls the successes of his consulship (κατώρθωσα πλεῖστον) and the *supplicatio* that was voted in his honour (ὅτι καὶ θῦσαι καὶ ἑορτάσαι ἐφ᾽ οἷς ὑπατεύων ἐποίησα ἐψηφίσασθε). He ends this section of his speech by musing about the nature of immortality, and claiming that dying while speaking and acting (λέγοντα τε καὶ πράττοντα) on behalf of the senate will be equivalent to immortality (ἰσοστάσιον ἀθανασίᾳ).

While this type of discourse already recalls in a general sense statements of self-fashioning in Cicero's public oratory, Dio's Greek also imitates the language of Cicero's self-representation. In several speeches after 63 BC, Cicero would repeat that he was the only one who was awarded a supplicatio for civil service, while others received it for military achievements.[173] In *Phil.* 2, Cicero twice refers to this special honour (at 2.2 and 2.13); in 2.13 he states that "since the foundation of the city this honour has never been received by a civilian leader except me" (*qui honos post conditam hanc urbem habitus est togato ante me nemini*). Dio's Greek closely approaches the Latin construction: "[you voted a *supplicatio*] which never happened to anyone else except when they achieved something great in war" (ὅπερ οὐδενὶ πώποτε ἄλλῳ μὴ οὐκ ἐν πολέμῳ γέ τι καταπράξαντι ἐγένετο). In both texts, a participle depends on *nemo*/οὐδείς. Dio's ἐν πολέμῳ γέ τι καταπράξαντι, which explains that the *supplicatio* used to be granted to military leaders, specifies Cicero's *togato*.

In this interpretation of Ciceronian rhetoric, Dio certainly goes a step further than Appian: whereas Appian only employed key terms and selected typical themes from the Ciceronian corpus, Dio translates characteristic Ciceronian slogans into Greek, and offers what is probably the best post-Ciceronian example of Cicero's self-fashioning strategies. Appian's Cicero exemplified the general attitude and political thought of the aristocratic elite of the Republic, without any specific reference to his public oratory. Dio's speech for Cicero, on the other hand, is an ingenious interpretation of the Latin *Philippics* that addresses multiple layers of Cicero's public performance. It recreates particular themes and stylistic features of the Latin speeches, but also imitates a significant part of Cicero's political self-promotion.

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[173] *Cat.* 4.20; *Phil.* 2.13, *Phil.* 14.24 (not 14.20, as Bertrand's commentary has it). Cf. *Phil.* 2.2, *Pis.* 6. Bertrand 2008: 91 does not seem to acknowledge Dio's reworking of the Latin, and discusses Cicero's references to his *supplicatio* from a general point of perspective, as a recurring feature of the *Philippics*.

Again, as we have seen in our analysis of Appian's speech for Cicero, the *Philippics* are firmly established as an essential medium for interpreting Cicero's role in the senate. Again, the Greek imitation of the Philippics conveys a moral message. Cicero's reference to himself creates an undeniable link between Dio's account of the Catilinarian conspiracy and of Cicero's prominent role in the strife between the Caesarians and anti-Caesarians. More than providing the rhetorical ammunition for Dio's speech, the *Philippics* also form the narratological climax of Dio's representation of Cicero's political programme. The political slogans amplify the ethos Dio had constructed of Cicero since books 37–38, where Cicero is described as boisterous, self-centered, and contentious. Moreover, within books 45–46, the 'Philippic' is especially framed as a flawed piece of oratory: the narrative and the speech work together to suggest that the Philippics had a great deal to do with Cicero's downfall: the preceding narrative contains an announcement of Cicero's death; the imperfect peroration of the speech itself illustrates Cicero's incompetence to restrain himself, and check his *parrhēsia*; and the debate is concluded by a comment on Cicero's inability to stop arguing after Calenus' part. By giving us a sample of Cicero's political rhetoric, Dio also provides an example of oratory as it should not be.

3.2.4 'Retweeting' Cicero's political programme: Calenus' response to the 'Philippic'

Dio's speech for Calenus plays a complex role in the narrative. It is a rhetorical exercise in anti-Ciceronian invective, but it is also a political commentary on Cicero's actions and career. Furthermore, within the narrative setting, Calenus' speech should be read, in tandem with Cicero's oration, as a historical illustration of the different political factions in the post-Caesarian period. In this section I will focus on the ways in which Calenus' interpretation of Cicero's political image relates to the surrounding narrative. Calenus' retort is designed to re-evaluate and deconstruct his opponent's republican programme.[174] In this 'anti-Philippic', there are many points of contact with Cicero's *Philippics*,[175] yet what is most interesting about it is that the historiographer goes beyond the imitation of these particular speeches and engages with Cicero's strategies for political self-promotion.

