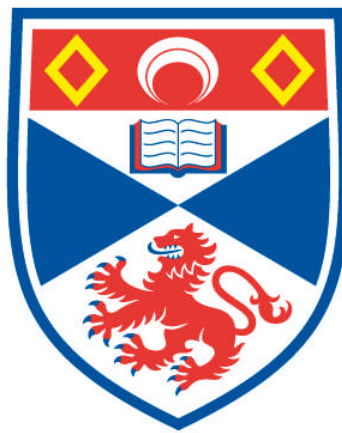


**TALKING POLITICS:
CONSTRUCTING THE RES PUBLICA AFTER CAESAR'S
ASSASSINATION**

Hannah J. Swithinbank

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



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Talking Politics

*Constructing the res publica after Caesar's
assassination*

Hannah J. Swithinbank

Ph.D.

December 2009

Abstract

The nature of the Republican constitution has been much contested by scholars studying the history of the Roman Republic. In considering the problems of the late Republic, the nature of the constitution is an important question, for if we do not understand what the constitution was, how can we explain Rome's transition from 'Republic' to 'Empire'? Such a question is particularly pertinent when looking at events at Rome following the assassination of Caesar, as we try to understand why it was that the Republic, as we understand it as a polity without a sole ruler, was not restored.

This thesis examines the Roman understanding of the constitution in the aftermath of Caesar's death and argues that for the Romans the constitution was a contested entity, its proper nature debated and fought over, and that this contest led to conflict on the political stage, becoming a key factor in the failure to restore the Republic and the establishment of the Second Triumvirate. The thesis proposes a new methodology for the examination of the constitution, employing modern critical theories of discourse and the formation of knowledge to establish and analyse the Roman constitution as a discursive entity: interpreted, contested and established through discourse. I argue that the Roman knowledge of the proper nature of the constitution of the *res publica* had fractured by the time of Caesar's death and that this fracturing led to multiple understandings of the constitution. In this thesis I describe the state of Rome in 44-43 B.C. to reveal these multiple understandings of the constitution, and undertake an analysis of the discourse of Cicero and Sallust after 44 B.C. in order to describe the way in which different understandings of the constitution were formulated and expressed. Through this examination this thesis shows that the expression and interrelation of these multiple understandings in Roman political discourse made arrival at a unified agreement on a common course of action all but impossible and that this combined with the volatile atmosphere at Rome after Caesar's death played a major role in Rome's slide towards civil war and the eventual establishment of a different political system.

Declarations

I, Hannah Swithinbank, 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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I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of Ph.D. in the University of St Andrews and that the candidate is qualified to submit this thesis in application for that degree.

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List of Abbreviations

References to ancient authors and texts follow the conventions of the *Oxford Classical Dictionary* (3rd ed.) followed by Arabic numerals.

Abbreviations of periodicals follow the conventions of *L'Année Philologique*. In addition, the following abbreviations have been adopted:

AK	Foucault, M., (2002a) <i>The Archaeology of Knowledge</i> , (New York)
ANRW	(1972-) <i>Aufstieg und Niedergang der römischen Welt. Geschichte und Kultur Roms im Spiegel der neueren Forschung</i> , (Berlin).
CS	Foucault, M., (1990) <i>The History of Sexuality, volume three: The Care of the Self</i> , (London)
DP	Foucault, M., (1977) <i>Discipline and Punish</i> , (London)
HS	Foucault, M., (1998) <i>The History of Sexuality, volume one: The Will to Knowledge</i> , (London)
MRR	Broughton, T. R. S., (1951-86) <i>The Magistrates of the Roman Republic</i> (New York)
OD	Foucault, M., (1981) <i>The Order of Discourse: Inaugural Lecture at the Collège de France, given 2 December 1970</i> , (London)
OCD ³	Hornblower, S. and Spawforth, A., (1996) <i>The Oxford Classical Dictionary</i> , (Oxford)
OED	<i>Oxford English Dictionary</i> (Online Edition)
ORF ²	Malcovati, E., (1953) <i>Oratorum Romanorum Fragmenta Liberae Rei Publicae</i> , (Torino)
OT	Foucault, M., (2002b) <i>The Order of Things</i> , (London)
P/K	Gordon, C., (1980) <i>Power/Knowledge: Selected Interviews and Other Writings 1972-77</i> , (Brighton)
TP	Foucault, M., (2000) <i>Truth and Power</i> , (London)
UP	Foucault, M., (1992) <i>The History of Sexuality, volume two: The Use of Pleasure</i> , (London)

Note to the Reader: All dates are B.C. unless otherwise stated.

