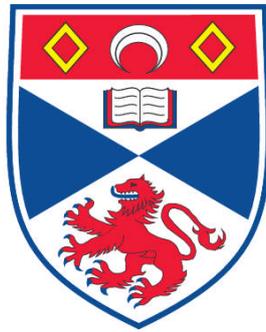


**AFTER THE DAGGERS : POLITICS AND PERSUASION AFTER  
THE ASSASSINATION OF CAESAR**

**Trevor Bryan Mahy**

**A Thesis Submitted for the Degree of PhD  
at the  
University of St. Andrews**



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***After the Daggers:***

***Politics and Persuasion After the Assassination of Caesar***

by

Trevor Bryan Mahy

A thesis submitted to the School of Classics in  
conformity with the requirements for the degree of Doctor of Philosophy

The University of St Andrews

St Andrews, Fife, United Kingdom

30 October 2009



## Declarations

I, Trevor Bryan Mahy, hereby certify that this thesis, which is approximately 80,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

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## Abstract

In this thesis, I examine the nature and role of persuasion in Roman politics in the period immediately following the assassination of Caesar on the Ides of March 44 B.C. until the capture of the city of Rome by his heir Octavianus in August 43 B.C. The purpose of my thesis is to assess the extent to which persuasion played a critical role in political interactions and in the decision-making processes of those involved during this crucial period in Roman history. I do this by means of a careful discussion and analysis of a variety of different types of political interactions, both public and private. As regards the means of persuasion, I concentrate on the role and use of oratory in these political interactions. Consequently, my thesis owes much in terms of approach to the work of Millar (1998) and, more recently, Morstein-Marx (2004) on placing oratory at the centre of our understanding of how politics functioned in practice in the late Roman republic. Their studies, however, focus on the potential extent and significance of mass participation in the late Roman republican political system, and on the *contio* as the key *locus* of political interaction. In my thesis, I contribute to improving our new way of understanding late Roman republican politics by taking a broader approach that incorporates other types of political interactions in which oratory played a significant role. I also examine oratory as but one of a variety of means of persuasion in Roman political interactions. Finally, in analyzing politics and persuasion in the period immediately after Caesar's assassination, I am examining not only a crucial period in Roman history, but one which is perhaps the best documented from the ancient world. The relative richness of contemporary evidence for this period calls out for the sort of close reading of sources and detailed analysis that I provide in my thesis that enables a better understanding of how politics actually played out in the late Roman republic.



## Acknowledgements

Although the title page of this thesis has but one author, it would surely not have seen the light of day without the support and advice of family, friends, colleagues, and others too numerous to mention here, though I shall try to do my best. The Social Sciences and Humanities Research Council of Canada, the Ronald Morton Smith Scholarship Fund, the Miller-Lyell Scholarship Fund, and the University of St Andrews have all provided generous financial support, without which it would not have been possible for me to research and write this thesis; in addition, the School of Classics has provided the necessary facilities and resources (not least of which was a desk in the new postgraduate office, though in the latter stages of finishing up it perhaps saw far too much of me), as well as that essential administrative support, without which one cannot cut the Gordian Knot of university beauracacy, from the ever helpful persons of Irene Paulton, Margaret Goudie, and Andy Crawford.

Turning to academic matters now, I owe an eternal debt of gratitude to my supervisors, Christopher Smith and Greg Woolf, for which I hope that this thesis may go some way to repaying. Along similar lines, I would like to express my gratitude to my examiners, Kathryn Welch and Roger Rees, who, though it scarcely sounds credible, managed to make the viva a pleasant and enjoyable experience, and whose many insightful comments and suggestions will improve my work for years to come. I would also like to express my gratitude to all the academic staff and postgraduate community in the School of Classics, all of whom worked and contributed to creating a lively and supportive atmosphere for research. Special mention must also be made of my good friend Conor Trainor, whose friendship, support, and advice I have enjoyed ever since we first met during our M.A. all those years ago. Looking further back, I

cannot fail to mention three persons in particular, Roland Jeffreys, Josh Beer, and Gregory MacIsaac, all of the College of the Humanities at Carleton University, whose enthusiasm, expertise, and devotion to their students ensured that I would endeavour to follow in their footsteps.

Of course, custom dictates that the final acknowledgements are reserved for family, in whom I have been particularly blessed, and without whose support I simply would not be here or have written this thesis. First and foremost, I must thank my mother, Debbie, and, with sadness, my father, Lorne, taken from us in the prime of life and to whom I dedicate this thesis. Similarly, I would like to thank my sister, Heather, and her husband, Steve, for their support and friendship, and for their putting up with my talking *ad nauseum* about Rome whenever we meet. Special thanks must also be given to my father-in-law Bruce, my mother-in-law Cynthia, and my sister-in-law Liz, who have welcomed me into their family as a son and brother, and who have given me invaluable support. It would be remiss of me not to give particular thanks to my nephews and niece, all of whom have given me such joy and delight. Finally, the special place of honour in my acknowledgements must go to my dearest wife, Allison, who has always been there for me these past years with her constant devotion and support. Words cannot express my gratitude to you, my dearest Allison.

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## Note to Reader

All dates are B.C. unless otherwise noted. All quoted Greek and Latin texts are from the most recent edition of the Loeb, with the exception of Cicero's *Philippics*, which are from Shackleton Bailey's 1986 edition. All translations are adapted from the Loeb edition, with the exception of Cicero's *Philippics*, which are adapted from Shackleton Bailey's 1986 edition. All primary and secondary source abbreviations follow the most recent edition (3<sup>rd</sup> revised) of the *Oxford Classical Dictionary*. In the case of citations of primary source texts for which there is no Loeb edition available (e.g. Nicolaus of Damascus' *Life of Augustus*), the citations follow the numbering scheme of the edition cited in the Bibliography. Unless otherwise noted, all dates used for Cicero's letters are from the most recent Loeb editions edited by Shackleton Bailey, and both his numbering scheme and the vulgate numbering scheme [in square brackets] are used for references to each letter. In citations of secondary sources in the footnotes, the date given is from the edition that I have used. In cases where this is a translation, the date of the edition from which the translation was made is given [in square brackets] in the Bibliography immediately following the date of the cited edition. In cases where I have used a later edition, but for which it is important to point out the original publication date, this is given [in square brackets] in the Bibliography immediately following the date of the cited edition, and, in some cases (e.g. in the section "Relationship to Previous Scholarship" in the Introduction), it is also given in the citation in the footnote.



## Introduction

*“Let arms yield to the toga, let the laurel bow to the tongue”<sup>1</sup>*

So wrote Cicero in his epic poem on his consulship in 63. While the poem itself was repeatedly mocked in antiquity,<sup>2</sup> it is the sentiment behind this line, namely that words should, and could, have primacy in Roman politics, that makes it significant. The notion that words, that is to say, persuasion, rather than armed force, could be the dominant factor in shaping the history of the Roman republic is one that defines my approach to the study of Roman history. It underpins much of this thesis, in which I examine the nature and role of persuasion in Roman politics in the period immediately following the assassination of the dictator C. Iulius Caesar on the Ides of March 44 until the capture of the city of Rome by his heir Octavianus in August 43.

This period in Roman history is relevant to an understanding of the workings and interplay of these twin themes of persuasion and politics for a number of reasons. First and foremost, this was a crucial period, which could justifiably be termed a watershed in Roman history; it also happens to be perhaps the best documented period in Roman history, if not also in all of antiquity. Despite the crucial significance of this period and the relative richness of evidence, especially contemporary, this period has been generally overlooked in modern scholarship in relation to these twin themes. This is due in no small part to the fact that this period of just about a year and a half, sandwiched between the few years of Caesar’s autocracy and the autocratic regime of the triumvirate, poses something of a problem for modern historians of the Roman republic; was it, as I shall argue, a period defined by a resurgence of republican politics,

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<sup>1</sup> “*cedant arma togae, concedat laurea linguae* (Cicero *ap. Quint. Inst.* 11.24).”

<sup>2</sup> E.g. Pseudo-Sallust *In Cic.* 6; Quint. *Inst.* 9.41; 11.24; Iuv. *Sat.* 10.114-126.

or had Rome already fallen irretrievably into autocratic government? An exacerbating factor has been the tendency, in both antiquity and in modern scholarship, because this was largely a period of crises and civil wars, to concentrate on the military campaigns and the battles as the dominating factor in shaping the history of this period, at the expense of the political contests being waged in the *Curia* and in the Forum.

### Exposition of Thesis Argument

My purpose in this examination shall be to assess the extent to which persuasion played a critical role in the political interactions and in the decision-making processes of those involved during this crucial period of Roman history. I adopt a broad understanding of the term “persuasion” to encompass any and all efforts to challenge or to reinforce existing ideas and opinions, and to promote or to reject the acceptance of new ideas and opinions. I consciously avoid, therefore, problematizing the term “persuasion” with theoretical considerations,<sup>3</sup> preferring instead to root my discussion of persuasion in the examination of individual instances within their specific and unique contexts.

My approach in this thesis is to conduct a detailed analysis of political interactions in terms of the nature and role of persuasion, and to assess the extent of its significance as a factor in determining the outcome of each of these individual political interactions, and within political developments in the period more generally. Because of the dominance of Cicero in the surviving contemporary evidence, there will be a noticeable focus, but by no means an exclusive one, on the political activities of Cicero and his supporters and allies, most particularly Brutus, D. Brutus, Cassius, and the other

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<sup>3</sup> However, for a recent theoretical discussion of the term “persuasion” in connection with Roman politics, see Morstein-Marx 2004: 13-31.

assassins. However, my focus on the political activities of Cicero and the assassins will help to redress the balance, which has naturally been distorted in favour of the eventual victors of this period, namely the triumvirs Octavianus, Antonius, and Lepidus.

As regards the political interactions that will be the focus of my study, I shall examine a wide variety of different types of political interactions, both public and private. Moreover, although I examine a wide variety of different means and uses of persuasion, I concentrate my examination on oratory as the primary and most significant means of persuasion in the late Roman republic, and on public political interactions, most especially the formal meetings of the senate and *contiones*. On the other hand, oratory did have a significant role to play in private political interactions in certain contexts, and these instances, along with other types and instances of private political interactions, will be given due consideration in this thesis.

Persuasion played a critical role in the political interactions and in the decision-making processes of those involved in this crucial period in Roman history. These public political interactions, specifically the formal meetings of the senate and *contiones*, mattered, not only because they were important to the political strategies of the leaders who engaged in them, but also because they were in fact a dominant factor in shaping the history of this period. The crises and power-struggles of this period were not contested solely in private and behind closed doors, but primarily in public and within these formal republican institutions.

Analysis of this material provides a better understanding of how politics actually played out in the late Roman republic and improves our understanding of the role of persuasion and the extent of its significance in late Roman republican politics by taking a broader approach that incorporates a variety of different types of political interactions

that are not commonly examined together. As I shall demonstrate throughout this thesis, the period following Caesar's assassination on the Ides of March 44 until Octavianus' capture of the city in August 43 was one of intense politics, carried out in both public and private spheres, with persuasion, primarily by means of oratory, occupying a central position and playing a decisive role. In other words, the fundamental essence of the politics of this period was republican.

### *Relationship to Previous Scholarship*

In this section, I shall discuss the relationship of my thesis to previous scholarship primarily in terms of how it intersects with different strands and trends in modern scholarship. The first of these is the debate over the nature of the Roman republican political system, while the other strand is the resurgence in Ciceronian studies.

The first is probably the most substantial and fiercely contested debate amongst scholars of the Roman republic. How one views the nature of the Roman republican political system naturally determines and shapes how one writes its history. The dominant scholarly approach for most of the twentieth century to the study of the political history of the Roman republic was the so-called prosopographical approach, first elaborated by Gelzer and by Münzer.<sup>4</sup> This underpinned and shaped much of the scholarship that followed, most significantly Syme, but also Scullard and Gruen.<sup>5</sup> As a result of the focus on factions and *clientelae*, the political studies and histories using this methodology ignored or downplayed the role of the people in the republican political system, as well as the importance of the content of the political debates, and, indeed, the

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<sup>4</sup> Gelzer 1969 [1912]; Münzer 1999 [1920].

<sup>5</sup> Syme 1939; Scullard 1982 [1959]; Gruen 1974.

public political interactions themselves.<sup>6</sup> During the 1970s and 1980s, this prosopographical approach was challenged, either in part or in whole, by a range of scholars, most significantly by Brunt, Nicolet, and Millar, but also by Meier, Yavetz, Finley, de Ste. Croix, Hopkins and Burton, and by Beard and Crawford.<sup>7</sup>

In the near two decades since, the debate has shifted from challenging the assumptions of the prosopographical approach to assessing the exact nature of the role played by the people in the Roman republican political system and the extent to which it can be classified as democratic. The nature and role of oratory in Roman republican politics, and particularly, oratory aimed at mass audiences such as in *contiones*, became a key part of this debate. Although this was explored by Millar in several of his articles prior to 1998, as well as by other scholars such as Jehne, Pina Polo, and Laser, it was Millar's monograph of that year that remains the focus of the so-called democracy debate *vis-à-vis* the Roman republic.<sup>8</sup> Since the publication of Millar's seminal monograph, there have been several significant works, the most important being by Lintott, Yakobson, Mouritsen, Hölkeskamp, Morstein-Marx, and Connolly, exploring the nature of the Roman republican political system, the extent of any democratic element, and the nature and role of oratory within it.<sup>9</sup> Whereas Lintott's particular contribution to this debate over the nature of the Roman republican political system is to ground it within a better understanding of its dynamically evolving institutions, Yakobson takes a different approach by examining electoral behaviour in practice, and

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<sup>6</sup> This is epitomized in Syme's oft-quoted assessment that: "In all ages, whatever the form and name of government, be it monarchy, republic, or democracy, an oligarchy lurks behind the façade; and Roman history, Republican or Imperial, is the history of the governing class (Syme 1939: 7)."

<sup>7</sup> Meir 1966; Yavetz 1969; 1983; Brunt 1971b; 1988; Nicolet 1980 [1976]; 1977; de Ste. Croix 1981; Finley 1983; Hopkins & Burton 1983; Millar 1984; 1986; 1989; Beard & Crawford 1999 [1985]. For a good summary, see north 1990.

<sup>8</sup> Millar 1984; 1986; 1989; 1995; 1998; Jehne 1995; Pina Polo 1989; 1995; 1996; Laser 1997.

<sup>9</sup> Lintott 1999b; Yakobson 1999; Mouritsen 2001; Hölkeskamp 2004; Morstein-Marx 2004; Connolly 2007.

adds support to Millar's thesis with his own demonstration of the extent of the popular element in Roman elections. On the other side of the debate, both Mouritsen and Hölkeskamp provide challenges and critiques of Millar's revisionist theory, with Mouritsen questioning the level of meaningful involvement by the people in Roman politics in practice, and with Hölkeskamp focussing on Rome's aristocracy and its political culture as a counterweight to Millar's emphasis on popular sovereignty. As for Morstein-Marx, he provides a refinement of Millar's work on the *contio*, particularly in light of Mouritsen's critique, while Connolly blends rhetorical and political theory to bring a new approach to the debate over the nature and role of oratory in Roman politics in the late republic.

While I am sympathetic to Millar's key argument that one should consider defining the Roman *res publica* as a democracy,<sup>10</sup> I remain hesitant over the value of the term "democracy" itself, loaded, as it is, by twenty-five hundred years of history and radical changes in contexts and meaning. It is rather two of Millar's related assertions in particular, which have recently been reinforced by the work of Morstein-Marx, that have influenced my approach to the study of Roman republican politics in this thesis: first, that politics in republican Rome was about real issues, and second, that oratory occupied a central role in this political system.<sup>11</sup> However, whereas both Millar's and Morstein-Marx's focus is primarily on oratory aimed at persuading the *plebs urbana*, and in particular, at *contiones*, my examination is broader and shall also include other types of public oratory, most significantly, the formal meetings of the senate. Moreover, I shall also examine the nature and role of oratory in private political discussions, as

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<sup>10</sup> Millar 1998: 11.

<sup>11</sup> Millar 1998: x, 1; Morstein-Marx 2004: 5-12.

well as other types of political interactions not involving oratory as a means of persuasion (e.g. *ludi* and correspondence).

The second strand in modern scholarship is the resurgence of Ciceronian studies and of scholarly interest in Cicero's published speeches. That the reputation of, and scholarly interest in, Cicero's *Philippics* suffered for so long as the prosopographical approach to the study of the history of the Roman republic remained dominant can be seen by the relative dearth of scholarly work on Cicero's published speeches, and, more specifically, on Cicero's *Philippics*, prior to the 1980s.<sup>12</sup> Syme's infamous stinging criticism of Cicero's *Philippics* was no doubt both influential and representative of a commonly held view.<sup>13</sup> Nevertheless, as the prosopographical approach to the study of the history of the Roman republic itself came under increasing challenge during the 1970s and 1980s, a resurgence in scholarly interest in Cicero's published speeches, including the *Philippics*, appeared in the 1980s and has been increasing steadily ever since. Significantly, this included a new Teubner edition of the *Philippics* by Fedeli, which was soon followed by Shackleton Bailey's bilingual edition, and both of which

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<sup>12</sup> Other than Frisch's study, the only two commentaries on the whole *Philippics* corpus, by Long and by King, were written in the nineteenth century; Long 1858; King 1878 [1868]; Frisch 1946 [1942]. To this one may add the commentary on the *First* and *Second Philippics* by Halm and Laubmann, Sternkopf's continuation of Halm's commentaries on the *Third* to the *Tenth Philippics*, Denniston's commentary on the *First* and *Second Philippics*, and the commentary on the *Fourth Philippic*, part of the *Fifth Philippic*, and the *Sixth Philippic* by Terry and Upton; Halm & Laubmann 1905; Sternkopf 1912b; 1913; Denniston 1926; Terry & Upton 1969.

<sup>13</sup> E.g. "The *Second Philippic*, though technically perfect, is not a political oration, for it was never delivered: it is an exercise in petty rancour and impudent defamation like the invectives against Piso. The other speeches against Antonius, however, may be counted, for vigour, passion and intensity, among the most splendid of all the orations. But oratory can be a menace to posterity as well as to its author or its audience. There was another side-not Antonius only, but the neutrals. Cicero was not the only consular who professed to be defending the highest good of the Roman People. The survival of the *Philippics* imperils historical judgement and wrecks historical perspective. Swift, confident and convincing, the *Philippics* carry the impression that their valiant author stood in sole control of the policy of the State. The situation was much more complicated than that, issues entangled, factions and personalities at variance (Syme 1939: 146)."

now form the basis for all commentaries.<sup>14</sup> In addition, this early period of renewed scholarly interest also saw Wooten's literary study on the *Philippics* corpus, several smaller studies by Stroh, a dissertation by Newbound, as well as Lacey's commentary on the *Second Philippic*.<sup>15</sup>

It is in the last two decades, however, that scholarly interest on Cicero's published speeches, and more specifically, on his *Philippics*, has taken off. On Cicero's published speeches more generally, there have been significant studies by Vasaly, Craig, Corbeill, Riggsby, and Steel, as well as, for instance, a Brill's *Companion* on Ciceronian oratory and rhetoric (edited by May), a collection on Cicero as an advocate (edited by Powell and Paterson), and a collection on Ciceronian invective (edited by Booth).<sup>16</sup> When it comes to Cicero's *Philippics* more specifically, there are now new commentaries by Novielli (on the *Thirteenth Philippic*), by Ramsey (on the *First* and *Second Philippics*), by Monteleone (on the *Third Philippic* and on the *Fourth Philippic*), by Cristofoli (on the *Second Philippic*), and by Manuwald (on the *Third* to the *Ninth Philippics*).<sup>17</sup> There is also, most recently, a new collection specifically on the *Philippics* (edited by Stevenson and Wilson).<sup>18</sup> This being the case, there is still scope, however, to consider the speeches more carefully within their political and historical context.

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<sup>14</sup> Fedeli 1982; Shackleton Bailey 1986. Cf. Hine 1984; 1988.

<sup>15</sup> Stroh 1982; 1983a; 1983b; Wooten 1983; Lacey 1986; Newbound 1986.

<sup>16</sup> Vasaly 1993; Craig 1993; Corbeill 1996; Riggsby 1999; Steel 2001; 2005; May 2002; Powell & Paterson 2004; Booth 2007.

<sup>17</sup> Novielli 2001; Ramsey 2003; Monteleone 2003; 2005; Cristofoli 2004; Manuwald 2007.

<sup>18</sup> Stevenson & Wilson 2008.

### The Primary Sources

Part of the attraction for studying politics and persuasion in this period in particular is the fact that it is perhaps the best documented period in Roman history, if not also for all of antiquity. First and foremost, this is due to the unparalleled level of surviving contemporary evidence from Cicero, a key political leader in this period. Cicero's literary output during this period was incredible, and, fortunately, much of it survives. In addition to the fourteen extant *Philippics*, there are also over 200 surviving letters written in the period from the Ides of March 44 until the summer of 43, all in the collections of Cicero's correspondence (i.e. the *epistulae ad Atticum*, the *epistulae ad familiares*, and the small collection *epistulae ad Brutum*). There are also several philosophical works (and one rhetorical) written or finished by Cicero in the period after the assassination of Caesar (i.e. the *De Senectute*, the *De Divinatione*, the fragmentary *de Fato*, the lost *De Gloria*, the *Topica Aristolea* [the one rhetorical work], the *De Amicitia*, and, finally, the *De Officiis*).<sup>19</sup> However, although there are certain identifiable political statements and motivations behind the writing and disseminating of these philosophical treatises, I shall not examine them *per se* in this thesis. This is because they were neither in and of themselves a political act (such as the formal meetings of the senate or the *contiones* at which Cicero delivered the *Philippics*), nor was their dissemination a primarily political act (such as the subsequent dissemination of the *Philippics* and the letters surviving in the collections of Cicero's correspondence).

Since the evidence from Cicero is so substantial and will be used extensively throughout this thesis, it is important to establish here how I intend to approach using this evidence. Generally speaking, after setting aside the philosophical and rhetorical

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<sup>19</sup> Lintott 2008: 350-373, 438-439.

works from this period, the evidence from Cicero can be divided into two main categories: the correspondence and the *Philippics*. The correspondence can be further subdivided on the basis of the type of relationship between Cicero and the correspondent. Letters from Cicero to Atticus, on the one hand, were necessarily of a different type than, for example, letters between Cicero and Antonius.<sup>20</sup> Of course, even in the case of the letters to Atticus, these must be treated with a degree of caution and scrutiny; these letters were not Cicero's unfiltered private thoughts and unbiased reports, but were often quite carefully constructed with identifiable aims beyond the mere maintenance of *amicitia* behind them.<sup>21</sup> Nevertheless, it is my intention to treat the surviving letters in the collections of Cicero's correspondence as a reliable source of evidence, particularly as regards matters of chronology and procedure, though always subjecting them to varying levels of caution and scrutiny depending upon the specific contexts.

It is a slightly more complicated matter, however, when it comes to the question of how to treat the *Philippics* as sources. There has been no shortage of ink spilled, and no shortage of scholarly debate, over the exact nature of the relationship between the published versions of Cicero's speeches as they have come down to us and the speeches as actually delivered by Cicero.<sup>22</sup> It is not my intention here, however, to engage in this debate, but rather, to state my position *vis-à-vis* the fourteen extant *Philippics*,<sup>23</sup> and to

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<sup>20</sup> Of which one exchange is preserved in the collection *epistulae ad Atticum*; Cic. Att. 367A [14.13A]; 367B [14.13B].

<sup>21</sup> Hutchinson 1998: 20, 137-138.

<sup>22</sup> E.g. Humbert 1925; Laurand 1936-1940: 1.1-23; Settle 1962: 60-67; Stroh 1975: 31-54; Crawford 1984: 3-21; Classen 1985: 2-8; Newbound 1986: 143-155; Enos 1988; Fogel 1994: 263-269; Riggsby 1999: 178-184; Blänsdorf 2001; Butler 2002: 71-84; Craig 2002: 515-517; Heil 2003; Morstein-Marx 2004: 25-30; Powell & Paterson 2004: 52-57; Dugan 2005: 2, n.3, 9; Steel 2005; 2006: 25-43; Manuwald 2007: 1.54-65; Kelly 2008: 22-38.

<sup>23</sup> It seems likely that there were other *Philippics* disseminated by Cicero that have not survived (there are two citations by the 4<sup>th</sup> cent. AD grammarian Arusianus Messius from a lost *Sixteenth Philippic*, for

state how I intend to treat them as evidence in this thesis. It is my opinion that the *Philippics*, with the exception of the unique case of the *Second Philippic* (which will be discussed in Chapter II), were disseminated shortly after delivery with only limited revisions on Cicero's part.<sup>24</sup> The disseminated versions of these speeches were themselves a key part of Cicero's strategy in his political campaign against Antonius. Since the primary purpose of their dissemination was to influence public opinion in an ongoing political campaign, there was neither time nor incentive to withhold their dissemination for any extended revisions.<sup>25</sup> Consequently, I feel that they can be treated as generally reliable representations of genuine speeches, particularly in terms of their structure, arguments, and proposals. That being said, however, they must necessarily be approached with a greater degree of caution and scrutiny than, for example, Cicero's letters to Atticus. Nevertheless, they remain an invaluable and unparalleled corpus of evidence for politics and persuasion at Rome that I shall devote considerable attention to in this thesis.

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example, and references in scholiasts on *Pro Milone* 29 and Iuvenal *Sat.* 7.199 that Cicero insulted P. Ventidius Bassus as a *mulio*, yet this is not in any of the extant *Philippics*), as well as other speeches (e.g. an invective *In P. Servilium Isauricum*, perhaps delivered on 9 April 43) from this period that may also have been disseminated but which have not survived; Kelly 2008: 22-23.

<sup>24</sup> For the most recent expositions of this view, see Hall 2002: 281, n.10; Ramsey 2003: 18; Morstein-Marx 2004: 25-30; Steel 2005: 141; Kelly 2008: 22-38. Manuwald, on the other hand, offers a more cautious assessment, and is more interested in a subsequent publication of the *Philippics* as a corpus rather than the dissemination of individual speeches; Manuwald 2007: 1.47-90. Nevertheless, it is possible that even the *First Philippic* was disseminated within a week or two of its delivery; Cic. *Fam.* 344.1 [12.2]; Ramsey 2003: 18-19; Kelly 2008: 35; Lintott 2008: 378, n.16. What is rather more certain is that, by 1 April 43, Brutus, writing from Dyrrachium, had already read the *Fifth Philippic*, delivered on 1 January, and the *Tenth Philippic*, delivered in mid-February; Cic. *Ad Brut.* 2.4 [2.3]; Ramsey 2003: 18, n.22; Manuwald 2007: 1.60. However, Cicero was somewhat slower with his dissemination of the *Eleventh Philippic*, delivered in late February or early March (before 7 March, at any rate), which he only promised to send to Brutus as of 12 April; Cic. *Ad Brut.* 4.2 [2.4].

<sup>25</sup> As Kelly demonstrates, the rapid dissemination of speeches, particularly *contio* speeches, seems to have been the norm in 44; Kelly 2008: 33-34. For example, on 21 April, Cicero, at Puteoli, read a copy of a *contio* speech delivered by an unknown speaker praising Caesar; Cic. *Att.* 365.1 [14.11]. An even clearer example comes from 3 May, in which Cicero, at Pompeii, wrote to Dolabella praising a *contio* speech he had just read that was delivered by the latter on ca. 27 or 28 April; Cic. *Att.* 371A.7 [14.17A]. As an interesting comparison, on 18 May, Cicero, near Vescia, wrote to Atticus to complain about a *contio* given by L. Antonius on ca. 8 May, about which he had heard details, but, to Cicero's annoyance, the speech had not been disseminated; Cic. *Att.* 379.2 [15.2].

Before I proceed to discuss the evidence from the imperial sources that survive, I should explain that there is a category of contemporary evidence that I shall not examine *per se* in this thesis, namely the abundant coin issues from this period. My reasons for not doing so are not the same as with Cicero's philosophical treatises, since these coin issues were clearly political acts and were clearly used as a means of persuasion. There are three reasons in particular as to why I shall not discuss these coin issues *per se* in this thesis. First, one of my aims in this thesis is to demonstrate the use, and significance, of substantial and extended arguments as a primary mode of persuasion, most especially in oratory. In many ways, this is an intentional strategy aimed at challenging the view that Roman politics was merely about slogans and catchwords.<sup>26</sup> The second reason concerns the difficulties in determining the intended audiences of these coin issues, and the undoubtedly large extent to which these would be the legions. Although there is a clear need for a detailed study on politics and persuasion as it involved the legions in these civil wars, that is, though a related topic, nevertheless a substantially different one from that of the politics and persuasion at Rome that I shall be examining in this thesis. Finally, besides the contentious difficulties in dating many of these coin issues exactly, there is the problem that many of these coin issues (particularly those of Brutus and Cassius) were probably minted after the period under consideration in this thesis (i.e. after August 43). It also ties into the second point, namely that these coin issues were not primarily intended to engage in the political debate at Rome, but to reinforce, or to buy, the loyalties of the legions.

In terms of the later imperial sources, these can, with but a few exceptions, be divided into two categories. First, there are the biographers. The earliest of these is

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<sup>26</sup> The best exposition of this view remains Syme in his chapter "Political Catchwords"; Syme 1939: 149-161.

Nicolaus of Damascus, a virtual contemporary of Augustus, whose *Life of Augustus*, while a generally reliable source, only survives in fragments. The other two main biographers are Plutarch (in particular, his *Life of Caesar*, his *Life of Cicero*, his *Life of Brutus*, and his *Life of Antonius*) and Suetonius (in particular, his *Life of Divus Iulius* and his *Life of Divus Augustus*), born in ca. AD 50 and ca. AD 70 respectively, with both writing around 150 years or more after these events. The second category of imperial sources are the narrative histories, of which three are worth noting here. The earliest, and by far the shortest, is the history written by Velleius Paterculus, born ca. 20; notably, his paternal uncle, a senator named Capito, assisted Agrippa in prosecuting Cassius under the *lex Pedia* in August 43 for the murder of Caesar.<sup>27</sup> The other two main historians, whose histories are much longer, are Appian, born at the end of the first century AD, and Cassius Dio, who was suffect consul in ca. AD 204. In addition to these main imperial sources, it is also worth pointing out two minor sources that will be of some use, namely Augustus' *Res Gestae*, and the ca. 4<sup>th</sup> cent. AD *Periochae* (i.e. summaries) of Livy's *Ab urbe condita libri*.

As these main imperial sources that I have identified constitute the vast bulk of the evidence outside of Cicero, it is important to state here how I intend to treat them. As will be demonstrated at numerous points in this thesis, these imperial sources are frequently unreliable, particularly in matters of chronology and procedure. The latter is not particularly surprising, given the fact that none of them would have had experience of these republican institutions, and some, such as Appian and Dio, were writing centuries later. I intend to treat these imperial sources with particular caution, and shall, in nearly all cases, prefer the contemporary evidence from Cicero whenever it is

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<sup>27</sup> Vell. Pat. 2.69.5-6.

available. On a related note, I do not intend to use the speeches embedded in the narrative histories of Appian and Dio as reliable evidence of actual speeches that may or may not have been delivered.

### Thesis Outline

In the first three chapters of this thesis, I shall use a chronological arrangement in my examination of political interactions, beginning with the assassination of Caesar on the Ides of March 44 and ending with Octavianus' capture of the city of Rome in August 43. My particular focus in each of these three chapters will be upon public political interactions, and specifically on the numerous formal meetings of the senate and *contiones* for which we have evidence. I have selected two key turning points in the political developments in this period with which to conclude each of the first two chapters, namely Piso's speech in the senate against Antonius on the Kalends of August 44, and Cicero's delivery of the *Third Philippic* in the senate on 20 December 44. I shall conclude my examination of political interactions in Chapter III with Octavianus' capture of the city of Rome in August 43 because it marks the point at which Rome once again fell under autocratic rule. In Chapter IV, I shall examine the nature and role of persuasion, and assess the extent of its significance, in the private meetings and correspondence of Rome's political leaders. This chapter will also include specific discussions on the unique social setting of the Roman villas as creating atmospheres particularly conducive for private political discussions, and on the political use of official dispatches from promagistrates as a means of engaging in the political debates at Rome while away in the provinces. In Chapter V, I shall return to consider in more depth the use of persuasion aimed at mass audiences by means of case-studies of several particularly well-documented and significant instances. The first case-study will be a

comparison of two *ludi* held in July 44: the *ludi Apollinares*, sponsored by Brutus, and the *ludi Veneris Genetricis*, sponsored by Octavianus. In the second and third case-studies, I shall examine two subsequently disseminated versions of *contio* speeches, namely the *Fourth Philippic*, delivered by Cicero at a *contio* held on 20 December 44, and the *Sixth Philippic*, delivered by Cicero at a *contio* held on 4 January 43. Finally, I shall conclude my thesis with a brief Epilogue on politics and persuasion.



## Chapter I: Government by Public Consensus

### Introduction

On the Ides of March in the year 44, Caesar the dictator lay dead, his bloody corpse abandoned at the foot of the statue of his former ally and son-in-law, and later bitter enemy, Pompeius Magnus. What next for the *res publica*? After the years of Caesar's increasingly autocratic rule, with the dictator now dead, would words once again be the weapons in genuine political debate at Rome, or would a new autocracy simply replace the old? That is to say, what role did persuasion play in the developing political situation that emerged out of the aftermath of Caesar's assassination? In this chapter, I shall explore this question in the first part of the period under consideration in this thesis, namely from the moments immediately following the assassination until the senate meeting on the Kalends of August. This period can be characterized, following the compromise agreement decreed by the senate on 17 March, as a government by public consensus, in which competition and opposition between the stakeholders in the compromise was very much conducted in private and out of public view. It was not until the senate meeting on the Kalends of August that opposition to the consuls was voiced in the senate by L. Calpurnius Piso, Caesar's father-in-law. For this reason, my discussion and analysis of this senate meeting will form the conclusion to this chapter, as it both marked the beginning of the end of this period of government by public consensus, and prepared the ground for Cicero's first act of public opposition, his *First Philippic*, delivered in a senate meeting on 2 September.

In this first chapter, I shall explore this question of politics and persuasion in this period of the immediate aftermath of the assassination by means of a detailed examination of public political interactions, concentrating primarily on the key formal

meetings of the senate. Because of the different nature of the evidence for this period relative to what followed (especially in terms of examples of attempts at persuasion in the form of disseminated representations of genuine speeches), my particular focus will be upon examining the key public political interactions of this period in terms of the critical political issues facing the *res publica* as a result of the assassination. This is not to say that persuasion had no role to play in the political interactions of this period (indeed, it was of fundamental significance in determining the outcome of the most important senate meeting of this period, i.e. the one held on 17 March), but rather, that it played a less prominent role in public political interactions because of the fact that the months under consideration in this chapter were defined and dominated by a government of public consensus following that senate meeting on 17 March.

### *The Ides of March*

When the conspirators, led by Brutus and Cassius, killed Caesar at the foot of the statue of Pompeius Magnus during a senate meeting in the Curia Pompeia,<sup>1</sup> they threw the *res publica* into a state of chaos. From the surviving accounts of Caesar's assassination, it seems that the chaos began immediately, with scenes of pandemonium breaking out as those senators not involved in the plot were gripped with terror and scrambled over each other to flee the senate chamber.<sup>2</sup> If the accounts of Plutarch and

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<sup>1</sup> It seems highly unlikely that the location of this infamous senate meeting was anything other than a coincidence. Nevertheless, Horsfall does make some clear arguments that there were real practical advantages to planning the attempt for this senate meeting in particular; Horsfall 1974: 191-197. It is, however, doubtful that the location: "had an important symbolic advantage (Horsfall 1974: 194)." It can be argued, in fact, that there were notable symbolic disadvantages to assassinating Caesar in the Curia Pompeia. To do so might risk casting the conspiracy as a Pompeian act of revenge rather than a tyrannicide. Moreover, the conspiracy included both former Pompeians and Caesarians in its leading ranks; App. *B Civ.* 2.113. This would make it unlikely that the Caesarians amongst them, at least, would have seen a symbolic advantage in the Curia Pompeia.

<sup>2</sup> The main accounts are unanimous in describing the immediate reactions of the senators in the Curia Pompeia as one of panic, followed by a desperate flight: Nic. Dam. *FGrH* 90 fr. 130.25.91-92; Plut. *Vit.*

Appian are correct, then the conspirators had planned to address the senators right then and there, probably with Brutus as their spokesman. It is difficult to know what exactly the conspirators had hoped to do in the immediate aftermath. Were they planning a short speech to reassure the senators that Caesar's death was to be the only one? Or were they hoping for something rather more than that, perhaps even a decree condemning Caesar as a tyrant and giving their approval for his assassination?<sup>3</sup> As it was, all that Brutus managed to do before the senators had fled<sup>4</sup> was to raise his bloodstained dagger and to call on Cicero.<sup>5</sup>

This state of chaos was exacerbated by the fact that Antonius and Lepidus, the two most senior magistrates in Rome, as consul and *magister equitum* respectively, had not been in the Curia Pompeia at the time of the assassination.<sup>6</sup> In Antonius' case, he

*Brut.* 18.1; *Vit. Caes.* 67.1; *App. B Civ.* 2.118-119; *Dio* 2.20.1-2. Suetonius' version does not include a description of the immediate reactions to Caesar's assassination. Of course, all the writers were necessarily using their imaginations in describing these scenes as no eye-witness could have provided an accurate account of all that happened in the senate chamber that day.

<sup>3</sup> Suetonius writes that the conspirators had planned to drag Caesar's body and throw it into the Tiber, to confiscate his property, and to revoke his decrees; *Suet. Iul.* 82.4. However, his wording seems to suggest that this was intended for the days following, with the obvious exception of desecrating Caesar's corpse. His account does not suggest that the conspirators had hoped to have Caesar condemned as a tyrant right after killing him.

<sup>4</sup> One of the great mysteries of Caesar's assassination are the identities of the lesser conspirators and their actions in the senate on the Ides of March. Suetonius states that there were over sixty conspirators, and Nicolaus gives an even higher figure of over eighty; *Nic. Dam. FGrH* 90 fr. 130.19.59; *Suet. Iul.* 80.4. Nevertheless, the names of only twenty or so are known; *Klotz* 1917: 255. Moreover, Caesar's body only received the infamous twenty-three wounds (or thirty-five, according to Nicolaus; *Nic. Dam. FGrH* 90 fr. 130.24.90). It is impossible that over sixty men could have been involved in the actual killing of Caesar, and yet it would have been reckless to have included so many in the conspiracy if they were to play no part in the assassination itself. One possibility is that the number of conspirators has been inflated, in order to make it seem that they had greater support than they actually did. However, although they do not provide a precise number along the lines of Nicolaus and Suetonius, both Cicero and Dio emphasize the great number of conspirators; e.g. *Cic. Phil.* 2.27; *Dio* 44.14.2-4. Accordingly, the more likely explanation is that these lesser conspirators were assigned the less glamorous task of crowd control, either to protect the primary conspirators as they stabbed Caesar (this was necessary, as Nicolaus records that two of Caesar's friends, Calvisius Sabinus and Censorinus, did attempt to intervene, but were prevented from doing so; *Nic. Dam. FGrH* 90 fr. 130.26.96), or to prevent chaos in the senate chamber in the immediate aftermath. If this was indeed the case, then they succeeded in the former, but failed miserably in the latter.

<sup>5</sup> *Cic. Phil.* 2.28, 30.

<sup>6</sup> The conspirators had assigned Trebonius to detain Antonius outside of the senate chamber while they assassinated Caesar within; *Cic. Phil.* 13.22. As for Lepidus, he may have been in the Forum at the time,

fled from outside the Curia Pompeia and remained in hiding until it became clear that the assassins were not planning on any more violence.<sup>7</sup> As for Lepidus, he was in command of military forces in Rome, and made preparations after word had reached him of Caesar's assassination for using them by organizing the legion under his command and stationing it either in the Campus Martius<sup>8</sup> or in the Forum.<sup>9</sup> However, Lepidus did not move his forces into position until at least nightfall.<sup>10</sup> What this means, therefore, is that the initiative for political action remained with the assassins so long as it took for Antonius, Lepidus, and other leading Caesarians (such as Hirtius) to learn what had happened, assess the situation, and organize themselves for a response.<sup>11</sup>

With this being the situation, what did the assassins do with their initiative? Their first act after the assassination was to secure their immediate safety by surrounding themselves with the gladiators prepared for the occasion by D. Brutus.<sup>12</sup> With these gladiators as a guard, the assassins marched from the Curia Pompeia to the Capitol, displaying their daggers, along with a freedom cap (*pileus*) on the end of a

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according to Appian, or in the suburbs, according to Dio; App. *B Civ.* 2.118; Dio 44.19.2; Hayne 1971: 109-117; Weigel 1992: 44-45.

<sup>7</sup> Cic. *Phil.* 2.88; Plut. *Vit. Caes.* 67.2, *Vit. Ant.* 14.1; App. *B Civ.* 2.119; Dio 44.22.2-3. Ramsey offers the suggestion that Antonius, instead of fleeing across town to his *domus* in the Carinae district, as stated by Cicero, instead sought refuge in his *horti Pompeiani*, which were located on the northern edge of the Campus Martius, and would, therefore, have offered a place of immediate refuge; Ramsey 2003: 290. Ramsey takes as support a statement by Nicolaus to the effect that some of Caesar's supporters fled to the countryside and to their estates near the city; Nic. Dam. *FGrH* 90 fr. 130.26.95.

<sup>8</sup> App. *B Civ.* 2.119.

<sup>9</sup> Dio 44.22.2.

<sup>10</sup> Dio 44.22.2. Weigel stresses the fact that, in the accounts of both Appian and Dio, the decisive action that stabilized the situation is attributed to Lepidus; Weigel 1992: 44-45. For more on the career of Lepidus, see Welch 1995.

<sup>11</sup> Nic. Dam. *FGrH* 90 fr. 130.27.101-102.

<sup>12</sup> Nic. Dam. *FGrH* 90 fr. 130.25.91-94; fr. 130.26a.98.

spear, and exhorting the crowd.<sup>13</sup> In the accounts of Plutarch and Appian, the assassins were joined by others on this march, most notably the quaestor Lentulus Spinther.<sup>14</sup>

Following this march and public display, the next political act undertaken by the assassins was to seek popular support for their act by means of addressing the crowd in the Forum in a *contio*. There are differing accounts in the surviving sources as to the number of *contiones* held on the Ides of March after the assassination, the identity of the speakers, and the order of their speeches. Indeed, there is not even consistency between Plutarch's *Life of Caesar* and his *Life of Brutus*.<sup>15</sup> The most extended account is given by Appian, who describes *contio* speeches given by the praetor Cinna,<sup>16</sup> by Dolabella, who claimed the office of suffect consul,<sup>17</sup> and by Cassius and Brutus.<sup>18</sup> Dio, in a shorter account, only describes a *contio* held by the assassins (without stating who amongst them spoke), and one held by Dolabella.<sup>19</sup> Nicolaus also mentions a *contio*

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<sup>13</sup> App. *B Civ.* 2.119-120. Cf. Nic. Dam. *FGrH* 90 fr. 130.25.91-94; fr. 130.26a.98.; Vell. Pat. 2.58.2; Plut. *Vit. Caes.* 67.3-6, *Vit. Brut.* 18.7-9. Dio, however, states that they went to the Forum first; Dio 44.20.3.

<sup>14</sup> Plut. *Vit. Caes.* 67.4. Appian, in addition to mentioning Lentulus Spinther, also lists Favonius, Aquinus, Dolabella, Murcus, and Patiscus amongst this group; App. *B Civ.* 2.119.

<sup>15</sup> In his *Life of Caesar*, Plutarch makes no mention of any *contio* on 15 March, and only mentions a *contio* speech by Brutus on the following day, 16 March; Plut. *Vit. Caes.* 67.7. However, in his *Life of Brutus*, Plutarch clearly describes Brutus as delivering a speech in a *contio* held on the day of the assassination, 15 March, as well as another *contio* speech delivered by the praetor L. Cornelius Cinna, also on that day; Plut. *Vit. Brut.* 18.7-14. Moreover, Plutarch makes no mention of any *contio* speech by Brutus on the following day, 16 March, as he does in his *Life of Caesar*. Moles discusses and analyzes the differences between Plutarch's various versions, as well as in the accounts of Nicolaus, Appian, and Dio, in an extended excursus on Plut. *Vit. Brut.* 18; Moles 1979: 231-243.

<sup>16</sup> The *contio* speech of the praetor L. Cornelius Cinna is discussed by Moles, who concentrates on the differences in the accounts of Plutarch and Appian; Moles 1987: 124-128. Plutarch's account of Cinna's *contio* speech is to be preferred over Appian's on the basis that it is far more probable that Cinna would only have spoken out against Caesar in a *contio* after a *contio* speech by one or more of the assassins, as in Plutarch's account, and not before, as in Appian's account.

<sup>17</sup> According to Cicero in his *Second Philippic*, Dolabella's election on the Kalends of January 44 as suffect consul to replace Caesar when the latter departed the city for his planned Parthian campaign was opposed by Antonius in his capacity as augur; Cic. *Phil.* 2.79-84. Even more pertinent is Cicero's statement that this very matter of Antonius' objections to Dolabella's election as suffect consul was on the agenda for the senate meeting on the Ides of March; Cic. *Phil.* 2.88; Ramsey 2003: 289-291.

<sup>18</sup> App. *B Civ.* 2.120-122.

<sup>19</sup> Dio 44.21.1-22.2.

speech by Brutus,<sup>20</sup> and Plutarch, as noted above, also gives an account of *contio* speeches on this day by both Brutus and Cinna, at least in the fuller account in his *Life of Brutus*.<sup>21</sup> Suetonius' reference to a *contio* by the praetor Cinna should probably also be dated to 15 March, rather than the day before Caesar's funeral.<sup>22</sup> With such differences between all of these sources, none of them contemporary, it is impossible to reconstruct with certainty the *contiones* of the Ides of March. Pina Polo identifies two *contiones* on 15 March, the first held by Brutus and Cassius in the Forum, with Brutus, Cassius, and the praetor Cinna all speaking, followed by a second *contio* held by Dolabella at which he claimed the office of suffect consul and delivered a speech.<sup>23</sup> Morstein-Marx accepts Pina Polo's version, although his case-study on the *contiones* after Caesar's assassination follows Appian's account in its details.<sup>24</sup> In my opinion, there is enough evidence to suggest that there were at least two, perhaps three *contiones* (if Cinna held his own *contio* separate from the assassins, which is certainly possible) on the Ides of March following the assassination, and that Brutus (perhaps also with Cassius), Cinna, and Dolabella all spoke.

It is unfortunate, given the importance of these *contiones*, that the sources for them are not better. As it is, very little can be said about the content of these speeches, and in particular the *contio* held by the assassins. Plutarch, for instance, has nothing to say about the content of Brutus' speech,<sup>25</sup> while Dio only describes the assassins as having much to say against Caesar and in favour of democracy, and exhorting the people to take courage and not to expect any harm because they did not kill Caesar to

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<sup>20</sup> Nic. Dam. *FGrH* 90 fr. 130.26a.99-100.

<sup>21</sup> Plut. *Vit. Brut.* 18.7-14.

<sup>22</sup> Morstein-Marx 2004: 151, n.166.

<sup>23</sup> Pina Polo 1989: 308.

<sup>24</sup> Morstein-Marx 2004: 150-158.

<sup>25</sup> Moles 1979: 228.

seize power, but to be free and independent and governed rightly.<sup>26</sup> Appian alone has some description of the content of Brutus and Cassius' *contio* speech, and says that they praised each other, they praised D. Brutus, and they exhorted the people by reminding them of their ancestors who had expelled the kings.<sup>27</sup> Appian also mentions that they advised the recall of not only Sex. Pompeius,<sup>28</sup> but also the tribunes of the plebs Caesetius and Marullus, who had been exiled by Caesar.<sup>29</sup>

Moreover, in the same way that the source problems make it difficult to reconstruct the *contiones* on the Ides of March, so it is difficult to assess the reactions of the crowd and the effectiveness of these various appeals for popular support. Indeed, even Appian's account, by far the longest, does not actually mention the reactions of the crowd to the *contio* held by Brutus and Cassius, but focuses rather on the varying reactions of the bribed and un-bribed portions of the crowd and their reactions to the *contiones* of Cinna and Dolabella.<sup>30</sup> Dio and Plutarch, on the other hand, both stress the calming effects of Brutus' speech, but also emphasize that there were no displays of popular support. Indeed, Plutarch stresses the hostility of the crowd to Cinna's speech.<sup>31</sup>

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<sup>26</sup> Dio 44.21.1. As Gowing notes, the lack of speeches given by the assassins in Dio's account is consistent with his cursory treatment of them throughout his work; Gowing 1992: 230.

<sup>27</sup> App. *B Civ.* 2.122. Morstein-Marx 2004: 152-153.

<sup>28</sup> At the time of Caesar's assassination, Sex. Pompeius, the younger son of Pompeius Magnus, was leading a campaign against Caesar's forces in Spain; Hadas 1930: 53-58. Sextus' campaign in Spain, beginning, as it did, in 46, and continuing as a guerrilla war in the aftermath of the defeat at Munda, has recently been examined by Lowe; Lowe 2002: 65-102.

<sup>29</sup> L. Caesetius Flavus and his colleague C. Epidius Marullus were deprived of their tribunician power (but not, as Broughton notes, their office) by a bill promulgated by their colleague C. Helvius Cinna prior to Caesar's assassination on account of their actions in removing a diadem from Caesar's statue and in prosecuting those who had hailed Caesar as king following his return from the Latin festival; Cic. *Phil.* 13.31; Nic. Dam. *FGrH* 90 fr. 130.20.69-70; App. *B Civ.* 2.108; Dio 44.9-10; Broughton 1952: 323-324. Given their opposition to any attempts to depict or hail Caesar as a king, and their subsequent punishment at his hands (quite probably the most tyrannical of Caesar's acts following his return from the Spanish campaign), it is easy to see why Brutus and Cassius would make a point of allying themselves with these two mistreated tribunes of the plebs in their first *contio* after assassinating Caesar.

<sup>30</sup> This is of particular interest to Morstein-Marx in his examination of Appian's account of the *contiones* after Caesar's assassination because of its implications for assessing expressions of "Popular Will" on the part of any given *contio* audience; Morstein-Marx 2004: 150-158.

<sup>31</sup> Moles 1987: 125-128. Cf. Moles 1979: 241-243.

What one may conclude, therefore, is that these several *contiones* achieved at most a limited success in that they calmed the situation and avoided a riot.<sup>32</sup> From the assassins' viewpoint, they failed to achieve any sort of demonstration of popular support for their action, although they did succeed in securing the public support of two key magistrates, the praetor Cinna and the presumptive suffect consul Dolabella, as well as those others, most prominently Lentulus Spinther, who had joined them on their march from the Curia Pompeia to the Capitol.

Given the fact that it was a conspiracy of senators who assassinated Caesar, it is clear enough that securing popular support for their action was a necessary priority. What is more difficult to understand, however, is the failure of the assassins to take the initiative on the Ides of March to seek the support of their fellow senators. Why, if they had originally planned to address the other senators in the Curia Pompeia, and, having failed in the ensuing chaos to manage that, did they not attempt to reconvene the senate on the Capitol that very day? Based on a statement from Suetonius,<sup>33</sup> Horsfall has calculated that Caesar was assassinated a little before noon.<sup>34</sup> Accordingly, there were still sufficient hours remaining in the day for an emergency meeting of the senate to be convened.<sup>35</sup> Even taking into account the time spent on the march from the Curia Pompeia to the Capitol, and those *contiones* in the Forum (keeping in mind that none of the sources suggest that any of the speeches were of any substantial length), it cannot

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<sup>32</sup> As Morstein-Marx points out: "Perhaps the only incontrovertible fact is that there was no strong and unambiguous show of popular anger towards the conspirators until Caesar's funeral (Morstein-Marx 2004: 157)..."

<sup>33</sup> Suet. *Iul.* 81.4.

<sup>34</sup> Horsfall 1974: 197. In a recent work, Ramsey, while arguing for a significantly revised chronology of events on the morning of the Ides of March 44, nevertheless agrees with Horsfall's interpretation of the statement from Suetonius (i.e. that Caesar left his house for the senate meeting in the fifth hour [i.e. 10 to 11am]) to mean that Caesar was assassinated a little before noon; Ramsey 2008.

<sup>35</sup> Even though it was a chaotic situation that afternoon, one can assume that, given the relative proximity of the Capitol to the residences of most senators (whither one would guess that most of them had fled), the task of summoning a respectable number of senators should not have taken too much time.

have been too late in the afternoon.<sup>36</sup> If there is any doubt as to this having been a realistic option, the testimony from Cicero makes it clear that not only was it possible, but that, in his considered opinion, it was the better option:<sup>37</sup>

Do you remember how that first day on the Capitol I cried out that the senate ought to be summoned to the spot by the praetors? Great heavens, what might not have been accomplished then amid the rejoicing of all honest men, even the moderately honest, and the discomfiture of the bandits!<sup>38</sup>

As it was, following the *contiones* in the Forum, Brutus and Cassius returned to the Capitol, where the rest of the assassins, their guard of gladiators, and those newfound supporters had remained.<sup>39</sup> In the accounts of Nicolaus and Appian, the assassins convened a council, at which they were joined by others from amongst their friends, supporters, and kinsmen, in order to deliberate their next move.<sup>40</sup> In the end, this council decided to pursue a cautious course of action, and accordingly sent representatives to Antonius and Lepidus.<sup>41</sup> Their decision was criticized by Cicero, who, looking back with hindsight nearly two months later, wrote to Atticus: “That affair was handled with the courage of men and the policy of children.”<sup>42</sup>

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<sup>36</sup> Senate meetings could only be held in daylight between sunrise and sunset; Gell. *NA* 14.7.8; Willems 1885: 2.147-148; Mommsen 1887-1888: 3.919; Frisch 1946: 152; Manuwald 2007: 2.412. That this was still technically the case in 44 is demonstrated by the fact that Cicero uses this as an argument in the *Third Philippic* against the validity of *senatus consulta* passed at a senate meeting on 28 November; Cic. *Phil.* 3.24.

<sup>37</sup> However, it is a matter of speculation as to what might have happened had the assassins reconvened the senate that afternoon. Given the subsequent support that the three leading assassins received in the senate, as will be demonstrated in Chapters II and III, one may presume that the assassins could have found enough senators willing to support them to pass a decree approving of their action, especially if they showed strong leadership. What reactions this would have provoked, and whether or not it would have been better or worse for their cause in the end, is a moot point.

<sup>38</sup> “*meministine <me> clamare illo ipso primo Capitolino die senatum in Capitolium a praetoribus vocan<dum>? di immortales, quae tum opera effici potuerunt laetantibus omnibus bonis, etiam sat bonis, fractis latronibus!* (Cic. *Att.* 364.1 [14.10]).”

<sup>39</sup> Nic. Dam. *FGrH* 90 fr. 130.27.101; Plut. *Vit. Brut.* 18.13-14; App. *B Civ.* 2.123; Dio 44.21.2.

<sup>40</sup> Although not mentioned by either Nicolaus or Appian, it is clear that Cicero must have been one of the unnamed friends mentioned by Appian; Cic. *Att.* 364.1 [14.10].

<sup>41</sup> Nic. Dam. *FGrH* 90 fr. 130.27.101; App. *B Civ.* 2.123.

<sup>42</sup> “*acta enim illa res est animo virili, consilio puerili* (Cic. *Att.* 375.3 [14.21]).” Cf. “You blame Bacchus’ Day. What could we have done then? By that time we were long sunk. *Liberalia tu accusas. quid fieri tum potuit? iam pridem perieramus* (Cic. *Att.* 364.1 [14.10]).” Wistrand, however, in his examination of

### The Day After

In Chapter IV, I shall examine not only this council of the assassins and their supporters on the Capitol on the Ides of March, but also the deliberations held by the leading Caesarians in their own council, and the negotiations between these groups as a case-study on persuasion in a private setting. For the present, therefore, all that is important to note is that, from the evening of the Ides of March onwards, there were extensive and ongoing deliberations, negotiations, and political manoeuvring by all the various leaders and groups in Rome.<sup>43</sup> That there was even negotiation between these different groups, and in particular between the assassins and their supporters, on the one hand, and Antonius, Lepidus, and other leading Caesarians on the other, is of great significance because it means that even the Caesarian leaders preferred to seek a political solution to this crisis rather than an immediate military one. Furthermore, it was a crucial turning point when Antonius and Lepidus responded to the assassins' envoys by saying that they would consider the matter in the senate before taking action.<sup>44</sup> Their decision to refer the matter to the senate for deliberation, rather than

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Brutus' policy (specifically, his willingness to negotiate a peace with Antonius and Lepidus), takes the opposite view, and argues that Brutus' policy made sense and might have worked but for the actions of Cicero and Octavianus, who drove Antonius into an increasingly radical position; Wistrand 1981. Note, however, that Drum has recently, and provocatively, argued that Brutus and Cassius had indeed made plans for after the assassination, namely that they ensured that they would have a foothold in the eastern provinces by either lobbying Caesar for eastern provincial commands for fellow conspirators (or for those who were closely connected to them either personally or ideologically) or by co-opting those already assigned eastern provincial commands into the conspiracy; Drum 2008: 82-94. This, of course, is against the *communis opinio*: e.g. Syme 1939: 97; Wistrand 1981: 10-13; Clarke 1981: 50. Although Drum's idea is intriguing, his argument requires further elaboration and demonstration in order to accept the revisionist idea that Brutus' and Cassius' successes in the east after Caesar's assassination were due in no small part to a much larger conspiracy with far greater planning and preparation (and, necessarily, though this is not an issue that Drum deals with, stretching much farther back in time before the Ides of March) than has previously been acknowledged.

<sup>43</sup> Cic. *Phil.* 2.89; Nic. Dam. *FGrH* 90 fr. 130.27.101-106; App. *B Civ.* 2.123-125.

<sup>44</sup> App. *B Civ.* 2.124-125. The account of events in Nicolaus, although much longer, suffers from a large lacuna which breaks the narrative off at some point just before the senate meeting in the temple of Tellus; Nic. Dam. *FGrH* 90 fr. 130.17.49-50; fr. 130.27.101-106. What survives of Nicolaus' account paints a less optimistic picture of the prospects of the assassins on the night of the 15<sup>th</sup> and the following day,

taking unilateral action, ensured that there was an opportunity for persuasion, exercised in both public and private, to play a significant role in determining the outcome of this crisis. It is also not insignificant that the senate did not actually meet to discuss this crisis until the morning of 17 March; the clear implication is that these private deliberations and negotiations were intensive and took some time.<sup>45</sup>

It is possible that, in addition to these private political interactions between various members of the political elite, there were also public political interactions in the form of *contiones* in this day between the assassination and the senate meeting. In his catalogue, Pina Polo identifies three such *contiones* as taking place on 16 March,<sup>46</sup> a view that is accepted by Morstein-Marx.<sup>47</sup> However, such a reconstruction is far from certain. This is due to the fact that Plutarch, Appian, and Dio all mistakenly place the senate meeting on the day following the assassination, i.e. 16 March.<sup>48</sup> It is only because of two references in Cicero, whose testimony as a contemporary and as a participant is to be preferred, that this senate meeting can be dated with certainty to 17

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when both Antonius and Lepidus appear to have been preparing to attack the assassins. However, the passage ends with a council of Caesarian leaders, during which they decide to negotiate with the assassins. In Nicolaus' version, this must have taken place on the 16<sup>th</sup>, but, because of the lacuna, the exact chronology of events in his account cannot be determined with certainty.

<sup>45</sup> In the *Second Philippic*, Cicero claims that although other consulars were busy acting as envoys between the various parties, he himself refused to visit Antonius either on the 15<sup>th</sup> or the 16<sup>th</sup>; Cic. *Phil.* 2.89.

<sup>46</sup> The *contiones* listed by Pina Polo as taking place on 16 March are as follows: #348, with Lepidus convening and delivering a speech; #349, with Brutus delivering a speech, the *contio Capitolina*; #350, with both Antonius and Lepidus delivering speeches; Pina Polo 1989: 308-309.

<sup>47</sup> Morstein-Marx 2004: 151.

<sup>48</sup> Plut. *Vit. Brut.* 19.1; App. *B Civ.* 2.126; Dio 44.22.2-3. In his comparison of the narrative of events after Caesar's assassination in the accounts of Appian and Dio, Gowing makes no mention of their mistake and the way in which it necessarily shapes their accounts, even though he does give the correct date of 17 March for the senate meeting; Gowing 1992: 96-98. Moles, on the other hand, does give some thought to the mistake that all three authors make, and the way in which it shapes their narratives; Moles 1979: 240-241. In particular, Moles argues that this pushing forward of the senate meeting to the 16<sup>th</sup> necessarily undermines the skill and importance of Antonius' manoeuvring behind the scenes before the senate meeting. While that is true, it also has the effect of undermining the importance of the contest for public opinion in shaping the outcome of these behind the scenes negotiations prior to the senate meeting.

March.<sup>49</sup> What this means, therefore, is that the *contiones* identified by Pina Polo as taking place on 16 March on the basis of references in Plutarch, Appian, and Dio are thrown into doubt. The only possible exception is Brutus' *contio Capitolina*, the subsequent dissemination of which Cicero discussed with Atticus two months later.<sup>50</sup> However, even in this case, it is not clear from the passage in Cicero whether this refers to a *contio* speech delivered by Brutus on the Ides of March, or to a subsequent *contio* speech either before or after the senate meeting, and thus possibly even as late as 17 March.<sup>51</sup> While one may conclude that it seems probable that the assassins would have tried again to secure popular support through holding another *contio*, and for leading Caesarians such as Antonius and Lepidus to have held *contiones* prior to the senate meeting, there is no secure evidence with which to engage in anything other than speculation.

### The Temple of Tellus and the Senate Meeting of 17 March

Unlike what could have happened on the Ides, when the senate did eventually meet on the 17<sup>th</sup>, it was convened by the consul Antonius. As the convening magistrate, he chose the temple of Tellus as the location for the meeting.<sup>52</sup> Appian alone suggests

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<sup>49</sup> Cic. *Att.* 368.2 [14.14]; *Phil.* 2.88-89; Ramsey 2003: 291.

<sup>50</sup> Cic. *Att.* 378.2 [15.1A]. Shackleton Bailey assigns this *contio Capitolina* to 16 March, and specifically states that it was the day before the senate meeting; Shackleton Bailey 1967: 244. He also makes the plausible suggestion that Appian's version of it may have been based on this disseminated version.

<sup>51</sup> Appian's fabricated version of Brutus' *contio Capitolina*, which Gowing notes is the longest speech in *oratio recta* in Book II, is located after the conclusion of the senate meeting in his narrative; App. *B Civ.* 2.137-141; Gowing 1992: 231-232; Morstein-Marx 2004: 154. Gowing, in addition to accepting Appian's placement of this *contio Capitolina* after the senate meeting on 17 March, also suggests, like Shackleton Bailey before him, that Appian's version may have been based on the disseminated version mentioned by Cicero in that letter to Atticus. As regards the chronological problem of when Brutus' famous *contio Capitolina* was held, the surviving evidence is limited and contradictory, and it is impossible to state with any certainty whether it took place on the 15<sup>th</sup> or 16<sup>th</sup>, or even after the senate meeting on the 17<sup>th</sup>.

<sup>52</sup> Cic. *Att.* 425.1 [16.14]; *Phil.* 1.1, 31; 2.89; Plut. *Vit. Brut.* 19.1; App. *B Civ.* 2.126, 127, 130, 132; Dio 44.22.3; 46.28.3.

his reasons for selecting this rather obscure temple,<sup>53</sup> namely that it was located very near to Antonius' residence in the Carinae district,<sup>54</sup> and, therefore, it offered certain security advantages over the more common meeting places in the Forum.<sup>55</sup> However, there was another obvious location that Antonius could have chosen, namely the Curia Pompeia, the site of Caesar's assassination. That he avoided the overt symbolism of convening the senate in the Curia Pompeia signalled to the senators that this meeting was not about punishing the assassins of Caesar. For, had that been his intention, then the Curia Pompeia would have been an ideal venue. Antonius, by displaying a sensitivity in choosing the location, indicated that he was prepared to compromise.

Although I have stressed the importance of Antonius' avoidance of choosing the site of Caesar's assassination, Butler takes a different approach by discussing the often overlooked topographical context of this senate meeting.<sup>56</sup> In particular, he stresses the close connections between the temple of Tellus and Cicero. As Butler notes, the old family home of Cicero and his brother Quintus was actually connected to the temple precinct.<sup>57</sup> Moreover, Cicero had paid for the repairs to the temple, and it was even adorned with a statue of his brother Quintus.<sup>58</sup> Butler therefore offers the suggestion

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<sup>53</sup> App. *B Civ.* 2.126. This is the only senate meeting for which the temple of Tellus is attested as a location in the republic; Bonnefond-Coudry 1989: 32-45, 47, 132-136.

<sup>54</sup> That Antonius was then living in what had been the home of Pompeius was a sore point for Cicero; e.g. Cic. *Phil.* 2.62, 64-74; 13.10-12.

<sup>55</sup> Most notably, these were the temple of Concord and the temple of Castor and Pollux. Although the Curia Hostilia had been demolished by Caesar in 44, its replacement, the new Curia Iulia, would not be inaugurated until 29; Bonnefond-Coudry 1989: 54-64. The problem, however, in holding this senate meeting in one of the temples in the Forum was that the Forum was located below the Capitol, which had been occupied by the assassins and where they were still guarded by D. Brutus' gladiators. To have held the senate meeting in a temple in the Forum would have necessitated an armed guard of soldiers, something which Appian says that Antonius wanted to avoid; App. *B Civ.* 2.126. However, Appian's statement may be something of a red herring. As Appian himself points out, the Forum was occupied with soldiers under Lepidus' command; App. *B Civ.* 2.126. And, as Cicero later complained, the temple of Tellus was surrounded by armed soldiers; Cic. *Att.* 368.2 [14.14]; *Phil.* 2.89.

<sup>56</sup> Butler 2002: 103-104.

<sup>57</sup> Butler 2002: 103. Cf. Cic. *Har. resp.* 31.

<sup>58</sup> Cic. *Q Fr.* 21.14 [3.1].

that Antonius may have chosen the temple of Tellus because in so doing he would be symbolically placing himself under the protection of Cicero during this meeting.<sup>59</sup> However, given that Antonius was alleged to have had surrounded the temple of Tellus with a guard of soldiers,<sup>60</sup> and to have worn armour beneath his toga,<sup>61</sup> he does not seem to have naïvely trusted in the protection of Cicero. A rather more attractive suggestion comes from Butler's discussion of the interior of the temple. Painted on one wall of the temple was a map of the Italian peninsula,<sup>62</sup> a visual image which offered the senators, as Butler puts it: "a road map of the crisis looming on the horizon."<sup>63</sup>

In addition, it is worth stressing that the assassins themselves took no part in the proceedings. They remained on the Capitol and did not come down until after the senate had deliberated and Antonius and Lepidus had guaranteed their safety by pledging their sons as hostages.<sup>64</sup> Although Appian says that at the very beginning of the meeting the senators proposed to invite the assassins to attend under a pledge of safety,<sup>65</sup> it would be harsh to criticize them for not accepting the offer. Antonius allegedly agreed to the senators' proposal because he knew that the assassins would not come,<sup>66</sup> and they themselves likely had serious doubts that their safety could be guaranteed. This may have been a legitimate concern, as Appian describes how the praetor Cinna had to be rescued from the mob by Lepidus' troops as he tried to make his way to the temple of

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<sup>59</sup> Butler's comment that Antonius' thinking may have been flawed in that it did not occur to him that an attack on himself in the temple of Tellus would be a "stroke of poetic justice" does not make sense when one remembers that the enmity between Antonius and Cicero did not break out until September; Butler 2002: 103-104.

<sup>60</sup> Cic. *Phil.* 2.89.

<sup>61</sup> App. *B Civ.* 2.130.

<sup>62</sup> Varro *Rust.* 1.2.1; Bonnefond-Coudry 1989: 133.

<sup>63</sup> Butler 2002: 104.

<sup>64</sup> Cic. *Phil.* 1.2, 31-32; 2.89-90; Vell. Pat. 2.58.3-4; Plut. *Vit. Brut.* 1-2; *Vit. Ant.* 1-2; App. *B Civ.* 2.126-127, 142; Dio 44.22.3, 44.34.6-7.

<sup>65</sup> App. *B Civ.* 2.127.

<sup>66</sup> App. *B Civ.* 2.127.

Tellus,<sup>67</sup> and Cicero later complains in a letter to Atticus that at this meeting the senators had been intimidated by Caesar's veterans, who were gathered nearby and who were armed.<sup>68</sup> It seems, therefore, that the assassins had no realistic chance of attending the meeting in safety. As a consequence, they had to rely on others to speak for them in the senate.

### The Senate Meeting of 17 March

When the consul Antonius convened the senate early in the morning on 17 March in the temple of Tellus, he was demonstrating that the Caesarian leaders were willing to reach a political solution to this crisis. Moreover, Antonius' sensitivity in choosing the temple of Tellus as the meeting-place for the senate sent the message to the senators that this meeting was about reaching a compromise, and not about punishing the assassins of Caesar. Nevertheless, despite the intensive private deliberations and negotiations that had been going on since the afternoon or evening of the Ides, there is no indication that these discussions involved the rank-and-file senators (i.e. the so-called *pedarii*).<sup>69</sup> This is to say that, even if, as seems probable, the key players (i.e. the most influential senators and magistrates) had reached some sort of compromise agreement beforehand, they still needed to persuade the majority of the senators to adopt their solution. Given what was at stake with this senate meeting, it is

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<sup>67</sup> App. *B Civ.* 2.126. The praetor Cinna was apparently attacked because he had been wearing his praetorian robes. This had so enraged the mob because, just two days earlier, Cinna had laid aside his praetorian robes out of disdain (having been given the office by Caesar) and delivered a speech against Caesar in which he praised the assassins as tyrannicides; App. *B Civ.* 2.121. However, as Moles notes, Appian is the only source for an attack on the praetor Cinna on the day of the senate meeting; Moles 1987: 126. That being said, Moles goes on to say that: "its historicity must be accepted, for Appian clearly distinguishes it from Cinna's activities on the Ides and his account here seems credible and circumstantial (Moles 1987: 126)." This does not, however, mean that its historicity must be accepted, merely that it is quite probable.

<sup>68</sup> Cic. *Att.* 368.2 [14.14].

<sup>69</sup> For a discussion of the term, see Gell. *NA* 3.18.

not surprising that the balance of the evidence suggests that this was a particularly heated debate in which a whole range of options were proposed and deliberated.<sup>70</sup> The main exception is Dio, who constructs his account almost exclusively around the famous speech by Cicero<sup>71</sup> by means of his own extended and fabricated version of this speech.<sup>72</sup> However, Dio's account, with hardly a mention of debate, political manoeuvring, or factions within the senate, nor any mention of other speakers or proposals, is not only at odds with the other surviving accounts, but it is unrealistic for this situation.

So, with this as the background to the senate meeting, it is time now to consider the issues facing the senators that morning, the course of the debate (as best as can be reconstructed), and to discuss and analyze the outcome. As has been stressed so far, the assassination of Caesar threw the *res publica* into a state of chaos. Accordingly, when the senate met to deliberate on a solution to this crisis, a variety of complex and interdependent issues needed to be addressed. What was to be done with the assassins? What was to be done with Caesar? What about Caesar's legacy, the *acta Caesaris*? Perhaps the most pressing issue was the question of how to govern the *res publica* in the

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<sup>70</sup> Cic. *Phil.* 1.1, 31; 2.90; Vell. Pat. 2.58.3-4; Plut. *Vit. Caes.* 67.8-9, *Vit. Cic.* 42.3-5, *Vit. Brut.* 19.1-20.1, *Vit. Ant.* 14.1-3; Suet. *Tib.* 4.1; App. *B Civ.* 2.126-136; Dio 44.22-34.

<sup>71</sup> This speech is well-attested in the surviving sources, and is apparently famous for Cicero's advice that the Romans follow the precedent of the Athenians, who, in a similar situation, declared an amnesty after the overthrow of the Thirty Tyrants in 403: Cic. *Phil.* 1.1; Vell. Pat. 2.58.4; Plut. *Vit. Cic.* 42.3; *Vit. Brut.* 19.1; Dio 44.22-33.

<sup>72</sup> There is no evidence to confirm that this speech had been disseminated in antiquity. Concerning this speech, Millar writes: "there can be no doubt that the speech was made by Cicero, but there is no evidence that it was published and none of the sources seems to know anything of its contents in detail (Millar 1964: 51)." Crawford likewise states that this speech was not disseminated, and finds it interesting that Cicero chose not to publish it but nevertheless chose to mention it in his *First Philippic*; Crawford 1984: 244-247. On the other hand, there is also no evidence to suggest that it was not. The very notoriety of this speech suggests that it might have been disseminated. If so, then Dio may have used it as a source; Gowing 1992: 232, n.17. Not only that, but Gowing, following van Stekelenburg, suggests that Cicero's speech may even have been a model for imitation in the rhetorical schools, and that, therefore, Dio would be quite familiar with it; van Stekelenburg 1971: 63-64; Gowing 1992: 233, n.19. Alternatively, even if in fact it was never disseminated, then one way to explain its notoriety is to suggest the possibility that this debate over the fate of the assassins became a set topic for composition in rhetorical schools.

power vacuum created by Caesar's assassination? If there was going to be a political solution to this crisis, then all of these issues had to be addressed and resolved.

Although there are, relatively speaking, a large number of references to this senate meeting in the surviving sources, the only extended accounts of it are to be found in Appian and Dio. However, Dio's version is unsatisfactory because it consists almost solely of his own fabricated version of Cicero's speech and thus presents an unrealistic account of the senate meeting as a whole. Similarly, Appian's account centres around his own fabricated speeches,<sup>73</sup> in this case including not only two given by Antonius in the senate, but even a *contio* held Antonius and Lepidus while Dolabella was speaking in the senate.<sup>74</sup> Although Appian's account does offer much more than Dio's in terms of presenting this senate meeting as a debate involving political manoeuvring between various factions within the senate, it almost goes to the other extreme by depicting this senate meeting as if nothing had been discussed by anyone beforehand. Neither of the only two extended accounts is satisfactory as a realistic reconstruction of this senate meeting. This problem is exacerbated by the relatively few references to this senate meeting in Cicero, which come nowhere close to providing something resembling an account of the course of debate, and are useful primarily as evidence of the date of the senate meeting and of the fact that both Antonius and Cicero delivered speeches.

From what does survive in these and in other sources, it seems that the two most important speeches were delivered by Antonius and Cicero, and that both advocated a

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<sup>73</sup> Though, as Gowing notes, Appian makes far more extensive use of indirect discourse in his narrative of events after Caesar's assassination than does Dio; Gowing 1992: 228-229.

<sup>74</sup> Pina Polo lists this *contio* in his catalogue, and it is discussed by Morstein-Marx as part of his discussion on the *contiones* following Caesar's assassination; Pina Polo 1989: 309; Morstein-Marx 2004: 153. However, no other source mentions this *contio*, and I am unaware of any parallel example of the convening magistrate leaving the senate meeting while it is still in session in order to hold a *contio* and then returning. Its authenticity must be in doubt.

compromise.<sup>75</sup> In political terms, it makes sense that both Antonius and Cicero spoke in the senate to propose the compromise agreement which they had been involved in negotiating behind the scenes. Moreover, having both leaders speak likely had a significant persuasive effect and ensured that this agreement was seen by the other senators as a compromise agreed to by both parties (i.e. the assassins and the Caesarian leaders). Nevertheless, it is clear that this compromise agreement was but one of the options presented to the senate. Thus, while Plancus too spoke in favour of a compromise,<sup>76</sup> Ti. Claudius Nero<sup>77</sup> was so bold as to propose rewards for the assassins.<sup>78</sup> Furthermore, the fate of the assassins was by no means the only issue discussed. Dolabella, for example, is reported to have spoken at length about his claim to the office of suffect consul,<sup>79</sup> and L. Calpurnius Piso, Caesar's father-in-law, pleaded to make his son-in-law's will public and to grant him a public funeral.<sup>80</sup> Unfortunately, while Plutarch's various accounts do contain other details,<sup>81</sup> these conflict with the more reliable information provided by Cicero, Appian, and Dio.<sup>82</sup> Again, what one may conclude is that this senate meeting was anything other than a piece of theatre to rubber-

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<sup>75</sup> Cic. *Phil.* 1.1, 31; 2.90; Vell. *Pat.* 2.58.4; Plut. *Vit. Cic.* 42.3; *Vit. Brut.* 19.1; *Vit. Ant.* 14.2; App. *B Civ.* 2.128, 133-134; Dio 44.22-33.

<sup>76</sup> Plut. *Vit. Brut.* 19.1.

<sup>77</sup> The father of the future emperor Tiberius.

<sup>78</sup> Suet. *Tib.* 4.1.

<sup>79</sup> App. *B Civ.* 2.132.

<sup>80</sup> App. *B Civ.* 2.135-136. Though note that in Appian's account, this takes place at a second meeting of the senate on the same day, after Piso raised the issue following the adjournment of the first senate meeting.

<sup>81</sup> For example, that divine honours were voted to Caesar, and honours to Brutus and the assassins; Plut. *Vit. Caes.* 67.8-9; *Vit. Brut.* 19.4. This, however, seems unlikely.

<sup>82</sup> For instance, in each of his four accounts (i.e. *Life of Caesar*, *Life of Cicero*, *Life of Brutus*, *Life of Antonius*), Plutarch states that the senate assigned provinces to Brutus, to Cassius, and to some of the other assassins during this meeting (except in his *Life of Brutus*, in which this happens during a senate meeting on the following day [18 March], a meeting which is unattested by any other source). However, as will be discussed later, it is clear from the evidence in Cicero that neither Brutus nor Cassius had been assigned provinces when they were appointed in charge of the grain collection by the senate on 5 June. While Moles does accept that Plutarch is mistaken about the assignment of provinces to Brutus and Cassius, he still stands by his opinion that the rest of Plutarch's account of this otherwise unattested senate meeting on 18 March should be taken at face value, if seemingly for no other reason than that Appian's account of the events of 15-17 March is equally confused; Moles 1979: 248-252.

stamp the agreement reached behind the scenes, but was in fact a fiercely contested senate meeting involving genuine debate with a variety of competing proposals.

What the senate eventually decided on was a compromise. The senate altogether avoided the ostensible topic of debate, namely to pass judgement on the assassination of Caesar. Instead, the senators accepted a compromise that aimed at preserving both the assassins and Caesar's legacy. There was to be no investigation into, or prosecution for, Caesar's murder. Not only that, but the assassins were not to be deprived of their offices, honours, or property. In return, all of Caesar's *acta* were to be ratified.<sup>83</sup> Effectively, what the compromise meant is that, officially speaking, everyone pretended as if Caesar had suffered a natural death, and that there had been no assassination. Thus, the pressing issues facing the *res publica* were resolved by an agreement to adhere to the status quo. Finally, concerning Caesar himself, his will was to be made public and he was to be allowed a public funeral. This may have been decided after an additional debate following the passing of this compromise decree.<sup>84</sup>

In addition, the key public figures in the compromise agreement (e.g. Brutus, Cassius, Cicero, Dolabella, Antonius, and Lepidus) engaged in a demonstration of public reconciliation. A variety of sources all record that Antonius sent his son up to the Capitol as a hostage following this senate meeting in order to guarantee the safety of the assassins so that they could come down from the Capitol and a public reconciliation

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<sup>83</sup> Appian adds that two additional decrees were passed to secure the possessions of the colonists, both those already in their colonies, and those who had not yet set out; App. *B Civ.* 2.135.

<sup>84</sup> At least, this is how it is presented in Appian's version; App. *B Civ.* 2.135-136. It is unlikely, however, that this crucial question of Caesar's will and public funeral would not have been discussed in the behind the scenes negotiations and formed an integral part of the compromise agreement put before the senate by Antonius and Cicero.

could be effected.<sup>85</sup> In Appian's account, it is the people, following their change of heart from listening to Brutus' *contio Capitolina* after the senate meeting, who demand this reconciliation.<sup>86</sup> In Dio's version, on the other hand, this public reconciliation is done on Antonius' initiative, which, it must be said, more accurately reflects Cicero's references to it in his *First Philippic*.<sup>87</sup> It seems that this reconciliation involved some sort of public act, most probably on the Rostra in the Forum. This was then followed by dinners, in which Antonius hosted Cassius, and Lepidus hosted Brutus, and the other assassins were hosted by others.<sup>88</sup>

This was all a way of demonstrating, both in public and in a more private setting, the commitment by these key stakeholders to the compromise agreement. Moreover, it was also a public demonstration of unity and, as will be demonstrated below in my analyses of political interactions in this chapter, of their commitment to a policy of government by public consensus. However, it is worth taking the time here to ask the question why? Even if one believes, as I do, that the compromise agreement was reached out of a genuine desire on the part of the key players and the majority of the senators to avoid another civil war by trying to find a political solution to this crisis, this

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<sup>85</sup> Cic *Phil.* 1.1, 32; Vell. Pat. 2.58.3; Plut. *Vit. Brut.* 19.2-3; *Vit. Ant.* 14.1; App. *B Civ.* 2.142; Dio 44.34.4-7. Note that in the accounts of Appian and Dio, the sons of both Antonius and Lepidus were sent as hostages.

<sup>86</sup> It is difficult to assess whether or not Appian's version of a change of attitude on the part of the people towards the assassins on account of the effectiveness of Brutus' *contio Capitolina* (delivered, in Appian's account, after the senate meeting on 17 March) in any way reflects historical events; Morstein-Marx 2004: 153-158. It could be that Appian constructs his account in this way specifically in order to juxtapose this instance of popular support for the assassins with the dramatic demonstrations of popular anger at the assassins during Caesar's funeral, the account of which begins in the very next section with the terms of Caesar's will; App. *B Civ.* 2.142-147.

<sup>87</sup> Cic *Phil.* 1.1, 32.

<sup>88</sup> This was the occasion for Cassius' famous quip, as told in an anecdote by Dio: "And while they were dining together they naturally, at such a juncture, discussed a variety of topics and Antonius asked Cassius: 'Have you perchance a dagger under your arm even now?' To which he answered: 'Yes, and a big one, if you too should desire to make yourself a tyrant.' συνδειπνούντων δὲ αὐτῶν ἄλλα τε, ὥσπερ εἶκος ἐν τῷ τοιοῦτῳ, πολλὰ ἐλέγετο, καὶ ἐπήρετο τὸν Κάσσιον ὁ Ἀντώνιος "ἄρα γε καὶ νῦν ξιφίδιον τι ὑπὸ μάλης ἔχεις;" καὶ ὅς "μάλα" ἔφη "μέγα, ἂν γε καὶ σὺ τυραννῆσαι ἐπιθυμήσης (Dio 44.34.7)."

does not explain the further adoption of a policy of government by public consensus and these demonstrations of public unity. The appearance of unity in public, including these public acts of reconciliation, was not necessary for the compromise agreement to function and for civil war to be avoided, and thus a further reason must be sought. What was restraining them from reverting to the confrontational style of public politics, with its fierce debate and routine exchanges of invective, that was so engrained in Roman political culture? The answer, I would suggest, is the very Roman people themselves, whose abhorrence of, and recent exhaustion from, civil war (most acutely felt by the *plebs urbana*)<sup>89</sup> acted as a constraining force on any displays of discord by the political elites in public. Indeed, as I shall demonstrate in the remainder of this chapter, public political interactions following this (with the admitted exception of Caesar's funeral, as I shall explain below) were conducted with an unparalleled degree of unity and civility, with discord, debate, and persuasion restricted to the private setting.