The argument of Calenus' speech against Cicero is built upon a double proposition: either Cicero knew from the start that Antony was a criminal and had neglected his political duty to fight against the measures voted in his favour, or he was unable to provide good reason to vote against them and is slandering Antony just for the cause of it.[176] Calenus' defence of Antony is largely based on providing 'proof' for the second hypothesis, as the following overview shows.[177]

- 46.1–9: exordium.
  - 46.1: Cicero's impudence (θρασύτης) and his personal hatred (ἔχθρα, ὀργή) against Antony need to be countered for the benefit of the public.
  - 46.2–9: Overview of Cicero's character. He is untrustworthy and a lover of civic discord, ἄπιστος φύσει καὶ ταραχώδης ἔστι, and he is an αὐτόμολος (3.4). His family background is discussed (4–5). Cicero is a typical rhetor always looking for profit, enjoying other people's feuds and always plotting against others. He praises himself for his public deeds yet has never accomplished anything truly important (in arms). His *parrhēsia* is only used for personal gain; he exemplifies the ἔργον ῥήτορος in a mean way (οὐδὲν ἄξιον λόγου).

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[174] For a very thorough analysis of this speech, see Koster 1980: 200–210.

[175] See Burden-Strevens 2020: 89–92.

[176] Cass. Dio 46.10.4.

[177] My analysis differs slightly from the proposed structure by Koster 1980: 201, followed by Bertrand 2008: xxviii: 46.1 = *exordium*; 2–9 = *propositio*; 10 = transition; 11–25 *argumentatio* (with 18 as "Schmähintermezzo"); 26 = another transition; 28–29 = *peroratio*.

- 46.10: *proposition*. If Cicero was truly φιλόπολις, he would have accused and prosecuted Antony long ago. If not, he is only criticizing Antony for the sake of it (μάτην συκοφαντεῖν).
- 46.11: starting to overview Antony's actions (= *argumentatio*). Antony's tribunate and his close relationship to Caesar are discussed. Cicero's flight from Rome in 58 BC is ridiculed.
- 46.12–16: Antony's actions while in office as master of the horse. Calenus repeats that Cicero was silent during the previous year (σὺ σιωπήσας, 13.3; cf. 16.1). Cicero is variously portrayed as a warmonger (12.3), a coward (13.3, 15.3), a man of empty words (15.3, 16.4); his contradictory behaviour is highlighted (14.4, 15.1). Calenus imitates Cicero's rhetorical style in 16.4 (see below).
- 46.17–26: overview of Antony's deeds during the consulship; all his acts were publicly approved, including by Cicero.
    - 46.17.5–8, 46.19: the event with the diadem at the Lupercalia. Antony is presented as a wise counsellor who corrected Caesar's autocratic ambitions. Cicero makes up μύθοι about Antony out of jealousy (φθόνος).
    - 46.18–22: interlude, continuation of negative characterization of Cicero meant to show that he is himself guilty of all the things he charges Antony with (cf. 22.2).
        - 46.18: list of degenerating Greek nicknames for Cicero. His debauched life style (divorce, mistresses, incestuous relationship with Tullia).
        - 46.20–21: Cicero's consulship, the conspiracy of Catiline, flight from Rome in 58 BC. Cicero created discord and civil war in a city that was harmonious and quiet (οὐχ ἡσυχάζουσαν μὲν καὶ ὁμονοοῦσαν τὴν πόλιν ἡμῶν καὶ ἐξετάραξας καὶ ἐστασίασας, 20.1). He executed Lentulus and the others without a trial. Calenus ridicules the arms against the toga theme, and later mocks Cicero's project of writing a history of Rome.[178]

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[178] Bertrand 2008: 106 believes the first project must be the epic poem *De consulatu suo*, and the second the *Anekdota*, which Cicero mentions a couple of times in his letters to Atticus, picked up by Plutarch in his biography (*Cic.* 41.1). With regard to the history of the consulship, I would say the Greek treatise *Περὶ ὑπατείας* is another possible candidate, since Plutarch's *Life* confirms that this is circulating at least in the first century; regardless of whether Dio had access to the treatise,

    - 46.22: Cicero never practices what he preaches, his political policy is egocentric. He shows ἀχαριστία towards Antony and Caesar. He was involved in the assassination of Caesar.
  - 46.23–26: All decrees voted in favour of Antony were done so legally and without force. Cicero stayed silent during all the senate meetings (23.5; ἐσιωπήσας, 25.2; 26.1). Antony was the best choice of leader at the time. Cicero is jealous that he was not chosen, but he would have been dangerous. Cicero is only master of his ἀντίθετα, his inconsistent actions (25.5). Antony follows the law, in contrast to Decimus Brutus and Octavian (26.3–7; cf. Piso in App. *B. Civ*. 55.226).
- 46.27–28: peroration.
  - 46.27: Cicero φιλαπεχθήμων (27.1); Calenus will give advice (ὑμῖν παραινῶ), which is to de-escalate, treat men with armies not as enemies, and do not agitate them; treat them as citizens and friends (πολιτικῶς καὶ φιλικῶς) and send an embassy.
  - 46.28: personal admonition to Cicero to refrain from causing *stasis*, and not let his personal hatred for Antony damage the public welfare (28.1).[179] Calenus emphasizes the need for consistency: if Cicero truly wants to save the fatherland, then he should speak and act accordingly.