“... perhaps I’d realise where I’m standing. Or at least that I’m standing somewhere. There is, I suppose, a world of objects which have a certain form, like this coffee mug. I turn it, and it has no handle. I tilt it, and it has no cavity. But there is something real here which is always a mug with a handle. I suppose. But politics, justice, patriotism – they aren’t even like coffee mugs. There’s nothing real there separate from our perception of them. So if you try and change them as though there were something to change, you’ll get frustrated and frustration will finally make you violent. If you know this and proceed with humility, you may perhaps alter people’s perceptions so that they behave a little differently at that axis of behaviour where we locate politics or justice. But if you don’t know this, then you’re acting on a mistake.”

Stoppard, T., (1999) *The Real Thing*, (London)

Introduction

What do we mean when we talk about the constitution of the Roman *res publica* in the period that we know as the Republic?¹ Over the years much thought and many words have been expended in the search for answers to our questions about the nature of the Republican constitution, the manner of its functioning, and the way in which the Republic it constituted came to an end. Since Rome had no written constitution, our understanding of the political system of the Republic and its decline has to be constructed from the surviving evidence, which reflects the Romans' own understanding of their *res publica* in the form of speeches, political thought and historical accounts of political events and actions. What has not been fully acknowledged, however, is that the Romans also had to access their constitution in this way. With no written constitution to guide their political behaviour, the Romans had to continually debate and construct their understanding of their constitution from precedents, laws and common knowledge in order to determine the appropriate course of action.

¹ The terminology used in discussing the "Roman Republic" must be established at the outset. The nature of a 'constitution', generally, will be discussed in chapter 1.1. It is important to realise that the "Republic" is a description applied to Rome as it was before the rule of Augustus by later scholars. The Romans referred to their political system as the *res publica*, and the term continued to be used to refer to Rome into what we refer to as the Empire. When we refer to a Republic now, we tend to mean that a state has a particular kind of constitution distinguishing it as a Republic, which the Oxford English Dictionary describes as, "A state in which the supreme power rests in the people and their elected representatives or officers, as opposed to one governed by a king or similar ruler." We see a state as having a government that possesses sovereignty and that is distinct from the citizen body and civil sphere (Cartledge (2005), p.17-18; Skinner (1989) p.112), and a constitution as establishing this government. I wish to avoid using the term state with reference to Rome within this thesis, and will instead refer to the *res publica*, and to the Roman political and social system as a polity, reserving the term 'Republic' for the temporal period we understand as the 'Roman Republic' and the form of government that we regard as 'Republican'. The term *res publica*, which can be literally translated as 'public thing' (Atkins (2005) p.492), does not of itself specify a particular kind of constitution – which is one of the reasons why this thesis seeks to examine what the Romans understood their *res publica* to be. In Greek *politeia* is the standard word for constitution or political system or ordering of the political structure (Schofield (2005) p.199) and referred not to a document, but the legal and social form of a *polis* (Roberts (2005) p.356). Of course, we cannot take a *politeia* to be the ideal *politeia* of Aristotle's *Politics*, anymore than we can understand the *res publica* to be that which is outlined in Cicero's *de Re Publica*: both authors used the term for their presentation of what they thought to be the best political system because it was the general term for a political system in their language. The term 'polity', which the OED defines as: "1. a. Civilization; civil order or organization; civil society. Now rare; b. Administration of a state; a process of civil government or a constitution. Now rare," seems to be the best way to refer to the *res publica* as political entity in English. It indicates a political system, without defining its type or organisation, and without implying it has a written foundation or racial basis. It has also, as the dictionary definition indicates, fallen out of widespread usage, and thus carries less modern baggage than the other terms discussed above.