While this demonstration of public reconciliation on the part of the key players performed the function of establishing this new government by public consensus in the public's mind, and thus made it clear that a political solution to this crisis involving a compromise agreement had been reached, there was still the need to inform the people directly of the *senatus consulta* by means of a *contio*. Somewhat surprisingly, therefore, given the importance of this *contio*, the sources for it are actually quite limited. A brief reference in the *First Philippic* confirms that there was in fact an informative *contio* following the conclusion of this senate meeting.<sup>90</sup> It is only Appian who provides any additional information about this *contio*, namely that it was convened by the consuls

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<sup>89</sup> Morstein-Marx 2004: 155.

<sup>90</sup> Cic. *Phil.* 1.32. Dio, without ever actually stating it, implies that a *contio* took place when he describes the crowd's reaction in the Forum when the action of the senate was made known; Dio 44.34.4.

and that they communicated the terms of the *senatus consulta* (as one would expect), and, interestingly, that Cicero delivered an encomium on the amnesty decree.<sup>91</sup>

### Caesar's Funeral

Despite this act of public reconciliation by the leading assassins and the Caesarian leaders, and the appearance of public acceptance of the compromise agreement, the peace lasted for only a few days until it was shattered in rather spectacular fashion. The compromise agreement reached in the senate on 17 March included an agreement that Caesar's will would be allowed to stand and be made public, and that he would be granted a public funeral. In Atticus' considered opinion (relayed via Cicero), this, and not the decision to negotiate with Antonius and Lepidus rather than reconvene the senate on the Ides of March, was the critical mistake made by the assassins: "Do you remember how you cried out that the cause was lost if he had a public funeral."<sup>92</sup> Of course, this came to be regarded as a contender for the assassins' critical mistake<sup>93</sup> because of the incredible scenes of Caesar's cremation in the Forum and the mob violence directed at the assassins that followed: "Well, he was actually cremated in the Forum with a pathetic eulogy, and slaves and beggars were sent with

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<sup>91</sup> App. *B Civ.* 2.142. See Crawford 1984: 248-249. Motzo rejects Appian's version that Cicero delivered a speech at this *contio* on the basis of Cic. *Phil.* 1.1; Motzo 1940: 138. Morstein-Marx is correct to reject Motzo's claim, as the passage in question is not explicit and certainly is not sufficient grounds with which to reject the explicit claim in Appian; Morstein-Marx 2004: 154, n.182. Likewise, Motzo's hypothesis that Cicero's references to a *contio* in which an unnamed speaker praised Caesar in fact refers to Antonius' speech at this *contio* is pure speculation and does not fit with the dates of the letters in question nor with the immediate political situation after this senate meeting; Cic. *Att.* 365.1 [14.11]; 397.2 [15.20]; Motzo 1940: 136-143. Note, however, that Morstein-Marx neither accepts nor rejects Motzo's hypothesis; Morstein-Marx 2004: 154, n.192.

<sup>92</sup> "*meministine te clamare causam perisse si funere elatus esset* (Cic. *Att.* 364.1 [14.10])?" Cf. "Recall your own words. Don't you remember crying out that all was lost if Caesar received a public burial? And very wise you were. Well, you see the consequences. *recordare tua. nonne meministi clamare te omnia perisse si ille funere elatus esset? sapienter id quidem. itaque ex eo quae manarint vides* (Cic. *Att.* 368.3 [14.14])."

<sup>93</sup> E.g. Plut. *Vit. Brut.* 20.1-2.

firebrands to attack our homes.”<sup>94</sup> Not surprisingly, therefore, Caesar’s funeral, and in particular Antonius’ incendiary *laudatio funebris*, is a prominent feature in the imperial histories and biographies, with the inevitable result that there are significant and irreconcilable differences in the surviving accounts.<sup>95</sup> My discussion of this rather unique and undeniably significant public political interaction will rely primarily on what little can be gleaned from the references in Cicero, and will focus on the political impact rather than on the event itself.

Caesar’s funeral, which took place on 20 March,<sup>96</sup> was preceded by the publication of the terms of his will.<sup>97</sup> As Plutarch, Appian, and Dio all stress, this also worked against the assassins and prepared the ground, so to speak, for the riots that followed the funeral.<sup>98</sup> This is because, in addition to his testamentary adoption of his grand-nephew C. Octavius (referred to prematurely in this thesis so far as Octavianus), Caesar also donated his gardens across the Tiber to the people and gave a donative of 300 *sesterces* to each Roman citizen.<sup>99</sup> Such generosity, of course, could only add to Caesar’s posthumous popularity, particularly with the *plebs urbana*, and particularly at

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<sup>94</sup> “*at ille etiam in foro combustus laudatusque miserabiliter servique et egentes in tecta nostra cum facibus immissi* (Cic. Att. 364.1 [14.10]).”

<sup>95</sup> Nic. Dam. *FGrH* 90 fr. 130.17.50; Suet. *Iul.* 84-85; Plut. *Vit. Caes.* 68.1-6; *Vit. Cic.* 42.4-5; *Vit. Brut.* 20.4-11; *Vit. Ant.* 14.3-4; App. *B Civ.* 2.143-148; Dio 44.35.4-50.4. Since an evaluation of these imperial sources, and in particular, their differing (and often contradictory) accounts of Antonius’ *laudatio funebris*, is tangential to my purposes here, the reader is referred to Gotter for the most recent discussion of this topic; Gotter 1996: 267. See also Kennedy 1968: 99-106; van Stekelenburg 1971: 68-77; Moles 1979: 259-267; Kierdorf 1980: 150-154; Pelling 1988: 154; Gowing 1992: 234.

<sup>96</sup> This is the date commonly accepted by scholars on the basis of Groebe’s arguments; Drumann & Groebe 1964 [1899-1929]: 1.419.

<sup>97</sup> This is variously dated by Gardthausen to the 19<sup>th</sup> and by Levi to the 18<sup>th</sup>; Gardthausen 1894-1901: 1.39; Levi 1933: 1.35, n.5. There is not, however, any clear evidence to support a specific date, other than that it preceded the funeral.

<sup>98</sup> Plut. *Vit. Brut.* 20.3; App. *B Civ.* 2.143; Dio 44.35.2-3.

<sup>99</sup> The best account of Caesar’s will is provided by Suetonius; Suet. *Iul.* 83. However, Dio does preserve the interesting information that this donative is alternatively given as 120 *sesterces* by Augustus himself (presumably in his lost *Memoirs*), but that others record it as being 300 *sesterces*; Dio 44.35.3. All other Greek authors uniformly give the figure as 75 *drachmae*; Nic. Dam. *FGrH* 90 fr. 130.17.48; Plut. *Vit. Brut.* 20.3; App. *B Civ.* 2.143.

the cost of his assassins. Moreover, it did not help their standing with the *plebs urbana* that D. Brutus had had the misfortune to be named in Caesar's will amongst the second degree of heirs.

As for the events of Caesar's funeral, there is little that needs to be said in order to discuss and analyze their political impact. On the balance of the evidence, what particularly incited the crowd in the Forum to a violent frenzy was the display of Caesar's body and its wounds. What is not clear is the extent to which Antonius' *laudatio funebris* was responsible for inciting the crowd. It is perhaps not insignificant that Cicero does not make any fuss over Antonius' *laudatio funebris* except in one passage in the *Second Philippic*:

That beautiful tribute to the deceased, the pathos, the incitement—they were yours. It was you, yes, you, who set light to the firebrands with which Caesar was half-cremated, and to those others which set fire to L. Bellienus' house and burned it down. It was you who directed the onslaught of desperate characters, mostly slaves, against our houses, which we repelled by main force.<sup>100</sup>

One possible conclusion, therefore, is that Antonius' role was subsequently played up by Cicero for his specific invective purposes in the *Second Philippic*. In any case, what happened next is that the crowd in the Forum cremated Caesar's body using whatever they could lay their hands on, and then at least some of them formed a lynch mob that went after the assassins' residences to burn them down. Interestingly, Plutarch suggests that the assassins were able to repel these attacks because they had prepared beforehand and barricaded their residences.<sup>101</sup> As it was, besides the unfortunate L. Bellienus<sup>102</sup>

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<sup>100</sup> “*tua illa pulchra laudatio, tua miseratio, tua cohortatio; tu, tu, inquam, illas faces incendisti, et eas quibus semustilatus ille est et eas quibus incensa L. Bellieni domus deflagavit. tu illos impetus perditorum et ex maxima parte servorum quos nos vi manuque reppulimus in nostras domos immisisti* (Cic. *Phil.* 2.91).” Cf. Cic. *Phil.* 1.5, where Cicero makes no mention of Antonius' *laudatio funebris* despite making reference to Caesar's funeral. In his commentary on the passage from the *Second Philippic*, Ramsey makes no mention of its potential significance as the only reference by Cicero in his *Philippics* to Antonius' *laudatio funebris*; Ramsey 2003: 291-295.

<sup>101</sup> Plut. *Vit. Brut.* 20.7.

mentioned by Cicero, the only known victim was the even more unfortunate Helvius Cinna, a tribune of the plebs, poet, and friend of Caesar who was mistakenly assumed by the crowd to be the reviled praetor Cinna, and was torn to pieces.<sup>103</sup>

Turning now to consider the political impact of these events, there are two in particular that warrant discussion. The first is that these acts of mob violence directed against the assassins' residences meant that they could not continue to remain within the city of Rome in safety. Regardless of the fact that the assassins had secured their immunity from prosecution by means of the amnesty decree included in, nay fundamental to, the compromise agreement of 17 March, the reality of the situation was that every day that they remained in Rome after Caesar's funeral, they risked a reoccurrence of mob violence. In effect, therefore, their only viable choice was self-imposed exile, at least from the city itself. It may be that the assassins withdrew from the city as soon as they could, with some, such as the praetors Brutus and Cassius, apparently returning once the disturbances calmed down.<sup>104</sup> Others, such as L. Tillius

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<sup>102</sup> Nothing further is known about Bellienus other than that his house was attacked. He must, however, have been a known sympathizer of the assassins; Ramsey 2003: 294.

<sup>103</sup> The identity of this unfortunate Helvius Cinna has been a matter of substantial scholarly debate going back to the nineteenth century. As it is quite tangential to my purposes here, the reader is referred to Moles, who in his commentary on Plutarch's *Life of Brutus*, examines the issue and the scholarly debate in some detail; Moles 1979: 269-276. The best treatment of this problem remains that by Wiseman, who concludes that the victim in question was in fact the C. Helvius Cinna who was a tribune of the plebs, poet, and friend of Caesar; Wiseman 1974: 44-58.

<sup>104</sup> Unfortunately, the surviving contemporary evidence only helps to establish when certain of the leading assassins left the city of Rome for good, which, in the case of Brutus at least, was several weeks after Caesar's funeral, as will be discussed. There is no explicit contemporary evidence as to whether or not the assassin sought temporary sanctuary outside of the city immediately following the disturbances at Caesar's funeral as is suggested by Gelzer, who is followed by Ramsey; Gelzer 1917: 993; Ramsey 2003: 3. As regards the surviving accounts in the imperial sources, however, these two possible withdrawals from the city have understandably been conflated into one that immediately followed the mob attacks on the residences of the assassins; Plut. *Vit. Caes.* 68.7; *Vit. Cic.* 42.5; *Vit. Brut.* 21.1; *Vit. Ant.* 15.1; App. *B Civ.* 2.148. Plutarch does mention that the assassins initially went to Antium, hoping to be able to return to the city once the disturbances calmed down; Plut. *Vit. Brut.* 21.1. Moles, however, adopts the view that Plutarch has constricted his account in the *Life of Brutus* to place Brutus' departure immediately after Caesar's funeral, rather than in April, as he admits that the evidence from Cicero makes clear; Moles 1979: 279-280. Note, however, that Moles rejects Gelzer's suggestion that Brutus sought temporary sanctuary in Antium immediately following Caesar's funeral, and returned to Rome once the disturbances

Cimber, D. Brutus, and C. Trebonius, all left Rome before the end of March to take up their provincial commands.<sup>105</sup> They were shortly to be followed by Cicero, who left Rome on 6 April.<sup>106</sup> Although the senate traditionally went into a spring recess from ca. 5 April until mid-May,<sup>107</sup> Cicero's departure was a little premature in that meetings of the senate occurred for a little while after this date in this year. Cicero was soon to be followed by Brutus (and presumably also Cassius)<sup>108</sup> whose departure from Rome is variously dated to between 9 and 13 April.<sup>109</sup>

The second is that it constituted a breach in the policy of government by public consensus, particularly on the part of Antonius, even if one accepts the view, as I have suggested, that he only played a minimal role in inciting the mob violence that accompanied Caesar's funeral. Even so, this breach is only stressed in two sources: Cicero's *Second Philippic* and in Appian.<sup>110</sup> In both cases, the breach is identified as being between Antonius and the senate in general, and not just with the assassins. Moreover, in both accounts, Antonius moved almost immediately to repair his relations with the senate, and to restore the government by public consensus, by a series of initiatives designed to garner the senate's favour. Nonetheless, Cicero and Appian differ as to what Antonius did to regain the senate's trust. In Cicero's account, Antonius' first measure, which will be discussed in the next section, was his support for a second

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calmed down, only to depart again in April. As for Dio, he is alone in stating that it was the consuls who sent out those assassins who had been assigned provinces, and the rest on some pretext or other; Dio 44.51.4.

<sup>105</sup> Broughton 1952: 328, 330.

<sup>106</sup> Marinone 2004: 232.

<sup>107</sup> Lintott 1999b: 74. This will be discussed at greater length in Chapter IV in regards to persuasion in a private setting and the unique political atmosphere of the villas around the Bay of Naples.

<sup>108</sup> Ramsey 2003: 3.

<sup>109</sup> A date of 9 April is suggested by Merrill 1915: 355-358. However, a date of by or on 13 April is more commonly accepted; e.g. Drumann & Groebe 1964 [1899-1929]: 1.420; Denniston 1926: 72; Holmes 1928: 1.4; Ramsey 2003: 3; Toher 2004: 181, n.26. What is for certain is that, by 15 April, Cicero, who was writing to Atticus from Formiae, had heard that Brutus was in the neighbourhood of Lanuvium; Cic. *Att.* 361.1 [14.7].

<sup>110</sup> Cic. *Phil.* 2.91; App. *B Civ.* 3.2; Gowing 1992: 101-105.

senate decree to formalize a procedure for ratifying the *acta Caesaris*. However, the measure that Cicero particularly stresses was Antonius' motion in the senate to abolish forever the office of dictator.<sup>111</sup> Although largely a symbolic gesture on Antonius' part,<sup>112</sup> it nevertheless remains the closest the senate ever came to declaring Caesar a tyrant. By acknowledging the ill-feeling that Caesar had generated because of his abuses of the office of dictator, the passing of Antonius' motion indirectly passed judgement on Caesar's regime.

In Appian's account, on the other hand, Antonius regains the senate's trust in two ways. First, he was responsible for putting to death the pseudo-Marius and for quelling the crisis that he had caused,<sup>113</sup> something which did not occur until ca. 13 April and which therefore more properly belongs in the political situation that followed the reconciliation between Antonius and the senate as described by Cicero.<sup>114</sup> Second, Appian writes that Antonius proposed a motion for the recall of Sex. Pompeius,<sup>115</sup> as well as compensation for his family's property,<sup>116</sup> and even a naval command.<sup>117</sup> It is

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<sup>111</sup> Cic. *Phil.* 1.3; 2.91. Since in both speeches Cicero refers to Antonius' motion immediately after the passing of the second senate decree to formalize a procedure for ratifying the *acta Caesaris*, one may assume that it in fact occurred soon after the passing of that decree; Ramsey 2003: 89.

<sup>112</sup> The abolition of the office of dictator hardly prevented men from following in Caesar's footsteps; it merely made them have to come up with another name for their regime; Syme 1939: 107.

<sup>113</sup> App. *B Civ.* 3.2-3; Gowing 1992: 101-102.

<sup>114</sup> This will be discussed in further detail later in this chapter.

<sup>115</sup> Although Dio suggests that Sex. Pompeius would technically have been covered by the pardon granted by Caesar to all his enemies (also mentioned, though not in connection to Sextus, by Suetonius), given that Sextus was still leading a guerrilla war against Caesar's governors in Spain at the time of Caesar's assassination, this must have been a matter of doubt at the time, and hence explains the proposal for a recall; Suet. *Iul.* 75.4; Dio 45.9.4.

<sup>116</sup> All of Pompeius Magnus' property had been confiscated by Caesar and auctioned off following his return to Rome from Alexandria in October 47; Cic. *Phil.* 2.62, 64-74; 13.10-12; Holmes 1928: 1.232; Ramsey 2003: 253; Welch 2002: 12, 15-17. In particular, Sex. Pompeius desired the return of his father's mansion, located in the Carinae district, and known as the *domus rostrata* on account of the display in its forecourt of the *rostra* (i.e. "prows") of ships captured by Pompeius Magnus; Suet. *Tib.* 15.1; SHA *Gord.* 2.3, 3.6. This mansion, along with other properties, had been purchased at auction by Antonius. However, Antonius was not the only one to have acquired part of Pompeius Magnus' vast wealth, and Cicero lists Dolabella amongst the purchasers, along with a man named Anser and his brother, an unnamed former slave of Pompeius Magnus, who had passed into Caesar's possession and been freed by him, and others

not clear from Appian's account when exactly this was supposed to have happened (only that it was in the aftermath of Caesar's funeral), and there is no clear supporting evidence from another source with which to assign a date to this supposed motion from Antonius regarding Sex. Pompeius. Appian then proceeds to describe how the senators were so delighted with Antonius that they authorized him to create a bodyguard for himself.<sup>118</sup> However, in Appian's account, Antonius does not do these things out of a spirit of compromise, but in order to manipulate the senate and regain their trust.<sup>119</sup> Regardless of what Antonius' true intentions were, his measures largely succeeded in restoring the policy of government by public consensus that had been so jeopardized by the disturbances accompanying Caesar's funeral.

### *The Ratification of the acta Caesaris*

When the assassins and their supporters decided to reach a negotiated settlement with Antonius, Lepidus, and the other Caesarian leaders, of necessity they had to compromise. What they agreed to was to accept the ratification of Caesar's *acta* in exchange for an amnesty. However, since virtually every segment of Roman society had a stake in the *acta Caesaris*, this also included the assassins and their supporters, who

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whose names Cicero could not recall; Cic. *Phil.* 13.11. As for these latter, unnamed others, it was very diplomatic of Cicero's memory to have failed him in the spring of 43.

<sup>117</sup> App. *B Civ.* 3.4; Gowing 1992: 102, n.21. This last point, however, is a mistake on Appian's part. As will be discussed later in this thesis, Sextus did not receive a command from the senate until after the Mutina campaign, a full year after Appian has Antonius propose one. Moreover, no other source records any proposal to offer Sextus a command in the spring of 44.

<sup>118</sup> App. *B Civ.* 3.4; Gowing 1992: 102. In Appian's version, the senators themselves proposed the bodyguard in order to protect Antonius from the *plebs urbana*, who had turned against Antonius because of his suppression of the Caesar cult and the pseudo-Marius; App. *B Civ.* 3.2-4. However, Appian's version assigns all the responsibility for these actions to Antonius, a fact which is at odds with other accounts of these events, most notably Cicero, with the result that Appian ignores the crucial role of Dolabella; Cic. *Att.* 369.1 [14.15]; 370.2 [14.16]; 372 [14.19]; *Fam.* 326 [11.14]; 327.1 [12.1]; *Phil.* 1.5, 30; Gowing 1992: 101-102, n.19. Moreover, this bodyguard, which, Keppie suggests, came to be composed of veterans gathered by Antonius during his visit of Campania in late April and early May, was alleged by Appian to have numbered 6000; App. *B Civ.* 3.5; Keppie 1983: 52-53.

<sup>119</sup> App. *B Civ.* 3.2-6, 18-20, 33-39.

stood to benefit if Caesar's promises to them were confirmed and ratified, and who would suffer substantial loss if they were not. It is worth remembering that several of the assassins were magistrates at the time of the assassination. Most notably, this included Brutus and Cassius, who owed their praetorships to Caesar's favour. Other assassins who held office at the time included the quaestor D. Turullius.<sup>120</sup> Needless to say, it was important to them that they were not removed from office (i.e. that Caesar's magisterial appointments were confirmed, and that risk-filled new elections were not conducted for the offices they already held),<sup>121</sup> and the compromise of 17 March accomplished this. As a result, their present positions were secured in so far as it lay within the power of the senate to do so. What remained for the assassins was to secure their future positions, at least for the following year, if not beyond. In this, the assassins had as much, if not more than most others, at stake in ensuring that Caesar's promises to them were confirmed and ratified.<sup>122</sup> In particular, three of the assassins had been promised governorships for 44 by Caesar: D. Brutus (Cisalpine Gaul), Cimber (Bithynia and Pontus), and Trebonius (Asia).<sup>123</sup> Moreover, two others had been promised future

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<sup>120</sup> Dio 51.8.2. Cf. Cic. *Fam.* 419.3 [12.13] for the title quaestor; Broughton 1952: 326. It had also previously been supposed, by Münzer and by Broughton, that a C. [Servilius] Casca, tribune of the plebs in 44, was one of the assassins, and brother of the more famous P. Servilius Casca Longus, tribune of the plebs in 43; Münzer 1923: 1788; Broughton 1952: 325. There is a story in Dio, however, about a tribune of the plebs in 44, by the name of C. Casca, who, seeing what had happened to the unfortunate Helvius Cinna, issued a statement disassociating himself from Casca the assassin, stating that all that they shared in common was their cognomen; Dio 44.52. As Cadoux has demonstrated, since numerous sources (including Cicero) refer to the participation of two Servilii Cascae (the famous Publius and an otherwise unknown brother, praenomen nowhere stated), this C. Casca, tribune of the plebs in 44, must have been a third Casca; Cadoux *ap.* Broughton 1986: 194-195. Broughton accepts Cadoux's argument, and has amended his position accordingly; Broughton 1986: 195. Shackleton Bailey also agrees with Cadoux's argument, and suggests that this third Casca's gentile name may not have been Servilius; Shackleton Bailey 1992: 88.

<sup>121</sup> Which is a key argument that Appian has Antonius use in his speech in the senate to convince them to confirm Caesar's *acta*; App. *B Civ.* 2.128.

<sup>122</sup> Drum likewise stresses the importance for the assassins in ensuring their positions by the confirmation of the *acta Caesaris*; Drum 2008: 88-89.

<sup>123</sup> App. *B Civ.* 3.2.

magistracies: P. Servilius Casca Longus was a tribune of the plebs-elect for 43,<sup>124</sup> and D. Brutus was consul-designate for 42.<sup>125</sup>

It is not, however, entirely clear what exactly the senate decreed in the temple of Tellus that day concerning Caesar's *acta*.<sup>126</sup> Indeed, it may not have been entirely clear to the senators themselves just what the *acta Caesaris* included. Caesar's regime had become increasingly autocratic, with the result that numerous decisions and measures had been taken outside of the normal constitutional process. Were these to be included in the official *acta Caesaris*? Clearly, given their number and importance, they had to be, if only to avoid chaos and confusion. Already, then, the ratification of Caesar's *acta* had, by necessity, to include both what Caesar had done according to the normal procedures, and what he had done autocratically. But how, exactly, was the senate to determine and decide what Caesar had done, when so much had been done without their involvement, or that of the assemblies, or even been made public?

Moreover, this confusion was compounded by the question of what status, if any, to afford to Caesar's plans that had remained unfulfilled at the time of his death. It is one thing to confirm and ratify everything that he had done already, but it is quite another thing to bind the *res publica* to what he had only planned. This, at least, is what seems to have aggravated Cicero the most.<sup>127</sup> On the other hand, refusing to confirm and ratify Caesar's plans would, in all likelihood, cause chaos and confusion, as even

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<sup>124</sup> Cic. *Att.* 426.3 [16.15].

<sup>125</sup> Vell. *Pat.* 2.60.5.

<sup>126</sup> As pointed out by Ramsey: "The clearest statement in Cicero that Caesar's *acta* were ratified in consequence of action taken by the Senate on 17 March is found in the gloomy prediction that if Octavianus gets power 'multo firmitus acta tyranni comprobatur iri quam in Telluris' (*Att.* 16.14.1) (Ramsey 1994: 132, n.10)."

<sup>127</sup> "...that all Caesar's actions, writings, words, promises, and plans should have greater force than if he were himself alive? *ut omnia facta, scripta, dicta, promissa, cogitata Caesaris plus valerent quam si ipse viveret* (Cic. *Att.* 364.1 [14.10])." Cf. "It is clear that after the removal of the tyrant the tyranny remains. Things are done which he had no intention of doing... *sublato enim tyranno tyrannida manere video. nam quae ille facturus non fuit ea fiunt* (Cic. *Att.* 368.2 [14.14])..."

Cicero admitted.<sup>128</sup> This is because Caesar had an extraordinary number of unfinished plans at the time of his death, including such things as grand building projects and the settlement of his veterans. Not only that, but, in order to secure his regime while he was away from Rome on his Parthian campaign, he had assigned magistracies and governorships years in advance.<sup>129</sup> It is not an exaggeration to say that there were enormous interests at stake from virtually every segment of Roman society in ensuring that, at least where it concerned them, Caesar's plans were accorded the same status as his *acta*.

Consequently, the ratification of the *acta Caesaris* was undoubtedly the dominating political issue in the spring of 44. It seems that the senators, having voted to ratify Caesar's *acta*, had not yet decided on what was to be included in the *acta Caesaris*. They needed to do this as soon as possible, otherwise the uncertainty would cripple the state. From the evidence in Cicero,<sup>130</sup> it seems that they acted quickly, passing a second decree specifically concerning the *acta Caesaris* shortly after Caesar's funeral.<sup>131</sup> Although this second decree is not preserved, one can piece together the

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<sup>128</sup> "For myself, though many of Caesar's decisions do not commend themselves (that was inevitable in such pressure of business), I make a practice of defending them energetically in the interests of peace and public tranquillity. *equidem cum multa (quod necesse erat in tanta occupatione) non probentur quae Caesar statuerit, tamen otii pacisque causa acerrime illa soleo defendere* (Cic. Att. 407B.1-2 [16.16B])."

<sup>129</sup> Cic. Att. 360.2 [14.6]; Dio 43.51.2-4; Shackleton Bailey 1967: 218.

<sup>130</sup> The *communis opinio* is that there were two additional senate decrees concerning Caesar's *acta*; Schmidt 1884: 687-699; Drumann & Groebe 1964 [1899-1929]: 1.422-424; Ferrero: 1907-1909: 3.44; Becht 1911: 39-40, 89; von Premerstein 1922: 132-138; Denniston 1926: 67-68; Holmes 1928: 1.16; Gelzer 1969: 328. Ramsey argues that the *communis opinio* results from a misunderstanding of two passages from Cicero (*Phil.* 1.3 and 2.91) which, taken independently, appear to refer to two different decrees; Ramsey 1994: 131-138. Dio is the only other ancient source to mention these supposed two additional decrees; Dio 44.53.4; 45.23.7. However, Dio used Cicero's *Philippics* as a source, and thus cannot be considered an independent authority on this point; Ramsey 1994: 132. Ramsey concludes that Cicero was purposely misleading his audience, and was in fact selectively referring to different sections of the same single decree; Ramsey 1994: 138. Cf. Matijević 2006: 426-450.

<sup>131</sup> This date is based on its position in Cicero's narrative of events in the *Second Philippic*, where the decree is mentioned shortly after Antonius' role in the riots that followed Caesar's funeral; Ramsey 1994: 132.

essentials from scattered references in Cicero.<sup>132</sup> With the support of the consul Antonius, the motion was proposed by the noted jurist Ser. Sulpicius Rufus,<sup>133</sup> with the senate meeting taking place *in Capitolio*.<sup>134</sup> Because of what was at stake, it is probable that the assassins supported Sulpicius' motion.<sup>135</sup> The decree, as reconstructed by Ramsey, is as follows: "The Senate decreed that no tablet containing any decree of Caesar after the Ides of March, or any grant, was to be posted before the consuls, with their *consilium*, had reviewed, decided and passed judgement on Caesar's *acta*."<sup>136</sup>

From this decree, one may conclude that, although the senate had passed a blanket decree confirming and ratifying Caesar's *acta* on 17 March, the senators were quickly confronted with the problems discussed above, and accepted that a thorough review of Caesar's *acta* was needed. This review was to focus on the unimplemented<sup>137</sup> *acta Caesaris*, and was to be conducted by the consuls with their *consilium*. These unimplemented *acta Caesaris* which the consuls were to review and pass judgement on would be found in Caesar's *commentarii*, the "notebooks" of which Cicero later

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<sup>132</sup> My discussion of this second senatorial decree concerning Caesar's *acta* accepts the interpretation put forward by Ramsey as discussed above. The passages in question are as follows: Cic. *Att.* 407B.1-2 [16.16B]; 407C.2 [16.16C]; *Fam.* 327.2 [12.1]; *Phil.* 1.3; 2.91, 100.

<sup>133</sup> Cic. *Phil.* 1.3.

<sup>134</sup> Cic. *Phil.* 2.91.

<sup>135</sup> There is no clear evidence either way to know for sure if any of the leading assassins attended meetings of the senate after they were granted amnesty on 17 March. The closest that there is comes from a letter of Cicero to Cassius (dated to 3 May), in which he writes: "Are we defending the paper memoranda of one whose laws graven on bronze we ought to annul? Oh yes, we have so decreed. *cuius aera refigere debebamus, eius etiam chirographa defendimus? at enim ita decrevimus* (Cic. *Fam.* 327.2 [12.1])." If *decrevimus* is to be taken literally (i.e. that both Cicero and Cassius voted), then it must refer to the motion proposed by Sulpicius, since the assassins did not attend the meeting of 17 March. It is equally possible that *decrevimus* is meant merely of the senatorial order, and not Cicero and Cassius specifically. Ramsey is cautious and non-committal on this point; Ramsey 1994: 133, n.12. Shackleton Bailey seems to accept the non-literal meaning of *decrevimus* and states that it refers to the meeting of 17 March; Shackleton Bailey 1977: 467. However, it is more likely that Cicero is referring to the decree passed on the motion of Sulpicius; Ramsey 1994: 133, n.12.

<sup>136</sup> "(senatus decreuit) *ne qua tabula post Idus Martias ullius decreti Caesaris aut benefici figeretur <prius quam consules > de Caesaris actis <cum consilio > cognossent, statuissent, iudicassent* (Ramsey 1994: 138)."

<sup>137</sup> More commonly referred to by scholars as "unpublished"; e.g. Ramsey 1994: 130; Manuwald 2007: 1.11. However, this term is unnecessarily confusing, and the more precise term "unimplemented" is to be preferred.

complained.<sup>138</sup> However, these *commentarii* were not in the public domain, but were amongst his private papers, which Caesar's widow Calpurnia had turned over to Antonius on the very night of the Ides of March.<sup>139</sup> The senate had no choice but to authorize Antonius to conduct the review, since he was in sole possession of the necessary documents. Although the senate had ceded the final authority over Caesar's unimplemented *acta* to the consuls, they did so with the clear expectation that they would be involved in the process and consulted, at least in so much as individual members would form the *consilium*. As well, even though this decree greatly increased Antonius' power, it also provided for possible checks to that power in the form of the *consilium* and his colleague, the suffect consul Dolabella.<sup>140</sup>

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<sup>138</sup> "We could not bear to own Caesar as our master, but we bow to his notebooks. *cui servire ipsi non potuimus, eius libellis paremus* (Cic. *Att.* 368.2 [14.14])."

<sup>139</sup> Pelling 1988: 155. Becht, however, argues for the night of the 16<sup>th</sup>; Becht 1911: 20, 78-79. The available evidence does not, however, permit a definitive conclusion between these two dates. Cf. Ramsey 1994: 131, n.5.

<sup>140</sup> Prior to the Ides of March, Antonius and Dolabella had in fact been political enemies. Furthermore, Dolabella's act of publicly allying himself with the assassins in the immediate aftermath of Caesar's assassination must have given them further cause for hope that he could act as a check on Antonius if needed. In terms of their impact upon Cicero's evaluation of Dolabella, however, these two facts pale in comparison to a series of events that took place in April. The disturbances in Rome in early April that were led by the pseudo-Marius were ended by the decisive and summary actions of Antonius and Dolabella, who, working together, arranged his execution by ca. 13 April; Cic. *Phil.* 1.5. Nevertheless, a Caesar cult, arranged around a pillar and altar in the Forum on the spot where Caesar's body was cremated on 20 March, continued; Dio 44.51.1-2. At some point towards the end of the month (ca. 27 or 28 April), Dolabella, in his colleague's absence, crushed this Caesar cult by removing the pillar and altar, and by executing the ringleaders (crucifying the slaves and throwing the freemen from the Tarpeian Rock), an act which caused Cicero to praise Dolabella to no end; Cic. *Att.* 369.1 [14.15]; 370.2 [14.16]; 372 [14.19]; *Fam.* 326 [11.14]; 327.1 [12.1]; *Phil.* 1.5, 30. It is also worth pointing out that Cicero, in his letter to Dolabella after this act, mentions that he read a copy of Dolabella's *contio* speech, which he of course praises; Cic. *Fam.* 326.7 [11.14]; Cic. *Att.* 374.2 [14.20]; Pina Polo 1989: 310 (#356). Presumably, this *contio* took place shortly after Dolabella's actions and consisted of a justification of his crushing of the Caesar cult. However, as Ramsey points out, although Cicero had nothing but praise for Dolabella in early May, and claims in the *Second Philippic* to have continued to view him as a counterbalance to Antonius through till late May, there are signs in a couple of his letters that Dolabella may have formed an alliance with Antonius much earlier; Cic. *Phil.* 2.107; Ramsey 1994: 140, n.35. The first of these is from a letter to Atticus of 9 May, in which Cicero accuses Dolabella of having embezzled money from the treasury of Ops with the aid of Caesar's secretary Faberius, a crime which could only have occurred with Antonius' blessing and should be dated to March/April; Cic. *Att.* 373.1 [14.18]. Second, in a letter dated to ca. 28 or 29 April, Cicero learned that Antonius was going to bring before the senate (at a meeting scheduled for the Kalends of June), a proposal regarding their consular provinces, assigning the Gauls to himself and proroguing the tenure of both; Cic. *Att.* 368.4 [14.14]. Of course, it is also possible to speculate that a potential secret alliance between Antonius and Dolabella is to be dated to the behind

Caesar's Will, Octavianus, and Brutus' privilegium

One political issue that developed in the spring of 44 that could not reasonably have been foreseen when the compromise agreement was decided upon was Caesar's testamentary adoption of his great-nephew C. Octavius, a young man who had only been born in the year of Cicero's consulship.<sup>141</sup> Indeed, Cicero's initial comments about him in his letters to Atticus are dismissive of Octavianus in general as politically insignificant.<sup>142</sup> Of course, no one at the time could truly have predicted that Octavianus would become an increasingly powerful political and military leader before the year was out. Naturally, the imperial sources abound with accounts and descriptions of his dramatic rise to power, with his testamentary adoption by Caesar and designation as primary heir correctly highlighted for their significance. My interest in this section, however, is to discuss and analyze the political issues involved in the confirmation of Octavianus' testamentary adoption and his acceptance of his inheritance of Caesar's estate.

In the standard view of things, Octavianus proceeded slowly and cautiously once he had heard the news of Caesar's assassination (he was in Apollonia at the time), not reaching Italy until 11 April, Naples on 18 April, and finally Rome on ca. 8 to 11 May.<sup>143</sup> However, in a recent discussion, Toher offers a new interpretation,<sup>144</sup> which I

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the scenes negotiations of 15 and 16 March, in that Antonius' acceptance of Dolabella's claim to the office of suffect consul represented a radical overturning of his previously fierce opposition.

<sup>141</sup> Suet. *Aug.* 5.

<sup>142</sup> "But I should be glad to know how Octavius' arrival went off and whether there is any rallying to him or suspicion of a *coup d'état*-I don't suppose so, but whatever the fact I should like to know. *Sed velim scire quid adventus Octavi, num qui concursus ad eum, num quae νεωτερισμῶ suspicio. non puto equidem, sed tamen, quicquid est, scire cupio* (Cic. *Att.* 359.3 [15.5])." Cf. "...as for Octavius, it is neither here nor there. *nam de Octavio, susque deque* (Cic. *Att.* 360.1 [15.6])."

<sup>143</sup> This is the *communis opinio*; Gardthausen 1891-1904: 1.1, 51-53; Drumman & Groebe 1964 [1899-1929]: 1.85-89; Fitzler & Seeck 1917: 279-281; Holmes 1928: 1.191; Syme 1939: 114-115; Schmitthenner 1973: 81; Alföldi 1976: 46-49; Gowing 1992: 59-64; Bleicken 1998: 64; Kienast 1999: 26-27; Ryan 2000: 243-244; Ramsey 2003: xxviii, 4-5; Manuwald 2007: 1.15-16.

accept, that has interesting implications for understanding Octavianus' actions in this period, and, crucially, helps to better our understanding of two seemingly disconnected events, namely the consuls' execution of the pseudo-Marius on ca. 13 April,<sup>145</sup> and Brutus' departure from Rome, which must have happened at least a couple of days before 15 April.<sup>146</sup> In this new interpretation, Octavianus did not proceed slowly and cautiously, but went directly to Rome,<sup>147</sup> and the *adventus Octavi* mentioned by Cicero as taking place on 11 April should be interpreted as his arrival in Rome, not Italy.<sup>148</sup>

At the same time as Octavianus' arrival in Rome, though perhaps for a few days previous, there had been disturbances led by a certain Amatius,<sup>149</sup> who falsely claimed kinship with Marius (and hence is referred to as the pseudo-Marius).<sup>150</sup> However, by 15 April, Cicero, who was at Sinuessa, had learned from Atticus in Rome that this pseudo-Marius had been executed by Antonius.<sup>151</sup> Appian attributes this action on Antonius' part to restoring his relationship with the senate; though, as discussed above, the evidence from Cicero suggests that that restoration is to be dated to a series of measures (not least of which was the abolition of the office of dictator) by Antonius in the days following Caesar's funeral on 20 March. Antonius' execution of the pseudo-Marius makes better sense in terms of Antonius eliminating a potential rival for the affections

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<sup>144</sup> Toher 2004: 174-184.

<sup>145</sup> Toher 2004: 181.

<sup>146</sup> What is for certain is that, by 15 April, Cicero, who was writing to Atticus from Formiae, had heard that Brutus was in the neighbourhood of Lanuvium; Cic. *Att.* 361.1 [14.7].

<sup>147</sup> In fact, this is how it is presented in Nicolaus, Velleius Paterculus, Plutarch, and Appian; Nic. *Dam. FGrH* 90 fr. 130.16-18.37-57; Vell. *Pat.* 2.59.5; Plut. *Vit. Brut.* 22.3; App. *B Civ.* 3.12, 40.

<sup>148</sup> Cic. *Att.* 359.3 [14.5]. Note, however, that Shackleton Bailey accepts the *communis opinio* version of Octavianus' arrival, and thus interprets this *adventus* to refer to Octavianus' arrival in Italy; Shackleton Bailey 1967: 217.

<sup>149</sup> Cic. *Att.* 360.1 [14.6].

<sup>150</sup> Cic. *Att.* 292.2 [12.49].

<sup>151</sup> Cic. *Att.* 362.1 [14.8]. Note, however, that Cicero, in the *First Philippic*, explicitly claims that this was done by both consuls acting in unison; Cic. *Phil.* 1.5.

of Caesar's followers rather than any move to win over an already satisfied senate.<sup>152</sup> Moreover, as Cicero explicitly states that Octavianus arrived in Naples on 18 April, he must have left Rome within days of arriving;<sup>153</sup> Although a speculation, it is nevertheless my opinion that Octavianus' sudden departure from Rome should be connected with Antonius' execution of the pseudo-Marius.<sup>154</sup>

Turning now to the second point, one would expect that Octavianus' first act upon entering Rome would have been to proclaim his acceptance of his inheritance of Caesar's estate.<sup>155</sup> However, what should have been a routine procedure was complicated by the fact that this proclamation had to be made in public before the urban praetor,<sup>156</sup> who was none other than Brutus, Caesar's assassin. Even though such a face-to-face meeting was an undeniable opportunity for a demonstration of public unity along the lines of what happened on 17 March after the senate meeting, it must be remembered that Octavianus was not a stakeholder in that compromise agreement, and thus he had nothing to gain at this stage from a demonstration of unity with one of Caesar's assassins, nor could Brutus possibly take such a risk in meeting Caesar's heir face-to-face in public, especially in light of the disturbances after Caesar's funeral and in the midst of the Caesar cult riots.

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<sup>152</sup> Ramsey 2003: 3; Toher 2004: 181.

<sup>153</sup> Cic. *Att.* 364.3 [14.10].

<sup>154</sup> Toher, however, while discussing Antonius' execution of the pseudo-Marius, prefers instead to connect Octavianus' sudden departure to Antonius' refusal to approve the legal recognition of Octavianus' testamentary adoption, as well as his refusal to allow the display of the *sella* and the *corona* at the upcoming celebration of the *ludi Cereales* (indirectly at first, since it was the plebeian aedile Critonius, who, as the sponsor of the *ludi*, according to Appian, made the initial refusal, with Antonius making the prohibition on Octavianus' appeal); Nic. Dam. *FGrH* 90 fr. 130.28.108; App. *B Civ.* 3.28; Toher 2004: 181-183. Toher's reasoning is that a public display of Caesar's *sella* and *corona* on Octavianus' part would be the political counterpart to the public assertion of Octavianus as Caesar's adopted son. The *sella* and *corona* were extraordinary honours awarded to Caesar by the senate at some point between 26 January and 9 February 44; Dio 44.6.3; Weinstock 1971: 281-283.

<sup>155</sup> App. *B Civ.* 3.14; Gowing 1992: 65-70. Note, however, that as Gowing supports the *communis opinio* version of Octavianus' arrival, he places this as taking place in May; Gowing 1992: 65-66.

<sup>156</sup> Schmitthenner 1973: 50-51.

Brutus' departure from Rome was facilitated by the consul Antonius, who seems to have approved of a *privilegium* allowing him to leave the city for an extended period.<sup>157</sup> Moreover, Antonius appointed his brother Gaius, who was already serving as praetor, to cover the duties of the urban praetor in Brutus' absence.<sup>158</sup> Thus, it is Gaius who, in Appian's account, hears Octavianus' proclamation of acceptance of the inheritance of Caesar's estate.<sup>159</sup> This presumed earlier arrival of Octavianus, and the technically required involvement of the urban praetor in the proclamation of acceptance, helps to explain why Brutus left the city at this time. Moreover, this is yet another case of persuasion in a private setting taking place in this period, in that it seems that Brutus and Cassius secured Antonius' support for seeking a *privilegium* from the senate for Brutus in a private meeting with Antonius.

It is important to note that Octavianus' acceptance of the inheritance of Caesar's estate and the legal recognition of his testamentary adoption were two separate things. His proclamation of the former in front of Gaius did not connote any legal recognition

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<sup>157</sup> The urban praetor was not allowed to absent himself from the city for more than ten days; Cic. *Phil.* 2.31. As Ramsey points out, Cicero is the only source for this restriction, and it seems to have applied only to the urban praetor, and not also to the *praetor peregrinus* (i.e. Cassius); Ramsey 2003: 208. On 12 April, Cicero refers to a meeting between Antonius and 'our heroes', that is, Brutus and Cassius, that went satisfactorily; Cic. *Att.* 360.1 [14.6]. This may very well have been when Antonius agreed to the *privilegium* for Brutus, since such an exemption is mentioned in the *Second Philippic*; Cic. *Phil.* 2.31. Nevertheless, this still had to be confirmed by the senate.

<sup>158</sup> App. *B Civ.* 3.14; 3.23; Yavetz 1969: 74; Toher 2004: 181, n.27. Cf. Gowing 1992: 66, n.24.

<sup>159</sup> App. *B Civ.* 3.14. In this reconstruction of events, it is not necessary to accept that Octavianus succeeded in making the proclamation in front of Gaius immediately upon his arrival in Rome; the intent alone would have been sufficient to explain the need for Brutus to leave. It is not problematic for Toher's interpretation that Cicero reports to Atticus on 19 April that Balbus had met with Octavianus the day before in Naples and reported to Cicero that Octavianus was going to accept the inheritance; Cic. *Att.* 364.3 [14.10]. If Octavianus did indeed fail to appear before Gaius, in his capacity as fulfilling the duties of urban praetor, before he withdrew from Rome and went down to Naples, then the next likely occasion on which Octavianus had a chance to do this was at a *contio* held by the tribune of the plebs L. Antonius, M. Antonius' brother, on ca. 8 May. There are two letters from Cicero to Atticus asking for details about Octavianus' speech at this *contio*; Cic. *Att.* 374.5 [14.20]; 375.4 [14.21]. In a third letter, Cicero reports that Lucius delivered a vile speech, but that he did not know the details as of 18 May (the last time he mentions it); Cic. *Att.* 379.3 [15.2]

of the latter. For that, Octavianus required the passage of a *lex curiata*.<sup>160</sup> However, he was unable to secure the passage of this *lex curiata*, being obstructed in his efforts by Antonius,<sup>161</sup> until he had captured the city with his army in August 43.<sup>162</sup> This did not mean that Octavianus abstained from unofficially using the name of Caesar; on 22 April, Cicero reports to Atticus that Octavianus was being called Caesar by his followers, but that his step-father, the consular Philippus, was not addressing him as such, so Cicero did not.<sup>163</sup>

### The Case-by-Case Ratification of the Unimplemented *acta Caesaris*

Although the second senate decree ratifying the *acta Caesaris*, based on Sulpicius' proposal, authorized Antonius and Dolabella to review, decide, and pass judgement on individual cases of Caesar's unimplemented *acta* on their own or with a smaller *consilium*, in the known cases from March to May, they consulted the senate directly. As a consequence, the consuls postponed the formation of the *consilium* until June,<sup>164</sup> preferring instead to handle matters for the time being in the senate. Moreover, it is important to note that there are no recorded occasions of opposition in the senate to any measure brought before it by the consuls. Thus, this period truly was a government by public consensus, in which persuasion was restricted to the private setting, as will be demonstrated below.

The unimplemented *acta Caesaris* that needed immediate ratification more urgently than the rest were Caesar's planned provincial and magisterial assignments. This is because it does not seem as if these had been included in the decree of 17 March,

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<sup>160</sup> Toher 2004: 182.

<sup>161</sup> Dio 45.5.3-4; Florus 2.15.2-3

<sup>162</sup> App. *B Civ.* 3.94.

<sup>163</sup> Cic. *Att.* 366.2 [14.12].

<sup>164</sup> Cic. *Att.* 407C.2 [16.16C]; *Phil.* 2.100; Ramsey 2003: 307.

or at least that additional confirmation was sought afterwards.<sup>165</sup> In the case of D. Brutus' governorship, two sources record that it was confirmed by decree of the senate.<sup>166</sup> Since D. Brutus arrived in his province by the middle of April,<sup>167</sup> this senate decree confirming D. Brutus' governorship of Cisalpine Gaul can be dated to the period between the decree passed on Sulpicius' motion and early April. Moreover, it is probable that Caesar's other provincial assignments were ratified in this period, most likely at the same meeting.<sup>168</sup> As for Caesar's magisterial appointments, these were also ratified, since his appointees Hirtius and Pansa entered their consulships on the Kalends of January 43, and D. Brutus continued to use the title consul-designate right up to the bitter end.<sup>169</sup> It is possible that these were ratified at the same time as Caesar's provincial appointments.<sup>170</sup> Despite the fact that such appointments could have caused anger and resentment by those not benefitting, or by those opposed to seeing their opponents benefitting, there is no indication that there was any opposition to their ratification once they were put before the senate.

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<sup>165</sup> In a letter from D. Brutus to Brutus and Cassius, preserved in Cicero's correspondence, D. Brutus writes: "He [i.e. Antonius] says that he is unable to give me my province... *nam se neque mihi provinciam dare posse aiebat* (Cic. *Fam.* 325.1 [11.1])..." The dating of this crucial letter is a matter of not inconsiderable scholarly controversy, with Shackleton Bailey noting that at least half a dozen dates have been suggested, with the earliest being the morning of 17 March, before the senate meeting; Shackleton Bailey 1977: 464. However, Shackleton Bailey himself argues for a date in the period shortly after Caesar's funeral, perhaps 22 March; Shackleton Bailey 1977: 175, 463-464. The pessimistic tone of the letter does fit a date following the riots that accompanied Caesar's funeral, but before Antonius made renewed gestures towards the senate (i.e. his abolishment of the office of dictator).

<sup>166</sup> Vell. Pat. 2.60.5; Suet. *Aug.* 10.2.

<sup>167</sup> In a letter to Atticus dated to 26 April, Cicero writes that he had received this news in a letter from Atticus sent on 19 April; Cic. *Att.* 367.1-2 [14.13].

<sup>168</sup> Not only does it make sense for all of Caesar's provincial appointments to have been ratified at once, but it is also known that Trebonius had reached Athens (on his way to his province of Asia) on 22 May; Cic. *Fam.* 328.1 [12.16]. Thus, he must have left Rome some time before then, perhaps around the same time as D. Brutus. Cicero notes that Trebonius was already on his way to his province before 19 April; Cic. *Att.* 364.1 [14.10].

<sup>169</sup> He is so addressed by Cicero in the *Fifth Philippic* and the title appears in the prescript of letters in Cicero's correspondence of 43; Cic. *Phil.* 5.24, 35, 36; *Fam.* 386 [11.11]; 388 [11.13]; 394 [11.12]; 397 [11.18]; 399 [11.19]; 411 [11.21]; 412 [11.24].

<sup>170</sup> E.g. In a letter to Atticus dated to 12 April, Cicero writes: "Are we even to have consuls and tribunes of the plebs of his [i.e. Caesar's] choosing for two years to come? *etiamne consules et tribunos pl. in biennium quos ille voluit* (Cic. *Att.* 360.2 [14.6])?" Cf. Cic. *Att.* 363.2 [14.9].

Perhaps a few weeks later, on 11 April, the consuls convened the senate to ratify a *senatus consultum de Iudaeis*.<sup>171</sup> It would appear that this *senatus consultum* had been found amongst Caesar's papers, and dated to a senate meeting of 9 February over which Caesar had presided. However, it had not been filed in the *aerarium*, and is an example of one of the unimplemented *acta Caesaris* that the senate had authorized the consuls to review and pass judgement on. Although the consuls did not need to consult the senate, in this instance they nevertheless presented their case to the senate for the validity of this *senatus consultum*, and the senate voted to ratify it.<sup>172</sup> Again, there is no indication that there was any opposition expressed in the senate or that the vote was not unanimous.

There are three remaining cases concerning the unimplemented *acta Caesaris* that involved the senate in the spring of 44. The first two were measures that Antonius sponsored, while the third involved Atticus and was supported by Cicero. In a letter to Atticus dated to 22 April, Cicero comments on the news that Deiotarus had been restored to his kingdom: "Then there is Deiotarus' case. Isn't it much the same? No doubt he deserves any kingdom we can give him, but not through Fulvia."<sup>173</sup> Cicero elaborates on this at length in the *Second Philippic*,<sup>174</sup> and accuses Antonius of producing a forged *decretum* of Caesar's authorizing Deiotarus' restoration in exchange for a bribe of ten million *sesterces* arranged by Antonius' wife Fulvia. The source, however, of Cicero's anger may stem from the wound to his pride (and finances), in

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<sup>171</sup> Joseph. *AJ* 14.221; Ramsey 1994: 140-141.

<sup>172</sup> It is tangential to my purposes here whether or not this particular *senatus consultum* was genuine. Nevertheless, if the reader is interested, Ramsey discusses the issues surrounding its authenticity and provides references for further reading on the debate; Ramsey 1994: 140-141, n.37.

<sup>173</sup> "quid? Deiotari nostri causa non similis? dignus ille quidem omni regno, sed non per Fulviam (Cic. *Att.* 366.1 [14.12]).

<sup>174</sup> Cic. *Phil.* 2.93-96; Ramsey 2003: 295-301.

that, although he had spoken in defence of Deiotarus before Caesar,<sup>175</sup> it was now Antonius who managed his restoration, and with it, the credit and gratitude. For Cicero, and presumably those who had supported the Pompeian cause in the civil wars, had been working for Deiotarus' restoration and welcomed it.<sup>176</sup> Moreover, there is no suggestion in Cicero's correspondence of the time that Antonius had not consulted the senate in the same manner as on 11 April about the *senatus consultum de Iudaeis*.<sup>177</sup>

The second measure supported by Antonius concerned the recall of Sex. Cloelius from exile, something which Antonius alleged had been approved by Caesar but had not been put into force at the time of his death.<sup>178</sup> Cicero first mentions this in a letter to Atticus dated to 26 April,<sup>179</sup> in which he relates to Atticus that Antonius had written to him asking for his approval,<sup>180</sup> and that he had written back giving it.<sup>181</sup> This case is interesting for two reasons. First, it demonstrates that, even where one would expect there to be opposition to a measure, there is no evidence that this was ever expressed in public. Consequently, it is evidence of the dominance of this policy of government by public consensus over Roman politics by the stakeholders in the compromise agreement until at least Piso's speech in the senate on the Kalends of

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<sup>175</sup> This speech, in its subsequently disseminated form, is extant as the *Pro Rege Deiotaro*; Cic. *Fam.* 263.2 [9.12]. For more on the *Pro Rege Deiotaro*, see Gotoff 1993: 185-272; MacKendrick 1995: 439-458.

<sup>176</sup> Interestingly, the restoration of Deiotarus and the proposed recall of Cloelius (to be discussed below) infuriated Pansa, appointed by Caesar as consul-designate for 43: "But Pansa seems wild with rage about Cloelius, likewise about Deiotarus, and talks sternly – if you care to believe him. *sed Pansa furere videtur de Cloelio itemque Deiotaro et loquitur severe, si velis credere* (Cic. *Att.* 372.2 [14.19])." Unfortunately, Cicero does not say whether this was because the measures were alleged to be forged, or if Pansa simply disapproved of them.

<sup>177</sup> Ramsey 1994: 143.

<sup>178</sup> Cic. *Att.* 367A.2 [14.13A].

<sup>179</sup> Cic. *Att.* 367.6 [14.13].

<sup>180</sup> Cloelius was a leading supporter of Cicero's nemesis Clodius; Tatum 1999: 115. He was not, therefore, a person whom Cicero would welcome back to Rome. Antonius seems to have sought Cicero's approval in order smooth over any ill-feelings that Cloelius' recall might have generated.

<sup>181</sup> Both Antonius' letter and Cicero's reply are included in the collection of his letters to Atticus; Cic. *Att.* 367A [14.13A]; 367B [14.13B].

August. Second, although persuasion was not a feature of public political interactions in the senate, it was a feature in political interactions in a private setting, as demonstrated by the exchange of letters between Antonius and Cicero.

Since Antonius had left Rome towards the end of April for his tour of Campania,<sup>182</sup> he had not yet submitted this *decretum Caesaris* before the senate for its ratification, but was first seeking Cicero's approval to do so before the senate reconvened after its spring recess. However, the formal procedure for the ratification of the *acta Caesaris* changed on 2 June when the assembly passed the *lex de actis Caesaris confirmandis*.<sup>183</sup> This *lex* freed the consuls from the ratification procedures as laid out by the decree passed on Sulpicius' motion. Without any explicit evidence surviving, it is not known if the proposed recall of Cloelius was ever brought before the senate or the *consilium* for their review. One can assume that such was Antonius' intention in April, as otherwise there would be very little point to seeking Cicero's approval.

The final measure concerned Cicero's friend and frequent correspondent, Atticus. When the community of Buthrotum was fined and faced land confiscation for veteran settlement by Caesar, Atticus reached an agreement with the dictator to pay the

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<sup>182</sup> In order to settle some of Caesar's veterans, as well as to secure their support; Cic. *Att.* 371.2 [14.17]; 375.2 [14.21]; Cic. *Phil.* 2.100-107; Ramsey 2003: 4-5, 308-319; Manuwald 2007: 1.11. His departure from Rome is to be dated towards the end of April, perhaps ca. 25 April as suggested by Ramsey; Ramsey 2003: 4. Cf. Holmes 1928: 1.190-191. His return, perhaps with a rather considerable bodyguard of veteran soldiers, should be dated to ca. 18 May, based on the departure of certain senators, such as Marcellus, from Rome; Cic. *Att.* 380.1 [15.3]; Ramsey 2003: 319.

<sup>183</sup> "The senatorial decree was confirmed by a law passed on 2 June, which gave the consuls cognizance of Caesar's 'decisions, decrees, and proceedings'. *accessit ad senatus consultum lex quae lata est a.d. III Non. Iun., quae lex earum rerum quas Caesar 'statuisset, decrevisset, egisset' consulibus cognitionem dedit* (Cic. *Att.* 407C.2 [16.16C])." Cf. Cic. *Phil.* 5.10.

fine and save the community from the confiscations.<sup>184</sup> However, this agreement had never been made public, and plans for the settlement went ahead, albeit with Caesar's assurances that their final destination would be changed once the colonists had left Italy. At Caesar's sudden death, the only evidence of this agreement was to be found in his papers, now in Antonius' possession. The case appears to have been of significant importance to both Atticus and Cicero, given the fact that Cicero mentions it in twenty-three different letters from April onwards.<sup>185</sup> Cicero had planned on obtaining a senatorial decree in the Buthrotians' favour (presumably along the same lines as the *senatus consultum de Iudaeis*) at a meeting of the senate scheduled for the Kalends of June.<sup>186</sup> However, this senate meeting did not go ahead as planned, and Cicero did not return to Rome to plead the Buthrotians' case before the senate. Instead, towards the end of June,<sup>187</sup> the consuls, in conjunction with their *consilium* as outlined by the decree on Sulpicius' motion, reviewed the case and passed judgement in favour of the Buthrotians.<sup>188</sup> As mentioned above, the *lex de actis Caesaris confirmandis* of 2 June freed the consuls from the necessity of reviewing cases arising from the unimplemented *acta Caesaris* with the *consilium*. That they chose to do so in this instance is another example of their willingness to be seen as governing by means of public cooperation with the senate. Furthermore, this case is yet another example of persuasion continuing

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<sup>184</sup> For a more detailed discussion of the Buthrotian affair, see Beaujeu 1988: 289-294. The key points of the case are summarized by Cicero in a letter to Plancus from 4 or 5 July and are paraphrased above; Cic. *Att.* 407A [16.16A].

<sup>185</sup> In the collection of letters to Atticus. The range is from letter *nos.* 364 [14.10] to 411 [16.4], and includes the six letters (407A-F) written to Plancus (407A, B, E), Capito (407C, F), and C. Cupiennus (407D).

<sup>186</sup> Cic. *Att.* 368.6 [14.14].

<sup>187</sup> Cicero received a letter from Dolabella on 26 June which seems to have confirmed that the Buthrotian case had been settled according to Atticus' wishes; Cic. *Att.* 402.1 [15.14].

<sup>188</sup> These facts are most clearly stated in a letter to Capito dated to 10 or 11 July; Cic. *Att.* 407C.2 [16.16C].

to be employed in private settings rather than in the public political interactions in the senate during this period of government by public consensus.

*The Consular Provinces for 43 B.C.*

Perhaps the most important political issue of the spring of 44 that was not related to the *acta Caesaris* concerned, as it so frequently did in Roman politics, the assignment of the consular provinces. If Dio is correct, then it would appear that the normal procedure was followed; the senate determined which provinces were to be consular for 43, and then assigned them, by use of the *sortitio*, to the current consuls: Macedonia for Antonius, and Syria for Dolabella.<sup>189</sup> Cicero indirectly confirms a *terminus ante quem* of 17 April by writing that Dolabella will have to deal with a Parthian war,<sup>190</sup> from which one can deduce that by this date Cicero knew that Dolabella had been allotted Syria as his consular province for 43.<sup>191</sup> Manuwald assigns a more precise dating of 3 or 4 April on exactly the same evidence, but this is rather unnecessary speculation.<sup>192</sup>

However, by the end of April, Cicero had learned from Atticus that Antonius was planning to propose that he be allowed to exchange his allotted province of Macedonia for the two Gauls (Cisalpine and Transalpine), and that both his and Dolabella's tenure be prorogued to a period of five years at a senate meeting scheduled

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<sup>189</sup> Dio 45.9.3 (for Antonius); 47.29.1 (for Dolabella).

<sup>190</sup> Cic. *Att.* 363.3 [14.9].

<sup>191</sup> As well, when a magistrate convened the senate to assign consular provinces, a quorum was necessary; Bonnefond-Coudry 1989: 401-409. This was also the case when a magistrate convened the senate to vote on a *privilegium* or a *supplicatio* (as also happened later in 44 and thus worth noting here). When this happened, the magistrate would sometimes specify the meeting as a *senatus frequens* in their edict; Ramsey 2001: 260. For more on the term *senatus frequens*, see Bonnefond-Coudry 1989: 358-361; Ryan 1998: 36-41; Ramsey 2003: 103, 109. The relevance to the date of the assignment of the consular provinces is that this must have happened before the traditional spring recess of the senate in mid-April.

<sup>192</sup> Manuwald 2007: 1.11.

for the Kalends of June.<sup>193</sup> Cicero proceeds to ask Atticus if there will be a free vote, but does not express any particular outrage or fear at Antonius' proposal. Indeed, he seems more concerned about bringing up the Buthrotian case at this senate meeting than anything else.

By 9 May,<sup>194</sup> Cicero learned that Brutus would not be attending the meeting, and five days later, he was confiding in Atticus that he had received warnings not to attend the meeting, and that soldiers had been collected in secret for it.<sup>195</sup> By 24 May, Cicero was thinking that Antonius' plans meant trouble, and perhaps war (if D. Brutus, governor of Cisalpine Gaul, were to be deprived of his province), and now hoped that Antonius would put his proposals to the assembly rather than the senate.<sup>196</sup> A few days later, he learned that Hirtius, a consul-designate for 43, would not be attending, and had a warning from him that soldiers had gathered in Rome, and that, therefore, it would not be safe for Cicero, let alone the assassins.<sup>197</sup> These soldiers had been gathered by Antonius on his tour through the towns of Campania, and seem to have begun arriving in Rome around the middle of May,<sup>198</sup> about the same time as some leading senators left the city.<sup>199</sup> Around the end of May, Brutus and Cassius also sent a letter to Antonius, expressing their fears over the gathering of soldiers in Rome.<sup>200</sup>

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<sup>193</sup> Cic. *Att.* 368.4-6 [14.14]. Cf. Cic. *Att.* 389.4 [15.11]; *Phil.* 5.7; 8.28.

<sup>194</sup> Cic. *Att.* 373.4 [14.18].

<sup>195</sup> Cic. *Att.* 376.2 [14.22].

<sup>196</sup> "Antonius' plans sound like trouble. I only hope he acts through the assembly and not the senate, as indeed I expect he will. But his whole policy seems to me to point to war, if D. Brutus is to be deprived of his province. *Antoni consilia narras turbulenta. atque utinam potius per populum agat quam per senatum! quod quidem ita credo. sed mihi totum eius consilium ad bellum spectare videtur, si quidem D. Bruto provincia eripitur* (Cic. *Att.* 381.1 [15.4])."

<sup>197</sup> Cic. *Att.* 383.2-3 [15.5].

<sup>198</sup> Ramsey 2001: 255, n.11. Cicero describes these soldiers as intimidating in the *Second Philippic*, although, of course, he was not actually in Rome to see them; Cic. *Phil.* 2.108. These soldiers could have ostensibly been the bodyguard mentioned by Appian that allegedly numbered 6000; App. *B Civ.* 3.5.

<sup>199</sup> Cicero learned from Atticus on 22 May that the consular Marcellus and others had left Rome; Cic. *Att.* 380.1 [15.3]. Exactly who these others were, or how many they were, remains unknown, although

It is not known when Antonius changed his mind about putting his proposal to the senate, or even necessarily why, but nothing came of the senate meeting called for the Kalends of June.<sup>201</sup> Instead, Antonius decided instead to have his plans enacted through the assembly. Accordingly, perhaps as early as 2 June, the *lex de permutatione provinciarum* was passed, meaning that Antonius' consular provinces were now to be the two Gauls (Cisalpine and Transalpine Gaul), and both Antonius' and Dolabella's tenures were to be prorogued for a period of five years.<sup>202</sup> Moreover, this *lex* also

Ramsey is perhaps going a bit far in describing it as: "the exodus of important senators from Rome (Ramsey 2001: 255, n.11)."

<sup>200</sup> Cic. *Fam.* 329 [11.2]. This letter is an excellent example of the way in which the policy of government by public consensus functioned in practice in this period. Brutus and Cassius, clearly concerned by the gathering of Caesar's veterans in Rome, nevertheless restrict themselves to expressing their concerns in a semi-private (as Shackleton Bailey notes, this letter was presumably shared with at least Cicero) letter to Antonius; Shackleton Bailey 1977: 469. Moreover, despite the serious nature of the allegations made by Brutus and Cassius in this letter, its tone is exceedingly civil. Recently, Hall, in examining the use of indirectness in this letter, refers to it as a "strategy of redressive politeness (Hall 2009: 171)." Brutus and Cassius' tone, however, is not excessively so as in the case of Cicero's letter to Antonius; Cic. *Att.* 367B [14.13B]; Hall 2009: 95-98. Their edict mentioned in this letter did not evidently mention these concerns and allegations, but concerned the dismissing of their friends from the municipalities (apparently, on Antonius' advice); Cic. *Fam.* 329.1 [11.2]. This edict is also mentioned by Cicero in a letter to Atticus, dated to 11 May, in which Cicero reveals that he composed a draft of this edict, but that Brutus preferred his own version; Cic. *Att.* 374.3 [14.20].

<sup>201</sup> As Ramsey notes, Antonius' proposals would necessitate the granting of a *privilegium* exempting him and Dolabella from Caesar's *lex Iulia de provinciis* of 46 that limited the tenure of proconsular governorships to two years, meaning that the vote would require a quorum, and thus, this would have been announced as a *senatus frequens*; Ramsey 2003: 94-95, 122-123. However, as Lacey suggests, the fact that so many senators failed to show up may have denied Antonius the quorum he needed, forcing him to put his measures through the assembly; Lacey 1986: 237. Be that as it may, as I shall discuss below, there may have been another reason for Antonius' decision to put these measures through the assembly rather than the senate; moreover, there is no explicit evidence that Antonius was still planning to put his measures through the senate up to and including the commencement of the senate meeting, if indeed the senate actually met on the Kalends of June.

<sup>202</sup> Cic. *Att.* 389.4 [15.11]; *Phil.* 1.19; 2.108-109; 5.7-8; 8.27-28; Manuwald 2007: 1.12-15; 2.577-578. That both clauses (the exchange of the provinces in Antonius' case, and the prorogation to a period of five years, applicable to both Antonius and Dolabella) were part of the same law passed at the same time is the *communis opinio*, with the following notable exceptions: Drumann & Groebe 1964 [1899-1929]: 1.120-121 (note that this is Drumann's expressed opinion; cf. Groebe, 1.435-437); Rotondi 1912: 432; Levi 1986: 67, 128, n.52. Note that Cicero's reference to a six-year term in the *Fifth Philippic* (as opposed to elsewhere in Cicero's references, where a five-year term is mentioned) can be explained, as Ramsey suggests, by the fact that it inclusively counted Antonius' and Dolabella's consular year of 44; Ramsey 2003: 6, n.10. This is *contra* the *communis opinio* of historians, who have preferred to solve the apparent contradiction by simply emending *sexennium* in *Phil.* 5.7 to *quinquennium*; e.g. Schmidt 1884: 708; Drumann & Groebe 1964 [1899-1929]: 1.437; Holmes 1928: 1.192, n.14; Broughton 1952: 342; Ehrenwirth 1971: 12. Manuwald mentions these two alternative solutions, as well as a suggestion that it might just be exaggeration on Cicero's part in the *Fifth Philippic*, which seems to be the solution that she prefers; Manuwald 2007: 2.578.

included a provision granting Antonius command of five of the six legions stationed in Macedonia.<sup>203</sup> It is undeniable that these measures were designed to secure *imperium* and military forces for the two consuls, Antonius and Dolabella, for the next six years (i.e. their consular year of 44, and then their five year governorships). These measures were also, therefore, clearly provocative, and, as will be discussed in the next two chapters, directly led to the outbreak of civil war. On the other hand, it is interesting that Antonius, in the end, chose to put these measures before the people rather than the senate. There are two good explanations for this, and they are not mutually exclusive. First, by not putting the measures before the senate, Antonius avoided exposing himself to the risk of public opposition in the senate. Moreover, the fact that influential senators such as Hirtius, Brutus, and Cicero were making it known that they would not attend the scheduled meeting on the Kalends of June meant that even if no opposition was voiced in the senate, their absence would nevertheless be taken as a form of silent opposition. Second, it is a simple fact, and this is a point that Cicero would stress later in the *Philippics*, that the prorogation of Antonius' and Dolabella's tenures directly contravened Caesar's *lex Iulia de provinciis* of 46 that limited the tenure of proconsular governorships to two years.<sup>204</sup> It may very well be, looking with an eye to potential future conflict, that Antonius purposefully put his measure before the people rather than

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<sup>203</sup> Cic. *Fam.* 347.2 [12.23]; App. *B Civ.* 3.24, 25, 27, 30, 43, 46; Manuwald 2007: 1.14-15. These six Macedonian legions were stationed in Macedonia as part of Caesar's preparations for his Parthian campaign; App. *B Civ.* 3.24. Four of the legions were transported from Macedonia to Italy; these were the *legio Martia*, the *legio secunda*, the *legio quarta*, and the *legio tricesima quinta*; Cic. *Phil.* 5.53. In addition, Antonius seems to have taken command of the *legio V Alaudae* in the summer and in Italy; Cic. *Att.* 418.2 [16.8]; *Phil.* 5.12; Manuwald 2007: 1.11, 2.598. As for the other two Macedonian legions, one unspecified legion remained in the province, under the command of Antonius' legate L. Piso, and eventually surrendered to Cicero's son Marcus; Cic. *Phil.* 10.13. The sixth, also unspecified legion, was transferred to Dolabella's command; App. *B Civ.* 3.25. See also Brunt 1971a: 473-488.

<sup>204</sup> E.g. Cic. *Phil.* 1.19; 2.108-109; 5.7-8.

the senate. That is to say, any future challenge of Antonius' measure would necessarily be a challenge of the people's sovereignty.

### Antonius' Legislative Programme

In the opening sections of the *First Philippic*, Cicero paints a positive picture of Antonius', and Dolabella's, actions as consuls following the assassination of Caesar.<sup>205</sup>

However, Cicero then declares that this abruptly changed on the Kalends of June:

For all at once, on the Kalends of June, on which day they had summoned us for a meeting, everything was changed. Many important measures were put through, but none through the senate; they were put through the people – in the absence of the people and against their will. The consuls-elect said they did not dare attend the senate. The liberators of their country were banished from the city whose neck they had released from slavery...<sup>206</sup>

Although there is evidently an element of rhetorical exaggeration on Cicero's part in assigning an abrupt change in the consuls' policy to the Kalends of June, there is nevertheless an element of truth in the observation that the political situation in June had changed from what it had been earlier. In particular, significant and important measures were put through the assembly, rather than the senate, for approval. This included not only the proposal about provinces (the *lex de permutatione provinciarum*),<sup>207</sup> but also the above mentioned *lex de actis Caesaris confirmandis*,<sup>208</sup> as

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<sup>205</sup> Cic. *Phil.* 1.2-5.

<sup>206</sup> “*Ecce enim Kalendis Iuniis, quibus ut adessemus edixerant, mutata omnia: nihil per senatum, multa et magna per populum et absente populo et invito. consules designati negabant se audere in senatum venire; patriae liberatores urbe carebant ea cuius a cervicibus iugum servile deiecerant* (Cic. *Phil.* 1.6).”

<sup>207</sup> Livy *Per.* 117.

<sup>208</sup> Cic. *Phil.* 5.10; Ramsey 1994: 140, n.36. Manuwald states that the original *senatus consultum* of 17 March confirming the *acta Caesaris* was subsequently passed by the assembly as the *lex Antonia de actis Caesaris confirmandis* in April, and that the second *senatus consultum* confirming the *acta Caesaris* was subsequently passed by the assembly as the *plebiscitum de Caesaris actis cognoscendis cum consilio* on 2 June; Manuwald 2007: 2.586. The terming of the second law as a *plebiscitum* is contrary to Cicero's terminology, in that he explicitly terms it as a *lex*; Cic. *Att.* 407C.2 [16.16C].

well as agrarian legislation<sup>209</sup> (not to be confused with earlier legislation regarding the settlement of veterans on colonies in Italy)<sup>210</sup> and judicial reform.<sup>211</sup> It would also seem that Antonius, in addition to proposing the *senatus consultum* abolishing the office of dictator, had this passed as a law through the assembly.<sup>212</sup> As various items of this legislative programme feature as key issues in a few of Cicero's *Philippics*, most notably his *First Philippic* and the *Fifth* and *Sixth Philippics*, the particulars of these various acts of legislation will be examined, where relevant, in my discussions and analyses of those speeches in Chapters II and III.

It is perhaps, however, useful at this point to take a step back and to consider the nature of legislation in this period. In his work, Morstein-Marx emphasizes the importance of the *contiones* that would precede any legislative vote as both a way of shaping and gauging public support (with the significant point being that this was not restricted to the authors or supporters of the bill) for a proposed piece of legislation, and as a means to determine the outcome of the vote on the promulgated bill in advance.<sup>213</sup> For the period under consideration in this thesis, however, there is very little evidence for any public debate over proposed legislation, with the only clear example being an argument by Cicero in his *First Philippic* against a pair of promulgated, but not yet voted upon, bills concerning judicial reform.<sup>214</sup> This expression of opposition, however,

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<sup>209</sup> Cic. *Phil.* 5.7; 6.12-15. This is the *lex Antonia agraria*, passed in June, that charged a committee of *septemviri*, chaired by the tribune of the plebs L. Antonius, who also happened to be the consul's brother, with the task of distributing land in Italy; Manuwald 2007: 2.574-577.

<sup>210</sup> Cic. *Phil.* 5.10. This *lex Antonia de coloniis in agros deducendis*, as Manuwald terms it, would have been based on the *senatus consultum* of 17 March, and likely passed by the assembly in April (based on Antonius' visit to Campania in late April/early May), and arranged for the settlement of Caesar's veterans in colonies in Italy; Manuwald 2007: 2.586.

<sup>211</sup> Cic. *Phil.* 1.19-23.

<sup>212</sup> Cic. *Phil.* 5.10. Manuwald suggests that the *lex Antonia de dictatura in perpetuum tollenda*, as she terms it, was passed in June; Manuwald 2007: 2.586.

<sup>213</sup> Morstein-Marx 2004: esp. 123-128, 160.

<sup>214</sup> Cic. *Phil.* 1.19-23.

took place in the senate, which means that the vast majority of potential voters did not get a chance to hear, in a *contio*, Cicero's arguments against these pieces of proposed legislation. The result is that, for this period, the passing of legislation by the assembly appears to be essentially a formality once a bill was promulgated, let alone before the people were called upon to vote on it.<sup>215</sup>

A final point to consider is the terminology and mechanics of legislation in this period. In my opinion, I think it better and more accurate to describe this legislation and the legislative process using the terminology employed by the primary contemporary source, i.e. Cicero, rather than the terminology of a modern scholar analyzing the Roman republican political system.<sup>216</sup> I take my cue from Cicero and refer to all legislation as a *lex*,<sup>217</sup> and to all legislation as being passed by the assembly,<sup>218</sup> and avoid worrying about whether a piece of legislation should be termed a *lex* or a *plebiscitum*, or whether a bill was passed by the *comitia tributa* or the *concilium plebis*. Indeed, making any such distinction would be difficult and speculative enough, given Cicero's use of terminology and the limits of our evidence, without the particular exacerbating fact that, for the year 44, a *lex Antonia* mentioned by Cicero could refer to

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<sup>215</sup> Of course, this would have been even more the case if there is any truth whatsoever to Cicero's allegations that Antonius rushed through the promulgation and voting on a bill in violation of the minimum *promulgatio trinum nundinum* period as prescribed by the *lex Caecilia Didia de modo legum promulgandarum* of 98, that he barred "the people" from these legislative assemblies, and, finally, that these laws were passed by violence and in contravention of the auspices, which is what Cicero declares in the *Fifth Philippic* as the basis for his motion to annul Antonius' legislation; Cic. *Phil.* 5.7-10; Manuwald 2007: 2.573-587.

<sup>216</sup> That being said, the best modern discussion of legislation and the assemblies remains that by Taylor, to which the reader is referred; Taylor 1966.

<sup>217</sup> The term "*plebiscitum*" occurs precisely three times in all of Cicero's extant writings, and all three instances are to be found in Cicero's philosophical writings; Cic. *De or.* 2.199; *Leg.* 1.57; *Fin.* 2.54.

<sup>218</sup> For example, concerning the consuls' legislative programme in June, Cicero, in the *First Philippic*, simply states that it was passed "*per populum*"; Cic. *Phil.* 1.6. This is Cicero's preferred means of referring to the legislative assemblies. The two notable exceptions for this period concern the re-promulgation of annulled *leges Antoniae* (specifically, concerning the *acta Caesaris* and the veterans' colonies), in which Cicero explicitly states that they were put, interestingly enough, before the *comitia centuriata*; Cic. *Phil.* 10.17; 13.31.

legislation promulgated by a consul, a tribune of the plebs, or, unlikely though it may be, even a praetor.

### The curatio frumenti

On the evening of 2 June, Cicero received a letter from Balbus informing him that there was to be a meeting of the senate on the Nones of June.<sup>219</sup> At this meeting, Brutus and Cassius were to be assigned the *curatio frumenti* (i.e. grain collection and shipment) for Asia and Sicily respectively. Moreover, Balbus also reported that, at this same meeting, provinces for 43 were to be assigned to Brutus and Cassius and to the other praetors. In a letter to Atticus a few days later,<sup>220</sup> Cicero admitted that he did not know what to recommend to Brutus and Cassius, only that the commission was demeaning. Shortly afterwards, Brutus, Cassius, their families, Cicero, and others held a conference to decide what they should do.<sup>221</sup> It was resolved that Servilia, Brutus' influential mother, would try and get the senate to repeal the commission. Moreover, Cicero reported that Cassius was determined to leave Italy,<sup>222</sup> and he thought that Brutus wanted to leave as well.<sup>223</sup>

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<sup>219</sup> Cic. *Att.* 387.1 [15.9].

<sup>220</sup> Cic. *Att.* 388 [15.10].

<sup>221</sup> This conference is described in detail in a fascinating letter to Atticus; Cic. *Att.* 389 [15.11]. It will be discussed in Chapter IV where it is treated as a case-study.

<sup>222</sup> It is not made clear in Cicero's letters at this time as to where Cassius intended to go. The commission would enable him to leave Italy (to go to Sicily), but he scorned this and was intent on having it repealed. However, there is no indication as to his having been assigned a province at this time, and thus his intended destination remains something of a mystery.

<sup>223</sup> In a letter to Atticus dated to ca. 10 June, Cicero reported that Brutus would go to Asia as soon as he had made arrangements for his games (the *ludi Apollinares*, organized by the urban praetor and held in July; although paid for by Brutus and held in his name, they were in fact given by C. Antonius, who was covering his duties as urban praetor. These will be discussed at greater length in Chapter V where it is treated as a case-study); Cic. *Att.* 390.1 [15.12]. Since Cicero is clear in stating that Brutus intended to go to Asia, it opens up the possibility that Brutus was accepting his commission, and that the repeal was only meant for Cassius. However, it is also possible that Brutus (and perhaps also Cassius) merely intended to use the commission as cover to have an excuse to leave Italy, all the while working behind the scenes to have it repealed.

The grain commission which the senate voted to assign to Brutus and Cassius is somewhat complicated to assess. Given Brutus' and Cassius' subsequent resolve to have it repealed, and the low opinion that they held of it, it is clear that it was not what they wanted. It is also obvious that it was the work of others, almost certainly Antonius, possibly along with Dolabella.<sup>224</sup> It was not, however, entirely without its benefits for Brutus and Cassius. Since they could not return to Rome,<sup>225</sup> their extended absence from the city must have been an increasing embarrassment, especially for Brutus, the urban praetor. Although he had the *privilegium* arranged by Antonius, and thus was permitted to be absent from Rome, it would look much better for him, and for Cassius, if they were absent performing duties for the state, rather than being in self-imposed exile because they could not be safe in Rome. Despite its being below their station,<sup>226</sup> and putting them under obligation,<sup>227</sup> the commission nevertheless solved their basic problem. It gave them a sufficiently decent reason to leave Italy, with the added bonus that it enabled both of them to gather a fleet, ostensibly for their duties.<sup>228</sup>

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<sup>224</sup> Although Cicero does not go into their motivations behind proposing this commission for Brutus and Cassius, one can speculate on them. To begin with, Antonius had already demonstrated that he was willing, or more likely, wanted, to let the assassins leave Rome. No doubt, their presence in Rome could pose problems for Antonius' relationship with the soldiers and the *plebs urbana*, under further threat since Octavianus' arrival on the scene. Securing legitimate, face-saving reasons for them to be absent from Rome eased his problems while allowing him to claim that he was keeping up his end of the 17 March compromise.

<sup>225</sup> At the conference, Cicero made it clear to Brutus that it would not be safe for him in Rome; Cic. *Att.* 389.1 [15.11].

<sup>226</sup> Though note Ramsey's suggestion that this grain commission may have been formed to respond to an actual need (i.e. a grain shortage) that had two possible causes: 1) a resurgence of piracy off Italy's west coast; 2) a possible change in the climate, in turn causing a drop in crop yields, due to volcanic dust from an eruption of Mt. Etna; Ramsey 2003: 114-115.

<sup>227</sup> This seems to be the gist of the complaints; Cic. *Att.* 388.1 [15.10]. It is hard to tell which Cicero thought was worse: that it was such a lowly commission, or that to accept it meant to accept a favour from 'those people' (i.e. Antonius and his supporters).

<sup>228</sup> In a letter dated to 10 July, Cicero reveals to Atticus that Cassius had gathered a fine fleet (though Cicero did not rate it beyond the Straits), and that he had found the fleet of Brutus better than he had been told; Cic. *Att.* 411.4 [16.4]. Indeed, Cicero had hopes of sailing with Brutus (he had been granted a legateship by Dolabella, thus allowing him to leave Italy in order to visit his son Marcus in Athens; Cic. *Att.* 389.4 [15.11]). Funnily enough, Brutus did not seem to get Cicero's frequent hints at the idea; Cic. *Att.* 410.3 [16.5].