Calenus' counterattack on Cicero is more or less a point-by-point refutation of Cicero's accusations against Antony, not dissimilar to the disposition of Piso's speech in Appian and with a specific emphasis on the legality of Antony's actions. As part of his proof that Antony is not a public enemy, Calenus systematically takes Cicero's career apart. His

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he would have known it existed from his reading of Plutarch. Bertrand is right to point out that *De consulatu suo* was an important theme in Ciceronian invective (see esp. *Inv. in Cic.* 3.5) and in the literary tradition generally, where its famous verses led their own life (see e.g. Juv. 10.122; Quint. *Inst.* 11.1.22–24; *Laus Pis.* 35–36). There is thus a good possibility, especially considering Dio's use of invective material for Calenus' speech, that the historian is referring to the poem here. However, should this be true, I am not so sure why Dio has omitted to quote the typical phrase *cedant arma togae*, which would have made the reference much clearer to the reader, and which is in line with other references to the poem in the extant literature. More doubt is raised by the use of συγγράψαι with regard to this work, a term connoting a historiographical (not poetic) purpose (the classic locus, also for Dio, being Thuc. *Hist.* 1.1).

[179] Cass. Dio 46.28.1: μηδὲ πολεμοποιεῖν, μήτε διὰ τὴν ἰδίαν πρὸς τὸν Ἀντώνιον ἔχθραν δημοσίᾳ πᾶσαν τὴν πόλιν ἐς κίνδυνον αὖθις καθιστάναι.

main arguments are a) that Cicero did not openly speak out against the measures proposed in Antony's favour from being adopted (the motif of Cicero's silence, see the overview above); b) that Cicero is a sycophant, a rhetor full of deceit; and c) that Cicero is an enemy of republican harmony. The first argument has a factual basis in the events of the preceding months, while the latter two target Cicero's personal behaviour.

Aspects b) and c) are exemplified by a passage well into Calenus' speech. While in his 'Philippic', Cicero thematizes the importance of freedom of speech for his career, Calenus argues that Cicero misused his rhetorical abilities to such an extent that it became undemocratic and an instrument of discord:

> Οὕτως οὔτε τὰ δίκαια πρὸς τοὺς νόμους οὔτε τὰ συμφέροντα πρὸς τὸ τῷ κοινῷ χρήσιμον ἐξετάζει, ἀλλὰ πάντα ἁπλῶς πρὸς τὴν ἑαυτοῦ βούλησιν διάγει, καὶ ἐφ᾿ οἷς ἄλλους ἀποσεμνύνει, ταῦθ᾿ ἑτέροις ἐγκαλεῖ, καὶ καταψευδόμενος ὑμῶν καὶ προσδιαβάλλων ὑμᾶς.[180]
>
> Thus, he does not define justice on the basis of the laws or what is advantageous on the basis of the public welfare, but he manages everything simply to suit his own purposes, and the things he glorifies in some he reproaches in others, even telling false lies about you and slandering you besides.

This passage demonstrates well how Calenus portrays Cicero as a self-serving political leader, who places himself outside the rules of society. His self-interest leads to an inconsistent policy, but what is worse is that he also actively disrupts civic harmony (in so far as first-century republican politics was a harmonious affair) by telling lies and making false charges against his fellow senators.

Most striking about Calenus' argument about Cicero's discordant and self-centered attitude is that it is supported by Ciceronian intertexts. Calenus' oration integrates the Ciceronian slogans that also feature in Cicero's speech, but only to turn them against the orator. Calenus manneristically quotes the orator's self-referential comments about his personal relation with the senate and the Republic:[181]

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[180] *Ibid*. 46.22.7.

