

## Ciceronian constructions of the oratorical past

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# CICERONIAN CONSTRUCTIONS OF THE ORATORICAL PAST

Henriette van der Blom

## 1. Introduction

Oratory was central to public life in republican Rome. Public speeches formed the main means of communication in all political discussions in the senate and the popular assemblies as well as in legal proceedings in the courts of justice, which were all held in the public arena of the Forum. When the Romans remembered and recorded the past – especially the public aspects of the past – oratorical performances formed part of the memory and the material by which it was remembered.

One way in which the Romans approached the past was through references to specific individuals, groups or events from the past which were used as examples to guide behaviour in the present. Oratorical performances provide a substantial element in this rich *exempla*-culture of the Romans. A history of oratory built around the recollection of individual orators speaking in specific spaces can be constructed from Cicero's speeches, where examples of the actions and words of orators serve to support his arguments and his broader agendas. Later in his career, Cicero developed a different kind of history of Roman oratory. In his treatises on rhetoric, most notably in the *De oratore* and the *Brutus*, he constructed a narrative about skill and technique which placed Roman oratory in the context of Greek oratory, and Roman orators in the context of rhetorical education and oratorical ability.

This chapter investigates these two approaches to Rome's speaking culture and discusses the background to this development of a new and parallel approach. The analysis will focus on what Cicero's constructions of Rome's oratorical past tell us about the role of oratory in Roman memory and history, on the ways in which this new approach links to Cicero's own project of self-presentation and to a late republican trend of memorialisation, and, finally, on whether Cicero's projection of a history of oratory fits into a broader Roman interest in and concern with recording the oratorical past.

## 2. Cicero's speeches: a repository of Roman (oratorical) history

Cicero's speeches can be read as a repository of Roman history through the myriad of historical *exempla* contained within them.<sup>1</sup> Among the many different types of historical *exempla*, references to specific orators and specific speech occasions crop up, usually to support a particular argument of Cicero's.

For example, in his speech *De provinciis consularibus*, delivered in the summer of 56 BCE, Cicero argued for an extension of Caesar's command in Gaul. A further purpose of his speech was to counter the criticism of his support for Caesar in spite of Caesar's indirect support for Cicero's exile. Cicero did so by referring to a *contio* speech delivered in the 180s BCE by Tiberius Gracchus, the father of the tribune:

*an Ti. Gracchus – patrem dico, cuius utinam filii ne degenerassent a gravitate patria! – tantam laudem est adeptus, quod tribunus plebis solus ex toto illo conlegio L. Scipioni auxilio fuit, inimicissimus et ipsius et fratris eius Africani, iuravitque in contione se in gratiam non redisse, sed alienum sibi uideri dignitate*

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<sup>1</sup> See also Pina Polo (this volume).

*imperi quo duces essent hostium Scipione triumphante ducti, eodem ipsum duci  
qui triumphasset?*

Did not Tiberius Gracchus – I mean the father, whose sons I wish had not become unworthy of their father’s seriousness – obtain so much praise, because he alone among all his colleagues, as tribune of the plebs, gave service to Lucius Scipio (although a strong enemy of both Lucius and his brother Scipio Africanus), and did he not state in a *contio* that he had not become friends again, but nevertheless it seemed to him alien to the dignity of the empire, that Scipio, who had himself triumphed, should be led to the same place to which two enemy generals had been led in triumph by Scipio?<sup>2</sup>

This story can be found in a number of later works which emphasize the selflessness of Tiberius Gracchus and the essential point in Cicero’s description.<sup>3</sup> Cicero’s point was that disapproval of his support of Caesar given Caesar’s role in Cicero’s recent exile was misplaced, because also in the past great and famous politicians, such as Tiberius Gracchus, had publicly announced their support of a just and right arrangement even if the arrangement benefited their political enemy. The reference to Tiberius’ *contio* served to justify Cicero’s own public position *vis-a-vis* Caesar, both at the time of speaking and afterwards when he circulated his written version of the speech. Moreover, the reference compared Caesar with Scipio Africanus which cannot have been unwelcome. Apart from the flattery of Caesar,

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<sup>2</sup> Cic. *prov.* 18 (my translation) with the commentary of Grillo (2015) 175-81. The date is either 187 or 184 BCE; for discussion of the event and its date, see Gruen (1995), and for an overview of the question and the bibliography, see Briscoe (2008) 170-9; *MRR* 1.376, 378 n. 4 originally argued for 187, but *MRR* 3.188-9 argues for 184 BC.

<sup>3</sup> Liv. 38.53.6, 38.57.3-4; Val. Max. 4.1.8; Gell. 6.19.6-7; *Vir. ill.* 53.2, 57.1.

Cicero was already at the stage of circulation attempting to **monumentalise** his own performance and to emphasize his own public image.

Cicero used the same kind of reference to past oratorical performances in his forensic speeches, as is illustrated in a passage from his defence of Balbus in 56 BCE. Cicero countered the charge of receipt of an illegal grant of Roman citizenship partly through the reference to a past trial concerning the grant of citizenship:<sup>4</sup>

*quem [T. Matrinius] cum disertus homo L. Antistius accusaret, non dixit fundum Spoletinum populum non esse factum, – uidebat enim populos de suo iure, non de nostro fundos fieri solere, – sed cum lege Apuleia colonia non essent deductae, qua lege Saturninus C. Mario tulerat ut in singulas colonias ternos ciuis Romanos facere posset, negabat hoc beneficium re ipsa sublata ualere debere. nihil habet similitudinis ista accusatio; ...*

When that eloquent man Lucius Antistius prosecuted him [Titus Matrinius], he did not say that the people of Spoletium had not supported this, – for he saw that peoples usually support something in their own legal system, not in that of us, – but since the colonies under the Appuleian law had not been founded, that law which Saturninus passed for the sake of Gaius Marius so that he could grant Roman citizenship on three people in each colony, he said that this grant ought not to be valid after the action itself had been cancelled. That prosecution has no resemblance to our case; ...