Through a process of debate and decision-making the constitution of the *res publica* was not only interpreted but also constructed, as each decision made became one of the authorities that might be called upon in future debates. The way in which people understand their political system bears directly upon their arguments and actions within that system, and so the Roman understanding of the nature of the constitution of the *res publica* had a direct impact on Roman action. While narratives and analyses of events provide us with a picture of what happened, looking at actions and events alone is not enough: to fully understand what happened to the Roman Republic in the first century B.C. we need to look at what the Romans thought, said and wrote about their *res publica*, and how this influenced their actions.

If a Roman had been asked to define the *res publica* or its constitution in a formal, legal manner, there was no single document to which they could refer. Political and personal behaviour and action was regulated by a nexus of authorities: the statutes passed by the people, the decrees issued by the Senate, the interpretations of jurists and the edicts of magistrates, precedent, custom and equity.² These authorities did not offer a single coherent representation of the constitution, nor were they intended to. They were elements in a legal and political discourse about its nature that could be used to defend or condemn political actions and personal behaviour by those who supported or opposed it. As such, discourse provided a forum in which ideas about the *res publica* were expressed: what it was, how it should function, and the responsibilities of the citizens who belonged to it; and through it we can access the Roman understanding of the constitution.³ This discourse was part of Roman political life, opinions about the constitution providing the justification for proposals for action, with decisions made through a process of debate and voting. It existed in the spaces between the institutions and practices of Rome, holding them together and explaining them as parts of a functioning *res publica*. In all spheres of Roman life, discourse enabled the negotiation and construction of the *res publica*, constituting it as a political system and informing the lives of the citizens within it. In this way it also enabled the evolution of the constitution over time as arguments about the nature of the *res publica* were formulated in

² Cic., *Top.*, 28; Harries (2007) p.2; Fox (2007) p.153. Cicero here refers to the *ius civile*, which was but one element in the complex legal system governing political praxis in the Republic; however, the sources of authority are largely the same when considering appropriate action within the *res publica* as a whole, with the *ius civile* taking its place as an authority guiding such action.

³ As the doctor says to the political prisoner in *Every Good Boy Deserves Favour*, "Your opinions are your symptoms." (Stoppard (2009) p.28). In Rome, opinions about the *res publica* were symptomatic of understandings of its constitution.

response to ongoing events, directing Rome's response to them at the time, and setting precedents for future debate and action.⁴

In order to understand the way this process worked and access the Roman understanding of the constitution, it is necessary to describe the discourse in which claims about the nature of the *res publica* were made, and examine the way in which these claims were formulated, expressed and related to various courses of action in order to create an argument about what Rome was and what action Rome should take in a given situation. To this end, this thesis will describe the way in which the process of interpreting, understanding and constructing the constitution occurred at Rome after the assassination of C. Julius Caesar. A new methodology for reading Rome's unwritten constitution will be developed and employed to analyse the Roman discourse about the nature of the *res publica* in the late 40s and consider the effect it had upon the events that followed Caesar's death and the reproduction of the constitution. Such an analysis will show the way in which Roman discourse about the *res publica* was shaped by contemporary events as individuals formulated arguments and ideas about the *res publica*, responded to Caesar's assassination and engaged in the struggle for the future of Rome that followed. It will also reveal that there was no one unified Roman understanding of the constitution of the *res publica*, but rather a multiplicity of understandings, overlapping and diverging from each other in their conceptions of various elements of the *res publica*; existing in parallel and in competition with each other; out of which the constitution was debated and reformulated through discourse and debate. The existence of these multiple and contested understandings dictated the behaviour of Rome's citizens as each sought to establish their understanding of the constitution in practice at Rome and affected the attempt to 'restore' the Republic as negotiation failed and the struggle between different citizens and groups who understood the *res publica* in different ways descended into violence and civil war as each tried to defend their position and their *res publica*.