[181] Cf. *Ibid* 46.9.2: "privately you rule through them [sc. prominent citizens] and manage to get all that you want, and publicly you cry out in vain, and you bawl out those vile phrases: "I alone am your friend", or perhaps, "well I so-and-so, but all the others hate you", and "I alone wish you well,

> Οὕτω που ὁ μέγας οὗτος καὶ φιλόπολις ῥήτωρ, ὁ πανταχοῦ καὶ ἀεὶ θρυλῶν καὶ λέγων 'ἐγὼ μόνος ὑπὲρ τῆς ἐλευθερίας ἀγωνίζομαι, ἐγὼ μόνος ὑπὲρ τῆς δημοκρατίας παρρησιάζομαι· ἐμὲ οὔτε χάρις φίλων οὔτε φόβος ἐχθρῶν ἀπείργει τοῦ μὴ οὐ τὰ συμφέροντα ὑμῖν προσκοπεῖν· ἐγώ, κἂν ἀποθανεῖν ἐν τοῖς ὑπὲρ ὑμῶν λόγοις δεήσῃ, καὶ μάλ' ἡδέως τελευτήσω'.[182]
>
> Behold this great and patriotic orator, he who cannot stop saying everywhere and always: "I alone fight for freedom, I alone speak my mind on behalf of the Republic; neither goodwill towards my friends nor fear for my enemies will keep me from considering what is good for you; I, even when I should die speaking on your behalf, will very gladly meet my end".

We have seen that in the 'Philippic' Cicero identifies himself with essential republican values and presents himself as a defender of the Republic, who is not afraid to die. Calenus now turns this strategy against him. He ridicules Cicero's self-promotion by mimicking his excessive use of *ego*.[183] In combination with the argument of 22.7, which I have quoted above, Calenus demonstrates that Cicero's emphasis on himself should not be interpreted as a mark of his singular defense of the Republic, but mainly signals his desire to serve his own needs. Cicero's identification with republican freedom is not genuine. In fact, the parrhēsia which Cicero prides himself on is rather the manifestation of his boastfulness and egocentrism.[184] Calenus supports this argument by repeating throughout his contribution that Cicero kept silent on those crucial moments where the policy of the state was being defined; never did he speak out against Antony or any of his proposed measures.

Calenus ends with an exhortation to consider the public welfare and with the advice to treat the leaders of the different factions as friends

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all the others plot against you", and all this and more…" (ἰδίᾳ μὲν διὰ τούτων πολιτεύῃ καὶ πάνθ' ὅσα βούλει διοικεῖς, δημοσίᾳ δὲ βοᾷς ἄλλως, κεκραγὼς τοὺς μιαροὺς ἐκείνους λόγους 'ἐγὼ μόνος ὑμᾶς φιλῶ,' καὶ εἰ οὕτω τύχοι, 'καὶ ὁ δεῖνα, οἱ δ' ἄλλοι πάντες μισοῦσι,' καὶ 'ἐγὼ μόνος ὑμῖν εὐνοῶ, οἱ δ' ἄλλοι πάντες ἐπιβουλεύουσι,' καὶ τὰ ἄλλα τὰ τοιαῦτα…)

[182] Cass. Dio 46.16.3–4.

[183] Cass. Dio 46.9.2–3. Cf. *Phil.* 2.72, 7.7, 8.15, 12.17; *Cat.* 4.2, *Pis.* 21. Cf. Pieper, Van der Velden & Jansen 2022. Cicero uses the demonstrative *ego* 124 times in the *Philippics*. MacKendrick 1995 discusses the frequent use of *ego* in the speeches between 66–45 BC.

[184] We recognize this aspect from the narrator's characterization of Cicero in book 38.12.6–7. Cf. Mallan 2016: 267–268, where he explains how Calenus undermines Cicero's idealized notion of *parrhēsia*. According to Mallan, the republican concept of *parrhēsia* and its negative effect on political decision-making is actually the central theme of these two speeches (269). On Cicero's *parrhēsia*, see chapter 3, § 2.

instead of waging war upon them. Cicero himself is addressed in the final paragraph of the speech. Calenus admonishes him not to let his personal hatred for Antony damage the state. He not only reproaches Cicero for acting contrary to the state's interests, but he also tears down some of the fundamental principles of Cicero's self-fashioning rhetoric:

> Μὴ γάρ τοι νομίσῃς ὅτι τὸ θρασύνεσθαι ἢ εὐκλεές ἐστιν ἢ ἀσφαλές, μηδ᾽ ἂν εἴπῃς ὅτι τοῦ θανάτου καταφρονεῖς, καὶ ἐπαινεῖσθαι ἐπὶ τούτῳ πιστεύσῃς. τοὺς μὲν γὰρ τοιούτους ὡς καὶ κακὸν ἄν τι ὑπ᾽ ἀπονοίας τολμήσαντας καὶ ὑποπτεύουσι πάντες καὶ μισοῦσιν· οὓς δ᾽ ἂν ἴδωσι περὶ πλείστου τὴν ἑαυτῶν σωτηρίαν ποιουμένους, καὶ ἐπαινοῦσι καὶ ἐγκωμιάζουσιν ὡς μηδὲν ἂν ἑκόντας ἄξιον θανάτου ποιήσαντας. Καὶ σὺ οὖν, εἴπερ ὄντως σώζεσθαι τὴν πατρίδα ἐθέλεις, τοιαῦτα καὶ λέγε καὶ πρᾶττε ἐξ ὧν καὶ αὐτὸς σωθήσῃ, μὴ μὰ Δί᾽ ἐξ ὧν καὶ ἡμᾶς συναπολεῖς.[185]
>
> Don't you think that boldness is either glorious or wholesome, and do not trust that you will be praised for saying that you despise death. For everyone distrusts and hates such men, believing that they might venture some evil action due to a loss of sense; those whom they see value their own safety, they praise and laud, believing they wouldn't willingly risk death. But you, now, if you really want to save the country, speak and act in such a way that will also keep you safe, and not, by God, in such a way that you will destroy us as well as yourself.