The argument of the prosecutor Antistius was that Titus Matrinius of Spoletium should be stripped of his citizenship because the law, under which Marius had been allowed to grant it,

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<sup>4</sup> Cic. *Balb.* 48–49; my translation. The date of the trial is 95 BCE; Alexander (1990), no. 89.

had been repealed. Cicero is right to state that Matrinius' trial was quite different from Balbus' from a legal view point, but he goes on to imply a similarity through an argument from character (*ethos*): Matrinius was acquitted because of Marius' *auctoritas*, and therefore Balbus should also be acquitted because of Pompeius' (who granted Balbus the citizenship) *auctoritas*. Although Cicero describes the prosecutor Lucius Antistius as *disertus* (eloquent), his possible eloquence did not help him win his case as the *auctoritas* of Marius was overwhelming. Indeed, the eloquence of Antistius plays no role in the anecdote, because the focus is on his argument and the way in which it was overturned.

Looking beyond the context of these speeches and across Cicero's entire output of extant speeches, these references illustrate some of the characteristics of Cicero's references to past oratorical performances: they refer to specific individuals speaking in a specific situation, cited to support a specific argument of Cicero's within a specific speech context. The view of the oratorical past presented is fragmented, related to a particular and usually named orator, and it offers some details about the occasion or the speaker. Cicero usually does not pass judgement on the orator's broader oratorical qualities, except brief and general adjectives such as 'prominent' (*amplius* or *nobilis* or *praestans*), or 'outstanding' (*clarus*) which do not imply anything about oratorical skill but rather emphasize general standing. The point to be made is often not about the quality of the person's oratory in relation to the oratory of others, but much more about the situation, the authority of the orator, or the argument made on the occasion. Therefore, the story of Roman orators and Roman oratory found in Cicero's speeches is indirect, offered in glimpses only. Gathering the threads of this story necessitates reading across the speeches and considerable background knowledge.

When reading across the speeches, there is unsurprisingly some variety in the extent and manner in which Cicero employs such references to past oratorical performances. The scope of this chapter does not allow a detailed analysis of all these different variations here,

but the variety over time can stand as an example of these variations. In his early forensic speeches, Cicero limits his mentions of speeches or public expressions to those immediately related to the case at hand.<sup>5</sup> An example of this comes from Cicero's first extant speech, *Pro Quinctio* from 81 BCE, where Cicero acted as advocate for the plaintiff Quinctius in a civil law case about a business partnership. Hortensius was speaking on behalf of the defendant Sextus Naevius:<sup>6</sup>

*uerum quoniam tibi instat Hortensius ut eas in consilium, a me postulat ne  
dicendo tempus absumam, queritur priore patrono causam defendente numquam  
perorari potuisse ...*

Since Hortensius presses you to consult your *consilium*, demands of me not to waste time in talking, complains that when the previous advocate was defending Quinctius' cause the speech could never be concluded, ...

Cicero here refers to what Hortensius said in his speech in defence, and so this reference to an oratorical performance is not only relevant to Cicero's argument but part of the forensic proceedings at hand. While such references continue to occur in speeches from the Verrines onwards, Cicero begins from the first Verrine speech onwards to include references to oratorical events further back in the past whose relevance to the case in question has to be explained to the audience.<sup>7</sup> One illustration of this phenomenon is Cicero's reference to Q. Calidius' remark in court upon his conviction:<sup>8</sup>

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<sup>5</sup> Cic. *Quinct.*, *Rosc. Am.*, *Var.*, *Tul.* all from the 80s and 70s BCE. Full data can be found in Bücher (2006) Anhang III, also for the rest of Cicero's speeches.

<sup>6</sup> Cic. *Quinct.* 34.

<sup>7</sup> Cic. *Verr.* 1.45, 2.1.45, 2.1.85, 2.1.107, 2.2.5, 2.2.28–29, 2.2.191–192, 2.3.3, 2.4.22, 2.4.73, 2.4.75–80, 2.5.3.

<sup>8</sup> Cic. *Verr.* 1.38. The trial was probably *de repetundis* and took place in 77 BCE: Alexander (1990), no. 139.

*cognoscet ex me populus Romanus ... quid sit quod, iudiciis ad senatorium ordinem translatis sublataque populi Romani in unum quemque uestrum potestate, Q. Calidius damnatus dixerit minoris HS triciens praetorium hominem honeste non posse damnari;...*

The Roman people shall learn from me ... why it is that, when the courts had been given over to the senatorial order and the power of the Roman people over you as individuals had been taken away, Quintus Calidius said, having been convicted, that an ex-praetor could not be respectably convicted for less than three hundred thousand sesterces; ...

Here, Cicero refers not to a speech or public expression given as part of the case in question, but to a statement given at an earlier and unrelated trial for extortion. Although the charge was the same as in Verres' trial and the issue of corruption of the judges relevant in Verres' trial too, the two trials were not directly linked. Cicero is here demonstrating not only an understanding of the present case and the oratory contained in it but also knowledge of past oratorical occasions harnessed to his immediate argument. As such, this example is similar to the two passages quoted from the *De provinciis consularibus* and the *Pro Balbo*, and such references occur in speeches from 70 BCE onwards.<sup>9</sup>

However, after 49 BCE, Cicero's speeches contain noticeably fewer of such references to oratorical occasions not closely linked to the situation. The so-called Caesarian speeches, that is, the *Pro Marcello*, the *Pro Ligario* and the *Pro rege Deiotaro*, contain

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<sup>9</sup> For example *prov.* (4 references to external oratorical occasions: §§ 15, 18, 21, 22); *Balb.* (8 references: §§ 4, 11, 28, 34, 45, 48, 49, 55); *Pis.* (5 references: §§ 6, 8, 34, 56, 80); *Scaur.* (1 reference: § 23); *Planc.* (4 references: all in § 33); *Mil.* (3 references: §§ 7, 8, 39).



almost exclusively references to oratorical occasions in direct relation to the case.<sup>10</sup> The fact that Cicero addressed Caesar in his dominant position as dictator may account for this difference; the speeches deal directly with the issue at hand without a great deal of oratorical flourish or elaborate exemplification.<sup>11</sup> In the *Philippic* speeches, Cicero is busy dealing with the immediate and fast-moving political and military situation and only in the *Philippics* 8 and 11 are there some references to oratorical occasions going further back in the past.<sup>12</sup>

In general, Cicero's references to the oratorical past present a fragmented picture of specific orators in specific speech occasions, and the manner in which he refers to such occasions changes over the course of his own oratorical career.