I have chosen to focus on the discourse of the period following Caesar's assassination for two reasons. Firstly, Roman thinking about the constitution was not purely theoretical, but was formulated in response to events and sought, in turn, to shape events in future. By focusing on a period of crisis for the *res publica*, we can clearly see the way in which constitutional discourse was formulated and the impact that it had upon the polity. Caesar's dictatorship marked a break in the governance of the *res publica*, his dictatorship overriding or

⁴ The Romans understood that their constitution had evolved over time, with Cicero (*Rep.*, 2.2) claiming it as one of the strongest elements of the *res publica*. Cf., Polyb., 6.9, 10-; Lintott (1999) p.2.

altering many of the normal practices and processes of the *res publica*. Rome itself had not been successfully stabilised after the civil war – the political system, which had been held together by the force of Caesar’s personality and his personal power, fell into turmoil again after his death.⁵ At this point it was unclear what would come next for Rome. Would the conspirators succeed in re-establishing their idea of the *res publica*? Or would one or other of Marcus Antonius or Octavian exact revenge upon the assassins and establish himself in some position of sole authority in Rome? If the *res publica* were to be ‘restored’, what form would it take? The proper nature of the constitution was of critical importance: the future of the *res publica* was uncertain, yet all proposals for action had to be presented as being taken for its benefit and future security. The way that Romans understood the constitution of their polity set the terms for the debate over its future.

Secondly, a study of the texts of a limited time period that respond to specific events and which incorporates the work of more than one thinker (something that can be difficult when considering the late Republic, given the almost overwhelming presence of Cicero)⁶ provides the opportunity to test a new methodology and examine the constitution of the Roman *res publica* in a different way. This thesis will apply modern critical thought about the nature of discourse and the construction of knowledge to Roman discourse about the nature of the *res publica* in order to reveal the way in which Roman understandings of the constitution were formed. A core of texts comprising Sallust’s monographs and Cicero’s two final works allows for the comparison of two different thinkers’ considerations of the constitution in response to the same events.⁷ This will enable us to establish whether they held the same understanding of the *res publica* and if there can be said to be a ‘common knowledge’ of the nature of the *res publica* in Rome, and will show that whilst there was a core political vocabulary that appeared to make up Rome’s Republican ideology, the meanings associated with these terms varied depending upon the speaker and his audience, and reflected his personal understanding of the constitution.

⁵ See chapter 2.1 for a brief discussion of the impact of Caesar’s dictatorship on the *res publica*.

⁶ Fox (2007) p.19.

⁷ It is important to note that Cicero and Sallust were not the only Romans who held and expressed understandings of the *res publica* in this period, but as their works are the major surviving texts from the immediate post-Caesarian Rome, they provide a valuable (and easily accessible) source of Roman thought about the *res publica*. As we will see in chapter two, the words and deeds of all the other major players can also be examined in terms of the understandings of the *res publica* that they express. Such an undertaking is beyond the scope of this project, although they will be considered briefly, in order to set the scene for the work of Cicero and Sallust.

The methodology for the examination of the constitution of the *res publica* as a discursive entity will be established in chapter one. Here possible definitions of a constitution will be discussed, and an overview of previous approaches to the Roman constitution will be given. This chapter will establish what is meant when we describe the Roman constitution as a discursive entity and highlight the importance of examining Roman discourse about the *res publica* in order to understand the constitution and its development through time and discourse. A detailed process for analysing Roman political and constitutional thought will be presented, drawing primarily on the early work of Foucault, but also on subsequent thinkers including Althusser, Laclau, Giddens, Lessig and Sunstein and which will establish a method not only to provide a descriptive account of Roman discourse, but also an analysis of what this discourse meant for the Roman Republic.

The second chapter will introduce the historical background to the texts under examination, describing the political discourse that took place after the assassination of Caesar. From March 44 onwards, various voices took to the stage, responding to events and fighting for, and over, the future of the *res publica*. These voices – most prominently those of the conspirators, Antonius, Octavian, Cicero, the Senate and the People of Rome – all expressed different understandings of the constitution of the *res publica*. This chapter will look at the words and deeds of these individuals (with the exception of Cicero) and show the way that Roman knowledge about the constitution had fractured, giving rise to different versions of the constitution that came into conflict with each other and competed to be ‘the’ understanding that was established at Rome. The interactions between these voices and the conflict between the constitutional understandings that they expressed contributed to the progress of events throughout 44-43 and the establishment of the Roman *res publica* in a new form. They also provide the context within which Cicero and Sallust spoke and wrote, and an account of them will enable us to fully understand their entries into the political discourse of the day, the way in which they understood and formulated their expression of their understanding of the constitution and the impact this had upon events at Rome and the future of the *res publica*.