To return briefly to a point mentioned earlier, although Balbus had told Cicero on 2 June that praetorian provinces were to be assigned at the meeting on the Nones of June, there is no evidence that this actually occurred. The probability is that it did not, as otherwise Cicero would have made some mention of it.<sup>229</sup> Unfortunately, the subject of the assignment of provinces to Brutus and Cassius is more uncertain than one would like. There are two reasons for this. First, the previously bountiful supply of letters to Atticus dries up, with only twelve letters after 25 July, of which only one was written before 25 October.<sup>230</sup> Second, there is mass confusion in the ancient sources over who was assigned which province,<sup>231</sup> and only indirect evidence as to when the assignment occurred. From the evidence in Cicero, it is certain that Brutus was assigned Crete.<sup>232</sup> There is not, however, any clear evidence as to Cassius' province, though Broughton's conclusion that it was Cyrene seems to fit with the balance of the evidence, such as it is.<sup>233</sup> The paucity of attested senate meetings for the remainder of 44 means it is relatively easy to assign a probable date.<sup>234</sup> If Broughton is correct in stating that

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<sup>229</sup> This is the view that is adopted by most scholars; e.g. Drumann & Groebe 1964 [1899-1929]: 1.431; Sternkopf 1912a: 384-385; Holmes 1928: 1.196-197; Broughton 1952: 321; Ramsey 2001: 260, n.26; Manuwald 2007: 1.11-12. Frisch, on the other hand, maintains that Brutus and Cassius were assigned provinces, in addition to the *curatio frumenti*, at the senate meeting on 5 June; Frisch 1946: 104. He accepts, however, that the other praetorian provinces for 43 were not assigned until the senate meeting on 28 November, which will be discussed in the next chapter.

<sup>230</sup> Letter no. 415 [16.7], written on 19 August. The remaining eleven, nos. 416-426, were written between 25 October and the middle of November.

<sup>231</sup> Nicolaus assigns Illyricum to Cassius, but does not make any assignment for Brutus; Nic. Dam. *FGrH* 90 fr. 130.28.112-113. Plutarch lists Crete for Brutus and Libya for Cassius; Plut. *Vit. Brut.* 19.3. Appian acknowledges that there was confusion in his own day, writing that some sources said it was Crete for Cassius and Cyrenaica for Brutus, while others said Crete and Cyrenaica for Cassius and Bithynia for Brutus; App. *B Civ.* 3.8. Dio, on the other hand, lists Crete for Brutus and Bithynia for Cassius; Dio 47.21.1. This is complicated enough, without getting into the mess of whether or not Caesar had assigned Macedonia and Syria to Brutus and Cassius, as incorrectly stated by Appian; App. *B Civ.* 3.5 and *passim*. Note, however, that this is nevertheless still accepted by some scholars, including, most recently, Manuwald and Lintott; Manuwald 2007: 1.12; Lintott 2008: 440.

<sup>232</sup> Cic. *Phil.* 2.97.

<sup>233</sup> Broughton 1952: 320.

<sup>234</sup> After the meeting on 5 June, the senate is only known to have met on the following dates in 44: 1 August, 1 September, 2 September, 19 September, 28 November, and 20 December; Bonnefond-Coudry 1989: 215-216. It is also possible, though not certain, that there was another meeting on 2 August: "Did

Cassius left Italy at the end of September, and Brutus even earlier, in late August,<sup>235</sup> both presumably had been assigned their provinces before their departures. Thus, the Kalends of August appears to be the most suitable choice,<sup>236</sup> and this fits with the indirect evidence from Cicero.<sup>237</sup> Before, however, I turn to discuss this senate meeting on the Kalends of August, there are several significant political developments that took place in July that are crucial to understanding the context of this senate meeting and, accordingly, need to be examined first.

### July 44

When I last discussed Caesar's heir, Octavianus, it was in connection with his speech at a *contio* held by L. Antonius on 8 May,<sup>238</sup> which may have been held in conjunction with his proclamation of his acceptance of the inheritance of Caesar's estate in front of C. Antonius, acting in Brutus' stead as urban praetor, if, as may have been the case, he did not succeed in doing this during his abortive first arrival in Rome in April at the height of the pseudo-Marius riots. It is also probable that at this *contio* he announced his intention to distribute Caesar's testamentary benefactions to the Roman

anybody support Piso? Did he come back himself the next day? *num quis Pisoni est adsensus? num redi<i>t ipse postridie* (Cic. *Att.* 415.7 [16.7])?"

<sup>235</sup> That Brutus left Italy at the end of August is suggested by Cicero in both his correspondence and in the *First Philippic*, where Brutus is confirmed as being at Velia on 17 August and preparing to depart; Cic. *Att.* 415.5 [16.7]; Cic. *Ad Brut.* 17.4 [1.10]; 23.5 [1.15]; Cic. *Phil.* 1.8-10. Consequently, this is the date assigned by Broughton; Broughton 1952: 321. It is more difficult to assign a clear date to Cassius' departure. The clearest contemporary evidence is from a letter written by Cicero to Cassius, dated to between 19 September and 2 October, the tone of which is a farewell letter to Cassius as he leaves Italy; Cic. *Fam.* 344 [12.2]; Shackleton Bailey 1977: 481. Broughton assigns the date of Cassius' departure to the end of September on the basis of this letter; Broughton 1952: 320. There is no reason to argue for a substantially different date.

<sup>236</sup> This seems to be the date favoured by those scholars who adopt the view that these provinces were not assigned at the senate meeting on 5 June; e.g. Drumann & Groebe 1964 [1899-1929]: 1.431; Sternkopf 1912a: 384-385; Holmes 1928: 1.196-197; Broughton 1952: 321; Ramsey 2001: 260, n.26. Note, however, that Manuwald only gives a vague date of later in the summer (i.e. after 5 June); Manuwald 2007: 1.11-12.

<sup>237</sup> In the *Second Philippic*, Cicero mentions the assignment of provinces to Brutus and Cassius immediately after the *ludi Apollinares*, which were held in July; Cic. *Phil.* 2.31.

<sup>238</sup> Cic. *Att.* 379.2-3 [15.2].

people, and also to celebrate public *ludi* in Caesar's honour in July.<sup>239</sup> As I stressed in that section, Octavianus' arrival on the scene was by no means welcome by Antonius, who naturally viewed Octavianus as a rival for the support of Caesar's followers, and who accordingly blocked the passage of the *lex curiata* that would officially recognize his testamentary adoption by Caesar. For the same reasons, Antonius blocked Octavianus' attempts to display the *sella* and the *corona* in Caesar's honour at the *ludi Cereales*. However, Octavianus was not a stakeholder in the compromise agreement of 17 March, and thus he had nothing to gain by stability through the continuance of the policy of government by public consensus, and everything to gain by confrontation and chaos. He did not, therefore, abide by Antonius' refusal to allow recognition of his position as Caesar's adopted son, with the result that this point of contention between the two rivals resurfaced in a series of political interactions in July.<sup>240</sup>

Two of these political interactions in July, the *ludi Apollinares*, celebrated by Brutus, albeit in his absence and under the supervision of C. Antonius, from 6-13 July, and the *ludi Veneris Genetricis*, celebrated by Octavianus from 20-28 July, will be examined in Chapter V as case-studies of persuasion aimed at mass audiences. They shall not be discussed in much detail here other than to note their impact on political developments. The impact of Brutus' *ludi Apollinares* was primarily significant for

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<sup>239</sup> Ramsey 2003: 5.

<sup>240</sup> In my discussion of political developments in July 44, I accept the interpretation put forward by Ramsey that, contrary to the *communis opinio* (e.g. by Drumann and Groebe, Syme, Frisch, Ehrenwirth, Rawson, Pelling, etc.), Antonius did not make moves towards an alliance with the assassins in the latter part of the month; Drumann & Groebe 1964 [1899-1929]: 1.430-431; Syme 1939: 117; Frisch 1946: 113-114; Ehrenwirth 1971: 65; Pelling 1988: 158; Rawson 1994: 474-476; Ramsey 2001. This *communis opinio* is based upon two references in Cicero: a letter to Atticus written on 19 August, and a passage from the *First Philippic*; Cic. *Att.* 415.1-2 [16.7]; *Phil.* 1.7-8. There is also a passage from Plutarch's *Life of Cicero*, but, as both Moles and Ramsey demonstrate, this passage is dependent upon the two passages from Cicero (or, in Ramsey's view, just the passage from the *First Philippic*), and thus is not an independent source; Plut. *Vit. Cic.* 43.4; Moles 1988: 28-29, 193; Ramsey 2001: 256-257. As Ramsey argues, Cicero's references to hopes for a change on Antonius' part were based on his public confrontations with Octavianus and on misguided hopes expressed in Cicero's letter and subsequent distortion in his *First Philippic*, and not on any actual overtures on Antonius' part towards the assassins.

what it failed to do, namely to alter Brutus' public standing, specifically with the *plebs urbana*, sufficiently enough in order to enable him to return to Rome and to resume his duties as urban praetor. That being said, however, there were demonstrations at these *ludi* in Brutus' favour, which may have inspired optimism but, however, without generating concrete results. Their relative failure, nevertheless, as I shall demonstrate in Chapter V, was due in no small part to Octavianus' intentional efforts to undermine them: first, by celebrating his *ludi Veneris Genetricis* in July instead of September, as per their two previous celebrations, and second, by distributing Caesar's testamentary benefaction to the Roman people, perhaps even on 13 July, which happened to be both the most significant day of the *ludi Apollinares* and Caesar's birthday.<sup>241</sup>

As for Octavianus' celebration of the *ludi Veneris Genetricis*, their impact on political developments was significant in primarily two different ways. First, as was the case with the *ludi Cereales*, Antonius once again prevented Octavianus from displaying the *sella* and *corona* in honour of Caesar,<sup>242</sup> and therefore, yet again, came into public confrontation with Octavianus over the latter's claim to be Caesar's son by testamentary adoption. Second, for a variety of reasons, as shall be discussed in Chapter V, but not least of which was Octavianus' deft handling of the appearance of a celestial phenomenon (i.e. Caesar's comet), Octavianus' *ludi* were extremely successful in boosting his public standing and enhancing his claim for the support of Caesar's

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<sup>241</sup> Plut. *Vit. Ant.* 16.-3; App. *B Civ.* 3.23-24; Dio 45.6.3-4. Cf. Plut. *Vit. Brut.* 22.3. The specific dating of Octavianus' distribution of Caesar's testamentary benefaction to the Roman people is a matter of debate, and will be discussed in greater detail in Chapter V. Suffice it to say for the present that I am inclined to accept Taylor's speculation that, not only did the distribution occur during the *ludi Apollinares*, but that it occurred on Caesar's birthday, 13 July, which was coincidentally the most important day of the *ludi Apollinares*; Taylor 1931: 63.

<sup>242</sup> Nic. Dam. *FGrH* 90 fr. 130.28.108; App. *B Civ.* 3.28; Dio 45.6.5.

followers, especially in light of his demonstrations of *pietas* towards Caesar's memory.<sup>243</sup>

Antonius' refusal to permit Octavianus to display the *sella* and *corona* in Caesar's honour at his celebration of the *ludi Veneris Genetricis* presumably predated the start of the *ludi*. It may have occurred at approximately the same time as another public confrontation between the consul and Caesar's presumptive adopted son, this time over the supplementary elections to replace the tribune of the plebs Helvius Cinna, the unfortunate victim of mob violence and mistaken identity (with the praetor Cinna) that accompanied Caesar's funeral on 20 March.<sup>244</sup> According to Plutarch, Suetonius, and Dio, Octavianus made an attempt to stand as a candidate himself, whereas in Appian's account, he merely supported the candidacy of a certain Flaminius.<sup>245</sup> In all accounts, nevertheless, Octavianus was strongly opposed by Antonius, and in Appian's version, Antonius even cancelled the election. If Ramsey's reconstruction of events is correct, then Antonius held a *contio* on ca. 18 July in order to publicize his opposition to either both, or at least one, of Octavianus' efforts. That Antonius may have been particularly critical of Octavianus in this *contio* is suggested by Cicero's statement in the *First Philippic* that: "From them I got for the first time a copy of M. Antonius' speech, which pleased me so much that after reading it I first began to think of turning

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<sup>243</sup> E.g. as shall be discussed in Chapter V, these included his distribution of Caesar's testamentary benefaction to the Roman people, his efforts to display the *sella* and *corona*, his inclusion of *ludi funebres* for Caesar as part of his celebration of the *ludi Veneris Genetricis*, and, last but not least, his public claims that the celestial phenomenon was not an ominous comet but in fact a new star (i.e. the *sidus Iulium*) denoting Caesar's apotheosis.

<sup>244</sup> This supplementary election is dated by Syme to July, on the basis of its place in the narratives of Plutarch, Suetonius, and Dio that link this event with Antonius' refusal to allow Octavianus to display the *sella* and *corona* at his celebration of the *ludi Veneris Genetricis*; Plut. *Vit. Ant.* 16.2; Suet. *Aug.* 10.2; Dio 45.6.2-5; Syme 1939: 120. Ramsey accepts Syme's dating to July, and tentatively assigns a more specific date of 17-18 July on the basis of the available *dies comitiales* in July 44; Ramsey 2001: 265. While I accept Ramsey's tentative date, it is worth noting that Yavetz has offered the alternative date of early August, on the basis of this event's position in Appian's narrative; App. *B Civ.* 3.31; Yavetz 1969: 74.

<sup>245</sup> Plut. *Vit. Ant.* 16.2; Suet. *Aug.* 10.2; App. *B Civ.* 3.31; Dio 45.6.2-5.

back.”<sup>246</sup> If this was indeed the case, then the deteriorating public relationship between Antonius and Octavianus was becoming a matter of some political importance beyond simply either the two leaders or Caesar’s followers more generally. Moreover, it was also not an insignificant development that Antonius chose to publicize this power-struggle, rather than to keep it private between the two, which is something that will be a point of particular interest in the following chapter.

There are two remaining political developments that took place in late July, and are thus necessary to discuss in order to understand better the context of the senate meeting on the Kalends of August. The first of these took place ca. 22-25 July,<sup>247</sup> at which time Brutus and Cassius, in their capacity as praetors, issued an edict in which: “*per edictum de suo iure.*”<sup>248</sup> There is a not insubstantial scholarly debate as to what exactly is meant by this phrase. Denniston, who is followed by Ramsey, interpret this phrase to mean that Brutus and Cassius announced, by edict, their intention to lay aside the office of *curatio frumenti*, assigned to them by *senatus consultum* on 5 June.<sup>249</sup> On the other hand, scholars such as Gelzer, Ehrenwirth, and Shackleton Bailey take this phrase to mean that Brutus and Cassius announced their intention to resign their praetorships and to go into voluntary exile.<sup>250</sup> However, in my opinion, the

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<sup>246</sup> “*a quibus primum accipio Antoni contionem, quae mihi ita placuit ut ea lecta de reversione primum coeperim cogitare* (Cic. *Phil.* 1.8).” For this interpretation, see Ramsey 2001: 265-266.

<sup>247</sup> Ramsey 2001: 260-261, 267.

<sup>248</sup> As phrased by Brutus and Cassius in a letter sent by them to Antonius on 4 August; Cic. *Fam.* 336.1 [11.3]. Cicero also mentions this edict in that letter to Atticus of 19 August and again in the *First Philippic*, but without discussing its contents; Cic. *Att.* 415.1-2 [16.7]; Cic. *Phil.* 1.8.

<sup>249</sup> Denniston 1926: 76; Ramsey 2001: 260-261.

<sup>250</sup> Gelzer 1917: 998; Ehrenwirth 1971: 66; Shackleton Bailey 1977: 475-476. It is possible that these scholars have been influenced by a passage in Velleius Paterculus, in which he writes: “It is true that these two men had issued edicts-at first in real fear of armed violence at the hands of Antony, and later to increase Antonius’ unpopularity, with the pretence of fear-edicts in which they declared that for the sake of ensuring harmony in the *res publica* they were even ready to live in perpetual exile, that they would furnish no grounds for civil war, and that the consciousness of the service they had rendered by their act was ample reward. *Quippe M. Brutus et C. Cassius, nunc metuentes arma Antonii, nunc ad augendam eius invidiam simulantes se metuere, testati edictis libenter se vel in perpetuo exilio victuros, dum rei*

interpretation offered by Denniston and Ramsey is to be preferred, as an offer by Brutus and Cassius to resign their praetorships and to go into voluntary exile would be in stark contrast to the optimism expressed in Cicero's letter to Atticus of 19 August, and in the way Cicero shapes his narrative of events in the *First Philippic*. Moreover, the letters sent by Brutus and Cassius to consulars and praetorians at this time, urging them to attend the *senatus frequens* on the Kalends of August, only make sense if Brutus and Cassius were hoping to achieve something at that senate meeting, namely the reversal of the *senatus consultum* of 5 June.<sup>251</sup>

The final political development to be discussed in this section concerns a rather dramatic reversal, namely a public reconciliation on the Capitol between Antonius and Octavianus in late July.<sup>252</sup> According to the various sources, it was Caesar's veterans in particular who "forced" this public reconciliation between Antonius and Octavianus.<sup>253</sup> From this, one may deduce that the public confrontations between the two that have been the focus of discussion in this section caused consternation amongst Caesar's more dedicated followers (i.e. his influential veterans), who consequently demanded a public demonstration of unity. This emphasis on public unity and consensus is one that has been seen before in this chapter, namely in the public displays of reconciliation between the assassins and the Caesarian leaders following the senate meeting on 17 March. What

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*publicae constaret concordia, nec ullam belli civilis praebituros materiam, plurimum sibi honoris esse in conscientia facti sui* (Vell. Pat. 2.62.3)..." However, this passage most likely refers to edicts issued after the senate meeting on the Kalends of August; Ramsey 2001: 260, n.24.

<sup>251</sup> As proposed by Ramsey 2001: 260-261. Moreover, a vote to overturn the *senatus consultum* of 5 June would necessarily entail a readjustment to the *privilegium* granted to Brutus by the senate back in April, something which would require a quorum, and explains why the meeting scheduled for the Kalends of August was to be a *senatus frequens*; Ramsey 2001: 260-261.

<sup>252</sup> Ramsey 2003: 8. Although Ramsey also gives early August as a possible date for this reconciliation, in his "Calendar of Events of 44 B.C." he only provides a date of ca. 25-31 July; Ramsey 2003: xxix. Although there is no clear evidence either way, this reconciliation fits better with a period immediately following Octavianus' celebration of the *ludi Veneris Genetricis* and immediately before the senate meeting on the Kalends of August and Antonius' hostile edict and letter to Brutus and Cassius of ca. 1 August, as noted by Ramsey; Ramsey 2003: 8.

<sup>253</sup> Nic. Dam. *FGRH* 90 fr. 130.29.115-119; Plut. *Vit. Ant.* 16.3; App. *B Civ.* 3.29-30; Dio 45.8.2.

this suggests, therefore, is that there was still a constraining factor against public confrontation, even if, in this case, it was restricted more specifically to Caesar's followers. Moreover, this "forced" public reconciliation is a clear indicator of the growing influence and power of Octavianus, as well as being evidence of the success of his *ludi Veneris Genetricis* in boosting his public standing. It meant that Antonius could not dismiss Octavianus' threat to his position, and could no longer afford to take for granted the support and affection of Caesar's followers. It was, therefore, a political development that was to have serious implications for the continuation of the policy of government by public consensus and for the compromise agreement with Caesar's assassins. Having examined these political developments that took place in July, and with this in mind, it is time now to discuss the senate meeting on the Kalends of August.

### The Kalends of August

If, as seems probable, Brutus and Cassius were optimistic that the senate would overturn its earlier *senatus consultum* assigning them the *curatio frumenti* at this senate meeting, how is it that, as stated above, the Kalends of August appear the most probable date on which the senate assigned the provinces of Crete and Cyrene to Brutus and Cassius respectively? And that, moreover, when Brutus and Cassius left Italy at the end of August and September, respectively, they most likely did so ostensibly on these *curatio frumenti* assignments, prior to taking up these minor provincial commands for 43? The answer is that, in light of the political developments of July, and in particular, the threat posed to Antonius' position by Octavianus and his recent public reconciliation with the latter on the Capitol, Antonius necessarily had to take a harsh public stance against the assassins. This explains, therefore, the apparent failure by the assassins to get the senate to overturn the earlier *senatus consultum* assigning them the *curatio*

*frumenti*, which Antonius presumably opposed at this meeting, as well as the assignment of two very minor provinces to Brutus and Cassius. It also explains, for instance, a hostile edict and letter from Antonius to Brutus and Cassius, which were probably issued that very same day,<sup>254</sup> and to which Brutus and Cassius, on 4 August, sent an icy letter in reply.<sup>255</sup>

However, as mentioned in the introduction to this chapter, the senate meeting on the Kalends of August was not remembered for these matters. Rather, it was on this day that Piso delivered a speech in the senate in which he criticized Antonius.<sup>256</sup> It was the first attested time that a senator spoke against Antonius in the senate since the 17 March compromise, and signalled the beginning of a rift within the senate. Cicero singled out Piso's speech as a turning point, and as a precedent for his own *First Philippic* a month later. Unfortunately, it is not known exactly what provoked Piso to make his speech, nor on what points he criticized Antonius, nor how strongly he may have done so. It is doubtful that Piso's opposition resulted from Antonius' measures against Brutus and Cassius; indeed, it is rather more likely, given Piso's efforts at the senate meeting on 17 March to ensure that Caesar's will was made public and that he was granted a public funeral, that it concerned Antonius' perceived betrayal of Caesar's memory. On the other hand, given Cicero's repeated praise of Piso's speech, it is entirely possible that it had nothing to do with Caesar's memory, but concerned rather Antonius' policies and

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<sup>254</sup> Cic. *Fam.* 336.1 [11.3]; Ramsey 2003: 8.

<sup>255</sup> Cic. *Fam.* 336 [11.3]. For a recent discussion of this letter, and in particular on the way in which Brutus and Cassius choose to reply to Antonius' hostile edict and letter, see Hall 2009: 175-178.

<sup>256</sup> Cic. *Att.* 415.1,7 [16.7]; *Fam.* 344.1 [12.2]; *Phil.* 1.10.

actions as consul. As it was, however, Piso was the lone voice of opposition in the senate that day.<sup>257</sup>

### Conclusion

Did this signal the end of the policy of government by public consensus? The compromise agreement that was reached in the uncertainty of the immediate aftermath of the assassination had been built upon the inability, or unwillingness, of either side to fully impose their will. But as the months progressed, the assassins and their supporters became increasingly sidelined, while Antonius' position was becoming correspondingly dominant.

As has been argued earlier in this chapter, by the time Antonius summoned the senate to the temple of Tellus, the agreement that was reached was the best that the assassins could have expected. The opportunity for declaring Caesar a tyrant had passed on the Ides of March, and from that point on, if civil war was to be avoided,<sup>258</sup> the assassins would have to accept the necessity of confirming Caesar's *acta*. Although it might have been better for their cause had the proposals for fresh elections been considered, the interests at stake meant that this was no more than idle talk. And, as has been pointed out, the assassins benefited, both from the confirmation of Caesar's *acta* that secured their status and positions, and also in the review and ratification of the unimplemented *acta Caesaris*, which included provincial commands for some, and a future consulship for D. Brutus. As regards the political situation in the spring of 44, my

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<sup>257</sup> Cic. *Phil.* 1.10, 14-15. Although Cicero is speaking specifically of those senators of consular rank in the latter passage, it is a reasonable assumption that the more junior senators did not exercise their independence on this day and support Piso. Moreover, although this is an *argumentum ex silentio*, one should assume that Cicero would have mentioned it had any senator gone so far as to speak in support of Piso, especially seeing as he specifically asked Atticus if anyone had; Cic. *Att.* 415.7 [16.7].

<sup>258</sup> It almost goes without saying that the assassins would not have fancied their prospects in a civil war in the spring of 44.

detailed examination has revealed that, in the instances for which there is some information, the consuls involved the senate, both in their review of the unimplemented *acta Caesaris*, as well as in key decisions of provincial administration (e.g. the initial assignment of consular provinces for 43). Moreover, Antonius even demonstrated a desire to win over the senate with his motion to abolish the office of dictator and his approval of the *privilegium* for Brutus. Nor can any of the measures that the consuls put before the senate during this period be considered as truly hostile to the assassins, or even unreasonable or incompatible with the restoration of the *res publica*.

Although the political situation changed in June (with the passing of significant legislation through the assembly), the senate nevertheless continued to be involved in the governing of the empire. The *curatio frumenti* commission of 5 June was decreed by the senate, and should not, as my analysis has shown, be considered to be of no benefit to the assassins, despite their desire to have it overturned. Moreover, their handling of the Buthrotian case points to the continued willingness of the consuls to cooperate with and to involve the senate. Even the Kalends of August should not be viewed as pessimistically as might first seem, as Brutus and Cassius were still assigned provinces, albeit insignificant ones. Nevertheless, even insignificant provincial commands meant that Brutus and Cassius would continue to hold *imperium* and continue to be involved in the governing of the empire. Furthermore, while Piso's speech signalled the beginning of a rift within the senate, and thus marked the return of discord into public political discourse, the fact that no other senator supported him is a clear indication that the policy of government by public consensus was by no means finished, merely that it was facing its first serious challenge by a stakeholder in the compromise agreement since the events surrounding Caesar's funeral.

Before I turn to continue the discussion in the next chapter, it is worth considering a different interpretation of the compromise agreement of 17 March. The interpretation offered in this chapter has been that the compromise represented an attempt by the leaders of the various factions to establish a workable peace and to avoid another civil war by adhering to a policy of consensus in public, with debate and persuasion restricted to private settings. On the other hand, what if this had not been the true aim of at least one of the leaders behind the compromise, or maybe even all of them? The possibility cannot be discounted that it was never intended to bring about a lasting peace. Under this interpretation, the compromise was really a truce, a pragmatic solution that allowed everyone to assess the situation and gather support before another inevitable civil war. If this was indeed the case, then the months that followed should be viewed as a phoney war. Admittedly, the compromise resulted from the fact that no one faction on its own was strong enough to seize power and dominate the Roman state in the immediate aftermath of Caesar's assassination. However, it is by no means certain that any of those who engineered the compromise were already planning the next civil war. While it is probably naïve to believe that Antonius, Lepidus, or others had no thoughts of emulating Caesar, one must also avoid the trap of analyzing these events through what happened later. The course of events that eventually led to the formation of the triumvirate would have seemed unbelievable on 17 March. It is more likely that the policy of government by public consensus eventually failed as a result of these unforeseen events, such as the arrival on the scene of an increasingly powerful political and military leader who was not a stakeholder in the compromise agreement, namely Octavianus, and not as result of some cunning master plan by Antonius.<sup>259</sup> With this in

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<sup>259</sup> Syme 1939: 115.

mind, in the next chapter I shall examine how this came about in the autumn of 44, beginning with the senate meeting on the Kalends of September.



## Chapter II: From Public Consensus to Constitutional Crisis

### Introduction

In this second chapter, I shall examine the role of persuasion and the extent of its significance in political interactions in the period from the Kalends of September until 20 December. Just as was the case with the senate meeting on the Kalends of August, with which I concluded the first chapter, the senate meeting on 20 December was a key turning point in the developing political situation after Caesar's assassination. For by its conclusion, the *res publica* was facing a constitutional crisis and the beginnings of a new civil war. How did this come about? What had happened to the policy of government by public consensus?

In the previous chapter, I argued that the policy of government by public consensus had originated from a genuine desire on the part of the key players to avoid another civil war. Nevertheless, in the conclusion I admitted that it was possible that this was never intended as a political solution to the crisis caused by Caesar's assassination, but merely as a truce. Even so, however, such a cynical view does not explain the fact that, as I have demonstrated, public political interactions following the senate meeting on 17 March, with the exception of the disturbances surrounding Caesar's funeral, consisted of a display of unity; opposition, debate, and persuasion were restricted to private political interactions. What was the constraining factor that forced everyone to adhere to a degree of public unity and civility that was unparalleled in Roman political history? As I have suggested, it was the very Roman people themselves, whose abhorrence of the thought of yet another civil war demanded these public displays of unity. The emergence of Octavianus as a rival to Antonius for the support of Caesar's followers was what first put this policy of government by public

consensus under stress. It was precisely because Octavianus was not a stakeholder in the compromise agreement that he had nothing to gain by its continuance but everything to gain by its dissolution into a new civil war. The result is that Octavianus' emergence forced Antonius to radicalize his public posture, which naturally forced others to take more extreme positions in response.<sup>1</sup> This can be seen, for instance, in what happened in the senate meeting on the Kalends of August and in Antonius' hostile edict and letter to Brutus and Cassius, likely issued on the same day, and in Brutus and Cassius' hostile letter to Antonius on 4 August in response.<sup>2</sup> Furthermore, when coupled with Piso's public expression of criticism against Antonius in his speech in that senate meeting on the Kalends of August, this signalled a re-emergence of discord in public political discourse.

In this chapter, I shall examine how these factors, along with a new political strategy from Cicero, combined to overthrow the policy of government by public consensus and bring the *res publica* to the brink of a new civil war in barely a few months. As throughout this thesis, my focus shall be upon the role of persuasion and the extent of its significance in shaping these political developments. A particular area of concern in this chapter, however, will be to demonstrate the extent to which this developing crisis came to be played out in public, especially in formal political interactions such as meetings of the senate and *contiones*; although there were, as there had always been, significant deliberations and negotiations being conducted in private, this was not some secret power-struggle carried out behind closed-doors in the Kremlin.

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<sup>1</sup> Syme 1939: 115.

<sup>2</sup> Brutus and Cassius' letter of 4 August to Antonius is preserved in the collection *epistulae ad familiares*; Cic. *Fam.* 336 [11.3]. Reference to their earlier edict, and to Antonius' edict and letter in response, is preserved in this letter as well as in another letter from Cicero to Atticus and in the *First Philippic*; Cic. *Fam.* 336.1-3 [11.3]; *Att.* 415.1 [16.7]; *Phil.* 1.8. The dates of the edicts and letters mentioned above are those as calculated by Ramsey; Ramsey 2001: 264.

That this power-struggle came to be contested largely in public, and, even more importantly, in formal political interactions, rather than behind the scenes, was crucial for the re-emergence of persuasion, and, along with it, genuine debate, as central features in public political interactions. Furthermore, it is also a key indication that these public political interactions mattered, and that they offered something of value to the opposing leaders that they could not get elsewhere, namely legitimacy.

### *The Kalends of September 44*

As noted above and as discussed in the previous chapter, it was the emergence of Octavianus as a serious rival to Antonius for the support of Caesar's followers that forced the consul to adopt a more radical position in public and thus to deviate from the policy of government by public consensus. In order to thwart the threat posed by Octavianus, Antonius needed to reassure his core group of supporters, i.e. Caesar's followers, of his Caesarian sympathies. This must have been partly achieved when Caesar's veterans forced a public reconciliation with Octavianus on the Capitol in late July,<sup>3</sup> and further reinforced by the senate meeting on the Kalends of August and by his hostile edict and letter to Brutus and Cassius, probably issued on the same day. What Antonius really needed, however, was a clear public demonstration of his fidelity to Caesar's memory, and he sought to do this at the senate meeting that he convened in the temple of Concord on the Kalends of September.<sup>4</sup>

At this senate meeting, Antonius put forward a proposal to add a day in Caesar's honour to all *supplicationes*.<sup>5</sup> In Frisch's opinion, Antonius' proposal was a test

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<sup>3</sup> Syme 1939: 118.

<sup>4</sup> Cic. *Phil.* 5.18-19.

<sup>5</sup> Cic. *Phil.* 1.13; 2.110.

designed to expose his opponents in the senate if they dared to challenge it.<sup>6</sup> However, this theory relies upon an interpretation that the policy of government by public consensus had by now failed and that Antonius was seeking to emulate Caesar's autocracy. I would argue, on the other hand, that this policy, while admittedly under strain due to the reasons discussed above, had by no means failed at this early stage, and that to state that Antonius was seeking to emulate Caesar's autocracy is only a speculation. I view Antonius' proposal as a necessary expedient on his part to placate Caesar's followers, and thus to thwart Octavianus, and not, therefore, a sign that Antonius had abandoned this policy as part of some plan to grab autocratic power. This is not to say, however, that I naïvely think Antonius was devoid of greater ambition, just that an interpretation that fits better with the evidence is that, instead of aiming to emulate Caesar, Antonius was rather aiming to emulate the position attained by Pompeius Magnus.

Since Antonius' proposal was *de supplicationibus*, this senate meeting was probably a *senatus frequens*.<sup>7</sup> One should assume that it was fairly well attended,<sup>8</sup> as indeed Cicero implies in the *First Philippic*.<sup>9</sup> Even though Antonius' proposal was a provocative one that contravened the spirit of the compromise (far more so than his opposition to Brutus and Cassius' request for the senate to overturn the *senatus*

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<sup>6</sup> Frisch 1946: 126. Ramsey, in his commentary, does not discuss Antonius' political motivations for this proposal, but focuses instead on the nature of it (i.e. specifically that it blurred the boundary between the divine and the human in this honour for Caesar) and accordingly interprets it in the light of the aftermath of Octavianus' *ludi Veneris Genetricis*; Ramsey 2003: 108-115. These *ludi* were discussed briefly in the previous chapter, and will be discussed in greater detail in Chapter V as a case-study. As was noted in Chapter I, Octavianus' *ludi Veneris Genetricis* became famous because of the appearance of a celestial event that was interpreted by Octavianus and his supporters as evidence of Caesar's apotheosis.

<sup>7</sup> Ramsey 2003: 109. There are several statements by Cicero that suggest that any vote on a *supplicatio* required a *senatus frequens*: Cic. *Prov. cons.* 14; *Fam.* 91.2 [8.11]; *Phil.* 3.19, 23-24.

<sup>8</sup> Bonnefond-Coudry 1989: 401-411; Ramsey 2003: 109.

<sup>9</sup> "Was I the only absentee? Has the senate not often been less well attended? *solusne aberam, an non saepe minus frequentes fuistis* (Cic. *Phil.* 1.11)..."

*consultum* assigning the *curatio frumenti* to them, or, indeed, the assigning of minor and insignificant provinces to them at that same senate meeting on the Kalends of August), it was nevertheless decreed at this senate meeting; indeed, not a single senator is known to have spoken against it.<sup>10</sup> However, this does not mean that this senate meeting passed without incident. As mentioned in the previous chapter, Cicero had left Rome in early April. He did not return to the city until either the day before,<sup>11</sup> or, more likely, the actual day of,<sup>12</sup> this senate meeting. Even so, Antonius was upset that Cicero was not present at this meeting and, in an outburst in the senate, threatened to come to Cicero's house with public workmen and to tear it down.<sup>13</sup>

Why did Antonius make such a threat on account of Cicero's absence? Cicero himself states that he sent word of his absence to Antonius in a friendly manner, excusing himself on the grounds that he was too tired from his journey and indisposed.<sup>14</sup> Of course, if it was a *senatus frequens*, then Cicero's absence would have been harder to excuse,<sup>15</sup> though, as he notes, he was hardly the only absentee.<sup>16</sup> Rather, the reason that Cicero's absence so infuriated Antonius was because it was bound to be seen, and perhaps was so intended, as a form of silent opposition, at the very least to the proposal,

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<sup>10</sup> Cic. *Phil.* 1.13. It is a reasonable assumption that had any senator spoken against the proposal, then it would have been mentioned by Cicero, who was keen to highlight any opposition to Antonius.

<sup>11</sup> In his *Life of Cicero*, Plutarch states that Cicero arrived back in Rome the day before this senate meeting; Plut. *Vit. Cic.* 43.6. He describes that day as being almost entirely spent in celebrations of Cicero's return; Plut. *Vit. Cic.* 43.5. These celebrations are recorded in no other source, including Cicero, and are probably either an exaggeration or an invention on Plutarch's part; Moles 1988: 193.

<sup>12</sup> Cicero's own statement on the date of his return is not entirely clear in the *First Philippic*; Cic. *Phil.* 1.12. However, in a letter to Cornificius dated to ca. 20 March 43, Cicero explicitly states that he delivered the *First Philippic* the day after (*postridie*) his arrival back in Rome (i.e. the Kalends of September); Cic. *Fam.* 373.3 [12.25]; Ramsey 2003: 111; Manuwald 2007: 1.19.

<sup>13</sup> Cic. *Phil.* 1.12. Manuwald writes: "Because of this absence Antonius vehemently threatened Cicero at the meeting, since he had obviously recognized him as a major opponent and interpreted his absence as a sign of defiance (Manuwald 2007: 1.19)." While Cicero's absence was likely interpreted by Antonius as a sign of defiance, the statement that Antonius viewed Cicero as a major opponent prior to Cicero's delivery of his *First Philippic* the following day seems premature.

<sup>14</sup> Cic. *Phil.* 1.12.

<sup>15</sup> Bonnefond-Coudry 1989: 401-411; Ramsey 2003: 109.

<sup>16</sup> Cic. *Phil.* 1.11.

but perhaps even to Antonius' consulship in general.<sup>17</sup> Antonius' outburst may also have been aggravated by the cumulative effect of two previous instances of opposition in the senate. Most recently, there was Piso's speech a month earlier, which was the first occasion of publicly expressed opposition to the consuls by a stakeholder in the compromise agreement of 17 March. On the other hand, perhaps more relevant was a parallel instance of silent opposition, namely the absence of numerous influential senators from the senate meeting on the Kalends of June. What is known for certain, however, is that Antonius' outburst provoked an immediate response from Cicero, and on the following day, Cicero broke with the policy of government by public consensus and declared his opposition in a speech far more damning and critical of Antonius' consulship than it pretends.

### Cicero's First Philippic

The *First Philippic* was delivered by Cicero in a senate meeting in the temple of Concord<sup>18</sup> on the following day, 2 September.<sup>19</sup> Antonius himself was not present,<sup>20</sup> and

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<sup>17</sup> In Plutarch's version, however, the real reason that Cicero avoided going to the senate that day was because he (i.e. Cicero) had heard rumours of a plot against his own life; Plut. *Vit. Cic.* 43.6. Antonius, therefore, interpreted Cicero's absence as implicating himself (i.e. Antonius) in the rumoured plot, and thus was indignant. Plutarch's account, while it certainly explains the violence of Antonius' reaction, is not recorded by any other source. The fact that Cicero makes no mention of a plot against himself, either in the *First* or *Second Philippic*, makes it unlikely that he knew of such a plot.

<sup>18</sup> For a study on the use of the temple of Concord for senate meetings in the republican period, see Bonnefond-Coudry 1989: 90-112.

<sup>19</sup> Cic. *Phil.* 5.18-20. Although Cicero does not explicitly state that the meeting on 2 September was held in the temple of Concord, the implication from this passage is that it was, on account of the fact that the senate meetings on 1 September and 19 September are explicitly stated as having taken place in the temple of Concord. Ramsey, however, only states that the meeting on 2 September took place in the temple of Concord without pointing out that this is an inference based on this passage; Ramsey 2003: 81.

<sup>20</sup> Cic. *Phil.* 1.16. In fact, Antonius had left Rome and gone to his villa in Tibur, where he remained until the senate meeting on 19 September; Cic. *Phil.* 5.19. This villa in Tibur had initially belonged to Q. Caecilius Metellus Pius Scipio, consul in 52 and enemy of Caesar, who committed suicide after the defeat at Thapsus in 46. He also happened to be Pompeius Magnus' father-in-law, and, like his son-in-law, his property was confiscated and sold at auction, with this villa coming into the possession of Antonius; Münzer 1899a: 1224-1228. As was mentioned in the previous chapter, Antonius' ownership of property confiscated from Caesar's enemies in the civil wars was a sore point with Cicero, which is why, in this passage, he says "*in Tiburtino Scipionis* (Cic. *Phil.* 5.19)." See also Manuwald 2007: 2.623.

it was his colleague Dolabella who was the presiding magistrate.<sup>21</sup> The topic of debate before the senators that day remains unknown, as Cicero makes no reference to any debate, nor does he include any motion in his speech.<sup>22</sup> Rather, Cicero, in the *First Philippic*, took advantage of some routine business before the senate to speak *de re publica*.<sup>23</sup>

When Cicero stood up and delivered the *First Philippic*, what was he hoping to achieve? As noted above, there are no indications in the sources about the topic of the debate, and Cicero does not include any motions in the speech as it survives. Consequently, in this speech, unlike some of the later ones that would follow, Cicero does not have a strategy of persuasion aimed at convincing his fellow senators to adopt a proposal or set of proposals. Although this makes it more difficult to assess the effectiveness of his speech, one can nevertheless attempt to do this by examining his intentions and aims in delivering this speech, as can be deduced by what he says in this speech, and by the reactions that this speech provoked.

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<sup>21</sup> Cic. *Phil.* 1.27.

<sup>22</sup> As he does, for instance, at the end of the *Third Philippic* (3.37-39). Frisch suggests that the topic might have been simply *de re publica* (i.e. “about the political situation”); Frisch 1946: 127, n.31. However, there is no evidence to support this theory, and in the absence of an immediate crisis, it is unlikely that Dolabella would have convened such a senate meeting in his colleague’s absence. It is worth noting, nevertheless, that Frisch also proposes that this speech did originally conclude with a *sententia* (i.e. a proposal), but that this has not been included in the disseminated version; Frisch 1946: 131. This theory is based on a reference in a letter to Cassius, written after 19 September and before 2 October, in which Cicero writes: “I am very glad to find that my vote and speech meet with your approval. *Vehementer laetor tibi probari sententiam et orationem meam* (Cic. *Fam.* 344.1 [12.2]).” As Shackleton Bailey observes: “At any rate, there was presumably some motion before the Senate, which Cicero may have supported. *sententiam* can hardly mean ‘opinion’ in this context (Shackleton Bailey 1977: 481).” If one agrees with Frisch and Shackleton Bailey, then it seems logical to presume that Cicero had put forward or supported a *sententia*. Its absence from the *First Philippic*, however, strongly suggests that it had no connection to the topics of this speech.

<sup>23</sup> Ramsey 2003: 81. Cicero himself states that this was the case for the *Seventh Philippic*; Cic. *Phil.* 7.1. Gellius also records that senators at this time were allowed to speak on whatever they wanted when asked for their opinion; Gell. *NA* 4.10.8. Manuwald’s statement that Dolabella convened the senate on 2 September “on general issues (Manuwald 2007: 1.19)” makes it unclear as to whether she means routine business or a senate meeting *de re publica*.

In the very first sentence, Cicero states that his speech will consist of two parts: “Conscript fathers: before I say what I think it right to say at this time on public affairs, let me briefly explain to you my reasons for leaving Rome and for returning.”<sup>24</sup> As regards the first part, the departure to which Cicero is referring was his aborted journey to Greece,<sup>25</sup> where he had planned to stay until the Kalends of January,<sup>26</sup> and for which he had obtained a legateship under Dolabella allowing him to leave Italy.<sup>27</sup> However, as Cicero reveals in a letter to Atticus dated to 19 August,<sup>28</sup> his decision to leave Italy exposed him to fierce criticism, even from the likes of Brutus<sup>29</sup> and Atticus.<sup>30</sup> It seems that public opinion had concluded that Cicero was leaving Italy because he despaired of the *res publica* and was deserting it.<sup>31</sup> Consequently, one of Cicero’s primary aims in this speech was to address these criticisms in order to re-establish his authority, specifically amongst his closest associates and supporters. This explains, therefore, why Cicero devotes the entire first part of the speech to this purpose.<sup>32</sup>

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<sup>24</sup> “*Ante quam de re publica, patres conscripti, dicam ea, quae dicenda hoc tempore arbitror, exponam vobis breviter consilium et profectiois et reversionis meae* (Cic. *Phil.* 1.1).” Although Ramsey provides a structural analysis of this speech on the basis of rhetorical divisions (*Narratio* [1-10]; *Digressio* [11-13]; *Propositio* [14-15]; *Probatio* [16-26]; *Refutatio* [27-38A]; *Peroratio* [38B]), I prefer to discuss the *First Philippic* according to the bipartite structure as outlined by Cicero; Ramsey 2003: 83-84. This is because it is more useful for analyzing this speech in terms of Cicero’s political aims and his strategy of persuasion.

<sup>25</sup> Cic. *Att.* 415.5 [16.7]. This will also be discussed in Chapter IV in connection with the use of deliberation as a political activity in private Roman elite correspondence.

<sup>26</sup> Cic. *Phil.* 1.6.

<sup>27</sup> Cic. *Att.* 389.4 [15.11]. This will also be discussed in Chapter IV in connection with restrictions on travel outside of Italy for Roman senators.

<sup>28</sup> Cic. *Att.* 415 16.7].

<sup>29</sup> Cic. *Att.* 415.5 [16.7].

<sup>30</sup> Throughout this letter, Cicero is particularly indignant at what one can only assume was some rather strong criticism by Atticus of his decision to leave Italy; Cic. *Att.* 415 [16.7]. Indeed, it seems that he had gone so far as to ask Cicero to write an *apologia* for it and to address it to him. Presumably it would then have been circulated amongst a wider circle of Cicero’s friends and supporters. This gives some indication of the seriousness of the damage done to Cicero’s reputation.

<sup>31</sup> Cic. *Att.* 415.5 [16.7]. As well, and this is perhaps a bit surprising, public opinion had also concluded that Cicero was going to Greece in order to see the Olympic Games. As Shackleton Bailey notes, this would have been seen as unbecoming for a senior consular; Shackleton Bailey 1967: 293.

<sup>32</sup> Cic. *Phil.* 1.1-10. His *apologia*, so to speak, consists of a justification of his actions by means of his own narrative of public affairs from the senate meeting on 17 March until he arrived back in Rome.

Having addressed the criticisms levelled against him by his *apologia* in the first part of the speech, and thereby re-stating his claim to leadership in the hopes of re-establishing it, Cicero proceeds, in a short section, to respond to Antonius' outburst against him in the senate the previous day.<sup>33</sup> However, Cicero's justification of his absence (i.e. that he had done nothing more sinister than follow a common practice)<sup>34</sup> is not the most significant function of this passage. Rather, Cicero uses this passage as a lead-in to a discussion of freedom of speech in the senate by delivering a short speech-within-a-speech, in which he demonstrates how he would have spoken against Antonius' proposal the day before had he been in the senate.<sup>35</sup> This discussion of freedom of speech in the senate acts as a natural segue into the second part.

In speaking *de re publica*, Cicero has two ostensible aims: 1) to exhort his fellow senators to have the courage to speak freely in the senate;<sup>36</sup> 2) to persuade the consuls to change their ways and to return to leading the state as they did in the days and weeks following the assassination, that is, to respect the authority of the senate by governing and exercising executive power in consultation with it.<sup>37</sup> However, while this may be what Cicero purports to be doing in this second part of the speech, his actual intentions were more radical and confrontational.

What Cicero actually proceeds to do in this second part of the speech is to launch a new political strategy that would shake the very foundations of the policy of government by public consensus. Cicero, in his new political strategy, aimed at

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Naturally, Cicero's account of events is highly selective, deceptive when necessary, and very carefully shaped to drive home his points.

<sup>33</sup> Cic. *Phil.* 1.11-13.

<sup>34</sup> Cic. *Phil.* 1.11-12.

<sup>35</sup> Cic. *Phil.* 1.13. In this passage, Cicero claims that his argument against Antonius' proposal would have hinged on the sacrilege involved in blurring the lines between the human and the divine by honouring Caesar in such a way after his death.

<sup>36</sup> Cic. *Phil.* 1.14-15.

<sup>37</sup> Cic. *Phil.* 1.16-38a.

restoring the authority of the senate by removing Antonius from the political scene. It was, therefore, in essence the same political strategy that Cicero used in his consulship against Catilina.<sup>38</sup> Cicero was gambling that he could politically outmanoeuvre Antonius and eliminate him. Of course, in order to do this, Cicero needed to break his commitment to the policy of government by public consensus and to engage in confrontation. This is exactly what he does in this speech, and in particular, in the second part of this speech, all the while ostensibly affirming his commitment to the compromise agreement, including the *acta Caesaris*.<sup>39</sup> However, neither his fellow senators, nor, as will shortly be discussed, Antonius, could have failed to see beyond the surface of what Cicero was saying and to realize the true intent behind his words.

Even though the ultimate aim of Cicero's new political strategy was to restore the authority of the senate by eliminating Antonius, his purpose in this first speech is more limited. The fact that this speech has to be read for what Cicero implies and intends, rather than for what he explicitly states, reveals that his purpose was more about testing the reactions of his fellow senators, and perhaps also Antonius, than anything else. That being said, what Cicero chooses to discuss in this second part of the speech, and the manner in which he does it, makes it clear that the first step in his new political strategy was to undermine Antonius' authority by isolating him from his own supporters. For example, instead of confronting Antonius over his treatment of the

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<sup>38</sup> For a recent discussion of the role of Catilina, along with Cicero's other great nemesis, Clodius, in the *Philippics*, and their use as parallels by Cicero for Antonius, see Evans 2008: 62-81. As Evans notes, Catilina and Clodius are paired, and there are fourteen direct references to them, which is twice as many as Rome's great enemy Hannibal, and they are far more pervasive in the *Philippics* than any other leaders of civil strife (e.g. the Gracchi, Cinna, Sulla, Marius, etc.); Evans 2008: 62. Interestingly, the first direct reference to them does not occur until the *Second Philippic*, leading Evans to suggest that Antonius, in his response in the senate on 19 September to Cicero's *First Philippic*, made use of his familial and political connections to both Catilina and Clodius; Cic. *Phil.* 2.1; Evans 2008: 75-76.

<sup>39</sup> Frisch 1946: 131.

assassins, Cicero in fact launches a scathing attack on Antonius for his betrayal of Caesar's legacy.<sup>40</sup> He does this in two ways.

First, he proceeds to accuse the consuls of overturning not just one or two, but three of the dictator's *leges*.<sup>41</sup> The first of these is only briefly mentioned, for there could be no argument that Antonius and Dolabella had clearly circumvented Caesar's *lex* when they had their governorships prorogued by the assembly back in June. The remaining two are discussed at some length by Cicero, and this is probably because this legislation had only been promulgated at the time this speech was delivered,<sup>42</sup> and thus could still be prevented. In addition, Cicero predicts that their methods will worsen, and that they have plans to pass *leges* through sham assemblies, where the people will be kept out of the Forum by soldiers and the opposition of the tribunes of the plebs stifled.<sup>43</sup> Cicero's depiction of the consuls' future trampling of tribunician rights likely made this passage particularly irritating for Antonius. Caesar had claimed that he had marched on Rome to defend the rights of the tribunes of the plebs,<sup>44</sup> and here was

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<sup>40</sup> An underlying tension within this speech that is of some significance is Cicero's treatment of Dolabella. As Antonius' colleague, Dolabella receives his share of criticism by association, but the more direct and more severe reproaches are generally reserved for Antonius. In addition to the fact that Dolabella was presiding over this senate meeting, Cicero possibly also wanted to go easy on him because he may have held out some hope that Dolabella could still be won over; e.g. Cic. *Att.* 417.1 [15.13A]; 420.2 [16.11].

<sup>41</sup> Cic. *Phil.* 1.19-25. The three *leges Iuliae* in question are the following: 1) term limits of one and two years for governors of praetorian and consular provinces respectively; 2) the abolishment of the third jury panel (previously composed of *tribuni aerarii*); 3) and finally, the *lex de vi et maiestatis*.

<sup>42</sup> As is made clear in Cicero's terminology in both cases; Cic. *Phil.* 1.19, 21. On the basis of references in Cicero's *Fifth* and *Eighth Philippics*, it is clear that Antonius' *lex iudicaria* was passed by the assembly; Cic. *Phil.* 5.12-15; 8.27. On the basis that this *lex iudicaria* is not mentioned in Cicero's *Second Philippic*, in which Cicero does not mention events that took place after its fictional delivery date of 19 September, Ramsey dates the passage of this *lex iudicaria* to late September (after the 19<sup>th</sup>) or early October (before Antonius' departure from Rome on the 9<sup>th</sup>); Ramsey 2003: 123. The fate of this second promulgated bill remains unknown as it is mentioned nowhere else, though there is no reason not to assume that it too was passed by the assembly at some point after 19 September and before 9 October.

<sup>43</sup> One can presume that Cicero here is thinking in the first instance of the two *leges* the consuls had already promulgated but which had not yet been passed.

<sup>44</sup> Caes. *B Civ.* 1.4-6.

Antonius, one of those tribunes of the plebs, now “threatening” to lock them out of the Forum.

Cicero’s second method is to call into question their loyalty to Caesar’s memory. Somewhat surprisingly, his method in doing so is not to attack their past actions, but to praise them. However, it is not exactly the sort of praise which the consuls would want to hear in front of their Caesarian supporters. In a section in which the ostensible purpose is to persuade both Dolabella and Antonius to pursue true glory, Cicero manages to undermine, or at the very least to shroud in doubt, the true fidelity of the consuls to Caesar’s memory. Taking first Dolabella and then Antonius, Cicero addresses himself to each and urges them to strive to achieve glory by reminding them of actions in their past for which they received it.<sup>45</sup> It is in the actions which Cicero selects to praise where the real damage to the consuls is inflicted. In the case of Dolabella, he selects the suffect consul’s suppression, in late April,<sup>46</sup> of the Caesar cult which had centred on the Forum: “Surely you can remember no happier or brighter day in your life than the day you returned home after purging the Forum, dispersing the concourse of traitors, and punishing the ringleaders.”<sup>47</sup> For Antonius, he was even more ‘harsh’ in his praise, singling out both the consul’s speech in the temple of Tellus in support of the compromise, and his subsequent motion to abolish the office of dictator: “...the greatest of all, when you abolished the name of dictatorship. Thereby you—yes,

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<sup>45</sup> In the *First Philippic*, Cicero defines glory as follows: “It is the credit for laudable actions and the reputation earned by notable public services, approved by the testimony of the best among us and also by that of the multitude. *est autem gloria laus recte factorum magnorumque in rem publicam fama meritorum, quae cum optimi cuiusque, tum etiam multitudinis testimonio comprobatur* (Cic. *Phil.* 1.29).” Cf. Cic. *Tusc.* 3.3; *Off.* 2.31. For more on Cicero’s use of the term *gloria*, see Sullivan 1941. Cf. Thomas 1994. For the similarity between Cicero’s discussion of moral principles in this passage and in his contemporary philosophical work *De Officiis*, see Long 1995; Ramsey 2003: 139-145.

<sup>46</sup> The date is provided in a letter to Atticus, dated to 1 May 44, in which Cicero praises Dolabella’s actions; Cic. *Att.* 369.1 [14.15].

<sup>47</sup> “*quem potes recordari in vita illuxisse tibi diem laetiolem quam cum expiato foro, dissipato concursu impiorum, principibus sceleris poena adfectis, te domum recepisti* (Cic. *Phil.* 1.30)?”

you—branded Caesar in his grave with everlasting infamy.”<sup>48</sup> While these are actions which Cicero and his supporters approved of, they were not the sort which the consuls, in the present situation and with the present audience, would have bragged about.

Before moving on to discuss the contemporary reactions to this speech, it remains to consider the reasoning behind Cicero’s new political strategy and the question of why he launched it at this time. In many ways, it is not surprising, given Cicero’s personal history, that he would come to view the problems facing the *res publica* in terms of individuals, and that he would seek to “fix” the problems by blaming everything on one individual and his immediate followers and by forcing them out of the *res publica*. However, it is a debatable point whether or not this was the best political strategy even if events had turned out different and Antonius and his immediate followers had been defeated along the lines of what had happened to Catilina. Would Cicero have succeeded in his aims even then, or would a different autocracy simply have arisen nevertheless? As events turned out, it is harder to imagine how maintaining the status quo by maintaining the policy of government by public consensus could have resulted in a worst-case scenario more damaging both to Cicero and to the *res publica* than what actually resulted from Cicero’s gamble to “fix” the *res publica* by pursuing a policy of confrontation and isolation against Antonius and his closest followers.

Nevertheless, while it is easy to see why Cicero would choose to pursue this type of political strategy, it is more difficult to ascertain why he decided to begin it when he did. If in fact it was Antonius’ outburst against him that provoked Cicero into this, then one must conclude that he acted rashly. On the other hand, the *First Philippic*

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<sup>48</sup> “*maximum autem illud quod dictaturae sustulisti. haec iniusta est a te, a te, inquam, mortuo Caesari nota ad ignominiam sempiternam* (Cic. *Phil.* 1.32).”

is a very calculated and restrained speech,<sup>49</sup> which suggests that this may have been something that Cicero was planning for some time. If so, then Antonius' outburst should not be regarded as the provocation, but rather, when combined with his proposal to honour Caesar, as the last straw that exasperated Cicero's patience, or, alternatively, the opportunity that he was waiting for. Moreover, one should not underestimate two other factors that likely played a part in Cicero's decision. The first of these is that his own position was under threat because of his decision to go to Greece and the criticisms that provoked from even his closest associates such as Atticus and Brutus. Consequently, a demonstration of leadership and re-entry into public politics was needed in order to restore his damaged standing amongst his closest associates and supporters. Second, his claim to a position of leadership within the senate as an influential consular was under threat by the fact that it was Piso, and not himself, who first stood up in the senate and criticized Antonius. The competition from Piso may have prompted Cicero to act sooner than he had planned, if he is to be believed that he was intending to return to Rome in time to attend the senate meeting on the Kalends of January under the new consuls Hirtius and Pansa. Moreover, this explains Cicero's repeated efforts to associate what he is doing in the senate with the *First Philippic* to what Piso did with his speech on the Kalends of August.<sup>50</sup> It also explains why Cicero is so damning in his criticism of the other consulars who did not support Piso,<sup>51</sup> since they were necessarily his competition

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<sup>49</sup> As indeed Cicero himself says in the *Fifth Philippic*: "I spoke on the *res publica* with some freedom-my custom called for more, the threats of danger for less. *locutus sum de re publica, minus equidem libere quam mea consuetudo, liberius tamen quam periculi minae postulabant* (Cic. *Phil.* 5.19)." See also Frisch 1946: 131.

<sup>50</sup> Cic. *Phil.* 1.14-15, 28.

<sup>51</sup> Cic. *Phil.* 1.10, 14-15. Cicero is equally scathing in his correspondence about his fellow consulars, with the only ones to escape his disdain being L. Calpurnius Piso Caesoninus (*cos.* 58), Ser. Sulpicius Rufus (*cos.* 51), and P. Servilius Isauricus (*cos.* 48), along with the variously elderly and ill L. Aurelius Cotta (*cos.* 65) and L. Iulius Caesar (*cos.* 64); Cic. *Fam.* 344.2-3 [12.2]. Cf. Cic. *Fam.* 366.2 [12.5]. By the autumn of 44, the civil wars had taken their toll, with but a mere seventeen consulars still alive. In

for power within the senate, especially now that Cicero had decided to embark on a new political strategy.

Having now discussed the *First Philippic* in terms of Cicero's intentions and strategy of persuasion, it is time to consider its impact by means of the reported reactions of various contemporaries. In my analysis, I stressed that a primary concern for Cicero, particularly in the first part of the speech, was to address the criticisms levelled against him by the likes of Atticus and Brutus about his decision to go to Greece. Unfortunately, neither of their reactions are preserved, which is disappointing as those are the two who are known to have made the criticisms.<sup>52</sup> Nevertheless, Cassius' reaction has been preserved, and it would seem that he at least had expressed his approval, since Cicero writes to him saying how pleased he is that Cassius had approved of his speech.<sup>53</sup> Moreover, in that same letter, Cicero writes that another consular, P. Servilius Isauricus, followed his example (presumably, he means of speaking out against Antonius).<sup>54</sup> As this is the only mention of Servilius' speech, it is not known if he spoke in support of Cicero on 2 September, or at the next meeting on 19

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addition to the group above, and of course, not forgetting M. Tullius Cicero (*cos.* 63), the remaining consulars were the following: C. Antonius (*cos.* 63), L. Marcius Philippus (*cos.* 56), M. Valerius Messalla Rufus (*cos.* 53), Cn. Domitius Calvinus (*cos.* 53), L. Aemilius Lepidus Paullus (*cos.* 50), C. Claudius Marcellus (*cos.* 50), P. Vatinius (*cos.* 47), Q. Fufius Calenus (*cos.* 47), M. Aemilius Lepidus (*cos.* 46), C. Trebonius (*cos.* 45), and C. Caninius Rebilus (*cos. suff.* 45); Syme 1939: 164-165; Shackleton Bailey 1977: 481-483; Ramsey 2003: 116. Of these, Vatinius, Lepidus, and Trebonius, the assassin, were, by the autumn of 44, serving as governors of Illyricum, Narbonese Gaul and Nearer Spain, and Asia respectively. It is also worth mentioning that two of these consulars, Philippus and Marcellus, were Octavianus' step-father and brother-in-law, respectively, Calenus was the consul-designate Pansa's father-in-law, while Paullus was Lepidus' brother, and both C. Antonius and L. Caesar were M. Antonius' uncles.

<sup>52</sup> However, given the fact that the strains caused by Cicero's aborted departure from Italy seem to have been healed (there are no signs of any such strains in the letters to Atticus after this), one can presume that this speech went some ways to answering Atticus' demand for an *apologia*.

<sup>53</sup> Cic. *Fam.* 344.1 [12.2]. Unfortunately, it is not known if Cassius had read a copy of the speech such as it is today, or if he had been told about it by those bringing news from Rome. Whichever is the case, this remains an important piece of evidence for the dissemination of these speeches as political tracts.

<sup>54</sup> "qui me est consecutus (Cic. *Fam.* 344.1 [12.2])."

September.<sup>55</sup> Either way, Cicero's speech at least had the effect of encouraging a fellow consular to speak out. It would seem, therefore, that the *First Philippic* was at the very least positively received by Cicero's closest associates and supporters.

What is not known, however, is what sort of impact Cicero's speech made on the *pedarii*, those masses of senators who filled the benches but whose opinions only expressed themselves in crossing the floor to vote.<sup>56</sup> Since there was no vote, their reactions remain a mystery, and may reasonably have been such even at the time. Many of these *pedarii* had presumably been followers and supporters of Caesar, many had been appointed by the dictator,<sup>57</sup> and to a large degree these senators would have formed the target audience for the second part of the speech. It is unfortunate that there is no way of knowing how they responded to Cicero's depictions of Antonius' (and, to a lesser extent, Dolabella's) betrayal of Caesar's legacy and memory.

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<sup>55</sup> However, in a letter to Cornificius dated to mid-March 43, Cicero writes the following of this senate meeting of 2 September: “*in summa reliquorum servitute liber unus fui* (Cic. *Fam.* 373.3-4 [12.25]).” Although this is noted by Shackleton Bailey (incorrectly cited as Cic. *Fam.* 361.3 [12.24]), he nevertheless prefers a date of 2 September for Servilius' speech; Shackleton Bailey 1977: 481. Ramsey, on the other hand, suggests a date of a day or two after Cicero's speech on the 2<sup>nd</sup>, though it is not clear whether he means that Servilius spoke in the senate at an otherwise unattested meeting, or in a *contio*, also otherwise unattested, or informally somehow; Ramsey 2003: 116. Note, however, that in Ramsey's own analysis, 3 September was a *dies comitialis* (meaning that the senate was forbidden to meet under the terms of the *lex Pupia*), and 4 to 18 September was taken up with the *ludi Romani*, with the result that the first available date after 2 September on which the senate could meet under normal circumstances, excepting an emergency, was 19 September; Ramsey 2003: 156. Cicero's reference to Servilius' act of opposition most probably refers to a speech in the senate, and thus, on the basis of Cicero's statement in the letter to Cornificius, the date of 19 September, rather than 2 September, should be favoured for Servilius' speech.

<sup>56</sup> For a discussion of the role of rank in determining the levels of opportunity for participation and influence in meetings of the senate, and in particular on the role of the *pedarii*, see Taylor & Scott 1969. Cf. Bonnefond-Coudry 1989: 655-682; Ryan 1998.

<sup>57</sup> Given that the senate, at the time of Caesar's death, numbered over 900 senators in its ranks, an enlargement of over 300 from its pre-civil war enrolment, not to mention the substantial number of new senators needed to replace those lost in the civil wars, it is clear that many, if not the majority, must have been Caesarian appointees, and that the vast majority must have been *pedarii*; Dio 47.43.2. For more on the composition of the senate at this time, see Syme 1939: 78-96, 162-165; Bane 1971; Wiseman 1971: 8-9, 183, 209-283.

### A New Policy of Confrontation?

As could only be expected, and as Cicero intended, this speech was not so well received by Antonius.<sup>58</sup> In the *Fifth Philippic*, Cicero describes Antonius' reaction to the *First Philippic* as follows:

Then this man of vehemence and violence, wishing to ban this habit of free speech (for L. Piso had done the same a month previously, greatly to his credit), declared himself my enemy and demanded my presence in the senate on the nineteenth of September. Meanwhile, he spent seventeen days declaiming about me in Scipio's villa at Tibur, working up a thirst – his usual reason for declaiming.<sup>59</sup>

Antonius, therefore, was so infuriated by the speech that he reacted by publicly declaring his *inimicitiae* (i.e. enmity) to Cicero. This was not something minor,<sup>60</sup> but represented a serious development and a severe blow to the public image of consensus that had dominated Roman political discourse since the 17 March compromise. Antonius' declaration of *inimicitiae* seems to have been done in two stages.

The first stage occurred quite soon after Antonius heard of Cicero's speech, and was informal, though this need not exclude it from quickly becoming public knowledge. Perhaps Antonius sent some companions to confront Cicero, or perhaps he used an intermediary such as Atticus.<sup>61</sup> Whichever method he used, Cicero was left in no doubt

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<sup>58</sup> Ramsey 2003: 82-83, 155-156; Manuwald 2007: 1.20. The reaction of Dolabella is harder to surmise. However, it cannot have been severely negative as Cicero still held out hopes of winning him over long after this speech. In a letter dated to 28 October, Cicero tells Atticus that he still considers Dolabella to be a *vir optimus*, Cic. Att. 417.1 [15.13A]. Moreover, in a letter dated to 5 November, Cicero agrees to take Atticus' advice and tone down his praise of Dolabella which appeared in the draft version of the *Second Philippic*; Cic. Att. 420.2 [16.11].

<sup>59</sup> “*at ille homo vehemens et violentus, qui hanc consuetudinem libere dicendi excluderet – fecerat enim hoc idem maxima cum laude L. Piso triginta diebus ante – inimicitias mihi denuntiavit; adessee in senatum iussit a.d. XIII Kalendas Octobris. ipse interea septemdecim dies de me in Tiburtino Scipionis declamavit, sitim quaerens; haec enim ei causa esse declamandi solet* (Cic. Phil. 5.19).”

<sup>60</sup> For more on *amicus* and *amicitia*, and its opposites, *hostis*, *inimicus*, and *inimicitia*, see Bleicken 1975: 507-508; Brunt 1988: 351-381; Manuwald 2007: 1.92-93; 2.558-559.

<sup>61</sup> Indeed, Atticus' avoidance of public politics, and his connections to both parties, would make him ideally suited for this role. In his biography of Atticus, Cornelius Nepos writes that Atticus even offered financial support to Fulvia and her children in 43 at the precise moments when his close friend Cicero

as to Antonius' *inimicitiae* towards him. In a letter to Plancus, Cicero reveals just how threatened Antonius has made him feel since his return to Rome.<sup>62</sup> Although this letter is difficult to date, the lack of any reference to Antonius' speech on 19 September would strongly support a date before that senate meeting.<sup>63</sup> Interestingly, the language which Cicero uses in this letter has definite echoes with that of the *First Philippic*, and in particular, the *peroratorio*.<sup>64</sup>

The second stage, in which Antonius made formal, so to speak, his declaration of *inimicitiae* to Cicero, came with his speech against Cicero in the senate on 19 September. Contrary to Cicero's allegation that Antonius had delayed making his reply to the *First Philippic* so that he could prepare his speech with the guidance of Sex. Clodius the rhetorician,<sup>65</sup> Ramsey demonstrates that 19 September was in fact the next available day on which a senate meeting could take place without being in violation of

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was campaigning in the senate to have her husband Antonius condemned as a *hostis*; *Nep. Att.* 9; Millar 1988: 44-45.

<sup>62</sup> E.g. "His insolence – but that is a common fault, say rather his atrocity – has reached such proportions that he cannot bear anybody to look like a free man, let alone speak like one. *cuius tanta est non insolentia (nam id quidem vulgare vitium est) sed immanitas non modo ut vocem sed ne vultum quidem liberum possit ferre cuiusquam* (Cic. *Fam.* 340.1 [10.1])."

<sup>63</sup> In his commentary, Shackleton Bailey suggests that Nike's dating of the letter to after 19 September might have something to it. However, Shackleton Bailey does not seem entirely convinced, and does not offer a tentative conclusion one way or the other; Shackleton Bailey 1977: 479.

<sup>64</sup> Cic. *Phil.* 1.38; Shackleton Bailey 1977: 479; Ramsey 2003: 155. Especially, for example, the following: "My greatest concern is not for my own life. As for that, I have run my race, whether in respect of years or achievements or (if that too be relevant) glory. But the thought of my country, and above all the prospects of your consulship, my dear Plancus, makes me anxious – it is so far away that I must pray rather than hope to be granted breath until that time comes for the *res publica*. *itaque mihi maximae curae est non de mea quidem vita, cui satis feci vel aetate vel factis vel, si quid etiam hoc ad rem pertinet, gloria, sed me patria sollicitat in primisque, mi Plance, exspectatio consulatus tui, quae ita longa est ut optandum <magis quam sperandum> sit ut possimus ad id tempus rei publicae spiritum ducere* (Cic. *Fam.* 340.1 [10.1])."

<sup>65</sup> Cic. *Phil.* 2.42-43; Ramsey 2003: 223. That Antonius would receive declamation lessons from a rhetorician is hardly unusual, even for a politician at his age; Cicero himself practiced declamation in both Greek and Latin until his praetorship (i.e. in 66, at which time he was 40 years old; as a point of comparison, Antonius was born in 83, so he was only 39 years old at this time), and in Latin even beyond that; Suet. *Rhet.* 1. Indeed, in the spring of 44, Cicero was himself giving declamation lessons to the consuls-designate Hirtius and Pansa; Cic. *Att.* 366.2 [14.12]; Suet. *Rhet.* 1.

the *lex Pupia*.<sup>66</sup> Ironically, and this was not a point lost on Cicero,<sup>67</sup> the senate meeting should not have been held on 19 September either, as that day should have been set aside in honour of Caesar as an extension of the *ludi Romani*.<sup>68</sup> Thus, Cicero could claim that Antonius was in violation of his own motion which the senate decreed on 1 September.<sup>69</sup>

Nevertheless, the senate did meet on 19 September, and, although it is remembered for Antonius' speech against Cicero, the senate meeting does not seem to have been called specifically for that purpose. As this is the only attested senate meeting between 2 September and 28 November, it is generally assumed that the meeting on 19 September was convened to debate a motion for a *supplicatio* in honour of Plancus' military success over the Raeti.<sup>70</sup> As was the case on the Kalends of September, this meeting was a *senatus frequens*, and, once again, Cicero was absent.<sup>71</sup> Unlike the previous occasion, however, Cicero did not send a message to Antonius beforehand or protest that he was tired and indisposed from travel. Rather, in both private letters and in the *Fifth Philippic*, he claims that his very life was in danger if he attended the senate that day, and that, on the urgings of his friends, he restrained himself from going to the meeting, and, in so doing, prevented a massacre.<sup>72</sup>

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<sup>66</sup> Ramsey 2003: 156.

<sup>67</sup> Cic. *Phil.* 2.110.

<sup>68</sup> Ramsey 2003: 156.

<sup>69</sup> However, it is not entirely clear whether or not the days of the celebration of *ludi Romani* at this time were considered to be *supplicationes*. It is difficult to believe that Antonius would purposefully violate his own motion a mere 18 days later, and thus one should suspect that Cicero is going back to the early origins of the *ludi Romani* to score his point against Antonius. It is perhaps worth noting that an additional day in honour of Caesar was added to the *ludi Romani* by Augustus; Degraffi 1963: 507; Scullard 1981: 183-186; Lacey 1986: 238-239; Ramsey 2003: 323.

<sup>70</sup> Shackleton Bailey 1977: 480; Ramsey 2003: 156. This assumption is based on a passage in a letter to Plancus, in which Cicero apologizes for not attending the senate meeting to support the motion because he could not do so in safety (Cic. *Fam.* 341.1 [10.2]).

<sup>71</sup> Ramsey 2003: 156.

<sup>72</sup> Cic. *Fam.* 341.1 [10.2]; 344.1-2 [12.2]. Cic. *Phil.* 5.19-20.

Antonius was the presiding magistrate, and, perhaps with a sense of irony, selected the temple of Concord as the meeting place. It is impossible to know for sure if Cicero's allegations that Antonius surrounded the temple with armed soldiers both outside and even within are mere inventions of invective, an exaggeration of Antonius' personal bodyguard, or actually report what happened.<sup>73</sup> As well, if Antonius did in fact surround the temple with armed soldiers or even brought his personal bodyguard into the temple, there is no evidence, besides Cicero's paranoia,<sup>74</sup> to suggest that he was planning a massacre of the senate that day. A more logical reason, if this did indeed happen, is that Antonius had concerns for his personal safety, or wanted to appear to have such concerns. Indeed, shortly after this meeting, Antonius accused Octavianus of plotting to assassinate him.<sup>75</sup>

It is unclear whether Antonius delivered his speech in support of the motion to decree a *supplicatio* for Plancus,<sup>76</sup> or if he spoke at some other point during the senate meeting. Although Antonius' speech does not survive, if indeed it was ever circulated, it

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<sup>73</sup> Cic. *Fam.* 341.1 [10.2]; Cic. *Phil.* 5.18.

<sup>74</sup> In a letter to Cassius, dated to between 19 September and 2 October, Cicero writes: "The gladiator is looking for a massacre, and thought to make a start with me on 19 September. *caedem enim gladiator quaerit eiusque initium a.d. XIII Kal. Oct. a me se facturum putavit* (Cic. *Fam.* 344.1 [12.2])." The appellation of the term *gladiator* to Antonius was a particularly favoured invective used by Cicero, both in his correspondence, as in the passage quoted above, and especially in his *Philippics*; Denniston 1926: 95; Ramsey 2003: 171; Manuwald 2007: 2.387; 2.879; Corbeil 2008: 241, 243; Evans 2008: 72; Larsen 2008: 176. Although, as Denniston and Ramsey note, the term *gladiator* became almost a characteristic epithet for Antonius, as Manuwald notes, it was a common term of invective in the late republic and also frequently used by Cicero against his other arch-enemies Catilina and Clodius; e.g. Cic. *Cat.* 1.29; 2.24; *Mur.* 50, 83; *Red. sen.* 18; *Sest.* 55, 88, 106; *Pis.* 19, 28; *Vat.* 37; *Har. resp.* 1, 15; Manuwald 2007: 2.387.

<sup>75</sup> As Cicero mentions in a letter to Cornificius, dated to ca. 10 October: "I feel sure that the city news is sent to you. If I thought otherwise, I should give you the particulars myself, especially about Caesar Octavianus' attempt. The general public thinks Antonius has trumped up the charge because he wants to lay hands on the young man's money; but intelligent and honest men both believe in the fact and approve. *Rerum urbanarum acta tibi mitti certo scio. quod ni ita putarem, ipse perscriberem, in primisque Caesaris Octaviani conatum. de quo multitudini fictum ab Antonio crimen videtur, ut in pecuniam adolescentis impetum faceret; prudentes autem et boni viri et credunt factum et probant* (Cic. *Fam.* 347.2 [12.23])."

<sup>76</sup> Since Cicero, in the letter apologizing to Plancus for his absence, makes no suggestion that the motion did not pass, one should assume that it was passed without encountering any difficulties; Cic. *Fam.* 341.1 [10.2].

is possible to reconstruct it to a degree from the references to it which Cicero makes in his literary response, the *Second Philippic*.<sup>77</sup> Using these references, Frisch has reconstructed a summarized version of Antonius' speech.<sup>78</sup> On the basis of Cicero's refutations in the *Second Philippic*,<sup>79</sup> it would seem that Antonius' speech consisted primarily of three attacks on Cicero: the violation of his friendship with Antonius,<sup>80</sup> Cicero's political career,<sup>81</sup> and Cicero's character.<sup>82</sup>

Because of the Ciceronian bias of the surviving evidence, it is even more difficult to assess the impact of Antonius' speech on the senators than it was for the *First Philippic*. Essentially, only the impact it made on Cicero is known, and it appears to have infuriated Cicero at least as much as the *First Philippic* infuriated Antonius. Although Cicero refers to Antonius' speech with derision,<sup>83</sup> his extended and careful composition and revision of the *Second Philippic* make it clear that Antonius' invective had struck a nerve. Indeed, Cicero did not even finish his first draft of the *Second Philippic* until 25 October, when he sent it to Atticus for his opinion and corrections.<sup>84</sup> Even then, Cicero did not immediately put it out for circulation: "I am sending you the speech, to be kept back and put out at your discretion. But when shall we see the day when you will think proper to publish it?"<sup>85</sup> The prevailing theory, which I accept, is that Atticus postponed disseminating the *Second Philippic* until at least after Antonius'

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<sup>77</sup> These are collected at Malcovati 1976: 472-475.

<sup>78</sup> Frisch, 1946: 133-135.

<sup>79</sup> Frisch, 1946: 133. Cf. Lintott 2008: 378-382.

<sup>80</sup> Cic. *Phil.* 2.3-8.

<sup>81</sup> Cic. *Phil.* 2.11-30.

<sup>82</sup> Cic. *Phil.* 2.37-42.

<sup>83</sup> E.g. "... and vomited from his foul mouth a speech against me in my absence. *atque in me absentem orationem ex ore impurissimo evomuit* (Cic. *Phil.* 5.20)." Cf. "So, as I wrote to you earlier, everyone thought he was not speaking but vomiting – according to habit! *itaque omnibus est visus, ut ad te antea scripsi, vomere suo more, non dicere* (Cic. *Fam.* 344.1 [10.2])."

<sup>84</sup> Cic. *Att.* 416.1-2 [15.13]. Cicero mentions the *Second Philippic* again in letters to Atticus on 28 October and on 5 November; Cic. *Att.* 417.3 [15.13A]; 420.1-2 [16.11].

<sup>85</sup> "*orationem tibi misi. eius custodiendae et proferendae arbitrium tuum. sed quando illum diem cum tu <ed>endam putes* (Cic. *Att.* 416.1-2 [15.13])?"

march north from Rome on the evening of 28 November, though probably waiting until the dissemination of the *Third* and *Fourth Philippics*, which were delivered on 20 December.<sup>86</sup>

At the same time as all this was happening between Cicero and Antonius, two other cases of public political confrontation were taking place that put the policy of government by public consensus under yet more strain. The first of these was a re-emergence of public confrontation between Antonius and Octavianus. Although Caesar's veterans had forced Antonius and Octavianus to publicly reconcile on the Capitol at the end of July, this did not mean that it was anything other than a demonstration of unity. As I have stressed so far, Octavianus had nothing to gain from the policy of government by public consensus and was not a stakeholder in the compromise agreement, while Antonius had every reason to want to eliminate his rival for the support of Caesar's followers. This re-emergence into the public view of the struggle between Antonius and Octavianus can be dated to the end of September or the beginning of October, when Antonius publicly accused Octavianus of plotting to assassinate him.<sup>87</sup> In many ways, this was a more serious public confrontation than what had happened so far between Cicero and Antonius, since this one had the potential to

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<sup>86</sup> Ramsey 2003: 158-159. This is the prevailing view amongst scholars: e.g. King 1878: 106; Brighthouse 1903: xxvii, xxxi; Denniston 1926: xvii; Mack 1937: 63; Frisch 1946: 143, n.64; Settle 1962: 279; Terry & Upton 1969: xxi, xxv; Lacey 1986: 16; Shackleton Bailey 1986: 31; Craig 1993: 149; Marinone 2004: 236, n.2; Dugan 2005: 341; Steel 2005: 142; Kelly 2008: 36-37; Lintott 2008: 378. This is against the view of some scholars who doubt that the *Second Philippic* was ever disseminated in Cicero's lifetime: Holmes 1928: 1.198-199; Gelzer 1969: 352, n.51; Ehrenwirth 1971: 88-89; Bleicken 1998: 93; Everitt 2001: 278. Cf. Gelzer *et al.* 1939: 1047. On the other extreme is the argument by Cerutti that Cicero actually delivered the *Second Philippic* in the senate at some point in October after Antonius left the city on 9 October; Cerutti 1994: 23-28. However, not only is there no evidence for it, but it is inconceivable that Cicero actually delivered the *Second Philippic* in the senate. On the other hand, there is also no reason to assume that Cicero withheld dissemination of the *Second Philippic* during his lifetime. A date of dissemination in early December, following Antonius' departure on 28 November, as suggested by Denniston, Shackleton Bailey, and Craig, for example, is perhaps too early, and Ramsey's suggestion that dissemination should be dated to after Cicero's delivery of the *Third* and *Fourth Philippics* on 20 December makes the most sense.

<sup>87</sup> Cf. App. *B Civ.* 3.39-40; Syme 1939: 123-124; Frisch 1946: 136-137.

escalate into a civil war. Indeed, as I shall discuss in the next section, this happened very quickly, with both leaving Rome shortly thereafter to do just that.

The other case of public confrontation in September and October involved a return by Antonius to the harsh public stance that he had taken against the assassins in the exchange of edicts and letters surrounding the senate meeting on the Kalends of August, and, indeed, in the senate meeting itself. In a letter to Cassius written shortly after 2 October, Cicero complains about three provocative and confrontational acts by Antonius towards the assassins. The first of these is that Antonius set up a statue of Caesar on the Rostra with the inscription: “To Father and Benefactor.”<sup>88</sup> The second complaint concerns a *contio*, about which Cicero writes:

On 2 October, Antonius was brought before a *contio* by Cannutius. He came off ignominiously indeed, but still he spoke of the country’s saviours in terms appropriate to her betrayers. Of myself he declared unequivocally that everything you and your friends did and Cannutius is doing was on my advice.<sup>89</sup>

Finally, Cicero complains that: “As a specimen of their behaviour in general, take the fact that they have deprived your legate of his travelling allowance. What do you suppose they imply by that? Presumably that the money was being conveyed to a public enemy.”<sup>90</sup> What is one to make of these three provocative and confrontational actions as described by Cicero in his letter to Cassius? As with Antonius’ proposal on the Kalends of September, these acts should be understood in terms of his rivalry with Octavianus

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<sup>88</sup> “*parenti optime merito* (Cic. *Fam.* 345.1 [12.3]).” For more on this statue, see Weinstock 1971: 365, 385-386; Shackleton Bailey 1977: 483.

<sup>89</sup> “*itaque a.d. VI Non. Oct. productus in contionem a Cannutio turpissime ille quidem discessit, sed tamen ea dixit de conservatoribus patriae quae dici deberent de proditoribus; de me quidem non dubitanter quin omnia de meo consilio et vos fecissetis et Cannutius faceret* (Cic. *Fam.* 345.2 [12.3]).” Ti. Cannutius was a tribune of the plebs who was a supporter of Octavianus, and a staunch opponent of Antonius; Münzer 1899b: 1485-1486; Syme 1939: 123; Broughton 1952: 323-324; Shackleton Bailey 1977: 484; Manuwald 2007: 1.35. Cannutius will be discussed further in connection with a couple of instances of political interactions examined later in the chapter.

<sup>90</sup> “*cetera cuius modi sint ex hoc iudica quod legato tuo viaticum eripuerunt. quod eos interpretari putas cum hoc faciunt? ad hostem scilicet portari* (Cic. *Fam.* 345.2 [12.3]).” For a contemporary definition by Cicero of the term *hostis*, see Cic. *Off.* 1.37.

and his need to demonstrate his loyalty to Caesar. Moreover, in my opinion, the greater intensity of provocation and hostility directed by Antonius towards the assassins in these three acts was to some extent due to their close association to Cicero and his recent public questioning of Antonius' fidelity to Caesar's legacy and memory. One final point is that Cicero's letter is also evidence of the re-emergence of an important type of public political interaction, namely the summoning of a magistrate or senator before a *contio* by a hostile tribune of the plebs,<sup>91</sup> in this case, by Cannutius. It is also yet another instance of this power-struggle between Antonius and Octavianus being contested in public in a formal political interaction.