Exactly where Cicero's knowledge about the specific occasions derived from is often unclear, as he certainly does not cite his sources. Citing of sources is, in fact, more common in his rhetorical works.<sup>13</sup> But his wide-ranging education in history – both political history and less formal oral and family history – as well as his thorough education in rhetorical literature, which was interspersed with examples from history, literature and myth to illustrate types, genres and situations, meant that he had a firm grasp of Roman history.<sup>14</sup> Moreover, as the rhetorical handbooks both recommended and exemplified the use of

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<sup>10</sup> The few exceptions are: *Deiot.* 31 (Domitius and Scaurus in 104 BCE), 36 (Antiochus III in ca. 188 BCE).

<sup>11</sup> There are only few references to historical *exempla* generally; see Bücher (2006) Anhang III and Pina Polo (this volume). The difference in use of historical *exempla* between civil and criminal forensic speeches, discussed in van der Blom (2010), 132–133, may also provide a parallel: the limited audience for the Caesarian speeches (especially the *Pro Ligario* and *Pro rege Deiotaro*) may explain the low number of references to historical *exempla* as well as oratorical *exempla*.

<sup>12</sup> *Cic. Phil.* 5.27 (Hannibal), 8.1–2 (Cicero in 63), 8.14 (Opimius), 8.15 (Marius in 100), 8.23 (Popilius), 8.31 (Scaevola Augur), 9.4 (Octavius), 11.17 (Antiochus and the Scipiones), 11.17 (Scipio), 11.18 (Aristonicus), 11.18 (Pompeius), 11.33 (Deiotarus), 11.34 (Pompeius), 11.36–37, 12.27 (Pompeius Strabo), 12.27 (Sulla).

<sup>13</sup> *Cic. de orat.* 2.270 (= *FRHist* Fannius 12 F6): Cicero refers to Fannius' annals as a source for Aemilianus' irony in oratory; 2.271 refers to Cato's mention of Publicius' remark on Mummius.

<sup>14</sup> See Rawson (1972) for a discussion of Cicero as historian.

illustrative *exempla* in effective speeches,<sup>15</sup> Cicero's frequent and expert employment of *exempla* was an extension of rhetorical recommendations and past practice.

### **3. Cicero's rhetorical treatises: a narrative about Roman oratorical history**

Cicero's rhetorical works present a different and more complex view of the past. I shall discuss his first rhetorical treatise, the *De inventione*, below, but first I focus on the first of his more mature rhetorical works, the *De oratore* from 55 BCE. The setting of this major work on the ideal orator offers a multi-layered staging of the past. The dialogue between the prominent orator-politicians Crassus and Antonius and their friends, set in 91 BCE, point both forward and backward in time. Their discussion frequently includes references to and vignettes of oratorical performances in the past which they had themselves carried out, witnessed or heard about from eye witnesses. The two young orators in the set, Cotta and Sulpicius, push the more senior interlocutors to talk about the past while they themselves represent the future, albeit the future that was to be brutally cut down in the civil wars of the 80s BCE; of the entire set of seven interlocutors, only Cotta and Caesar Strabo survived.

Another link to the future is Cicero himself. He argues that although not present at the discussion, he heard about it from Cotta.<sup>16</sup> Moreover, by explicitly placing his own two mentors and oratorical role models, Crassus and Antonius, as the oratorical pinnacle of their generation, Cicero implicitly refers to his own oratorical heritage and himself as the embodiment of Crassus' and Antonius' teachings.

Cicero's vision of the imaginary dialogue in 91 reaches at least as far back as the famous Athenian embassy to Rome in 155 BCE (through reference to eye-witness accounts

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<sup>15</sup> *Rhet. Her.* 4.62, and Cicero's own *Inv.* 1.49 discuss the use of *exempla* in oratory.

<sup>16</sup> *Cic. de orat.* 3.16.

heard by the interlocutors) and as far forward as Cicero's own performances at the time of writing, exactly 100 years later. Moreover, the *De oratore* sits within a nexus of other treatises of Cicero, including *De republica*, *De legibus*, *De amicitia*, and *De senectute*, which offer further links between Cicero's own time and the past.<sup>17</sup>

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<sup>17</sup> See also Steel (2013), 224 on Cicero writing a history of elite through his dialogue settings.

Cicero's rhetorical treatises paralleled in Cicero's *De senectute* and *De amicitia*

|                                                                                                                                                                                                      |                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>155 BCE: Carneades, Critolaus and Diogenes deliver speeches in Rome as Athenian ambassadors (<i>de orat.</i> 2.152–161).</p>                                                                      | <p>150 BCE: dialogue between Cato the Elder, the young Scipio Aemilianus and Gaius Laelius on old age (<i>Sen.</i>)</p>                                          |
| <p>↓</p>                                                                                                                                                                                             | <p>↓</p>                                                                                                                                                         |
| <p>155 – ante 129 BCE: The Athenian ambassadors' speeches are witnessed by Scipio Aemilianus, Laelius and Fufius, who later told Catulus about them (<i>de orat.</i> 2.155).</p>                     | <p>Post 129 BCE: dialogue between Laelius and his sons-in-law Scaevola Augur and C. Fannius on Laelius' friendship with Scipio Aemilianus (<i>Lael.</i>)</p>     |
| <p>↓</p>                                                                                                                                                                                             | <p>↓</p>                                                                                                                                                         |
| <p>91 BCE: Catulus is present in the dialogue presented in the <i>De oratore</i> between Crassus and Antonius. The dialogue was attended by Cotta, who later told Cicero (<i>de orat.</i> 3.16).</p> | <p>↓</p>                                                                                                                                                         |
| <p>↓</p>                                                                                                                                                                                             | <p>↓</p>                                                                                                                                                         |
| <p>90s BCE: Cicero also listened to Crassus and Antonius giving advice to clients in their homes (Cic. <i>de orat.</i> 2.1–3, <i>Brut.</i> 307; Suet. <i>rhet.</i> 26).</p>                          | <p>90s BCE: Cicero was student of Scaevola Augur, who told Cicero about his dialogue with Laelius (Cic. <i>leg.</i> 1.13, <i>Brut.</i> 306, <i>Lael.</i> 1).</p> |
| <p>↓</p>                                                                                                                                                                                             | <p>↓</p>                                                                                                                                                         |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>55–46 BCE: Cicero wrote his rhetorical works and set himself up as a climax in Roman oratory and an <i>exemplum</i> for future generations (<i>De oratore</i> written in 55 BCE, and <i>Brutus</i> in 46 BCE).</p> | <p>40s BCE: Cicero wrote the <i>Cato de senectute</i> and <i>Laelius de amicitia</i>, taking credibility from his claim of direct testimony from eye witnesses.<sup>18</sup></p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The links back in time in the *De senectute* and the *De amicitia* lend credibility to Cicero’s discussions on old age and friendship, whereas the links in the *De oratore* focus specifically on oratory and orators. Through this multi-layered depiction, Cicero creates a history of oratory in Rome which is based on personal links and patronage, forms a narrative about generations passing down lessons of oratory which are both specific and general, and, at the same time, shows that the oratorical route to political influence can be independent of one’s past: like Cicero, Antonius was a *homo novus* without the ancestry and social status to pave the way for a political career.<sup>19</sup> In this vision, the relevant past history and inheritance necessary is not that of the traditional family history but instead that of knowing your role models and selecting the right aspects for imitation.<sup>20</sup>