Chapters three and four will present a two-part study of the Roman understanding of the nature of the *res publica* as displayed in the texts of Cicero and Sallust. This will test the methodology on the most complete surviving texts of the period, describing the way in which each author’s representation of the *res publica* and its constitution was constructed in their speech and writing and the way in which these formulations were influenced and shaped by

the situation in which each found themselves. Cicero's post-Caesarian work shows the way in which an individual understanding of the constitution was formulated and expressed in Rome, and the way it interacted with the wider discourse; while Sallust's historiography reveals the multiplicity of understandings of the constitution and places Cicero's voice as one amongst many, implicating him in the breakdown and civil strife that occurred after Caesar's death. From Cicero's understanding of the constitution, the arguments he based upon it in Rome's political discourse and Sallust's representation of the danger of multiple, conflicting understandings of the constitution, we can see the way that the fracturing of Rome's constitutional knowledge was expressed in discourse and destabilised the *res publica*.

Chapter three will consider the post-Caesarian work of Cicero, describing the way that his expression of the constitution was shaped by his dislike of Caesar's dictatorship, his fear that Antonius sought to follow in Caesar's footsteps and his desire to prevent this and restore the *res publica* as he understood it. Cicero's presentation of the *res publica* emphasised the importance of good citizenship and of *concordia* between Rome's various political bodies in creating a stable *res publica* and expresses the belief that this harmony is maintained by the good behaviour and speech of Rome's citizens; something that his discourse shows he did not always manifest in practice. *De Officiis* offered a philosophical discussion of the duties of the good citizen within the *res publica*, focusing on the individual and arguing that the citizen must submit his own interests to those of the polity, whilst the *Philippics* expressed more of Cicero's understanding of the role of the political bodies of the Senate and People within Rome, as he sought to persuade them to act, and reveal his belief in the importance of good citizenship within Rome's institutions. The *Philippics* also showed Cicero's understanding of the flexibility of the constitution and his willingness to exploit it in support of his own ends, which, when seen in the context of the wider discourse discussed in chapter two, can be seen to have an impact upon the *res publica*. They did not contribute to *concordia*, however, but were part of the escalating crisis in Rome.

Chapter four will focus on Sallust's *Bellum Catilinae* and *Bellum Jugurthinum*, and the historian's presentation of the constitution within these texts. Although writing about earlier events, Sallust's understanding of the *res publica*, as expressed in his work, was affected by his knowledge of and opinion about the events that had followed those he narrated. Sallust described a *res publica* that was failing, its political and constitutional decline both explaining and explained by the ongoing passage of events, with the Second Triumvirate under which he wrote being the end result. Like Cicero, Sallust saw good citizenship as being of critical

importance in the maintenance of the *res publica*, his historical narratives drawing a parallel between a decline in morality and a rise in factionalism and civil strife. However, Sallust's understanding of the constitution is not the only one revealed in his work. As a historian Sallust was able to showcase a number of different understandings of the constitution held by the characters that feature in the narrative. His historiography reveals the divisions within Rome's political discourse, critiquing them and showing the danger which the existence multiple understandings of the constitution posed to a stable polity. Through this he responds to the ideas and arguments expressed by Cicero after Caesar's death, making it clear that some of them, particularly those regarding the legitimacy of Octavian's claim to power and *imperium*, contributed to the re-disintegration of Rome into civil war.

These two chapters will show that at first glance, there appears to be considerable overlap in terms of the aspects of Roman politics Cicero and Sallust focus upon and the terminology they employ in their discussions, suggesting a common understanding or knowledge base about the constitution of the *res publica*. However, their depictions of Rome's political institutions and ideals also show that there were divisions in the Roman understanding of the *res publica* and that this caused problems for the Republic. Chapters two to four will show that there were several understandings of the constitution extant in Rome and that these were reflected in political debate and action. Roman knowledge about the nature of the *res publica* was fractured and contested, with multiple understandings of the constitution being put forward and contested by the participants in the discourse. Throughout the course of the Roman Republic the constitution was continually being formulated and negotiated out of these understandings, evolving through this process. However, at times this process was not always peaceful. Throughout the last century of the Republican era, and in particular in the crucible that was Rome after Caesar's death, this debate moved beyond rhetoric and verbal discourse into violence, with participants turning to military force in order to compel acceptance of their understanding of the *res publica*.