So far in this chapter, my discussion of political events in September and October of 44 has focussed on instances of public confrontation between leading politicians. Part of this is because these instances constitute a dramatic and intensifying shift in public political interactions from unity and civility to discord and confrontation that acquired force after Piso's speech on the Kalends of August. On the other hand, a large part of this is due to the bias in the sources, which highlights instances of public discord and confrontation over continuity and stability. This is further exacerbated by the Ciceronian bias of much of the evidence, a bias that naturally focuses attention on the developing political confrontation with Antonius. This makes it difficult to know what nearly all the other senators, including numerous influential consulars, thought of the situation, and what significance, if any, they attributed to these public

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<sup>91</sup> Shackleton Bailey is uncertain that Antonius could have been forced to appear against his will; Shackleton Bailey 1977:483-484. Indeed, whether or not a tribune of the plebs had the right of *vocatio* (i.e. to issue a compulsory summons to appear on the Rostra) was debated even in antiquity; Gell. *NA* 13.12.4-9. Nevertheless, as Morstein-Marx notes, it was virtually impossible, in practice, to refuse a summons to appear in a *contio*, even if summoned by an opponent; Morstein-Marx 2004: 171. Although Morstein-Marx is more cautious on the value of these forced public questionings of leading citizens as democratic elements in the Roman republican political system, Millar argues that these were necessary for the health of the political system; Millar 1998: 60, 134; Morstein-Marx 2004: 161-172.

confrontations? Did they consider the policy of government by public consensus to be finished? Or, were they willing to continue to try to adhere to it while others like Cicero, Antonius, and Octavianus engaged in public confrontations? Indeed, was it even the case that Cicero and Antonius were now irreconcilable enemies? Atticus at least, even as late as the end of October, clearly did not think so, since he wrote to Cicero proposing a truce. Cicero, however, declined that option and decided to make no public reply to Antonius' speech of 19 September for the time being.<sup>92</sup> As I shall demonstrate in the remainder of this chapter and in the one following, although certain leaders, such as Cicero, Antonius, and Octavianus, may have decided upon a policy of confrontation as early as September and October, the vast majority of senators, including most of the consulars, were reluctant, to say the least, to become involved in yet another civil war.

### Unlikely Bedfellows?

A week after Antonius' hostile words against the assassins at the *contio* on 2 October, and coinciding with his public allegations that Octavianus was behind a plot to assassinate him, Antonius left Rome to join the legions transferred from Macedonia to Brundisium.<sup>93</sup> Octavianus, already accused of plotting to assassinate the consul,<sup>94</sup> proceeded to Campania in order to raise an army from amongst Caesar's veterans there:

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<sup>92</sup> "The truce you write of seems to me impracticable. The better course is to make no rejoinder and I think I shall follow it. *indutias quas scribis non intellego fieri posse. melior ἀναντιφώνησία, qua me usurum arbitror* (Cic. Att. 416.1 [15.13])." Of course, Cicero's *Second Philippic*, which was to be his public reply, was still in the process of being revised and would not be disseminated to a wider audience until at least after 28 November, but, more likely, after 20 December.

<sup>93</sup> Cic. Fam. 347.2 [12.23]. As mentioned in the previous chapter, Antonius transferred five of the six Macedonian legions to his command, and then proceeded to transfer four of them over to Italy: the *legio Martia*, the *legio secunda*, the *legio quarta*, and the *legio tricesima quinta*; Cic. Phil. 3.6-7; 5.53; Fam. 378.1 [10.30]; Manuwald 2007: 1.14-15, n.35. Note however, that one of these legions, either the *legio secunda* or the *legio tricesima quinta*, was not transported to Brundisium at the same time as the other three, but arrived later in the autumn, and was marched north to Cisalpine Gaul under the command of L. Antonius in December; Cic. Att. 418.2 [16.8]; Phil. 3.31; Frisch 1946: 148; Manuwald 2007: 2.434-437.

He [i.e. Octavianus] has great schemes afoot. He has won the veterans at Casilinum and Calatia over to his view, and no wonder since he gives them 500 *denarii* apiece. He plans to make a round of the other colonies. His object is plain: war with Antonius and himself as commander-in-chief. So it looks to me as though in a few days' time we shall be in arms.<sup>95</sup>

Antonius and Octavianus were not alone in leaving Rome in the midst of this brewing crisis. Dolabella too, left Rome at some point after 2 September (when he is last reported as being in Rome) in order to make preparations for departing to his province of Syria; although he was known to still be in the vicinity of the Bay of Naples at the end of October,<sup>96</sup> he must nevertheless have left Italy shortly thereafter, perhaps reaching the province of Asia (en-route to his province of Syria) by the end of the year.<sup>97</sup> As mentioned in the previous chapter, Brutus and Cassius had also left Italy in this period, at the end of August and September respectively, ostensibly on their grain commissions before taking up their provincial commands for 43. Likewise, Cicero too left Rome, this time in mid-October; he stayed at his villa in Puteoli for a short while, then, as the crisis intensified, began a hesitant and slow journey back to Rome, via Sinuessa and Arpinum, before arriving back on 9 December.<sup>98</sup>

With the absence of so many key players from Rome, it should come as no surprise that, from mid-October until 20 December, only two public political interactions are known to have taken place in Rome: a *contio* convened by the tribune of

Cf. App. *B Civ.* 3.46. In addition, Antonius took command of the *legio V Alaudae* in Italy at some point in the summer; Cic. *Att.* 418.2 [16.8]; *Phil.* 5.12; Manuwald 2007: 1.11; 2.598.

<sup>94</sup> Cic. *Fam.* 347.2 [12.23].

<sup>95</sup> “*magna molitur. veteranos qui Casilini et Calatiae <sunt> perduxit ad suam sententiam. nec mirum, quingenos denarios dat. cogitat reliquas colonias obire. plane hoc spectat ut se duce bellum geratur cum Antonio. itaque video paucis diebus nos in armis fore* (Cic. *Att.* 418.1 [16.8]).” The exact date of Octavianus’ departure from Rome to Campania is unknown, but it must have preceded by some time the date of this letter, which is 2 or 3 November; Shackleton Bailey 1967: 297.

<sup>96</sup> Cic. *Att.* 416.1 [15.13A].

<sup>97</sup> Broughton 1952: 317. One should assume that Dolabella reached the city of Smyrna in the province of Asia, where he captured Trebonius, by the end of the year 44 in order to allow sufficient time for the news to reach Rome by the time Cicero delivered his *Eleventh Philippic*, for which there is a *terminus ante quem* of 7 March 43; Frisch 1946: 225.

<sup>98</sup> Marinone 2004: 234.

the plebs Cannutius on 10 November, at which Octavianus delivered a fiery speech,<sup>99</sup> and a senate meeting convened by Antonius on 28 November. However, this is not an indication that, as the situation deteriorated from public confrontation between a few leading politicians into preparations for a new civil war, that public political interactions, either in the form of *contiones* or formal meetings of the senate, had lost their importance or become irrelevant. On the contrary, Octavianus and Antonius went out of their way in November to organize these public political interactions precisely because they offered the opportunity to secure that which they could not obtain from the legions, namely the legitimacy that the people, by a demonstration of popular support from the *contio* audience, and the senate, by means of a *senatus consultum*, could offer by approving their actions, and, of course, by condemning those of their opponents.

In what remains of this section, I shall examine the first of these public political interactions, namely the *contio* held on 10 November, and shall leave my discussion of the senate meeting on 28 November to the next section. In the passage quoted from Cicero at the beginning of this section, Cicero informs Atticus of Octavianus' recent activities to secure his own private army from amongst Caesar's veterans. As remarkable as that is, it is but one of numerous startling revelations in this letter.<sup>100</sup> For not only had Octavianus raised his own private army of 3000 of Caesar's veterans, he was also tampering with the loyalty of Antonius' legions in Brundisium, who are reported as having booed Antonius off the tribunal at a military *contio* as he tried to harangue the troops.<sup>101</sup> The most startling revelation in this letter, however, is that not

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<sup>99</sup> Cic. *Att.* 426.3 [16.15]; App. *B Civ.* 3.41-42; Dio 45.12.4-6; Syme 1939: 125; Frisch 1946: 150; Gowing 1992: 106. Shackleton Bailey and Ramsey, however, date this *contio* to 9 November; Shackleton Bailey 1986: 107; Ramsey 2003: 10.

<sup>100</sup> Cic. *Att.* 418.1-2 [16.8]; Frisch 1946: 145-147.

<sup>101</sup> Pina Polo 1989: 341 (#118). Cf. App. *B Civ.* 3.43.

only has Cicero been communicating with Octavianus by letter,<sup>102</sup> but that he was contemplating an alliance with Caesar's heir and offering him advice,<sup>103</sup> even going so far as to suggest that he march on Rome! How did this come about?

As noted in the previous chapter, and as will be discussed in greater detail in Chapter IV, Octavianus was not a stranger to Cicero, but he had in fact been meeting, and keeping in touch, with not only Octavianus, but also with his circle of family and associates (such as the influential Balbus), since Octavianus' arrival in Puteoli on ca. 21 April.<sup>104</sup> However, Cicero's last mention of Octavianus in his correspondence to Atticus prior to this was on ca. 10 June,<sup>105</sup> meaning that there is an unfortunate gap in the evidence in the months prior to this revelation about a possible alliance. Moreover, Cicero's references to Octavianus in those letters in the spring suggest that, at that time, he mostly thought of Caesar's heir with either disdain as politically insignificant or with distrust on account of his age and relationship to Caesar;<sup>106</sup> however, in that letter of ca. 10 June, Cicero does have positive things to say about Octavianus, albeit still with some distrust, and thinks it wise to encourage him if only to keep him away from Antonius.<sup>107</sup>

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<sup>102</sup> Indeed, Octavianus had apparently even suggested a clandestine meeting with Cicero near Capua. Cicero, however, rejected the suggestion as childish on the grounds that it would be impossible for them to meet in secret.

<sup>103</sup> It is by no means insignificant that this is the first letter to Atticus in which Cicero refers to him as Octavianus, rather than as Octavius. However, Cicero first calls him Caesar Octavianus in a letter to Cornificius written on ca. 10 October; Cic. *Fam.* 347.2 [12.23].

<sup>104</sup> Cic. *Att.* 365.2 [14.11]. In fact, Octavianus was staying at the villa of his step-father, the consular L. Marcius Philippus, who also happened to be Cicero's neighbour in Puteoli. For more on Octavianus' relationship to his step-father Philippus, see Gray-Fow 1988.

<sup>105</sup> Cic. *Att.* 390.2 [15.12]. Although Cicero does mention Octavianus in that letter to Cassius of ca. 10 October, it is in connection to Antonius' allegation about his involvement in an assassination plot, and thus does not provide much help; Cic. *Fam.* 347.2 [12.23]. Note, however, that Cicero believes in Octavianus' involvement, and even expresses his approval!

<sup>106</sup> Cic. *Att.* 359.3 [14.5]; 360.1 [14.6]; 364.3 [14.10]; 365.2 [14.11]; 366.2 [14.12]; 374.5 [14.20]; 375.4 [14.21]; 379.3 [15.2].

<sup>107</sup> Cic. *Att.* 390.2 [15.12].

In all but one of the remaining eight letters in the collection *epistulae ad Atticum*, with the last letter written after 12 November,<sup>108</sup> Cicero continues to contemplate a possible alliance with Octavianus, and reveals that: “I get letters every day from Octavianus urging me to put my shoulder to the wheel, come to Capua, save the *res publica* a second time, and at all events return to Rome at once.”<sup>109</sup> What these letters reveal is a rather intensive period of private persuasion attempted on both sides in the exchange of correspondence between Cicero and Octavianus, as well as private deliberation in the exchange of correspondence between Cicero and Atticus. Unfortunately, Cicero’s last comment on the matter in his last surviving letter to Atticus reveals that he had still not yet committed himself to an alliance with Octavianus. Instead, he was going to take Atticus’ advice to wait and see what Octavianus’ reaction would be when P. Servilius Casca Longus, one of Caesar’s assassins, entered his tribunate on 10 December. Cicero’s cautiousness even after so prolonged a period of discussion and engagement with Octavianus via correspondence appears due to his distrust of Octavianus’ relationship to Caesar,<sup>110</sup> a distrust that was further heightened after he received a copy of Octavianus’ *contio* speech of 10 November.

As noted above, this *contio* was convened by Cannutius, who, on the basis of his hostile *contio* towards Antonius of 2 October and his convening of this *contio* for Octavianus, one may presume was an enemy of Antonius and friendly to Octavianus. In the accounts of both Appian and Dio,<sup>111</sup> Octavianus had marched to Rome with his

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<sup>108</sup> Cic. *Att.* 419 [16.9]; 420.6 [16.111]; 422.2 [16.10]; 423.4 [16.13]; 424.1 [16.13A{B}]; 425.1 [16.14]; 426.3 [16.15].

<sup>109</sup> “...deinde ab Octaviano cottidie litterae ut negotium susciperem, Capuam venirem, iterum rem publicam servarem, Romam utique statim Cic. *Att.* 420.6 [16.11].”

<sup>110</sup> Manuwald 2007: 1.93-96.

<sup>111</sup> App. *B Civ.* 3.41-42; Dio 45.12.4-6. For a comparison of these two different accounts, see Gowing 1992: 106-108.

private army of Caesar's veterans, and, following a hostile speech against Antonius by Cannutius, delivered one himself, praising Caesar, justifying his actions, and condemning Antonius. In Appian's version, Octavianus failed to persuade the crowd, and Caesar's veterans were reluctant to pursue a war against Antonius, forcing Octavianus to leave Rome and try to save face by saying that he was sending them home to get their equipment. In Dio's version, however, Octavianus received a demonstration of popular support, and then proceeded to Etruria. Interestingly, there is no criticism (or indeed a mention) of this march on Rome with a private army of Caesar's veterans in Cicero's account of this in his letter to Atticus. As shocking as this should have been, and it is my opinion that there was a march of Caesar's veterans led by Octavianus on Rome,<sup>112</sup> Cicero's apparent lack of criticism can be accounted for because this is precisely what he advised Octavianus to do. Rather, what Cicero found unsettling about this whole affair were the pro-Caesarian statements made by Octavianus in this *contio*: "But what a speech—a copy was sent to me. Swears 'by his hopes of rising to his father's honours,' stretching his hand out towards the statue! Sooner destruction for me than a rescuer such as this!"<sup>113</sup> Nevertheless, as will be discussed later in this chapter, Cicero did eventually commit to an alliance with Octavianus by the time he delivered his *Third Philippic* in the senate on 20 December. Having now discussed the circumstances surrounding the establishment of this most

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<sup>112</sup> Syme 1939: 125; Frisch 1946: 149-151.

<sup>113</sup> "at quae contio! nam est missa mihi. iurat 'ita sibi parentis honores consequi liceat' et simul dextram intendit ad statuam. μηδὲ σωθείην ὑπὸ γε τοιούτου (Cic. Att. 426.3 [16.15])!" Contrast this, however, with the rather different view of Cannutius' *contiones* that Cicero presents in the *Third Philippic*: "... or Ti. Cannutius, whose most commendable speeches have often and rightly harassed him [i.e. Antonius]... Ti. Cannutium, a quo erat honestissimis contionibus et saepe et iure vexatus (Cic. Phil. 3.23)." Cf. Vell. Pat. 2.64.3. See Pina Polo 1989: 136-137.

unlikely alliance, I shall conclude this section by considering the possible reasons as to why Cicero and Octavianus would seek to establish an alliance with each other.

First and foremost, one should not underestimate the importance of the fact that both had had serious public confrontations with Antonius in September and October. However, while that meant that they shared a common enemy, this alone is not enough to explain the creation of an alliance. Rather, one must ask what each offered the other that they did not already have or could not easily obtain? In Cicero's case, it is clear that what Octavianus offered was access to military forces in Italy with which to oppose Antonius' legions. Moreover, an alliance with Octavianus also offered the opportunity for reducing tensions between Caesar's veterans (at least those who supported Octavianus) and Caesar's assassins. From Octavianus' perspective, an alliance with Cicero offered him the opportunity to obtain that which he could not get from his legions, namely legitimacy. Accordingly, Octavianus wanted to use Cicero's influence within the senate to obtain the passage of *senatus consulta* that would legitimate both his actions and his position, as well as to condemn Antonius.<sup>114</sup> That Octavianus should even bother in making the effort to secure the approval of the senate is a clear indication of its continued significance, even in the face of a new civil war. Indeed, one might go a step further and say that the senate, as the preferred source of legitimacy, acquired greater significance, rather than less, when the internal political situation deteriorated into armed conflict.

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<sup>114</sup> At least that is what he wrote in letters to Cicero: Cic. *Att.* 419.1 [16.9]; 420.6 [16.11].

### The Senate Meeting of 28 November

As noted above, the senate is not known to have met again, following the meeting on 19 September, until over two months later, on 28 November, when it was convened, four days later than originally announced by Antonius,<sup>115</sup> as a *senatus frequens*, and, what is even more extraordinary, in the evening.<sup>116</sup> Before turning to discuss this senate meeting, it is important to point out that the sources for it are rather limited, and that those authors who do write about it are more interested in describing the events taking place outside than within.<sup>117</sup> The only references to this senate meeting by a contemporary are to be found in Cicero's *Third, Fifth, and Thirteenth Philippics*.<sup>118</sup> This is less than ideal, since the only details about this meeting that survive are precisely those which Cicero himself has selected and shaped to use against Antonius in these three speeches. It is a not insignificant fact that Cicero himself was not present at this meeting or even in Rome,<sup>119</sup> and thus one cannot be sure that he even knew exactly what had happened.

In the *Third Philippic*, Cicero reports that Antonius had initially summoned a senate meeting for 24 November,<sup>120</sup> but then postponed the meeting by four days.<sup>121</sup> Cicero alleges that this delay was so that Antonius could drink and banquet some

<sup>115</sup> Cic. *Phil.* 3.20.

<sup>116</sup> Cic. *Phil.* 3.24. Cicero mentions in the *Third Philippic* precisely because, as was mentioned in Chapter I, senate meetings could only be held in daylight between sunrise and sunset; Gell. *NA* 14.7.8.

<sup>117</sup> App. *B Civ.* 3.45; Dio 45.13. Regrettably, Nicolaus' *Life of Augustus* breaks off just before these events.

<sup>118</sup> Cic. *Phil.* 3.19-26; 5.23-24; 13.19. As will be discussed in Chapter V, it is worth noting that, although this senate meeting of 28 November is a significant topic of discussion in Cicero's *Third Philippic*, it is not mentioned in his *contio* speech that followed the senate meeting on 20 December, i.e. the *Fourth Philippic*.

<sup>119</sup> For most of November and early December, Cicero was staying at his villa in his hometown of Arpinum; Marinone 2004: 234.

<sup>120</sup> Cicero quotes the concluding words of Antonius' edict as follows: "If any man fails to attend, all will be able to set him down as an instigator of my destruction and of the most desperate designs. *si quis non adfuert, hunc existimare omnes poterunt et interitus mei et perditissimorum consiliorum auctorem fuisse* (Cic. *Phil.* 3.19)."

<sup>121</sup> Cic. *Phil.* 3.19-20.

more.<sup>122</sup> This, however, is simply an invention of invective. Rather, it seems that Antonius postponed the meeting because he had just received the news that one of his legions, the *legio Martia*, had mutinied and gone over to Octavianus.<sup>123</sup> Appian writes that Antonius went to Alba Fucens, approximately 40 miles from Rome and where the *legio Martia* had stationed itself,<sup>124</sup> in order to attempt to persuade the soldiers from their mutiny, but was violently forced from the legionary camp.<sup>125</sup>

Antonius, then, had a real crisis on his hands by the time he convened the senate on the evening of 28 November. According to Cicero, who repeats this in all three speeches, Antonius' primary purpose in convening the senate was to refer the conduct of Octavianus to the senators and to have them declare Octavianus a *hostis* (i.e. a public enemy).<sup>126</sup> Cicero alleges that this was to be done through the motion of an unnamed consular.<sup>127</sup> Furthermore, Cicero repeats that Antonius, in an edict, threatened three tribunes of the plebs in particular (L. Cassius, D. Carfulenus, and Ti. Cannutius) with death if they attended the meeting on the Capitol.<sup>128</sup> This threat by Antonius would make some sense if he had been planning to have Octavianus declared a *hostis* and wanted to make sure that tribunes of the plebs friendly to Octavianus could not intervene.<sup>129</sup> It is not, however, proof that this had been Antonius' intention, as the other

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<sup>122</sup> Cic. *Phil.* 3.20.

<sup>123</sup> Frisch 1946: 152. The mutiny of the *legio Martia* is praised at length by Cicero in the *Third Philippic*; Cic. *Phil.* 3.6-7. On the mutiny of the *legio Martia*, see Botermann 1968: 49-54. On the topic of mutiny of legions in the period 44-31, see, most recently, Keaveney 2007: 85-92.

<sup>124</sup> Cic. *Phil.* 3.39; Manuwald 2007: 2.342.

<sup>125</sup> App. *B Civ.* 3.45. Appian places this incident after 28 November. However, this incident should be dated to the days preceding the senate meeting; Frisch 1946: 152; Manuwald 2007: 2.398-399.

<sup>126</sup> Cic. *Phil.* 3.20-21; 5.23; 13.19.

<sup>127</sup> Given his subsequent role as Antonius' most prominent supporter in the senate, one is inclined to presume that Cicero is here referring to Q. Fufius Calenus; Shackleton Bailey 1986: 121, n.20; Manuwald 2007: 2.400.

<sup>128</sup> Cic. *Phil.* 3.23; Manuwald 2007: 2.407-408.

<sup>129</sup> It is interesting to note that Antonius, in his edict, as discussed by Cicero in the *Third Philippic*, also engaged in the same sort of invective as Cicero when he called Octavianus a "Spartacus"; Cic. *Phil.* 3.21; Monteleone 2005: 102, n.259; Manuwald 2007: 2.401-402. As part of his armoury of invective, Cicero

items on the agenda were also of importance and could conceivably have been threatened by a hostile tribune of the plebs. As it was, Cicero says that Antonius lost his nerve and abandoned this plan when he received news that a second legion, this time the *legio quarta*, had also gone over to Octavianus under the leadership of its quaestor, L. Egnatuleius.<sup>130</sup> Nevertheless, Antonius did not cancel the senate meeting, and proceeded with the other items on the agenda.

Although Cicero accuses Antonius of putting through “countless senatorial decrees, all of which were deposited almost before they were put in writing,”<sup>131</sup> in fact, only two decrees are known to have been passed by the senate at this meeting. The first item on the agenda that evening, and the one which necessitated Antonius advertising the meeting as a *senatus frequens* in his edict, was a proposal to vote a *supplicatio* for Lepidus on account of his arranging a peace settlement with Sex. Pompeius in Spain.<sup>132</sup> Normally, the vote on this proposal would have been taken after the presiding magistrate had sought verbal opinions (*sententiae*) from the senators.<sup>133</sup> However, in this instance, Antonius chose to have the decree passed *per discessionem*,<sup>134</sup> that is, without any discussion of the proposal.<sup>135</sup> Cicero states that this was unprecedented, and

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himself also denigrates Antonius as a “Spartacus” on two subsequent occasions in the *Philippics*, including, interestingly, in the *Fourth Philippic*: Cic. *Phil.* 4.15; 13.22.

<sup>130</sup> Cic. *Phil.* 3.24.

<sup>131</sup> “*eoque ipso die innumerabilia senatus consulta fecit, quae quidem omnia <paene> citius delata quam scripta sunt* (Cic. *Phil.* 13.19).” It is worth noting that Cicero only makes this specific accusation in the *Thirteenth Philippic*, and not in his earlier treatments of this senate meeting of 28 November in either the *Third* or *Fifth Philippics*.

<sup>132</sup> Cic. *Phil.* 3.23-24. This peace settlement with Sex. Pompeius was most likely arranged by Lepidus, in his capacity as governor of Narbonese Gaul and Nearer Spain, in late June, and would have been based on Antonius’ proposals to grant a pardon to Sextus and some form of restoration of his father’s confiscated property; Cic. *Att.* 408.1 [15.29]; 409.4 [16.1]; App. *B Civ.* 3.4, 94; Dio 45.10.6; Weigel 1992: 49-50; Welch 2002: 8-9.

<sup>133</sup> Lintott 1999b: 82-83.

<sup>134</sup> Cic. *Phil.* 3.24.

<sup>135</sup> Lintott 1999b: 82-83; Manuwald 2007: 2.410.

that Antonius did it because he wanted to flee Rome as quickly as possible.<sup>136</sup> Although wooing Lepidus with the honour of a *supplicatio* was important to Antonius' strategy, he could not take the risk of giving a hostile senator the opportunity to block the agenda with a filibuster speech.

The second item on the agenda, and one of perhaps greater importance even than making a gesture to secure Lepidus' support, was the assignment of the praetorian provinces for 43. As discussed in the previous chapter, Antonius and Dolabella had already been allotted their consular provinces (Macedonia and Syria), though this was subsequently modified (Antonius switched Macedonia for the two Gauls) and prorogued by a law passed by the assembly at the beginning of June. As well, Brutus and Cassius had already been allotted their praetorian provinces of Crete and Cyrene respectively on the Kalends of August.<sup>137</sup> Accordingly, Antonius still needed to oversee the allotment of the remaining praetorian provinces before departing for his province.

In the *Third Philippic*, Cicero launches a scathing attack of Antonius' conduct of the *sortitio provinciarum*.<sup>138</sup> His attack consists of two criticisms. First, that the legitimacy of the *sortitio* has been rejected or questioned by the majority of the praetors involved. Of the fourteen praetors named by Cicero,<sup>139</sup> only five of them (T. Annius, C.

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<sup>136</sup> Cic. *Phil.* 3.24.

<sup>137</sup> There is no evidence whatsoever to support Syme's statement that Brutus and Cassius were deprived of their provinces of Crete and Cyrene at this meeting on 28 November; Syme 1939:126. Cf. Frisch 1946: 154, n.56.

<sup>138</sup> Cic. *Phil.* 3.24-26.

<sup>139</sup> The exact number of praetors named by Cicero in this passage is a matter of significant scholarly debate. It is my opinion that the number of praetors listed by Cicero in *Phil.* 3.26 is fourteen, and that any emendation to the obviously corrupt reading †*M. Antonius*† preserved by the manuscripts should refer to the province assigned to T. Annius and not to the name of a fifteenth praetor. This is the view adopted by the following scholars: Mommsen 1893: 600, n.1; Schwartz 1898: 194; Frisch 1946: 154, n.56; Sumner 1971: 266. Those scholars who argue that the text should be emended to include at least the name of a fifteenth praetor, if not also the names of the provinces assigned to T. Annius and the fifteenth praetor (often supposed as M. Gallius), are as follows: Sternkopf 1912a: 388; Clark 1918; Fedeli 1982; Hine 1988: 41; Manuwald 2006: 167-180; 2007: 2.416-418. Shackleton Bailey rejects Clark's emendation of

Antonius, C. Calvisius, M. Cusinius, and Q. Cassius), by the time he delivered the *Third Philippic* on 20 December, still publicly laid claim to the provinces allotted to them in the *sortitio* on 28 November. Of the other nine praetors, five (L. Lentulus, P. Naso, L. Philippus, C. Turranius, and Sp. Oppius) denounced the *sortitio* as null and void, and may not even have participated in it or been allotted provinces, and two (M. Piso and M. Vehilius) had seemingly been allotted provinces but deferred to the authority of the senate on the legitimacy of their allotments. Finally, the remaining two (L. Cinna and C. Cestius) refused provinces, though Cicero's language makes it impossible to know for certain whether or not they had been allotted provinces and then subsequently refused to recognize the *sortitio*, or whether they refused to participate in it and had not, therefore, been allotted provinces.<sup>140</sup> However, with the exception of the possible non-participation by the first group of five praetors, it would seem that, at the time of this meeting, Antonius succeeded in his plans of arranging the remaining provincial assignments for 43. It is quite probable that it was only after events had substantially altered the political situation that Piso and Vehilius doubted the legitimacy of their allotments, and that Cinna and Cestius, if indeed they had been allotted provinces, renounced theirs. Indeed, it is not even certain that the first group of five voiced their opposition to this *sortitio* either before, at the meeting itself, or even afterwards.

Cicero's second criticism, which is intended to call into question the legitimacy of the allotment of the praetorian provinces, is that it was simply too fortuitous for

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*M. Gallius* but prefers to leave the corrupt *M. Antonius* in with the daggers of desperation; Shackleton Bailey 1986: 124-125.

<sup>140</sup> There is an element of uncertainty about these nine praetors and their exact involvement and relationship to this *sortitio* because Cicero does not use language as explicit as one would like. Manuwald, however, argues that the first five had either not participated in the *sortitio* or had not been allotted provinces, that M. Piso and M. Vehilius had been allotted provinces, but that they now deferred to the authority of the senate, and that L. Cinna and C. Cestius had also both been allotted provinces, but that they subsequently rejected the legitimacy of the *sortitio*; Manuwald 2007: 2.414-416.

Antonius and his followers. Cicero alleges that the *sortitio* had been manipulated by Antonius in at least three cases: T. Annius and an unknown province; Antonius' brother Gaius and his allotment of Macedonia; and C. Calvisius and his reassignment to Africa Vetus.<sup>141</sup> This, however, was no doubt the weaker of Cicero's two arguments against recognizing these allotments. Moreover, one does wonder if the senators appreciated the irony of Cicero accusing an Antonius of manipulating a *sortitio*.<sup>142</sup>

As it was, the senate meeting of 28 November was the last that Antonius was to attend until he returned to Rome a year later as a triumvir. However, Cicero's descriptions of his march north to Mutina as a flight are simply inventions of invective.<sup>143</sup> There is no evidence that Antonius had yet lost the support of the majority of the senate. Indeed, Appian records that Antonius, after he left Rome and before he marched to Mutina, went to Tibur and that:

While Antonius was at Tibur nearly all the senate, and the greater part of the equestrians, and the most influential plebeians, came there to do him honour. These persons, arriving while he was swearing into his service the soldiers present and also the discharged veterans who had flocked in (of whom there were a good number), voluntarily joined in taking the oath that they would not fail in friendship and fidelity to Antonius; so that one would have been at a loss to know who were the men who, a little before, had decried Antonius at Octavianus' public meeting.<sup>144</sup>

Appian is the only source for this, but if this passage is accurate, then it would mean that Antonius still had a significant, if not overwhelming, level of support across all of

<sup>141</sup> Cic. *Phil.* 3.26.

<sup>142</sup> Although Cicero had been allotted the province of Macedonia, he ceded this province to his colleague C. Antonius, M. Antonius' uncle, as a way of buying him off in order to secure his neutrality against Catilina in 63; Sall. *Cat.* 21.3, 26.4; Dyck 2008: 66.

<sup>143</sup> Cic. *Phil.* 3.2; 3.11; 3.24; 5.24; 13.20. Manuwald is likewise sceptical about Cicero's depictions of Antonius' departure from Rome as a "flight"; Manuwald 2007: 2.410-411.

<sup>144</sup> "Δεῦρο δὲ ὄντι ἢ τε βουλή σχεδὸν ἅπασα καὶ τῶν ἰππέων τὸ πλεῖστον ἀφίκετο ἐπὶ τιμῇ καὶ ἀπὸ τοῦ δήμου τὸ ἀξιολογώτατον· οἱ καὶ καταλαβόντες αὐτὸν ὀρκῶντα τοὺς παρόντας οἱ στρατιώτας καὶ τοὺς ἐκ τῶν πάλαι στρατευσαμένων συνδραμόντας· πολὺ γὰρ καὶ τοῦτο ἦν συνώμνησον ἐκόντες οὐκ ἐκλείψειν τὴν ἐς Ἀντώνιον εὐνοίαν τε καὶ πίστιν, ὡς ἀπορῆσαι, τίνες ἦσαν, οἱ πρὸ ὀλίγου παρὰ τὴν Καίσαρος ἐκκλησίαν τὸν Ἀντώνιον ἐβλασφήμουν (App. *B Civ.* 3.46)."

Roman society, not least of all the senators. Cicero is perhaps alluding to this in the *Thirteenth Philippic* when he says that Antonius delivered a pernicious speech (*pestifera contio*) at Tibur.<sup>145</sup> Although Cicero dates this *contio* at Tibur to just before the senate meeting, he may simply have been mistaken about the timing of the meeting.<sup>146</sup> This is certainly not inconceivable, as Cicero was neither in Rome nor Tibur at the time, and his only reference to this *contio* appears in the *Thirteenth Philippic*, which was delivered six months later.

### The Third Philippic

On 20 December,<sup>147</sup> Cicero delivered his *Third Philippic* at the first senate meeting since the one on 28 November. The meeting was convened by the new tribunes of the plebs (who would have only taken office around ten days earlier) to consult the senators about whether or not a guard was required in order for the senate to meet in safety on the Kalends of January.<sup>148</sup> However, the political situation changed dramatically on the very day of the meeting with the arrival in Rome of an edict from D. Brutus, of which Cicero says that he: “promises to keep the province of Gaul in the control of the senate and people of Rome.”<sup>149</sup> This was clearly a significant development, and Cicero took full advantage of the situation, and of the opportunity afforded to him as a senator, to speak *de re publica*. In this regard, there is an obvious

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<sup>145</sup> Cic. *Phil.* 13.19. Pina Polo does not, however, assign a specific date (other than November 44) to this military *contio* by Antonius, nor does he cite the passage from Appian; Pina Polo 1989: 216, n.79, 341 (#119).

<sup>146</sup> This is the *communis opinio*: e.g. Holmes 1928: 1.32-34, 199-200; Syme 1939: 126; Frisch 1946: 155; Botermann 1968: 48-49, n.3; Levi 1986: 82-83; Grattarola 1990: 100-102; Gotter 1996: 274-275; Monteleone 2005: 102-106. Cf. Manuwald 2007: 2.398-399.

<sup>147</sup> Cic. *Phil.* 5.28. None of the sources, however, mention the location for this senate meeting.

<sup>148</sup> Cic. *Fam.* 356.1 [11.6A]. Tribunes of the plebs had the right to convene meetings of the senate; Gell. *NA* 14.7.4-5; Bonnefond-Coudry 1989: 577; Kunkel 1995: 243, 628-629; Manuwald 2007: 2.297.

<sup>149</sup> “*pollicetur enim se provinciam Galliam retenturum in senatus populi que Romani potestate* (Cic. *Phil.* 3.8).”

similarity to the *First Philippic*. Unlike, however, that earlier speech, on this occasion Cicero was speaking in order to persuade the senators to adopt a specific set of proposals that he puts before them at the end of the speech.<sup>150</sup> In my analysis of the *Third Philippic*, I shall begin by examining each of these proposals, and then proceed to discuss Cicero's strategy of persuasion by means of what I identify as his two key arguments, and, finally, concluding with an assessment of the effectiveness of this speech and suggesting the possible reasons for Cicero's success.

The first of the set of proposals with which Cicero concludes this speech is as follows: "That Hirtius and Pansa, consuls-elect, take measures to ensure that a senate can be held in safety on the Kalends of January."<sup>151</sup> From statements in this speech, and from Cicero's closing statement in the *Fourth Philippic*,<sup>152</sup> it is clear that the tribunes of the plebs had convened the senate with the intent, not of debating this issue, but of obtaining the senate's approval for a guard on the Kalends of January, and that one of their number, a M. Servilius, proposed this motion prior to Cicero's speech.<sup>153</sup> Perhaps Cicero repeats this motion as his first proposal both to lend his support to the tribune of the plebs's motion and to assume a role in proposing it.<sup>154</sup>

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<sup>150</sup> Cic. *Phil.* 3.37-39.

<sup>151</sup> "Uti C. Pansa A. Hirtius, consules designati, dent operam uti senatus Kalendis Ianuariis tuto haberi possit (Cic. *Phil.* 3.37)."

<sup>152</sup> Following this senate meeting, Cicero delivered the *Fourth Philippic* at a *contio*, most likely convened by the tribune of the plebs M. Servilius. This *contio* speech will be examined as a case-study in Chapter V.

<sup>153</sup> Cic. *Phil.* 3.13; 3.37; 4.16.

<sup>154</sup> Indeed, in the *Fourth Philippic*, Cicero concludes the speech both by praising the role of Servilius and simultaneously stressing his own role: "And today, at the motion of M. Servilius here, a brave gentleman who loves you well, and his distinguished and patriotic colleagues, after a long interval, with me to prompt and lead, our hearts have kindled to the hope of liberty. *hodierno autem die primum referente viro fortissimo vobisque amicissimo, hoc M. Servilio, collegisque eius, ornatissimis viris, optimis civibus, longo intervallo me auctore et principe ad spem libertatis exarsimus* (Cic. *Phil.* 4.16)." Manuwald, however, suggests that Cicero does this in order to combine the actual agenda of this senate meeting, as established by the tribunes of the plebs, with his own purposes; Manuwald 2007: 2.368. The two interpretations are by no means mutually exclusive.

Cicero's second proposal is not so straightforward and more than a little bit radical, namely that the senate approve the actions of D. Brutus, as well as those of his army and the municipalities and colonies of the province of Cisalpine Gaul.<sup>155</sup> What Cicero is actually proposing is that the senate approve what D. Brutus promised to do in his edict, that is, to refuse to recognize the authority of Antonius and to continue governing his province. Put bluntly, Cicero was seeking senatorial approval for D. Brutus' rebellion after it had already begun. Although D. Brutus was governing the province of Cisalpine Gaul, Antonius was entirely within his rights as a consul to enter the province with his legions.<sup>156</sup> Moreover, as discussed in Chapter I, since Antonius had transferred his consular province for 43 from Macedonia to the two Gauls by means of a law passed by the assembly in early June,<sup>157</sup> D. Brutus had no constitutionally justifiable grounds for his actions.<sup>158</sup>

Having proposed that the senate approve the actions of D. Brutus, his army, and the municipalities and colonies of Gaul after they had rebelled against the consul, Cicero put forward the following proposal to offer some constitutional justification for them to continue their actions:

That the senate considers it of the highest public importance that D. Brutus and L. Plancus, imperators and consuls-elect, along with other holders of provinces,

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<sup>155</sup> Cic. *Phil.* 3.37-38.

<sup>156</sup> In the *Fourth Philippic*, Cicero makes it clear that, as consul, Antonius had *imperium infinitum*: "for all provinces ought to be under the jurisdiction and authority of a consul. *omnes enim in consulis iure et imperio debent esse provinciae* (Cic. *Phil.* 4.9)." Cf. Cic. *Att.* 149.3 [8.15]. However, there is hardly any evidence that consuls ever exercised this right of *imperium infinitum*; Manuwald 2007: 4.512-513.

<sup>157</sup> Cic. *Att.* 381.1 [15.4]. Cf. App. *B Civ.* 3.27-30.

<sup>158</sup> Indeed, the normal procedure, according to the *lex Iulia de provinciis*, would have been for Antonius to take up his provincial command towards the end of his consular year, though, in practice, consuls were frequently tied up with business in Rome until the very end of their consular year, and thus did not often arrive in their provinces until early in the following year; Girardet 1987: 325-328; Manuwald 2007: 2.511-512. As Manuwald notes, the fact that Cicero chose to state that Antonius was within his rights to enter D. Brutus' province of Cisalpine Gaul before the end of 44 according to the concept of *imperium infinitum*, rather than according to the procedure laid down by the above mentioned *lex Iulia de provinciis*, is a significant point because Cicero wanted to avoid acknowledging the legitimacy of Antonius' claim on the province of Cisalpine Gaul after the end of his consular year.

should continue to hold them under the Iulian law until such time as a successor be appointed to each by decree of the senate, and that they see to it that those provinces and those armies be at the disposition of the senate and Roman people, ready to defend the *res publica*.<sup>159</sup>

If adopted, this proposal would annul the arrangements for the governing of the provinces in 43 that had been made by the consuls in the months following Caesar's assassination, including Antonius' claim on the two Gauls.<sup>160</sup> It would also annul the allotment of praetorian provinces made on 28 November, and also, presumably, the allotments of Crete and Cyrene for Brutus and Cassius made on the Kalends of August. Most significant, however, is the provision that the current governors were to remain in their provinces until successors were appointed to each by decree of the senate. It not only provides justification for D. Brutus to resist Antonius, by force if necessary, but also gives the senate the freedom and flexibility to reassign some or all of the provincial governorships for 43, rather than having to endure the arrangements made by the consuls.

Nevertheless, however radical these last two proposals were, they paled in comparison to Cicero's next proposal, namely that the senate approve and commend the actions of Octavianus, who had raised a private army of veterans with which to challenge Antonius, as well as the soldiers of the *legio Martia* and the *legio quarta* (and

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<sup>159</sup> “*senatum ad summam rem publicam pertinere arbitrari ab D. Bruto et L. Planco imperatoribus, consulibus designatis itemque a ceteris qui provincias obtinent obtineri ex lege Iulia, quoad ex senatus consulto cuique eorum successum sit, eosque dare operam ut eae provinciae eique exercitus in senati populi Romani potestate praesidioque rei publicae sint* (Cic. *Phil.* 3.38).”

<sup>160</sup> In effect, but without explicitly stating so, Cicero was proposing that the senate annul the *lex* passed by the assembly back in June. It was, therefore, a radical proposal and a serious challenge of the people's sovereignty. As with all of Cicero's proposals in this speech, it was passed by the senate. It is unclear, however, on what basis the senate annulled this *lex*, i.e., whether it was because of violence, or on religious grounds, or for some technical reason. Nevertheless, although the sovereignty to pass or annul laws generally resided with the Roman people, it seems that the senate could pass judgement on the validity of a *lex*, and there are about ten cases of the senate annulling a *lex* from 100 onwards; Mommsen 1887-1888: 3.360-368, 1037-1043, 1228-1239; Heikkilä 1993; Lintott 1999a: 132-148; Manuwald 2007: 2.457-458.

its quaestor L. Egnatuleius), who mutinied against Antonius after being subverted by Octavianus' agents.<sup>161</sup> Indeed, Cicero went further and proposed that the senate should award honours and make recompense to them.<sup>162</sup> In effect, this proposal specifically, and the *Third Philippic* in general, was Cicero's public announcement of his commitment to an alliance with Caesar's heir, Octavianus.<sup>163</sup> Although Cicero attempts to assimilate their actions to those of D. Brutus, his army, and his province, the situations were substantially different. Whereas D. Brutus held *imperium* as proconsular governor of Cisalpine Gaul, Octavianus was a *privatus*, Egnatuleius was Antonius' quaestor, and the *legio Martia* and *legio quarta* were under Antonius' command.

Cicero's final proposal is that Hirtius and Pansa: "if they see fit, should as soon as possible after taking office make reference to the senate concerning these matters in whatever manner may appear consonant with the public interest and their own duty."<sup>164</sup> In effect, Cicero wanted the senate to pass a decree advising the consuls to convene the senate at the earliest possible opportunity to debate these matters. Cicero had in mind the upcoming meeting on the Kalends of January, for which meeting he had already supported the motion of Servilius that proposed a guard to ensure its security. Cicero likely chose to conclude the speech with this proposal in order to ensure that the consuls-elect were under pressure to allow a debate on the crisis. It is important to note

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<sup>161</sup> Cic. *Phil.* 3.39.

<sup>162</sup> Cic. *Phil.* 3.39. Significantly, however, Cicero does not propose that the senate actually award honours or rewards in this speech, only that the senate should see to honouring and rewarding them at some point in the future. As Manuwald notes, this was a particularly clever strategy on Cicero's part because it avoided arousing opposition because the senate is not actually awarding honours or rewards, while at the same time necessarily connecting the actions of Octavianus and his private army of veterans and mutinous soldiers with the more respectable actions of D. Brutus, his legions, and his province; Manuwald 2007: 459-461.

<sup>163</sup> It is no doubt because of this that Cicero consistently refers to Octavianus in this speech by the name C. Caesar, and not, as in his letters to Atticus before his public commitment to an alliance, as either Octavius (before 25 October) or Octavianus (after 25 October).

<sup>164</sup> "*cum magistratum inissent, si eis videretur, primo quoque tempore de his rebus ad hunc ordinem referrent, ita uti e re publica fideque sua videretur* (Cic. *Phil.* 3.39)."

that, as radical as these proposals were, Cicero was nevertheless entirely successful in persuading his fellow senators to support them.<sup>165</sup> Consequently, this speech was one of the most successful of Cicero's *Philippics*, especially if one takes into account the seemingly strong support Antonius enjoyed amongst the senators as late as the end of November.

As was noted several times in the discussion of the proposals, Octavianus, with his private army of veterans, the *legio Martia*, and the *legio quarta*, and D. Brutus, with his province and legions, all had no constitutionally justifiable reasons for rebelling against the consul Antonius. Therefore, Cicero could not, and did not, try to argue on this point. He did not even attempt to contest directly the validity of the law passed by the assembly in early June by means of which Antonius exchanged his consular province of Macedonia for the two Gauls, though, as noted above, nevertheless implicitly proposes that the senate annul it. As suggested in the previous chapter, Antonius may have decided to put this measure before the people rather than the senate in anticipation of exactly this. Cicero could not argue against the validity of Antonius' law without challenging the sovereignty of the people. Rather, his strategy of persuasion in this speech relies on the argument of pragmatism and the construction of a false dilemma.

The argument of pragmatism is one that Cicero would use again and again in later speeches, a fact which makes its use in this speech an important precedent for his developing political strategy. The argument of pragmatism in this speech is based on the notion of survival. Regarding Octavianus, Cicero states: "Yes, it is my perception and judgement, that if this one young man had not checked that hurtling madman's savage

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<sup>165</sup> As is clear from the numerous references to them in the *Fourth Philippic* and in a letter to Cornificius; Cic. *Fam.* 357.1 [12.22A].

purpose, the *res publica* would have perished utterly.”<sup>166</sup> Cicero does not shy from acknowledging, but even emphasizes, that it was the private initiative (*privatum consilium*) of Octavianus, as well as the veterans and the mutinous soldiers of the *legio Martia* and *legio quarta*, that saved the *res publica*.<sup>167</sup> Accordingly, he also declares that D. Brutus’ private initiative, in promising to resist Antonius’ entry into his province, will be yet another salvation for the *res publica*.<sup>168</sup>

The point of the argument is that when it is a matter of the very survival of the *res publica*, the end justifies the means. Thus, although their means are constitutionally unjustifiable, the end result is that the *res publica* has been saved. Ergo, Cicero argues, the senate should approve their actions and reward them. Moreover, Cicero is careful to point out that they had to act on their own initiative and could not have waited for the senate’s approval to act, since it is only now that the senate is meeting in freedom.<sup>169</sup> Hence, now that the senate is free, it is imperative that it immediately grant authority (*auctoritas*) to them (i.e. Octavianus and D. Brutus) in order to secure their leadership and their armies for the *res publica* in the struggle against Antonius.<sup>170</sup>

As one would expect, Cicero cannot successfully make this argument of pragmatism without persuading his fellow senators that the end did in fact justify the means. Therefore, the entire strategy of persuasion in this speech hinges on his portrayal of Antonius. He needs to convince the senate that Antonius would have destroyed the *res publica* had Octavianus not foiled his plans,<sup>171</sup> and also that Antonius will

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<sup>166</sup> “*sic enim perspicio, sic iudico, nisi unus adulescens illius furentis impetus crudelissimosque conatus cohauisset, rem publicam funditus interituram fuisse* (Cic. *Phil.* 3.5).”

<sup>167</sup> E.g. Cic. *Phil.* 3.3-4; 3.5; 3.6; 3.7; 3.8; 3.31, etc.

<sup>168</sup> Cic. *Phil.* 3.9-12; 3.34.

<sup>169</sup> Cic. *Phil.* 3.5.

<sup>170</sup> Cic. *Phil.* 3.32.

<sup>171</sup> Cic. *Phil.* 3.8; 3.27; 3.31.

nevertheless still attempt to destroy the *res publica* if he overcomes D. Brutus.<sup>172</sup> Consequently, unlike the thinly veiled and restrained attacks of the *First Philippic*, in this speech Cicero lets loose a barrage of insults against Antonius intended both to ridicule and to create fear. While humorous, and no doubt satisfying for Cicero personally, his ridiculing of Antonius' character is secondary, although it does have the effect of undermining Antonius' leadership.<sup>173</sup> The primary attacks, however, are necessarily those that depict Antonius as a man to be feared.

In order to create the fear that would persuade his fellow senators that the *res publica* had in fact been saved by the actions of Octavianus and the others, Antonius is portrayed as crazed, bloodthirsty, vicious, and cruel.<sup>174</sup> This speech is replete with accusations that Antonius is intent on massacring his enemies (i.e. the *boni*).<sup>175</sup> Moreover, Cicero uses allegations of Antonius' brutality against his own soldiers<sup>176</sup> as a terrifying precedent for what might have happened in Rome in November but for Octavianus' intervention, and indeed for what might still happen.

In addition to the argument of pragmatism, Cicero constructs and presents to his fellow senators a false dilemma. Just as was the case with the argument of pragmatism, this false dilemma is predicated on Cicero's portrayal of Antonius in order to justify the actions of Octavianus, D. Brutus, and the others. Although it is a long passage, it is worth quoting in full:

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<sup>172</sup> Cic. *Phil.* 3.34.

<sup>173</sup> Cicero refers to Antonius as vile (*impurus*), debauched (*impudicus*), effeminate (*effeminatus*), a drunkard (*numquam sobrius*), servile (*servilis*), barbaric (*barbarus*), ignorant (*rudis*), etc. For more on the wide variety of terms of abuse that Cicero employs as part of his invective against Antonius, see Manuwald 2007: 1.105-109.

<sup>174</sup> Cicero repeatedly uses such words as *furor*, *crudelis*, *amens*, and, as discussed above, frequently refers to him as a *gladiator*.

<sup>175</sup> E.g. Cic. *Phil.* 3.3-4; 3.27; 3.30; 3.33; 3.34, etc.

<sup>176</sup> Cicero is referring to Antonius' alleged use of a limited form of the punishment of decimation against the leaders of the mutinous legions in Brundisium in October; Cic. *Phil.* 3.4; 3.10; 3.30.

Accordingly, I shall embrace it all in my motion, as I believe it will not be disagreeable to you gentlemen, to provide that authority be given by us to the eminent commanders, hope of rewards held out to their brave troops, and Antonius judged, not in word but in fact, to be not only not a consul but a public enemy. For if he is a consul, the legions which deserted a consul have deserved to be beaten to death, Caesar is a criminal and Brutus a villain for having raised armies against a consul by private initiative. If, on the contrary, unprecedented honours are to be devised for the soldiers in recognition of their unforgettable, transcendent service, if their commanders are beyond our power to recompense, who but considers Antonius a public enemy, when those who attack him in arms are judged saviours of the *res publica*?<sup>177</sup>

It is a false dilemma, of course, because the situation was far more complex than a simple ‘either...or’ option.<sup>178</sup> However, the false dilemma is an effective rhetorical device precisely because it reduces the complexities of a debate down to a simple choice. Cicero asks his fellow senators to make a choice between all those whom he has praised (i.e. Octavianus, the veterans, the *legio Martia* and the *legio quarta*, D. Brutus, his army, the province of Cisalpine Gaul) and Antonius. They are not given any other options. If the senators are at all persuaded by his portrayal of Antonius and the argument of pragmatism, then the choice is a clear one.

Having now examined the *Third Philippic* in terms of Cicero’s proposals and his strategy of persuasion by means of a discussion of the two key arguments, I shall conclude this section by considering the possible reasons as to why the senators voted for each and every one of Cicero’s proposals, given just how radical some of them were. This is particularly perplexing in light of the fact that previous expressions of opposition to Antonius within the senate (i.e. the speeches given by Piso [1 August], Cicero [2

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<sup>177</sup> “*Quam ob rem omnia mea sententia complectar, vobis, ut intellego, non invitis: ut et praestantissimis ducibus a nobis detur auctoritas et fortissimis militibus spes ostendatur praemiorum et iudicetur non verbo, sed re non modo non consul sed etiam hostis Antonius. nam si ille consul, fustuarium meruerunt legiones quae consulem reliquerunt, sceleratus Caesar, Brutus nefarius qui contra consulem privato consilio exercitus comparaverunt. si autem militibus exquirendi sunt honores novi propter eorum divinum atque immortale meritum, ducibus autem ne referri quidem potest gratia, quis est qui eum hostem non existimet quem qui armis persequuntur conservatores rei publicae iudicantur* (Cic. Phil. 3.14)?”

<sup>178</sup> Manuwald terms this argument as a basic disjunctive pair; Manuwald 2007: 2.369.

September], and Servilius [perhaps on 19 September]) met with no success in persuading any other senators besides those three consulars to join in or to express publicly their opposition to Antonius in the senate. Indeed, if Appian's account is correct, and it certainly seems possible, then Antonius had received a demonstration of support, including even the taking of an oath, from nearly all the senators, amongst others, at Tibur shortly after the senate meeting on 28 November. How, then, to account for Cicero's success?

There are several reasons which, when taken together, offer a plausible explanation. First, one should not underestimate the persuasive effect on the senators of the expressed views of the convening magistrate(s), in this case, the tribunes of the plebs. One should presume, given Cicero's praise of the tribune of the plebs M. Servilius in the *Fourth Philippic* (and, indeed, the fact that he spoke at the *contio* convened by that tribune of the plebs following the senate meeting), that he had at least Servilius', but probably also other tribunes of the plebs' support (the fact that no tribune of the plebs interposed his veto is telling) for his proposals. Indeed, one should presume that he had discussed and consulted the tribunes of the plebs over his proposals prior to the senate meeting being convened, especially in light of the second reason. This second reason is the impact that the arrival of D. Brutus' edict in the city on the day of the senate meeting must have had. In particular, the fact that a proconsular governor with an army on the borders of Italy was prepared to oppose Antonius with force must have had a galvanizing effect on those senators who wanted to oppose Antonius but had been unwilling to publicly express it. Of course, that Antonius was now quite far away from the city must also have been played into this. Third, since there is no mention of any opposition in the senate to Cicero's proposals, or of any competing proposals, it could

be that Antonius' supporters in Rome chose not to attend the meeting nor to oppose Cicero's motions. Moreover, it is in fact quite possible that attendance at this senate meeting was quite low, as the senate was not expected to meet again until the Kalends of January. As well, if one assumes that the senate meeting was announced even one day in advance, then the topic on the agenda (i.e. the question of whether or not to have a guard at the senate meeting on the Kalends), is unlikely to have attracted much interest; it was only the arrival of D. Brutus' edict on the day that provided the opportunity for Cicero to make the more radical of his proposals. Furthermore, Antonius' senatorial supporters may have been thinking that, in strategic terms, it was better to pick which battles in the senate to fight, and which to let Cicero have. Fourth, by proposing motions that favoured both D. Brutus and Octavianus, Cicero effectively broadened the appeal of his speech to include both Caesar's followers and the supporters of Caesar's assassins. On the other hand, this alliance between Octavianus and Cicero, which Cicero was making public with this speech, was fraught with tension precisely because it, by extension, included D. Brutus. Of course, Cicero was aware of this seeming incongruity, and was careful, at least in this first speech, to avoid mentioning it entirely. Fifth, it is important to note that Cicero very carefully avoids proposing outright that the senate declare Antonius a *hostis*. There may be two reasons for this. First, as later events would demonstrate, Cicero lacked sufficient support in the senate at this time for such a formal condemnation of Antonius. Second, his proposals as passed nevertheless created a constitutional crisis which would force the issue of whether or not Antonius should be declared a *hostis* by the senate to the top of the political agenda. Finally, one should not underestimate the persuasive effects of a talented orator such as Cicero, nor the effectiveness of the arguments that form the heart

of Cicero's strategy of persuasion in this speech. While it is impossible to know for certain to what degree Cicero's speech and delivery persuaded the senators to support his proposals, and to what degree it was the factors considered above, one may nevertheless conclude that persuasion played a prominent role in determining the outcome of this senate meeting.

### Conclusion

In this chapter, I have examined the role of persuasion in political interactions, primarily public ones, but also private ones (such as the discussions between Octavianus and Cicero concerning an alliance) where and when appropriate, from the senate meeting convened by the consul Antonius on the Kalends of September to the senate meeting convened by the tribunes of the plebs on 20 December. When I concluded the previous chapter, with the political interactions surrounding and including the senate meeting on the Kalends of August, the policy of government by public consensus had been put under strain by Piso's speech and by the exchange of hostile edicts and letters between Antonius, on the one hand, and Brutus and Cassius on the other. This also marked the re-emergence of discord in public political discourse, and was due primarily to the emergence of Octavianus, not only as a rival to Antonius, but as a leader without a stake in the compromise agreement and with nothing to gain by the continuation of the policy of government by public consensus. In this chapter, I have discussed and examined how these factors contributed to the abandonment of the policy of government by public consensus by several key figures, such as Cicero, Antonius, and the assassins, in favour of public confrontation and opposition. In particular, I have stressed how this was due in no small part to Cicero's decision to embark upon a new political strategy aimed at "fixing" the *res publica* by setting himself up in opposition to

Antonius, with the aim of first isolating, and then eliminating, him and his close followers. It was on account of this new political strategy that Cicero engaged in private negotiations with Caesar's heir, Octavianus, over an alliance in order to use his access to military forces in Italy to defeat Antonius. By the senate meeting on 20 December, the crisis had rapidly deteriorated into an armed conflict, and Cicero publicly committed himself to an alliance with Octavianus, one which, by extension, made Caesar's heir and Caesar's most despised assassin, D. Brutus, allies in the struggle against Antonius. Furthermore, with the senate's approval of Cicero's radical proposals at that meeting on 20 December, the *res publica* was now facing a constitutional crisis over the issue of legitimacy.

Finally, in this chapter my examination of political interactions has demonstrated the prominent role played by persuasion, both in public, due to the re-emergence of discord in public political discourse and the abandonment of the policy of government by public consensus by some (though, it is important to stress and as will be seen in the following, by no means by all) and in private. In particular, however, I have been keen to highlight and focus on the instances of formal political interactions in order to stress the point that this power-struggle and brewing crisis was contested largely in public. The clear implication, therefore, is that these formal political interactions offered something of value (most specifically, legitimacy) to the opposing leaders and were, consequently, not only worth contesting, but were, in fact, key to their respective strategies. It is also important to stress that this applied not only to Cicero, as one would expect, but also to Antonius, and, surprisingly, even to Octavianus. That being said, however, genuine debate has not yet been a prominent feature within individual public political interactions since Caesar's assassination, with the notable

exception of the senate meeting of 17 March. This, however, was all set to change when the new consuls, Hirtius and Pansa, convened the senate on the Kalends of January.



## Chapter III: From Constitutional Crisis to Civil War

### Introduction

With Cicero's delivery of his *Third Philippic* on 20 December and the resulting *senatus consultum*, Rome was now facing its most serious crisis since Caesar's assassination. As discussed in the previous two chapters, the senate meeting on the Kalends of August and the exchange of hostile edicts and letters between Antonius and Brutus and Cassius around it marked the re-emergence of discord in public political discourse. Furthermore, as I demonstrated in the previous chapter, persuasion acquired an increasingly prominent role in public political interactions as key players abandoned the policy of government by public consensus in favour of public confrontation. Nevertheless, while many of these public political interactions in the autumn of 44 involved confrontation and persuasion, at least on the part of certain key players, they cannot truly be characterized as consisting of genuine debate within individual instances. This, however, was to change on the Kalends of January 43, when the new consuls, Hirtius and Pansa, as custom dictated, convened the senate. The resulting senate meeting was fiercely contested and lasted for four days. Even more significantly, this was only to be the first of many such fiercely contested senate meetings during the winter and spring of 43 as Cicero delivered speech after speech urging his fellow senators to condemn Antonius and his followers as *hostes* and to declare a *bellum*. In this third chapter, I shall continue my examination of political interactions and the role of persuasion within them. My focus will continue to be on public political interactions, and, more specifically, on the formal meetings of the senate, beginning with this first senate meeting on the Kalends of January 43 and concluding with the last known free meetings of the senate in the summer of 43. I conclude my chronological examination

of political interactions in this thesis at this point because, by the end of August, the senate and the people of Rome once again fell under autocratic rule, first by Octavianus following his capture of the city and “election” as suffect consul, and then by the triumvirate of Octavianus, Antonius, and Lepidus that was established by the *lex Titia* on 27 November.

### The Fifth Philippic

In accordance with the *senatus consultum* of 20 December 44,<sup>1</sup> the new consuls Hirtius and Pansa convened the senate on the Kalends of January 43.<sup>2</sup> The location of this senate meeting was either the temple of Iuppiter Optimus Maximus on the Capitol<sup>3</sup> or the temple of Concord.<sup>4</sup> Interestingly, Cicero does not actually state that the consuls provided an armed guard for the senate as directed by the *senatus consultum* of 20 December.<sup>5</sup> The consuls began the meeting with a speech of their own,<sup>6</sup> after which they then referred two matters to the senate for debate. The first matter was a general debate *de re publica*,<sup>7</sup> while the second matter was more specific, namely the issue of the honours for Octavianus and the others.<sup>8</sup>

Although Cicero, in all probability, had been planning to propose that the senate condemn Antonius as a *hostis*, the debate took an unexpected twist from the very

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<sup>1</sup> Cic. *Phil.* 3.39.

<sup>2</sup> Cic. *Phil.* 5.1.

<sup>3</sup> App. *B Civ.* 3.50. The temple of Iuppiter Optimus Maximus on the Capitol was the customary location of the first meeting of the consular year; Lintott 1999b: 72.

<sup>4</sup> Dio 46.28.3. In the *Seventh Philippic*, Cicero seems to indicate that this senate meeting took place in the temple of Concord; Cic. *Phil.* 7.21. Manuwald states that the meeting took place in the temple of Iuppiter Optimus Maximus on the Capitol on the Kalends of January 43, but then moved to the temple of Concord for the following days of debate; Manuwald 2007: 2.537. However, this is a speculation that attempts to harmonize the apparent disagreement in the sources.

<sup>5</sup> Although Dio's Cicero does state this in his speech, this is not sufficient evidence; Dio 45.19.1.

<sup>6</sup> As Frisch points out, Cicero's rather limp praise of their speech suggests that the consuls had in fact avoided giving their opinions on the crisis; Cic. *Phil.* 5.1; Frisch 1946: 168-169.

<sup>7</sup> Cic. *Phil.* 5.34.

<sup>8</sup> Cic. *Phil.* 5.35.

beginning. Given all of his efforts since the beginning of September to assume a role as the leading statesman, one can only assume that it must have come as a shock and severe disappointment that he was not the first senator called on to give his opinion.<sup>9</sup> Rather, that honour and privilege went to Calenus, Pansa's father-in-law.<sup>10</sup> Pansa's decision to call on Calenus to give his opinion first was both significant and of lasting importance. According to custom, Calenus would henceforth be called upon to give his opinion first at every subsequent meeting of the senate for the remainder of the year.<sup>11</sup> This was no doubt humiliating for Cicero, in that Calenus was very much his junior as a consular,<sup>12</sup> and worrying, in that Calenus had been both a personal enemy<sup>13</sup> and was a known supporter of Antonius.<sup>14</sup>

Calenus, it would seem, took full advantage of the opportunity offered to him by his son-in-law to set the tone for the debate by proposing that the senate send envoys (*legati*) to Antonius.<sup>15</sup> This had the effect of reshaping the debate. If Cicero had been called upon first, he probably would have set it up so that the debate would have been whether or not to condemn Antonius as a *hostis*. This would have favoured Cicero because it would have forced the senators to choose between two extreme positions: either Antonius was acting as a *hostis*, and should therefore be condemned as one, or he was acting entirely within his rights, and therefore the senate should support him (and

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<sup>9</sup> Unfortunately, Cicero does not, in his extant writings, reveal what his reaction to this development was, nor whether it was a surprise or if he had been forewarned by Pansa or others. That Cicero's reaction is not preserved is due in no small part to the fact that there are no extant letters to Atticus after November 44.

<sup>10</sup> Cic. *Phil.* 10.3.

<sup>11</sup> Suet. *Iul.* 21. Normally, this order of speakers would be superseded once consuls had been elected for the following year; Manuwald 2007: 2.538. However, the consuls-elect for 42, D. Brutus and Plancus, were both absent from Rome, with the result that the order of speakers established on the Kalends of January 43 remained in place at least until Octavianus' capture of Rome in August 43.

<sup>12</sup> Calenus had been consul in 47, sixteen years after Cicero's consulship in 63.

<sup>13</sup> Cic. *Att.* 381.1 [15.4].

<sup>14</sup> Cic. *Phil.* 10.3.

<sup>15</sup> Cic. *Phil.* 5.1-3. There is no indication that Calenus addressed the second matter of the honours.

condemn his opponents). Now, however, with Calenus' proposal, the debate became between declaring Antonius a *hostis* or sending envoys. Consequently, Cicero was cornered into arguing for an extreme position (i.e. condemning Antonius as a *hostis*) against a moderate one (i.e. sending envoys). Furthermore, Calenus' moderate proposal was given added weight by the fact that he delivered it in his position/role as the first senator to be called upon to give his opinion.

The stage was set, therefore, for an epic debate, and so it proved to be, dragging on for four days.<sup>16</sup> Not surprisingly, this epic debate captured the imagination of later historians, and both Appian and Dio devote considerable attention to it in their narratives.<sup>17</sup> Both historians present this debate largely through a pair of opposing speeches: Cicero vs. Piso in Appian, and Cicero vs. Calenus in Dio. As with the senate debate of 17 March 44, these set-piece speeches of Greek imperial historians are of more interest to the historiographer than to the historian when there are other sources available.<sup>18</sup> Fortunately, unlike the earlier meeting of 17 March, in this instance there survives the *Fifth Philippic*, a disseminated version of a speech delivered by Cicero on the first day of the debate in the senate. In addition, there is also the *Sixth Philippic*, a disseminated version of a speech delivered by Cicero in a *contio* before the *plebs urbana* after the debate in the senate concluded on the fourth day of deliberations, and in which Cicero discusses the debate in the senate and the terms of the decrees passed on 4 January.<sup>19</sup>

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<sup>16</sup> Cic. *Phil.* 6.3. Although both Appian and Dio state that the debate only lasted three days, Cicero's statement is clearly to be preferred; Appian *B Civ.* 3.50-52; Dio 45.17.1.

<sup>17</sup> App. *B Civ.* 3.50-65; Dio 45.17.1-46.29.6.

<sup>18</sup> For just such an historiographical comparison, see Gowing 1992: 235-239.

<sup>19</sup> The *Sixth Philippic* will be examined as a case-study in Chapter V.

Cicero delivered the *Fifth Philippic* on the first day of the debate. The order of speakers after Calenus is much discussed, with a particular focus, naturally, on when Cicero was called upon to give his opinion.<sup>20</sup> As Cicero himself does not clearly state anywhere the order of speakers in this debate, it is a matter of inference and speculation. What matters for my analysis is how this order of speakers is presented by Cicero in the *Fifth Philippic*, and how it shapes his argument. Significantly, Cicero only refers to the speech of the consuls and to Calenus' proposal.<sup>21</sup> Although Cicero does in fact mention another proposal, it is in terms of a rumour of what someone might propose, followed by a quick ridiculing and attack of the rumoured proposal.<sup>22</sup> If Cicero did not in fact speak immediately after Calenus, then by ignoring the other speaker(s), Cicero focuses and narrows the debate to between himself and Calenus; if, on the other hand, he did in fact speak immediately after Calenus, then his pre-emptive remarks on the rumoured proposal has the effect of prejudicing his fellow senators against it. As was the case in my examination of the *Third Philippic*, I shall analyze this speech through Cicero's proposals for what they reveal about his political strategy as well as his strategy of persuasion.

After a rather brief discussion of Calenus' proposal and of the rumoured proposal,<sup>23</sup> Cicero does not immediately proceed to discuss and offer his own counter-proposal concerning Antonius and the current situation. Instead, Cicero directly confronts and discusses an issue he had hitherto been carefully avoiding, namely the

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<sup>20</sup> For the most recent discussion of this question, and an overview of the scholarly debate, see Manuwald 2007: 2.539-541.

<sup>21</sup> Cic. *Phil.* 5.1.

<sup>22</sup> Cic. *Phil.* 5.5-6.

<sup>23</sup> Cic. *Phil.* 5.1-6. This rumoured proposal was to allow Antonius to govern the province of Transalpine Gaul, currently governed by Plancus, in exchange for Antonius abandoning his claims to Cisalpine Gaul. For a discussion on the distribution of the Gallic provinces, their governors, and Cicero's terminology, the reader is referred to Manuwald 2007: 1.14, n.34.

legitimacy of the *leges* promulgated by Antonius and passed by the assembly following the assassination of Caesar.<sup>24</sup> Cicero's proposal is that these *leges Antoniae* should be annulled on the grounds that they were passed by violence and in violation of the auspices.<sup>25</sup> Interestingly, Cicero claims not to be opposed to all of the *leges* themselves (he cites as examples the *leges* confirming the *acta Caesaris*, the abolition of the dictatorship, and the founding of colonies), but specifically to the manner in which they were promulgated and passed. Hence, he recommends that they should be promulgated and passed by the assembly again, both so that they are not in violation of the auspices, and so that the people are bound by them. The intent, as Cicero states clearly, is so that "the crazy gladiator's insolence is to be repudiated in its entirety by our authority."<sup>26</sup> Nevertheless, the idea of annulling the *leges Antoniae* and then re-promulgating some of them would have been a matter of concern to more than just Antonius and his supporters; there were many beneficiaries from the *leges Antoniae* (in particular from the confirmation of the *acta Caesaris* and the founding of colonies) who had nothing to gain and everything to lose from Cicero's proposal. Moreover, although no mention of it is made here by Cicero, the annulment of the *leges Antoniae* would be setting a clear precedent for a future annulment of the *leges Iuliae*. This was a bold, provocative, and aggressive proposal that aimed at undermining Antonius' authority by undoing his acts as consul; in effect, erasing his consulship from history. This proposal would also undermine Antonius' support by forcing those who had benefited from his acts as consul now to seek the support of the senate to have those benefits re-confirmed.

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<sup>24</sup> Cic. *Phil.* 5.7-9.

<sup>25</sup> Cic. *Phil.* 5.10.

<sup>26</sup> "omnisque audacia gladiatoris amentis auctoritate nostra repudianda est (Cic. *Phil.* 5.10)."

Cicero's second proposal is preceded by a lengthy attack against Antonius' consulship on three fronts. The first is an allegation that Antonius embezzled seven hundred million *sesterces* from the treasury in the temple of Ops and abused his power as consul and sole possessor of Caesar's notebooks to sell favours;<sup>27</sup> the second is an attack on Antonius' judiciary law opening up the third-panel of jurors;<sup>28</sup> the third is an allegation that Antonius surrounded himself with an armed bodyguard and used it to intimidate the senate.<sup>29</sup> While it might appear that Cicero is preparing his audience for a proposal for action against Antonius, once again this is not immediately the case. Instead, Cicero turns to launch a new attack on Antonius' brother Lucius, tribune of the plebs in 44 and chair of the *septemviri*, the board entrusted with implementing the *lex Antonia agraria* of June 44.<sup>30</sup> Cicero's particular jibe against Lucius is the allegation that he is the "Asiatic gladiator, who once fought to the death as a Myrmillo at Mylasa."<sup>31</sup> Although Cicero acknowledges that this agrarian law would be annulled under the terms of his first proposal, he nevertheless proposes that it should be annulled separately in order to highlight the senate's particular opposition to this law.<sup>32</sup> It goes without saying that an agrarian law would be detrimental to the interests of the land-owning elite, so this proposal need not be seen as being aimed to appeal solely to opponents of Antonius. Even so, the removal of Lucius from the powerful position as chair of the *septemviri* would be a significant victory for the opponents of Antonius.

Following this proposal, Cicero launches into his third series of attacks against Antonius, and this time he is building-up to his proposal for action against Antonius.

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<sup>27</sup> Cic. *Phil.* 5.11-12. For more on these allegations, see Ürögdi 1980; Fezzi 2003: 86-93.

<sup>28</sup> Cic. *Phil.* 5.12-16.

<sup>29</sup> Cic. *Phil.* 5.17-20.

<sup>30</sup> Cic. *Phil.* 5.5, 20-21.

<sup>31</sup> "gladiator Asiaticus, qui myrmillo Mylasis depugnarat (Cic. *Phil.* 5.20)."

<sup>32</sup> Cic. *Phil.* 5.21.

Whereas the first two series of attacks (i.e. those which preceded the first two proposals) generally focussed on attacking Antonius' record as consul, in this third series Cicero needs to go further in order to justify action against Antonius. Thus, the emphasis in this series of attacks is on the threat Antonius poses to the *res publica*. Cicero highlights, for instance, Antonius' threatening statements before the crowd at a *contio* in October,<sup>33</sup> his punishment of the mutinous legions at Brundisium,<sup>34</sup> his aborted march on Rome in November,<sup>35</sup> and his current siege of D. Brutus and his legions in Mutina.<sup>36</sup> Indeed, Cicero repeatedly compares and contrasts Antonius with Hannibal, and even casts the former as a greater threat.<sup>37</sup> It is at this point that Cicero finally offers detailed counter-arguments to Calenus' proposal to send envoys to Antonius.<sup>38</sup> Cicero's primary argument is that the very act of sending envoys would be seen as a sign of weakness and would hamper the war effort and preparations; his secondary argument is that the envoys would inevitably fail; his final argument is that, because of what the senate has already decreed on 20 December, it was now impossible to accept Antonius back into the community as a citizen.

Finally, with the audience's expectation building to a crescendo, Cicero launches into his counter-proposal for action against Antonius. With each successive attack and proposal, Cicero has been preparing his fellow senators for this moment: "I say that a state of tumult should be decreed, suspension of business proclaimed, military cloaks donned, and a levy held with no exemptions in the city and in the whole of Italy,

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<sup>33</sup> Cic. *Phil.* 5.21-22.

<sup>34</sup> Cic. *Phil.* 5.22.

<sup>35</sup> Cic. *Phil.* 5.23.

<sup>36</sup> Cic. *Phil.* 5.24.

<sup>37</sup> Cic. *Phil.* 5.25, 27.

<sup>38</sup> Cic. *Phil.* 5.25-31.

Gaul excepted.”<sup>39</sup> The terminology that Cicero employs in this proposal is very significant. First, Cicero avoids using the term *hostis* in his proposal, despite his earlier statement that the *senatus consultum* of 20 December had *de facto* condemned Antonius as a *hostis*.<sup>40</sup> Moreover, Cicero deliberately uses the weaker term *tumultus*, again, despite his willingness to use the term *bellum* outside of the actual proposal.<sup>41</sup> The reason must surely be that Cicero felt that he lacked the necessary support in the senate, perhaps particularly after Calenus’ speech, to persuade his fellow senators to support the harsher measure. With this in mind, a more weakly worded decree would still authorize action (of particular importance was the authorizing of the levying of troops throughout Italy) and constitute a step forward from the beginning made on 20 December.

With a short interlude to rouse the spirits of his fellow senators to war,<sup>42</sup> Cicero adds a second proposal for action against Antonius as follows:

Therefore, to spare ourselves the necessity of many decrees day after day, I propose that the whole *res publica* be committed to the consuls and that they be given full discretion to defend the *res publica* and take measures to ensure that the *res publica* suffer no harm. I further propose that men now in the army of M. Antonius be subject to no penalty on that account provided that they leave him before the Kalends of February.<sup>43</sup>

Here, Cicero is proposing that the senate pass the so-called *senatus consultum ultimum* (the SCU).<sup>44</sup> This is the decree that would have authorized the consuls to take any and

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<sup>39</sup> “*tumultum decerni, iustitium edici, saga sumi dico oportere, dilectum haberi sublatis vacationibus in urbe et in Italia praeter Galliam tota* (Cic. Phil. 5.31).”

<sup>40</sup> “What, then, was your purpose that day but to declare Antonius a public enemy? *quid igitur illo die aliud egistis nisi ut hostem iudicaretis Antonium* (Cic. Phil. 5.29)?”

<sup>41</sup> Indeed, Cicero describes the situation as a *bellum* immediately after his proposal to declare a state of tumult: “No, no this war is no party quarrel; *hoc vero bellum non <est> ex dissensione partium* (Cic. Phil. 5.32).”

<sup>42</sup> Cic. Phil. 5.32-33.

<sup>43</sup> “*Quapropter ne multa nobis cotidie decernenda sint, consulibus totam rem publicam commendandam censeo eisque permittendum ut rem publicam defendant provide<a>ntque ne quid res publica detrimenti accipiat, censeoque ut eis qui in exercitu M. Antoni sunt ne sit ea res fraudi, si ante Kalendas Februarias ab eo discesserint* (Cic. Phil. 5.34).”

<sup>44</sup> For more on the so-called *senatus consultum ultimum*, see Plaumann 1913; Wirszubski 1950: 55-61; Kunkel 1995: 230-238; Lintott 1999a; 149-174; 1999b: 89-93; Manuwald 2007: 2.671-672.

all necessary measures to defend the *res publica*. Consequently, it reinforces the first proposal to declare a *tumultus* and to begin preparations accordingly. What is also interesting is that Cicero formally proposes an ultimatum for the soldiers in Antonius' army; clearly, he is hoping that this decree of the senate will induce a mutiny or large-scale desertion along the lines of what happened with the *legio Martia* and the *legio quarta* back in November.

With this second proposal, Cicero concludes the first section of the speech (*de re publica*) and moves on to consider the second matter before the senate, namely the question of the honours to decree to Octavianus and the others mentioned in the *senatus consultum* of 20 December. Cicero uses the opportunity afforded by the *senatus consultum* to propose a series of honours. Significantly, however, he does not limit himself to those persons and groups mentioned in the *Third Philippic* but expands the list to propose honours in addition for Lepidus and for the soldiers of the *legio secunda* and *legio tricesima quinta*.<sup>45</sup> In terms of structure, Cicero moves through his list according to rank (in terms of a senate debate),<sup>46</sup> and thus begins with the consul-designate D. Brutus, followed by Lepidus, Octavianus, and L. Egnatuleius, and finishes with the troops. The particular honours and benefits that Cicero proposes are not of great importance in their specifics to my purposes here, nor are his praises of each

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<sup>45</sup> In the case of the soldiers of the *legio secunda* and *legio tricesima quinta*, Cicero's proposal is restricted to those individual soldiers of these two legions who desert Antonius and present themselves before the consuls, since these two legions did not mutiny in their entirety (as did, for example, the *legio Martia* and the *legio quarta*) and remained, in general, loyal to Antonius; Cic. *Phil.* 5.53; Manuwald 2007: 2.731-734. Indeed, it seems that Cicero's attempts to induce them to desertion were something of a failure, since the *legio secunda* and the *legio tricesima quinta* fought for Antonius at the battle of Forum Gallorum; Cic. *Fam.* 378.1 [10.30].

<sup>46</sup> As Cicero himself tells the senate, Cic. *Phil.* 5.35.

individual or group and their actions.<sup>47</sup> Rather, my interest lies in what these proposed honours and benefits reveal about Cicero's political strategy.

Why did Cicero propose honours and benefits, and for whom? The second question, the "for whom?", reveals the answer to the first. In the *Fifth Philippic*, Cicero proposes honours and benefits to those individuals and groups whose support he needs in the struggle against Antonius. Cicero's strategy is to use honours and benefits to reward and to maintain the support of those who have opposed Antonius, as well as to entice others who may be able to provide some future support in the struggle. This explains, for instance, the inclusion of Lepidus, who had at this time committed no act of opposition against Antonius. However, Lepidus was the governor of the provinces of Narbonese Gaul and Nearer Spain, and thus could potentially play a decisive role in future events. The ostensible purpose for honouring Lepidus, i.e. his role in securing a peace with Sex. Pompeius, enabled both Antonius, in that senate meeting on 28 November, and now Cicero, to attempt to win his support by publicly honouring him. This strategy, however, was not without its critics, including, most prominently, the assassin Brutus. In a letter to Cicero dated to ca. 7 May 43, Brutus writes: "The moment somebody behaves well you seem to set no bounds to your favours and concessions, as though a mind swayed by largesse could not possibly be swayed to bad courses."<sup>48</sup>

After the final proposals to honour and give benefits to the soldiers loyal to the senate, Cicero concludes the *Fifth Philippic* with a short statement urging his fellow senators to pass the decrees and to act quickly in making preparations for war.<sup>49</sup> Throughout the *Fifth Philippic*, Cicero deploys both invective and argument in an

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<sup>47</sup> If the reader is interested, these can be found at Cic. *Phil.* 5.35-53.

<sup>48</sup> "statimque, ut quisque aliquid recte fecerit, omnia dare ac permittere, quasi non liceat traduci ad mala consilia corruptum largitionibus animum (Cic. *Ad Brut.* 10.3 [1.4])." Cf. Cic. *Ad Brut.* 11.2 [1.4A].

<sup>49</sup> Cic. *Phil.* 5.53.

attempt to persuade his fellow senators to accept his proposals. However, Cicero's speech was delivered on but the first day of an epic debate that lasted four days.

### The Great Senate Debate of 1-4 January 43

After Cicero delivered his speech, the senate continued to debate the issue for the remainder of the day and for the three days following. According to Cicero's statement in the *Sixth Philippic*, his proposal had the support of the majority for the first three days, but then on the fourth day a hope of peace emerged and the senate voted to send envoys to Antonius.<sup>50</sup> This, however, is Cicero's spin on events when he spoke at the *contio* after the senate meeting finally concluded; without independent testimony, Cicero's claim is just that, a claim that cannot be verified. In Appian's account, Salvius, a tribune of the plebs, interposed his veto on the second last day of the debate (i.e. 3 January) in order to delay/prevent a vote being taken on Cicero's proposals against Antonius.<sup>51</sup> Nevertheless, a compromise seems to have been reached in the senate on that day by which the proposals *de honoribus* would be put to a vote, and the debate concerning *de re publica* adjourned until the following day, i.e. 4 January.<sup>52</sup>

The issue of the honours and rewards to be decreed by the senate does not appear to have been a divisive one. If anything, it seems that there was a sort of competition between the senators to outbid one another in proposing honours and rewards. For instance, Cicero had proposed that Octavianus be granted *imperium* as a

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<sup>50</sup> Cic. *Phil.* 6.3.

<sup>51</sup> App. *B Civ.* 3.50. Salvius' intercession in all probability occurred on 3 January, and not on 2 January as presented by Appian, who, it will be remembered, erroneously states that the debate lasted three days, and not four; Frisch 1946: 179.

<sup>52</sup> This is how the matter is presented by Appian; Appian *B Civ.* 3.51. As Frisch argues, the complete absence in the *Sixth Philippic* of any reference to the decrees concerning honours and rewards strongly suggests that they were not voted upon on 4 January, the day on which Cicero delivered the *Sixth Philippic*; Frisch 1946: 179. Consequently, they must have been voted upon earlier, and Appian's version of a compromise on the second last day of the debate seems plausible.

propraetor and be enrolled as a member of the senate, with the right to speak amongst the ex-praetors, and that, in terms of his eligibility as a candidate, that he be considered to have held the quaestorship the year before.<sup>53</sup> However, from other sources we learn that Octavianus had actually been granted the right to speak amongst the consulars,<sup>54</sup> that his step-father Philippus had proposed to honour him with a gilt equestrian statue,<sup>55</sup> that Sulpicius proposed that he be given the right to stand for office in advance of the legal age, and that Servilius afterwards extended this privilege.<sup>56</sup> Unfortunately, it is not known if this competition extended to the others being honoured by the senate, or if it was just limited to Octavianus. The only possible exception is Lepidus, whom Cicero mentions as having been decreed a triumph *in absentia* in addition to the statue he himself proposed.<sup>57</sup>

As stated above, it would appear that Salvius interposed his tribunician veto on 3 January, thus postponing any vote on the competing proposals of Calenus and Cicero *de re publica*. If Appian's version is correct, then the evening of 3 January, following the vote on the proposals *de honoribus*, was filled with intensive negotiation as the various factions attempted to reach a suitable compromise.<sup>58</sup> Although Cicero makes no mention of this, it would seem, from Appian at least, that Iulia and Fulvia, Antonius' mother and wife respectively, and others went around the houses of the influential men and pleaded Antonius' cause.<sup>59</sup> This continued in the morning as well, and, according to

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<sup>53</sup> Cic. *Phil.* 5.46.