Apart from the setting – and not all of Cicero’s rhetorical works offer such a complex backdrop to his argument – Cicero’s treatises on oratory present a narrative of the oratorical past which differs from that offered in the speeches. Although historical *exempla* are frequent in the *De inventione*, *De oratore*, *Orator*, and *Brutus*, and although the interlocutors in the

<sup>18</sup> For the links between these two dialogues and their interlocutors, see van der Blom (2010) 244 f.

<sup>19</sup> Scholz (1963), 5, 51 f.; Gruen (1968), 129; Badian (1990), 388; Fantham (2004), 29: “almost a *homo novus*”, although Cicero never explicitly mentions Antonius’ background: discussion in van der Blom (2010), 272–273.

<sup>20</sup> See also Steel (2005), 106–114 on Cicero creating an intellectual pedigree for himself and Gildenhard (2013), 240 ff. on Cicero carving out a space for himself in Rome’s memorial culture through his dialogue settings.

dialogues give frequent references to past orators and their performances, these *exempla* fit into a broader narrative about the desirable skill and technique to be found in an orator, sometimes qualified by political outlook. The overall focus has moved from specific situations and specific orators, presented in Cicero's speeches, to an ideal of the orator who can operate across the oratorical situations encountered in his career. This is exactly what Cicero makes Scaevola and Crassus discuss in the *De oratore*:<sup>21</sup>

*[Scaevola:] ... tua autem fuit oratio eius modi, non ut ullam artem doctrinamue contemneres, sed ut omnis comites ac ministratrices oratoris esse diceres. quas ego si quis sit unus complexus omnis, idemque si ad eas facultatem istam ornatissimae orationis adiunxerit, non possum dicere eum non egregium quendam hominem atque admirandum fore; sed is, si quis esset aut si etiam umquam fuisset aut uero si esse posset, tu esses unus profecto, qui et meo iudicio et omnium uix ullam ceteris oratoribus – pace horum dixerim – laudem reliquisti. ... Hic Crassus ‘memento’ inquit ‘me non de mea, sed de oratoris facultate dixisse; ... quid censes, si ad alicuius ingenium uel maius illa, quae ego non attigi, accesserint, qualem illum et quantum oratorem futurum?’*

[Scaevola:] ... but your argument was of such a kind that you didn't despise any of the branches and disciplines of learning [all the liberal arts], but even said that they were all supporters and servants of the orator. If there should ever be someone mastering all these disciplines, and if this man should have added to these disciplines this skill in speaking elegantly, I for my part cannot say that he would not be an outstanding man worthy of admiration. But this man, if he should exist or if he ever existed or even if he could exist, you would surely be

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<sup>21</sup> Cic. *de orat.* 1.74–79.

the one, who, in both my judgement and in that of everyone, left behind almost no praise for other orators – if I can say so. ... Here Crassus said: ‘Remember that I spoke not about my own oratorical skills but of the skills of the ideal orator; ... what do you think would be the quality and greatness of such an orator in whom all those skills, or greater ones than those which I have not reached, were combined?’

The ideal discussed by Scaevola and Crassus is teleological with Cicero as the end point, the orator who masters all disciplines and harnesses them to his oratorical activity and broader political project of furthering his public career and securing his memory. We have indeed moved from references to specific orators used for a specific argument in the speeches to the ideal orator presented in the treatises.

#### **4. Roman oratory within a Greek context**

Another difference between the presentation of the oratorical past in the speeches and the rhetorical works is that in the latter, Cicero’s narrative of Roman oratory is set firmly within a context of Greek oratory and Greek rhetorical literature, which is – for historical reasons – coloured by Greek philosophical thinking.

Cicero’s early work *De inventione* starts off by looking at the development of eloquence from the early beginnings of man, but quickly moves on to describe the various classifications of eloquence and its functions. It is clear from his references to Gorgias, Aristotle and Hermagoras, that Cicero uses Greek rhetorical theory as his source and inspiration.<sup>22</sup> His chronology of Greek orators and oratory is also embedded in a Greek

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<sup>22</sup> Cic. *inv.* 1–6 for early beginnings of eloquence; 7–9 for references to Greek rhetoricians. See Cic. *de orat.* 1.33 and Quint. *inst.* 2.16.9 for parallel arguments about oratory’s civilising influence on man. Rabe’s (1931)

tradition,<sup>23</sup> and he uses more Greek language in his treatises than in his speeches.<sup>24</sup> Moreover, most of the references to historical examples in the treatises are Greek.<sup>25</sup> And this is no surprise. Very few Latin alternatives to the wealth of Greek rhetorical works existed at this time. Apart from a possible short work by Marcus Antonius (cos. 99 BCE), no longer extant, we only know of the anonymous rhetorical handbook *Rhetorica ad Herennium*, which was written either just before or after Cicero's *De inventione*.<sup>26</sup> And the *Rhetorica ad Herennium* was a different work with a different outlook from Cicero's.<sup>27</sup> Any serious thinking about rhetoric and oratory had to engage with the Greek masters and it was in their works that one found helpful examples for illustration. Yet it is also exactly at this time that the Greek dominance in the field of rhetoric and oratory at Rome was being challenged: apart from the

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collection of prolegomena shows that such references to named philosophers were frequent and does not necessarily prove direct knowledge of their rhetorical theory, as indeed Kennedy (1999), 102 says, but Barnes (1997), 50–54 has argued that Cicero knew a version of Aristotle's *Rhetoric* (and if not, he knew a handbook which transmitted its teachings). For Cicero's knowledge of Plato and Aristotle, see Long (1995); Fantham (2004). In any case, Cicero's used Greek rhetorical theory, whether directly or transmitted in handbooks, for writing *De inventione*.