Chapter One: The Nature of a Constitution

Before laying out the approach this thesis will take to the study of the constitution of the Roman *res publica*, it is important to be clear about what we mean when we talk about a constitution, and to consider the way in which our understanding of constitutions has guided previous study of the Roman Republic. From this it will become apparent that we need to rethink our current understanding of the constitution of the Roman Republic and the approach we take to the study of it. This chapter will argue that the constitution of a polity incorporates not merely a set of rules and institutions but also the civic community and political culture of that polity, and that the nature of this constitution is created and understood within the polity through a discursive process. In order to analyse this process, we need to establish what we mean when we talk about discourse, and the way in which discourse ‘works’ in formulating knowledge and ideas. From this it will be possible to establish a new methodology for the study of the Roman constitution through an analysis of political discourse.

1. The Roman Constitution

Employing the term ‘constitution’ in relation to any ancient city or polity is problematic, since to the modern mind it often implies a written document detailing the way in which a political system or government must function, something to which legislators and judges may refer back when carrying out their duties.¹ Such all-encompassing documents were absent in the ancient world, and we need to divest ourselves of our modern idea of a single established, textual constitution when dealing with the political system of the Roman Republic. Instead, we must ascertain what might make up a constitution: that is, what facets a constitution possesses and what it gives to a polity.

In the modern era we have developed a certain understanding of what we expect a constitution to look like. In particular we assume the existence of defined structures and institutions that work in a set and predictable manner in order to uphold the political system of the state in question.² However, although it does require certain established rules of public behaviour and an institutional structure for the implementation of law, this is not all a

¹ Roberts (2005) p.356.

² North (2006) p.257. Although he acknowledges that the constitution may be the rules and principles of daily life as well as the political system, North himself still looks for an established, objectively accessed constitutional system.

constitution is.³ Lawrence Lessig has described a constitution as, “An architecture, not just a legal text, but a way of life – that structures and constrains social and legal power, to the end of protecting fundamental values.”⁴ In such an understanding the constitution of a polity consists not just of the institutions and structures within which political activity takes place, but also of the political culture that enables this system to function, including a voluntary willingness to follow the rule of law in the majority of the population and the values and principles that may be said to make up the idea of citizenship within a particular polity.⁵ Such constitutional principles are rarely written down in a document, but they are standards that are generally understood by the citizens to exist and to be important to the maintenance of their polity, although their exact nature may be contested. Both institutions and principles may change, not only through the formal processes established by some constitutional documents (such as article five of the constitution of the United States), but also through the passing of laws and legal judgements and as public opinion and knowledge changes over time.⁶ This is not a negative process that destroys the constitution, but one that alters it, meaning that we cannot simply see a constitution as a static monolith, but rather as an entity whose architecture has to be constructed and interpreted. To use an architectural metaphor – a constitution cannot be seen as a single building in a city but rather should be seen as the whole urban space.

Within the study of ancient history there have been two main approaches to the study of the political system and life of the Roman Republic: the first focusing on the practicalities of daily political life and its activities, including the functioning of the institutions, the role of the magistrates and the place of the people; the second considering political thought and the nature of the ideas and ideology that were important within the Republic. In recent years recognition of the flexible nature of Roman political ideas and their importance within the political structures and discourse at Rome has become established, leading to a more nuanced understanding of Roman political life and its practices. However, our understanding of the constitution of the *res publica* remains wedded to the concept of it as a system of institutions in which speech and discourse play an important but subordinate role.

³ Gwyn (1995) p.5; Ober (1989) p.9; Polin (1998) p.3.

⁴ Lessig (2006) p.4.

⁵ Gwyn (1995) pp.vii-viii, 2 & 5. A fictional Lessig, in an episode of *The West Wing*, notes this, saying: “The document is just a beginning. A constitutional democracy succeeds only if the constitution reflects democratic values alive in the citizenry. Which is why our most important job is to instil those values in their leaders through discussion and debate.” Schmidt and Singer (2005).

⁶ Sunstein (2009) p.3.