<sup>54</sup> Aug. *Res Ges.* 1.

<sup>55</sup> Cic. *Ad Brut.* 23.7 [1.15]; Vell. Pat. 2.61.3.

<sup>56</sup> Cic. *Ad Brut.* 23.7 [1.15].

<sup>57</sup> Cic. *Phil.* 13.9. Cicero's original proposal was only for a gilt equestrian statue on the Rostra; Cic. *Phil.* 5.40-41.

<sup>58</sup> App. *B Civ.* 3.51.

<sup>59</sup> App. *B Civ.* 3.51.

Appian, the sight of the pitiable women moved some of the senators.<sup>60</sup> Frisch, however, dismisses the persuasive impact of the actions of Iulia and Fulvia without good cause, despite noting that Cicero himself had done the same before his exile at the hands of Clodius.<sup>61</sup>

When the senate meeting resumed the following morning, i.e. 4 January, the senators once again deliberated *de re publica*. From Cicero's discussion in the *Sixth Philippic*, and from a passage in the *Ninth Philippic*, one can see that the eventual decree voted by the senate represented a compromise between the two positions of Calenus and Cicero, namely an amended version of Calenus' proposal to send envoys to Antonius. The proposer of the amendments seems to have been Sulpicius, and these consisted of a list of the senate's terms to be delivered to Antonius by the envoys.<sup>62</sup> These terms were as follows: 1) not to attack D. Brutus; 2) not to besiege Mutina; 3) not to lay waste the province of Cisalpine Gaul; 4) not to levy troops; 5) to be at the disposition of the senate and people of Rome; 6) to withdraw his forces south of the river Rubicon but not within 200 miles of Rome.<sup>63</sup> Furthermore, the senate selected as envoys three consulars (Sulpicius, Philippus, and Piso),<sup>64</sup> and gave them a deadline of twenty days to go to Mutina and to return.<sup>65</sup> In addition, the senate decreed that the envoys were also to visit D. Brutus and to make known to him and his men that: "their fine services and benefactions to the *res publica* are appreciated by the senate and

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<sup>60</sup> App. *B Civ.* 3.51.

<sup>61</sup> "This, however, perhaps is making too much of the action of the two ladies (Frisch 1946: 181)."

<sup>62</sup> Cic. *Phil.* 9.9.

<sup>63</sup> Cic. *Phil.* 6.4-5.

<sup>64</sup> Cic. *Phil.* 9.1.

<sup>65</sup> Cic. *Phil.* 6.16.

people of Rome and that their conduct will be to their great credit and honour.”<sup>66</sup> Consequently, as Cicero claims in the *Sixth Philippic*, he did not strenuously oppose this amended proposal because of his certainty that Antonius would not accept the senate’s terms and that thus there would be war anyway and that therefore he would be seen to have been right.<sup>67</sup>

It seems that, while this amended proposal was still some ways from what Cicero had wanted the senate to agree to, it was nevertheless a further step in his overall strategy of persuading the senate to declare war on Antonius. Although it was a compromise, it was still a significant improvement on Calenus’ original proposal, which presumably contained no terms and no consequences for Antonius. Moreover, although Cicero was also unsuccessful in his proposal to have the *leges Antoniae* annulled, he did succeed in his second proposal, namely the annulment of Antonius’ agrarian legislation and the acts of the *septemviri*.<sup>68</sup> Interestingly, however, it was not Cicero’s proposal for this annulment that the senate voted to adopt, but rather, a similar proposal by another consular, L. Caesar, who also happened to be Antonius’ uncle. As Frisch suggests, this seems to have been a political compromise offered by Antonius’ supporters in order to persuade Cicero and his supporters to agree to the amended proposal to send envoys to Antonius.<sup>69</sup> At the very least, it meant that the senate accepted one of Cicero’s proposals against Antonius and thereby enabled Cicero to save face. What is significant about this senate meeting of 1-4 January is that it consisted of genuine debate between competing proposals that was contested in public within a formal republican institution. Moreover,

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<sup>66</sup> “*quid quod a senatu dantur mandata legatis ut D. Brutum <exercitum>que eius adeant eis que demonstrent summa in rem publicam merita beneficiaque eorum grata esse senatui populoque Romano eis que eam rem magnae laudi magnoque honori fore* (Cic. *Phil.* 6.6).”

<sup>67</sup> Cic. *Phil.* 6.16.

<sup>68</sup> Cic. *Phil.* 6.14.

<sup>69</sup> Frisch 1946: 184.

not only was this a debate about real political issues in which the substance of what was debated mattered, but this debate was contested primarily by means of the speeches delivered by the leading senators.

On the following morning, 5 January, the envoys left Rome on their mission to deliver the senate's terms to Antonius.<sup>70</sup> When the envoys eventually returned, at the beginning of February and less Sulpicius, who had died just before reaching Mutina, there was yet another great debate in the senate *de re publica*. In the intervening three weeks, however, the senate met on at least two other occasions.

### January 43 and the Seventh Philippic

From a passage in the *Seventh Philippic*, we learn that the senate had decreed that one or both of the consuls should set forth to war, and that the lot fell to Hirtius, even though he was still ill. Nevertheless, he proceeded to the theatre of war.<sup>71</sup> The other half of the decree, to be implemented by Pansa, ordered that levies should be held throughout Italy, that exemptions should be cancelled, that weapons should be manufactured, and that the consul should have a guard while in Rome.<sup>72</sup> As this information is not mentioned by Cicero in the *Sixth Philippic*, it must have been decreed at a senate meeting held after 4 January and before the meeting at which Cicero delivered the *Seventh Philippic*, which is to be dated to the middle or second-half of January.<sup>73</sup> It is unfortunate that nothing else is known about this senate meeting except

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<sup>70</sup> Cic. *Phil.* 9.9.

<sup>71</sup> Cic. *Phil.* 7.11-12. It is from a passage in the *Fourteenth Philippic* that attests that the decision as to which consul to send was made by the casting of lots; Cic. *Phil.* 14.4. This explains why Hirtius was chosen, despite the fact that he had not yet fully recovered from his illness of the previous summer; Cic. *Phil.* 1.37-38.

<sup>72</sup> Cic. *Phil.* 7.13.

<sup>73</sup> Manuwald 2007: 2.820. Cf. Shackleton Bailey 1986: 197.

what is mentioned above, not even who put forward these proposals.<sup>74</sup> What one can deduce, however, is that Cicero's comments in the *Sixth Philippic* (i.e. that the terms to be delivered to Antonius by the envoys represented an ultimatum and not a starting point for negotiation) was not simply his spin. Moreover, it is unlikely that these proposals would have been passed in the senate without the agreement of the consuls, so one should assume that they were at least willing to begin actual preparations for war.

After this, the senate met on another occasion to discuss some routine matters before the return of the envoys. The consul Pansa had referred questions concerning the via Appia and the Moneta (i.e. the Mint), and a tribune of the plebs referred a question concerning the Luperci.<sup>75</sup> Cicero, as was his right as a senator, when called upon to give his opinion, did not discuss the issues under deliberation,<sup>76</sup> but instead delivered another speech *de re publica*, the *Seventh Philippic*.

In the *Seventh Philippic*, Cicero's aim is to rally opinion and to maintain fervour for a war against Antonius.<sup>77</sup> Cicero felt that he needed to do this because, while all Rome waited for the return of the envoys, the talk had turned to peace and to

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<sup>74</sup> It is a reasonable speculation, on the basis that Cicero does not take the opportunity to mention himself as the author of the proposals, that he did not propose them.

<sup>75</sup> Cic. *Phil.* 7.1. Although Cicero does not elaborate, he quotes, in the *Thirteenth Philippic*, from Antonius' letter as follows: "You took their revenues away from the Iulian Luperci. *Vectigalia Iulianis Lupercis ademistis* (Cic. *Phil.* 13.31)." Caesar had introduced a third college of Luperci, and it was accordingly named in his honour; Suet. *Iul.* 76.1. The majority of scholars assign this action to the senate meeting at which Cicero delivered the *Seventh Philippic*; e.g. Brighthouse 1903: 129; Stein 1930: 83-84; Frisch 1946: 190, 202; Mosca 1972: 422, n.4; Grattarola 1990: 123, n.76; Helles 1999: 2.172; Novielli 2001: 169. The notable exceptions are King, Bellardi, and Manuwald, who all argue that the question concerning the Luperci that the unnamed tribune of the plebs referred to the senate only concerned the upcoming celebration of the Lupercalia on 15 February; King 1878: 182; Bellardi 1978: 437-438, n.4; Manuwald 2007: 2.829-830. The argument used by Manuwald is that revoking the revenues of the Iulian Luperci would have been too significant an action to have been regarded as routine by Cicero. However, Manuwald's argument is a weak one as this action is nowhere else mentioned by Cicero. Given that it must have happened after Antonius left Rome and before the beginning of March, it seems odd to disregard the one attested instance when a matter concerning the Luperci was referred to the senate in this period.

<sup>76</sup> The only mention of the issues under deliberation is a brief statement dismissing them as routine, and Cicero's closing statement in which he says that he assents to the opinion of Servilius on the motion submitted; Cic. *Phil.* 7.1; 7.27.

<sup>77</sup> Cic. *Phil.* 7.1.

negotiation with Antonius, but not on the terms dictated by the senate.<sup>78</sup> In response, Cicero delivered this speech, the purpose of which is to persuade his fellow senators against peace with Antonius. Cicero's argument against peace with Antonius is threefold: 1) it is dishonourable;<sup>79</sup> 2) it is dangerous;<sup>80</sup> 3) it is impossible.<sup>81</sup> As was the case with the *First Philippic*, the lack of proposals connected with this speech makes it difficult to assess its impact. This is exacerbated by the fact that there are not even any indications as to some contemporary reactions. Nevertheless, the *Seventh Philippic* is yet another example of Cicero attempting to persuade his fellow senators through the medium of oratory and by means of substantive arguments. That it was not even on the topic of debate is further affirmation of the freedom of expression that Cicero, as a senator, could exercise.

### The Eighth and Ninth Philippics

The envoys sent to Antonius finally returned to Rome on either 1 February or early on 2 February.<sup>82</sup> However, one of their number, Sulpicius, had died just before they reached Antonius' camp encircling Mutina.<sup>83</sup> Nevertheless, the other two envoys, Philippus and Piso, continued with the mission, delivered the senate's terms to Antonius, and returned to Rome with his response, along with Antonius' envoy Cotyla.<sup>84</sup> As one would expect, the consul Pansa convened a senate meeting immediately for 2 February.<sup>85</sup> The only information about this senate meeting on 2

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<sup>78</sup> Cic. *Phil.* 7.2-3.

<sup>79</sup> Cic. *Phil.* 7.9-15.

<sup>80</sup> Cic. *Phil.* 7.16-20.

<sup>81</sup> Cic. *Phil.* 7.21-25.

<sup>82</sup> Manuwald 2007: 2.905.

<sup>83</sup> Cic. *Phil.* 9.2.

<sup>84</sup> Cic. *Phil.* 8.24-28. This is probably the same Cotyla who was the only senator to support Antonius during the senate meeting on 20 December; Cic. *Phil.* 5.5.

<sup>85</sup> Manuwald 2007: 2.905.

February comes from Cicero's references to it in the *Eighth Philippic*, which was delivered at a subsequent senate meeting the next day, 3 February.<sup>86</sup> It seems probable that the senate meeting on 2 February began with the envoys Philippus and Piso making their report to the senate, which no doubt included an account of Sulpicius' death and the reading out of Antonius' response to the senate's demands. Antonius' response, as reported by Cicero,<sup>87</sup> seems to have begun with a pledge on his part to give up both provinces, to resign his army, to willingly assume a private station if need be, to forget everything, and to desire reconciliation.<sup>88</sup> Cicero is quick to note, however, that Antonius' message to the envoys then consisted of a series of counter-demands, which, relying on Cicero's quoting of them, seem to have consisted of two parts: first, a set of demands to look after his acts as consul, his supporters, and his forces;<sup>89</sup> second, a set of demands to secure *imperium* for himself for the next five years.<sup>90</sup>

Following the report of the envoys, the senate then deliberated as to how to proceed. It is worth noting that Antonius' envoy, Cotyla, was permitted to attend these deliberations, during which he even took notes; this seems, Cicero suggests, to have

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<sup>86</sup> Cic. *Phil.* 8.1.

<sup>87</sup> As Frisch notes, the apparent lacuna in Cicero's quotation of Antonius' demands at section 27 strongly suggests that Cicero is being deceptively selective and not quoting Antonius' demands in their entirety, which is what one would expect; Frisch 1946: 197-198.

<sup>88</sup> Cic. *Phil.* 8.25.

<sup>89</sup> Cic. *Phil.* 8.24-27. Specifically, his first set of demands were: 1) rewards and lands for his six legions, cavalry, and praetorian cohort; 2) that the land distributed according to the *lex Antonia Cornelia* be preserved; 3) that his and Dolabella's acts as consuls remain valid; 4) that the accounts of the temple of Ops be left as they are; 5) that there be no penalty for the *septemviri* on account of their actions; 6) that the judiciary law not be repealed.

<sup>90</sup> Cic. *Phil.* 8.27-28. Specifically, his second set of demands were: 1) that he receive the governorship of Transalpine Gaul in exchange for resigning that of Cisalpine Gaul; 2) that his six legions be brought up to strength from the forces of D. Brutus' army; 3) that he have tenure of the province of Transalpine Gaul for as long as Brutus and Cassius hold provinces as consuls or proconsuls. Syme takes this last demand as evidence that Antonius was still willing to work with Brutus and Cassius; Syme 1939: 170. However, Frisch is surely correct in stating that Antonius' intent was to ensure that he held *imperium* for as long as Brutus and Cassius might hold *imperium* (i.e. if they were elected consuls for 41, which would be the first available year, they would then hold proconsular *imperium* for 40 and 39); Frisch 1946: 197.

unsettled some of his fellow senators.<sup>91</sup> At the beginning of the *Eighth Philippic*, Cicero discusses the senate meeting of the day before in terms of two competing proposals: his own, in which he proposed that the senate declare a *bellum*, and one from L. Caesar, proposing that the senate declare a *tumultus*.<sup>92</sup> Although not discussed by Cicero in this opening section, it would appear that there was a third proposal as well, most likely made first by Calenus,<sup>93</sup> to the effect that envoys be sent to Antonius once again.<sup>94</sup> That this first proposal is not discussed in the opening section by Cicero strongly suggests that the debate in the senate the day before came to be between the more extreme proposal of Cicero and the more moderate proposal of L. Caesar. From Cicero's opening words in the *Eighth Philippic*,<sup>95</sup> it is clear that Pansa favoured the milder

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<sup>91</sup> Cic. *Phil.* 8.28.

<sup>92</sup> Cic. *Phil.* 8.1-2. There is no evidence in the *Eighth Philippic* for Manuwald's statement that Cicero's proposal included a condemnation of Antonius as a *hostis*; Manuwald 2007: 2.906. There is, however, a reference in the *Twelfth Philippic* in which Cicero says: "Before the envoys returned, I made bold to say that even if they brought peace itself, it should be rejected, since under the name of peace war would lurk. I took the lead in the putting on of military cloaks. I ever called Antonius an enemy when others called him an adversary; I ever called this a war, when others called it a tumult. And this I did not in the senate only; I always used the same language before the people. *ego ante reditum legatorum ausus sum dicere, pacem ipsam si adferrent, quoniam sub nomine pacis bellum lateret, repudiandam; ego princeps <sumendorum> sagorum; ego semper illum appellavi hostem, cum alii adversarium, semper hoc bellum, cum alii tumultum. nec haec in senatu solum: eadem ad populum semper egi* (Cic. *Phil.* 12.17)." Nevertheless, this does not mean that Cicero actually used the word *hostis* in his proposal on 2 February; I have already noted that in the *Fifth Philippic* Cicero did not shy from using the word *hostis* in his speech while refraining from using it in his formal proposal.

<sup>93</sup> Frisch assumes that this proposal to send envoys to Antonius once again was put forward by Calenus; Frisch 1946: 199. This seems most likely, as a large proportion of this speech (sections 11-19) is addressed primarily to Calenus and consists of an attack by Cicero against Calenus' advocacy of peace. Manuwald supports Frisch's position on this; Manuwald 2007: 2.905-906.

<sup>94</sup> "What a day of dishonour yesterday was for us, I mean for us consulars! Send envoys once again? *quam hesternus dies nobis, consularibus dico, turpis illuxit! iterum legatos* (Cic. *Phil.* 8.20)?"

<sup>95</sup> "Our proceedings yesterday, C. Pansa, lacked something of the clarity which our normal practice under your consulship called for. It seemed to me that you did not take a firm enough stand against persons to whom you do not generally give way. The senate showed its usual courage, everyone saw that war exists in fact, but there were some who wanted the word removed; and in the vote you inclined to the milder course. So because of the harshness of the word, my motion was defeated with your approval, and that of our distinguished fellow member L. Caesar won the day. In this motion the offensive word was withdrawn, but the mildness lay in the language rather than the substance. *Confusius hesterno die est acta res, C. Pansa, quam postulabat institutum consulatus tui. parum mihi visus es eos quibus cedere non soles sustinere. nam cum senatus ea virtus fuisset quae solet, et cum re viderent omnes esse bellum quidamque id verbum removendum arbitrarentur, tua voluntas in discessione fuit ad lenitatem propensior. victa est igitur propter verbi asperitatem te auctore nostra sententia: vicit L. Caesaris, amplissimi viri, qui verbi atrocitate dempta oratione fuit quam sententia lenior* (Cic. *Phil.* 8.1)."

proposal of L. Caesar, and that this was a decisive factor in the senate voting to adopt his proposal instead of the competing proposals put forward by Cicero and Calenus. The senate, therefore, on 2 February voted in favour of decreeing a *tumultus*, a decree that perhaps also specifically named Antonius as an *adversarius* (but not, significantly, as a *hostis*).<sup>96</sup>

Following this senate meeting on 2 February, Pansa received a dispatch from his colleague Hirtius in telegraphese saying: “Threw out the garrison. Took possession of Claterna. Cavalry routed. Battle joined. Some killed.”<sup>97</sup> As was the case with the return of the envoys, Pansa convened the senate at the next available opportunity, i.e. the

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<sup>96</sup> Cic. *Phil.* 12.17. Some scholars, most notably Frisch and Lintott, state that the *senatus consultum ultimum* was also passed at this senate meeting following the return of the envoys; Frisch 1946: 199-200; Lintott 1999a: 154. This assumption is based on a reference in Dio, in which he writes that the senate, following the return of the envoys and the passing of the decree declaring a *tumultus*: “...committed to the consuls the care of the city, attaching to the decree the customary clause ‘that it suffer no harm’. καὶ τοῖς ὑπάτοις τὴν φυλακὴν τῆς πόλεως ἐπέτρεψαν, ἐκεῖνο δὴ τὸ εἰθισμένον τῷ δόγματι προσγράψαντες, τὸ μηδὲν ἀπ’ αὐτῆς ἀποτριβῆναι. (Dio 46.31.2).” Related to this is a problematic passage from the *Res Gestae*, in which Augustus seems to suggest that the SCU was passed in early January: “As propraetor it [i.e. the senate] ordered me, along with the consuls, ‘to see that the *res publica* suffered no harm’. *Res publica ne quid detrimenti caperet, me pro praetore simul cum consulibus providere iussit* (Aug. *Res Ges.* 1).” However, there is no mention of this SCU in the *Philippics* following Cicero’s unsuccessful proposal of it in the *Fifth Philippic*, nor does Cicero mention the passing of the SCU in any of his letters or other extant writings. Consequently, one must agree with Manuwald, who is here following Stein, when she concludes that: “The easiest explanation is that no official *senatus consultum ultimum* was passed, but that the tasks conveyed to Octavianus and the consuls were described in terms similar to the typical wording of a *senatus consultum ultimum* or might be connected with such a decree because of comparable impact. Therefore Octavianus uses this term to enhance his standing, and Cassius Dio equates the decree with a *senatus consultum ultimum* or reports Cicero’s motion as though it had in fact been adopted (Manuwald 2007: 2.908.)”; Stein 1930: 109. There is a further question in connection with the senate decree of 2 February, and that is whether or not it was the first such decree declaring a *tumultus* in this crisis. Once again, the narrative of Dio seems to suggest that a *tumultus* decree was passed in early January, but after the senate meeting of 1-4 January; Dio 46.29-31. Osthoff accepts Dio’s statement that a *tumultus* decree was passed in early January, and explains the passing of a *tumultus* decree on 2 February as merely a reinforcement of the earlier decree, and explains Cicero’s opposition to it on account of its being a repetition; Osthoff 1952: 49-53. However, as Manuwald notes, there is no evidence that the senate passed a *tumultus* decree prior to 2 February, and Cicero’s opposition to it on 2 February can easily be explained by the change in the political situation from 1 January, when he himself proposed a *tumultus*, to 2 February, when he proposed a *bellum* and argued against a *tumultus*; Manuwald 2007: 2.907-908. As for Dio’s statement, Manuwald’s suggestion that he mistook the senate decree ordering the consuls to levy troops and to send one or both of them to the war (discussed above, and dated to the period between 5 January and the *Seventh Philippic*) as a *tumultus* decree seems reasonable enough given the similarity in content; Manuwald 2007: 2.907-908.

<sup>97</sup> “*deieci praesidium; Claterna potitus sum; fugati equites; proelium commissum; occisi aliquot* (Cic. *Phil.* 8.6).”

following day, 3 February. In addition to Hirtius' dispatch, the senate also appears to have discussed a petition from the Massilians at this meeting. From Cicero's remarks in his own speech, the *Eighth Philippic*, it is clear that Calenus spoke bitterly against the petition from the Massilians.<sup>98</sup> However, from Cicero's quoting of Antonius' letter in the *Thirteenth Philippic*, it would seem that the senate granted the Massilians' petition, or at least promised to do so.<sup>99</sup> Given Cicero's lengthy attack against Calenus for his advocacy of peace, Frisch's suggestion that Calenus may have reiterated his proposal from the previous day to send a second round of envoys to Antonius seems possible.<sup>100</sup> It is likely that the news that the Caesarian consul Hirtius had engaged in a battle with Antonius' Caesarian troops at Claterna had shaken the senators, and perhaps this prompted Calenus to try his proposal once again. As well, Cicero's criticism of his fellow consulars for considering a second embassy to Antonius suggests that some of them supported Calenus, either at this meeting on 3 February, or the day before, or both. The only consular who escapes Cicero's criticism is L. Caesar, presumably because, despite being Antonius' uncle, he nevertheless put forward the *tumultus* proposal instead of supporting a second embassy. However, as Cicero laments, L. Caesar was ill on 3 February and thus not present at this senate meeting.<sup>101</sup>

Just as Calenus may have tried to resubmit his proposal from the day before, Cicero took advantage of the opportunity offered by Hirtius' dispatch to revisit his defeated proposal. His speech, the *Eighth Philippic*, consists of a discussion of the

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<sup>98</sup> Cic. *Phil.* 8.18-19.

<sup>99</sup> "You promise to restore to the Massilians what was taken away from them by right of war. *Massiliensibus iure belli ademta reddituros vos pollicemini* (Cic. *Phil.* 13.32)."

<sup>100</sup> Frisch 1946: 202.

<sup>101</sup> Cic. *Phil.* 8.22.

previous day's senate meeting and the *tumultus* decree,<sup>102</sup> an argument that this current war is unique,<sup>103</sup> an attack addressed to Calenus,<sup>104</sup> a criticism of his fellow consulars,<sup>105</sup> a criticism of the envoys and of Antonius' response,<sup>106</sup> and a discussion of the duties of a consular using the *exemplum* of Q. Scaevola the augur.<sup>107</sup> What is of greater interest, however, is Cicero's proposal with which he concludes the speech:

That of the persons now with M. Antonius those who shall leave his army and join either C. Pansa, consul, or A. Hirtius, consul, or D. Brutus, imperator and consul-elect, or C. Caesar, propraetor, before the Ides of March next, shall suffer no penalty because they were with M. Antonius. If any of those now with M. Antonius shall perform any action deemed worthy of honour or reward, that C. Pansa and A. Hirtius, consuls, either or both, if they see fit, shall refer to the senate concerning honour or reward for that person on the first day possible. If any person shall join M. Antonius after this decree, L. Varius excepted, that the senate shall deem him to have acted against the *res publica*.<sup>108</sup>

Nonius the grammarian, quoting a letter from Cicero to Octavianus, records that Cicero's proposal was indeed passed.<sup>109</sup> Manuwald's view that this proposal was a motion to regard Antonius' followers as *hostes* is mistaken.<sup>110</sup> In this instance, as before in the *Fifth Philippic*, Cicero is very careful to avoid using the term *hostis* in his formal proposals, even though in this instance his proposal consists of an ultimatum to Antonius' followers. The first clause is clearly intended to isolate Antonius by threatening his current followers and giving them a date by which they must abandon

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<sup>102</sup> Cic. *Phil.* 8.1-4.

<sup>103</sup> Cic. *Phil.* 8.5-10.

<sup>104</sup> Cic. *Phil.* 8.11-19.

<sup>105</sup> Cic. *Phil.* 8.20-22.

<sup>106</sup> Cic. *Phil.* 8.23-28.

<sup>107</sup> Cic. *Phil.* 8.29-31.

<sup>108</sup> "Eorum qui cum M. Antonio sunt, qui ab armis discesserint et aut ad C. Pansam consulem aut ad A. Hirtium consulem aut ad D. Brutum imperatorem, consulem designatum, aut ad C. Caesarem pro praetore ante Idus Martias proximas adierint, eis fraudi ne sit quod cum M. Antonio fuerint. si quis eorum qui cum M. Antonio sunt fecerit quod honore praemiove dignum esse videatur, uti C. Pansa A. Hirtius consules, alter ambove, si eis videbitur, de eius honore praemiove primo quoque die ad senatum referant. si quis post hoc senatus consultum ad Antonium profectus esset praeter L. Varium, senatum existimaturum eum contra rem publicam fecisse (Cic. *Phil.* 8.33)."

<sup>109</sup> Non. 238.2.

<sup>110</sup> Manuwald 2007: 2.1032.

him. Particularly interesting is the second clause, which is a thinly veiled offer of a reward for someone to assassinate Antonius. As for the last clause, the intent is to frighten anyone contemplating joining Antonius; the exception for Cotyla is a response to criticism of Cicero's proposal the previous day, which had obviously contained a clause forbidding Cotyla from rejoining Antonius.<sup>111</sup> In addition to passing Cicero's proposal, and probably granting the petition of the Massilians, the senate also decreed the wearing of the *sagum* (i.e. the military cloak) on the following day (i.e. 4 February); moreover, Pansa stated that he would appear in public with an armed escort.<sup>112</sup> As this is mentioned by Cicero in the *Eighth Philippic*, it presumably was decreed prior to his speech, most likely immediately after Pansa had read out Hirtius' dispatch. These public gestures to indicate a state of war helped to foster an atmosphere in which the senators were more willing to consider proposals for further action against Antonius.

On the following day, 4 February, the senate was once again convened by Pansa, this time in order to discuss the awarding of honours to Sulpicius, the envoy who had died on the mission to Antonius.<sup>113</sup> The senate meeting began with the consul Pansa proposing that Sulpicius be awarded the honour of a public funeral and a statue, as befitted an envoy who had been killed while in the service of Rome.<sup>114</sup> However, following Pansa's speech, the consular Servilius delivered a speech in which he opposed the awarding of a statue to Sulpicius on the grounds that Sulpicius had not

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<sup>111</sup> Cic. *Phil.* 8.32.

<sup>112</sup> Cic. *Phil.* 8.6.

<sup>113</sup> Although there is no firm evidence for exact date of this senate meeting, the scholarly consensus has settled on a date of 4 February; e.g. Sternkopf 1913: 103-104; Stein 1930: 85, n.508; Frisch 1946: 206; Bellardi 1978: 46; Bonnefond-Coudry 1989: 217, n.11, 630; Grattarola 1990: 126; Loutsch 1994: 460; Manuwald 2007: 2.1037, n.2. The notable exceptions are Ganter and Holmes, who assign a date of 3 February; Ganter 1894: 614, 616, 618; Holmes 1928: 1.44. Note also that Ganter places the *Ninth Philippic* as being delivered on the same day as the *Eighth Philippic*.

<sup>114</sup> Cic. *Phil.* 9.3, 9.14.

actually been murdered.<sup>115</sup> After Servilius' speech, Cicero delivered his rebuttal, the *Ninth Philippic*. In essence, Cicero's speech is a panegyric in praise of Sulpicius in order to persuade his fellow senators that Sulpicius was worthy of the honour of both a public funeral and sepulchre and a statue. Of course, Cicero needs to address Servilius' objection that Sulpicius had not actually been murdered. Thus, in the first part of the speech, Cicero uses a variety of *exempla* in order to demonstrate that it is not the manner of death that matters, but that Sulpicius died because he went on the embassy instead of remaining in Rome.<sup>116</sup>

What was the political strategy behind the speech? As was the case in the *Fifth Philippic*, Cicero uses the awarding of honours as part of his campaign against Antonius. However, the significant difference here is that the intended recipient of the honours, Sulpicius, was deceased, and thus the reasoning behind the awarding of the honours on Cicero's part was necessarily different. Whereas the honours and rewards for Lepidus, Octavianus, *et. al.* were intended to induce them to continue (or, in the case of Lepidus, to begin) their opposition to Antonius, Cicero's intention here was to create a lasting monument of the campaign against Antonius: "...let the criminal audacity of M. Antonius as he wages a wicked war be branded. For in these honours paid to Ser. Sulpicius there will remain for all time a testimony to Antonius' repudiation and rejection of the mission."<sup>117</sup> From a passage in the *Digest of Justinian*, it is clear that Cicero achieved his aim, in that Sulpicius' statue had indeed left a lasting memorial to the campaign against Antonius that still stood generations later.<sup>118</sup>

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<sup>115</sup> Cic. *Phil.* 9.3.

<sup>116</sup> Cic. *Phil.* 9.3-10.

<sup>117</sup> "notetur etiam M. Antoni nefarium bellum gerentis scelerata audacia. his enim honoribus habitis Ser. Sulpicio repudiatae reiectaeque legationis ab Antonio manebit testificatio sempiterna (Cic. *Phil.* 9.15).

<sup>118</sup> *Dig.* 1.2.2.43.

At some point shortly after this senate meeting on 4 February, the senate issued a decree of great significance and importance during a meeting about which, unfortunately, little is known. From a few references in the *Twelfth* and *Thirteenth Philippics*, comes the startling news that, in early February, the senate passed a decree annulling all of Antonius' *acta* and *leges* from his consulship, and thus, in effect, wiping it from the record.<sup>119</sup> The constitutional basis for this action, as Cicero reveals, was the declaration that Antonius' *leges* had been passed by violence and contrary to the auspices, that he had entered false decrees of the senate, that he had embezzled public funds (i.e. the 700 million *sesterces* from the treasury of the temple of Ops), and that he had abused his power as consul.<sup>120</sup> Unfortunately, Cicero does not go into sufficient detail to reveal whether or not this annulment of Antonius' *acta* and *leges* included decrees of the senate that were properly and officially passed during his consulship. Given that Cicero makes no mention of some of these decrees, a few of which would have been of significant interest to himself and to the assassins (e.g. most obviously, the compromise agreement of 17 March), one should assume that those senate decrees that had been properly and officially passed and entered into the public record remained in place. However, as Cicero had advised in the *Fifth Philippic*, some of Antonius' *leges* were necessary, and thus should be promulgated again following their annulment.<sup>121</sup> From a reference in the *Tenth Philippic*, it seems that this was exactly what happened; Pansa, so Cicero says, was in the process of promulgating a new *lex* to reconfirm, yet again, the *acta Caesaris*, and was preparing to submit the new *lex* to a vote in the

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<sup>119</sup> Cic. *Phil.* 12.12, 13.5, 13.26.

<sup>120</sup> Cic. *Phil.* 12.12.

<sup>121</sup> Cic. *Phil.* 5.10.

*comitia centuriata*.<sup>122</sup> From a reference in the *Thirteenth Philippic*, again from that tremendously useful section in which Cicero quotes Antonius' letter, it appears that a new *lex* confirming the establishment of the colonies of veterans had been passed, also in the *comitia centuriata*.<sup>123</sup> It should come as no surprise, given the political strength of Caesar's veterans, that their interests were immediately looked after by a new *lex* confirming their settlements.

Decree after decree had been passed in the senate against Antonius' interests ever since the senate meeting on 20 December. Some of these decrees were admittedly relatively minor (e.g. those concerning the Luperci, the Massilians, these honours for Sulpicius, etc.), but others were quite significant (e.g. the granting of *imperium* to Octavianus *post factum*, the levying of troops and the sending of Hirtius to the theatre of war, the *tumultus* decree, and, most recently, the annulment of Antonius' *acta* and *leges*). Cumulatively, these decrees were, step by step, pushing the senate closer and closer to Cicero's ultimate goal of persuading the senators to condemn Antonius as a *hostis* and to declare the campaign against him a *bellum*. However, the senate was not yet ready to do so even after the return of the envoys in February. The reason, one may surmise, was that to condemn Antonius as a *hostis* would be irrevocable and final; there could be no reconciliation after such a decree without the defeat and surrender of either Antonius or the senate. It comes as no surprise, however, that a senate composed largely of Caesarian supporters and appointees, and which had in the main supported Antonius and Dolabella as late as the end of November (both in the senate meeting on the 28<sup>th</sup> and at that gathering at Antonius' villa in Tibur), should hesitate and delay over the decision to declare a final break with Antonius. Moreover, one must remember that the

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<sup>122</sup> Cic. *Phil.* 10.17.

<sup>123</sup> Cic. *Phil.* 13.31.

relationship between events and the deliberations of the senate went both ways; as has been argued throughout, while it is clear from the evidence that the senate could and did influence events outside the *Curia*, it is also clear that events significantly influenced the deliberations of the senate.

The most important of these events, of course, was Antonius' siege of D. Brutus and his forces at Mutina. Despite Cicero's public utterances of confidence in the ultimate victory over Antonius, there could be no assurances in war, and the possibility of a victorious and vengeful Antonius urged hesitation and caution upon the senators. It was at this point, however, that news of dramatic events in the east reached Rome and shifted the senate's focus from the struggle between D. Brutus and Antonius at Mutina.

### *The Tenth Philippic*

At some point after this senate meeting on 4 February, Pansa received a letter from Brutus, the contents of which caused him to convene the senate immediately.<sup>124</sup> When I last discussed the activities of Brutus and Cassius, they had left Italy, at the end of August and of September respectively, on their grain commission, after which they were due to take up their governorships of the provinces of Crete and Cyrene, respectively, at the beginning of the new year. However, from the time Brutus and Cassius had left Italy until this report from Brutus arrived in Rome in early to mid-

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<sup>124</sup> Cic. *Phil.* 10.1. The exact date of this senate meeting cannot be determined with any certainty. The most recent scholarship suggests a date of early to mid-February 43: Shackleton Bailey 1986: 249; Manuwald 2007: 1.26. The topic of letters and official dispatches from provincial governors as a political activity and a means of persuasion will be discussed at greater length in Chapter IV through case-studies of four such surviving examples in Cicero's correspondence from this period.

February, there had been no communication from either of these two leaders of the conspiracy, only rumours as to their whereabouts and activities.<sup>125</sup>

From Cicero's comments in the *Tenth Philippic*, which occur approximately half-way through the speech,<sup>126</sup> one can deduce that Brutus' letter informed the senate of several things. First, that he had not in fact gone to his assigned province of Crete, but went instead to the Balkans, and that in the space of a few short months had managed to gain control of the three Roman provinces of that region, namely Macedonia, Achaëa, and Illyricum.

Second, that the letter informed the senate in detail of how Brutus managed to gain control of the three provinces, the number and composition of his forces, and from whom he had received support, most significantly the governor of Macedonia, Q. Hortensius, who also handed over the legions he had levied to Brutus. To these legions were added two detachments of cavalry that had been en-route to Dolabella, with one detachment joining Brutus in Thessaly with its quaestor in command, and the other mutinying from Dolabella's legate and joining Brutus under the command of Cn. Domitius. To this already substantial force was added the legions of P. Vatinius, the governor of Illyricum, and a further legion, under the command of L. Piso, a legate of C. Antonius, which had surrendered to Cicero's son Marcus. Brutus' letter also contained special praise for M. Apuleius;<sup>127</sup> this special praise is later explained by a

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<sup>125</sup> In a letter to Cassius, dated to 2 or 3 February, Cicero writes: "But what you are doing or going to do, or even where you are, I don't know. Rumour reports you in Syria, but nobody vouches for it. Reports of Brutus appear more trustworthy in so far as he is nearer Italy. *Sed tu quid ageres, quid acturus, ubi denique esses nesciebam. fama nuntiabat te esse in Syria, auctor erat nemo. de Bruto quo propius est eo firmiora videntur esse quae nuntiantur* (Cic. *Fam.* 363.2 [12.4])."

<sup>126</sup> Cic. *Phil.* 10.13.

<sup>127</sup> Cic. *Phil.* 10.24.

reference in the *Thirteenth Philippic*, where Antonius is quoted as complaining that Apuleius had furnished Brutus with funds.<sup>128</sup>

Finally, Brutus' letter informed the senate of the current situation, which was that C. Antonius, a younger brother of M. Antonius, was in the city of Apollonia with seven cohorts and besieged by Brutus' forces. Gaius, who had been praetor in 44 and had assumed Brutus' duties as urban praetor when the latter had left Rome, had rather fortuitously been allotted the governorship of the province of Macedonia, originally allotted to his brother Marcus, for 43 during the senate meeting on 28 November. Despite the subsequent cancellation of this allotment by the *senatus consultum* of 20 December, which instructed all the governors to remain in their provinces until a successor was appointed by the senate, Gaius nevertheless hastened across the Adriatic.<sup>129</sup>

This was the situation as it was known by the senators at the time of the debate, and was, therefore, the context within which arguments had to be launched and defended. Pansa, as the only consul in Rome, received the letter and convened the senate, presumably for the following day.<sup>130</sup> As the convening magistrate, he read Brutus' letter to the senators, and then delivered a speech.<sup>131</sup> Cicero commends the consul for his speech on two occasions, and makes a point of stressing Pansa's praise of Brutus and his actions.<sup>132</sup> Frisch states that Pansa must have made a proposal, but Cicero does not actually explicitly state so, referring only to the consul's *oratio* and not

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<sup>128</sup> Cic. *Phil.* 13.32.

<sup>129</sup> Cic. *Phil.* 10.10-11.

<sup>130</sup> Frisch 1946: 216.

<sup>131</sup> Cic. *Phil.* 10.1.

<sup>132</sup> Cic. *Phil.* 10.1, 10.17.

also to a *sententia*.<sup>133</sup> It is impossible to know if Pansa merely made it clear in his speech what he wanted someone (e.g. Cicero) to formally propose, or if he himself ended his speech with a formal proposal. If the latter, it would not be the first time (e.g. the *Third Philippic*), where Cicero himself makes a formal proposal, the essence of which had already been proposed, without crediting the original author of the proposal.

As had been the case ever since 1 January, Pansa, after reading Brutus' letter and making his speech, called upon his father-in-law Calenus to give his opinion first. A significant difference this time, however, is that Calenus appears to have delivered a speech and made a proposal that was in direct opposition to his father-in-law's stated position.<sup>134</sup> From Cicero's rebuttal, one can ascertain that Calenus' proposal consisted of two points: first, that the senate make known its approval "that Brutus' letter appeared rightly and properly written;"<sup>135</sup> second, that Brutus be deprived of the forces under his command.<sup>136</sup> Calenus justified the latter of these two contradictory motions in the proposal by arguing that the veterans would not tolerate the senate approving Brutus in command of an army.<sup>137</sup> Yet the very fact that Calenus obviously felt it necessary nevertheless to propose that the senate approve of Brutus' letter strongly suggests that Brutus still commanded significant respect in the senate.

As was the case with the *Fifth Philippic*, Cicero gives his audience the impression that he is speaking immediately after Calenus, which may or may not have

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<sup>133</sup> Frisch 1946: 217. "And yet you see his [i.e. Pansa's] sentiments towards Brutus, how warmly he regards him. In his speech he told us what we should resolve and what we should feel about M. Brutus. *atqui huius animum erga M. Brutum studiumque vidistis. praecepit oratione sua quid discernere nos de M. Bruto, quid sentire oporteret* (Cic. *Phil.* 10.17)..."

<sup>134</sup> "How is it that ever since the Kalends of January you have never once been of the same mind as the gentleman who calls you first? *...ut numquam post Kalendas Ianuarias idem senseris quod is qui te sententiam primum rogat...* (Cic. *Phil.* 10.3.)" However, as I have discussed in this chapter so far, this simply was not the case, and Cicero is deliberately misleading his audience.

<sup>135</sup> "*litteras Bruti recte et ordine scriptas videri* (Cic. *Phil.* 10.5)."

<sup>136</sup> Cic. *Phil.* 10.4.

<sup>137</sup> Cic. *Phil.* 10.15.

been the case. Furthermore, as I have done so far in my analysis and discussion of the key speeches in the *Philippics* corpus, I shall begin with Cicero's proposals, and then move on to examine his strategy of persuasion, and conclude this section with an assessment of the effectiveness of this speech and consider the possible reasons for Cicero's success.

In comparison to some of the other speeches (in particular, the *Fifth Philippic*), Cicero's proposals at the end of this speech are fairly straightforward. His first proposal, so to speak, is that a separate reference be made to the senate with regard to Apuleius.<sup>138</sup> That Apuleius should be singled out in this way, and not included in Cicero's present proposal, suggests that Cicero felt that Apuleius' actions might not receive the same approval from the senators as the actions of either Brutus or Hortensius, despite Brutus' praise of him in his letter. It is interesting to note that these very actions of Apuleius are listed as a point of complaint in Antonius' letter as quoted by Cicero in the *Thirteenth Philippic*, even though there is no complaint regarding Hortensius.<sup>139</sup> At any rate, there is no evidence that this separate reference either was or was not ever made to the senate.

Cicero's proposals, therefore, at the end of this speech concern only Brutus and Hortensius.<sup>140</sup> In the first instance, he proposes that the senate approve the actions of each as having been done in the public interest. In the case of Brutus, Cicero proposes that he be confirmed in his command of his forces and be given control over the provinces of Macedonia, Illyricum, and Achaëa. He furthermore proposes that Brutus be directed to make preparations for war (levy and borrow monies and requisition grain) and that he keep his forces as close as possible to Italy. In the case of Hortensius, Cicero

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<sup>138</sup> Cic. *Phil.* 10.24.

<sup>139</sup> Cic. *Phil.* 13.32.

<sup>140</sup> Cic. *Phil.* 10.25-26.

proposes that Hortensius be confirmed in his position as governor of Macedonia, with his quaestor or proquaestor and legates, until a successor is appointed by the senate. Although somewhat redundant, in that the senate decree of 20 December would certainly have applied to Hortensius, Cicero nevertheless made this proposal, probably because Hortensius' claim on the province of Macedonia had in fact been challenged by Gaius after the decree of 20 December. Moreover, this proposal also reinforced the fact that Cicero was in actuality proposing *maius imperium* for Brutus over the three provinces of the Balkans. That Cicero does not make any fuss about the extraordinary nature of this command demonstrates the extent to which the years of civil war had changed, and were changing, Roman attitudes toward the nature of *imperium*. Of course, the obvious pre-civil war precedents, if Cicero needed or wanted any, were the extraordinary commands given to Pompeius in his campaigns against the pirates in 67 and in the east in 66.<sup>141</sup>

Although the evidence is not as explicit in this instance as one would like, nevertheless, it seems that the senate approved Cicero's proposals.<sup>142</sup> Consequently, one needs to try and account for why the senators would have voted for what were, it must be admitted, Cicero's most radical proposals to date. There can be no denying the fact that Brutus had no legal right whatsoever to justify his actions in the Balkans, and thus his actions cannot be compared with those of his kinsman D. Brutus. Unlike Octavianus, however, he did legitimately hold *imperium*, but as proconsular governor of Crete; on the other hand, Cicero was able to argue that Octavianus had raised a private

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<sup>141</sup> Frisch 1946: 217. Interestingly, Cicero actually criticizes these extraordinary commands in his *Eleventh Philippic* and attributes them to trouble-making tribunes of the plebs; Cic. *Phil.* 11.18. Of course, Cicero manages, rather conveniently, to overlook his own public support of Pompeius' extraordinary command in his extant speech *De imperio Cn. Pompei*. For more on this speech, see MacKendrick 1995: 3-23.

<sup>142</sup> The clearest evidence is Cicero's own statement in the *Eleventh Philippic*; Cic. *Phil.* 11.26.

army to save Rome from the fury of Antonius, whereas Brutus had raised an army in the Balkans, where there was no clear and present danger to Rome.

To begin with, Cicero's proposals had the support of the consul Pansa, which was not the case when Cicero delivered the *Fifth Philippic* on 1 January. Although it is impossible to know for sure the exact significance of this fact, it undeniably played a key role in the senators' decision-making process. Pansa's influence would have derived both from his position as consul and from his former adherence to Caesar and leading position amongst Caesar's supporters. The latter must have been particularly crucial in this instance because of Brutus' role as a leader in the conspiracy. As Calenus apparently argued, it was more Brutus' person, rather than his actions in the Balkans, that was the primary obstacle.

Despite the opening speech by Pansa, the senate was not in unanimous agreement over this issue. As noted above, it is not difficult to discern why Brutus' person and actions would be so divisive to a senate so variously composed. And the fact that the senator first called upon, Calenus, delivered a speech and made a proposal in clear opposition to the convening magistrate only serves to highlight this. Cicero was faced, therefore, with an audience of senators amongst whom one may assume were a large number, perhaps even a majority, whom he needed to persuade to support his proposals. Having now established the context, I shall proceed to discuss what I think are five key strategies of persuasion that Cicero employs in this speech.

The first strategy that Cicero employs is to repeatedly praise Brutus.<sup>143</sup> Thus, Cicero contrasts the characters of the Bruti with the Antonii,<sup>144</sup> unreservedly praises

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<sup>143</sup> For a recent study of Cicero's praise of Brutus as a moral argument in the *Tenth Philippic*, see Dawes 2008: 266-281.

<sup>144</sup> Cic. *Phil.* 10.4-5.

Brutus' involvement in the assassination of Caesar,<sup>145</sup> presents what can only be described as a white-washed account of Brutus' actions after the assassination, both before he left Italy<sup>146</sup> and in the Balkans,<sup>147</sup> presents Brutus as beloved by the people and the honest men (*boni*),<sup>148</sup> praises his virtues (e.g. patience, moderation, judgement, and quickness to act),<sup>149</sup> calls Brutus and his forces the bulwark of the *res publica*,<sup>150</sup> and declares that Brutus' "every wish, conscript fathers, his every thought, his whole mind is focused upon the authority of the senate and the freedom of the Roman people."<sup>151</sup> Indeed, the only criticism of Brutus that Cicero acknowledges could be made is that he is perhaps a bit too patient.<sup>152</sup> The purpose of all this praise and characterization is clear, but despite its obviousness, it was nevertheless essential for Cicero to be as positive about Brutus as possible. If not, how could he justify the extraordinary command that he was about to propose at the end of his speech?

If Cicero's first priority in this speech was to promote the person and character of Brutus, then his second was to defend Brutus' actions and to justify their continuance. This is where strategies number two and three come into play. As was noted earlier, Cicero's *Third Philippic*, delivered on 20 December, was perhaps the most significant of his speeches in this campaign against Antonius because of the precedents set by the senate's approval of Cicero's proposals. In particular, it was the senate's granting of approval for actions already undertaken under private initiative in the cases of D. Brutus and Octavianus, and furthermore, in the case of the latter, its

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<sup>145</sup> Cic. *Phil.* 10.7, 10.15.

<sup>146</sup> Cic. *Phil.* 10.7-8.

<sup>147</sup> Cic. *Phil.* 10.9-14

<sup>148</sup> Cic. *Phil.* 10.8, 10.14.

<sup>149</sup> Cic. *Phil.* 10.7, 10.8, 10.9, 10.11, 10.23.

<sup>150</sup> Cic. *Phil.* 10.4, 10.6, 10.9, 10.12, 10.14, 10.17, 10.24.

<sup>151</sup> "omnis voluntas M. Bruti, patres conscripti, omnis cogitatio, tota mens auctoritatem senatus, libertatem populi Romani intuetur (Cic. *Phil.* 10.23)."

<sup>152</sup> Cic. *Phil.* 10.14, 10.23.

granting of legitimate *imperium* after it had already been exercised *de facto*. That this was a particularly strong argument for Cicero is made evident by the fact that he withholds mentioning it until the very end of this speech and immediately before stating his proposals.<sup>153</sup> This argument was, to use a colloquialism, Cicero's trump card. Of course, it was reliant upon Cicero's effectiveness in persuading his fellow senators that Brutus' character was good enough and that his person was dedicated to the preservation of the *res publica*. It was also reliant upon Cicero's effectiveness in his next strategy.

In order for Cicero to be able to use the *senatus consultum* of 20 December as a precedent, he needed to persuade his fellow senators of more than just Brutus' good character and intentions. Cicero's primary argument in the *Third Philippic* was that the actions based on private initiative, in particular those of Octavianus, were warranted and deserved the senate's approval and legitimization because of the clear and present danger to Rome. In this instance, the task facing Cicero would appear to be more complicated because Brutus' actions were carried out in the three provinces of the Balkans. Moreover, they were not undertaken against a foreign invader, but against a leading Roman citizen. Where was the clear and present danger to Rome that would warrant such actions on the basis of private initiative?

Cicero's answer to this hypothetical question, but one that was no doubt present in the minds of many of his fellow senators that day, was to connect Brutus' campaign in the Balkans as part of the same war as the campaign against Antonius at Mutina. This connection is first brought up early on in the speech when Cicero compares the Bruti

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<sup>153</sup> Cic. *Phil.* 10.23-24.

(i.e. Decimus and Marcus) to the Antonii (i.e. Marcus, Lucius, and Gaius).<sup>154</sup> It was fortuitous for Cicero's argument that it happened to be Brutus' kinsman D. Brutus at Mutina, and M. Antonius' brother Gaius at Apollonia. Building on the familial connections between the two campaigns, Cicero argues that the two campaigns are part of the same war because of the larger strategic considerations.<sup>155</sup> As Cicero puts it:

Greece would have become a refuge for Antonius if beaten, or a rampart from which to launch an attack on Italy; the same Greece which now, equipped more than adequately with M. Brutus' military authority, prestige, and forces, holds out her hand to Italy and promises her protection. Whoever withdraws Brutus' army from Brutus deprives the *res publica* of a splendid refuge at need and a powerful bulwark.<sup>156</sup>

By connecting the campaign in the Balkans to the campaign at Mutina through the larger strategic considerations, Cicero is able to create a sense of urgency and danger that would equate Brutus' actions with Octavianus' back in November, and therefore enable Cicero to justify Brutus having acted on his own private initiative. There is, however, another dimension to this as well, and it plays into one of Cicero's favourite themes in the *Philippics*, namely the isolation and alienation of Antonius. For not only did Brutus' seizure of the Balkans deprive the Antonii of a base from which to attack Italy, but it also served to complete the figurative encirclement of Antonius himself. As Cicero says: "For my part, I want Antonius to hear of these developments as soon as may be, to let him understand that he himself, and not D. Brutus, whom he is surrounding with his palisade, is under siege. He holds three towns in the whole

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<sup>154</sup> Cic. *Phil.* 10.4-5.

<sup>155</sup> Cic. *Phil.* 10.9.

<sup>156</sup> "*esset vel receptaculum pulso Antonio vel agger oppugnandae Italiae Graecia: quae quidem nunc M. Bruti imperio, auctoritate, copiis non instructa solum sed etiam ornata tendit dexteram Italiae suumque ei praesidium pollicetur. quod qui ab illo abducit exercitum, et respectum pulcherrimum et praesidium firmissimum adimit rei publicae* (Cic. *Phil.* 10.9)."

world.”<sup>157</sup> Thus, Cicero depicts his enemy as isolated and in fact under siege himself, even if he does not yet realize it. Moreover, as is seen in the above two quotations, Cicero carefully blends fear and confidence; he uses the fear to justify Brutus’ illegal actions as necessary for the safety and liberty of the *res publica*, but makes sure to temper his fear-mongering with exuberant confidence in order that his fellow senators will have the courage to act against Antonius.

So far I have examined three different strategies that Cicero employs in order to promote his proposals. The fourth and fifth strategies that I shall now discuss are directed against Calenus and his competing proposal. The fourth is in many ways a counterpart to the first; whereas Cicero praises Brutus’ person and character in order to depict him as worthy of exercising *maius imperium*, in order to condemn Calenus’ proposal, Cicero launches into a personal attack against Calenus. This is not the first time that Cicero has used this tactic, and did so as recently as a week or two previous when he delivered the *Eighth Philippic*. In a rather long section in that speech, he addresses Calenus directly and criticizes him for displaying faulty judgement in speaking in favour of peace.<sup>158</sup>

In the *Tenth Philippic*, Cicero’s blunt attacks on Calenus focus on undermining his claim to leadership in the senate, a claim that Pansa recognized and reinforced by calling upon Calenus to give his opinion first in the debate on the Kalends of January. These attacks are on three fronts: his faulty judgement, his incompetence, and his isolation. Calenus’ judgement is shown to be faulty because of his support of the

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<sup>157</sup> “*Equidem cupio haec quam primum Antonium audire, ut intellegat non D. Brutum, quem vallo circumsedeat, sed se ipsum obsideri. tri tenet oppida to<to> in orbe terrarum (Cic. Phil. 10.10).*”

<sup>158</sup> Cic. *Phil.* 8.11-19.

Antonii against the Bruti.<sup>159</sup> Cicero depicts Calenus as incompetent on the grounds that his proposal to approve Brutus' letter as "rightly and properly written" is not a properly formulated proposal with any senatorial precedent, a mistake made worse by the fact that Calenus had actually drafted the statement in advance and read the offending proposal from notes, which Cicero ridicules.<sup>160</sup> Most damaging, however, is Cicero's claim that Calenus is isolated and without support in the senate.<sup>161</sup> Of course, it is a ridiculous hyperbole on Cicero's part to say that Calenus never found "a single supporter."<sup>162</sup> Nevertheless, Cicero says that this is an embarrassment: "Does it matter nothing to you (for my part, as a friend of yours it often distresses me on your account) that it is rumoured abroad, comes to the ears of the Roman people, that nobody supported the senator who spoke first? And I fancy today will be no exception"<sup>163</sup> Calenus' opposition on this occasion to Pansa's stated views on the matter provided Cicero with the opportunity to depict him as isolated, in much the same way as he depicts Antonius in this speech.

Having attacked Calenus' person and proposal, Cicero nevertheless still needed to deal with his argument that the veterans would not tolerate seeing Brutus in command of an army.<sup>164</sup> The seriousness with which Cicero takes this objection is seen by the extent to which he rebuts this argument from a variety of angles. He begins by noting that veterans are already fighting to relieve D. Brutus from siege and, if anything,

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<sup>159</sup> Cic. *Phil.* 10.4-5.

<sup>160</sup> Cic. *Phil.* 10.5-6.

<sup>161</sup> Made at both the beginning and the end of this section of the speech; Cic. *Phil.* 10.3, 10.6.

<sup>162</sup> Cic. *Phil.* 10.3.

<sup>163</sup> "*an vero hoc pro nihilo putas, in quo equidem pro amicitia tuam vicem dolere soleo, efferrī hoc foras et ad populi Romani auris pervenire, ei qui primus sententiam dixerit neminem adsensum? quod etiam hodie futurum arbitror* (Cic. *Phil.* 10.6)."

<sup>164</sup> Cic. *Phil.* 10.15.

they should hate D. Brutus more than M. Brutus.<sup>165</sup> Cicero then moves on to discuss the commanders of the two armies, Octavianus and Hirtius, and asks if there could be any two persons more committed to the preservation of Caesar's *acta*, and yet these two commanders are leading their armies into battle to relieve the assassin D. Brutus.<sup>166</sup> Pansa and his speech praising Brutus are next, and here Cicero's case is even stronger because of Pansa's support for Cicero's proposal and by the fact that Pansa was at that very point in time promulgating a *lex* before the *comitia centuriata* to confirm and ratify the *acta Caesaris*.<sup>167</sup> Having thus demonstrated that there was in fact no objection from the veterans currently serving in the campaign against Antonius, nor from their Caesarian commanders nor from the Caesarian consul Pansa, Cicero turns his attention to the influence of the veterans in Roman politics.<sup>168</sup> His argument here is that: "...if the views of the senate are governed by a nod from the veterans and all we say and do is subject to their wishes, then better death, which Romans have ever preferred to slavery."<sup>169</sup> Cicero also briefly hints at another argument that he will develop further in the *Eleventh Philippic*, namely that the *res publica* cannot rely solely on the veterans for survival, but needs the young men as well.<sup>170</sup>

Throughout the *Tenth Philippic*, Cicero uses a combination of invective, praise, and argument in order to persuade his fellow senators to accept these proposals, which they did, granting *maius imperium* to Brutus over the three Roman provinces of the Balkans, as well as the other measures contained in Cicero's motion. As such, the *Tenth*

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<sup>165</sup> Cic. *Phil.* 10.15.

<sup>166</sup> Cic. *Phil.* 10.15-16.

<sup>167</sup> Cic. *Phil.* 10.17.

<sup>168</sup> Cic. *Phil.* 10.17-20.

<sup>169</sup> "... si veteranorum nutu mentes huius ordinis gubernantur omniaque ad eorum voluntatem nostra dicta facta referuntur, optanda mors est, quae civibus Romanis semper fuit servitute potior (Cic. *Phil.* 10.19)."

<sup>170</sup> Cic. *Phil.* 10.18.

*Philippic*, like the *Third Philippic*, stands as one of Cicero's greatest achievements in the senate during this period. While it is undeniable that having the support of the consul Pansa was in and of itself a persuasive factor in favour of Cicero's proposals, one should not underestimate the essential role of oratory in the debates of the senate or the ability of a gifted orator such as Cicero to persuade through the power of speech and the reason of argument. Having said that, it is time to turn now to discuss Cicero's *Eleventh Philippic*, a similar speech but one with which Cicero failed to persuade his audience of fellow senators to support his proposals.

### The Eleventh Philippic

At some point after the senate meeting at which Cicero delivered the *Tenth Philippic*, news reached Rome that Dolabella, while en-route to the province of Syria, came to the city of Smyrna and, by deception, had seized Trebonius, the governor of the province of Asia and a high-profile member of the conspiracy, and had then had him executed, but not before having him tortured for two days.<sup>171</sup> One should assume that in this instance, as was the case when Brutus' letter arrived in Rome, that Pansa convened the senate at the next available opportunity. This senate meeting must have occurred after the granting of *maius imperium* to Brutus and by 7 March at the latest, but other than that there is no surviving evidence with which to narrow this window of several weeks with any certainty.<sup>172</sup> Unlike the meeting convened because of the situation in the

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<sup>171</sup> The story of Trebonius' capture, torture, and execution is narrated by Cicero in the *Eleventh Philippic* in all its gruesome details; Cic. *Phil.* 11.4-5, 11.7-8.

<sup>172</sup> The *terminus post quem* is established by a reference in the *Eleventh Philippic* to the senate having tied Brutus down in Greece; Cic. *Phil.* 11.26. The *terminus ante quem* is established by a reference in the *Thirteenth Philippic*, delivered on 20 March, in which Cicero quotes a passage from Antonius' letter to Hirtius and Octavianus in which he complains that Dolabella has been condemned as a *hostis* by the senate; Cic. *Phil.* 13.23. The date of 7 March is assumed as a *terminus ante quem* in order to allow sufficient time for the news of the senate meeting to reach Antonius at Mutina and for his letter in response to reach Rome; Frisch 1946: 225. Frisch, however, assigns a very specific date to just before the

Balkans, this senate meeting was more fiercely contested, with the result that the debate lasted for two days.<sup>173</sup>

On the first day of the senate meeting, the topic of the debate was the senate's response to Dolabella's actions. His torture and execution of a consular (Trebonius had been suffect consul in 45) and current governor of the province of Asia, to which Dolabella had no claim whatsoever, shook the senators deeply. Consequently, there was no debate once Calenus made his proposal, which the senate passed unanimously.<sup>174</sup> Calenus proposed that Dolabella be judged a *hostis*, that his property be confiscated, and he added that if any speaker made a severer proposal that he would support it.<sup>175</sup> Naturally, this was a definite blow to Antonius' larger strategic considerations, as is clear from his condemnation of the senate's response in his letter to Hirtius and Octavianus.<sup>176</sup> Nevertheless, the understanding and alliance between Antonius and Dolabella had only come about through pragmatism and opportunism. Moreover, prior to their reaching an understanding after Caesar's assassination, Antonius and Dolabella had in fact been political opponents. With this in mind, it is not too difficult to understand why Calenus, Antonius' chief supporter and spokesman in the senate, would so quickly and so strongly abandon Dolabella in the light of the news that the senate had just received.

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Terminalia festival on 23 February; Frisch 1946: 239. His reason for doing so is a reference in the *Twelfth Philippic* in which Cicero says "Shall I then trust myself to those roads, when recently at the Festival of Terminus I did not dare to go to a house near Rome and return the same day? *Hisce ego me viis commitam, qui Terminalibus nuper in suburb<an>um, ut eodem die reverterer, ire non sum ausus* (Cic. *Phil.* 12.24)." According to Frisch, this revelation of a change of public opinion towards Cicero should be dated to immediately following Cicero's delivery of the *Eleventh Philippic*, a speech which greatly irritated the consul Pansa; Cic. *Ad Brut.* 4.2 [2.4]. While a tempting hypothesis, the evidence does not allow a narrowing of the range of possible dates beyond what has been stated above.

<sup>173</sup> Cic. *Phil.* 11.16.

<sup>174</sup> Cic. *Phil.* 11.9.

<sup>175</sup> Cic. *Phil.* 11.15.

<sup>176</sup> Cic. *Phil.* 13.23.

Given that Calenus' proposal was adopted with unanimous support, and that no other proposals are known to have been made, one should assume that this senate meeting was a relatively short one; either that or senator after senator made essentially the same speech in support and the meeting dragged on tediously for hours. The former seems more likely, but the latter cannot be ruled out. In either case, it is very interesting indeed that the senate did not debate until the next day the question that naturally followed the condemnation of Dolabella as a *hostis*, that is to say, to whom to give command of the war against Dolabella?<sup>177</sup> On this issue, the senate was anything but in unanimous agreement. One may speculate that the debate on this question was delayed until the following day in order to allow some time for private deliberations and negotiations. If that was the case, then these failed to produce a consensus amongst the leading senators.

When the debate was resumed the following day, three proposals were put before the senate: 1) to have the consuls Hirtius and Pansa draw lots for the provinces of Asia and Syria in order to make war on Dolabella; 2) to grant an extraordinary command to Servilius; 3) to give command of the war to Cassius with extraordinary powers, including *maius imperium* over the Roman provinces of Syria, Asia, and Bithynia and Pontus. The author of the first proposal is not named by Cicero, although it is a reasonable guess, based on the fact that it would assign the command of the war to the consuls, that it was Calenus, perhaps supported by other consulars.<sup>178</sup> The author of

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<sup>177</sup> Cic. *Phil.* 11.16.

<sup>178</sup> Both Frisch and Shackleton Bailey assume that the author of this first proposal was Calenus; Frisch 1946: 226; Shackleton Bailey 1986: 269. Frisch's suggestion that multiple senators may have sponsored this proposal is suggested by Cicero's use of the plural *decernunt*; Cic. *Phil.* 11.22; Frisch 1946: 227. These senators would have been consulars if they did indeed speak before Cicero.

the second proposal was L. Caesar,<sup>179</sup> the only other consular whom Cicero still respected (now that Sulpicius had died),<sup>180</sup> even though he acted with some restraint because he was Antonius' uncle. The author of the third proposal was Cicero, who delivered his speech, the *Eleventh Philippic*, after the first two proposals had already been made.

The *Eleventh Philippic*, as it is, seems to be two different speeches that have been joined together. This is because the first fifteen sections of this speech consist of material more properly suited to the debate of the first day, namely an argument that Dolabella and Antonius are twins in cruelty,<sup>181</sup> followed by a lengthy narrative and description of Dolabella's crimes in Asia,<sup>182</sup> then a section naming and shaming Antonius' chief supporters,<sup>183</sup> and concluding with an assent to Calenus' motion.<sup>184</sup> Also included in this section is an admission that Cicero cannot believe that Dolabella had once been his son-in-law.<sup>185</sup> All of this does seem as if it belongs to the senate meeting of the day before, since it does not provide any tangible support to Cicero's proposals in the second half of the speech. Although it is pure speculation, it is possible that, in the subsequent dissemination of the *Eleventh Philippic*, Cicero combined two speeches made during two different senate meetings into one speech. Frisch, however, while acknowledging this as a possibility, offers the alternative suggestion that Cicero did not give a speech on the first day of the debate (other than perhaps assenting to Calenus' motion) because of his embarrassment over his familial connection to

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<sup>179</sup> Cic. *Phil.* 11.19.

<sup>180</sup> Cic. *Phil.* 8.22.

<sup>181</sup> Cic. *Phil.* 11.1-4.

<sup>182</sup> Cic. *Phil.* 11.4-9.

<sup>183</sup> Cic. *Phil.* 11.10.

<sup>184</sup> Cic. *Phil.* 11.15.

<sup>185</sup> Cic. *Phil.* 11.10.

Dolabella, and that, for political reasons, he felt it necessary on the second day of the debate, when he wanted to put forward his own competing proposal, to say something against Dolabella and his crimes, and that that is the purpose of the first fifteen sections of this speech.<sup>186</sup> It is difficult, nonetheless, to believe that Cicero could have avoided making a speech against Dolabella on the first day of the debate without taking a serious risk of incurring criticism and of undermining his own standing the senate. Assuming that Cicero did, therefore, make some sort of speech against Dolabella on the first day, one can imagine that it would look very similar to the first fifteen sections of the *Eleventh Philippic*, and one cannot imagine why he would repeat himself on the second day of the debate and what possible persuasive effects that would have. Consequently, I am inclined to speculate that Cicero has joined two separate speeches on a related topic from two different days of senatorial debate for the purposes of subsequent dissemination.

Broadly speaking, this second half of Cicero's *Eleventh Philippic* consists of three main parts: first, a rebuttal of each of the two competing proposals; second, the arguments in favour of Cicero's proposal, as well as the formal proposal itself; and third, a rebuttal of real or imagined objections to Cicero's proposals. Unlike some of the earlier speeches (e.g. the *Fifth Philippic*), Cicero's rebuttal of each of the two competing proposals is relatively extensive and leads directly into the argument that his own third proposal is the superior option. Although it seems likely that the proposal to assign the command to the consuls was made first,<sup>187</sup> Cicero chooses to direct his rebuttal first against the proposal to grant an extraordinary command.

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<sup>186</sup> Frisch 1946: 227-228.

<sup>187</sup> On the assumption that it was put forward by Calenus.

Cicero's arguments against the extraordinary command, that is to say, the granting of *imperium extraordinum* to a *privatus*, are that it is always dangerous except when it is necessary, that it smacks of popular politics, that it would bring electioneering into the *Curia*, and finally, that the man nominated in the proposal for the extraordinary command, Servilius, is actually refusing it.<sup>188</sup> In the midst of this, Cicero responds to the "murmurs" (real or imaginary) that he himself just a few months ago proposed the motion to give *imperium extraordinum* to Octavianus.<sup>189</sup> Cicero justifies his earlier proposal by saying that the senate had no choice because Octavianus had already raised his army and the troops demanded him as their commander: "The necessity of war gave C. Caesar his command, the senate only gave him the *fascēs*."<sup>190</sup> The key difference between the situations, in Cicero's presentation of it at least, would seem to be that, whereas Octavianus was *de facto* exercising *imperium* in command of his army, Servilius, although a consular, was nevertheless a *privatus* not commanding an army either *de iure* or *de facto*.

As for the other proposal, Cicero's task was all the more difficult because, from a constitutional viewpoint and from precedence, this would have been the normal course of action. Once again (e.g. in the *Third Philippic* and in the *Tenth Philippic*), when Cicero needs to argue for an unconstitutional measure, or in this case, against a constitutional measure, he resorts to using an argument based on pragmatism. In this instance, Cicero argues that assigning the command of the war to the two consuls Hirtius and Pansa would be inappropriate to the situation because of the fact that both consuls were already engaged in a serious war, with the result that assigning command

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<sup>188</sup> Cic. *Phil.* 11.16-20.

<sup>189</sup> Cic. *Phil.* 11.20.

<sup>190</sup> "*imperium C. Caesari belli necessitas, fascis senatus dedit* (Cic. *Phil.* 11.20)."

of a new war to them would necessarily divert some of their attention from relieving D. Brutus from siege and defeating Antonius.<sup>191</sup> Furthermore, to assign the command in a potentially lucrative war to the consuls would incite jealousy, which would of course be a further distraction. With this in mind, Cicero recommends that they follow his example and refuse a province in the midst of a serious crisis.<sup>192</sup> Cicero also responds to the suggestion that the consuls might send out legates until they have relieved D. Brutus from siege by saying that this would be worse than granting *imperium extraordinum* to a *privatus*. This would be because, at least in the case of the latter, the whole senate would get to choose, whereas in the case of legates, the choice would be entirely up to the consuls.<sup>193</sup>

Having now discussed Cicero's rebuttals to each of the two competing proposals, I shall examine Cicero's own proposal and the arguments that he uses to promote it. As radical as Cicero's proposals in favour of Brutus were in the *Tenth Philippic*, his proposals here in favour of Cassius are even more so. To begin with, Cicero proposed that Cassius be assigned the province of Syria as proconsul, with *maius imperium* over the provinces of Syria, Asia, and Bithynia and Pontus. In order to pursue the war against Dolabella, Cicero proposed that Cassius take over the armies of Q. Marcius Crispus, L. Staius Murcus, and A. Allienus, and that he have the right to requisition ships, crews, money and anything else he needed to pursue the war. Furthermore, Cicero proposed that the senate instruct the client-kings, in particular Deiotarus and his son, to offer forces and support to Cassius. Finally, Cicero proposed, once again, that all current governors remain in command until successors were

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<sup>191</sup> Cic. *Phil.* 11.16, 11.22.

<sup>192</sup> Cic. *Phil.* 11.23.

<sup>193</sup> Cic. *Phil.* 11.25.

appointed by the senate, and that the consuls should make reference to the senate concerning these provinces as soon as possible after the *res publica* had been re-established.<sup>194</sup> In essence, Cicero was asking his fellow senators to make Cassius the undisputed master over the entire Roman sphere of influence in the east. It was, one must admit, a particularly ambitious set of proposals to pursue a war against one man with rather limited forces.

Cicero's primary argument is that: "What we need, conscript fathers, is a man whose hands are free and ready, who possesses legitimate *imperium*, and besides that, prestige, a name, an army, and a spirit moved in the liberation of the *res publica*. His name? Either M. Brutus or C. Cassius or both."<sup>195</sup> Cicero then proceeds to take Brutus out of the picture by arguing that the senate, by its earlier decree, had tied Brutus' hands to the Balkans and that he was still conducting a dangerous siege of Gaius in Apollonia.<sup>196</sup> Following this, Cicero gives his most detailed exposition to date for the argument of pragmatism: "For both Brutus and Cassius have already been their own senate on a number of occasions. In such an upheaval, such a confluence of confused events, we have to look to situations, not standard procedures."<sup>197</sup> And in praising the actions that Brutus and Cassius have undertaken on their own private initiative, Cicero claims:

Under what law, by what right? By the right which Iuppiter himself established, that all things beneficial to the *res publica* be held lawful and proper. Law is

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<sup>194</sup> Cic. *Phil.* 11.30.

<sup>195</sup> "Expedito nobis homine et parato, patres conscripti, opus est et eo qui imperium legitimum habeat, qui praeterea auctoritatem, nomen, exercitum, perspectum animum in re publica liberanda. quis igitur is est? aut M. Brutus aut C. Cassius aut uterque (Cic. *Phil.* 11.26)."

<sup>196</sup> Cic. *Phil.* 11.26.

<sup>197</sup> "nam et Brutus et Cassius multis iam in rebus ipse sibi senatus fuit. necesse est enim in tanta conversione et concursatione perturbatarum rerum temporibus potius parere quam moribus (Cic. *Phil.* 11.27)."

nothing but a code of right conduct derived from the will of the gods, ordaining what is good and forbidding its opposite.<sup>198</sup>

This is, without a doubt, an extreme and radical justification of unconstitutional action undertaken on private initiative.<sup>199</sup> It is also dangerously subject to personal interpretation. Nevertheless, in light of the years of civil war and the needs of the current situation, it is what Cicero argued.

Following this, Cicero formally puts forward his proposals, after which he continues to promote his proposals in another section, only this time he argues for them in terms of the benefits that they will bring. In essence, this section focuses on the encouragement that these proposals would bring to the various persons and forces involved. Thus, Cicero says, these proposals will give encouragement to Cassius, to the legions under the command of Marcius, Staius, Allienus, and Q. Caecilius Bassus, not to mention to the two kings, Deiotarus and his son (the elder of whom Cicero praises at length).<sup>200</sup> Cicero's other argument in this section is to highlight and praise Cassius' past military glories in defeating the Parthian invasion (following Crassus' defeat), and to emphasize how Cassius' reputation in the east makes him particularly suited for this command.<sup>201</sup>

It is at this point that Cicero enters upon the final part of his speech, in which he responds to the objections that he "hears" murmured amongst the crowd of senators. In particular, there are two objections that Cicero chooses to acknowledge and respond to. The first of these is that: "I have noticed, conscript fathers, I have even heard it

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<sup>198</sup> *"qua lege, quo iure? eo quod Iuppiter ipse sanxit, ut omnia quae rei publicae salutaria essent legitima et iusta haberentur. est enim lex nihil aliud nisi recta et [iam] a numine deorum tracta ratio, imperans honesta, prohibens contraria (Cic. Phil. 11.28)."*

<sup>199</sup> For more on the issue of legitimacy in Cicero's *Philippics*, see the recent discussion by Christian 2008: 153-167.

<sup>200</sup> Cic. *Phil.* 11.32-34.

<sup>201</sup> Cic. *Phil.* 11.35.

murmured, that I honour Brutus and Cassius overmuch, while my motion gives Cassius a position of dominance and primacy.”<sup>202</sup> To this, Cicero responds that he only honours men who are themselves an honour to the *res publica*, and then asks if he should rather honour the Antonii. Interestingly, he makes no response to the second part of the objection, namely that his proposals would give Cassius too much power.

The second objection to which Cicero responds is the wish to avoid offending the veterans. To this, Cicero has two responses. First, he divides the veterans up into three groups: the loyal veterans (i.e. those serving in the armies of Hirtius and Octavianus), the peaceful veterans (i.e. the veterans remaining neutral; Cicero mentions the *legio septima* and the *legio octava*), and finally, the traitors (i.e. those stirring up trouble or serving with Antonius). In this scheme, of course, the only veterans who would object would be the traitors, and thus Cicero dismisses their objections.<sup>203</sup> The second argument, which Cicero hinted at in the *Tenth Philippic*, is that the time of Caesar’s veterans has now passed, and that it is time to turn to the young men, to the new recruits in the legions of Hirtius and Pansa (and also in the legions of Octavianus and Plancus). Indeed, Cicero seems to suggest that these young men are superior to Caesar’s veterans precisely because they are fighting in a superior (i.e. morally) war.<sup>204</sup> Cicero then proceeds to conclude the *Eleventh Philippic* by telling his fellow senators that his proposals deserve their approval.

Despite Cicero’s efforts, his proposals were nevertheless defeated, and the senate adopted the proposal that the consuls should draw lots for the provinces of Asia and Syria, and proceed to the war against Dolabella once D. Brutus had been relieved

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<sup>202</sup> “*Animadverti, patres conscripti, exaudivi etiam nimium a me Brutum, nimium Cassium ornari, Cassio vero sententia mea dominatum et principatum dari* (Cic. *Phil.* 11.36).”

<sup>203</sup> Cic. *Phil.* 11.37-38.

<sup>204</sup> Cic. *Phil.* 11.39.

from Antonius' siege of Mutina.<sup>205</sup> According to Cicero, his proposals were defeated because of opposition from Pansa.<sup>206</sup> Of course, this is what Cicero wrote to Cassius in his letter after this meeting, so there is an element of spin to it. On the other hand, Cicero confided to Brutus that he did seem to have infuriated Pansa by speaking out against assigning the command to the consuls.<sup>207</sup> Although it is impossible to know what went on in the minds of the senators during this debate, one can think of several logical reasons as to why Cicero's seemingly similar proposals would be successful in the case of the *Tenth Philippic*, but defeated in the case of the *Eleventh Philippic*.

First and foremost, the situations of Brutus and Cassius were not the same. When Cicero delivered the *Tenth Philippic*, the senate had before it a letter from Brutus detailing his actions in the Balkans and the forces under his command. Thus, he was already *de facto* in command of the Balkans. And, as was the case for Octavianus and D. Brutus in the *Third Philippic*, the precedent had already been set for the senate approving actions already undertaken on private initiative. In this case, however, the senators had nothing but rumours concerning the whereabouts and actions of Cassius. To the best of their knowledge, the senators had to assume that Cassius had gone to his assigned province of Cyrene until they received proof otherwise, despite Cicero's assertions that Cassius had gone to Syria.<sup>208</sup>

The second reason was one that Cicero himself acknowledged as a "murmured" objection, but did not actually respond to, namely that his proposals would grant virtually unlimited powers to Cassius over the entire Roman sphere of influence in the east. In connection with the *maius imperium* granted to Brutus, the senate would

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<sup>205</sup> Cic. *Fam.* 12.14.4.

<sup>206</sup> Cic. *Fam.* 12.7.1.

<sup>207</sup> Cic. *Ad Brut.* 4.2 [2.4].

<sup>208</sup> Cic. *Phil.* 11.28.

effectively be granting complete control over the eastern Mediterranean, from the shores of Illyricum to the borders of Egypt, to the two leaders of the conspiracy. This was most likely an unpalatable prospect to even the most moderate Caesarian supporter at this point in time. Not only that, but it is doubtful in the extreme that Cicero's fellow senators would have been convinced that the war against Dolabella warranted the granting of so much power to one man, regardless of who he actually was. If the assigning of the war to the consuls Hirtius and Pansa would bring about jealousy, as Cicero alleges, what did he think giving command over the entire Roman east to one man would bring? It would not be unreasonable to say that Cicero failed simply because he had asked for too much, too soon.

A third and final reason for the failure of Cicero's proposals, in contrast to the success of his proposals in the *Tenth Philippic*, is the position of the consul Pansa. Whereas in the *Tenth Philippic*, Pansa clearly supported Cicero's proposals (if he did not actually propose them first himself), in the *Eleventh Philippic*, Cicero was speaking directly against the proposal that Pansa clearly wanted and which would benefit him personally in a very significant way. This is the excuse that Cicero chooses in order to explain his defeat to Cassius, and one should not underestimate the influential role that Pansa played as the convening magistrate and as a leading Caesarian.

These three reasons all seem to offer an explanation, in one way or another, as to the contrasting fortunes of Cicero's seemingly similar proposals. Of course, not all three reasons necessarily influenced the decision-making process of each and every senator, but while the individual influence of each reason on each and every individual senator would have varied, the combination of the influence of these three reasons across the senate as a whole probably doomed Cicero's proposals to defeat. Nevertheless, Cicero

had merely suffered a set-back in his campaign in the senate, and not a total defeat. It is time now to discuss and examine the senate meetings of the spring and early summer of 43, and in particular, those at which Cicero delivered the last three surviving *Philippics*.

### The Twelfth Philippic

Following these two senate meetings at which Dolabella was condemned as a *hostis* and the war against him assigned to the consuls Hirtius and Pansa, the mood in Rome appears to have suddenly changed as new hopes of peace with Antonius emerged. Frisch assigns this change in the mood to a crisis in confidence on the part of the senate, brought about by the apparent ease of Dolabella's defeat of Trebonius, Brutus' delay in defeating C. Antonius, worries that D. Brutus may not be able to hold out much longer against Antonius' siege, and uncertainty regarding the political positions of the Caesarian governors of the western provinces, namely Asinius Pollio in Farther Spain, Lepidus in Nearer Spain and Narbonese Gaul, and Plancus in Transalpine Gaul.<sup>209</sup> The combination of all of these factors should not make it surprising that a crisis of confidence developed, and that supporters of Antonius or even neutrals would exploit this in order to bring up once again the possibility of negotiating a peace with Antonius. At some point before 7 March,<sup>210</sup> a senate meeting was convened at which Piso and Calenus spoke, saying that there was a new hope of honourable peace with Antonius.<sup>211</sup> Consequently, the senate voted in favour of a proposal to send a second embassy to Antonius, to be composed of five consulars: Calenus, Piso, L. Caesar, Servilius, and,

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<sup>209</sup> Frisch 1946: 237-238.

<sup>210</sup> As with the *Eleventh Philippic*, the *terminus ante quem* of 7 March is established by Antonius' reference to this senate meeting in his letter as quoted by Cicero in the *Thirteenth Philippic*; Cic. *Phil.* 13.36.

<sup>211</sup> Cic. *Phil.* 12.1-3.

astonishingly, Cicero.<sup>212</sup> Most significantly, this proposal had the support of the consul Pansa,<sup>213</sup> and, given his inclusion, one must assume that Cicero had assented to it as well.

At some point after this meeting, but probably before 7 March, the senate was once again convened by Pansa.<sup>214</sup> The agenda for this senate meeting is not entirely clear, and Manuwald speculates that the meeting was scheduled in order to define the commission for the second embassy.<sup>215</sup> This seems to be supported by a reference in Cicero's *Twelfth Philippic*: "We have not received discretion from the senate such as is given by traditional custom to delegations of ten after the conclusion of a war, nor have we received any mandates whatsoever from the senate."<sup>216</sup> I agree with Frisch in his assessment that the original senate decree authorizing this second embassy was an open-ended one, containing no instructions other than the names of the envoys.<sup>217</sup> Regardless of the original agenda, the atmosphere in this senate meeting was drastically different from the one which, only a few days before,<sup>218</sup> had been filled with hopes of a negotiated peace with Antonius.

According to Cicero's reference in the *Twelfth Philippic*, the consul Pansa began the meeting with a long and detailed speech.<sup>219</sup> It seems that the decision to authorize a second embassy to Antonius instigated a backlash of criticism against the senators, and

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<sup>212</sup> Cic. *Phil.* 12.18.

<sup>213</sup> Cic. *Phil.* 12.2.