<sup>23</sup> Hutchinson (2013), 17, 229–233.

<sup>24</sup> Although he is careful even there: Cic. *orat.* 132.

<sup>25</sup> The only Greek historical *exempla* in the speeches are Cic. *Rosc. Am.* 70; *Cluent.* 32; *Arch.* 20–21; *Sest.* 48, 141; *Scaur.* 3–4; *Rab. Post.* 23; *Mil.* 80, while the Greek *exempla* in the theoretical works are too many to list here.

<sup>26</sup> Cic. *de orat.* 1.94 for Antonius' *libellum*.

<sup>27</sup> *Contra*: Adamietz (1960). Space does not allow a full discussion of the differences and similarities of these two rhetorical works, but the following observations build on the research by Jennifer Hilder (forthcoming Ph.D. dissertation): Both the *Rhetorica ad Herennium* and the *De inventione* employed historical *exempla* to support their points, but the *Rhetorica* tended to employ more recent and more Roman *exempla*, while the *De inventione* tended to include more chronologically distant and more Greek historical *exempla*. Moreover, while both works put forward both positive and negative *exempla* of controversial figures such as the brothers Gracchi, the *Rhetorica* seems to have favoured the positive version and indeed included more *exempla* of political violence. For the Gracchi in *Inv.* and *Rhet.*: cf. *Inv.* 1.5 (positive) with 1.48 and 1.91 (negative). *Rhet. Her.* 4.7 (positive, the Gracchi as great orators), 4.31 (positive, the Gracchi as true patriots and statesmen), 4.68 (positive, Ti. Gracchus as great politician), 4.38 (negative), 4.42 (balanced) – for discussion see van der Blom (2010), 105 f.



Rome-focused *Rhetorica ad Herennium*, the first Latin school of rhetoric in 92 BCE (closed by censorial edict) proves that there was a perceived need for teaching of eloquence in Latin.<sup>28</sup> Indeed, Cicero's work itself forms part of this trend and his later rhetorical works were also partly aimed at addressing this need for sound rhetorical instruction in Latin for a Roman audience.

In spite of recognising this need, Cicero continued to acknowledge the debt to Greek oratory and rhetorical literature. Throughout the *De oratore*, written decades after the *De inventione*, his interlocutors constantly refer to Greek rhetoricians and philosophers, and the first fifty chapters of the *Brutus* are devoted to Greek orators because they form the historical background to Roman oratorical practice.<sup>29</sup> The role of philosophy in relation to oratory went back to the Greek intellectual development of disciplines of enquiry and knowledge, and although practitioners of both disciplines quarrelled about the nature of the disciplines *vis-a-vis* each other, philosophical thinking formed an ingrained part of rhetoric, and, according to Cicero, a necessary element in the education of the orator.

This interconnection between philosophy and oratory is exemplified by Cicero's discussion of the Athenian embassy to Rome in 155 BCE.<sup>30</sup> This story also illustrates one of the major ways in which Cicero engaged with the oratorical past and, perhaps, shaped it according to his own agenda. Halfway through the *De oratore*, Cicero has his interlocutors discuss the stage of 'invention' when preparing a speech. In a typical fashion for a Ciceronian dialogue, the story about the Athenian embassy is introduced as an anecdote about Scipio Aemilianus, Gaius Laelius and Lucius Furius having told the interlocutor Catulus about the embassy. Through these several layers of history and exemplarity, the story about the

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<sup>28</sup> On the censorial edict, see Cic. *de orat.* 3.93–95; Suet. *rhet.* 1.1; Tac. *dial.* 35 and Gell. 15.11.2.

<sup>29</sup> Cic. *Brut.* 13–51. McDonnell (2011), 32.

<sup>30</sup> Cic. *de orat.* 2.152–161. See also Cic. *rep.* 3.9, 3.21, *Luc.* 137, *Tusc.* 4.5 and *Att.* 12.23.2 as well as Plut. *Cat. Mai.* 22 and Gell. 6.14.8 ff.

philosophers and Athenian ambassadors Carneades, Critolaus and Diogenes arriving in Rome is narrated. Shocking to the Roman audience of mid-second century BCE, Cicero tells us, were two public lectures on justice delivered by Carneades: the first was delivered in support of justice, but on the following day, Carneades argued against justice and thereby destroyed the argument he had presented the day before.<sup>31</sup> In that way, he illustrated the power of persuasion and demonstrated that eloquent oratory could be separated from morality. The historical Carneades was not an orator, but a philosopher, and the Academy he led was not much concerned with rhetoric and oratory until after his death, but Cicero could use the anecdote productively for his own purposes.<sup>32</sup>

Cicero had three messages, at least, to deliver with this story in the *De oratore*. Most basic was the argument that philosophy was a necessary element in the education of the orator because philosophy could teach the orator how to think up and organise his arguments in a persuasive fashion and indeed bring morality to oratory. From a more historical viewpoint, this story illustrated the reigniting of the quarrel between the philosophers and rhetoricians in Greece, as Carneades' two lectures so disturbingly displayed how oratory could be harnessed to any purpose, whether good or sinister. Thirdly, the Athenian embassy formed one of the turning points in Cicero's history of oratory at Rome.<sup>33</sup>

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<sup>31</sup> Lact. *inst.* 5.14.3 ff., 5.16.2 f. = Cic. *rep.* 3.9, 3.21. For a brief discussion of the content of, implication of, and sources for Carneades' speeches, see Erskine (1990), 188–192.

<sup>32</sup> On the Academy's interest in rhetoric in this period, see Brittain (2001), 310 ff. Powell (2013) has argued that the two public lectures by Carneades were Cicero's invention, which supports the argument put forward in the present contribution.