This passage is a response to Cicero's words in the peroration of *Phil.* 2.119[186] and elsewhere, that he would gladly risk his life for the Republic, and did not fear death. Calenus denies that death on behalf of the Republic will turn Cicero into a republican hero.[187] Instead, it makes him hated and distrusted, since people believe that someone who does not mind his own safety will not care about their safety either (indicated by κακὸν τι … τολμήσαντας). What Cicero frames as ὑπὲρ τῆς ἐλευθερίας ἀγωνίζεσθαι or ὑπὲρ τῆς δημοκρατίας παρρησιάζεσθαι (16.3, passage cited above), is framed by Calenus as τὸ θρασύνεσθαι, being over-bold. It will result, according to him, in the destruction of not just

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[185] Cass. Dio 46.28.

[186] Above, p. 317.

[187] The topos of dying for Rome is also mocked by Calenus in chapters 26.2, 28.4–5, since, had Cicero truly been free from fear of death, he would have opposed Antony much more openly at an earlier stage.

Cicero himself, but the state in its entirety. Calenus' final words mirror Dio's analysis in the narrative directly preceding the debate, where Cicero's destruction is portended.[188]

Cicero's claim to be Rome's true defender is shot down by Calenus, but not simply through a general attack on his (consular) authority. Certainly, the anti-Ciceronian invective targeting Cicero's personality, relationships, and public mistakes does its work. But much more harmful, perhaps, is Calenus' caricatural imitation of Cicero's egotistic political self-presentation, and his serious analysis, at the end of his oration, of the negative effects of this type of oratory on the Republic. Calenus employs Cicero's rhetorical manoeuvres as an *exemplum* for the bigger problem that undercuts the proper functioning of republican debate: the contention and egocentrism that defines the policy of Roman senators. Certainly, Calenus' own rhetorical invective should not be taken at face value or as a direct confirmation of the historiographer's opinion. Yet the aptness of his analysis in the final paragraph of his speech is highlighted through similarities with the historiographer's contextualization of the debate, who likewise focalizes the disastrous consequences of Cicero's personal ambitions.

3.2.5 *Demosthenes'* On the Crown *as a model for Dio's 'Philippic'*

I would like to conclude my analysis of Dio's Ciceronian debate by addressing one final elephant in the room: how does Dio's Greekness influence his representation of Cicero's oratory? Indeed, on a word level, sentence constructions and rhetorical formulas seem to derive from models of Attic oratory.[189] Dio has also taken over several very specific phrases from *On the Crown*.[190] In this final section, I would like to offer a small glimpse of the Greek template underlying the debate between Cicero and Calenus. It is notable that, much more than Appian's speech, Dio's 'Philippic' is a hybrid product; in order to re-enact Cicero's oratory, Dio turned to the ultimate model of *Philippic* 2, Demosthenes' *On the Crown*.[191] I will concentrate on one conspicuous passage in the 'Philippic' (45.27.4), which imitates *Phil.* 2.55, but which is remodeled so as to imitate the Greek source passage in Dem. 18.159 as well. This discussion hopefully serves as an encouragement to examine Dio's literary method in greater detail.

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[188] Cass. Dio 45.17.4.

[189] For example, the construction ἐς τοσοῦτο … [a form of ἔρχομαι] … ὥστε … is used often, or similar comparative constructions with τοσοῦτος/τοιοῦτος; cf. Dem. 18.212 for a general example, and compare in particular Dio Cass. 45.21.1 with Isocr. *Antid*. 89, Dem. 19.55. Cf. LINTOTT 1997: 1501.