<sup>214</sup> The *terminus ante quem* of 7 March is established, once again, by a reference in Antonius' letter as quoted by Cicero in the *Thirteenth Philippic*; Cic. *Phil.* 13.36. Antonius, as quoted by Cicero, says: "I do not believe the envoys are coming. *legatos venire non credo* (Cic. *Phil.* 13.47)." Cf. Frisch 1946: 241-242.

<sup>215</sup> Manuwald 2007: 1.27.

<sup>216</sup> "*neque enim licet aliter neque permissum est nobis ab hoc ordine, ut bellis confectis decem legatis permitti solet more maiorum, neque ulla omnino a senatu mandata accepimus* (Cic. *Phil.* 12.28)."

<sup>217</sup> Frisch 1946: 240-241.

<sup>218</sup> Manuwald 2007: 1.27.

<sup>219</sup> Cic. *Phil.* 12.6.

particularly against Pansa, who was accused of treachery. This explains the apparently unusual nature of Pansa's opening speech to the senate, in which it seems that he responded to the criticism and probably retracted his support for the second embassy. Following Pansa's speech, Calenus and Piso delivered speeches in which both denied that they had received any news that would justify the new hopes for a negotiated peace with Antonius.<sup>220</sup> Then one of the appointed envoys, Servilius, speaking after Calenus (and possibly also after Piso), withdrew from the embassy on the grounds that his family and friends were opposed.<sup>221</sup> Cicero then spoke, and the speech that he delivered is the *Twelfth Philippic*.

The *Twelfth Philippic* is, as one would expect, a very defensive speech. Cicero's purpose is to distance himself from his earlier support, or at least acceptance, of the decision to send a second embassy to Antonius. In order to do so, Cicero claims that the senate has been deceived and misled, primarily by Calenus and Piso, and that they, and he, would never have supported such a proposal had they known then what they know now (i.e. that there had been no overture from Antonius).<sup>222</sup> In the first part of the speech, Cicero argues that a second embassy to Antonius would be futile (in that peace with Antonius was impossible) and dangerous (in that it would undermine the war effort and dampen spirits).<sup>223</sup> Interestingly, one of Cicero's key arguments for the impossibility of a negotiated peace with Antonius is that the senate's decrees against Antonius have already made a reconciliation impossible.<sup>224</sup> This was not entirely true, as the senate had not yet condemned Antonius as a *hostis*, so Cicero's intent here must

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<sup>220</sup> Cic. *Phil.* 12.3.

<sup>221</sup> Cic. *Phil.* 12.5-6.

<sup>222</sup> Cic. *Phil.* 12.3-4, 12.7.

<sup>223</sup> Cic. *Phil.* 12.7-16.

<sup>224</sup> Cic. *Phil.* 12.11-12.

be to persuade them that they had already crossed that line. Nevertheless, Cicero did not propose a *hostis* decree in this speech, and it would be some time yet before he could persuade his fellow senators to agree to that final act against Antonius.

Rather, what Cicero proposes, albeit not formally, is that he be withdrawn from the second embassy.<sup>225</sup> What follows in the second part of the speech is an attempt by Cicero to persuade his fellow senators to allow him to withdraw from the second embassy without actually directly making that request.<sup>226</sup> His argument, to put it bluntly, is that it would be impossible for himself, personally, to undertake the mission in safety, and that he would therefore be of more use to the *res publica* alive and safe in Rome than killed in a futile embassy to Antonius. That being said, Cicero ends the *Twelfth Philippic* by saying that he will go on this embassy if he can do so in safety.<sup>227</sup> It remains unknown, however, if Pansa, Servilius, and Cicero were able to save face and extricate themselves from the criticism concerning their involvement in the decision to authorize a second embassy to Antonius. All that is known for sure is that the embassy was never sent, so in that regard, at least, the *Twelfth Philippic* must be counted as a success for Cicero.

### *The Thirteenth Philippic*

Around two weeks or so later, the senate met again on 19 March. In a letter to Cornificius, dated to ca. 20 March, Cicero informs Cornificius that he had received his

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<sup>225</sup> Cic. *Phil.* 12.16.

<sup>226</sup> Cic. *Phil.* 12.16-30.

<sup>227</sup> This apparent about-face at the very end of the speech has led Shackleton Bailey to suggest that perhaps something was going on behind the scenes and that Cicero was leaving the door open for a negotiated settlement to be reached at the last minute to avert war; Cic. *Phil.* 12.30; Shackleton Bailey 1986: 299. Hall, however, in a recent study, takes the opposite view, and argues that these closing remarks are a belated attempt on Cicero's part to save face after failing to convince with his arguments in this speech; Hall 2008: 282-304.

letter on the Liberalia (i.e. 17 March), but that there was no senate meeting either that day or the next, so Cornificius' situation was not discussed in the senate until 19 March, which also happened to be Minerva's Day.<sup>228</sup> Cornificius was the governor of the province of Africa Vetus, but was facing a challenge to his authority from C. Calvisius Sabinus, the previous governor of the province who just happened to have been allotted a second term as governor of Africa Vetus during the senate meeting of 28 November.<sup>229</sup> Cornificius would have been included in the terms of the *senatus consultum* of 20 December which instructed all governors to remain in their provinces until a successor was appointed by the senate.<sup>230</sup> Nevertheless, it would appear that Calvisius, and a certain Taurus (perhaps the T. Statilius Taurus)<sup>231</sup> were ignoring it, with Calvisius attempting to govern the province *in absentia*.<sup>232</sup> Cicero informs Cornificius that the senate, after hearing Cornificius' dispatch read out by Pansa, passed a decree in honorific terms concerning him (and presumably re-confirming him in his governorship of Africa Vetus), but that Pansa took a lenient view towards Calvisius and Taurus, and they escaped censure.<sup>233</sup> Although both Frisch and Broughton state that the senate also transferred one legion from the army of T. Sextius, the neighbouring governor of Africa Nova, to Cornificius, there is no evidence that this was decreed on 19 March, and the evidence seems to suggest that this occurred later, perhaps as late as the middle or end of May.<sup>234</sup>

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<sup>228</sup> Cic. *Fam.* 373.1 [12.25].

<sup>229</sup> Cic. *Phil.* 3.26.

<sup>230</sup> Cic. *Fam.* 357 [12.22a].

<sup>231</sup> Shackleton Bailey 1977: 513.

<sup>232</sup> Cic. *Fam.* 373.2 [12.25].

<sup>233</sup> Cic. *Fam.* 373.1 [12.25].

<sup>234</sup> Frisch 1946: 249; Broughton 1952: 345. Their statements to this effect are based on a reference in Appian, which states that the senate ordered that two of Sextius' legions were to return to Italy, while the third was to be given to Cornificius. However, and most significantly, there is no mention of this in the letter to Cornificius (it would be a glaring omission on Cicero's part); App. *B Civ.* 3.85. Even more

In addition to the decree concerning Cornificius, the senate also passed a decree that particularly pleased Cicero. This decree was to the effect that the statue to Minerva as Guardian of the City, erected by none other than Cicero himself before leaving for exile in 58, but which had blown over in a gale,<sup>235</sup> was to be re-erected.<sup>236</sup> Without a doubt, Cicero would have been very pleased with both of the decrees passed by the senate at this meeting, particularly after the set-backs of the past month or so. Frisch is perhaps correct in suggesting that these two decrees were intended by Pansa to display his public support of Cicero, especially after their very public disagreement over the assigning of the command in the war against Dolabella.<sup>237</sup> Given that Pansa departed Rome after this senate meeting and by the morning of the following day, 20 March, at the latest,<sup>238</sup> one can easily understand why Pansa would make the effort to dispel any doubts that he and Cicero were at odds. Nevertheless, Frisch goes too far when he speculates that at this meeting Cicero was given the title of *princeps senatus*, and the passage that he cites in support of this is not in fact clear evidence, either of the granting of the title of *princeps senatus* or of a date.<sup>239</sup>

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decisive is the fact that D. Brutus, in a letter written to Cicero on 3 June, refers to the senate as deliberating whether or not to recall the African and Sardinian legions; Cic. *Fam.* 410.1 [11.26]. At any rate, on 7 June, Cicero writes to D. Brutus that the arrival of the African legions is expected; Cic. *Fam.* 413.2 [11.14].

<sup>235</sup> Dio 45.17.3.

<sup>236</sup> Cic. *Fam.* 373.1 [12.25].

<sup>237</sup> Frisch 1946: 248.

<sup>238</sup> Pansa departed Rome with four legions of recruits; Cic. *Fam.* 378.1 [10.30]. As Frisch points out, the date of Pansa's departure from Rome can be determined by connecting two pieces of information; Frisch 1946: 249-250. First, Cicero mentions in the *Thirteenth Philippic* that both consuls are absent from Rome; Cic. *Phil.* 13.16, 13.39. Second, the senate meeting at which Cicero delivered the *Thirteenth Philippic* can be confidently dated to 20 March on the basis of a letter written by Cicero after the meeting; Cic. *Fam.* 370.3 [10.6].

<sup>239</sup> Frisch 1946: 248-249. The passage in question is from the *Fourteenth Philippic*, and Cicero is addressing Calenus: "If, however, anybody is concerned about rivalry for leadership, which ought not to exist, he is very foolish if he competes with merit by means of demerit. As speed is overcome by speed, so, when brave men are rivals, merit is overcome by merit. If I am a good patriot, will you be a bad one in order to get the better of me? If you see honest men rally to me, will you invite rascals to join you? I wish it were not so, first for the sake of the *res publica*, and also, secondly, for the sake of your reputation. But if leadership, which I have never sought, were the issue, what would suit me better? I cannot be bested by

Following Pansa's departure from Rome for the theatre of war at Mutina, the city was now without both of its consuls. Consequently, the urban praetor, M. Cornutus, was left as the senior magistrate in the city and had the responsibility of convening the senate.<sup>240</sup> However, as Cicero explains in a later letter to Cornificius, Cornutus was only doing so in emergencies.<sup>241</sup>

Despite Cicero's complaint, Cornutus in fact convened the senate at the first opportunity, i.e. 20 March.<sup>242</sup> As already mentioned on a few occasions (e.g. in connection with my discussions of the *Third Philippic*, the *Tenth Philippic*, and the senate meeting on 19 March), dispatches from governors were taken very seriously by

bad proposals, but perhaps I could by good ones-and gladly. *quod si quis de contentione principatus laborat, quae nulla esse debet, stultissime facit, si vitiiis cum virtute contendit; ut enim cursu cursus, sic in viris fortibus virtus virtute superatur. tu, si ego de re publica optime sentiam, ut me vincas, ipse pessime senties? aut, si ad me bonorum concursus fieri videbis, ad te improbos invitabis? nollem, primum rei publicae causa, deinde etiam dignitatis tuae. sed si principatus ageretur, quem numquam expetivi, quid tandem mihi esset optatius? ego enim malis sententiis vinci non possum, bonis forsitan possim et libenter* (Cic. *Phil.* 14.18)." Willems goes even further and dates the awarding of this title of *princeps senatus* to Cicero to the beginning of 43 on the basis of a letter to Cornificius dated to late January 43: "However, on the first occasion that presented itself to defend the *res publica* in my old style I offered myself to the senate and to the people of Rome as their leader... *ego tamen, ut primum occasio data est meo pristino more rem publicam defen<den>di, me principem senatui populoque Romano professus sum* (Cic. *Fam.* 361.2 [12.24]);" Willems 1885: 1.122. Even Frisch, however, rejects the use of this passage to mean that the actual title of *princeps senatus* had been awarded to Cicero by this point; Frisch 1946: 249.5. More recently, Ryan, while rejecting the two above quoted passages as acceptable testimony, accepts the following passage from Cremutius Cordus as sufficient, and, therefore, dates the awarding of the title of *princeps senatus* to Cicero to after the delivery of the *Fourteenth Philippic*, that is, to after 21 April: "Shortly before [i.e. his death], he had been leader of the senate, glory of the Roman name: now he was merely a source of profit to his killer. *brevi ante princeps senatus Romanique nominis titulus, tum pretium interfectoris sui* (Cremutius Cordus *ap. Sen. Suas.* 6.19)"; Ryan 1998: 200-203.

<sup>240</sup> Cic. *Fam.* 377.3 [10.12].

<sup>241</sup> "The senate would have been reminded more often of what is due to your position but for the fact that in the absence of the consuls it is only convened in emergencies. *senatus saepius pro dignitate tua appellaretur si absentibus consulibus umquam nisi ad rem novam cogeretur* (Cic. *Fam.* 374.2 [12.28])." Shackleton Bailey's tentative date of ca. 25 March in his text for this letter seems, in my opinion, to be too early; Shackleton Bailey 1977: 233. Moreover, his admission in his commentary that the letter can be dated to anytime after 20 March and before 20 April is revealing; Shackleton Bailey 1977: 515. Shackleton Bailey's argument that the third section of the letter must have been written before the end of March because Cicero does not reveal any anxiety about the situation at Mutina is speculation; Shackleton Bailey 1977: 515. More compelling is the question of why Cicero should be apologizing to Cornificius for the lack of senate meetings as early as 25 March, when in fact the senate had already met to discuss Cornificius' dispatch on 19 March and met again on 20 March. Consequently, a later date for this letter closer to the *terminus ante quem* of 20 April (by which time news of the battle of Forum Gallorum reached Rome seems more appropriate; Cic. *Ad Brut.* 7.2 [1.3]).

<sup>242</sup> Cic. *Fam.* 370.3 [10.6].

the senate and played a significant role in the deliberations of the senate during this period. The importance in the senate's deliberations and the role in shaping the senate's policies of these dispatches not only continued but increased during the spring and summer of 43 as communication via the sea reopened and as military operations against Antonius began in earnest. This senate meeting on 20 March was convened by Cornutus in order to discuss two such dispatches, one sent by Lepidus and the other by Plancus.<sup>243</sup> Moreover, Plancus, in addition to sending a letter, also sent a certain C. Furnius to speak in the senate on his behalf.<sup>244</sup> Both letters were read out in the senate, and in them both Lepidus and Plancus urged the senate to negotiate a peace. As Frisch points out, these letters would have been written by Lepidus and Plancus at the time when the mood in Rome was in favour of peace and of a second embassy to Antonius.<sup>245</sup> Critically, therefore, Lepidus and Plancus would not have known at the time of writing that Pansa, Servilius, and Cicero had since abandoned the abortive second embassy and repudiated the temporary policy of a negotiated peace. This makes Plancus' sending of Furnius all the more interesting, as Cicero reveals in his letter to Plancus that Furnius' message to the senate differed from Plancus' letter;<sup>246</sup> clearly, as Frisch notes, Furnius had perceived the changed mood in Rome and adjusted his message accordingly.<sup>247</sup>

In addition to the two official dispatches to the senate from Lepidus and Plancus, Cicero, just prior to this senate meeting, had received, via Hirtius, a letter from Antonius addressed to both Hirtius and Octavianus.<sup>248</sup> One should assume that Antonius

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<sup>243</sup> Following the senate meeting, Cicero wrote letters to both Lepidus and Plancus; Cic. *Fam.* 369 [10.27]; 370 [10.6].

<sup>244</sup> Cic. *Fam.* 370.1 [10.6].

<sup>245</sup> Frisch 1946: 250-251.

<sup>246</sup> Cic. *Fam.* 370.1 [10.6].

<sup>247</sup> Frisch 1946: 251.

<sup>248</sup> Cic. *Phil.* 13.22.

wrote this letter as a public letter, intended to be circulated at least amongst the Caesarians. It is open for debate whether or not he intended for Hirtius or Octavianus to forward the letter on to Rome to be read out in the senate. At any rate, one doubts that he would have intended for his enemy Cicero to be the one to read it out in the senate. Nevertheless, Cicero took advantage of the opportunity afforded to him by Hirtius to use this letter in the speech that he delivered at this senate meeting on 20 March, that is, the *Thirteenth Philippic*.

In this speech, Cicero has three aims: first, to respond to, and argue against, Lepidus' letter urging a negotiated peace; second, to propose that the senate officially commend Sex. Pompeius; finally, to respond to Antonius' public letter to Hirtius and Octavianus. Interestingly, Cicero makes no mention of Plancus' letter or Furnius in the *Thirteenth Philippic*, despite the fact that, as mentioned above, Plancus' letter was read out at the same meeting as Lepidus' and that Furnius also spoke at that meeting.

For the present, only a few points concerning the *Thirteenth Philippic* and this senate meeting need to be said. First and foremost is that these two letters from Lepidus and Plancus advocating a negotiated peace apparently received a hostile reception in the senate. It is not known for sure what the senate decreed concerning them, but the fact that Cicero assented to Servilius' proposal strongly suggests that it was critical.<sup>249</sup> Moreover, Cicero's letters to both Lepidus<sup>250</sup> and Plancus<sup>251</sup> are critical of their efforts

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<sup>249</sup> Cic. *Phil.* 13.50.

<sup>250</sup> "I am glad that you are desirous of restoring peace between your fellow countrymen. If you draw a line between peace and slavery, you will do a service to the state and your own reputation. But if the peace you have in view is one which is going to put unbridled autocratic power back into the hands of a desperado, then you should understand that all sane men are of a mind to prefer death to slavery. You will therefore, in my opinion at least, be wiser not to involve yourself in a kind of peacemaking which is unacceptable to the senate, the people, and every honest man. *pacis inter civis conciliandae te cupidum esse laetor. eam si a servitute seiungis, consules et rei publicae et dignitati tuae; sin ista pax perditum hominem in possessionem impotentissimi dominatus restitutura est, hoc animo scito omnis sanos ut*

to advise the senate to seek a negotiated peace. This is yet a further indication that the mood in Rome, at least in the senate, was becoming increasingly belligerent after the recent period of pacificism.

Second, Cicero's proposal to have the senate officially commend Sex. Pompeius,<sup>252</sup> who, it would seem, had recently offered to go to Mutina with his forces based at Massilia,<sup>253</sup> is yet another example of Cicero's strategy of securing allies in his campaign against Antonius by using the senate to offer honours and rewards. However, the value of such honorific decrees (e.g. commendations of the senate), as opposed to the granting of commands, privileges, and other concrete rewards, in obtaining supporters or encouraging their continued allegiance is questionable. As an example, Lepidus, for whom Cicero had proposed the extraordinary honour of a gilt equestrian statue back on 3 January, did not even bother to include an expression of thanks for the honour in his letter to the senate.<sup>254</sup>

The final point is the fact that the majority of this speech, sections 22-48 out of a total of 50, is devoted to a point-by-point rebuttal of Antonius' public letter to Hirtius and Octavianus. Not only is this kind of pseudo-cross-examination of Antonius by means of a quoting and rebuttal of each point of his letter a singular example in extant ancient oratory, and thus interesting in its own right, but it also reveals the extent to

*mortem servituti antepoant. itaque sapientius meo quidem iudico facies si te in istam pacificationem non interpones, quae neque senatui neque populo nec cuiquam bono probatur* (Cic. *Fam.* 369.1-2 [10.27])."

<sup>251</sup> "You wrote as an advocate of peace, at a time when your distinguished colleague is under siege by a band of the foulest brigands. Either they ought to lay down their arms and sue for peace, or, if they demand it fighting, then peace must be had by victory, not by negotiation. *pacis enim auctor eras, cum collega tuus, vir clarissimus, a foedissimis latronibus obsideretur; qui aut positis armis pacem petere debent aut, si pugnantes eam postulant, victoria pax, non pactione, parienda est* (Cic. *Fam.* 370.1 [10.6])."

<sup>252</sup> Cic. *Phil.* 13.50.

<sup>253</sup> Cic. *Phil.* 13.13.

<sup>254</sup> "For that reason, I am pained by your omission to thank the senate after having been signally honoured by that body. *...molestè tuli te senatui gratias non egisse cum esses ab eo ordine ornatus summis honoribus* (Cic. *Fam.* 369.1 [10.27])."

which Cicero felt that he needed to respond to each and every point in Antonius' letter. The result, for the modern scholar at least, is a rare preservation of the arguments and modes of persuasion used by the other side. While echoes of Cicero's opponents' arguments survive in other *Philippics* as part of Cicero's own counter-arguments, the only other example that preserves the arguments of the other side in anything approaching this degree is the *Second Philippic*, and it is quite some ways off from what there is in these sections of the *Thirteenth Philippic*. Moreover, this public letter from Antonius to Hirtius and Octavianus is significant in and of itself as evidence of the fact that Antonius too, even as late as this and even as he was besieging Mutina, was still engaged in the political contest and in using persuasion based around substantive arguments.

#### *The Fourteenth Philippic*

Between Cicero's delivery of the *Thirteenth Philippic* on 20 March, and the *Fourteenth Philippic* on 21 April, the senate is known to have held deliberations on two occasions, from 7-9 April and from 13-14 April. In both instances, the senate was convened by Cornutus on account of the arrival in Rome of new dispatches from a provincial governor. In a letter written by Cicero to Plancus, dated to 11 April, there is a fascinating account of a senate meeting that took place over 7-9 April.<sup>255</sup> Cicero relates to Plancus the whole story of the senate meeting, beginning with his receipt of a private letter from Plancus on the morning of 7 April.<sup>256</sup> Plancus had sent private letters both to Cicero and to an otherwise unknown kinsman Munatius, in addition to his official

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<sup>255</sup> Cic. *Fam.* 377 [10.12].

<sup>256</sup> Cic. *Fam.* 377.2 [10.12].

dispatch to the magistrates, the senate, and the people of Rome.<sup>257</sup> Accordingly, Cicero, along with Munatius and Plancus' messenger M. Varisidius, brought Plancus' dispatch to Cornutus, who then immediately convened the senate.<sup>258</sup> However, after Cornutus had read out Plancus' dispatch, the senate meeting was postponed for the day because Cornutus had made a mistake in the taking of the auspices.<sup>259</sup>

Cicero reports that on the second day of the deliberations, 8 April, there was a fierce debate between himself and Servilius, with both of them tabling competing proposals. Unfortunately, the content of the proposals is not known, but it is clear that Cicero's was strongly favourable to Plancus, and that this displeased Servilius, suggesting that his proposal was either lukewarm towards Plancus, or perhaps even hostile.<sup>260</sup> Even though Servilius had managed to get the upper hand by getting the senate to vote on his proposal first, it was nevertheless defeated.<sup>261</sup> Servilius did not admit defeat, but had the tribune of the plebs P. Titius (promulgator of the infamous *lex Titia*) interpose his veto, thus adjourning the vote on Cicero's proposal until the following day.<sup>262</sup>

In his letter to Plancus, Cicero only says of the third day of the debate that he quashed Titius' veto, and that the senate passed a motion strongly supporting Plancus (presumably Cicero's motion), and with pretend modesty he writes that he would prefer Plancus to learn of how he defeated Titius and Servilius in the senate from other

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<sup>257</sup> It is particularly fortunate that Plancus' letter to Cicero and his official dispatch have been preserved; Cic. *Fam.* 371 [10.8]; 372 [10.7] These will be discussed in greater detail in Chapter IV.

<sup>258</sup> Cic. *Fam.* 377.2-3 [10.12].

<sup>259</sup> "After the dispatch had been read out, a religious scruple arose: Cornutus was apprised by the Keepers of the Chickens of an inadvertence in his taking of the auspices, and their representations were confirmed by our college. Business was therefore deferred to the following day... *recitatis litteris oblata religio Cornuto est pollariorum admonitu non satis diligenter eum auspiciis operam dedisse; idque a nostro collegio comprobatum est. itaque res dilata est in posterum* (Cic. *Fam.* 377.3 [10.12])."

<sup>260</sup> Cic. *Fam.* 377.3-4 [10.12]; cf. Cic. *Ad Brut.* 3.3 [2.2].

<sup>261</sup> Cic. *Fam.* 377.3 [10.12].

<sup>262</sup> Cic. *Fam.* 377.3-4 [10.12].

correspondents.<sup>263</sup> Fortunately, Cicero displayed no such modesty in his letter to Brutus on the subject, written on the same day, in which Cicero reveals that he received a letter from Lentulus while in the senate on the third day that informed him about Cassius and the legions and Syria.<sup>264</sup> Cicero tells Brutus that he immediately read the letter out in the senate, and that this caused Servilius (and some unnamed but prominent senators, presumably other consulars) to give up in the debate, thus allowing Cicero to win the day.<sup>265</sup> Cicero is particularly critical of Servilius in this letter, and this gives some indication of the fierceness of the competition between the consulars (in particular, between Cicero, Calenus, Servilius, and Piso) for leadership in the senate. As a final note, these two letters to Plancus and Brutus provide a fascinating insight into the nature of the meetings in the senate in this period and are yet more proof of the re-emergence of authentic and competitive debate in the senate.

The second of these two senate meetings began on 13 April, and is discussed by Cicero in a long letter to Brutus dated to after the senate meeting concluded on 14 April.<sup>266</sup> Before this, however, Cicero reports that a previous dispatch from Brutus had been read out in the senate (at which meeting is unknown), and explains that no proposal was made in the senate concerning this second dispatch (the first one being the one received in early to mid-February that sparked the senate meeting at which Cicero delivered his *Tenth Philippic*). This was because Brutus' people in Rome had not thought it appropriate on account of the confusion resulting from Pansa's departure from Rome on 19/20 March.<sup>267</sup> However, some weeks later, on 13 April, a certain Celer

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<sup>263</sup> Cic. *Fam.* 377.4 [10.12].

<sup>264</sup> Cic. *Ad Brut.* 3.2 [2.2].

<sup>265</sup> Cic. *Ad Brut.* 3.3 [2.2].

<sup>266</sup> Cic. *Ad Brut.* 5 [2.5].

<sup>267</sup> Cic. *Ad Brut.* 5.2 [2.5].

Pilius arrived in Rome bearing two letters, one from Brutus and one from C. Antonius, which he handed to the tribune of the plebs Servilius, who then passed them on to Cornutus. Although not stated, one should assume that Cornutus convened the senate specifically to discuss these two letters, rather than assuming that a senate meeting had already been called for that day (given Cicero's complaint elsewhere that Cornutus was only convening the senate in emergencies).<sup>268</sup> Interestingly, Cicero informs Brutus that letters had also arrived from Dolabella, but that these were not being received by the magistrates nor read out in the senate.<sup>269</sup> Cicero confesses to Brutus that he was surprised by the mild tones expressed in Brutus' dispatch concerning C. Antonius, and that he remained quiet, with nothing happening in the senate that day.<sup>270</sup>

Although not stated by Cicero, it is likely that some sort of meeting of Brutus' supporters took place in Rome that evening, for when the senate met the following day, his key supporters in the senate launched a seemingly co-ordinated attack. Cicero began the attack by speaking at length against C. Antonius, who had used the title "Antonius, proconsul" in his dispatch. This was followed by Sestius, who argued that his son and Cicero's son would be in a dangerous position if they had taken up arms against a proconsul. Some others spoke, and then Labeo delivered the final blow by arguing that the dispatch was a forgery on the grounds that it did not have Brutus' seal, was not dated, and that there were no accompanying letters for Brutus' people in Rome. The senate agreed with Labeo.<sup>271</sup>

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<sup>268</sup> Cic. *Ad Brut.* 5.3 [2.5]. The reference for the irregularity of senate meetings after Pansa's departure is: Cic. *Fam.* 374.2 [12.28].

<sup>269</sup> Cic. *Ad Brut.* 5.3 [2.5].

<sup>270</sup> Cic. *Ad Brut.* 5.3 [2.5].

<sup>271</sup> Cic. *Ad Brut.* 5.4 [2.5].

This senate meeting, as reported by Cicero, is interesting for two reasons. First, it does not appear that there was much support, if any, for C. Antonius, and Cicero does not mention any opposition along the lines of what had happened earlier that month in connection with Plancus' dispatch. This, therefore, gives yet another indication that Cicero's influence in the senate was getting stronger. Second, this letter reveals the difficulty faced by Cicero, the assassins, and their supporters in co-ordinating their political strategies. I have already shown how the information available to the senate at the moment of deliberation played a key role in the success of the *Tenth Philippic* and the failure of the *Eleventh*. In this instance, there is the interesting scenario in which the senate dismissed the dispatch from Brutus as a forgery, perhaps for legitimate reasons, or perhaps because Brutus' supporters in Rome did not agree with its contents. Cicero's letter to Brutus following this senate meeting makes it clear that Cicero was against the policy of leniency towards C. Antonius as expressed in the dispatch.<sup>272</sup> Interestingly, even if this dispatch was a forgery, it mirrored Brutus' actual policy of leniency towards C. Antonius, which Brutus defended to Cicero in a letter dated to 7 May.<sup>273</sup>

Nearly a week later, on 20 April, so Cicero tells Brutus, news of Antonius' defeat in the battle of Forum Gallorum reached Rome.<sup>274</sup> However, rumours had begun to reach Rome as early as the evening of the 18<sup>th</sup> that Antonius had been victorious in the battle that had taken place on the 14<sup>th</sup>.<sup>275</sup> As Frisch calculates, if a messenger had left the battle after the first engagement between Antonius' and Pansa's forces, in which Antonius had been victorious and had proceeded to attack Pansa's camp, he would have

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<sup>272</sup> Cic. *Ad Brut.* 5.5 [2.5].

<sup>273</sup> Cic. *Ad Brut.* 10.2 [1.4].

<sup>274</sup> Cic. *Ad Brut.* 7.2 [1.3].

<sup>275</sup> Cic. *Ad Brut.* 7.2 [1.3].

arrived in Rome by the evening of the 18<sup>th</sup> with news of Antonius' victory.<sup>276</sup> However, it was the second engagement at Forum Gallorum, in which Hirtius' forces engaged Antonius' and routed them, that gave the senate's commanders victory, but news of which did not reach Rome until the 20<sup>th</sup>.<sup>277</sup>

The premature news of Antonius' victory had led to a rumour that Cicero was planning to appear in the Forum on 21 April with the *fasces*.<sup>278</sup> In the *Fourteenth Philippic*, delivered on 21 April,<sup>279</sup> Cicero discusses these rumours and assigns their origins to a conspiracy:

There they plotted our massacre and assigned functions among themselves—who would seize the Capitol, who the Rostra, who the city gates. They thought it likely the community would rally to me, so in order to bring me into odium or even peril of my life if that should happen, they spread this rumour about the *fasces*. They were going to offer me the *fasces* themselves, and when it was done as though with my blessing, an attack upon me by a hired gang was planned, as if upon a tyrant. A massacre of the whole senate would have been the next stage.<sup>280</sup>

Of course, Cicero does not name any names, but threatens to do so later when the time is ripe. There is no indication, however, that he ever did so. It is impossible to know if there was a conspiracy behind these rumours, but they were serious enough that the tribune of the plebs Apuleius held a *contio* on the 20<sup>th</sup>, at which he attempted to

<sup>276</sup> Frisch 1946: 277-278.

<sup>277</sup> Cicero received a detailed account of the two engagements at Forum Gallorum, written the following day, 15 April, by Galba, who commanded a wing of Pansa's army; Cic. *Fam.* 378 [10.30].

<sup>278</sup> Shackleton Bailey states that: "Cicero would in effect be declaring a dictatorship (1986: 367, n.5)." However, there is no need to assume that the rumour speculated that Cicero would seize the office of dictator; it seems more probable that the rumour speculated that Cicero would assume the office of suffect consul, as one should presume that the rumours of Antonius' victory over Pansa may have included rumours of his death, or at least news of his serious injury.

<sup>279</sup> Cic. *Phil.* 14.14.

<sup>280</sup> "ibi cum consilia inirent de caede nostra partirenturque inter se qui Capitolium, qui Rostra, qui urbis portas occuparent, ad me concursum futurum civitatis putabant. quod ut cum invidia mea fieret et cum vitae etiam periculo, famam istam fascium dissipaverunt; fascis ipsi ad me delaturi fuerunt. quod cum esset quasi mea voluntate factum, tum in me impetus conductorum hominum quasi in tyrannum parabatur; ex quo caedes esset vestrum omnium consecuta (Cic. *Phil.* 14.15)."

exonerate Cicero of the allegation.<sup>281</sup> There then followed what Cicero's describes in his letter to Brutus as an almost informal triumph, in which the people publicly congratulated Cicero and escorted him from his house to the Capitol and then to the Rostra.<sup>282</sup> It was in this atmosphere, then, that the senate was convened by Cornutus for the following day, 21 April, in order to hear the dispatches from the three commanders.<sup>283</sup>

The senate meeting began with Cornutus reading out the dispatches from the three generals, Pansa, Hirtius, and Octavianus.<sup>284</sup> In addition, one presumes, to describing the several engagements of the battle, and the serious wound suffered by Pansa, they also requested a *supplicatio* to honour the victory.<sup>285</sup> Following this, Servilius proposed that the senate decree *supplicationes* for an unknown number of days,<sup>286</sup> and the assumption of civilian dress for that day only, with the *sagum* to be put on again the following day.<sup>287</sup> As throughout the *Philippics*, when arguing against a particular proposal, Cicero gives the impression that he is speaking immediately after the senator in question, in this case Servilius. Consequently, Cicero makes no mention of any other proposals in this speech. Nor does he even mention his great opponent Calenus; one should assume, therefore, that he was either absent from this senate meeting or made a speech of no import when called upon first.

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<sup>281</sup> Cic. *Phil.* 14.16.

<sup>282</sup> Cic. *Ad Brut.* 7.2 [1.3].

<sup>283</sup> Cic. *Phil.* 14.1.

<sup>284</sup> Frisch suggests that in fact there was only one dispatch, sent by Hirtius in the name of all three generals; Frisch 1946: 280. He states: "As Pansa, as we know, lay severely wounded at Bologna, while Caesar was at the Scultenna and Hirtius the night after battle stayed in the camp outside Bologna, it is probable that the report was sent by Hirtius in the name of the other generals (Frisch 1946: 280)." Although a speculation, it seems logical enough, especially in light of Pansa's condition.

<sup>285</sup> Cic. *Phil.* 14.22.

<sup>286</sup> Cic. *Phil.* 14.11. The exact number of days of *supplicationes* in Servilius' proposal is not mentioned by Cicero.

<sup>287</sup> Cic. *Phil.* 14.1-3.

Given that Servilius proposed *supplicationes* and the assumption of civilian dress for the day to honour the victory over Antonius at Forum Gallorum, why did Cicero oppose it? Despite the fact that on the surface Servilius' proposal might seem to be what Cicero would want, there are two good reasons for Cicero's opposition. The first concerns Cicero's public image and reputation. Cicero clearly thought of himself, and projected the image of himself, as the leader in the campaign against Antonius; he could not, therefore, allow Servilius to take the glory for the victory by being the one to honour the commanders. That prize, so to speak, had to be Cicero's.

The second reason concerns the content of Servilius' proposal, which did not meet with Cicero's approval. To begin with, Servilius did not honour the three commanders as *imperatores* in the wording of the proposal, something which Cicero could not let happen.<sup>288</sup> As Cicero points out, it was customary to honour the commander with the title of *imperator* when decreeing a *supplicatio* to honour the victory. By not honouring the commanders as *imperatores*, Servilius was implying that their victory was somehow inferior, which, as Frisch notes, was in fact technically correct as the senate had so far only declared a *tumultus* and not a *bellum*.<sup>289</sup> Servilius' proposal also attracted Cicero's ire because he avoided the term *hostis* and instead referred to Antonius and his army as wicked (*improbus*) and unscrupulous (*audax*) citizens.<sup>290</sup> Furthermore, Cicero argued against Servilius' proposal to assume civilian dress for the day only in order to honour the victory. Again, one might have expected Cicero to support this, however, his reason for opposing it is clear enough: the war

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<sup>288</sup> Cic. *Phil.* 14.11.

<sup>289</sup> Frisch 1946: 281-282.

<sup>290</sup> Cic. *Phil.* 14.7.

against Antonius would not be finished until D. Brutus was relieved from siege.<sup>291</sup> Indeed, Cicero even suggests that Servilius' proposal was favoured by some because it would take away an honour from D. Brutus, namely that they had assumed the *sagum* on his account and had not taken it off until he was freed.<sup>292</sup> If these, therefore, were the reasons why Cicero spoke against Servilius' proposal, what did he propose in its place?

First and foremost, Cicero made sure to honour each of the three commanders (even Octavianus) as *imperatores* in his proposal,<sup>293</sup> as well as augmenting the *supplicationes* originally proposed by Servilius to a period of fifty days.<sup>294</sup> Moreover, Cicero makes sure to state in his proposal that each of the commanders engaged in battle with *hostes*, and termed the conflict a *bellum*.<sup>295</sup> Significantly, however, Cicero does not name Antonius in this proposal, and thus this is not a *hostis* declaration against Antonius specifically. It is remarkable that the senators were not yet willing to sever ties with Antonius completely, despite the commencement of hostilities and the victory. It is safe to assume that if Cicero had thought they were, he would surely have pushed for such a decree against Antonius. As it was, the most that Cicero could do was to ensure that honours were decreed to the greatest extent possible, and that the terms *imperatores*, *hostes*, and *bellum* appeared in the proposal. Consequently, in addition to the honours for the commanders, Cicero made sure to propose both honours and rewards to their soldiers. Thus, he proposes that the senate discharge all the promises made to the soldiers, and that these be paid to the living as well as to the families of the

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<sup>291</sup> Cic. *Phil.* 14.1.

<sup>292</sup> Cic. *Phil.* 14.3.

<sup>293</sup> Cic. *Phil.* 14.25, 14.36-37.

<sup>294</sup> Cic. *Phil.* 14.11, 14.37.

<sup>295</sup> Cic. *Phil.* 14.36-38.

dead.<sup>296</sup> This was not insignificant, as it in effect obligated the senate to fulfil the promises made to the soldiers by others, most notably Octavianus, whom, it will be remembered, made extravagant promises in order to entice them to desert Antonius. As for the honours, Cicero proposes that the senate erect a monument on the grandest scale to the fallen soldiers;<sup>297</sup> in this way, the campaign against Antonius would be monumentalized and memorialized in the same fashion as when Cicero argued for a statue to be erected in honour of Sulpicius.

Unfortunately, there is no evidence from Cicero as to the outcome of this senate meeting, and we are thus reliant on Dio's account, which only makes reference to the senate honouring the three commanders as *imperatores*, to a public burial for the deceased soldiers, and for their rewards to be received by their families.<sup>298</sup> Frisch takes this passage as evidence that the senate only accepted Cicero's proposal in connection with the application of the honorary title of *imperator* for each of the three commanders and the monument in honour of the fallen soldiers, and that Servilius' proposal was passed with these amendments.<sup>299</sup> Manuwald, however, takes this passage from Dio, as well as another passage from Appian (which actually refers to a senate meeting following the battle of Mutina, and not this battle of Forum Gallorum),<sup>300</sup> as evidence that Cicero's proposal was passed.<sup>301</sup> Given that Cicero, in his letter to Brutus following this senate meeting,<sup>302</sup> is entirely optimistic and makes no criticism of the senate or any

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<sup>296</sup> Cic. *Phil.* 14.38.

<sup>297</sup> Cic. *Phil.* 14.38.

<sup>298</sup> Dio 46.38.1-2.

<sup>299</sup> Frisch 1946: 286-287.

<sup>300</sup> App. *B Civ.* 3.74.

<sup>301</sup> Manuwald 2007: 1.29.

<sup>302</sup> Cic. *Ad Brut.* 7 [1.3].

senators, the likelihood is that the senate accepted Cicero's proposal in its entirety, and did not, as Frisch suggests, attach selections as an amendment to Servilius' proposal.

### Cicero's Triumph in the Senate

On the very same day that the senate was meeting to deliberate *de honoribus* following the victory at the battle of Forum Gallorum, the second battle in the campaign was fought near Mutina.<sup>303</sup> However, although the battle resulted in a decisive tactical victory against Antonius, forcing him to flee and abandon his siege of D. Brutus, it nevertheless came at a cost, with Hirtius being killed in the action and Pansa succumbing to the wounds he suffered at Forum Gallorum.<sup>304</sup> The senate was immediately convened by Cornutus upon the receipt in Rome of the news of the victory on 26 April.<sup>305</sup> Unfortunately, no detailed account of this senate meeting on 26 April survives, even though it was the culmination of Cicero's long campaign in the senate against Antonius. For it was at this meeting that Cicero at last saw the senate make the final commitment to condemn Antonius and his followers as *hostes*,<sup>306</sup> with the result that a *bellum* should be declared against them,<sup>307</sup> and their property confiscated.<sup>308</sup> Cicero reports that he made a proposal about C. Antonius by name, but says that he did not use harsh language and that he wanted the senate to hear from Brutus on the matter.<sup>309</sup> Unfortunately, Cicero does not reveal anything else about this decisive senate

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<sup>303</sup> The date of the battle of Mutina is not directly recorded in any source, but, from a letter of Cicero to Brutus, it is clear that the senate knew of the outcome of the battle on 26 April; Cic. *Ad Brut.* 9.1 [1.5]. From this letter, Frisch, Shackleton Bailey, and Manuwald all calculate the date of the battle as having taken place five days earlier, i.e. 21 April: Frisch 1946: 287; Shackleton Bailey 1980: 233; Manuwald 2007: 1.29.

<sup>304</sup> Cic. *Ad Brut.* 8 [1.3A].

<sup>305</sup> Frisch 1946: 290.

<sup>306</sup> Cic. *Ad Brut.* 8 [1.3A].

<sup>307</sup> Cic. *Ad Brut.* 9.1 [1.5].

<sup>308</sup> Cic. *Fam.* 391.4 [10.21].

<sup>309</sup> Cic. *Ad Brut.* 8 [1.3A].

meeting, and thus there is no indication as to who proposed that the senate condemn Antonius and his followers as *hostes*, nor if Cicero delivered a speech on the matter in the moment of his triumph.

As was the case following the battle of Forum Gallorum, the senate deliberated upon and decreed a variety of honours and rewards both to the victorious commanders and to their soldiers. It is unclear from the surviving sources whether these were decreed at the senate meeting on 26 April, or at the senate meeting on the following day, or a combination thereof. Whichever it was, however, is not particularly important. As may have been the case after the battle of Forum Gallorum, *supplicationes* were decreed for a period of either fifty or sixty days.<sup>310</sup> In addition, the wearing of the *sagum* was put aside and civilian dress resumed, now that D. Brutus had finally been freed from the siege.<sup>311</sup> D. Brutus received the honour of a triumph,<sup>312</sup> and Cicero proposed the lesser honour of an *ovatio* for Octavianus.<sup>313</sup> Cicero had also proposed that D. Brutus' name be entered into the calendar because he was liberated on his birthday, but the senate rejected this particular proposal.<sup>314</sup> As for the fallen consuls, they were honoured with public funerals and sepulchres.<sup>315</sup> A certain Aquila, who had fallen in the battle, was honoured with a statue.<sup>316</sup> As for the soldiers, both Appian and Dio record that the senate decreed that D. Brutus' soldiers, who had been besieged but otherwise taken no

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<sup>310</sup> Appian gives the length of the *supplicationes* as fifty days, Dio gives it as sixty days; App. *B Civ.* 3.74; Dio 46.39.3.

<sup>311</sup> Dio 46.39.3.

<sup>312</sup> Livy *Per.* 119.

<sup>313</sup> Cic. *Ad Brut.* 23.9 [1.15]. Although Frisch suggests that the senate probably did not grant this honour to Octavianus, Cicero's own statements in his letter to Brutus on this matter make no mention of it not being passed, merely that some opposed it; Frisch 1946: 290. Frisch's position is based on references in Velleius Paterculus and Appian; Vell. *Pat.* 2.62.5; App. *B Civ.* 3.74. As Frisch notes, Livy *Per.* 119 does seem to support the idea that Octavianus was granted the lesser honour of an *ovatio* by the senate.

<sup>314</sup> Cic. *Ad Brut.* 23.8 [1.15]. Cicero's rationale for this particular proposal was to leave yet another monument, so to speak, to this campaign against Antonius.

<sup>315</sup> Cic. *Ad Brut.* 23.8 [1.15]; App. *B Civ.* 3.76.

<sup>316</sup> Cic. *Ad Brut.* 23.8 [1.15]; Dio 46.40.2.

part in either of the battles, were to receive the same honours and rewards as those of the consuls and Octavianus.<sup>317</sup>

On the following day, 27 April, the senate met to discuss the military operations to be undertaken against Antonius, and for this senate meeting some more detailed information is provided by Cicero in a letter to Brutus.<sup>318</sup> Servilius, called upon before Cicero, spoke mostly about P. Ventidius Bassus,<sup>319</sup> although he did propose that the command in the war against Dolabella should be assigned to Cassius.<sup>320</sup> This command had earlier been assigned to the consuls, but now, following their deaths, needed to be reassigned. Cicero naturally concurred with Servilius' proposal, but added the amendment that Brutus should also undertake military action against Dolabella if he could.<sup>321</sup> Servilius' proposal, with Cicero's amendment, was passed. Assuming that Servilius' proposal was along the same lines as Cicero's in his *Eleventh Philippic*, this meant that the senate had now given *maius imperium* to Brutus and Cassius together over all Roman territories from the Adriatic to Egypt.

As for the senate's deliberations concerning the war against Antonius, one must turn to a variety of sources to piece together what the senate eventually decreed. From Appian, Dio, and Livy, it seems that the senate assigned the supreme command in the war against Antonius to D. Brutus, and that it placed the forces of Hirtius and Pansa under his direct command.<sup>322</sup> From a letter written by D. Brutus to Cicero, it seems that two senators, Livius Drusus and L. Paullus, even proposed that the *legio quarta* and the

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<sup>317</sup> App. *B Civ.* 3.74; Dio 46.40.1-2.

<sup>318</sup> Cic. *Ad Brut.* 9 [1.5].

<sup>319</sup> One of the praetors in 43 who at this time had recruited three legions from Picenum and was attempting to bring these forces to Antonius' aid; Cic. *Phil.* 14.21; App. *B Civ.* 3.66.

<sup>320</sup> Cic. *Ad Brut.* 9.1 [1.5].

<sup>321</sup> Cic. *Ad Brut.* 9.1 [1.5].

<sup>322</sup> App. *B Civ.* 3.74; Dio 46.40.1; Livy *Per.* 120.

*legio Martia*, the veteran core of Octavianus' army, be placed under his (i.e. D. Brutus') command, but that the senate did not go quite this far.<sup>323</sup> Pollio, in a letter to Cicero, writes that the senate summoned by decree both Lepidus and Plancus, presumably to advance towards Italy with their forces in order to engage Antonius.<sup>324</sup> In addition, Velleius Paterculus, Appian, and Dio all relate that another command was assigned at this senate meeting, namely a naval command for Sex. Pompeius.<sup>325</sup> The exact title of the naval command is preserved on coinage later issued by Sex. Pompeius in Sicily bearing the title PRAEF CLAS ET ORAE MARIT EX S C (which when expanded reads *praefectus classis et orae maritimae ex senatus consulto*).<sup>326</sup> The assigning of this naval command to Sex. Pompeius by the senate was likely a reward for his earlier offer to assist in the campaign against Antonius at Mutina (for which Cicero had proposed an honorary decree in the *Thirteenth Philippic*),<sup>327</sup> as well as an attempt by the senate to give him legitimate *imperium* (and thus authorize him in the command of the forces that he had gathered at Massilia). The senate also intended, no doubt, that Sex. Pompeius would use this naval command to assist in the war against Antonius.

How is one to interpret the senate's decrees from these two meetings on 26 and 27 April? For one thing, it is clear that Cicero's policy of using a coalition to destroy Antonius was now unravelling following Antonius' defeat and the death of the two Caesarian consuls Hirtius and Pansa. Their deaths were a particularly devastating blow

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<sup>323</sup> Cic. *Fam.* 399.1 [11.19].

<sup>324</sup> Cic. *Fam.* 409.1 [10.33].

<sup>325</sup> Vell. *Pat.* 2.273.2; App. *B Civ.* 3.4, 4.94, 4.96; Dio 46.40.3. These sources, however, are not in agreement as to the date when the naval command was assigned to Sex. Pompeius. Appian dates the naval command to the spring of 44, whereas Velleius Paterculus and Dio clearly date the naval command to this senate meeting following the defeat of Antonius at Mutina. This latter date of 27 April 43 must be the correct one, as there is no mention of a naval command being assigned to Sex. Pompeius in the extant writings of Cicero, including as late as the *Thirteenth Philippic*, in which Cicero discusses Sex. Pompeius' situation at length.

<sup>326</sup> Crawford 1975: RRC 511.

<sup>327</sup> Cic. *Phil.* 13.13, 13.50.

to the coalition because they had acted as the bridge between the more extreme Caesarians and the more extreme republicans. However, as the decrees issuing out of these two senate meetings illustrate, the senate was now dominated by these extreme republicans, and a policy of compromise with the Caesarians was abandoned. In particular, as numerous later sources highlight, Octavianus was slighted by the senate, especially in comparison to the assassin D. Brutus.<sup>328</sup> As for the moderate Caesarians, who had been represented by the likes of Hirtius and Pansa, they would have been concerned at just how unbalanced the now republican dominated senate had become in distributing power and provinces. However, this was a fatally premature policy arising from excessive elation and confidence at the tactical victory over Antonius at Mutina. For Antonius, while forced to withdraw from Mutina, still remained at large and commanded significant forces, to which were soon added the three legions under the command of Ventidius. Moreover, the loyalties of the Caesarian governors of the western provinces, namely Lepidus, Plancus, and Pollio, could not be taken for granted by the senate, nor, for that matter, could the loyalty of Octavianus. The battle of Mutina was not, as Cicero and the republicans had hoped, the end of the war, but rather, it was just the first act.

### *The Last Days of the Republican Senate*

In this final section, I shall examine the last days of the republican senate, that is to say, the last days of the senate before it effectively fell once more under autocratic rule following Octavianus' *coup d'état* in August 43. The period from the delivery of Cicero's *Third Philippic* on 20 December to these most recent senate meetings on 26

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<sup>328</sup> Vell. Pat. 2.62; App. *B Civ.* 3.74; Dio 46.39-40; Livy *Per.* 119.

and 27 April was one of intensive activity in the senate. Not only that, but, as has been argued throughout this chapter so far, the deliberations in these senate meetings, beginning with the senate meeting on 1-4 January 43, consisted of authentic and fiercely competitive debate in which persuasion played a significant role in determining the outcome. By the time of these *senatus consulta* of 26 and 27 April, however, the situation in the senate had changed dramatically. For now the senate was dominated by the republicans, and the opposition from Antonius' supporters in the senate had evaporated. This was not the only change. Since Cicero's delivery of his *Third Philippic* on 20 December 44, he had led a campaign in the senate to have Antonius' acts as consul annulled, his person and his followers condemned as *hostes*, and a *bellum* declared against them. With these *senatus consulta* decreed on 26 and 27 April, Cicero had not only achieved these aims, but he had also managed to secure, via the senate, powerful commands for Brutus, Cassius, D. Brutus, and Sex. Pompeius, as well as confirmation of Cornificius' governorship of the province of Africa Vetus. Consequently, there was not that much left that Cicero, the assassins, and their supporters could realistically hope to achieve through the senate at this time.<sup>329</sup> They had, in effect, managed to persuade the senate to pass every proactive measure possible in the campaign against Antonius and in support of the assassins. From 27 April onwards, the role of the senate became largely reactive to events rather than proactive in formulating and directing new policies.

As a result of this, it should come as no surprise that very few senate meetings are attested for the period following 27 April. The next attested senate meeting was held on 10 May, and concerned Plancus, the governor of Transalpine Gaul. A little over a

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<sup>329</sup> The qualifier "realistically" is used here because, of course, the ultimate hope of Cicero and the assassins would have been for the senate to annul the *acta Caesaris* and to honour the assassins.

month earlier, the senate had held a three-day debate at which Cicero was eventually successful in getting his positive proposal concerning Plancus passed in the face of opposition from Servilius. In this instance, one should assume that another dispatch from Plancus had arrived in Rome,<sup>330</sup> and that the senate was once again convened by Cornutus to discuss its contents. As Cicero reveals in his letter to Plancus following the meeting, the senate passed a decree in the exact words of Cicero's proposal, which was extremely complimentary to Plancus.<sup>331</sup> This, therefore, was the second time that the senate passed an honorary decree after receiving a dispatch from Plancus, nor would it be the last.

Indeed, only a couple of weeks later, around 25 May,<sup>332</sup> yet another dispatch was received from Plancus,<sup>333</sup> once again prompting a senate meeting, which Cicero describes in a letter to Plancus.<sup>334</sup> This dispatch arrived at the same time as one from his neighbouring governor Lepidus, and Cornutus read out both dispatches to the senate. However, Cicero describes Lepidus' dispatch as being cold and shuffling, and thus the senators cried out for a debate, which Cornutus was initially unwilling to begin, claiming that he wanted time to consider the matter. Nevertheless, five tribunes of the plebs put the question before the senate. Interestingly, Servilius proposed an adjournment when called upon, but, as it was, Cicero proposed a motion (again, it must have been favourable to Plancus) which the senate passed unanimously. Consequently, while Servilius' motion gives some indication that there was still some competition

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<sup>330</sup> This is a reasonable assumption, especially given that Cicero seems to have received an accompanying letter from Plancus on this occasion; *Cic. Fam.* 389.1 [10.13].

<sup>331</sup> *Cic. Fam.* 389.1 [10.13].

<sup>332</sup> Shackleton Bailey 1977: 544.

<sup>333</sup> *Cic. Fam.* 404.1 [10.16]. The contents of this dispatch will most likely have mirrored the accompanying letter sent to Cicero; *Cic. Fam.* 390 [10.15].

<sup>334</sup> *Cic. Fam.* 404 [10.16].

between the consulars for leadership in the senate, the senators' unanimous assent in passing Cicero's motion provides evidence of the strength of his support in the senate by this point. Moreover, the fact that this was the third *senatus consultum* decreed in honour of Plancus since 9 April demonstrates the extent to which the loyalty of the governors of the western provinces, namely Plancus, Lepidus, and Pollio, was the pressing concern of the senate. Would these Caesarian governors remain loyal to the senate, now dominated by Cicero and the republicans, or would they throw their lot in with Caesar's former colleague Antonius? The answer, unfortunately for the senate, would eventually turn out to be the latter.

The final senate meeting during this period for which there survives any detailed contemporary information took place at the end of June. A month earlier, on 30 May, Lepidus sent a dispatch to the magistrates, senate, and people of Rome, in which he informed them that his army had mutinied and joined Antonius.<sup>335</sup> On 29 June, as Cicero informs Cassius, Lepidus was declared a *hostis*, along with all who were with him, by a unanimous vote of the senate.<sup>336</sup> Interestingly, the *hostis* declaration was not a final one, but came with the ultimatum that Lepidus and his followers had until the Kalends of September to reverse their decision to join Antonius. It is possible that Cicero was behind this in order to give Lepidus a chance to change his mind in order to save his children, who would have suffered from the confiscation of their father's property as a *hostis*. Cicero's concern for Lepidus' sons was not sentimental (he displayed no such concern for Antonius' children), but resulted from the fact that they were Brutus' nephews. Indeed, Brutus wrote a letter to Cicero on 1 July (after the senate meeting, but before he would have heard the news about it), in which he begs Cicero to

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<sup>335</sup> Cic. *Fam.* 408 [10.35]. This dispatch is discussed in greater detail in Chapter IV.

<sup>336</sup> Cic. *Fam.* 425.1 [12.10].

consider Lepidus' children as his (i.e. Brutus') own in order to save them.<sup>337</sup> Cicero, in his last surviving letter to Brutus, dated to 27 July, claimed that he spoke on behalf of Lepidus' children before receiving Brutus' letter, presumably at this senate meeting on 29 June.<sup>338</sup>

In a letter dated to mid-June, Cicero informs Brutus about a meeting of the senate, the date or context of which is unknown.<sup>339</sup> At this senate meeting, Cicero delivered a speech in which he addressed the rumour that Octavianus was seeking the suffect consulship, and seems to have spoken quite strongly against any such idea. At any rate, the magistrates and senators seem to have agreed with Cicero in condemning any such possibility.<sup>340</sup> Indeed, in his letter, Cicero complains to Brutus about the capriciousness of the generals and the soldiers, and of their demands for political power equivalent to their military power.<sup>341</sup> The implication, of course, is that Octavianus would use his army to demand the suffect consulship. And, as told by Appian, that is exactly what happened. A deputation of centurions appeared before the senate to demand the suffect consulship for their commander; they were rebuffed, and Octavianus crossed the Rubicon with eight legions.<sup>342</sup> Rome, despite some posturing by the senate and a faint-hearted attempt at a final resistance, fell with hardly any bloodshed, the exception being the urban praetor Cornutus, who committed suicide.<sup>343</sup> By 19 August,

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<sup>337</sup> Cic. *Ad Brut.* 20 [1.13].

<sup>338</sup> Cic. *Ad Brut.* 24.6 [1.18].

<sup>339</sup> Cic. *Ad Brut.* 17.3 [1.10].

<sup>340</sup> Cic. *Ad Brut.* 17.3 [1.10].

<sup>341</sup> Cic. *Ad Brut.* 17.3 [1.10].

<sup>342</sup> App. *B Civ.* 3.88.

<sup>343</sup> App. *B Civ.* 3.92.

Octavianus' *coup d'état* was complete and he was "elected" suffect consul, along with his kinsman Q. Pedius.<sup>344</sup>

### Conclusion

With Octavianus' capture of Rome in August 43, I conclude my chronological examination of political interactions, with a particular focus on public political interactions, that has comprised my approach in the first three chapters to the study of the role of persuasion and the extent of its significance in Roman politics after the assassination of Caesar. In the first chapter, I demonstrated the crucial role of persuasion, exercised in both the private deliberations and negotiations following Caesar's assassination and in public at the senate meeting on 17 March 44, that resulted in the compromise agreement being decreed by the senate. The resulting political situation was, with the aberration of Caesar's funeral, a government by public consensus, with discord, debate, and persuasion restricted to private political interactions. This unparalleled commitment to a display of public unity and civility was the result of both a genuine desire on the part of the stakeholders in the compromise agreement to avoid, at least for the time being, another civil war, and the constraining force of public opinion, which had been exhausted by the civil wars of the past five years and demanded peace. However, it was the arrival on the scene in Rome of Octavianus, Caesar's young heir, and the fact that he had nothing to gain by the continuance of the policy of government by public consensus, but rather, everything to gain by its dissolution, that put it under increasing strain. In particular, it was his rivalry with Antonius for the affections and support of Caesar's followers over the issue of

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<sup>344</sup> The reader is referred to Rawson for a narrative of the events between Octavianus' crossing of the Rubicon at the beginning of August and his "election" as suffect consul on 19 August 43; Rawson 1994: 485-486. Cf. Syme 1939: 181-186.

Caesar's legacy and memory that forced the consul to radicalize his public position in order to meet this challenge, and therefore to deviate from the compromise agreement. Thus, with Piso's speech on the Kalends of August, and the exchange of hostile edicts and letters between Antonius and Brutus and Cassius, with which I ended the first chapter, discord, along with persuasion, had begun to re-emerge into public political discourse.

In the second chapter, I examined how Cicero, with the delivery of his *First Philippic* on 2 September, abandoned the policy of government by public consensus and instead chose to embark upon a risky new political strategy aimed at restoring the *res publica* by isolating Antonius and his closest supporters by means of public confrontation. With Antonius' declaration of *inimicitiae* in his speech on 19 September, and with renewed public confrontations in October, the policy of government by public consensus had been well and truly abandoned by certain key players, replaced with a new policy of public confrontation that, in the case of Antonius and Octavianus, threatened to break out into open warfare. It is worth noting, however, that this abandonment of the policy of government by public consensus was, by and large, restricted to only a few leading figures (such as Antonius, Cicero, and Octavianus), and that the majority of the senators, including most of the consulars, were reluctant, to say the least, to engage in new hostilities. Nevertheless, Cicero's falling out with Antonius, and his decision to begin a campaign of public confrontation against the consul, resulted in his willingness to pursue the most unlikely of alliances with Octavianus. This alliance was sealed in public with Cicero's proposals, in the senate meeting on 20 December, both to legitimize and to reward Octavianus' illegal actions to raise a private army of veterans and to suborn the loyalty of the *legio Martia* and the *legio quarta* in order to

have the forces with which to confront the consul Antonius. With these and the other measures passed by the senate on 20 December, Cicero had succeeded in creating a constitutional crisis over the issue of legitimacy, and had taken the first steps in directing the senate into a civil war against Antonius. In the meantime, the situation had deteriorated into armed conflict, with the legions of Antonius besieging D. Brutus and his legions in Mutina, and Rome was once again in the midst of another, albeit as yet unacknowledged, civil war. Throughout the second chapter, I demonstrated that, not only did persuasion continue to play a significant role in private political interactions, as, indeed, it would throughout this period, but that, with the re-emergence of discord in public political discourse and with the increasing instances of public confrontation, persuasion once again played a significant role in public political interactions. Moreover, I was keen to stress the importance of this fact, namely that this power-struggle was contested not only in public, but in formal political interactions, rather than behind closed doors. On the other hand, however, as I pointed out, what was lacking from the individual instances of public political interactions, and in particular in the formal meetings of the senate that I examined in the second chapter, was genuine debate with competing proposals.

In this final chapter of my chronological examination of political interactions, I demonstrated that, beginning with the senate meeting on the Kalends of January 43, genuine and authentic debate had returned to the *Curia* in the numerous instances of fiercely contested senate meetings that I examined in this chapter. Moreover, it is clear that, although it was not the only factor, persuasion, in the form of the arguments and oratory of the senate's most influential members, played a key and frequently decisive role in determining the outcome of individual senate debates in this period. The

remarkable level of debate and persuasion in the formal meetings of the senate in the period considered in this chapter was due in no small part to the intense competition for leadership and influence within the senate from a number of consulars, most notably Cicero, Calenus, and Servilius, but also Piso, Sulpicius, and L. Caesar, as well as the two consuls, Hirtius and Pansa, and following their departure from Rome, the urban praetor Cornutus. This competition for leadership and influence within the senate continued throughout this period, even as the republicans came to dominate the senate following Antonius' defeats in the battles of Forum Gallorum and Mutina in April, with not even Cicero achieving unchallenged leadership except on the rarest of occasions.

Was all this not, however, just a storm in a teacup, and a futile competition for a worthless prize? That is to say, did any of this matter? Did the senate's decrees matter in the midst of a civil war? Obviously, given what I have argued throughout my thesis so far, this is clearly not my opinion. Nevertheless, it is a potential objection that must be addressed. There are several different ways of answering this potential objection. The first is something that I have stressed and demonstrated repeatedly so far, and will do so again in the remainder of the thesis, namely that these senate meetings mattered not only to the senators and magistrates in Rome, but, crucially, to the provincial governors, generals, and armies actually involved in the campaigns. This is because the senate was still viewed as the only source, or at the least the very best, for securing legitimacy, specifically in the form of grants of *imperium* and honorary decrees, for their past and future actions, as well as the condemnation of their opponents. Nor was this restricted to "*optimates*" like D. Brutus, Brutus, and Cassius, whom we would expect to have preferred to co-operate with the senate, but was in fact universal; Antonius, Dolabella, Lepidus, Plancus, Pollio, and even Octavianus, just to name the key players, all sought

senatorial approval and legitimization for their actions and position, and, when necessary, sought to have the senate condemn their opponents. Moreover, in the case of Antonius, Dolabella, and Lepidus in particular, they also went to great efforts, sending dispatches and using their supporters in Rome to argue their cases, to avoid their own condemnation by the senate.

The second point is that, not only did the senate's decrees matter to the people involved, both in Rome and, most significantly, in the provinces, but that they actually had an impact on events. The greatest argument against the irrelevancy of the senate in the midst of a civil war is that the decrees of the senate changed the course of history. Would Antonius have marched his legions north and besieged D. Brutus at Mutina if Cicero had not delivered his *First Philippic* and thereby embarked upon a risky new political strategy to isolate Antonius? Would D. Brutus even have opposed Antonius in Cisalpine Gaul if Cicero had not encouraged him and if the senate had not supported his actions on 20 December? Would Octavianus have marched his army north to relieve D. Brutus but for the senate's decrees of 20 December, 3 and 4 January, and the others in the winter of 43? Even if all this would have happened regardless, would Antonius have suffered defeat at Mutina if the senate had not authorized the consuls to raise armies and engage Antonius in battle to relieve D. Brutus? Indeed, would Octavianus have ever become Augustus but for the efforts of Cicero and others in the senate? Of course this all speculation, but it is difficult, if not impossible, to imagine how events could have turned out as they did but for the actions of the senate.

This brings me to my final point, namely that we must avoid the trap of dismissing the relevancy of the senate in this period because of the ultimate failure of the senate to prevent Octavianus' capture of Rome in August 43 or the establishment of

the triumvirate, or of Brutus and Cassius on the battlefields of Philippi. While it is a matter of speculation, one wonders how it could have turned out worse, either for Cicero or for the *res publica*, if he had just stuck to the policy of government by public consensus and let Antonius and Dolabella have their provinces and five-year terms. Without a doubt, entering into an alliance with Caesar's heir, a young man with nothing to gain from peace and stability, and whose reliance on his relationship to Caesar for his power demanded that he exercise it in the here and now, and not in ten and twenty years, was an incredible risk. Nevertheless, while it is undeniable that Cicero gambled, and ultimately lost, everything, this does not mean that his strategy was doomed to failure. While historians can always debate and wonder what might have been, it is worth asking the question: would Cicero's gamble have worked but for the catastrophe of losing both consuls in battle? But for their untimely deaths, would we instead be writing histories about the restoration of the republic, and seeing in this year and a bit after Caesar's assassination the re-emergence of the senate as the dominant force in Roman politics rather than a false dawn, or last glorious sunset? Indeed, would Octavianus have become a second Pompeius Magnus, rather than the first Augustus?



## Chapter IV: Private Meetings and Elite Correspondence

### Introduction

In the first three chapters of this thesis, I examined the role of persuasion and the extent of its significance in Roman politics in the period from Caesar's assassination until Octavianus' capture of Rome in August 43 by means of a detailed chronological examination of political interactions, with a primary focus on public political interactions, and, more specifically, on formal meetings of the senate. In the remaining two chapters of this thesis, I shall build upon the view that I have so far presented in this thesis of the fundamental significance of persuasion in this crucial period of Roman history by expanding my focus to examine other types of political interactions and the nature and significance of the role of persuasion within them. While many of the individual instances of these political interactions have already been mentioned, where relevant, in the first three chapters, most have not yet been the focus of my analysis. What I shall examine in this chapter are the opportunities, the actual use, and the significance in this period for Roman elites engaging in political activity in their private meetings with one another, with a separate section examining the unique social setting of the villas of the elites that fostered an atmosphere that was particularly conducive to informal political discussions, and in their exchange of correspondence, encompassing not only their private letters, but also, since some in fact actually survive, their official dispatches. As always, my aim will be to examine the role of persuasion and the extent of its significance in the political aspects of these various elite interactions.

### Private Meetings

In this section, I shall examine the role and significance of persuasion within various types of private political interactions between Rome's elites in this period that were conducted in person rather than by correspondence. Thus, what I shall be discussing in this section are interactions (i.e. deliberations and negotiations) that took place in person in different types of private settings, by which I simply mean that these meetings occurred in a non-official setting, in other words, excluding public interactions such as formal meetings of the senate and *contiones*, which were the focus of the first three chapters of this thesis. It is a reasonable assumption that these private meetings played a significant role in Roman politics, just as they do now. Indeed, it would be naïve to assume that all political interactions were conducted in public, without intensive deliberation and negotiation in private beforehand. This is not, however, to suggest in any way that those public political interactions that I analyzed in the first three chapters were a mere charade, with the outcome decided in private in advance. On the contrary, I have demonstrated that oratory, and in particular, oratory in the *Curia*, was a real means of persuasion, and that these public political interactions frequently consisted of genuine debate and were a dominant factor in shaping history after the assassination of Caesar. Rather, I bring this up in order to make a basic, and yet an important point, namely that the Roman senate was not like a modern parliament with a system of official parties and party leaders;<sup>1</sup> even if various leaders agreed on a common policy beforehand, they nevertheless still had to persuade their fellow senators to support it. There were no party whips to make sure that members voted appropriately, nor is it possible to imagine any other realistic scenario whereby a voting majority of

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<sup>1</sup> On the unreality of the party thesis along modern parliamentary lines, see Taylor 1949: 1-24.

senators could be secured behind the scenes before a senate meeting on anything like a regular basis.

With this in mind, it is time now to discuss these private meetings as an important, albeit elusive, element in Roman politics. Rather than attempting to discuss every attested private meeting from this period in this section, which is something that would certainly be beyond the scope of this thesis, I shall instead examine two specific instances of particularly significant private meetings in order to illuminate this important aspect of Roman politics. The first instance that I shall examine concerns the deliberations and negotiations that took place before one of the most crucial senate meetings of this period, namely the senate meeting on 17 March 44, at which the compromise agreement was decreed. The second instance that I shall discuss is a conference that took place in Antium in early June 44 between the assassins, their families, and some of their supporters, including Cicero.

Before I turn to examine the private meetings that preceded the crucial senate meeting on 17 March, it is necessary to discuss the problem of sources. In addition to the difficulty in assessing the impact that private meetings might have had on the outcome of any given senate debate, there is a further epistemological problem. It is precisely because these conversations and meetings were conducted outside of the public gaze, so to speak, that one must be especially careful in how to approach any surviving accounts of them. The examples that I shall be examining in this section have been chosen because, in addition to their significance, they are also quite distinct instances in terms of character from each other, and because the sources for each are likewise different.

As was discussed at some length in Chapter I, although Caesar was assassinated in the middle of the day on the Ides of March, the senate did not convene to discuss the crisis until nearly two days later, on the morning of the 17<sup>th</sup>. There can be very little doubt that much of the intervening time was spent in intensive, behind the scenes negotiations. The surviving sources for these negotiations, however, are of limited and varied quality. The main contemporary source, Cicero, has little to say about the matter. This, however, can be explained by the fact that Cicero was in Rome at the time, as were his most frequent correspondents, and therefore he had no need to discuss the matter in detail in letters.<sup>2</sup> The only reference to the negotiations in Cicero's *Philippics* comes in the *Second Philippic*, when he claims to have refused to see Antonius on either the Ides of March or the next day, despite the assassins asking him to and other consulars doing so.<sup>3</sup> Nevertheless, given Cicero's role in publicly advocating for the compromise agreement as put forward by Antonius in the senate on the 17<sup>th</sup>, as well as his close connection to the assassins, it is difficult to believe that he was not involved in these negotiations in some way or other.<sup>4</sup>

Unfortunately, as is the case with so much else in this period of study, one is reliant upon Cicero, and thus upon one person's view, for the contemporary evidence. And, as is the case here, when that evidence is slight or lacking, one is forced to turn to

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<sup>2</sup> What little Cicero has to say on the matter in his correspondence was discussed in Chapter I. It does not, however, provide any useful information about these behind the scenes negotiations.

<sup>3</sup> Cic. *Phil.* 2.89.

<sup>4</sup> It is possible, however, that Cicero may be telling the literal truth in this passage, but not the whole story. The emphasis in the passage is clearly on Cicero's statement that he did not personally see Antonius before the senate meeting on 17 March. It may be that Cicero, along with the assassins, negotiated for the compromise with Antonius and other Caesarian leaders via intermediaries, perhaps these unnamed consulars also mentioned in the passage. Of course, it could also be the case that, many months after the event, Cicero simply lied in the *Second Philippic*, and that he did actually meet with Antonius during these negotiations. It would certainly not be the only instance in the *Philippics* of Cicero playing loose with the truth when it suited his purposes. Either option is entirely possible, and, with the existing evidence, there is no way to know which is right.

later, and frequently less reliable, sources. Despite the number of biographies and histories written during the imperial period that cover this period, only Nicolaus and Appian actually mention these negotiations.<sup>5</sup> Of these two, Nicolaus' account was written far earlier than Appian's, and is much more extensive. However, a lacuna in the text means that Nicolaus' narrative of these negotiations breaks off prematurely. Although Nicolaus' account is to be preferred to Appian's in terms of proximity and length, it unfortunately only survives for a portion of the event in question.

In both Nicolaus' and Appian's accounts, the conspirators did not make any plans for the future beyond assassinating Caesar and seizing the Capitol; the first negotiations, therefore, were not between the assassins and Caesar's lieutenants, but between the assassins themselves, as well as those supporters, including Cicero, who had joined them on the Capitol.<sup>6</sup> The outcome was a decision to pursue negotiations with the two senior Caesarian leaders Antonius and Lepidus, to whom envoys were dispatched. While Nicolaus does not mention the identities of the envoys, Appian says that they were friends and relatives of the assassins; Cicero's reference in the *Second Philippic* to unnamed consulars going to and fro in negotiations is perhaps referring to them, in which case it would seem that they were high-ranking envoys rather than mere messengers.<sup>7</sup>

In Nicolaus' account, the envoys were sent to Antonius and Lepidus in the evening on the Ides in order to propose a power-sharing agreement. Antonius and Lepidus replied that they would need time to discuss the proposal and would reply the

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<sup>5</sup> Nic. Dam. *FGrH* 90 fr. 130.27.101-106; App. *B Civ.* 2.123-125.

<sup>6</sup> It is in the context of this first meeting that one should place Cicero's complaint to Atticus that his advice had been to reconvene the senate that day; Cic. *Att.* 364.1 [14.10].

<sup>7</sup> It is unfortunate that there is no indication as to the identity of these envoys, as they undoubtedly played a significant role in the negotiations. Alas, to guess at their identities would be nothing more than mere speculation.

following day (i.e. the 16<sup>th</sup>). This seems plausible, as one should assume that there was a great deal of confusion and disagreement amongst the Caesarian leaders, and that they would need time to agree on a policy before making their reply. In Appian's account, however, the proposal put before Antonius and Lepidus by the envoys is not so much a power-sharing arrangement as a proposal for peace (or at least a truce) in civil strife for the sake of the *res publica*. The problem with Appian's account is that he mistakenly places the meeting in the senate on the morning of the 16<sup>th</sup>, with the result that there is no time for much in the way of private meetings. Nor is significant space given in his account for them. Thus, in Appian's version, Antonius and Lepidus make an immediate reply to the envoys, saying that, although their own inclination is to avenge Caesar, they will leave the matter up to the senate.

It is my opinion that Nicolaus' account is to be preferred, as it is both more accurate, in terms of chronology, and more plausible, in terms of events. In this case, therefore, the next set of negotiations would have been between the Caesarian leaders themselves. In Nicolaus' account, a fuller meeting of the Caesarian leaders (beyond just Antonius and Lepidus, who received the assassins' envoys) appears to have taken place at some point on the following day, the 16<sup>th</sup>. Although Nicolaus is the only source for such a meeting, it seems almost certain that the surviving Caesarian leaders met to discuss the situation in much the same way as the assassins and their supporters held their meeting on the Capitol before sending out their envoys. In Nicolaus' account of this meeting, a variety of opposing views were put forward, with Lepidus advocating vengeance and Hirtius, supported by Antonius, advocating peace. All of this is what one would expect. However, it is exactly at this point, without a decision having been

reached, that Nicolaus' text breaks off with a substantial lacuna. Consequently, one can only speculate as to what happened next.

From my discussion in Chapter I of the senate meeting of 17 March, and the compromise agreement that was decreed that day, it is a reasonable assumption that this meeting of the Caesarian leadership, as described in part by what survives of Nicolaus' account, concluded with a decision to pursue peace negotiations with the assassins. Unlike in Appian's account, however, one should probably presume that some sort of negotiation between the assassins and the Caesarians was conducted, via envoys, during what remained of the time before the senate meeting on the morning of the 17<sup>th</sup>. At any rate, it is difficult to believe that the terms of the compromise agreement, as it was put forward by Antonius and supported by Cicero, would have been such as they were without a prior arrangement between the two groups.

Having now discussed the deliberations and negotiations prior to this crucial senate meeting of 17 March 44, what conclusions can be drawn? First, this example illustrates the difficulties in analyzing private meetings. Even for a senate meeting as crucial as this one, and for which there are numerous references (to the senate meeting, that is) in the surviving ancient sources, the available evidence for the private meetings is decidedly slim. Moreover, the problem is further compounded by the issue of reliability. The relatively negligible information provided by Cicero, the only participant whose references to the event appear in any surviving text, means that it is impossible to corroborate to any meaningful degree the details in the two surviving later accounts. Which sources were used by Nicolaus and Appian to construct their accounts of this event? Did either or both use other participant accounts, or hearsay accounts from contemporaries, that have not survived? Or is most or nearly all of what appears in

their accounts a reconstruction of what seemed plausible or appropriate to each author? The lack of evidence prevents a definitive conclusion.

Nevertheless, some tentative conclusions can be drawn. First, it is significant that both Nicolaus and Appian include private meetings in their narrative accounts. It is clear that both authors believed that such deliberations and negotiations took place, and that they were important enough to be included in their accounts.<sup>8</sup> However, since the two accounts are not in complete agreement, as has been demonstrated in the analysis, it is necessary to choose one over the other. It is my opinion that Nicolaus' account is to be preferred on all points for where it survives. To begin with, Nicolaus was a virtual contemporary of Augustus, and thus far closer to events than Appian, who was writing nearly two centuries after them. Moreover, Nicolaus' account is far more detailed and complex than Appian's, which suggests that he was better informed and more interested. To this may be added the fact that Appian's account can be shown to be seriously flawed by his mistake in placing the senate meeting on the 16<sup>th</sup>, a mistake that curtails and skews his account of the private meetings. A final point is that, with the necessary reservations about being unable to know for certain Nicolaus' sources and methods, there is nothing to suggest that Nicolaus' account is inaccurate. In terms of plausibility, it is not incongruous with what one would expect. If anything, it appears to be the most plausible version on all points for as much of it as survives.

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<sup>8</sup> The fact that none of the other surviving imperial authors who present an account of this senate meeting mention the behind the scenes negotiations does not negate the significance of this point. In the case of the biographers Plutarch and Suetonius, the absence can be explained by the different nature of their various biographies to Nicolaus' biography of Augustus. In the case of Dio, as has been discussed in Chapter I, his entire account of the event is structured so as to focus on his version of Cicero's speech; indeed, the account implies previous negotiations without actually mentioning them. The remaining accounts, such as in Velleius Paterculus' history, are too short for the absence to be meaningful.

A second main conclusion is that this example also illustrates the importance of oratory and persuasion in smaller group settings. In the case of both the assassins and the Caesarian leadership, small group meetings were held in order to debate and to decide on a policy for the future. Without doubt, the oratorical and persuasive skills that these leaders used in the *Curia* would have been adapted and used here, in these small group meetings, to persuade their colleagues to follow their plan amongst the others being put forward.

Associated with this is a third point, namely that the complexity of these various deliberations and negotiations that went on in these private meetings reveals the diversity of opinions between the leaders on all sides. It is quite clear that there were significant differences of opinions in both camps as to how to proceed. In the case of the conspirators, it would seem that this rather strategically crucial decision was deferred until after Caesar's assassination. One can presume that this was because it was a particularly divisive issue amongst the conspirators, who were, one must remember, of varied political backgrounds.

A final point concerns the relationship between these private meetings and the senate meeting that followed on 17 March. As was discussed in the introduction to this section, it is difficult to assess what impact any arrangements on policy agreed beforehand by selected leaders could have on any given senate meeting. It must have varied significantly, depending on the policy and on those involved in the deliberations and negotiations beforehand. In the case of this example, the fact that both Antonius and Cicero spoke in favour of the policy is likely to have had a significant persuasive impact on their fellow senators. However, as was discussed in Chapter I, this was a particularly lively senate debate, with a variety of speakers and competing proposals. It may be that

the relatively limited time for private meetings, coupled with the tense atmosphere in Rome, meant that the numbers of senators involved in these deliberations and negotiations, or made aware of the compromise proposal beforehand, was more limited than it might have been for a more routine matter. At any rate, there is no indication in the sources that any other senators besides those who had joined the private meetings of either the assassins or the Caesarian leaders were involved. Consequently, there is no evidence to suggest that, when the senators arrived for the meeting on the morning of 17 March, that the outcome of the debate had been arranged in advance and that the senate meeting was just a piece of political theatre. Rather, it would seem that the compromise agreement proposed by Antonius and supported by Cicero was decreed by the senate because enough senators were persuaded by the speeches and standing of those proposing it and by the arguments in its favour relative to the other competing proposals.

The other example of a private meeting that I shall examine in this section concerns a council of deliberation held in Antium in early June, perhaps on the 7<sup>th</sup>.<sup>9</sup> This was attended by Brutus, his mother Servilia, his wife Porcia, his half-sister (and Cassius' wife) Iunia Tertia, Cassius, Favonius, and Cicero.<sup>10</sup> The main topic of discussion was how Brutus and Cassius should respond to the grain commissions assigned to them by the senate on 5 June. Unlike the deliberations and negotiations that preceded the senate meeting on 17 March, there is a detailed account of this private meeting from one of its participants, namely Cicero. In a letter to Atticus written on the

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<sup>9</sup> The *terminus post quem* is 5 June, as this was the date of the senate meeting at which the grain commission was assigned to Brutus and Cassius; Cic. *Att.* 387.1 [15.9]. Shackleton Bailey tentatively assigns the date of the conference to ca. 7 June; Shackleton Bailey 1967: 97, 259.

<sup>10</sup> Cic. *Att.* 389.1 [15.11]. These are the participants mentioned by name by Cicero. His phrase *deinde multis audientibus* suggests that there were others there whom he has not named.

day after, Cicero describes in detail the course of the private meeting;<sup>11</sup> a second letter, written a few days later, provides some more information in response to Atticus' reply to the first letter.<sup>12</sup> Although the first letter forms one of the case-studies in Hutchinson's book on Cicero's correspondence, his interest is focused firmly on its literary elements.<sup>13</sup> In particular, it forms one of the three case-studies in his chapter on the use of dialogue in correspondence.<sup>14</sup> My interest, however, is focused firmly on what these two letters can reveal about the role of persuasion in this private political interaction. Before proceeding to discuss the meeting itself, however, it will be useful to consider the nature of these two letters as sources.

First and foremost, it must be stressed that the first letter, which provides the bulk of information about this meeting, is Cicero's account to his friend Atticus; it is not, despite Cicero's use of some *oratio recta*, by any means a transcript, not even of a small portion of the meeting. As Hutchinson demonstrates, both in his case-study of this letter in particular and throughout the book, Cicero's letters were carefully composed literary constructions.<sup>15</sup> This applies, as it does in this case, even to the letters written to Atticus, Cicero's most intimate friend. Indeed, the very use of *oratio recta* and dialogue is evidence of the artifice involved in Cicero's composition of this letter; given the less formal nature of much of Cicero's correspondence, the use of *oratio recta* and dialogue is not a standard element, making its appearance in a letter a clear indication of

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<sup>11</sup> Cic. *Att.* 389 [15.11].

<sup>12</sup> Cic. *Att.* 390 [15.12].

<sup>13</sup> Hutchinson 1998: 131-138. Indeed, this is quite evident in the parts of his discussion which touch on the historical and political aspects of the letter, which contain some very basic mistakes. Perhaps the most glaring of these is the following statement: "... he [Antonius] caused the Senate to pass legislation which gave Brutus the *praetor urbanus* a legal excuse, and requirement, to leave Italy, and Cassius with him (Hutchinson 1998: 132)." Beyond the fundamental fact that the senate did not pass legislation, Hutchinson has also managed to conflate two separate events, namely the granting of the *privilegium* to Brutus in April, and the assignment of the grain commissions to Brutus and Cassius on 5 June.

<sup>14</sup> Hutchinson 1998: 113-138.