<sup>33</sup> Although the embassy is not mentioned in the *Brutus*. It is, however, mentioned in Gellius (*NA* 6.14.8–10) who strikingly focus only on the three ambassadors' oratorical style as illustrations of the 'grand', the 'middle' and the 'plain' styles. Holford-Strevens (1988, 162 f.) states that Gellius picked his examples of these styles from Varro, who might therefore represent a different tradition about the embassy from Cicero's. For a brief discussion of Cicero's point about the remarriage between philosophy and rhetoric, see Reinhardt (2013), 533.

Indeed, when looking at Cicero's broader narrative of the history of oratory at Rome in his rhetorical works, from the bewildering mass of details and instances of oratory performed in a Roman context there emerge four major turning points. Cicero acknowledges Cato the Elder's transformative influence on Roman oratory: Cato was the first systematically to record and circulate his speeches in written form, he actively used his speeches to support his public persona, and he managed to create a brilliant career for himself in spite of his status as a *homo novus*.<sup>34</sup> Yet, the first real turning point in Cicero's history of Roman oratory is rather the Athenian embassy of 155 BCE when Carneades provided his graphic illustration that oratory could be separated from morality. In Cicero's depiction, this event marked the loss of innocence of Roman oratory – although one should certainly be cautious in believing the Romans to be totally innocent of sinister persuasion before 155 BCE.

The next turning point came with the brothers Gracchi, and especially Gaius, who not only seemed to revolutionise Roman society with their reforms of agrarian distribution, introduction of equestrian juries, and demonstration of the actual powers of tribunes, but also revolutionised the way in which oratory could be used to drum up popular support for their political initiatives and the variety of delivery possible. Although it is hard to believe no orators before the Gracchi mustering popular support or using gestures and movements on the speaker's platform, Cicero emphasizes their oratorical brilliance, innovative oratorical style, and most importantly, their decision to use oratory for the wrong ends.<sup>35</sup> In Cicero's narrative, the Greek visitor Carneades showed how to separate brilliant oratory from morality, and the talented sons of a celebrated consular, the Gracchi, learnt the lesson and brought this horrible misuse of oratory into a Roman setting. From there, he saw a straight

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<sup>34</sup> Cic. *Brut.* 61–69.

<sup>35</sup> Cic. *Brut.* 103 f., 125 f.

line down to Saturninus' oratory and wickedness and on to further such immoral populists. In a brief period of time, the Gracchi brothers changed the perceptions about what a tribune could do politically and oratorically.

The third turning point in Cicero's story marks another era, longer than the Gracchan one yet characterised by the same sense of cohesion and timelessness based on the many specific occasions recorded in Cicero's rhetorical treatises. This period is marked out by a small group of men who over the course of their careers offered further oratorical innovations, but crucially for a political purpose of supporting the existing system. The era of L. Licinius Crassus and M. Antonius denoted a period in which Rome might have seen political trials and increasing pressure from its Italian allies, but Crassus, Antonius and their peers showed that there were still men of brilliant oratory who were willing and able to stand up for the right values, even if on the brink of disaster with the Social War and civil wars of the 80s looming. Cicero singles out Crassus' prosecution of Carbo in 119 BCE because Crassus was successful in spite of his youth,<sup>36</sup> Crassus' speech (in a style worthy of a *popularis* tribune) in support of Caepio's judiciary *lex Servilia* in 106 BCE,<sup>37</sup> Antonius' use of emotional appeal when baring the scars of Manius Aquilius to defend the old general,<sup>38</sup> and Crassus' swan song in the senatorial debate around Livius Drusus in 91 BCE.<sup>39</sup> This focus on Crassus and Antonius as markers of a new oratorical era is, one suspects, entirely Ciceronian. Would observers without a personal connection or acute need for self-fashioning as a follower of oratorical models have singled out Crassus and Antonius to the same extent?<sup>40</sup> In the *Orator*, Cicero himself nearly admits that he in the *Brutus* exaggerated the

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<sup>36</sup> Cic. *de orat.* 3.74.

<sup>37</sup> Cic. *de orat.* 1.225, *Brut.* 164, *Cluent.* 140.

<sup>38</sup> Cic. *Verr.* 2.5.3, *de orat.* 2.194–199.

<sup>39</sup> Cic. *de orat.* 3.2–6.

<sup>40</sup> Cicero had been taught in the house of Crassus, and Crassus had taken an interest in Cicero's education: Cic. *de orat.* 2.1 f.; Suet. *rhet.* 26 (with Cic. *de orat.* 3.93) with Rawson (1971), 83 for further discussion and Kaster

accomplishments of Roman orators.<sup>41</sup> Moreover, while both Velleius Paterculus and Quintilian praise Crassus' and Antonius' oratory, Velleius' narrative suggests a Ciceronian influence and Quintilian almost exclusively refers to Crassus as the interlocutor of the *De oratore*. Moreover, in Velleius, Crassus and Antonius form part of a more linear history and not a particular peak in the history of Roman oratory.<sup>42</sup> They seem not to have been such successful orators as Cicero makes them out to be, but he sets them up as ideals on which he builds up his own self-presentation.<sup>43</sup>

The final turning point is Cicero himself. Very subtly in the *De oratore*, as we have seen, do we get the hint that Cicero's apprenticeship with these great orators, Crassus and Antonius, points forward to his own brilliance in oratory. This message becomes clearer in the later works, the *Brutus* and *Orator*, in which Cicero's role as interlocutor allows his fellow interlocutors to praise him and he openly quotes his own speeches in *Orator* as exemplary illustrations.<sup>44</sup> Moreover, his praise of past orators communicates his own position as their follower and the culmination of the long history of oratory at Rome.<sup>45</sup>

Seen together, these turning points were set in motion by a Greek philosopher-ambassador and taken up by Roman politicians, whether for good or bad purposes. While

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(1995), 294 on the passage from Suetonius. It is clear from the *De oratore*, that Cicero identified with Crassus: at the dramatic date of 91 BCE, Crassus was 50 years old as was Cicero at the time of writing the work; moreover, Cicero has Crassus think of writing on civil law, as Cicero had thought of doing, and planning to devote himself to philosophy in old age: Cic. *orat.* 1.190 with Fantham (2004), 106 f., 112. Cicero was also in contact with Antonius: Cic. *Brut.* 307; *de orat.* 2.3. For Cicero's self-fashioning with the help of Crassus' and Antonius' examples, see Dugan (2005), chs. 2 ff.; van der Blom (2010), 226–230, 251–254.