[190] E.g. the collocation βοῶν καὶ κεκραγὼς, employed by Dio at 45.27.1 and later at 76[77].14.1, is used twice by Demosthenes in reference to Aeschines, at 18.132 and 199; apart from a reference in Arist. *Plout*. 722 there exist no other notable parallels for this phrase in classical literature (cf. Worman 2004 on the voice imagery). Dionysius of Halicarnassus in *Dem*. 31.13 and Demetrius in *Eloc*. 49 both discuss the phrase in order to exemplify (Demosthenes') forceful style. That suggests it was a famous phrase, and it might have appealed to Dio in this particular instance for the reminder it

Chapter 27 of the 'Philippic' is dedicated to Antony's behaviour when he served as tribune of the people. According to Cicero, Antony defiled his office by secretly conspiring with Caesar against the senate. In a remarkably pathetic passage, he is described as the planter of the seed of all evils (τὸ σπέρμα τῶν κακῶν) connected with Caesar's domination, and he is called the common bane (ὁ κοινὸς ἀλιτήριος) of the Republic. The term ἀλ(ε)ιτήριος, 'accursed', also to be used as a substantive, is almost unique in Dio's work, and features only three times in the extant books (twice in connection with the behaviour of senators right after Caesar's death).[192]

At first sight, this passage appears to be an allusion to *Phil.* 2.55, where Cicero blames Antony for the civil war between Caesar and Pompey. Cicero summarizes: "Therefore, in the way that the origin of trees and plants is located in seeds, so you are the seed of this most horrid war" (*Ut igitur in seminibus est causa arborum et stirpium, sic huius luctuosissimi belli semen tu fuisti*). He goes on to describe how Antony killed three armies of the Roman people, killed many famous citizens, and harmed the *auctoritas* of the senate. Everything that happened after the civil war is Antony's fault.[193] To illustrate Antony's disastrous effect on the state, Cicero employs the metaphor of a plague (*pestis*): "like

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carried of the debate between Demosthenes and Aeschines. Another remarkable example of Demosthenic phrasing occurs at Cass. Dio 45.38.1, where Cicero exhorts the senators μηδ᾽ ὑπὸ τῆς ἐν τῷ παρόντι ῥᾳστώνης δελεαζώμεθα, "not to be overly attracted by the easiness of the present". The combination of δελεάζω with ἡ ῥᾳστώνη is only seen in Dem. 18.45, which must therefore be the source of inspiration for this peculiar phrase.

[191] I intend to discuss this topic more fully in the future.

[192] Cf. Cass. Dio 46.34.5; 73[74].2.2 (about Commodus).

[193] *Phil.* 2.55: *omnia denique, quae postea vidimus—quid autem mali non vidimus?—si recte ratiocinabimur, uni accepta referemus Antonio*.

Helen for the Trojans", he says, "Antony is the cause of plague and ruin for the Roman Republic" (*ut Helena Troianis, sic iste huic rei publicae causa belli, causa pestis atque exitii fuit*). The idea of defilement which is inherent to the term *pestis*[194] derives from the text that offered the model for Cicero's *Phil.* 2, Demosthenes' oration *On the Crown*.[195]

In *On the Crown*, Demosthenes argues at length that Aeschines collaborated with Philip of Macedon. He blames him for fuelling the Amphissean War, a war which would only have assisted Philip's grand plan to conquer Greece. Demosthenes calls Aeschines a plague for everyone who has died in the war as well as the evil seed of Athens' failure to withstand Philip's force:

> Ὧν εἷς οὑτοσί, ὅν, εἰ μηδὲν εὐλαβηθέντα τἀληθὲς εἰπεῖν δέοι, οὐκ ἂν ὀκνήσαιμ᾽ ἔγωγε κοινὸν ἀλειτήριον τῶν μετὰ ταῦτ᾽ ἀπολωλότων ἁπάντων εἰπεῖν, ἀνθρώπων, τόπων, πόλεων· ὁ γὰρ τὸ σπέρμα παρασχών, οὗτος τῶν φύντων αἴτιος.[196]
>
> Of these [evil men around Philip] it was this man, whom I won't hesitate to call, if the truth must be spoken without scruples, the common curse of all those who perished thereafter [sc. after the Amphissean war]—men, places, cities: he who sows the seed is responsible for the things produced.

This passage is especially interesting because it is a response to Aeschines' insult that Demosthenes himself, in fact, was the ἀλιτήριος τῆς Ἑλλάδος.[197] The idea that each constituted the ultimate source of evil in the eyes of the other forms a common and easily recognizable theme within the antilogy. For his characterization of Antony, Cicero took over both the element of the public curse (with *pestis* as the Latin translation of ἀλιτήριος) and the metaphor of the seed.

Dio read *Phil.* 2 with Aeschines and Demosthenes in mind—for him basic school authors—and probably immediately recognized Cicero's allusion to his Athenian predecessors. His reworking of the passage 'restores' the Greek hypotext:

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[194] *OLD* s.v. 5.

[195] See above, § 1.3. Cicero also employs the imagery in crescendo in *Cat.* 1.30: Catiline is not just a *pestis rei publicae* but also the *stirps et semen malorum omnium*.

[196] Dem. 18.159.