<sup>15</sup> E.g. Hutchinson 1998: 138.

considered composition.<sup>16</sup> Thus, this first letter is Cicero's considered presentation to his friend Atticus of the meeting; it is by no means a complete account of the meeting (it is far too short for that), so what is there must be read as Cicero's selection of the key moments of the meeting, with the dialogue included to give a flavour of what was said, not to preserve the actual words spoken. Although my discussion here has focussed on the more famous, and, for my purposes, more important, first letter concerning this meeting, the same applies for the second letter.

As noted above, the prospect of the senate assigning grain commissions to both Brutus and Cassius on the Nones of June was first reported to Cicero by Balbus, who received the letter on 2 June, and who shortly thereafter wrote to Atticus about it.<sup>17</sup> In this first letter to Atticus on the subject, Cicero's reaction seems mixed; affronted at the lowliness of the assignment, but thinking that, in pragmatic terms, the assignments were better than nothing. A couple days later or so, Cicero had received a letter from Brutus, in which he had asked Cicero for his advice on what to do about the grain commissions.<sup>18</sup> Cicero's letter to Atticus is entirely deliberative, and it is clear that he did not know how to respond to Brutus' request for advice. Interestingly, at the end of the letter, Cicero seems to suggest that Servilia had more influence over Brutus than anyone else. These two letters help to explain, therefore, both the reason for the meeting, and for Cicero's participation.

Having set the scene for Atticus of his arrival and of the key persons in attendance, Cicero begins his account of the meeting by saying that it was Brutus who asked him what he ought to do, and that he responded that he should accept the Asiatic

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<sup>16</sup> Hutchinson 1998: 113.

<sup>17</sup> *Cic. Att.* 387.1 [15.9].

<sup>18</sup> *Cic. Att.* 388 [15.10].

grain commission. What is of interest for my purposes, however, is Cicero's description of his answer as an *oratio*; by the sounds of it, Cicero was delivering something along the lines of a prepared speech in order to persuade Brutus to adopt his advice. Indeed, when Cassius arrived late, Cicero delivered the speech again. Once Cassius had heard Cicero's speech, the nature of the meeting changes in this account; it moves from prepared oratory to open debate between Cicero, Brutus, and Cassius. It is in this part of the account that Cicero uses snippets of *oratio recta* and dialogue to capture the flavour of the discussion between the three men.

There then followed a third stage of the meeting, in which more joined in, and the topic changed from the grain commissions and what they should do to complaints and accusations about what had gone wrong. D. Brutus, who was not present, bore the brunt of the blame, with Cassius being his chief accuser; this is in line with Cicero's depiction of Cassius throughout this letter, in which his contrariness and stubbornness is juxtaposed to Brutus' seeking of advice and willingness to accept it. Cicero then waded into this discussion by telling everyone else what they should have done. Interestingly, although not entirely out of character given Cicero's comments in his previous letter before this meeting, it was Servilia, rather than Cassius, as one might expect, who interrupted Cicero and effectively told him to be quiet.

With this, the meeting now entered its final stage, in which the decisions were reached and announced. In the first letter, while Cicero makes it clear that Cassius announced his intention to leave Italy, yet also to spurn the grain commission, Brutus' decision as regards the grain commission is not so clearly stated; Atticus must also have been unsure on this point, for he apparently requested clarification in his reply, and Cicero in the second letter specifically states that Brutus' intention was to accept the

grain commission and to depart for Asia. Moreover, Brutus also decided to refrain from returning to Rome because of the risk to his person, and agreed to hold, *in absentia*, the *ludi Apollinares*, though, significantly, still under his own name.

In a rather startling revelation about Servilia's informal political power, Cicero simply tells Atticus that Servilia would see to it that the grain commission was removed from the senate decree of 5 June. This was no slip on Cicero's part either, as he repeats it again in the second letter. Unfortunately, Cicero does not elaborate on how exactly Servilia would do this, but she must still have had some considerable influence amongst the Caesarian leaders to make this claim; nevertheless, as discussed in Chapter I, the grain commissions do not appear to have been repealed, and both Brutus and Cassius spent the summer gathering fleets and left Italy in the autumn ostensibly for these grain commissions.

Although there only survives Cicero's account of this meeting that he wrote as a literary construction for Atticus, certain conclusions can be made with reasonable confidence. First, my examination of this meeting helps to reinforce my earlier conclusion in this section that oratory was not restricted to formal settings such as senate meetings or *contiones*, but that it had a role to play even in small group meetings. Second, and most significantly, this is an instance where oratory clearly mattered, of people being persuaded by what was said, and that this played an important role in their decision-making process. At the very least, it appears that Brutus was sufficiently persuaded by Cicero's speech and arguments to follow his advice. Of course, one is reliant upon Cicero for this interpretation of Brutus' decision, but it is unlikely that Cicero is here purposefully misleading Atticus, especially given the fact that Brutus was

their mutual friend.<sup>19</sup> Third, and finally, this meeting illustrates the importance for the Roman elite of deliberations within a council of family, friends, and allies. There is no indication that this sort of council as described by Cicero here was a unique occurrence, except perhaps in the numbers of those present. The natural conclusion, therefore, is that these councils of deliberation, at which oratory and persuasion played a significant role, were a common part of the decision-making process for Roman elites.

### *Villas and Politics*

In this section, I shall examine the unique social setting of the villas of Rome's elites and the ways in which it fostered an atmosphere that was conducive for elites to engage in political deliberations and negotiations. Although I shall argue that the villas afforded Rome's elites with this unique social setting, this is not to say that similar sorts of private meetings involving political deliberations and negotiations did not also take place in Rome. My above discussion on the private meetings following Caesar's assassination is a good, albeit extraordinary, example of a series of private meetings that did indeed take place in the city. Rather, it will be my argument that the villas offered a different type of social setting from Rome that was, in some important aspects, more conducive to informal political discussions. Furthermore, our knowledge of private meetings is skewed towards those taking place in these villa settings as opposed to Rome because of the reliance upon Cicero for the best of the surviving evidence. This is because Cicero generally only describes and discusses these sorts of things in his letters to Atticus, and there is not a single surviving letter from this period written by Cicero to Atticus while the former was in Rome.

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<sup>19</sup> For more on the relationship between Atticus and Brutus, see Welch 1996: 463-466, 470-471

In order to discuss the unique social setting of the villas, and to examine how it fostered an atmosphere conducive to informal political discussion, it is not necessary to discuss certain specifics of the villas themselves, such as their architecture or operation, but it is necessary to consider questions such as: who owned villas, where were they situated, who visited these villas, when did they visit, and, most importantly, did they actually hold informal political discussions at these villas?

By this period, Rome's elites, or, more accurately, the upper echelons of the elite, had acquired a network of villas in different settings at which to relax while away from Rome. The first recorded pleasure villa was built by Scipio Africanus at Liternum on the Bay of Naples in the first decade of the second century.<sup>20</sup> It was in the following generation, however, with luminaries such as Scipio Aemilianus, Laelius, and Cornelia, that the building and acquiring of pleasure villas began to gather steam amongst Rome's elites, and to which one should assign the cultural activities associated with them.<sup>21</sup> A few generations later, the owning of villas was commonplace amongst the Roman elite; Cicero, for example, who was by no means the wealthiest, managed to acquire no less than six villas during his lifetime.<sup>22</sup> Although three of these were located around the Bay of Naples, the other three were not, with one on the coast at Formiae, one in the Alban hills at Tusculum, and one near his hometown of Arpinum.<sup>23</sup> In this discussion, I shall focus my attention on the two most important settings for the villas of the elite: the seaside pleasure villas around the Bay of Naples, and the rural villas set in the Alban and Sabine hills surrounding Rome.

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<sup>20</sup> D'Arms 1970: 1-2.

<sup>21</sup> D'Arms 1970: 14.

<sup>22</sup> Casson 1974: 138.

<sup>23</sup> Casson 1974: 138-139.

Stretching back all the way to Scipio Africanus at the beginning of the second century, the Bay of Naples was the prime location along the Italian coast for the seaside pleasure villa. By Cicero's day, it was *de rigueur* for the members of the upper echelons of Rome's elite to own at least one such seaside pleasure villa; between the years 75 and 31, for example, forty-four Roman elites (the figure excludes freedmen and native residents) are attested by name to have owned pleasure villas and private houses around the Bay of Naples.<sup>24</sup> A variety of factors no doubt contributed to this, including, but not limited to, the beauty and suitability of the topographical setting,<sup>25</sup> the reasonable travel distance from Rome,<sup>26</sup> the intellectual and cultural atmosphere of the city of Naples,<sup>27</sup> and, probably, the location of Rome's main commercial harbour at Puteoli.<sup>28</sup> One must also remember, however, to include amongst this list the very clustering of villas itself around the Bay of Naples as a strong factor in attracting more Roman elites to the area. This was particularly true of the area to the west of Puteoli, especially Cumae,<sup>29</sup> which was the most fashionable district, and Baiae, which by Cicero's day was infamous as a resort for Rome's elite.<sup>30</sup> This geographic proximity of the villas to one another, and the sheer number of villas, was the vital first step in enabling a social scene sufficiently large and diverse for informal political discussions to take place.

Since my purpose in discussing these villas is to assess how their social setting fostered an atmosphere that was conducive to informal political discussions, my focus is naturally upon the social setting of the villas owned and visited by Rome's political

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<sup>24</sup> D'Arms 1970: 171-201.

<sup>25</sup> D'Arms 1970: 45-48.

<sup>26</sup> Along the via Appia, the journey from Rome to Cumae, for instance, was 167 miles; Laurence 1999: 90-91.

<sup>27</sup> Casson 1974: 144.

<sup>28</sup> Casson 1974: 143.

<sup>29</sup> Casson 1974: 139.

<sup>30</sup> D'Arms 1970: 42-43.

elite, that is, its senators and magistrates. It is worth remembering, however, that Rome's senators did not form an isolated social class, and that they frequently interacted socially with non-senators, particularly those of the equestrian class and non-Roman intellectuals, both in Rome and also while on vacation. Moreover, the upper echelons of the non-political elite, including such influential persons as Atticus, Oppius, and Balbus, could be of equal or greater financial standing and just as intensively involved in politics without ever holding or standing for office.<sup>31</sup>

In considering the question of when Rome's political elites visited these villas, their vacation periods were necessarily tied to the political calendar. By this period, the senate traditionally had a spring recess, termed a *res prolatae*, from around 5 April until mid-May, during which no meetings were scheduled by custom.<sup>32</sup> Since this was the only scheduled break in the political calendar for senators, the *res prolatae* was the only regular opportunity in the year when senators could expect to make a trip to the Bay of Naples that would be long enough to make it worth the travel, and is in fact the only time of year in this period when senators are known to have vacation *en masse* in the villas around the Bay of Naples.<sup>33</sup> In the case of the year 44, the *res prolatae* was delayed by at least a week or more, on account of the impact on public business of Caesar's assassination.<sup>34</sup> Nevertheless, there is substantial evidence, as will be discussed below, that this pattern of political elites vacationing *en masse* in the villas around the Bay of Naples continued even in 44; Cicero, writing to Atticus from his villa at Puteoli

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<sup>31</sup> For a discussion on Atticus' involvement in politics, see Welch 1996: 450-471.

<sup>32</sup> Lintott 1999b: 74. There are no known meetings of the senate between 5 April and 15 May during Cicero's time as a senator except for the years 44 and 43, as will be discussed; Talbert 1984: 209.

<sup>33</sup> The vacationing *en masse* of senators in villas around the Bay of Naples during the *res prolatae* is first attested for 74; Cic. *Planc.* 65. Incidentally, this is also the first attested *res prolatae*, although it had almost certainly been going on for years before then.

<sup>34</sup> The senate was convened on 11 April, for instance, at which meeting was passed the *SC de Iudaeis*; Ramsey 1994: 143.

on 17 April, exclaims that: “There’s a great crowd here, and will be, as I hear, a greater, including the two so-called consul-designates.”<sup>35</sup> Only in the following year, when the *res publica* was in the midst of a civil war as Antonius’ legions besieged D. Brutus in Mutina and, Antonius himself was, in turn, confronted by the legions of Octavianus, Hirtius, and Pansa, was the *res prolatae* suspended while the senate met frequently to try to resolve the crisis.

Moreover, despite the fact that the spring recess was the only customary one for the senate during this period, this did not stop Roman senators from leaving the city at other times. It was common for the elites of Rome to leave the heat of the city in the summer and to escape to cooler climes, most particularly to their villas in the surrounding Alban and Sabine hills.<sup>36</sup> The close proximity of these villas to the city in terms of travelling time meant that senators could escape for breaks as short as a few days around scheduled senate meetings. Although Augustus would formally introduce an autumn break in September and October, with the exception of a small quorum chosen by lot, with his regulation of the senate’s calendar under the *lex Iulia de senatus habendo* in 9,<sup>37</sup> the scheduling of meetings in the months of September to November appears to have been haphazard at best in this period. This was due partly to the number of public festivals (on which days the senate could not meet) in September,<sup>38</sup> partly to the grape harvest,<sup>39</sup> and probably also partly due to its position at the end of the magisterial year. As was discussed in Chapter II, for instance, the senate is only known

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<sup>35</sup> “*Hic turba magna est eritque, ut audio, maior; duo quidem quasi designate consules* (Cic. Att. 363.2 [14.9]).”

<sup>36</sup> Casson 1974: 139.

<sup>37</sup> Talbert 1984: 200, 211.

<sup>38</sup> As was discussed in Chapter II, the first available day on which Antonius could convene the senate following Cicero’s speech against him on 2 September was 19 September; Ramsey 2003: 156.

<sup>39</sup> Talbert 1984: 211.

to have met in these three months in the year 44 on the 1<sup>st</sup>, 2<sup>nd</sup>, and 19<sup>th</sup> of September and on the 28<sup>th</sup> of November. Thus, many senators often left Rome during these months for their villas; Cicero, as but one example, left Rome in mid-October 44 and did not return to the city until 9 December.<sup>40</sup> Nevertheless, a senator was expected to maintain his permanent residence in Rome, and to be able to attend senate meetings announced at short notice; that this was still technically the case in this period is demonstrated by Antonius' outburst and threat at Cicero's absence from the senate on the Kalends of September 44.<sup>41</sup> Even so, the expectation had relaxed somewhat, with the result that senators frequently travelled within Italy, particularly at times when the senate was customarily in recess. Travel outside of Italy, however, was a different matter, and a senator needed to obtain permission (a *legatio libera*);<sup>42</sup> this was why, for example, Cicero sought and obtained (on 3 June 44) a legateship under Dolabella in order to visit his son in Athens.<sup>43</sup> In summary, then, the Roman senator, by this time, was accustomed to taking regular vacations at frequent intervals between April and December, relaxing in villas situated both around the Bay of Naples and in the Alban and Sabine hills.

A key prerequisite for a social scene conducive to informal politics is that the elites would have had to have maintained, or perhaps even expanded, their social connections while on vacation in close proximity to one another. Otherwise, if they only interacted with their closest friends and companions, there could not have been much in the way of informal politics going on. If, as is appropriate, I examine the evidence for

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<sup>40</sup> Cic. *Fam.* 353.1 [11.5].

<sup>41</sup> Cic. *Phil.* 1.11-12. Cf. Talbert 1984: 138.

<sup>42</sup> Talbert 1984: 139-140.

<sup>43</sup> Cic. *Att.* 389.4 [15.11]. Initially, Cicero had requested a votive legateship; Cic. *Att.* 385.1 [15.8]. However, as Cicero remarks to Atticus after his appointment, a regular legateship under Dolabella was more useful in that it would remain valid for the length of Dolabella's term as governor (five years); it also had the advantage, as it seems Atticus pointed out, of not appearing incongruous to be leaving Rome to pay vows made for the safety of the *res publica* after its overthrow (or so Cicero in his pessimism puts it).

April and May of 44, it is evident that there was, in fact, a significant amount of social interaction between elites of quite different political backgrounds. For example, a perusal of Cicero's letters to Atticus during this period reveals that he met with the consuls-designate Hirtius and Pansa,<sup>44</sup> Caesar's close associate Balbus,<sup>45</sup> Caesar's heir Octavianus,<sup>46</sup> his step-father Philippus,<sup>47</sup> the consular L. Caesar,<sup>48</sup> and the quaestor Lentulus Spinther,<sup>49</sup> among others. This list of names is important as it reveals that Cicero's social network was significantly diverse. Moreover, one should also keep it in mind that this is a list of only those whom Cicero felt it noteworthy to mention in his letters to Atticus; there is no reason to assume that it is by any means exhaustive. Although there is no equivalent list for other elites staying in the area, it would be unreasonable to assume that they would be substantially less diverse than Cicero's social network. Even if one supposes that Cicero was more active than some of his peers in seeking out opportunities for informal political discussions, this must be balanced by the potentially greater social networks of elites from more established aristocratic families. Furthermore, the social customs of the senators and equestrians would have ensured that interactions between the elites were a frequent occurrence whenever they were in near proximity. In particular, it was customary for members of the elite to stay at one another's villas.<sup>50</sup> Connected with the custom of hospitality were

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<sup>44</sup> Cic. *Att.* 365.2 [14.11].

<sup>45</sup> Cic. *Att.* 363.3 [14.9].

<sup>46</sup> Cic. *Att.* 364.3 [14.10].

<sup>47</sup> Cic. *Att.* 365.2 [14.11].

<sup>48</sup> Cic. *Att.* 371.2 [14.17].

<sup>49</sup> Cic. *Att.* 365.2 [14.11]. A quaestorship for 44 is assumed by Broughton on the basis of his serving as *proquaestor propraetore* under Trebonius in Asia; Broughton 1952: 325, 344.

<sup>50</sup> D'Arms 1970: 49-50.

the social obligations felt by the members of the elite towards one another; these frequently necessitated social calls, and, even more importantly, dinner parties.<sup>51</sup>

In summary, then, all of the evidence points to a setting and a social scene in which elite interactions were numerous and frequent while they were on holiday during the *res prolatae* in their villas around the Bay of Naples. These social interactions were also varied in form between social calls, dinner parties, and even accommodation overnight or for longer. And significantly, it appears that the Roman elites interacted on a social level with a diverse range of their fellow elites outside of their immediate circle of kin and companions. This last point is particularly important in assessing the extent to which these social interactions might have involved politics and persuasion. The diversity of social interactions is critical because it provides evidence that there were numerous opportunities in these social interactions for informal political discussions, debates, and, most likely, negotiations. Once again, the list of Cicero's reported social interactions during the *res prolatae* of 44 is virtually identical to the coalition that emerged later in the year to confront Antonius. Although there does not survive the same sort of evidence for the social interactions of other leaders during this period, it would be naïve to think that Cicero's politicizing while on vacation was unique. Indeed, the only similar environment in which one can imagine such a level of social interactions between Rome's elites is the city of Rome itself. What makes the Bay of Naples interesting, however, is that the relaxed atmosphere may have facilitated political discussion and negotiation in a way that was not so easy to manage in the more intense atmosphere in the city.

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<sup>51</sup> D'Arms 1970: 50-51.

Having now discussed the setting of the seaside pleasure villas around the Bay of Naples, and in particular the extensive social interactions between the members of the elite on their annual holiday there during the *res prolatae* in April and May, it is time to examine a different setting, that is, the villas of the elites closer to Rome, in the Alban and Sabine hills. It is necessary to treat these villas in the hills as a separate topic because, at least when it came to social interactions and politics and persuasion, they were of a distinctly different character.

The most striking and significant difference between these villas in the hills and the seaside pleasure villas around the Bay of Naples is that they were not clustered in close proximity to one another on anything approaching the situation in Cumae or Baiae. Although there were certain towns that were particularly favoured, namely Tibur and Praeneste in the Sabine Hills, and Tusculum in the Alban Hills, there were not the same conditions favouring the clustering of villas. These differences in proximity, and density, between the two settings for villas, meant that it was simply not possible for there to be a scene for social interactions between the elites that could rival the Bay of Naples during April and May in terms of diversity or frequency. This geographical factor was further compounded by the nature of Roman elite travel patterns; whereas it became *de rigueur* for the Roman elite to go on vacation around the Bay of Naples during the *res prolatae* in April and May, there does not appear to have been the same regularity and common timing on the part of Rome's elite when it came to travel to their villas in the hills. The most probable reason for this would seem to be the very proximity of these villas to the city of Rome; since Rome's elite could escape to their villas in the hills for short holidays, the timing of each trip could be more easily tailored to the specific circumstances of each.

As a consequence, these villas in the hills for the Roman elite were viewed as retreats from the obligations and pressures of the city, with the emphasis on quiet, cool, and shade.<sup>52</sup> Thus, these villas in the hills were particularly used during the hot summer months, when they would provide at least some respite from the heat. This is not to say, however, that these villas in the hills were in any way apolitical settings, just that the opportunities, and perhaps the expectations, for political discussion and negotiation were more limited than their counterparts around the Bay of Naples. Nevertheless, there are examples of these villas in the hills serving as a setting for politics. Perhaps the most famous instance of this occurred in the autumn of 44. As was discussed in Chapter II, Appian describes a rather astonishing political gathering shortly after the senate meeting on 28 November.<sup>53</sup> In his version, most of the senators, equestrians, and other leading Romans flocked to Antonius' villa at Tibur, where he was administering an oath to the soldiers and veterans present; an oath which, according to Appian, these Roman elites also took. Although it is impossible to corroborate Appian's story, it is entirely possible, as also noted in Chapter II, that Cicero's reference to a pernicious speech (*pestifera contio*) at Tibur before the senate meeting on 28 November in fact refers to this event described by Appian.<sup>54</sup> In either case, there is clear evidence for some sort of political gathering at Antonius' villa in Tibur either just before or just after the senate meeting on 28 November.

Having now discussed the role of persuasion within private meetings and to some extent the important but elusive role of these private meetings within Roman politics, as well as the unique social setting of the villas that fostered an atmosphere

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<sup>52</sup> Casson 1974: 145.

<sup>53</sup> App. *B Civ.* 3.46.

<sup>54</sup> Cic. *Phil.* 13.19. This is the suggestion put forward by Frisch and it seems to be a reasonable one; Frisch 1946: 155.

conducive to informal political discussions, it is time now to consider politics and persuasion in interactions between Roman elites when not meeting in person. Thus, the remainder of this chapter will consist of discussions of politics and the role of persuasion in different types of communications between Roman elites.

### *The Logistics of Communication*

In the remainder of this chapter I shall examine Roman elite correspondence, encompassing in my analysis both private letters and official dispatches. Accordingly, it will prove beneficial to discuss, in brief terms, the key aspects concerning the logistics of private correspondence and public communications before proceeding to consider the letters and official dispatches themselves.

When it comes to the logistics of communication, the logistics of travel only play a part in determining the time it took for a letter to reach its intended recipient. A government official (e.g. a governor of a province), had three different options available to him for sending a communication: 1) soldiers (*statores*); 2) lictors; 3) professional couriers/state slaves (*viatores*).<sup>55</sup> Normally, however, these messengers travelled by foot, and hence were also known as *cursores*.<sup>56</sup> Only in exceptional circumstances, such as from a battlefield, would a messenger be sent by horseback or carriage;<sup>57</sup> Caesar's message of victory at Pharsalus, sent by a relay of couriers, was noted precisely because it was exceptional.<sup>58</sup>

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<sup>55</sup> Tilburg 2007: 56-57.

<sup>56</sup> Tilburg 2007: 57. If travelling by foot, a person, depending on the quality of the road, could make up to thirty-five miles per day, which is about the same expectation for an army on the move; Laurence 1999: 82. The legal expectation, that is to say, the travel time allotted to appear in Rome for a praetor's summons, was twenty miles per day; Laurence 1999: 82.

<sup>57</sup> Tilburg 2007: 56-57.

<sup>58</sup> Caes. *B Civ.* 3.101.

The private citizen did not, however, have such a range of messengers available to him. Consequently, if an elite Roman wished to send a private communication, whether written or oral, the message had to be sent with a slave, either his own or, if he was writing a reply, that of the addressee.<sup>59</sup> In consequence, however, the delivery time for private correspondence was varied and unpredictable.<sup>60</sup> It was not simply a matter of the travel time between the sender and the addressee, if indeed his current (and future) location were known for certain. Naturally, this unpredictably was more specific to overseas destinations than to communication within Italy, where at least the rate of travel by road could be predicted. Since travel by sea necessitated finding a merchant vessel bound for the destination, a messenger could expect delays in port before embarking.<sup>61</sup> Once on the ship, the sailing times for a given route could vary widely, depending upon the season, the direction, and, of course, the winds.<sup>62</sup> As an example, three weeks was a good time in mid-October for a letter to travel from Rome to Athens;<sup>63</sup> on another occasion, it took six weeks.<sup>64</sup> An extreme example of the difference between sailing time and communication time concerns a letter sent by Cornificius in Africa to Cicero in Rome, which took three weeks to get there,<sup>65</sup> despite the normal sailing time only taking two to four days.<sup>66</sup> The difficulties of overseas communication were further compounded by the risk of sailing outside of the months of May to October; as a consequence, this greatly restricted the ability of those in Rome to

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<sup>59</sup> Tilburg 2007: 56-57.

<sup>60</sup> Duncan-Jones 1990: 25-26.

<sup>61</sup> Casson 1974: 153.

<sup>62</sup> Sailing against the prevailing winds, which in the summer blew from the northern quadrant, could more than double the sailing time; Casson 1974: 151-152.

<sup>63</sup> Cic. *Fam.* 119.1 [14.5].

<sup>64</sup> Cic. *Fam.* 337.1 [16.21].

<sup>65</sup> Cic. *Fam.* 373.1 [12.25].

<sup>66</sup> Duncan-Jones 1990: 25-26.

know what was happening in the provinces as the crises developed in the east over the winter of 44/43.

### *An Overview of Extant Elite Correspondence from 44/43*

Of the over 200 letters written in the period between the Ides of March 44 and the end of July 43 that are extant, all are to be found in the collections of Cicero's correspondence.<sup>67</sup> Of course, these letters survive in the collections of Cicero's correspondence precisely because of the fact that nearly all of them, with but nine exceptions in this period,<sup>68</sup> were either written by, or to, Cicero.<sup>69</sup> In an ideal world, we would have collections of the correspondence from at least several other leading figures in order to have a more representative sample of the level and nature of elite letter-writing. As it is, however, we only have Cicero's correspondence activity, and thus we must be especially careful in extrapolating from this corpus of evidence. This is because it is possible, though by no means certain, that Cicero may represent an extreme on the spectrum of Roman elite correspondence activity, something which is compounded by the exceptional level of correspondence activity by Cicero in this period when compared to the surviving output from any other period of his life.

On the other hand, some significant balance is to be found within this corpus of evidence itself, since, as it results from Cicero's correspondence activity, it preserves

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<sup>67</sup> This figure, and the one that follows, only takes into account the surviving letters, and thus does not include the fragments. For a discussion on the survival of the letters and collections of Cicero's correspondence, and in particular on those that have not survived, see Nicholson 1998: 63-105, esp. 76-87.

<sup>68</sup> These exceptions are: D. Brutus to Brutus and Cassius, Cic. *Fam.* 325 [11.1]; Brutus and Cassius to Antonius, Cic. *Fam.* 329 [11.2]; Brutus and Cassius to Antonius, Cic. *Fam.* 336 [11.3]; Cicero Jr. to Tiro, Cic. *Fam.* 338 [16.25]; Quintus Cicero to Tiro, Cic. *Fam.* 352 [16.27]; Plancus to the magistrates and to the SPQR, Cic. *Fam.* 371 [10.8]; Lentulus Spinther Jr. to the magistrates and to the SPQR, Cic. *Fam.* 406 [12.15]; Lepidus to the magistrates and to the SPQR, Cic. *Fam.* 408 [10.35]; D. Brutus and Plancus to the magistrates and to the SPQR, Cic. *Fam.* 418 [11.13A].

<sup>69</sup> For a recent discussion on the "publication" of the collections of Cicero's correspondence, see Beard 2002: 116-124.

not only some of the letters that he wrote, but, significantly, also some of the letters that he received. In addition to the nine letters mentioned above that Cicero must have received copies of, but which he neither wrote nor for which he was the addressee, there survive a substantial number of letters written by others to Cicero; of the 217 letters, or so,<sup>70</sup> surviving from this period, only 165 of them were written by Cicero himself. In other words, 52 letters, that is, around a quarter of the corpus from this period, were written by others. In total, there are letters surviving, that is, in non-fragmentary form, from fifteen different authors other than Cicero. Even if one discounts the letters written by Cicero's immediate family, i.e. his own son Marcus and his brother Quintus, that still leaves a sample of at least one letter each, and in the case of Plancus, D. Brutus, and Brutus, for example, quite a few more, written by thirteen Roman elites other than Cicero with which to balance my study of correspondence as a sphere of political activity and the letter as a medium of persuasion.

Before proceeding with my examination of political activity in Roman elite correspondence, it is worth discussing in a bit more detail the specifics of this corpus of evidence. In the collection of *epistulae ad Atticum*, there are 81 letters, with a date range in this period from 7 April 44 to mid-November 44. Of these 81 letters, 72 are from Cicero to Atticus (there are no surviving letters from Atticus to Cicero in this period), and nine of them are copies of letters between Cicero and other correspondents.<sup>71</sup> In the collection of *epistulae ad familiares*, there are 112 letters, ranging in date from March

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<sup>70</sup> This figure is not entirely fixed, as it includes one letter from Cicero to Dolabella that is duplicated in the collections *epistulae ad familiares* and *epistulae ad Atticum*: Cic. *Fam.* 371A [14.17A]; Cic. *Att.* 326 [9.14]. Also, the dating of certain letters is open to debate, the most famous example being the letter from Cicero to Minucius Basilus; Cic. *Fam.* 322 [6.15]. Cf. Shackleton Bailey 1977: 461-462.

<sup>71</sup> These nine are: Antonius to Cicero, Cic. *Att.* 367A [14.13A]; Cicero in reply to Antonius, Cic. *Att.* 367B [14.13B]; Cicero to Dolabella, Cic. *Att.* 371A [14.17A]; Cicero to Plancus, Cic. *Att.* 407A, B, E [16.16A, B, E]; Cicero to Capito, Cic. *Att.* 407C, F [16.16C, F]; and Cicero to C. Cupiennius, Cic. *Att.* 407D [16.16D].

44 until the end of July 43. The two most numerous exchanges are with D. Brutus (fourteen from Cicero; ten letters to Cicero) and with Plancus (thirteen from Cicero; eleven letters to Cicero). The next two most numerous exchanges in this collection are significantly different, in that the surviving letters are nearly all written by Cicero. These two exchanges are with Cassius (ten letters from Cicero; two letters to Cicero) and Cornificius (fourteen letters from Cicero; none of his letters to Cicero survive). The remaining 28 letters of the collection are spread between eighteen different correspondents.<sup>72</sup> These figures do not include the nine letters mentioned above, in which Cicero is neither the author nor the addressee, all of which are included in the collection of *epistulae ad familiares*. Finally, there is the small collection of *epistulae ad Brutum*, which consists of 24 letters exchanged between Cicero and Brutus over a period ranging from 1 April to 27 July 43; Cicero wrote seventeen of these letters, Brutus seven.

What this overview of the letters in the three collections of Cicero's correspondence demonstrates is that Cicero was at the centre of an extensive and active network of correspondents during this period. Without a doubt, the sheer number of letters surviving, over 200, from a period of only sixteen months, is remarkable and unmatched in the ancient world. Indeed, it represents just under a quarter of the entire corpus of Cicero's surviving correspondence. With this in mind, it would be impossible, given the scope of this thesis, to discuss the individual letters on their own, in the same manner as I have done with some of the individual speeches in Cicero's *Philippics*, or to

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<sup>72</sup> These eighteen correspondents are: Minucius Basilus (one letter from Cicero); Pompeius Bithynicus (one sent and one received); Dolabella (one from Cicero); Trebonius (one sent and one received); Tiro (two received); Trebatius (three received); Oppius (one received); Matius (one sent and one received); Papirius Paetus (one received); Pollio (three sent); Lepidus (one received and two sent); Galba (one sent); Furnius (two received); Lentulus Spinther Jr. (one sent); Cassius Parmensis (one sent); Furnius (one received); Appius Claudius Pulcher Maior (one received); and Brutus (one received in this collection).

even attempt an analysis of all the different aspects and characteristics of this corpus in general. Such a study is worthy of its own monograph. Rather, my discussion of these letters in the remainder of this chapter will be focussed on addressing two questions: did letter-writing represent for Roman elites another sphere for political activity in this period, and, if so, what was the nature of this political activity? Were letters used for information, deliberation, persuasion, or all of the above?

### *Political Activity in Roman Elite Correspondence*

As regards the first question, my overview of the surviving corpus of Cicero's correspondence in the previous section, and indeed my use and discussion of these letters throughout this thesis so far, leave no room for doubt that letter-writing was a sphere of political activity for Cicero and his correspondents. Given the level of political involvement and activity by Rome's elites, and the fact that, with only a few exceptions, the surviving letters in this period are between these members of the Roman elite, not only should this answer come as no surprise, but it should be expected. This being said, however, one must be careful not to over-emphasize. Politics was but one of the motivations behind Roman elite letter-writing; while it is true that politics was clearly a primary motivation behind some letters written during this period, there are still plenty of other letters that have nothing to do with politics directly. As Hutchinson points out, friendship (i.e. *amicitia*) was a fundamental social institution for Rome's elites, and letters were of critical importance as a means for maintaining it.<sup>73</sup> I have already examined the importance of *amicitia* for Rome's elites as it related to the social life that accompanied their villas; letter-writing was similarly another

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<sup>73</sup> Hutchinson 1998: 17.

obligation/expectation of elite society. Moreover, in assessing elite letter-writing as a sphere for political activity, it is worth remembering that politics may have been only one of a number of different motivations behind the writing of an individual letter, and only one of a number of different topics; the section(s) of the individual letter engaging in political activity always need to be considered within the context of the whole letter. In conclusion, therefore, it is not enough to say merely that letter-writing was a sphere of political activity for Rome's elite. It was, but letter-writing was also a sphere for other activities, the most significant being the maintenance of *amicitia* between members of the Roman elite.

To turn to the second question now, what was the nature of the political activity in these letters? Just as letters in general could be spheres for a variety of different activities, including politics, and just as each individual letter could have a variety of different motivations behind it and topics within it, so too could the nature of political activity in elite letter-writing vary significantly. In this discussion, I shall examine the three most important and relevant types of political activity in letters: information, deliberation, and persuasion.

#### *Acquiring and Disseminating Information in Roman Elite Correspondence*

The most basic political use of letters by Rome's elites was the acquiring and disseminating of information. In a world without modern media and instant communication technology, the dissemination of information was not a straightforward process, especially when one considers the vastness of the Roman empire and the

logistics of travel and communication.<sup>74</sup> For the Roman elite, however, this was a matter of particular concern, as their political, social, and economic activities necessarily made them interested in knowing what was happening in a wide variety of different places and circumstances. And the greater their involvement, the greater their need for information, and the greater the importance of its being current and reliable. In this section, I shall examine how Rome's political elite sought to satisfy their curiosity and need for information through the exchange of letters; this will take into account not only the importance of obtaining information, but also of controlling its dissemination. This will also be discussed further below in the section on Roman elite public communications.

Given the technical limitations on obtaining and disseminating information, it is to be expected that Rome's elites would turn to each other, either to find out what was happening, or to tell it. That this obtaining and/or disseminating of information should encompass the political sphere, and be transmitted via the personal letter, is only natural and in line with what I have discussed so far about Roman elite society and the connecting force of *amicitia*. Perhaps the most well-known case of information gathering and dissemination via the personal letter comes from a series of letters exchanged between Cicero and the young politician M. Caelius Rufus.<sup>75</sup> In the spring of 51,<sup>76</sup> Cicero left Rome to govern the province of Cilicia, and did not return to the city

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<sup>74</sup> Unfortunately, there is no monograph on the topic of news, rumour, and the dissemination of information for the period of the late republic, though there is an article by Laurence on the topic, albeit as it relates to elections and voting; Laurence 1994: 62-74. Two particularly useful and interesting studies on these issues, though from different periods and perspectives in the ancient world, are: Lewis 1996; Graham 2006.

<sup>75</sup> Cicero's letters to Caelius are: Cic. *Fam.* 80 [2.8]; 85 [2.9]; 86 [2.10]; 89 [2.14]; 90 [2.11]; 93 [2.13]; 95 [2.12]; 96 [2.15]. Caelius' letters to Cicero in this series are: Cic. *Fam.* 77 [8.1]; 78 [8.2]; 79 [8.3]; 81 [8.4]; 82 [8.9]; 83 [8.5]; 84 [8.8]; 87 [8.10]; 88 [8.6]; 91 [8.11]; 92 [8.7]; 94 [8.13]; 97 [8.14]; 98 [8.12]. The period covered by this series of letters is May 51 to September 50.

<sup>76</sup> Cic. *Fam.* 66 [3.3].

until 4 January 49.<sup>77</sup> As Caelius explains, at some length, in the first letter of this series, he is fulfilling the promise he made to Cicero before the latter departed to keep him up to date on everything happening at Rome, and even went to such an extent as to hire someone to assemble and write an information package to send along with the letter, which itself contains the news and rumours current in Rome.<sup>78</sup> However, in Cicero's reply, he chides Caelius because this is not what he wanted; he does not want to know about the common news (e.g. gladiatorial pairings), nor does he even want day-to-day political events (interestingly, he hears about these from other sources), but wants Caelius' political insights, not on what has happened or is happening, but on what will happen.<sup>79</sup> This series of letters stands at one extreme on the spectrum of the political use of letters for information; by no means do these letters represent the normal level of exchange of information in elite correspondence.

A more common level of information exchange can be seen in the numerous letters exchanged between Cicero and his close friend Atticus. The 72 letters written by Cicero to Atticus in the period after Caesar's assassination are particularly good examples of this because all of them were written when Cicero was away from the city. Consequently, he was especially reliant upon Atticus' letters from Rome to keep him informed of what was happening there and of the current rumours. Cicero writes such things to Atticus as: "Now pray don't grudge the effort of writing any news-and I am expecting many items-..."<sup>80</sup> and "Now do you suppose I hear anything at Lanuvium? You on the other hand in Rome must be getting news every day."<sup>81</sup> From December 44,

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<sup>77</sup> Cic. *Fam.* 143.2 [16.11].

<sup>78</sup> Cic. *Fam.* 77.1-2 [8.1].

<sup>79</sup> Cic. *Fam.* 80.1 [2.8]. Cf. Hutchinson 1998: 140.

<sup>80</sup> "Tu quaeso quicquid novi (multa autem exspecto) scribere ne pigere (Cic. *Att.* 355.2 [14.1])..."

<sup>81</sup> "Num quid putas me Lanuvi? at ego te istic cottidie aliquid novi suspicor (Cic. *Att.* 358.1 [14.4])."

when Cicero returned to Rome, his need for information changed; back at the political centre, Cicero now needed to find out what was going on at the periphery, in the provinces. Hence, from this date, there is a marked increase in the frequency and quantity of letters exchanged with various provincial governors, from whom he wanted to learn first-hand what was happening. Thus, for example, Cicero includes requests for information in letters to D. Brutus,<sup>82</sup> Plancus,<sup>83</sup> Cassius,<sup>84</sup> Cornificius,<sup>85</sup> etc.

Obtaining information was, however, only one side of the exchange. On the other side was the dissemination of information, something which was just as important a motivation in the exchange of letters between Cicero and his correspondents. Controlling the spread and content of information was a matter of great importance, and was, without doubt, a political consideration. In a state of crisis and civil war, such as existed from the autumn of 44 onwards, the political considerations of the dissemination of information would have been paramount. Much of the discussion and analysis of senate meetings and politics in this thesis draws upon the presentation of information in correspondence that was a direct result of Cicero's political interest in spreading his version of events to his correspondents. There is so much contemporary evidence in Cicero's correspondence precisely because the dissemination of information was politically significant in this period of crisis and civil war. This was obviously a primary motivating factor behind Cicero's efforts to establish himself at the centre of an extensive correspondence network. However, one must also remember that Cicero's correspondents were likewise politically motivated when they were disseminating information to Cicero; just as Cicero may have been one of their key sources of

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<sup>82</sup> Cic. *Fam.* 420.1 [11.25].

<sup>83</sup> Cic. *Fam.* 384.2 [10.14].

<sup>84</sup> Cic. *Fam.* 363.2 [12.4].

<sup>85</sup> Cic. *Fam.* 383.2 [12.25A].

information for what was happening at Rome, they were Cicero's sources of information for what was happening elsewhere.

While being able to present one's own spin goes a long way to explaining the effort expended by Cicero and his correspondents in disseminating information to one another, the control over the release of information was also of significant importance. One particular case nicely exemplifies this point. Brutus, in a letter not surviving, wrote to his sister Tertia and his mother Servilia asking that they keep quiet about Cassius' successes in the east until Cicero thought it proper for that information to be released.<sup>86</sup> However, news of Cassius' successes reached Rome before Brutus' letter, and thus the information could not be suppressed; interestingly, Cicero, for what it is worth, did not think the news should have been suppressed in any case.<sup>87</sup> While the obtaining and/or disseminating of information was a primary motivating factor for the political use of letters, and was a common element in nearly all such letters, it was only one such factor behind them. Over the next two sections, I shall discuss two other aims in the political use of private letters, namely deliberation and persuasion.

### *Deliberation in Roman Elite Correspondence*

At numerous points in this thesis I have discussed instances of deliberation, including in this chapter in connection with the conference held at Antium to deliberate over whether or not to accept the grain commissions assigned to Brutus and Cassius. In my discussion there, the importance of deliberations in a council of family, friends, and allies in the decision-making process for Roman elites was emphasized. However, given the mobility of Rome's elites at this time, it was frequently impossible for these sorts of

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<sup>86</sup> Cic. *Ad Brut.* 5.5 [2.5].

<sup>87</sup> Cic. *Ad Brut.* 5.5 [2.5].

deliberations in a council to be held. That these deliberations were in fact key to the decision-making process of Rome's elites is indicated by the very appearance of deliberation and the seeking of advice from their peers in private correspondence. That is to say, the fact that the act of deliberation was, when necessary, transferred from the setting of a council of family, friends, and allies to the substantially different form of personal interaction that is the private letter is a strong indication that it was an important stage in the decision-making process for Roman elites.

Of course, the very nature of deliberation means that it was not as common an element in these politically motivated letters as, for example, information. Whereas instances of asking for, or disseminating, information are to be found in letters exchanged between Cicero and a wide variety of correspondents, instances of deliberation are not. The reason, one may surmise, is that the act of asking for advice was almost always restricted to family, close friends, and allies; the same persons who would be invited to attend a council of deliberation are the only ones whose advice a Roman elite would be correspondingly likely to seek in a letter. The principle of *amicitia*, so influential in bringing about numerous social interactions, both in person and via letter, did not, however, extend to the act of deliberation. This distinction is clearly brought out in the instances of deliberation that are to be found in the letters for this period under consideration. The most common occurrences are in Cicero's letters to Atticus, whom Cicero consulted for just about everything. Given that the most difficult decision Cicero faced in the period covered by his surviving letters to Atticus after the Ides of March 44 was whether or not to remain in Italy, one should expect, and it is

indeed the case, that Cicero sought out Atticus' advice on what he should do in numerous letters.<sup>88</sup>

Cicero was not, however, unique in seeking the advice of others in his letters. Brutus too, sought the advice of others, including Cicero;<sup>89</sup> the magnitude of the decision, and the proximity of the people involved, were the reasons why Cicero attended the conference in Antium in person and did not send his advice by letter.<sup>90</sup> Later, however, when Brutus was in Dyrrachium and Cicero in Rome, no such meeting to deliberate in person was possible; consequently, Brutus wrote and asked for Cicero's advice about what to do with C. Antonius, whom he had captured.<sup>91</sup> There is no need to labour this point any further; it is abundantly clear that deliberation was a key stage in the decision-making process for Roman elites, and that the process of deliberation could be conducted not only in private meetings of family, friends, and allies, but also via personal letters with these very same people. Although the bias of the evidence means that numerous instances of deliberation are to be found in the letters from Cicero to Atticus, and also in the letters between Cicero and Brutus, there is absolutely no reason to assume that similar examples of deliberation would not be found if, for example, there survived letters between Antonius and Calenus.

### *Persuasion in Roman Elite Correspondence*

In this final part of the discussion on the nature of political activity in Roman elite private correspondence, I shall examine the private letter as a medium for persuasion. As pointed out by Hutchinson, persuasion plays a large role in the corpus of

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<sup>88</sup> E.g. Cic. *Att.* 367.4 [14.13]; 371.1 [14.17]; 372.6 [14.19]; 373.4 [14.18]; 374.5 [14.20]; 376.2 [14.22]; 380.1 [15.3]; 385.1-2 [15.8]; 389.4 [15.11].

<sup>89</sup> Cic. *Att.* 388.1 [15.10].

<sup>90</sup> Hutchinson 1998: 131.

<sup>91</sup> Cic. *Ad Brut.* 2.2 [2.3].

Cicero's correspondence, particularly in the collection of *epistulae ad familiares*, where it is a central feature.<sup>92</sup> Although Hutchinson states that it is more difficult to assess the role of persuasion in Cicero's letters to Atticus,<sup>93</sup> there are nevertheless clear instances even in these letters to his closest friend where persuasion plays a significant role. The most obvious case from the letters in this period is one which has been looked at already in connection with my discussion of the *First Philippic*. On 19 August, while aboard a ship near Pompeii, after having decided to abandon his voyage and to return to Rome, Cicero wrote a particularly emotional letter to Atticus.<sup>94</sup> After an initial paragraph in which Cicero describes events since 6 August, he proceeds, in the next four paragraphs, to justify his actions and to counter criticisms that Atticus had made in his last letter. This letter should serve as a reminder that persuasion could still have a significant role to play in the letters between even the most intimate of friends. Nor should the role persuasion could play be restricted to such clear instances as in this letter. One of Hutchinson's more insightful analyses of Cicero's letter to Atticus describing the conference in Antium is to highlight a persuasive aim on Cicero's part, namely to persuade Atticus of his (i.e. Cicero's) impeccable conduct and overall success at this meeting.<sup>95</sup>

With this in mind, it is time now to consider the role of persuasion in the exchanges of letters between Cicero and his other correspondents. In conjunction with the acquiring and/or disseminating of information, persuasion can easily be seen as a primary motive behind much of Cicero's correspondence in the collection of *epistulae ad familiares*. Just as in my discussion above on deliberation, the point is obvious and

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<sup>92</sup> Hutchinson 1998: 20.

<sup>93</sup> Hutchinson 1998: 20.

<sup>94</sup> Cic. *Att.* 415 [16.7].

<sup>95</sup> Hutchinson 1998: 137.

does not need to be laboured too much. Given Cicero's efforts to establish himself as a leader in the senate, both as a spokesman for the cause of the assassins and as the driving force behind organizing a coalition to destroy Antonius, it is natural that he would use every means at his disposal to persuade others to support him. The expense, in terms of time and resources, required to establish and maintain a correspondence network with himself at its centre is only understandable if one of Cicero's primary aims was to use these letters as a medium for persuasion.

The overview of the specifics of Cicero's correspondence presented earlier is particularly revealing. The patterns of the quantity and frequency of letters exchanged, and the identity of the correspondents, help to make clear what sort of role persuasion was playing in this correspondence network. Broadly speaking, from September 44 until the letters cease at the end of July 43, Cicero's correspondents are nearly all serving as officials and/or commanding forces outside of Rome.<sup>96</sup> These correspondents are, in order of the number of letters exchanged from September 44 onwards, as follows: Brutus (25), D. Brutus (24), Plancus (24), Cornificius (14), Cassius (12), Lepidus (3), Pollio (3), Furnius (2), Cassius Parmensis (1), Galba (1), Lentulus Spinther Jr. (1), and Trebonius (1).<sup>97</sup> In general terms, one can make a distinction in the nature of the persuasion and its role based on the identity of Cicero's correspondent. These can be broadly divided into two groups: 1) his political allies, such as Brutus, D. Brutus, Cassius, and Cornificius; 2) provincial governors of uncertain loyalties, such as Plancus, Lepidus, and Pollio.

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<sup>96</sup> Besides the eleven letters to Atticus in this period, the exceptions are Matius, Tiro, Papirius Paetus, and Appius Claudius Pulcher Maior. These exceptions only account for seven letters, out of a total of 132 if the letters to Atticus are included. The letters from January to April 43, which are 33 in total, are the subject of a bilingual edition and commentary by Willcock; Willcock 1995.

<sup>97</sup> These figures do not include the copies of the letters sent to the magistrates and to the SPQR included in the collection of *epistulae ad familiares*.

In the case of the first group, that is, Cicero's political allies, his primary purpose in using persuasion in his letters to them is to promote a common policy, and thereby to coordinate their strategies and actions. For example, when writing to D. Brutus in mid-December 44, Cicero makes the case that he (i.e. D. Brutus) should follow the example of Octavianus and of the soldiers of the *legio quarta* and the *legio Martia* in opposing Antonius and his forces without prior approval of the senate.<sup>98</sup> If D. Brutus, Cicero argues, were unilaterally to oppose Antonius without waiting for the senate's approval, this would improve the military situation by co-ordinating his actions with those of Octavianus and those mutinous soldiers under his command. It would also, however, improve the political situation, in that it would increase Cicero's chances of securing *post factum* legitimization from the senate for the illegal actions of Octavianus and the mutinous soldiers by their association (through this co-ordination) with the arguably more legitimate actions Cicero hopes would be undertaken by D. Brutus. In other words, in this letter, Cicero is attempting to persuade D. Brutus to a course of action that would in effect create a coalition of forces with which to oppose Antonius. This example is a particularly good illustration of persuasion aimed at developing a common policy that would lead to co-ordinating strategies and actions.

In the case of the second group, that is, provincial governors of uncertain loyalties, Cicero's persuasive aim is obvious, namely to secure their loyalty to the senate, and, more specifically, to his coalition against Antonius. His motivation is clear enough: all three (i.e. Plancus, Lepidus, and Pollio) were governors of strategically important provinces who could, during the course of the spring and summer of 43, determine the outcome of the conflict depending on which side they chose to support.

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<sup>98</sup> Cic. *Fam.* 354.2-3 [11.7]. On the correspondence between D. Brutus and Cicero, see now Hall 2009: 124-126.

This was particularly true in the case of Plancus, the governor of Transalpine Gaul, who, from September 44 onwards, received thirteen letters from Cicero and wrote eleven to him.<sup>99</sup> This level of correspondence far exceeds that exchanged with either Lepidus or Pollio, of which only three letters each survive.

There are two factors that perhaps explain the unique level of correspondence between Cicero and Plancus when compared to these other two. First, although Pollio was governor of a strategically important province, Farther Spain was not in the immediate vicinity of the campaign theatre as was Plancus' province of Transalpine Gaul. Consequently, Pollio, and the forces under his command, were of less immediate value and importance to Cicero than Plancus. Moreover, as Pollio complained in one of his letters to Cicero, overland communications between his province and Rome were stopped and intercepted by Lepidus, the governor of the neighbouring provinces of Nearer Spain and Narbonese Gaul.<sup>100</sup>

This point leads to the second reason, namely the differences in their relationships to Cicero, their political positions, and thus Cicero's chances of securing their political and military support against Antonius. These differences become clear when one compares the only surviving letter written by Cicero to Lepidus with another letter written by Cicero to Plancus on the same day regarding the same matter.<sup>101</sup> As was mentioned in Chapter III, a senate meeting was convened on 20 March 43 in order to discuss two dispatches, one sent by Lepidus and the other by Plancus, in which they each advocated peace. This was the meeting at which Cicero delivered the *Thirteenth*

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<sup>99</sup> The correspondence between Cicero and Plancus is now the subject of a case-study in a chapter entitled "Politeness and Political Negotiation" in Hall's new book: Hall 2009: 178-189.

<sup>100</sup> Cic. *Fam.* 368.1, 4-5 [10.31]. For more on this letter and on Pollio's relationship to Cicero, see now Hall 2009: 82-83.

<sup>101</sup> Cic. *Fam.* 369 [10.27]; 370 [10.6]. For a comparison of the differences in tone between these two letters, see now Hall 2009: 186.

*Philippic*; notably, in the disseminated version of this speech, only Lepidus is criticized by name for advocating peace.<sup>102</sup> Cicero's letter to Lepidus is, as far as was possible in polite elite discourse, terse and vaguely threatening. For example, Cicero writes: "You will therefore, in my opinion, be wiser not to involve yourself in a kind of peacemaking which is unacceptable to the senate, the people, and every honest man."<sup>103</sup> Cicero is politely telling Lepidus to mind his own business, or else. In his letter to Plancus, however, the tone is different, and although Cicero also disapproves of Plancus' letter to the senate advocating peace, his letter reads as the reprimand of a friend. Cicero ends this letter by writing: "Prompted by good will, I have written rather gravely. You will prove the truth of my words by experience, in that path of conduct which is worthy of you."<sup>104</sup> There is no hint here of the hostility that underlies his letter to Lepidus. Nor does Cicero's reprimand in this letter appear to have damaged their relationship in any way, as there survive eight more letters written by Cicero to Plancus after this one, and nine more from Plancus to Cicero. That the bulk of the letters in their surviving correspondence exchange are from the months of April, May, and June 43 makes perfect sense if viewed in light of the fact of these two points discussed above, and keeping in mind Cicero's persuasive aim of securing Plancus' political and military support against Antonius.

Of course, even though Cicero placed himself at the centre of this extensive correspondence network, the use of persuasion was by no means one-sided; they also had their reasons for writing to Cicero, including persuasion. What then were the

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<sup>102</sup> Cic. *Phil.* 13.7.

<sup>103</sup> "itaque sapientius meo quidem iudicio facies si te in istam pacificationem non interpones, quae neque senatui neque populo nec cuiquam bono probatur (Cic. *Fam.* 369.2 [10.27])."

<sup>104</sup> "Haec impulsus benevolentia scripsi paulo severius; quae tu [in] experiendo in ea ratione quae te digna est vera esse cognosces (Cic. *Fam.* 370.3 [10.6])."

persuasive aims of Cicero's correspondents? Although these could be numerous, two in particular stand out as primary persuasive aims during this period. The first of these was to convince Cicero to use his influence in the senate on their behalf, usually in order to secure the passage of a decree favourable to them. Thus, for example, in March 43, Cornificius, as governor of Africa Vetus, wrote a dispatch to the senate, which he sent to Rome along with a personal letter for Cicero.<sup>105</sup> Although neither Cornificius' letter nor his dispatch survive, it is clear from Cicero's reply that Cornificius had requested that Cicero speak in the senate on his behalf. Moreover, it would seem, when the senate met on 19 March to consider the matter, that Cicero fulfilled Cornificius' request and was successful in persuading his fellow senators to vote for a decree honouring Cornificius.

The second of these persuasive aims was to convince Cicero of their good intentions and of their loyalty to the senate. This was particularly the case with the three Caesarian governors of the western provinces, namely Pollio, Lepidus, and Plancus. All three, in their surviving letters to Cicero, are careful to express clearly and repeatedly their good intentions and their loyalty to the senate. Pollio, for instance, writes: "You must consider this army, which I have refused to sell for any rewards or to reduce out of fear of the dangers held over my head in the event of these people winning the war, as kept and preserved for the *res publica*."<sup>106</sup> Even Lepidus, despite the terseness of Cicero's letter to him, protests his loyalty: "As for this war, I shall not fail the senate or

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<sup>105</sup> Cic. *Fam.* 373.1 [12.25].

<sup>106</sup> "Itaque quem exercitum neque vendere ullis praemiis volui nec eorum periculorum metu quae victoribus illis portendebantur deminuere, debetis existimare retentum et conservatum rei publicae esse atque ita credere (Cic. *Fam.* 416.5 [10.32])."

the *res publica*.”<sup>107</sup> It was Plancus, however, who wrote by far the most letters to Cicero, the primary purpose of which were to constantly reaffirm his allegiance, both to the senate and to the coalition against Antonius. Indeed, this is even the case in his last surviving letter to Cicero, written as late as 28 July 43, well after Lepidus and Pollio had joined their forces to Antonius.<sup>108</sup> Nevertheless, in the scathing opinion of Velleius Paterculus, at least, this was merely a show to keep his options open until he finally decided to betray D. Brutus and to join his forces to those of Antonius, Lepidus, and Pollio.<sup>109</sup> Whatever Plancus’ actual thoughts, Velleius Paterculus is correct in concluding that these statements of loyalty to the senate allowed Plancus to delay a final decision on which side to support until the military situation had been cleared up, which happened once Lepidus and Pollio joined their forces to Antonius and once Octavianus failed to pursue Antonius aggressively following his retreat from Mutina. Several times in the above discussion I have mentioned governors sending dispatches to the senate, and it is time now to conclude this chapter by examining the surviving examples of these.

#### *Official Dispatches to the Magistrates, the Senate, and the People of Rome*

In this section, I shall examine the political use of public communications, specifically in the form of official dispatches addressed to the magistrates, the senate, and the people of Rome. A number of these have already been examined in connection with the senate’s discussion of them in various meetings, as well as above in this chapter in connection with associated private correspondence. However, only four from

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<sup>107</sup> “*Quod ad bellum hoc attinet, nec senatui nec rei publicae deerimus* (Cic. *Fam.* 396.2 [10.34]).” For more on this letter, see now Hall 2009: 103-105.

<sup>108</sup> Cic. *Fam.* 428 [10.24].

<sup>109</sup> Vell. *Pat.* 2.63.3.

amongst the numerous known official dispatches sent by promagistrates are preserved in the collections of Cicero's correspondence from the period in question, and these will be the focus of my discussion in this final section.<sup>110</sup>

Before discussing each of these four official dispatches in turn, it is worth considering what they are. As stated, I am restricting my discussion here to official dispatches addressed to the magistrates, the senate, and the people of Rome. First and foremost, these official dispatches were written and sent in order to be read out at a senate meeting, meaning that the primary intended audience were the senators and those magistrates in attendance. This is understandable, given the senate's traditional prerogative in overseeing foreign affairs and provincial administration, under challenge though it may have been by this period.<sup>111</sup> The senate's prerogative must, however, be balanced against the fact that these promagistrates held *imperium*, and thus they had the authority, not to mention the expectation, to act independently according to their own judgement. There is no indication that these official dispatches were something akin to required reports for governors and commanders to submit to the senate on a regular basis while away from Rome. This is important, because one must not make the mistake of viewing these official dispatches as anything other than intentional political acts.

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<sup>110</sup> It is worth pointing out that those two letters from Brutus and Cassius, in their capacity as praetors, addressed to Antonius, in his capacity as consul, preserved in the collection *epistulae ad familiares*; Cic. *Fam.* 329 [11.2]; 336 [11.3]. While it could be argued that these letters were a form of public communication, they are nevertheless quite distinct in nature and form from the official dispatches that I shall examine in this section. It is perhaps best to consider these two letters as a semi-private, rather than public, form of communication. Although clearly circulated to a wider audience than their addressee (in that they are preserved in Cicero's correspondence), they were, nevertheless, not written as official public communications. Their wider circulation was presumably intended to make others aware of their contents, and perhaps also to prevent misrepresentation and disinformation. Related examples are the copies of a letter written by Antonius to Cicero, and Cicero's reply, preserved in the collection *epistulae ad Atticum*; Cic. *Att.* 367A [14.13A]; 367B [14.13B].

<sup>111</sup> Of course, the clearest example of this challenge was Antonius' decision to exchange his province of Macedonia, as assigned by the senate, for the two Gauls and to prorogue his and Dolabella's tenure to a period of five years, and then to bypass the senate by submitting the motion to the assembly; App. *B Civ.* 3.27-30.

Each of these were deliberately written and sent in order to persuade the senate, either of something or in order to get something.

The first such official dispatch from this period to be preserved was written by Plancus on ca. 20 March 43.<sup>112</sup> As noted above, 20 March happened to be the day on which the senate met to discuss an earlier dispatch from Plancus, along with one from Lepidus. As discussed in Chapter III, in addition to sending the dispatch, Plancus had also sent his legate C. Furnius to address the senate in person, with the result that Furnius' message differed from the earlier dispatch written by Plancus,<sup>113</sup> a difference evidently due to Furnius' discernment of the changed political atmosphere at Rome. Given that the dispatches written by Plancus and Lepidus, in which they advocated peace, were not favourably received by the senate, and especially given the confusion arising from the different message delivered by Furnius, it is understandable that Plancus would choose to send another written dispatch so soon afterwards.<sup>114</sup> As was the case with the first dispatch, a personal letter to Cicero accompanied it, as well as another messenger to discuss matters with Cicero in person and in private.<sup>115</sup> This second dispatch, and the personal letter for Cicero, delivered by the messenger M. Varisidius, arrived in Rome on 7 April.<sup>116</sup> Interestingly, the official dispatch was given to Cicero to read before it was delivered to Cornutus, the urban praetor and at this point the most senior magistrate in Rome.<sup>117</sup> As I have already discussed the senate meeting that followed the arrival of this official dispatch in Rome in some detail, there is no

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<sup>112</sup> Cic. *Fam.* 371 [10.8].

<sup>113</sup> Cic. *Fam.* 370.1 [10.6].

<sup>114</sup> Of course, this is not to say that word of the senate meeting on 20 March had reached Plancus in Transalpine Gaul. Rather, it is likely that Plancus had received word that the political atmosphere in Rome was now different to what he had surmised it to be when he wrote the first dispatch.

<sup>115</sup> Cic. *Fam.* 372.1 [10.7].

<sup>116</sup> Cic. *Fam.* 377.1-2 [10.12].

<sup>117</sup> Cic. *Fam.* 377.3 [10.12].

need to discuss it further here, suffice to say that, after prolonged debate, Cicero persuaded his fellow senators to support his motion in favour of Plancus.<sup>118</sup>

With this background and outcome in mind, it is time now to consider Plancus' dispatch itself. The key theme and message of Plancus' dispatch is his loyalty to the senate and to the coalition against Antonius. Connected with this, however, and taking up the bulk of the dispatch, is an elaborate explanation of his behaviour. Plancus attempts to explain that he had not publicly professed his loyalty to the senate and to the coalition against Antonius in such terms before because he needed time to assess public opinion (specifically within his province but also the opinions of his neighbouring governors) and to prepare his forces in secret. In the second part of the dispatch, Plancus outlines the forces he has prepared and the resources at his disposal, and offers them to the coalition against Antonius. Whether or not the senators believed Plancus' explanation of an elaborate ruse to allow him to make his preparations in secret is immaterial; Cicero's staunch support in the senate debate and the presumably honorific decree eventually passed by the senate is evidence that his offer to join the coalition against Antonius was accepted.

The second surviving dispatch was written by P. Cornelius Lentulus Spinther, who was serving as *proquaestor propraetore* in Asia, and had been Trebonius' quaestor until he was expelled by Dolabella.<sup>119</sup> This dispatch was written on 29 May 43, with a postscript added on 2 June, and, like Plancus' dispatch, was accompanied by a private letter for Cicero.<sup>120</sup> In this personal letter to Cicero, Lentulus Spinther elaborates in

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<sup>118</sup> Alas, as pointed out in Chapter III, the nature of Cicero's proposal is unknown, other than that it strongly favoured Plancus, and that it was strongly opposed by Servilius and the tribune of the plebs P. Titius.

<sup>119</sup> Cic. *Fam.* 406 [12.15].

<sup>120</sup> Cic. *Fam.* 405 [12.14].

detail his actions in the east on behalf of the assassins, and makes the specific request that Cicero secure his (i.e. Lentulus Spinther's) appointment as a legate for the consuls in Asia.<sup>121</sup> As regards the dispatch itself, which is somewhat lengthy, Lentulus Spinther highlights the particular authority (specifically, his office of *proquaestor propraetore* and the senate decree condemning Dolabella as a *hostis*) for which he undertook each of his actions in the east following Dolabella's arrival. Beyond this, however, Lentulus Spinther had the specific aim, as he reveals to Cicero in the personal letter, of informing the senate of the disrespectful and treacherous actions of the Rhodians. Towards the end of the dispatch, Lentulus Spinther makes the briefest of mentions of his request to be appointed by the senate as a legate in Asia for the consuls. Unfortunately, by the time this letter and dispatch would have reached Rome, the contemporary evidence is sketchy at best, and there is no information as to whether or not this dispatch was read out in the senate, and if it was, how it was received and if Lentulus Spinther was given any further instructions or commands.<sup>122</sup>

The third dispatch to consider was written by Lepidus on 30 May, but, unlike the first two, was not accompanied, so far as is known, by any personal letter for Cicero.<sup>123</sup> It is also noticeably shorter, about 1/5 the length of Lentulus Spinther's dispatch. The reason for its brevity is simple: with this dispatch, Lepidus was informing the senate that his army had mutinied and joined forces with Antonius, and that therefore this had forced him to join Antonius as well. In addition to notifying the senate of his new allegiance, despite the fact that Antonius is never mentioned by name, Lepidus also

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<sup>121</sup> As an aside, Lentulus Spinther's apparent ignorance at the time of writing this letter on 29 May of the outcome of the battles against Antonius' forces in April, and of the deaths of both consuls, is a good indication of the difficulties of communication in this period.

<sup>122</sup> There is no indication in any other surviving sources, including numismatic, of his use of any other titles; Broughton 1952: 344, 364.

<sup>123</sup> Cic. *Fam.* 408 [10.35].

defends his actions, and those of his soldiers, as being done to save Roman lives. The dispatch concludes with the not so vague threat: “Do not treat the compassion shown by myself and my army in a conflict between fellow countrymen as a crime. If you take account of the welfare and dignity of all, you will better consult your own interests and those of the *res publica*.”<sup>124</sup> Unlike in the previous example, we know that Lepidus’ dispatch failed to persuade the senators not to take action against himself and his soldiers; on 29 June the senate condemned Lepidus as a *hostis*.<sup>125</sup> However, it may have been persuasive in one respect, in that Lepidus and his soldiers were given until the Kalends of September to reverse their decision.

The fourth and final dispatch to examine was a joint one written by D. Brutus and Plancus on ca. 10 June 43.<sup>126</sup> Unfortunately, only the latter part of the dispatch survives, so it is impossible to know its original length. As Shackleton Bailey reasonably speculates,<sup>127</sup> this joint official dispatch was written shortly after the junction of their forces, which Plancus expected to come about by 9 June.<sup>128</sup> As it survives, this dispatch is in two parts. The first paragraph consists of the concluding part of a section detailing their military activities and the disposition of their forces. The final paragraph consists of an exhortation to be of good courage and to keep up the efforts, particularly in terms of supplies and forces to use against the enemy. In a later letter to D. Brutus, Cicero refers to this joint dispatch as being well-received by the senate.<sup>129</sup> There is no mention, however, of what action, if any, the senate took in

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<sup>124</sup> “...neve misericordiam nostram exercitusque nostri in civili dissensione sceleris loco ponatis. quod si salutis omnium ac dignitatis rationem habueritis, melius et vobis et rei publicae consulitis (Cic. *Fam.* 408.2 [10.35]).”

<sup>125</sup> Cic. *Fam.* 425.1 [12.10].

<sup>126</sup> Cic. *Fam.* 418 [11.13A].

<sup>127</sup> Shackleton Bailey 1977: 561-562.

<sup>128</sup> Cic. *Fam.* 414.3 [10.23].

<sup>129</sup> Cic. *Fam.* 422.1 [11.15].

response to this joint dispatch, or any indication as to the contents in the missing part(s) of the dispatch. This reference is repeated in similar language in a letter to Plancus as well, also with no further indications beyond that it was well-received by the senate.<sup>130</sup>

What, then, is one to make of the political use of official dispatches by governors to the magistrates, to the senate, and to the people of Rome? My examination of these four surviving examples from the period in question demonstrates that they can vary significantly in terms of their length and tone. While all generally share a common purpose in controlling the distribution of information, some, such as Lentulus Spinther's, contain specific requests of the senate, while others, such as Plancus', do not. A second feature seems to be the justification of their actions; in the cases of Plancus and Lentulus Spinther, this is more pronounced, but it is nonetheless a feature of all four dispatches. Third, what is notable, albeit by its absence, is the relative lack of seeking the senate's advice. Perhaps this is attributable to the difficulties in communication making such advice, if given in response by the senate, most likely of no use by the time it reached the governor in the province. However, it is also possible that the very act of seeking the senate's advice would undermine the justificatory aspect of these dispatches by bringing into question the governor's independence in his decision-making and the exercise of his *imperium*. Finally, these surviving examples of official dispatches, only a few of the number known to have been sent during this period, are a reminder of the important role of the senate even out in the provinces in the midst of a civil war. That so many governors and commanders felt it worthwhile to send these dispatches to the senate, and in some cases to make specific requests, either in the dispatch itself or through allies such as Cicero, is a strong indication that the

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<sup>130</sup> Cic. *Fam.* 423.1 [10.22].

senate's decrees mattered, even when the debates in the senate were now being matched by battles in the field.

### Conclusion

What my analysis throughout this chapter demonstrates is that politics and persuasion played a significant, though by no means exclusive, role in many different forms of Roman elite interactions taking place, or initiated (in the case of official dispatches), outside of formal public political interactions. Furthermore, it demonstrates that the nature of the politics involved in these elite interactions cannot be understood simply in terms of factions or personal ambitions; the content of these political interactions and debates mattered, that is to say, ideas mattered, none more so than about the current and future state of the *res publica*. Finally, in order to keep it brief here, not only was politics about something important, but it was seen as worth engaging in. In this chapter I have examined numerous instances and different types of political interactions involving the use of persuasion from throughout this period. If anything, the frequency of political debate and the use of persuasion appears to have intensified as the situation became increasingly militarized. Nor is the political activity and use of persuasion by any means limited to senatorial politicians like Cicero who did not command any forces themselves. Nearly every commander of note during this period seems to have tried to engage in the political debate at Rome, either via direct correspondence like the official dispatches that I have examined or through allied intermediaries like Cicero. What one can conclude from this is that the political debates at Rome, particularly those that took place in the senate, were seen as important, and thus worth engaging in, even by those who commanded military forces in campaigns against fellow Romans that would ultimately be decided on the battlefield.



## Chapter V: Politics, Persuasion, and the *plebs urbana*

### Introduction

In this fifth and final chapter, my focus changes from examining the twin themes of politics and persuasion in the horizontal interactions between Rome's elites to examining these twin themes in the vertical interactions between Rome's elites and the *plebs urbana*. This means that my particular focus will be on the city of Rome as the centre stage upon which this political drama unfolded. As was discussed in the Introduction, the role of the people, and more specifically, the *plebs urbana*, in the Roman republican political system has been a topic of significant scholarly inquiry and debate. As was also discussed in the Introduction, I am sympathetic to Millar's key argument that one should consider defining the Roman *res publica* as a democracy,<sup>1</sup> despite, as I noted there, my hesitation over the value of the term "democracy" itself, loaded, as it is, by twenty-five hundred years of history and radical changes in contexts and meaning. However, as also discussed in the Introduction, it is rather two of his related assertions in particular, which have recently been reinforced by the work of Morstein-Marx, that have influenced my approach to the study of Roman republican politics in this thesis: first, that politics in republican Rome was about real issues, and second, that oratory occupied a central role in this political system.<sup>2</sup>

Nevertheless, whereas both Millar's and Morstein-Marx's focus is primarily on oratory aimed at persuading the *plebs urbana*, and in particular, at *contiones*, my examination, while based on their approach, has differed in focus. In the first four chapters, while I examined the role of oratory as a primary, though by no means

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<sup>1</sup> Millar 1998: 11.

<sup>2</sup> Millar 1998: x, 1; Morstein-Marx 2004: 5-12.

exclusive (as demonstrated in the previous chapter), means of persuasion in political interactions, my focus was primarily on, though not limited to, horizontal elite interactions as opposed to Millar's and Morstein-Marx's focus on vertical elites-to-masses interactions. In this fifth and final chapter, on the other hand, my study will be more in line with theirs, in that I shall be examining the means by which Rome's elites attempted to persuade the people in various types of interactions in the aftermath of Caesar's assassination.

As was the case in the previous chapter, I shall not be examining the twin themes of politics and persuasion in vertical elites-to-masses interactions by means of a detailed event-by-event approach in order to discuss each and every known instance of elites-to-masses political interaction in this period. To do so would greatly exceed the scope available in this thesis to this topic, and would necessitate a substantial amount of repetition in terms of what has already been discussed in the thesis. Instead, I shall examine three case-studies of relatively well-documented and significant instances of attempted persuasion for a political purpose on the part of elites with the people as the intended audience. The first case-study will be a comparison of two attempts at popular persuasion, namely Brutus' production of the *ludi Apollinares* and Octavianus' production of the *ludi Veneris Genetricis*, both held in July 44. In the second and third case-studies, I shall examine two disseminated versions of speeches delivered at *contiones*: Cicero's *Fourth Philippic*, delivered at a *contio* after the senate meeting on 20 December 44, and Cicero's *Sixth Philippic*, delivered at a *contio* on 4 January 43 after the great senate debate that began on the Kalends of January had finally concluded.

The ludi Apollinares and the ludi Veneris Genetricis

In this section, I shall discuss the twin themes of politics and persuasion as they relate to Roman *ludi*, a type of elite-to-masses interaction with substantial political possibilities.<sup>3</sup> Although not a formal political interaction along the lines of *contiones*, sponsoring a *ludi* nevertheless afforded the sponsor the opportunity to interact with the people. However, it is important to note here that the audiences for the *ludi*, and, in particular, the *ludi scaenici*, are not to be equated solely with the masses as it often is with the audiences for *contiones*.<sup>4</sup> Although the bulk of any *ludi* audience would likely have come from the resident *plebs urbana*, in addition to those who travelled to Rome, either for the occasion or otherwise, one must not forget that a portion of the audience would have been composed of Rome's political and social elites, that is to say, its magistrates, senators, and equestrians.<sup>5</sup> Indeed, even the hierarchy of seating in the theatres for these *ludi* reflected the hierarchy of Roman society.<sup>6</sup> When considering the political use of these *ludi* by their sponsors, one must, therefore, remember that the

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<sup>3</sup> For a recent discussion of the socio-political dimension of ancient tragedy, see Hesk 2007: 72-91.

<sup>4</sup> Of course, a *contio* audience, regardless of its actual composition, and of the fact that, even in a packed Forum, it could only ever represent a tiny portion of the citizen body, nevertheless represented the *populus Romanus*. Moreover, actual composition and numbers must have varied with every *contio*, with the only restrictions on access being the ability to spare the time and the ability to get to the Forum in the often short period between the announcement and the commencement of a *contio*. I agree with Morstein-Marx's assessment that the most frequent constituents of *contiones* were likely to be those artisans and shopkeepers who worked in and around the Forum (i.e. the *opifices* and *tabernarii*), and, *contra* Mouritsen, that there was unlikely to be a large elite presence at *contiones*; Mouritsen 2001: 45; Morstein-Marx 2004: 41-42, 68-72. That being said, it is important to stress, as Morstein-Marx does, that this does not mean that the audiences at *contiones* were composed of ignorant masses devoid of civic knowledge; its likely main constituents, the *opifices* and *tabernarii*, were hardly the poorest members of the citizen body, but, on the contrary, likely the more prosperous and better educated segment of the *plebs urbana*; Morstein-Marx 2004: 70. See also Mack 1937: 64, n.126; Brunt 1966: 14-16, 23-25; Treggiari 1969: 87-161.

<sup>5</sup> Cicero, for example, in writing to Atticus on 2 July 44, was complaining about Brutus nagging him to attend his production of the *ludi Apollinares* later that month; Cic. *Att.* 404.1 [15.26]. Although Cicero wrote that he would not attend because it would not be respectable for him to attend *ludi* while having stayed away from Rome because of the soldiers gathered in the city, he nevertheless expected daily accounts of these *ludi* from Atticus.

<sup>6</sup> The seats in the orchestra were reserved for senators, then the next fourteen rows were reserved for the equestrians, then married citizens, then unmarried citizens, then women, and, finally, the slaves at the very back; Rehm 2007: 197.

sponsors could be appealing both to the masses and to the political and social elites of Roman society.

There were two ways in particular by which sponsors of *ludi* could exploit the potential of these interactions with the people for political purposes. First and foremost, the act of sponsoring *ludi* was in and of itself an inherently political act. By this, I mean that the act of sponsoring *ludi* enabled the sponsor to display his munificence before the people. In so doing, the sponsor was undoubtedly hoping to increase his public standing through this act of publicly displayed generosity towards the people, and was, therefore, engaging in self-promotion.<sup>7</sup> Additionally, however, the act of sponsoring *ludi* also afforded the sponsor the opportunity to select the programme for the *ludi*. Depending on the sponsor's motives, if the sponsor had a specific political aim beyond improving his public standing, elements in the programme for the *ludi* could be selected and used to deliver a political message, to express elite values, and to act as a form of cultural control.<sup>8</sup> For the period under consideration in this thesis, there were two celebrations of *ludi* that are particularly noteworthy as political interactions and attempts at mass persuasion. These two *ludi* in question were both celebrated in July 44, and were the *ludi Apollinares*, sponsored by Brutus, and the *ludi Veneris Genetricis*, sponsored by Octavianus.

The *ludi Apollinares* were, according to Livy, first celebrated in Rome in 212 in order to achieve victory in the Second Punic War.<sup>9</sup> These initial *ludi* were organized by the urban praetor P. Cornelius Sulla, and were held in the Circus Maximus.<sup>10</sup> Although they were held in successive years, it was not until 208 that the *ludi Apollinares* were

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<sup>7</sup> Hesk 2007: 87.

<sup>8</sup> Hesk 2007: 87.

<sup>9</sup> Livy 25.12.15.

<sup>10</sup> Livy 25.12.14, 27.23.5.

made permanent, and their date fixed to 13 July.<sup>11</sup> Moreover, the celebration of the *ludi Apollinares* had on each of these occasions been organized by the urban praetor, and thus the annual celebration of these *ludi* became the urban praetor's responsibility when they were made permanent.<sup>12</sup> By the late republic, the *ludi Apollinares* were not only celebrated with the traditional day of *ludi circenses*, with its accompanying *pompa*, still taking place on 13 July, but had expanded to consist of seven days of *ludi scaenici*, which took place from 6 to 12 July.<sup>13</sup> Consequently, since Brutus was the urban praetor, it was his responsibility to sponsor and organize the production of the *ludi Apollinares* in 44.<sup>14</sup>

However, as was discussed in Chapter I, the demonstration of hostility by the *plebs urbana* following Caesar's funeral on 20 March had forced Brutus and the rest of the assassins to flee Rome. As a result, Brutus had sought, with Antonius' approval, and been granted, a *privilegium* by the senate in April, allowing him to be absent from the city.<sup>15</sup> Moreover, it was Antonius' brother Gaius, one of Brutus' colleagues in the praetorship, who assumed Brutus' duties as urban praetor in the latter's absence.<sup>16</sup> What this means is that it was under Gaius' supervision, and not Brutus', that the *ludi Apollinares* were celebrated in July 44. Just as significant is the fact that Brutus could have abdicated all responsibility and left everything concerning the production of the

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<sup>11</sup> Livy 27.23.7.

<sup>12</sup> Livy 27.23.5-7.

<sup>13</sup> Weinstock 1971: 156; Scullard 1981: 159-160; Ramsey & Licht 1997: 33-34.

<sup>14</sup> Scullard, while accepting the standard view of an eight day celebration, states that the *ludi Apollinares* were only celebrated over a seven day period in July 44, seemingly on the basis of two references in Cicero's correspondence to Atticus complaining about an announcement concerning the *ludi* using the term *Nonis Iulius*; Cic. *Att.* 409.1 [16.1], 411.1 [16.4]; Scullard 1981: 160. However, as Ramsey and Licht point out, these two references do not actually state that the celebration of the *ludi Apollinares* began on 7 July, but concern rather Cicero's, and Brutus', anger at the use of the new name of *Iulius* for the month, instead of the traditional name of *Quintilis*; Ramsey & Licht 1997: 44-45, n.13.

<sup>15</sup> Cic. *Att.* 360.1 [14.6]; *Phil.* 2.31.

<sup>16</sup> App. *B Civ.* 3.14, 23.

*ludi Apollinares* in Gaius' hands.<sup>17</sup> It is clear from the numerous references in Cicero's correspondence, as well as in later sources,<sup>18</sup> that Brutus took the opposite course, and expended considerable expense and effort to make the this celebration of the *ludi Apollinares* as lavish as possible.<sup>19</sup> This is a very significant point that has serious implications for understanding Brutus' political strategy in the spring and summer of 44. First and foremost, it means that Brutus, as was the case immediately following the assassination of Caesar, considered that it was worth his time, resources, and energy to court the people's approval and support. Furthermore, it must also mean that Brutus still considered it possible to win back the people's favour. This latter point is supported by a comment from Cicero in a letter to Atticus, in which he writes: "One thing rather bothers me, that Brutus doesn't seem in much of a hurry. To begin with he is waiting for news of the winding up of the games, and after that, so far as I can gather, he is going to make a slow voyage with a number of stops."<sup>20</sup> The clear inference, therefore, is that

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<sup>17</sup> Whether or not this would have been an option is difficult to say. Admittedly, this would have been, as Cicero points out, most humiliating: "Then not to celebrate the games! Could anything be more humiliating. *ludos vero non facere! quid feodius* (Cic. Att. 388 [15.10])?"

<sup>18</sup> Cic. Att. 389.2 [15.11], 390.1 [15.12], 395.2 [15.18], 404.1 [15.26], 405 [15.28], 408.1 [15.29], 409.1 [16.1], 410.1, 3 [16.5], 411.1, 4 [16.4], 412.3 [16.2]; *Phil.* 1.36, 2.31, 10.8; Plut. *Vit. Brut.* 21.3; App. *B Civ.* 3.23; Dio 47.20.2. Note, however, that Dio mistakenly states that Cassius was the urban praetor and was the one behind the lavish production of the *ludi*, although Dio is correct in stating that the *ludi Apollinares* were presided over in his absence by his colleague Antonius (i.e. Gaius).

<sup>19</sup> In addition to the testimony of the above sources as to the efforts and resources expended by Brutus in his production of these *ludi Apollinares*, there is also the fact that Brutus sponsored a second day of *ludi circenses*, in the form of a *venatio*, to take place on the day after the *ludi Apollinares* ended, i.e. 14 July; Cic. Att. 411.1 [16.4]. As Ramsey & Licht point out, a *venatio*, while sometimes associated with the *ludi Apollinares*, was not an official or regular part of the celebration, and thus Brutus' decision to sponsor a *venatio* immediately following his production of the *ludi Apollinares* is yet another indication of the lengths to which he went in order to try and win the people's support; Ramsey & Licht 1997: 45-46. As it is, the *venatio* is only attested in connection with two previous celebrations of the *ludi Apollinares*: first in 93, when sponsored by Sulla, and then again in 54, when they seem to have been sponsored by a certain Fonteius; Plin. *HN* 8.53; Cic. Att. 90.6 [4.15]. Of course, one must always exercise caution when making any sort of *argumentum ex silentio*; nevertheless, it seems a fairly safe assumption that providing a *venatio* went beyond the normal expectation.

<sup>20</sup> "*illud est mihi submolestum quod parum Brutus properare videtur. primum confectorum ludorum nuntios exspectat; deinde, quantum intellego, tarde est navigaturus consistens in locis pluribus* (Cic. Att. 411.4 [16.4])."