<sup>41</sup> Cic. *orat.* 22 f. with Griffin (1996), 700.

<sup>42</sup> Vell. 2.9.1–2, 2.36.2; Quint. *inst.* 11.1.4, 11.1.37, 11.3.8, 11.3.38, 12.2.5, 12.10.11, 12.11.4, 12.11.27.

<sup>43</sup> On Cicero's choice of interlocutors to create a public persona for himself, see Steel (2005), 108; Dugan (2005), 87–104; Gildenhard (2007), 23 and van der Blom (2010), 168–174.

<sup>44</sup> Cic. *Brut.* 161 f., 189 f., 330, *orat.* 102 ff.

<sup>45</sup> For more discussion, see van der Blom (2010), 303–307. *Contra*: Steel (2003), 207–211. For another outline of Cicero's "ages of oratory", see Gildenhard (2007), 143 ff. See van den Berg (2014) 265 for a similar argument based on Tacitus' *Dialogus*.

Roman oratory was indebted to Greek rhetorical theory and practice, Cicero's narrative puts forward the claim that Roman oratory had finally acquired an identity and history of its own.

## **5. Two approaches to Rome's oratorical past**

Cicero's speeches and rhetorical works offer two different approaches to Rome's past: one providing glimpses to specific oratorical occasions and speeches and another presenting a continuous narrative of Roman orators and oratory developing from a Greek context into a fully Roman identity. Cicero's history of oratory in the speeches is qualitatively different from that in the treatises because it is generally focused on argument and its context, whereas the history from his treatises looks also at the qualities of the orator(s) in question.

One element which comes through in both his speeches and his rhetorical works is Cicero's self-projection as a brilliant orator. Yet, this has little impact on the form of his two approaches to Rome's oratorical past. In his speeches, Cicero prefers to demonstrate his oratorical skill rather than to talk about it, and when he does mention his oratorical experience and knowledge, there is less of a sense of an oratorical history behind his brilliance and more a sense of Cicero as the best speaker of the present.<sup>46</sup> In his treatises, however, Cicero's oratorical skills place him firmly within a tradition and history of oratory which has developed from Greece to Rome.<sup>47</sup>

While most of Cicero's rhetorical works were composed in the second half of his political and oratorical career, his speeches span his entire career. Cicero therefore did not

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<sup>46</sup> One such rare example is Cic. *Arch.* 1–4, 12–16; in this speech, Cicero uses his point about oratorical brilliance to argue the beneficial services of Archias to Cicero personally as a parallel to Archias' services to other Romans and the state as such.

<sup>47</sup> For further discussion of Cicero's self-projection as an orator in his treatises, see van der Blom (2010), 303–307.

abandon the first approach for the second, but used them in parallel, even if he may have developed the second approach from the first. Cicero's reason for employing two parallel approaches lies chiefly in the difference between speeches and rhetorical works and their different contexts and purposes. His speeches were designed to have as their effects immediate persuasion of his audience and long-term nurture of his public image as a great orator and politician. For those purposes, demonstration of his vast knowledge of the Roman past would help to build up his credibility within a society greatly concerned with the past. Long discourses on the development of oratory at Rome, however, were irrelevant in any speech addressing a particular and urgent question (whether political or legal) and would have been counter-productive. Moreover, Cicero seems in his speeches to have avoided overt cultural analyses which involved discussion of any non-Roman influence on oratory. In the rhetorical works there was time and space to develop a broader story line, also across individual treatises. Moreover, the multiple purposes of Cicero's rhetorical treatises included an attempt to situate oratory within the broader history of Rome, an argument which I shall come back to in a moment.

Cicero's constructions of Rome's oratorical past give us some indication of the role of oratory in Roman memory. His list of orators in the *Brutus* provides a few hints: first of all, his list suggests that he plugs into a tradition of keeping track of politicians and their oratory. Indeed, he openly admits that writing the *Brutus* would not have been possible without Atticus' *Liber annalis* which, according to Cornelius Nepos' biography of Atticus, contained a chronological list of all magistrates, laws, treaties, and other important public events.<sup>48</sup> Yet, he also underlines the fact that for the many of the earlier politicians and statesmen mentioned, no knowledge of their speeches survives and he therefore has to make

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<sup>48</sup> Cic. *Brut.* 15; Nep. *Att.* 18.1–2.

presumptions about their oratorical abilities.<sup>49</sup> It is only with Ennius' description of the oratory of Marcus Cornelius Cethegus – consul during the Second Punic War – that Cicero can offer evidence for his assumptions.<sup>50</sup> Indeed, indirect information about orators was the main source for Cicero's narrative about the orators of the early second century, with the major exception of Cato the Elder, who famously circulated his speeches and also included them in his prose works. Cicero was able to read 150 of Cato's speeches in his day.<sup>51</sup> It seems from Cicero's narrative in the *Brutus* that the knowledge of orators and oratory in the past was closely linked to these orators' political role in society. Essentially, what was recorded was political events and political actors who, as part of their public activity, delivered speeches. Before Cicero, there was no separate history of Roman oratory.

The fragmentary character of the oratorical past served up in Cicero's speeches offers a subgenre to the rich Roman tradition of *exempla* as carriers of memory. But alongside the *exempla*-tradition, a historical tradition developed from the most basic annalistic records and into fully fledged historical narratives. Cicero's rhetorical treatises offer a parallel continuous narrative of Roman oratorical history. His mode of recording and remembering the Roman oratorical past in his rhetorical works was radically different from the speeches' *exempla*-mode: he offered a coherent history of the development and improvement of oratorical practice in Rome and he provided an argument for treating 'oratory' as an independent aspect of history in its own right, and as a parallel to political and military history. This was Cicero's attempt to elevate oratorical history to a central part of Roman history.

In the *De oratore*, Cicero made his interlocutors discuss the relationship between historiography and oratory and conclude that good historical writing needed to be eloquent as

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<sup>49</sup> Cic. *Brut.* 52–57.

<sup>50</sup> Cic. *Brut.* 57–60.

<sup>51</sup> Cic. *Brut.* 65.



well as true; in other words, only someone possessing the broad education needed for oratory would be able to produce historical works.<sup>52</sup> This was a line of attack complementary and parallel to his attempt to put oratorical history on par with political and military history.