[197] Aeschin. 3.131, 157. Yunis 2001 *ad loc.* believes Aeschines is more "vigorous" in calling Demosthenes an evil spirit of Greece. I am not so sure that Demosthenes' climactic, asyndetic trikolon is less forceful.

> Νῦν δὲ οὗτός ἐστιν ὁ καὶ ἐκείνῳ τὰς προφάσεις ἐνδοὺς καὶ τὸ τῆς βουλῆς ἀξίωμα καταλύσας, τό τε θράσος τῶν στρατιωτῶν ἐπαυξήσας· οὗτος ὁ τὸ σπέρμα τῶν κακῶν τῶν μετὰ ταῦτα ἐκφύντων ἐμβαλών, οὗτος ὁ κοινὸς ἀλιτήριος οὐχ ἡμῶν μόνον ἀλλὰ καὶ τῆς οἰκουμένης ὀλίγου πάσης γενόμενος, ὥς που καὶ τὸ δαιμόνιον ἐναργῶς ἐσήμηνεν. ὅτε γοῦν τοὺς θαυμαστοὺς ἐκείνους νόμους ἐσέφερε, βροντῶν πάντα καὶ ἀστραπῶν ἐπληρώθη. Ὧν οὐδὲν ὁ μιαρὸς οὗτος, καίπερ οἰωνιστὴς εἶναι λέγων, φροντίσας, κακῶν καὶ πολέμων, ὥσπερ εἶπον, οὐ τὴν πόλιν μόνον ἀλλὰ καὶ τὴν οἰκουμένην ἐπλήρωσε.[198]

> Now it is this man who has given him [sc. Caesar] the pretexts as well as undermined the authority of the senate, and who has increased the audacity of the soldiers; it is him who has planted the seed of all troubles that occurred after this, he is the common plague not only of us but of nearly the entire known world, as, I think, Heaven clearly showed us. Indeed, when he proposed those remarkable laws, everything was filled with thunder and lightning. These omens this wicked man did not think about, although he claims to be an augur, and he filled up with disaster and war, as I said, not only the city but the whole world.

From his Greek model, Dio took the construction of τὸ σπέρμα + participle, in which Antony provides the seed (compare τὸ σπέρμα ἐμβάλων with το σπέρμα παράσχων in Dem. 18.157), instead of being the seed, as in *Phil.* 2.55 (*semen tu fuisti*). While Cicero restricts Antony's evil effect to the Republic itself, Dio imitates the Demosthenic imagery in extending the influence of Antony to the whole world. More still, he emulates his Attic predecessor by repeating this idea twice (τῆς οἰκουμένης πασῆς; τὴν οἰκουμένην ἐπλήρωσε). Other features, such as the phrase ὁ κοινὸς ἀλιτήριος (compare Cicero's *pestis*) and the substantivized participle τῶν (ἐκ)φύντων bring Dio's text close to *On the Crown*. Yet, though with regard to the formulation of the argument Dio largely follows Demosthenes' example, other details derive from his Latin model. Especially the addition that Antony had damaged the authority of the senate (τὸ τῆς βουλῆς ἀξίωμα καταλύσας) seems to derive directly from *Phil.* 2.55 (*auctoritas huius ordinis adflicta est*).

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[198] Cass. Dio 45.27.4.

We have seen that Dio was perfectly capable of rendering Cicero's rhetorical style in Greek, without the mediation of a Greek source. The imitation of Demosthenic language was a deliberate choice meant to evoke the classic rhetorical locus of the ἀλιτήριος as it features in perhaps the greatest debate produced in the field of Attic oratory. It shows us how easily Dio's method of literary imitation intertwines Latin and Greek models. The passage is a sophisticated response to the canonical comparison of Demosthenes and Cicero. It illustrates how Greek writers of history like Appian and Dio, but perhaps Plutarch too, compared the two classical orators on the level of not just their life and career but also their rhetorical style. In the historiographical speeches we have seen in this chapter, Ciceronian and Demosthenic stylistic features eventually form one hybrid product.

4. Concluding remarks

At first sight, Appian and Dio's paraphrases and quotations of Ciceronian themes and slogans (in Dio's case) appear primarily to serve their ambiguous, *philonikistic* portrayal of Cicero in the main narrative. However, digging deeper, as we have done in this chapter, uncovers the intellectual quality of the Greek historiographers' engagement with the *Philippics*. On the one hand, there is the, at times extremely, careful imitation of Ciceronian catchphrases or favourite *topoi*, which recreates his oratorical style. On the other hand, as we have seen especially in Dio's writing, there is an attempt to catch a piece of Cicero's political programme, his self-fashioning technique to present himself as Rome's saviour and republican hero. Rather than presenting purely 'fictional' speeches, as is often argued, these Greek scholars demonstrate an approach to Ciceronian oratory which attempts to cover multiple aspects of his 'original' performance. This literary-cum-historicist concern with reenacting Ciceronian speech concentrates around the Philippic oratory of his final year.[199]