Brutus was still entertaining the notion that public opinion could swing back in his and his fellow assassins' favour, and thus allow them to return to Rome.<sup>21</sup>

It was quite a different situation, however, when it came to Octavianus' sponsorship and production of the *ludi Veneris Genetricis*.<sup>22</sup> These *ludi* were first celebrated by Caesar in September 46, and immediately followed upon his celebration of a quadruple triumph (for victories over Gaul, Egypt, Pontus, and Africa).<sup>23</sup> The dedication of Caesar's new temple of Venus Genetrix occurred on the last day of the quadruple triumph (i.e. 26 September 46),<sup>24</sup> with the new festival, the *ludi Veneris Genetricis*, commencing on the following day.<sup>25</sup> It is also noteworthy that Caesar combined this first celebration of the *ludi Veneris Genetricis* with *ludi funebres* for his daughter Iulia, even though she had died years earlier in 54.<sup>26</sup> As argued by Ramsey and

<sup>21</sup> This inference is also supported by Cicero's account, in that letter to Atticus, of the conference held by Brutus in Antium in early June, and which was discussed at length in Chapter IV; Cic. *Att.* 389.1-3 [15.11]. In Cicero's account, Brutus had had his heart set on returning to Rome, but had been persuaded against returning because of the threat to his safety. Interestingly, it is precisely in this letter that Cicero first mentions Brutus' decision to hold the *ludi in absentia* but under his own name.

<sup>22</sup> I agree with the extensive arguments of Ramsey and Licht, against the *communis opinio*, that the *ludi* celebrated by Octavianus in 44 were the *ludi Veneris Genetricis* (and not the *ludi Victoriae Caesaris*), and that these *ludi* were celebrated in the month of July for the first time in 44 (having previously been celebrated in the month of September in 46 and 45); Ramsey & Licht 1997: 1-57.

<sup>23</sup> Taylor 1931: 63. As Ramsey and Licht point out, although Weinstock's view of the triumphs being held in August, followed several weeks later by the *ludi*, is theoretically possible (in that Caesar arrived back in Rome on 25 July 46), to follow his reconstruction of events would only lessen the links between the quadruple triumph and the *ludi Veneris Genetricis*, which could hardly have been Caesar's aim; *B Afr.* 98 (for the date of 25 July 46); Weinstock 1971: 76, 79; Ramsey & Licht 1997: 183.

<sup>24</sup> Taylor 1931: 63; Koch 1955: 865; Ramsey & Licht 1997: 183-184. This date is given as 26 September 46 (i.e. *a.d. VI Kal. Oct.*) in the imperial *fasti* (*Arv.*, *Pinc.*, *Praen.*) with only one exception giving the date as 25 September 46 (i.e. *a.d. VII Kal. Oct.* in the *Vall.*); Degraffi 1963: 514. Cf. Ramsey & Licht 1997: 21, n.3. As reconstructed by Ramsey and Licht, on the basis of testimony in Dio and Suetonius, the quadruple triumph was celebrated with one day each per triumph, commencing on 20 September (to allow for a day between the end of the *ludi Romani* and the celebration of the first triumph), and with a day separating each triumph (i.e. triumphs celebrated on 20, 22, 24, and 26 September); Suet. *Iul.* 37.1; Dio 43.19.1; Ramsey & Licht 1997: 183-184.

<sup>25</sup> Ramsey & Licht 1997: 184. They cite as evidence for the *ludi* commencing on the day following the dedication of the new temple two precedents and one later example: 1) the temple of Juno and the temple of Diana in 179; 2) the *aedes Fortunae* in 173; 3) the *aedes Divi Iulii* in 29; Livy 40.52.2-3, 42.10.5; Dio 51.22.2-9 (incorrectly cited as Dio 42.10.5 in Ramsey & Licht 1997: 184).

<sup>26</sup> Plut. *Vit. Caes.* 55.2; Dio 43.22.3. Suetonius, however, does not mention when these *ludi funebres* for Iulia were celebrated, focussing instead on Caesar's announcement of them following her death; Suet. *Iul.* 26.2. Cf. Weinstock 1971: 89; Ramsey & Licht 1997: 52.

Licht, which is the view adopted in this thesis, Caesar celebrated the *ludi Veneris Genetricis* again in the following year, i.e. 45, with the *ludi* commencing on the anniversary of the dedication of the temple of Venus Genetrix, namely 26 September.

Turning now to discuss the celebration of the *ludi Veneris Genetricis* in the year 44, the first questions to consider are how and why Octavianus assumed responsibility for these *ludi*, and why he moved their date of celebration to July from September? It is important to stress that Octavianus sponsored these *ludi* under his own initiative; it was not, as was the case with Brutus, something that he was obliged or expected to do. According to the testimony of Pliny the Elder, Octavianus was a member of the college that had been established by Caesar to oversee the *ludi Veneris Genetricis*.<sup>27</sup> Nevertheless, Octavianus still seems to have needed some reason to explain why he was giving these *ludi* under his own name, and not in association with the other members of the college. Both Suetonius and Dio offer different, though not necessarily mutually exclusive, explanations. Suetonius states that Octavianus took over the responsibility for sponsoring the *ludi Veneris Genetricis* in 44 because those whose duty it was (presumably the other members of the college mentioned by Pliny the Elder) did not dare to do so, while Dio states that those whose responsibility it was to give the *ludi* were being neglectful.<sup>28</sup> In either case, Ramsey and Licht are correct in seeing both explanations as pretexts for Octavianus assuming sole responsibility, though perhaps on behalf of the rest of the college.<sup>29</sup>

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<sup>27</sup> Plin. *HN* 2.93. As Ramsey and Licht suggest, it was perhaps in his capacity as a member of this college that Octavianus was overseeing the Greek theatre at the first celebration of the *ludi Veneris Genetricis* in September 46, on which occasion, according to Nicolaus, Octavianus fell ill; Nic. Dam. *FGrH* 90 fr. 127.9.19; Ramsey & Licht 1997: 50-51.

<sup>28</sup> Suet. *Aug.* 10.1; Dio 45.6.4-7.1.

<sup>29</sup> Ramsey & Licht 1997: 50. Iulius Obsequens' statement could also be interpreted as supporting this view: "at the games in honour of Venus Genetrix, which he [Octavianus] gave on behalf of the college... *ludis Veneris Genetricis, quos pro collegio fecit* (Iulius Obsequens, *Prodigiorum Liber* 68)..."

If this was how Octavianus came to assume control of the *ludi Veneris Genetricis* for 44, there still remains the question of why he did so? In terms of motivation, although he may have had sentimental reasons, Octavianus sponsored this celebration of the *ludi Veneris Genetricis* in order to further his political ambitions. In the same manner as Brutus, Octavianus hoped to use his celebration of the *ludi Veneris Genetricis* in order to win popular favour. The significant difference, however, was their respective positions *vis-à-vis* the people in terms of their popular standing prior to July 44. Whereas Brutus' popular standing was so low as to actually prevent him from being able to attend his own games in person in safety, Octavianus was looking to build upon the not inconsiderable level of popular support that had accrued to him following his return to Rome and acceptance of Caesar's will and testamentary adoption. Nevertheless, it was not inconceivable, and Brutus certainly entertained such hopes, that a successful and particularly lavish production of the *ludi Apollinares* could soften public opinion towards himself and his fellow assassins, and perhaps even turn it around in their favour. It was, therefore, Octavianus' sensitivity to this very possibility that caused him to move forward his celebration of the *ludi Veneris Genetricis* to July 44 from their anniversary date of 26 September. Octavianus' intention was, without doubt, to undermine the potential impact of Brutus' *ludi*, and to offer a direct and immediate competition for the people's favour.

Having now examined the background and the various motivating factors and political aims behind these two *ludi*, it is time to compare and contrast the different efforts and programmes employed by Brutus and Octavianus in their attempts to win favour with the people through their sponsorship of these *ludi*, and to evaluate their success relative to one another. In terms of the expenditure by Brutus and Octavianus on

their respective *ludi*, it is impossible to know for sure how much each spent, either in absolute terms or relative to one another. Unfortunately, the sources are interested in different topics when it comes to the expenditure of the two sponsors. In Brutus' case, the comments regarding his lavish expenditure are included in the sources mainly in order to contrast this with the poor reception of his *ludi*.<sup>30</sup> In the case of Octavianus, however, the interest is rather in his payment of Caesar's testamentary gift to the Roman people, with an emphasis on the extent to which he bankrupted himself to fulfil Caesar's bequest.<sup>31</sup> Dio, however, does mention that Octavianus paid for these *ludi* out of private expense, which may hint at their having been lavish.<sup>32</sup> Interestingly, Appian's account of Octavianus' efforts to distribute Caesar's testamentary benefaction to the Roman people immediately precedes his description of the failure of Brutus' games,<sup>33</sup> while in Dio, Octavianus' efforts are mentioned immediately before a description of his celebration of the *ludi Veneris Genetricis*.<sup>34</sup> On the basis of Appian's passage, Taylor speculates that Octavianus distributed this money on 13 July, i.e. Caesar's birthday.<sup>35</sup> Surprisingly enough, neither Taylor nor Ramsey and Licht mention the passage in Dio in connection with Octavianus' distribution, despite the fact that it supports dating this event to the time of the *ludi Apollinares*. If, as seems likely, Octavianus distributed Caesar's bequest to the Roman people during the *ludi Apollinares*, perhaps even on 13 July, the most important day of the *ludi*, then the potential impact of Brutus' lavish expenditure on these *ludi* will have been undermined. This also explains the relative

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<sup>30</sup> E.g. Plut. *Vit. Brut.* 21.3-5; App. *B Civ.* 3.24; Dio 47.20.2.

<sup>31</sup> Plut. *Vit. Ant.* 16.-3; App. *B Civ.* 3.23; Dio 45.6.3. Cf. Plut. *Vit. Brut.* 22.3.

<sup>32</sup> Dio 45.6.4.

<sup>33</sup> App. *B Civ.* 3.23-24.

<sup>34</sup> Dio 45.6.3-4.

<sup>35</sup> Taylor 1931: 90. Ramsey and Licht assign Octavianus' distributions to the time of the *ludi Apollinares*, and while they mention Taylor's speculation, they do not accept or reject it; Ramsey & Licht 1997: 46, n.18.

silence of the sources on Octavianus' expenditure on his own *ludi*, while not necessarily leading to the conclusion that Octavianus' *ludi Veneris Genetricis* were any less lavish than Brutus' *ludi Apollinares*.

As was mentioned earlier in this section, the sponsor's opportunities for exploiting the political potential of *ludi* were not limited to a display of munificence towards the Roman people by lavish expenditure. There was also the opportunity for the sponsor to use his control over the programme of the *ludi* to deliver specific political messages. However, one suspects that this sort of detailed planning of the programme with the intent of delivering specific political messages was rather more the exception than the rule, requiring either a particularly politically motivated sponsor and/or an especially politically charged atmosphere. Of course, this is exactly the sort of situation that existed in July 44. This being the case, therefore, it is not surprising that evidence survives for both Brutus and Octavianus tailoring the programmes of their *ludi* to deliver specific political messages.

In the case of the *ludi Apollinares*, Brutus planned a production of Accius' *Brutus*,<sup>36</sup> a *fabula praetexta* about his illustrious "ancestor" L. Brutus.<sup>37</sup> The political message of this *fabula praetexta* would have been obvious to the audience, and no doubt Brutus hoped that it would persuade them that he and his fellow assassins had done the right thing in assassinating Caesar. However, since Brutus was not actually in Rome to oversee his games in person, it seems that matters were not completely under his control, since Antonius' brother Gaius, who, having taken over Brutus'

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<sup>36</sup> Cic. *Att.* 410.1 [16.5].

<sup>37</sup> Coulter 1940: 464-470. Indeed, whether or not Brutus could have been descended from the L. Brutus was still a matter of debate in Plutarch's day; Plut. *Vit. Brut.* 1.6-8.

responsibilities as urban praetor, was the one in charge on the ground.<sup>38</sup> Thus, it was not Accius' *Brutus* that was performed, but Accius' *Tereus*, something which came as a surprise to Brutus.<sup>39</sup> Nevertheless, Brutus was pleased with the performance of Accius' *Tereus* and its reception by the audience:

He [Brutus] seemed delighted about the *Tereus* and more grateful to Accius than to Antonius [Gaius]. For my part, the more gratifying it all is the greater my irritation and annoyance that the Roman people should employ their hands in clapping instead of defending the *res publica*.<sup>40</sup>

From a comment in Cicero's *Tenth Philippic*, it seems that Accius' *Tereus*, while perhaps not being as politically charged as his *Brutus*, nevertheless contained at least some verses of topical relevance: "And yet, were any games, any days ever more joyous than when the Roman People thundered its applause for the memory of Brutus as verse followed verse? The liberator was absent in the flesh, but the memory of liberation was there, and in that memory, as though plain to the eye, was the likeness of Brutus."<sup>41</sup> Unfortunately, Gaius' switch from Brutus' planned production of Accius' *Brutus* to Accius' *Tereus* is the only specific instance of Brutus' involvement in the programme selection attested in the sources, beyond, of course, his sponsorship of an additional day of *ludi circenses* in the form of the *venatio* on 14 July. What this incident reveals, nevertheless, is that Brutus did try and tailor the programme, at least in part, to deliver a specific political message, but that his inability to oversee the games in person to some extent thwarted his efforts.

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<sup>38</sup> App. *B Civ.* 3.23.

<sup>39</sup> Cic. *Att.* 410.1 [16.5].

<sup>40</sup> "delectari mihi Tereo videbatur et habere maiorem Accio quam Antonio gratiam. mihi autem <quo> laetiora sunt eo plus stomachi et molestiae est populum Romanum manus suas non in defendenda re publica sed in plaudendo consumere (Cic. *Att.* 412.3 [16.2])."

<sup>41</sup> "quamquam qui umquam aut ludi aut dies laetiores fuerunt quam cum in singulis versibus populus Romanus maximo clamore et plausu Bruti memoriam prosequeretur? corpus aberat liberatoris, libertatis memoria aderat: in qua Bruti imago cerni videbatur (Cic. *Phil.* 10.8)."

As regards the celebration of the *ludi Veneris Genetricis*, there are two clear examples recorded in the sources of Octavianus' efforts to deliver a specific political message. While both attempts centre around Octavianus using his relationship to Caesar to further his own political ambitions, one was obviously planned, while the other was a clever reaction to an event outside of his control. In the first instance, just as Brutus had hoped to use a performance of Accius' *Brutus* to deliver his political message, Octavianus hoped to deliver his by incorporating *ludi funebres* for Caesar into his celebration of the *ludi Veneris Genetricis*. As noted earlier, Octavianus had an excellent precedent for combining a celebration of the *ludi Veneris Genetricis* with *ludi funebres*, since this is precisely what Caesar had done at his inaugural celebration of the *ludi Veneris Genetricis* in 46, which incorporated *ludi funebres* for his daughter Iulia.<sup>42</sup> Although this is not accepted by all scholars,<sup>43</sup> the balance of the evidence (particularly from Servius and the letter from Matius to Cicero) makes it almost certain that Octavianus incorporated the *ludi funebres* for Caesar into his celebration of the *ludi Veneris Genetricis* in July 44.<sup>44</sup> Moreover, not only would incorporating *ludi funebres* for Caesar into this celebration of the *ludi Veneris Genetricis* enable Octavianus to emphasize his adoption by Caesar and to demonstrate *pietas*, it would also offer another opportunity for displaying munificence through sponsoring *munera*, which would have formed part of the *ludi funebres* for Caesar.<sup>45</sup> Octavianus, however, had hoped to go

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<sup>42</sup> Plut. *Vit. Caes.* 55.2; Dio 43.22.3.

<sup>43</sup> Williams 1871: 142; Mommsen 1887: 402-405.

<sup>44</sup> Servius on Verg. *Aen.* 1.287, 6.790, 8.681; Servius on Verg. *Ecl.* 9.47; Cic. *Fam.* 348.7 [11.27]; Taylor 1931: 89; Weinstock 1971: 89, 368; Shackleton Bailey 1977: 488; Ramsey & Licht 1997: 48, n.25.

<sup>45</sup> As Ramsey and Licht argue, following Weber, these *munera* should be counted as the first of the eight *munera gladiatoria* that Augustus claimed, in his *Res Gestae*, to have given; Aug. *Res Ges.* 22.1; Weber 1936: 230; Ramsey & Licht 1997: 48, n.25. This is against the majority of scholars who overlook these *munera* in Augustus' tally of eight, though it is almost certain that they would have formed part of Octavianus' *ludi funebres* for Caesar; Gagé 1935: 118-119; Brunt & Moore 1967: 64; Volkmann 1969: 39; Ville 1981: 122-123

even further in publicly honouring his adopted father Caesar. Earlier in the year, as discussed in Chapter I, Caesar had been decreed the honour of having his *sella* and *corona* carried into the theatre.<sup>46</sup> As Nicolaus, Appian, and Dio all record, however, Octavianus was prevented by Antonius from displaying Caesar's honorific items in the theatre at these *ludi*.<sup>47</sup> While Antonius' prohibition is understandable in light of his growing competition with Octavianus for the support of Caesar's followers, it is also understandable in terms of the political situation at the time. As was discussed in Chapter I, it was not until the senate meeting on the Kalends of August, when Piso spoke against Antonius, that any cracks appeared in the display of government by consensus in public that had resulted from the compromise agreement on 17 March. In other words, Antonius was still attempting to maintain a centrist position that required him to crack down on the more fanatical supporters of Caesar (such as the pseudo-Marius and his followers in April, and this confrontation with Octavianus in July).

Despite Antonius' efforts in preventing Octavianus from the display, he could not have foreseen or prevented the event that was to make Octavianus' *ludi* so memorable, namely the appearance of a comet for seven days during the games.<sup>48</sup> It is not my intention here to discuss the comet itself, or Octavianus/Augustus' later use of it in his propaganda. Rather, my interest in discussing it in this section is focused very strictly on how Octavianus reacted to its appearance and utilized it for his immediate political purposes, and how this affected the public reception of his *ludi*. As Ramsey

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<sup>46</sup> Dio 44.6.3. Cf. Weinstock 1971: 281-283.

<sup>47</sup> Nic. Dam. *FGrH* 90 fr. 130.28.108; App. *B Civ.* 3.28; Dio 45.6.5. In the same passage, Appian also mentions that Octavianus had tried to display these two honorific items earlier, at *ludi* given by the aedile Critonius, but Critonius refused, and Antonius prevented it.

<sup>48</sup> There are numerous references in the ancient sources to the appearance of a comet during Octavianus' celebration of the *ludi Veneris Genetricis*. These are collected by Ramsey and Licht in Appendix I of their work; Ramsey & Licht 1997: 158-177.

and Licht demonstrate, comets in antiquity were nearly always viewed as negative signs.<sup>49</sup> It is rather interesting indeed that Octavianus was able to put a positive spin on this comet's appearance and to use it for his immediate political advantage. The solution to the riddle of how Octavianus managed to accomplish this appears to lie in Octavianus' interpretation of this celestial event. The trick of how to get around the standard ancient view of a comet as a baleful omen is to deny that it was a comet. That this is precisely what Octavianus did is supported by all the earliest surviving evidence, including both coin issues and poetry, which depict or mention a star (i.e. an *astrum* or *sidus*), not a comet.<sup>50</sup> The value to Octavianus of interpreting the celestial event as a new star derives from his propaganda using the new star as a celestial sign of Caesar's apotheosis. Thus, a variety of sources record that Octavianus affixed a star above the head of Caesar's statue, and that the people believed, no doubt encouraged by Octavianus, that this new star was a sign of Caesar's apotheosis.<sup>51</sup> Of course, there were opposing interpretations and viewpoints at the time, and there are a couple of surviving references in the sources that others were interpreting the celestial event as a comet with the usual baleful meaning.<sup>52</sup> Interestingly, a depiction of this celestial event as a comet, and not a star, first appears on coinage in 17, and the first extant appearance in a literary source is from AD 8.<sup>53</sup> This change in interpretation from a star to a comet does not seem to have occurred until after the publication of Augustus' *Memoirs*, more than two

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<sup>49</sup> Ramsey & Licht 1997: 135-136.

<sup>50</sup> Verg. *Ecl.* 9.46-49; *Aen.* 8.681; Hor. *Odes* 1.12.46-48; Prop. *Eleg.* 3.18.33-34; 4.6.59. Weinstock provides a survey of the coin issues depicting a star as a sign of Caesar's apotheosis; Weinstock 1971: 377-379.

<sup>51</sup> Aug. *Memoirs* fr. 6 (Malcovati) ap. Plin. *HN* 2.94; Suet. *Iul.* 88; Dio 45.7.1; Iulius Obsequens, *Prodigiorum Liber* 68; Serv. on Verg. *Aen.* 8.681; Serv. on Verg. *Ecl.* 9.47.

<sup>52</sup> Dio 45.7.1; Serv. on Verg. *Ecl.* 9.47.

<sup>53</sup> Ramsey & Licht 1997: 64.

decades after the event, and by which time Augustus had nothing to fear from identifying the celestial event as indeed a comet, and not a star.<sup>54</sup>

Having now discussed and compared the *ludi Apollinares* and the *ludi Veneris Genetricis* sponsored by Brutus and Octavianus respectively, it remains to provide an assessment of their success relative to one another and to offer some suggestions as to the differing fortunes of each. First and foremost, despite Cicero's public comments later in the *Philippics* about the positive public reaction to the *ludi Apollinares*, and the rounds of applause for Brutus,<sup>55</sup> it must be admitted that Brutus ultimately failed to achieve what he had set out to do when he decided to sponsor the *ludi Apollinares*. This is because the *ludi Apollinares* failed to transform Brutus' public standing sufficiently enough to allow him and his fellow assassins to return to Rome in safety. Indeed, not only did the *ludi Apollinares* fail to sufficiently alter public opinion, but, by 17 August, just over a month after the end of his games, Cicero wrote to Atticus that Brutus was at Velia and preparing to leave Italy.<sup>56</sup> In contrast, Octavianus' production of the *ludi Veneris Genetricis*, combined both with his incorporation of the *ludi funebres* for Caesar and his deft handling of the appearance of the comet, had sufficiently solidified his popular standing, particularly in regards to Caesar's supporters, that Antonius was forced to radicalize his public policies in order to reaffirm his loyalty to Caesar's legacy and memory, including even having to endure a public reconciliation ceremony with Octavianus on the Capitol at the end of July.<sup>57</sup> The fortunes of the two sponsors in the

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<sup>54</sup> Ramsey & Licht 1997: 63, 189.

<sup>55</sup> Cic. *Phil.* 1.36, 2.31, 10.8.

<sup>56</sup> Cic. *Att.* 415.5 [16.7].

<sup>57</sup> Nic. Dam. *FGrH* 90 fr. 130.29.115-119; Plut. *Vit. Ant.* 16.3; App. *B Civ.* 3.29; Dio 45.8.1-2. As noted by Ehrenwirth, and followed by Ramsey and Licht, Appian's description of a second public reconciliation ceremony at the end of September is unattested elsewhere and is most probably a doublet; App. *B Civ.* 3.39; Ehrenwirth 1971: 62-63; Ramsey & Licht 1997: 2, n.4.

period immediately following the celebrations of the two *ludi* could not have been more starkly contrasted.

Assuming that Brutus was not naïve, and that it would have been possible for him to turn around public opinion with a successful production of the *ludi Apollinares*, the question remains: what factors account for Brutus' failure in comparison to Octavianus' success? There are three factors in particular that explain this. First and foremost, Brutus was at a disadvantage in not being able to oversee his *ludi* in person. This became a critical factor because of the identity of Brutus' replacement, namely C. Antonius, M. Antonius' brother. There was one attested instance, his switching of the performance from Accius' *Brutus* to Accius' *Tereus*, in which Gaius directly interfered with Brutus' plans. This undoubtedly undermined his effort at delivering a very specific and topical political message. What invoked Brutus' anger even more, however, was Gaius' public announcement concerning the Nones of July, using the new name of *Iulius*, instead of the old name of *Quintilis* for the month.<sup>58</sup> A second identifiable factor was Octavianus' intentional undermining of Brutus' *ludi Apollinares*. Not only were Brutus' *ludi* undermined by the close proximity of Octavianus' *ludi Veneris Genetricis*, but also by Octavianus' distribution of Caesar's testamentary bequest during the *ludi Apollinares*, perhaps even on 13 July, both Caesar's birthday and the most important day of the *ludi Apollinares*. In both actions, Octavianus offered direct competition to the lavishness expended by Brutus on his *ludi*. Finally, Brutus was at a disadvantage because he was trying to turn around public opinion, whereas Octavianus was only aiming to build upon his popular standing. Moreover, Octavianus was able to make an emotional appeal to the Roman people as Caesar's adopted son performing acts of

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<sup>58</sup> Cic. *Att.* 409.1 [16.1]; 411.1 [16.4].

*pietas* in incorporating the *ludi funebres* for Caesar into the *ludi Veneris Genetricis*, in attempting to display Caesar's honorific items in the theatre, and in putting a positive spin on the appearance of the comet by claiming that it was a star denoting Caesar's apotheosis. On these grounds alone, Brutus simply could not compete.

### Cicero's Fourth Philippic

On 20 December 44,<sup>59</sup> Cicero spoke at a *contio*, delivering a speech that was subsequently disseminated as the *Fourth Philippic*.<sup>60</sup> This *contio* was most likely convened by the tribune of the plebs M. Servilius,<sup>61</sup> and, with no evidence to suggest otherwise, Cicero probably delivered his speech from the new Rostra built by Caesar in the Forum.<sup>62</sup> Under Pina Polo's classification of civil *contiones*, this was an informative *contio*, in that its purpose was to communicate the *senatus consultum* to the people.<sup>63</sup> It presumably occurred shortly after the senate meeting at which Cicero delivered his *Third Philippic*. In this sense, therefore, the *Third* and *Fourth Philippics* could be seen as companion speeches. However, the *Fourth Philippic* is not merely a simplified

<sup>59</sup> The date is established by a reference to both the senate meeting and this *contio* in a letter from Cicero to D. Brutus dated to 20 December; Cic. *Fam.* 356.1-2 [11.6A].

<sup>60</sup> The following is a selection of commentaries on the *Fourth Philippic*: King 1878: 128-138; Sternkopf 1912b: 49-57; Dal Santo 1958; Terry & Upton 1969: 1, 37-49; Monteleone 2005; Muñoz Jiménez 2006: 205-216; Manuwald 2007: 2.463-535. To this list may also be added the following selection of scholarship on the *Fourth Philippic*: Mack 1937: 48-73; Frisch 1946: 144-164; Maroscheck 1970; Castorina 1975: 169-175; Thompson 1978: 62-72, 104-106; Wooten 1983: 68-70; Fogel 1994: 246-252; Loutsch 1994: 440-444; Stroh 2000.

<sup>61</sup> As Manuwald points out, Cicero's reference to M. Servilius at the end of the *Fourth Philippic* suggests that he was the one who convened the *contio*; Manuwald 2007: 2.463. At any rate, there is no evidence to suggest that it was a different magistrate who convened this particular *contio*. It is perhaps worth noting as well that, following the senate meeting at which Cicero delivered the *Eleventh Philippic*, Cicero delivered a speech (either never disseminated or not surviving) at a *contio* convened by this very M. Servilius; Cic. *Fam.* 367.1 [12.7].

<sup>62</sup> Monteleone 2005: 147 and n.31. Cf. Manuwald 2007: 2.463.

<sup>63</sup> Pina Polo 1995: 209-210. Pina Polo is wrong, however, to state that: "the highest magistrate present at the time in Rome presided over them – usually one of the *consules*, although we have examples of a *praetor urbanus* presiding over these meetings if both *consules* were absent from Rome (Pina Polo 1995: 209)." As noted above, the tribune of the plebs M. Servilius appears to have presided over this *contio*, and certainly presided over the *contio* following the senate meeting at which Cicero delivered the *Eleventh Philippic*, and, as I shall point out in the next section, the tribune of the plebs P. Apuleius seems to have presided over the *contio* at which Cicero delivered his *Sixth Philippic*; Cic. *Fam.* 367.1 [12.7]; *Phil.* 6.1.

version of the *Third Philippic* that has been re-worked for delivery before the *plebs urbana*. The differences in terms of audience and function between these two speeches were such that Cicero necessarily constructed and delivered different speeches for different aims. It is accordingly necessary to analyze the *Fourth Philippic* on its own terms.

When Cicero stood up and delivered his speech in the senate earlier on that day, 20 December 44, he did so with very specific aims in mind, namely to persuade his fellow senators to support the motions that he was proposing. To reiterate, Cicero proposed the following motions in the *Third Philippic*: 1) that the consuls-designate take measures to ensure that the senate could meet in safety on the Kalends of January; 2) that the senate approve the actions of D. Brutus, as well as those of his army and the municipalities and colonies of the province of Cisalpine Gaul; 3) that D. Brutus, Plancus, and the other governors of provinces continue to hold them under the *lex Iulia* until successors are appointed to each by decree of the senate; 4) that the senate approve and award honours for the actions of Octavianus, his soldiers, the *legio Martia*, the *legio quarta*, and the quaestor L. Egnatuleius; 5) that the consuls-designate refer these matters to the senate at their earliest possible opportunity.<sup>64</sup> The senate decreed all these measures. Cicero, triumphant as he was in the senate that day, was called upon by the tribune of the plebs M. Servilius to communicate this *senatus consultum* to the people assembled at this *contio*.

Before discussing Cicero's *Fourth Philippic*, it is worth asking the simple question of why he chose to speak at this *contio*?<sup>65</sup> Having achieved his aims in the

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<sup>64</sup> Cic. *Phil.* 3.37-39.

<sup>65</sup> Although there is no evidence either way, it seems beyond a reasonable doubt that Cicero must have pre-arranged with the presiding officer, most likely the tribune of the plebs M. Servilius, so that he, a

senate, what opportunities did speaking at a *contio* later that day offer? After all, Cicero focussed his efforts in his political campaign against Antonius on securing the passage of *senatus consulta*, not *leges*. Nor were there any upcoming elections of note, nor any suitable chances to undermine Antonius' position by prosecuting his supporters in the courts. In other words, Cicero was not, in this instance, addressing the *plebs urbana* in their capacity as potential voters. Rather, I would argue that Cicero's motivation for speaking at this *contio* was the opportunity that it offered for acquiring a sort of popular legitimacy deriving from a display of support on the part of the assembled *plebs urbana*, which, theoretically at least, stood for the *populus Romanus*. Although Cicero only ever sought technical legitimacy for actions against Antonius through the decreeing of *senatus consulta*, his political strategy required at least this form of popular legitimacy in order to be effective.<sup>66</sup> This is because Cicero's strategy to defeat Antonius focussed on isolating him and his supporters, which he hoped to achieve by engineering a broad

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*privatus*, would nonetheless be called upon to speak at this *contio*. Connected with this is the question of the extent to which the Forum was filled in advance with a supportive crowd in order to ensure a positive audience reaction. This is the view put forward by Monteleone, but which Manuwald cautiously dismisses on the grounds that there is no evidence; Monteleone 2005: 138-142; Manuwald 2007: 2.473, 476-479. The reason Monteleone argues that the pre-arranged organizing of this *contio* also included a pre-selected, supportive audience is because of Cicero's repeated statements in the *Fourth Philippic* of positive audience reaction. Manuwald, on the other hand, takes the view that these statements about the audience's reaction in the *Fourth Philippic* appear because Cicero: "attributed certain views to the audience or elicited them by efficient stimuli ('claptraps'); potential dissenting voices have of course been suppressed in the written text (Manuwald 2007: 2.473)." For further discussion of Cicero's use of standard techniques of "applause elicitation" in the *Fourth Philippic*, see Morstein-Marx 2004: 140-143. Of course, these two views are not mutually exclusive. I certainly agree with Manuwald that Cicero's statements regarding the audience's reaction cannot be naïvely accepted at face value. However, I disagree with the notion implied by both Monteleone and Manuwald that positive audience reactions were necessarily either subsequent misrepresentation or elicited by audience manipulation (either in the form of Monteleone's *claqueurs* or Manuwald's "claptraps"); it is not inconceivable that an orator of Cicero's skill could have been genuinely persuasive and elicited authentic and positive audience reaction. Nor is it reasonable to assume, as appears to be the case, that the *plebs urbana* would naturally be hostile or unsympathetic to the arguments presented by Cicero in the *Fourth Philippic*. The *plebs urbana* was by no means homogenous, nor are Cicero's arguments in the *Fourth Philippic* targeted to appeal to only one sentiment within it; his strong support for the actions of both D. Brutus and Octavianus is evidence of that.

<sup>66</sup> In her commentary on the *Fourth Philippic*, Manuwald views this in similar terms by focussing on Cicero's emphasis on consensus between the senate and the *populus Romanus*; Manuwald 2007: 2.465-466.

coalition, based on the expediency principle of Antonius as the common enemy, between leaders and groups with divergent, and sometimes contradictory, interests and aims. In order for this to work, Cicero needed public opinion in Italy on his side.<sup>67</sup> Obtaining a display of popular support, therefore, was essential for at least appearances sake.<sup>68</sup> There could be no coalition, and thus no isolation of Antonius, without it.

A display of popular support, such as could be given by the assembled crowd at a *contio*, was not only useful in winning over public opinion in a general sense. As Millar is right to point out, the senate and the senators did not operate in a vacuum; they held their meetings at locations in the very centre of the city, most commonly in temples in or adjoining the Forum, and maintained their primary residences in the city, the most desirable of which bordered on the Forum.<sup>69</sup> It follows, therefore, that speaking at this *contio* not only presented Cicero with an opportunity to gain a sort of popular legitimacy for his strategy against Antonius, and in so doing to sway wider public opinion in Italy as well,<sup>70</sup> but also a further opportunity and different setting in which to influence the decisions and actions of the magistrates and senators present in Rome.<sup>71</sup> Because of the extent of their exposure in the city of Rome, the demonstrated opinions and reactions of the *plebs urbana* could not simply be ignored by the magistrates and

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<sup>67</sup> The importance of public opinion for Cicero as a politician is discussed in Jakob's study; Jakob 2005.

<sup>68</sup> Both Bell and Morstein-Marx emphasize the importance of the appearance of the politician at a *contio* and of the reaction of the crowd in Roman politics; Bell 1997; Morstein-Marx 2004.

<sup>69</sup> Millar 1995: 111.

<sup>70</sup> Manuwald highlights the importance of demonstrations of popular support at *contiones* as: "an important factor in the developing political process and in influencing public opinion (Manuwald 2007: 2.465)."

<sup>71</sup> Pasoli 1957: 26-27; Morstein-Marx 2004: 140. As Manuwald points out, Cicero himself uses his claims of the popular support he received at this *contio* in the course of a later speech in the senate; Cic. *Phil.* 7.22; Manuwald 2007: 2.472.

senators.<sup>72</sup> In the *Third Philippic*, for instance, Cicero draws the attention of his fellow senators to the crowd assembled outside: “Do you see the crowd in the Forum, the Roman people excited by the prospect of freedom regained? After a long interval they see us meeting here not only in full numbers but also, they hope, as free men.”<sup>73</sup>

When the presiding officer of the *contio*, most likely the tribune of the plebs M. Servilius, called upon him to speak, Cicero delivered a speech that was subsequently disseminated as the *Fourth Philippic*. Although Cicero was called upon to inform the people of the senate meeting, what he discusses in his speech is only the outcome, not the course of the debate, nor any dissenting opinions, if there were any.<sup>74</sup> Moreover, as others have stressed, what Cicero presents in this speech is his interpretation of, and spin on, the outcome of the senate meeting, and not the actual terms of the *senatus consultum*.<sup>75</sup> The question of whether or not Cicero was hindered in how he presented the outcome of this senate meeting by Caesar’s publication of the *acta senatus* is a red herring;<sup>76</sup> as White convincingly argues, there is insufficient evidence to know exactly what Caesar had caused to be published, in what way it was an innovation, and whether or not it even outlasted his consulship in 59.<sup>77</sup> The important point is that, although this

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<sup>72</sup> Although Manuwald acknowledges that: “public opinion was a factor constantly important in the calculations of Republican politicians (cf. *Sest.* 106-108) (Manuwald 2007: 2.465),” she does not highlight the importance of this physical context.

<sup>73</sup> “*videtisne refertum forum, populumque Romanum ad spem recuperandae libertatis erectum? qui longo intervallo cum frequentis hic videt nos, tum sperat etiam liberos convenisse* (Cic. *Phil.* 3.32).”

<sup>74</sup> Cf. Manuwald 2007: 2.474.

<sup>75</sup> Fogel 1994: 250; Fuhrmann 1992: 190; Manuwald 2007: 2.470.

<sup>76</sup> Indeed, after unnecessarily considering this question, Manuwald is correct to point out that Cicero could hardly have directly lied about particular points; Manuwald 2007: 2.470, n.29.

<sup>77</sup> White 1997. The evidence for Caesar’s publication of the *acta* rests solely on the testimony of Suetonius: “Caesar’s very first enactment after becoming consul was, that the proceedings both of the senate and of the people should day by day be compiled and published. *Inito honore primus iterum instituit, ut tam senatus quam populi diurna acta confierent et publicarentur* (Suet. *Iul.* 20.1).” To assume, as Manuwald does, that this means that minutes of each senate meeting were written and published is to speculate beyond what is actually stated by Suetonius; Manuwald 2007: 2.470, n.29.

as an informative *contio*,<sup>78</sup> what Cicero is engaged in is persuasion, not relating objective information to the public.

In terms of the speech itself, although it is just under half the length of its companion speech, the *Third Philippic*, which Cicero delivered in the senate earlier that day, this does not mean that it is correspondingly less sophisticated, either in terms of argument or rhetoric.<sup>79</sup> Cicero, for one, in his rhetorical works describes the audiences at *contiones* as being sufficiently sophisticated enough to appreciate rhetorical quality and to spot errors.<sup>80</sup> Nevertheless, scholars writing on the *Fourth Philippic* often engage in comparing and contrasting this speech to the *Third Philippic*, particularly in terms of rhetorical style.<sup>81</sup> However, it is not my intention here to investigate the differences in Cicero's rhetorical style between a senate speech and a *contio* speech, but rather to analyze the *Fourth Philippic* in terms of its argument as it relates to Cicero's purposes and aims in giving the speech as discussed above.

In terms of the structure of its argument, the *Fourth Philippic* is composed of two main sections.<sup>82</sup> In the first main section,<sup>83</sup> Cicero discusses the actions against Antonius that have been undertaken, and which the senate has just approved and

<sup>78</sup> Pina Polo 1995: 209-210

<sup>79</sup> Cf. Manuwald 2007: 2.466. Manuwald could perhaps have gone further and outright rejected the notions of some scholars in considering *contio* speeches like the *Fourth* and *Sixth Philippics* as improvised *ad hoc* oratory; King 1878: 128, 130; Castorina 1975: 172; Hall 2002: 276-277.

<sup>80</sup> Cic. *De orat.* 3.195-196; *Orat.* 168.

<sup>81</sup> The most detailed comparison between the two speeches was made by Mack; Mack 1937: 48-73. Nevertheless, as Manuwald observes: “[Mack] made a number of useful observations, but interpreted them naïvely in cases, particularly since all his analyses were influenced by the period and country in which he wrote (Manuwald 2007: 2.473, n.39).” Morstein-Marx, however, is somewhat more direct on the cause for concern when he writes: “But his [i.e. Mack’s] approving quotation of Adolf Hitler’s *Mein Kampf* on the mental laziness of the masses will send up a red flag for today’s reader (Morstein-Marx 2004: 69).” Notable other comparisons are provided by Thompson, Fogel, and Manuwald; Thompson 1978: 68-72, 104-106; Fogel 1994: 246-252; Manuwald 2007: 2.473-479.

<sup>82</sup> Although my outline of the structure of the *Fourth Philippic* follows that of Manuwald in dividing the speech into two main sections, I take a different view on the end points of the introduction and the second main section; Manuwald 2007: 2.482-483.

<sup>83</sup> Cic. *Phil.* 4.2-10.

commended, by Octavianus, the *legio Martia*, the *legio quarta* (under the command of L. Egnatuleius), D. Brutus, and finally, the province of Cisalpine Gaul. In the second main section,<sup>84</sup> which Manuwald aptly describes as having the character of a “general’s speech”,<sup>85</sup> Cicero uses a variety of arguments to exhort his audience to support and pursue a war against Antonius. In addition, there is a brief introduction and conclusion.

Even though the introduction is brief, consisting of just the first section of the speech,<sup>86</sup> it nevertheless includes several important points for Cicero’s overall argument. First is his statement that: “Your extraordinary numbers, *Quirites*, and the size of this *contio*, larger than any I seem to remember, fill me with a lively eagerness to defend the *res publica* and with hope of regaining it.”<sup>87</sup> Cicero’s describes the assembled crowd as being one of extraordinary numbers because it adds to the appearance of popular legitimacy. This does not mean that this was, or was not, actually the case; the mere act of asserting the fact could help to sway public opinion, especially following the dissemination of the speech. It is a rhetorical device that underpins the frequent assertions of positive audience reaction, often intentionally elicited, throughout this speech.<sup>88</sup> Used together, they bolster Cicero’s claims to have the people behind him, and thus popular legitimacy for his strategy and for the existence of a broad coalition. Second, he justifies his inaction (presumably he means in public since his

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<sup>84</sup> Cic. *Phil.* 4.11-15.

<sup>85</sup> Manuwald 2007: 2.483. Manuwald rejects, correctly in my opinion, a strict juxtaposition between the first main section as a *contio togata et urbana (ad Quirites)* and the second main section as a *cohortatio imperatoria / contio apud exercitum* as put forward by Mack and Monteleone; Mack 1937: 69-73; Monteleone 2005: 149, 172, 197.

<sup>86</sup> Manuwald, in her outline, includes the first part of the second section as part of the introduction; Manuwald 2007: 2.482-483. However, in my opinion, section 2a is really the specific introduction to the first main section, and not part of the general introduction.

<sup>87</sup> “*frequentia vestrum incredibilis, Quirites, contioque tanta quantam meminisse non videor et alacritatem mihi summam defendendae rei publicae adfert et spem recuperandae (Cic. Phil. 4.1).*”

<sup>88</sup> This assertion of the extraordinary size of the *contio* crowd can be said to underpin the assertions of popular audience reaction in the sense that the positive reactions of a sparse crowd could hardly give the appearance of popular support.

*First Philippic* on 2 September) by implying that to have opposed Antonius openly any earlier than this would have resulted in his death. Finally, Cicero argues that the senate has *de facto* declared Antonius a *hostis* by the passage of its *senatus consultum*. It is an important assertion for the sake of Cicero's public image, in that it enables him to present himself as triumphant and confident.

This first main section is similar to the first main section in the *Third Philippic*, in which Cicero introduces and discusses the various leaders and groups who have taken action against Antonius. Indeed, even the order in which Cicero introduces and discusses each leader or group is identical. However, there is the rather key difference that, in the *Third Philippic*, Cicero was arguing for these actions to be approved by the senate, whereas in this *contio* speech, he is using their approval by the senate as an argument itself. This section constitutes the bulk of Cicero's communication of the outcome of the senate meeting to the *populus Romanus*. What is significant is that Cicero only actually mentions two of the five clauses of the *senatus consultum* as listed earlier in this section. These are the approval and commendation of the actions of D. Brutus, the province of Cisalpine Gaul, Octavianus, his soldiers, the *legio Martia*, the *legio quarta*, and the quaestor L. Egnatuleius. As scholars have pointed out, Cicero does not mention the clause that D. Brutus, Plancus, and the other governors of provinces continue to hold them under the *lex Iulia* until successors are appointed to each by decree of the senate. It has been argued that this was because it was relatively unimportant,<sup>89</sup> or that Cicero was unwilling to draw attention to the fact that the senate would be in effect ignoring the *plebiscitum* assigning the two Gauls to Antonius, passed

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<sup>89</sup> King 1878: 129.

by the *concilium plebis* back in June.<sup>90</sup> Manuwald correctly rejects the notion that this clause of the decree was relatively unimportant,<sup>91</sup> and attempts to solve the dilemma by suggesting that Cicero avoided mentioning the clause because of the questionable basis and validity of the *senatus consultum*, and also in order to avoid the weakening of his position and the disruption of his argument against Antonius' misdeeds.<sup>92</sup> Of course, it is impossible to know for certain his reasons for not mentioning something, but it seems that one need look no further than Mack's suggestion, namely that Cicero simply did not want to draw attention to the undeniable fact that this clause in the *senatus consultum* effectively ignored popular sovereignty and what should have been a legally binding *plebiscitum* lawfully passed by the *concilium plebis*. As well, Cicero does not mention two other clauses in the *senatus consultum*, namely that the consuls-designate take measures to ensure that the senate could meet in safety on the Kalends of January, and that they refer these matters to the senate at their earliest possible opportunity. It is possible that Cicero chose not to mention these two clauses because they only concerned the senate; nevertheless, as was the case in the *Fifth Philippic*, it seems odd that Cicero did not make anything of the fact that the senate could not meet in safety on the Kalends of January 43 without the provision of a guard.

In terms of the strategy of persuasion in this section, Cicero uses two of the key arguments from the *Third Philippic*, in addition to the persuasive effect of the fact that these actions against Antonius have just been approved and commended by the senate. These two arguments are the argument of pragmatism and the construction of a false

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<sup>90</sup> Mack 1937: 62.

<sup>91</sup> The importance of this clause need not be stressed too much, as it is clear from the analyses in the previous chapters that control over provincial commands was a key issue and focal point of conflict during virtually this entire period. As a side note, Cicero's letter to Cornificius on the following day focuses primarily on this very clause concerning provincial commands; Cic. *Fam.* 357 [12.22A].

<sup>92</sup> Manuwald 2007: 2.475-476.

dilemma. As in the *Third Philippic*, the argument of pragmatism is simple: “For who does not realize that if Caesar had not raised an army, Antonius’ return would have entailed our destruction?”<sup>93</sup> Likewise, the false dilemma is presented in simple and blunt terms: “If Antonius is a consul, Brutus is a *hostis*; if Brutus is the saviour of the *res publica*, Antonius is a *hostis*.”<sup>94</sup> In order for the false dilemma argument to be effective, it must be presented in simple terms that force a choice between two mutually contradictory options, which is exactly what Cicero does here. The way in which the senate’s acceptance of these arguments, implied by their approval of Cicero’s motion, can in and of itself be used as an argument is demonstrated by phrases such as the following: “Who fails to see that Antonius has been pronounced an enemy by this decree? For what else can we call him, when the senate decides that exceptional honours must be devised for those who lead armies against him?”<sup>95</sup> When taken together, these three arguments in Cicero’s strategy of persuasion reveal a sophisticated approach in addressing the *plebs urbana*.

In the second main section, Cicero begins by addressing the crowd as follows:

It remains, *Quirites*, that you stand fast in the sentiments you proclaim. So I shall do as generals are wont to do when the army is drawn up for battle: though they see that the soldiers are full ready for the fray, they exhort them all the same; in the same way, I shall urge you, eager and ready though you are, to the recovery of freedom.<sup>96</sup>

As this section functions in effect, and certainly in intention, as the above quotation states clearly, as an exhortation, it parallels the concluding section of the *Third*

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<sup>93</sup> “*quis est enim qui hoc non intellegat, nisi Caesar exercitum paravisset, non sine exitio nostro futurum Antoni reditum fuisse* (Cic. *Phil.* 4.4)?”

<sup>94</sup> “*si consul Antonius, Brutus hostis; si conservator rei publicae Brutus, hostis Antonius* (Cic. *Phil.* 4.8).”

<sup>95</sup> “*quo decreto quis non perspicit hostem esse Antonium iudicatum? quem enim possumus appellare eum contra quem qui exercitus ducunt, eis senatus arbitratur singulares exquirendos honores* (Cic. *Phil.* 4.5)?”

<sup>96</sup> “*reliquum est, Quirites, ut vos in ista sententia quam prae vobis fertis perseveretis. faciam igitur ut imperatores instructa acie solent, quamquam paratissimos milites ad proeliandum videant, ut eos tamen adhortentur, sic ego vos ardentis et erectos ad libertatem recuperandam cohortabor* (Cic. *Phil.* 4.11).”

*Philippic*,<sup>97</sup> in which Cicero exhorts his fellow senators to action against Antonius. Key to this exhortation at the end of the *Third Philippic* is the repeated claim that Antonius intends to enslave them, and that even if opposition brings death, death is preferable to living in slavery:

Therefore, since it has now come to this critical question, whether he pays his penalty to the *res publica* or we become slaves, by the Immortal Gods!, conscript fathers, let us at last take our fathers' heart and courage, resolving to regain the freedom that belongs to the Roman race and name or else to prefer death to slavery.<sup>98</sup>

In the *Fourth Philippic*, however, the key concept and tone are different. The key concept in this exhortation is the *virtus* of the Roman people: "Even though death is ordained by nature for all, a cruel and dishonourable death is generally warded off by courage; and courage is the badge of the Roman race and breed."<sup>99</sup> Whereas the tone in the exhortation in the senate speech derives from Cicero's focus on the threat to his and his fellow senators' *libertas* and lives posed by Antonius and his supporters,<sup>100</sup> the tone in this exhortation to the *contio* crowd is very much the opposite. In this exhortation, Cicero's purpose is to build up the confidence of his audience, which he does in two ways: first, by stressing their *virtus* and past victories; and second, by downplaying the threat posed by Antonius and dismissing him and his followers as nothing more than brigands. Cicero concludes this *contio* speech with two short statements. In the first one,

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<sup>97</sup> Cic. *Phil.* 3.28-36. I am in agreement with Stroh, followed by Manuwald, who argues that this section must be labelled as the *peroratio* if one is to use the rhetorical terminology with its usual connotations; Stroh 2000: 93-94; Manuwald 2007: 2.312-313. This is *contra* the structural analyses of Castorina and Monteleone, who include this section as part of the *demonstratio*, and restrict the *peroratio* to the official motion at the very end of the speech; Castorina 1975: 172-173; Monteleone 2003: 401, n.963.

<sup>98</sup> "quapropter, quoniam res in id discrimen adducta est utrum ille poenas rei publicae luat an nos serviamus, aliquando, per deos immortalis!, patres conscripti, patrium animum virtutemque capiamus, ut aut libertatem propriam Romani generis et nominis recuperemus aut mortem servituti anteponamus (Cic. *Phil.* 3.29)."

<sup>99</sup> "quamquam mortem quidem natura omnibus proposuit, crudelitatem mortis et dedecus virtus propulsare solet, quae propria est Romani generis et seminis (Cic. *Phil.* 4.13)." For a recent, and extensive, discussion of *virtus*, see McDonnell 2006.

<sup>100</sup> The seminal study on *libertas* remains that by Wirszubski 1950. For a more recent, and more specific examination of *libertas* in Cicero's *Philippics*, see Cowan 2008: 140-152.

Cicero continues on from his claim in the introduction that he will do everything he can concerning their *libertas*. In the second statement, Cicero ends the speech by praising the tribune of the plebs M. Servilius and his colleagues, as well as himself.

It is a difficult task to assess the effectiveness of this speech and what impact, if indeed any, it had on the assembled audience or on public opinion, either amongst the *plebs urbana* or in Italy generally. Unlike most of those speeches that Cicero delivered in the senate, there is no vote or resulting *senatus consultum* against which to measure the degree of Cicero's success or failure. Admittedly, even then, it is an argument, and not an indisputable fact, that the speeches made during the course of any particular senate debate exerted significant influence on the decision-making processes of a sufficient number of individual senators to decide the outcome. Nevertheless, a vote or a *senatus consultum* provides at least some form of objective evidence with which to attempt an assessment. With this *contio* speech, however, there is no independent evidence surviving even as to how Cicero's speech was received, either by its immediate audience or by those who read or heard the subsequently disseminated version or, conceivably also and for some, reports of the speech and audience reaction. The term independent must be stressed because there are, of course, references from Cicero himself as to the positive reactions of the audience. However, as was discussed earlier in this section, such statements from Cicero can hardly be taken at face value; ironically enough, though, one would be more willing to believe Cicero's statements had he been describing negative audience reactions. All that can be concluded with some reasonable certainty is that Cicero probably achieved at least his aim of gaining the appearance of popular support by delivering this speech before what one should probably assume was a sympathetic crowd.

### Cicero's Sixth Philippic

On 4 January 43, Cicero, at a *contio* convened by the tribune of the plebs P. Apuleius,<sup>101</sup> delivered a speech that was subsequently disseminated as his *Sixth Philippic*.<sup>102</sup> As was the case with the *Fourth Philippic*, this was an informative *contio* intended to communicate the *senatus consulta*<sup>103</sup> decreed following the conclusion of the great senate debate that had begun on the Kalends. However, the situation may be more complicated than was the case on 20 December. As Morstein-Marx suggests, this could be an instance of an additional *contio* held on the day the senate meeting concluded in order to allow Cicero, as the leading proponent of a defeated *sententia*, the opportunity to express the minority opinion.<sup>104</sup> In this scenario, in the interval between the conclusion of the senate meeting and this *contio*, the normal informative *contio* would already have been held to communicate the *senatus consulta*; the reasonable assumption is that one, or both, of the consuls would have convened the *contio* and spoke at it.<sup>105</sup> I would also add that it is likely that other senators, such as L. Caesar and Sulpicius, might have been asked to speak as proposers of the successful *sententiae*.

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<sup>101</sup> Cic. *Phil.* 6.1.

<sup>102</sup> The following is a selection of commentaries on the *Sixth Philippic*: King 1878: 170-181; Brighthouse 1903: 113-128; Sternkopf 1912b: 96-109; Dal Santo 1950b; Terry & Upton 1969: 28, 82-96; Muñoz Jiménez 2006: 253-265; Manuwald 2007: 2.736-819. To this list may also be added the following selection of scholarship on the *Sixth Philippic*: Frisch 1946: 165-193; Castorina 1975: 175-179; Thompson 1978: 72-82, 106-109; Wooten 1983: 82-86; Olbrich 1992; Fogel 1994: 252-257; Loutsch 1994: 448-451.

<sup>103</sup> As was discussed in Chapter III, the great senate debate of 1-4 January 43 resulted in the passing of several *senatus consulta* over the course of the four days of the debate. These *senatus consulta* were as follows: 1) the honours and rewards for D. Brutus, Lepidus, Octavianus, L. Egnatuleius, and the soldiers of the *legio Martia*, the *legio quarta*, the *legio secunda*, and the *legio tricesima quinta*, proposed by various senators and most likely decreed on 3 January; 2) the decision to send envoys to Antonius with a list of the senate's terms, as well as to visit D. Brutus and to make known to him and his men the senate decrees honouring them, proposed by Sulpicius and decreed on 4 January; 3) the annulment of Antonius' agrarian legislation and the acts of the *septemviri*, proposed by L. Caesar and decreed on 4 January.

<sup>104</sup> Morstein-Marx 2004: 249, n.27. Morstein-Marx's suggestion is based on the following statement by Cicero at the beginning of the *Sixth Philippic*: "You have heard, I think, *Quirites*, what has taken place in the senate, what the views of each speaker was. *audita vobis esse arbitror, Quirites, quae sint acta in senatu, quae fuerit cuiusque sententia* (Cic. *Phil.* 6.1)."

<sup>105</sup> Manuwald 2007: 2.738.

Although there is no definitive evidence either way, this is the probable scenario of events in my opinion.<sup>106</sup> If this indeed was the case, then it has important implications, both for the opportunity of non-senators to hear opposing viewpoints and accounts of senate meetings in a formal setting such as a *contio*, and for the potential level of political intelligence on the part of the *contio* audience.

To further complicate matters, there is also the related issue of whether or not another, earlier *contio*, was held following the passage of the *senatus consultum de honoribus*, which most likely occurred on the previous day, 3 January. Although no such *contio* is mentioned in the sources, the fact that no mention is made of these honours and rewards in the *Sixth Philippic* has given rise to the idea that the people had already been informed of this *senatus consultum* during a *contio* held the previous day.<sup>107</sup> Although Manuwald dismisses this suggestion because there is no clear reference to such a *contio* as having taken place, that is not the primary reason.<sup>108</sup> Her primary reason for rejecting this suggestion, however, is based on literary considerations concerning the selection of speeches for inclusion in the *Philippics* corpus.<sup>109</sup> In essence, this argument is based around the notion of the avoidance of repetition. In other words, to discuss the honours and rewards decreed by the senate in the *Sixth Philippic* would repeat material already discussed in the *Fifth Philippic*, whereas Manuwald argues that Cicero's reason for including the *Sixth Philippic* in the *Philippics* corpus was because it offered him the opportunity to present his

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<sup>106</sup> While Manuwald presents this scenario as possible, she does not make a definitive statement either in support or opposition to this scenario; Manuwald 2007: 2.738. Everitt's suggestion that Cicero's speech at this *contio* is a sign of his growing political dominance (in that he, and not the consuls, was asked to speak before the people) would obviously be undermined by this scenario; Everitt 2001: 289.

<sup>107</sup> Stein 1930: 107.

<sup>108</sup> Manuwald 2007: 2.739.

<sup>109</sup> Manuwald 2007: 2.738-739.

interpretation of the *senatus consultum* authorizing the sending out of an embassy to Antonius. Manuwald's argument, however, is flawed in several respects. First is the very notion that repetition was something that Cicero purposefully avoided in the *Philippics* corpus; the repetition in exactly the same order of the activities undertaken by various leaders and groups against Antonius in the *Third* and *Fourth Philippics* is a particularly relevant example of the sort of repetition Manuwald claims Cicero purposefully avoided. Second is the misleading statement that: "apart from a brief reference to the abolition of the *Lex Antonia agraria* (cf. *Phil.* 6.14), he only discusses the Senate's decision to send an embassy to Antonius, and he omits other aspects and results of the debate like the honorary decrees."<sup>110</sup> As will be discussed below, this so-called "brief reference" in fact constitutes the *raison d'être* for an extended section of invective targeting Lucius personally.<sup>111</sup> Third, and finally, is the statement that Cicero delivered a speech in the senate on the final day of the debate, but consciously chose not to include that second senate speech in the *Philippics* corpus. This is in fact a speculation based on two statements in the *Sixth Philippic*, neither of which explicitly state that Cicero actually delivered a second senate speech on the final day of the senate debate.<sup>112</sup> This speculated second senate speech ties in to Manuwald's argument as an example of a speech delivered but not included by Cicero in the *Philippics* corpus in order to avoid repetition with his *Fifth Philippic*.

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<sup>110</sup> Manuwald 2007: 2.738-739.

<sup>111</sup> Cic. *Phil.* 6.10, 12-15.

<sup>112</sup> The first statement is: "So I shall do before you what I have just done in the senate. *itaque, quod paulo ante feci in senatu, faciam apud vos* (Cic. *Phil.* 6.5)." And the second statement is: "And for that reason, to be frank with you, *Quirites*, I put up less of a fight today, was less concerned that the senate should adopt my motion to decree a tumult and order the wearing of military cloaks. *quo etiam, ut confitear vobis, Quirites, minus hodierno die contendere, minus laboravi, ut mihi senatus adsentiens tumultum decerneret, saga sumi iuberet* (Cic. *Phil.* 6.16)."

In looking for literary explanations for this seeming omission in the *Sixth Philippic*, Manuwald ignores two very good and plausible alternative political explanations. First, there is the very real possibility, which should not be rejected simply because there is no surviving reference to it, that an earlier *contio* was already held on the previous day specifically to inform the people of this *senatus consultum de honoribus*. Of course, even if one is unwilling to accept this possibility, there is, as discussed above, the likelihood that this *contio* was the second to be held on 4 January after the senate debate finally concluded, and therefore one should assume that at any rate this *senatus consultum de honoribus* had at least already been discussed before a *contio* audience. Second, there is a very good political reason beyond the fact that the people were in all likelihood already informed of this *senatus consultum de honoribus* as to why Cicero would not mention it in this speech. As was discussed in Chapter III, although Cicero proposed various honours and rewards in the *Fifth Philippic*, he was in fact outbid by other senators in proposing various honours and rewards by the time the vote was taken. Therefore, the fact that Cicero consciously avoided discussing the terms of the *senatus consultum de honoribus* should be interpreted as ascribing at least a minimum level of political intelligence to the *contio* audience.

With this as the potentially complicated background, I want to turn now to consider why Cicero once again made the conscious choice to speak at, if not, as seems probable, to actually orchestrate the convening of this *contio*.<sup>113</sup> In general terms, Cicero's reasons were much the same as they had been on 20 December 44; that is to

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<sup>113</sup> Manuwald is unnecessarily cautious in considering the question of whether or not the tribune of the plebs P. Apuleius' decision to convene a *contio* and to call upon Cicero to speak was instigated by the latter; Manuwald 2007: 2.737-738. Although Manuwald is correct in pointing out that there is no unambiguous evidence to support this notion, it is virtually inconceivable to think that Cicero was not behind the staging of *contiones* convened by friendly tribunes of the plebs at which he was called upon to speak.

say, to gain an appearance of popular legitimacy and to sway public opinion. That being said, however, there are some significant differences between the two situations and the resulting two speeches that warrant examining the *Sixth Philippic* as a second case-study of a *contio* speech delivered and disseminated by Cicero.

To begin with, the complicated and prolonged nature of the senate debate, contested as it was over the course of four days and resulting in at least two, but more likely three, separate votes and resulting *senatus consulta*, means that Cicero was facing a substantially different situation from what he had faced on 20 December, even if the generic type and physical setting of the speech were the same.<sup>114</sup> In this case, Cicero's senate speech, the *Fifth Philippic*, was delivered at some relatively early point during the first day of the debate, with his *contio* speech, the *Sixth Philippic*, delivered three days later on 4 January after the senate debate finally concluded. Consequently, there is not the same close relationship between the *Sixth Philippic* and the *Fifth Philippic* as there is between the *Fourth Philippic* and the *Third Philippic*, both delivered on 20 December. The temporal difference is not the only one in the relationship between these two pairs of *contio* and senate speeches. The most significant difference, is the fact that, whereas Cicero emerged triumphant from the senate on 20 December having just secured the senate's approval of his proposals, when Cicero delivered his speech at the *contio* on 4 January, he was, at most, only partially successful.<sup>115</sup> As a result, the *Sixth Philippic* is a very different speech from either its companion senate speech the *Fifth*

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<sup>114</sup> Unlike as was the case with the *Fourth Philippic*, there is internal testimony in the *Sixth Philippic* that Cicero delivered this speech in the Forum, presumably from Caesar's Rostra; Cic. *Phil.* 6.13. Cf. Manuwald 2007: 2.736.

<sup>115</sup> Wooten is not taking into account these significant differences when he states that the relationship between the *Fourth* and *Sixth Philippics* to their respective senate speeches (i.e. the *Third* and *Fourth Philippics*) are identical; Wooten 1983: 82. Although these basic differences are also noted by Manuwald, she is more inclined to emphasize the similarity and comparability of these two *contio* speeches as opposed to their differences; Manuwald 2007: 2.736-737.

*Philippic* or the *Fourth Philippic*, the only other *contio* speech surviving in the *Philippics* collection. To be more precise, it is different in terms of Cicero's specific objectives, with resulting differences in terms of tone, structure, and argument.

In addition to Cicero's general reasons for speaking at a *contio*, i.e. gaining an appearance of popular legitimacy and swaying public opinion, his set-backs in the remainder of the senate debate that followed his delivery of the *Fifth Philippic* meant that his specific objectives in giving this speech were not the same as when he emerged triumphant from the senate to deliver the *Fourth Philippic* in the Forum. What Cicero aimed to achieve first and foremost by delivering this speech was to put his own spin on this senate debate and the resulting *senatus consulta*. That is to say, to present what in objective terms should be viewed as a set-back in his campaign against Antonius as a step forward along the path to ultimate victory in the eyes of his audience. To this end, Cicero makes statements such as the following: "And yet, *Quirites*, that is no embassy; it is a declaration of war if he does not obey."<sup>116</sup> A second specific objective for Cicero in this speech is to maintain the momentum in his public campaign against Antonius. Cicero's main objection to the decision to send envoys to Antonius is precisely the fact that it delays action being taken against Antonius: "All this considered, what the senate decreed is not altogether lax; the embassy carries a certain amount of bite. I only wish it carried no delay! For not only are tardiness and procrastination annoying in warfare generally, but this war certainly calls for speed."<sup>117</sup> Finally, Cicero has the specific objective in this speech of attacking Antonius' brother Lucius. Although attacking the family, friends, and supporters of Antonius is a common invective tactic employed by

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<sup>116</sup> "*quamquam, Quirites, non est illa legatio, sed denuntiatio {ne} belli, nisi paruerit* (Cic. *Phil.* 6.4)."

<sup>117</sup> "*quae cum ita sint, non omnino dissolutum est quod decrevit senatus; habet atrocitatis aliquid legatio. utinam nihil haberet morae! nam cum pleri<s>que in rebus gerendis tarditas et procrastinatio odiosa est, tum hoc bellum indiget celeritatis* (Cic. *Phil.* 6.7)."

Cicero throughout the *Philippics*, his extended attack on Lucius in this speech is unparalleled in terms of length and focus on Lucius himself.<sup>118</sup> It is not merely a means to attack Antonius by attacking his brother, but rather an attack on Lucius directly, while, of course, also incidentally attacking Antonius. It seems that Cicero decided to specifically target Lucius because of the fact that the senate had just decreed that *senatus consultum* which cancelled the acts of the *septemviri*, of which Lucius was the chair.<sup>119</sup> As was discussed in Chapter III, this *senatus consultum*, which was proposed by L. Caesar, Antonius' uncle, was a compromise offered to Cicero and the opponents of Antonius in order to appease them enough to drop their opposition to Sulpicius' adapted motion on sending envoys to Antonius. It represented, therefore, Cicero's main success in this senate debate, and weakened Lucius enough to turn him into a particularly vulnerable target.

Turning now to consider the tone of this speech, it is markedly different from that of Cicero's earlier speech in the senate, the *Fifth Philippic*, or, as a more relevant comparison, his other surviving *contio* speech, the *Fourth Philippic*. In that earlier *contio* speech, Cicero adopted an exhortative tone intended to build up the confidence of his audience by stressing their *virtus* and past victories and by downplaying the threat posed by Antonius, which he does by dismissing him and his followers as nothing more than brigands. It was a tone, therefore, that suited the triumphant nature of the situation and the speech. However, what is immediately noticeable about the tone in this speech is the relative absence of confidence boosting statements about ultimate victory over

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<sup>118</sup> Cic. *Phil.* 6.10, 12-15.

<sup>119</sup> Cic. *Phil.* 6.14.

Antonius.<sup>120</sup> Instead, the more confidently expressed statements in this speech concern the inevitability of war with Antonius, not its outcome: “You, on your side, get your military cloaks ready. For it is so decreed: if he does not obey the authority of the senate, military cloaks are to be donned. They will be donned...”<sup>121</sup> The other striking aspect of the tone in this speech is Cicero’s defensive and self-justificatory stance. This is understandable in light of the set-backs Cicero suffered in this senate debate and it explains, for instance, statements such as:

And so this proposal of mine, *Quirites*, was strongly favoured for a period of three days; although no vote had been taken, all but a few seemed likely to support me. Today, however, the senate’s determination relaxed after some sort of hope for peace had been held out; for a majority backed another motion...<sup>122</sup>

What this means, however, is that Cicero has to try to achieve a delicate balance between, on the one hand, presenting the outcome of the senate debate as a victory, and, on the other hand, denying responsibility for the senate’s decisions. There is, therefore, an easily identifiable internal tension within this speech, which Manuwald characterizes as a “double strategy of dissociation and integration.”<sup>123</sup>

In terms of the structure of this speech, whereas the *Fourth Philippic* begins with a short introduction, followed by an extended section on the persons and activities just commended and rewarded by the senate, the *Sixth Philippic* begins with a relatively long introduction in which Cicero describes the background, course, and results of the

<sup>120</sup> Indeed, the only clear statement of such confidence in the outcome comes at the very end of the speech: “You must either be victorious, *Quirites*, as you surely will be in virtue of your patriotism and united will, or suffer any fate rather than slavery. *aut vincatis oportet, Quirites, quod profecto et pietate vestra et tanta concordia consequemini, aut quidvis potius quam serviatis* (Cic. *Phil.* 6.19).”

<sup>121</sup> “*vos saga parate. est enim ita decretum ut, si ille auctoritati senatus non paruisset, ad saga iretur. ibitur* (Cic. *Phil.* 6.9)”

<sup>122</sup> “*itaque haec sententia, Quirites, sic per triduum valuit ut, quamquam discessio facta non esset, tamen praeter paucos {homines} omnes mihi adsensuri videren<ur>. hodierno autem die{s non est}, <s>pe nescio qua <pa>cis obiecta, {rem} remiussor senatus fuit. nam plures eam sententiam secuti sunt* (Cic. *Phil.* 6.3)...”

<sup>123</sup> Manuwald 2007: 2.740. Cf. Olbrich 1992: 110.

senate debate that had just concluded.<sup>124</sup> This is interesting because that is precisely what Cicero does not discuss in the *Fourth Philippic*; in that speech, Cicero provides very little information to his popular audience about the senate debate itself, focussing instead on the outcome, that is to say, on his success. This extended introduction in the *Sixth Philippic* then naturally leads into the first main section, in which Cicero discusses the embassy that is going to be sent to Antonius, and repeatedly stresses the inevitability of its failure, and, therefore, the inevitability of the coming war.<sup>125</sup> The second main section is largely composed of the attack on Lucius, which includes within it a pair of shorter attacks on two of Antonius' supporters, L. Trebellius and T. Plancus.<sup>126</sup> In a way mirroring the extended introduction to this speech, there is an extended conclusion to this speech functioning as an exhortative *peroratio*.<sup>127</sup> When one considers the structure of this speech, what is particularly interesting is that it does not resemble either the *Fifth Philippic*, its companion senate speech, so to speak, or the *Fourth Philippic*, the only other *contio* speech in the surviving *Philippics* corpus. In the case of the former, this is somewhat striking because the first main section of the *Fourth Philippic* so closely

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<sup>124</sup> Cic. *Phil.* 6.1-3a.

<sup>125</sup> Cic. *Phil.* 6.3b-9.

<sup>126</sup> Cic. *Phil.* 6.10-15a. The pair of shorter attacks on L. Trebellius and T. Plancus are in sections 10b-11. This identification of a second main section, and of the importance of the attack on Lucius, differs from Manuwald's outline of the structure of the speech, in which these passages are relegated to a sub-section of one main section and labelled as "Impossibility of success because of the recipients of the embassy"; Manuwald 2007: 2.742. This downplaying of the significance of the attack on Lucius is a result of Manuwald's interpretation of this speech and of its place within the overall *Philippics* corpus as discussed above.

<sup>127</sup> Cic. *Phil.* 6.15b-19. In defining this concluding section as a *peroratio*, I am in agreement with the application of rhetorical terminology to this concluding section in the structural analyses of Dal Santo and Olbrich; Dal Santo 1950b: XXVII; Olbrich 1992: 110. This application of rhetorical terminology (e.g. *exordium*, *narratio*, *argumentatio*, *peroratio*) to individual sections of the *Sixth Philippic* is rejected by Manuwald, although she then states: "It is only general terms such as *exordium*, *peroratio* or *argumentatio* that may be used, since they are more widely applicable as they done the position of a section within a speech (and some concomitant general characteristics) or the way of argument (Manuwald 2007: 2.743)." As this statement leaves things a bit unclear, if she does in fact reject applying the rhetorical term *peroratio* to this concluding section, it would be inconsistent with her analysis of the *Third Philippic*, in which she labels a similar concluding section (Cic. *Phil.* 3.28-36) as a *peroratio*; Manuwald 2007: 2.312-313.

parallels the first main section of the *Third Philippic*, and in the case of the latter, it is noteworthy because it is evidence that Cicero tailored his *contio* speeches for each specific occasion. In other words, this is yet another indication of the potential political intelligence of the crowd, in that Cicero is not merely following a set paradigm for giving an informative *contio* speech.

Having now discussed the background to this speech, Cicero's specific objectives in giving it, as well as the key characteristics of the tone Cicero adopts in it and the structure he uses, with a particular focus on its differences *vis-à-vis* both the *Fifth Philippic* and the *Fourth Philippic*, it is time now to consider the key arguments that Cicero employs in his attempt to achieve these specific objectives. To restate briefly, these specific objectives were: 1) to present the senate's decision to send an embassy to Antonius as a step forward in the campaign against Antonius, and not as a set-back; 2) to maintain the momentum in his public campaign against Antonius; 3) to attack Lucius directly in order to damage his public standing.

In terms of his first specific objective, Cicero's argument is based around his claim that war with Antonius is inevitable. At first glance, however, that would seem to make the decision to send out an embassy, rather than to make a declaration of war (or a *tumultus* declaration, as proposed by Cicero), a defeat, or, at the very least, a set-back. The way in which Cicero attempts to persuade his audience against this logical conclusion represents his spin on the outcome of the senate debate. The first stage in Cicero's argument is to emphasize the doomed nature of the embassy. Cicero does this by contrasting the strictness of the various terms of the embassy with Antonius' recalcitrance, likening him to Hannibal. However, this still leaves Cicero with the task of persuading his audience that the senate's decision to send out a doomed embassy to

Antonius is in fact a positive thing, a step forward in the campaign against Antonius. Cicero does this in the second stage of his argument by highlighting the political value to be gained from this whole exercise. As Cicero says:

The cause has lost something in speed, but the cause has gained something too. For when the envoys report, as report they surely will, that Antonius is not at your command or that of the senate, who will be so bad a citizen as to think that this man should be considered a citizen? At present there are some, few to be sure, but more than befits the *res publica*, who say: ‘Are we not even going to wait for the envoys?’ The event itself will wrench that slogan and that pretence of clemency away from them.<sup>128</sup>

As the above quote reveals, while Cicero could spin the senate’s decision to send an embassy to Antonius into a positive thing, he was alert, and wanted the *contio* audience to be alert as well, to the danger of sending an embassy. The danger was not, however, that Antonius would manage to avert the coming war by accepting the senate’s terms:

I am not afraid, *Quirites*, that when Antonius hears that I have asserted both in the senate and in a *contio* that he will never be at the senate’s command, that he will turn around and obey the senate in order to refute me so that I will seem to have been blind. He will never do that; he will not begrudge me this credit; he will rather you think me shrewd than him well-behaved.<sup>129</sup>

Rather, the danger is that the delay caused by the decision to send out an embassy could dampen the spirit and enthusiasm for war against Antonius, and thus undermine the momentum Cicero had been building since he delivered his *Third Philippic*. To counter this very real risk, Cicero exhorts his audience to begin their preparations for war without waiting for the return of the envoys: “Let them make haste, as I see they will.

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<sup>128</sup> “*celeritas detracta de causa est; boni tamen aliquid accessit ad causam. cum enim legati renuntiarint, quod certe renuntiabunt, non in vestra potestate, non in senatus esse Antonium, quis erit tam improbus civis qui illum civem habendum putet? nunc enim sunt pauci illi quidem, sed tamen plures quam res publica dignum est, qui ita loquantur: ‘ne legatos quidem exspectabimus?’ istam certe vocem simulationemque clementiae extorquebit istis res ipsa [publica] (Cic. Phil. 6.15-16).”*

<sup>129</sup> “*non metuo, Quirites, ne, cum audierit Antonius, me hoc et in senatu et in contione confirmasse, numquam illum futurum in senatus potestate, refellendi mei causa, ut ego nihil vidisse videar, vertat se et senatui pareat. numquam faciet; non invidet huic meae gloriae; malet me sapientem a vobis quam se modestum existimari (Cic. Phil. 6.9).”*

You, on your side, get your military cloaks ready.”<sup>130</sup> Of course, this exhortation both relies upon, and complements, Cicero’s repeated claims that the embassy is doomed to fail. In addition to the importance of maintaining their enthusiasm for a war against Antonius, towards the end of the *peroratio* section of the speech, Cicero highlights the potential for his *contio* audience to influence the senators to pressure them into maintaining their resolve: “And so, while the senate is commendably firm of its own volition, you have made it firmer by your backing.”<sup>131</sup> Although one could dismiss this statement as mere pandering to the crowd, as argued above in the previous section on the *Fourth Philippic*, there are good reasons to think that persuasion in elite-to-masses interactions worked both ways, in this case, that senators could also be influenced by public opinion as expressed by the reactions of the *contio* audience, either seen firsthand or reported to them.

As regards Cicero’s attack on Lucius, which essentially forms the second main section of this speech, his approach involves combining the usual character assassination invectives with mockery of Lucius’ downfall. In terms of the former, Cicero has one allegation in particular that he likes to use against Lucius,<sup>132</sup> namely that: “as a Myrmillo he killed a Thracian, a friend of his own, at Mylasa.”<sup>133</sup> One does not need to dwell upon the invective nature of the term gladiator (indeed, Cicero refers to Antonius as a gladiator on numerous occasions in the *Philippics* corpus, including in the *Sixth Philippic*<sup>134</sup>), other than noting its primary intent to denigrate one’s opponent as inherently un-Roman: “How could we bear this man if he had fought to the end in

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<sup>130</sup> “*propere<n>t, quod video esse facturos. vos saga parate* (Cic. *Phil.* 6.9).”

<sup>131</sup> “*itaque senatum bene sua sponte firmum firmiorem vestra auctoritate fecistis* (Cic. *Phil.* 6.18).”

<sup>132</sup> Cf. Cic. *Phil.* 3.31; 5.20.

<sup>133</sup> “*Myllasis myrmillo Thraec<e>m iugulavit, familiarem suum* (Cic. *Phil.* 6.13).”

<sup>134</sup> Cic. *Phil.* 6.3

this Forum before your very eyes?”<sup>135</sup> Given the central importance of the twin concepts of Roman *virtus* and Roman *libertas* to Cicero’s exhortations in his two *contio* speeches in the *Philippics* corpus, this allegation is particularly damning as being un-Roman.<sup>136</sup> In addition to this character assassination, Cicero’s other means of attack against Lucius in this speech employs mockery. This is not, however, mockery in a general sense, but is specifically targeted at contrasting Lucius’ downfall that very day (brought about by the *senatus consultum* cancelling the acts of the *septemviri*) with his previous public claims of lofty standing. Cicero takes advantage of the opportunity provided by the physical setting of the speech, delivered in the Forum, to add a particular bite to his mockery. This opportunity is provided by the presence of various statues in the vicinity dedicated to Lucius as patron, one erected by the thirty-five tribes, another by the *equites* with public horses, a third by those who were twice military tribunes of the plebs in Caesar’s army, and lastly, a fourth by the bankers (lit. the *Ianus Medius*).<sup>137</sup> As Cicero succinctly puts it: “patron Antonius is out of date.”<sup>138</sup>

As was the case with the *Fourth Philippic*, the surviving evidence does not permit a definitive or conclusive summation about the effectiveness of this *contio* speech, or the extent to which Cicero was successful in achieving either his specific or his general objectives. Indeed, it is difficult enough nowadays to assess the affect of politicians’ speeches with sophisticated public opinion polling techniques; without a vote being cast, there is no readily available yardstick by which to measure success objectively. That being said, however, there are still some important conclusions that

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<sup>135</sup> “*quonam modo istum ferre possemus si in hoc foro spectantibus vobis depugnasset* (Cic. *Phil.* 6.13)?”

<sup>136</sup> On the use of invective to condemn an opponent as being “un-Roman”, see May 1988: 52.

<sup>137</sup> Cic. *Phil.* 6.12-15. The reader is referred to Manuwald’s commentary for an explanation of how the phrase *Ianus Medius* should be translated as “bankers”; Manuwald 2007: 2.801-802.

<sup>138</sup> “*friget patronus Antonius* (Cic. *Phil.* 6.14).”

can be drawn from this case-study of the *Sixth Philippic* about the nature of politics and persuasion in this period. First and foremost is the point that the opportunity to address the *plebs urbana* at a *contio* was worthwhile enough, in terms of potential political value, for Cicero, and presumably also some of his peers and competitors, to go out of his way to speak at them, perhaps even to arrange them on occasion through supportive tribunes of the plebs. Second, that the potential audience for persuasion extended beyond the actual audience attending any given *contio*, as is evidenced by the subsequent disseminated versions of at least two of his *contio* speeches in this period. Third, that there are a variety of different indications, particularly related to the care with which Cicero constructed this *contio* speech as well as the *Fourth Philippic*, as to a certain level of political intelligence amongst the *contio* crowd that had to be taken into account by the orator. Particularly significant examples from this speech are Cicero's conscious choice not to discuss those honours and rewards (on which he had been outbid by his senatorial competitors) decreed by the senate, the uniqueness of this speech in comparison to the *Fourth Philippic* (thus demonstrating that Cicero was not merely delivering some formulaic *contio* speech), and the very real probability that this speech was delivered at a second *contio* on 4 January, meaning that people had had the opportunity to listen to different accounts of this senate debate and to hear different opinions expressed. Finally, as Cicero himself highlights towards the end of the *peroratio*, by delivering this speech at a *contio*, he also had hopes of influencing the senators by eliciting positive audience reactions.

### Conclusion

In this final chapter of the thesis, I have built upon the argument presented throughout this thesis of the fundamental significance of persuasion in the political

interactions following Caesar's assassination by expanding my focus to consider the role of persuasion in vertical political interactions between elites and the people, and, more specifically, the *plebs urbana*. While elites-to-masses political interactions have certainly not been ignored in the chronological examination of primarily public political interactions presented in the first three chapters of this thesis, they were not, with but a few exceptions (most notably the *contiones* held after Caesar's assassination and Caesar's funeral), a focus in their own right of my examination in those chapters. However, in this chapter, I have, by means of a detailed analysis of three particularly significant case-studies of elites-to-masses political interactions, demonstrated that the use and significance of persuasion in political interactions was by no means limited to horizontal interactions between the elites themselves, but that it also encompassed vertical interactions between the elites and the people, and, most especially, the *plebs urbana*. Moreover, as my detailed analysis of these three case-studies has shown, Roman elites tailored their efforts at persuading the *plebs urbana* in order to appeal to, and take into account, a more than basic level of political intelligence on the part of their audience and interest in political affairs. Thus, the content, rather than just the presentation, in these efforts at persuasion by Roman elites aimed at mass audiences mattered; it was not just mere demagoguery and the use of slogans and catchphrases. This brings me to my final point, namely that what my examination of these case-studies in this chapter reveals, which is indeed consistent with all my discussions of vertical elite-to-masses political interactions in this period, is that securing popular support, usually by means of a demonstration of public opinion through the desired audience reaction, whether actual or claimed, was of significance to, and a key

component in the political strategies of, not only “*populares*” such as Antonius and Octavianus, but also “*optimates*” such as Brutus and Cicero.



## Epilogue

In my thesis, I have examined the nature and role of persuasion in Roman politics from the assassination of Caesar on the Ides of March 44 until the capture of the city of Rome by his heir Octavianus in August 43, and I have demonstrated the extent to which it was a dominant factor in shaping the history of this period. Although I have chosen to end my study with Octavianus' capture of the city of Rome in August 43, on the basis that it marked the point at which Rome once again fell under autocratic rule, this does not mean that persuasion ceased to play a significant role in Roman politics. As Millar long ago demonstrated, republican institutions, including the senate, the magistrates, and the assemblies, had a tenacity about them and continued to function throughout the triumviral period.<sup>1</sup> Of course, the extent to which these republican institutions operated with any freedom of expression or freedom of decision must normally have been quite limited, though it does not seem to have been entirely absent either.<sup>2</sup> Moreover, even though, with Octavianus' victory at Actium, the Roman empire once again came under the sway of one man, this does not mean that persuasion ceased, merely that its audiences had changed. That, however, is a story for another study.

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<sup>1</sup> Millar 1973.

<sup>2</sup> Indeed, even the senate's vote to condemn Antonius as a *hostis* in 30 was not unanimous; a certain Sergius, Appian records, whom Antonius saved in the proscriptions, cast the sole vote against; App. *B Civ.* 4.45.



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