Cicero's introduction of this new approach to the oratorical past and his attempt to describe a history of increasing ability to compete with Greek standards of oratory and rhetoric is linked to Cicero's project of self-presentation. By writing his mentors into his history as universal role models, and by writing himself into the history of Roman oratorical history as its climax, he supported his claim to be Rome's greatest orator, his contention that oratory was a necessity for a successful public career, and his assertion of the close relationship between oratory and Rome's success.

The timing of Cicero's new approach, essentially with the circulation of the *De oratore* in 55 BCE and onwards, corresponds exactly with his realisation of his changed political situation: while he thought that he would regain his civic status and political independence after his triumphant return from exile in 57 BCE, Pompeius and Caesar made clear in the spring of 56 that Cicero's recall had to be repaid with loyalty to their causes. While speeches such as that in favour of the extension of Caesar's Gallic command or the defence speeches for Balbus and Vatinius signalled this shift in Cicero's position to the general public, his literary output from 55 BCE onwards addressed the new situation from a more intellectual vantage point. In the treatises, he could offer an alternative narrative about what he felt mattered in the republic, namely conscientious and well-educated statesmen using brilliant oratory to steer the republic safely through the sustained political violence and attacks on traditional politics towards his ideal of the republic. All his major treatises from the 50s and 40s BCE can be read partly as commenting on the current political situation.

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<sup>52</sup> Cic. *de orat.* 2.33–36. See Woodman (1988), 70–116; Cape (1997) and Gildenhard (2013), 242–245 for further discussion of this point.

Although he considered writing a more traditional history of Rome, as far as we know he never did so.<sup>53</sup> Yet, his treatises offer an alternative to this history never written, and indeed the narrative of oratory at Rome belongs to his alternative history of Rome.

Cicero's narrative of oratory at Rome should be seen in light of the development of what has traditionally been called antiquarianism.<sup>54</sup> The growing interest in investigating and collecting information about the past, especially the religious, legal, genealogical, chronographical, and etymological developments leading from the past to the present, related to Cicero's interest in constructing an oratorical past with its own periodisation, detailed information about orators, and the chronological structure of, particularly, the *Brutus*. Atticus' *Liber annalis*, which seems to have provided at least some of the chronological structure and details about individual orators in Cicero's work if not all, was very much a product of this antiquarian trend.<sup>55</sup> Although Cicero was not writing such antiquarian works himself, his dialogues and other rhetorical treatises were composed within this intellectual culture of antiquarianism.

His narrative of Roman oratorical history also fits into a broader trend of memorialisation in the late republic: history – whether personal, family or Roman history – was increasingly monumentalised in the second and first centuries BCE. Monumental building works, family tombs and statues were set up partly to immortalise and memorialise certain individuals and deeds. Coinage was increasingly used to advertise messages of familial exploits, memoirs and autobiographies were on the rise, and there were a growing

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<sup>53</sup> Cic. *leg.* 1.5–11. For treatments of Cicero's views of history and how history engaged with other genres, see, among others, Rawson (1972) and Fox (2007).

<sup>54</sup> Duncan MacRae in this volume argues that the term 'antiquarianism' is anachronistic for the ancient period, but for the sake of convenience, I shall use this as shorthand for the intellectual practices normally associated with 'antiquarianism'. See also Smith and Binder (this volume).

<sup>55</sup> Rawson (1972, 41 f.) sets the *Brutus* in the wider context of Cicero's works and his relationship with the antiquarian trend.

number of speeches and other works circulating in written form so as to provide a concrete foot print of an event or action.<sup>56</sup> Cicero, of course, circulated a great number of his speeches in written form, as well as poetry and his many treatises. His attempt at creating an oratorical history for Rome should be seen in this vein too because it could monumentalise and memorialise the great success story of oratory at Rome and his own crucial role within this story.

The question whether Cicero's projection of a history of oratory is in any sense representative is complex and crucial. His interest in oratory is not unique; just think of Cato the Elder's circulation of hundreds of his own speeches and constant self-reference in his other prose works. In some sense, Cato's historical work, *Origines*, offers an undercurrent of oratorical history, although heavily biased, through the numerous references to Cato's own speeches.<sup>57</sup> Moreover, the inclusion of speeches in historical works was not new; it was a trait of historiography going back to, at least, Thucydides and Herodotus. But what Cicero did differently was to separate out a history of oratory from the mainstream political history, and at the same time to argue that this history of oratory was a crucial element of the history of public life at Rome.

Cicero is our main source for Roman oratory and he is also one of our earliest sources, only preceded by Cato the Elder and bitty fragments and testimonia in the early historians and in autobiographical works. This means that it is very difficult to gauge whether Cicero presents a truthful picture of Roman oratorical practice before his own time or of a continuous Roman history of oratory. The projected *Fragments of the Roman Republican Orators* edition may alleviate some of these difficulties as it aims to collect, translate and

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<sup>56</sup> For monumentalisation related to family histories, see discussion with references in van der Blom (2010), 88–93. For coinage, see Meadows – Williams (2001), and for memoirs, see Smith – Powell (2009).

<sup>57</sup> See *FRHist* 5 Cato for the fragments of this work.

comment on fragments and testimonia of oratory in the republican period in order to provide the means to reconsider Cicero's projection. However, Cicero is unavoidable as a major source for oratory.

For Cicero's own time, he is also the main source, but the material is here so rich and detailed, that it is possible to build up profiles of individual orators to contrast with Cicero's self-presentation. Evidently, not all shared Cicero's emphasis on excellent oratorical skills as necessary for a political career, but it is clear that all Roman politicians had to speak in public and therefore the depiction of regular oratorical activity as part of public life must be right – in Cicero's time and in the past.<sup>58</sup>

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<sup>58</sup> I should like to thank the editors and organisers of the conference in Rome 2013 for creating a wonderfully productive atmosphere and indeed for their invitation to contribute to this volume. Thanks also go to the audience at the conference for helpful comments, as well as to audiences in Oxford and Glasgow for comments and suggestions. Tobias Reinhardt, Thierry Hirsch, Jennifer Hilder, and Miriam Griffin read versions of this contribution and offered helpful observations for which I am grateful. I should also like to thank the British School at Rome, Institutum Romanum Finlandiae, and the Lorne Thyssen Research Fund for Ancient World Topics at Wolfson College, Oxford, for institutional and financial support.

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