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[199] Admittedly, there is more differentiation in Cassius Dio than there is in Appian. Within Appian's *Roman History*, it is the *Philippics* alone that constitute and define Ciceronian oratory. Within

On a moral-didactic level, the Ciceronian speeches, including the speeches by Piso and Calenus, provide a moral lesson, an exemplum of destructive oratory. The *Philippics* are a lens through which to evaluate the status of late republican politics. Both Appian and Dio take care to demonstrate that the Philippic encounters are ineffective rhetorical episodes which do not advance the political conflict. Through the use of ideological language which mirrors the discussion in the main narrative, Ciceronian speech becomes a prototype for late republican oratory and, in particular, its flaws. By extension, Cicero as a political actor himself tragically exemplifies the citizen whose lust for competition causes his ultimate downfall. Especially in Appian, the Philippic debate marks a breaking point in the story: Cicero's rhetoric is used to symbolize the start of the final civil war in the Republic. Octavian's growing power is hanging like a sword of Damocles over the senate's head, a theme which will be worked out in the succeeding narrative of Appian's as well as Dio's history. Finally, if the accounts of Appian and Dio confirm one thing it is that Cicero's *Philippics,* although a negative example of political rhetoric, formed a monumental contribution to the political conflict in the last phase of the Roman Republic.

To conceptualize the debate, the historiographers have taken their recourse to samples of Attic (Athenian) oratory which match the Roman context. This is nothing spectacular, since the classicistic culture of imperial Greeks greatly influenced their adoption of a traditional Attic register. Yet, the terminology and techniques used by Appian and Dio's Cicero, Piso, and Calenus do in fact open up general questions about republican ideology. Through the use of typical Demosthenic language the speeches associate Roman politics with fourth-century Athenian democracy. Athens and Rome were both Republics, but in an entirely different way; this becomes clear once more from the comparison of Piso's speech with the Demosthenic model *Against Meidias*. As a consequence of the Athenian framework, questions like 'What is the basis for common decision-making if everybody puts their own interests first?', or 'How far are republican orators allowed to go in their

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Dio's narrative, Ciceronian style is doubly defined by his amnesty speech in book 44.23–33, which I have not discussed here, and the speech against Calenus. Still, the latter speech is three times longer, and it carries a strong symbolic function with regard to Dio's interpretation of Cicero's political role in this phase of Roman politics.

invective strategies?' gain a deeper meaning. As we have seen, the imperial historiographers revive a particular ideological discourse against contentiousness, ambition, and self-interest that is recognizable from Demosthenes' defense of Athens and other Attic orators. Demosthenes rightly signalled the extent of the corruption in the democratic state and the dangers of succumbing to the Macedonian expansion. In the imperial narratives of Rome's history, similar problems now lead the Republic to its end.

There is an enormous difference between Demosthenes' defense of the Republic and Cicero's Philippic battle with Antony. Cicero is no *alter* Demosthenes. In fact, whereas Cicero's *Philippics* themselves create the image of a heroic saviour of the fatherland, the Greek historiographers convey the message that these speeches contributed greatly to the escalation of the conflict with Antony and the victory of Octavian. This picture is in line with Plutarch's representation of the events in the Demosthenes and Cicero and in the Moralia, where he praises Demosthenes' (admired) oratory against Philip and raises the occasional eyebrow at Cicero's (failed) interaction with his fellow citizens, as we have seen in chapter 3. We would do well to recognize much more often that such story patterns seem to stretch from Plutarch to Cassius Dio, and, at any rate, remain remarkably consistent within the Greek literature of the Empire.

In the end, historiography is about establishing models of exemplary citizenship and offering critical tools to consider the relationship between the past and the present. The search for cultural and literary models, as I have shown in this chapter, was an important aspect of this process. Appian and Dio's speeches of Cicero mark a crucial phase in the Ciceronian tradition: the appropriation of Ciceronian rhetoric from a Hellenic point of perspective. In a development beginning with Plutarch, Cicero became the shared heritage of the Latin and Greek literary tradition. Writing a speech for the most famous orator of the Roman world was a bold move—the ultimate challenge—but it could be done. It is part of the Greek imperial writers' laying claim to a Roman history which had become partly their own. The writing of a Ciceronian speech in Greek served as a confirmation that Latin and Greek oratory, as the imperial audience knew it, did not know great differences. For although Cicero's style is Attic and artificial, he is still utterly recognizable as the Cicero familiar from his own public oratory. Regardless of any cultural competition manifesting itself within the rhetorical discourse, the blending of Roman and Athenian concepts also teach how the conduct of a Cicero, a Piso, or a Calenus chimes in with ideological and historical patterns that were familiar from the Greek tradition.