The core texts in the scholarship on the Roman constitution as a whole are Mommsen's *Römisches Staatsrecht* and Lintott's *Constitution of the Roman Republic*.⁷ Although the accounts of the nature and workings of Roman institutions presented in the two works show the developments produced by a century of research into the details of Rome's institutions and legal processes, the fundamental approach has not changed: both focus on the constitution as something that existed in the balance of these structures. In such a reading the constitution is a fixed entity, a system within which politics and political discourse happen. The political culture is seen as an important part of the *res publica* but not part of the constitution of Rome, which stands above the fray as an arbiter of what is legal and proper and what is not. Such an understanding misses a key element of the definition of a constitution put forward above: the importance of the fundamental values of a polity as part of the constitution. This lack has led to a rigid interpretation of the Roman constitution as a fixed, carefully balanced, system of government.

Given such an understanding of the constitution the study of the political life of the Republic has often tended to focus on institutions, magistracies and the law, and the way Roman governance functioned. In depth examinations such as those carried out by Ross Taylor on Rome's voting assemblies, Bonnefond-Coudry on the Senate, or Brennan on the praetorship present detailed accounts of the workings of the Republic and of the way its institutions and their processes changed over time.⁸ However without a full consideration of the way in which these political bodies were conceived and discussed by the Romans and the impact that this had upon their workings and upon the constitution of the *res publica*, change becomes a negative, something imposed by external factors such as the expansion of Rome and the behaviour of its citizens rather than the result of the innate flexibility of the constitution as it was constructed at Rome.

The narrative history of the political life and growth of empire in the late Republic has also been discussed primarily in terms of a static, institutional understanding of the constitution of

⁷ Mommsen (1952-69); Lintott (1999).

⁸ Taylor (1966); Bonnefond-Coudry (1989); Brennan (2000). Other examples of this approach include Greenidge (1901) on Rome's legal system, Meier (1966) on the organisation of the political life of the *res publica*, Nicolet (1980) on the world of the citizen (see especially pp.383, 388 for his description of the 'system'), Stewart (1998) on the way in which the lot was used to divide up the roles of public officials; the work of Wiseman (1971) on the entry of new men into the Senate and Hopkins (1983) on the membership of the Senate as a whole.

the *res publica*.⁹ Accounts of the events of the first century are presented in terms of the way they unfolded within the constitution and the impact they had upon it; the actions of individuals and groups being analysed regarding their relations to the institutions. Political groups and associations, including the *nobilitas*, *optimates*, *populares* and *factiones*, have been assessed for their place in political life as it took place within the constitution.¹⁰ The same is true for the study of Rome's prominent citizens: the rise of individually powerful figures in the late Republic has previously been considered in terms of their positive or negative impact upon the 'proper' constitution.¹¹ In such a reading behaviour and actions are seen as things that uphold or undermine a constitution rather than as indicators of the nature of that constitution in their reflection of its fundamental values.

In recent years consideration of the nature and role of ideology and political ideas in the daily political life of the late Roman Republic has grown, leading to increasingly sophisticated discussions not only of the Roman understanding of ideas in the abstract and in political philosophy, but also the place they had in political action.¹² Scholars including Dugan, Gildenhard, Fantham and Connolly have read Cicero's philosophical and rhetorical treatises as works of serious political philosophy, examining them for his thinking about Roman politics, focusing in particular on the person and the role of the orator and citizen in the *res publica*. Even the works of Sallust, whilst generally under-represented in the criticism of Roman historiography, have been the subject of work on the use of political language and on the relation between history and memory in Roman public life.¹³ Others have considered the place of ideology and political ideas in the practice of politics in Rome, for example the work of Millar, Mouritsen and Morstein-Marx in their works considering the role of the *populus* in

⁹ See for example the historical narratives of the Late Republic provided in Crook, Lintott and Rawson (1992), Syme (1939), Crawford (1992), Gruen (1995) and Tatum (2006).

¹⁰ See Gelzer (1912); Brunt (1982); Shackleton Bailey (1986) on the *nobilitas*; the essays on *Amicitia*, *Clientela* and Factions in Brunt (1988); and Taylor (1949) for the role of political groups and associations.

¹¹ Biographical studies of the prominent figures of the first century have been produced by Gelzer (1912); Meier (1996) and Goldsworthy (2006) (Caesar); Seager (2002) (Pompey); Keaveney (1982) (Sulla); Shackleton Bailey (1971); Stockton (1971); Mitchell (1979) and Mitchell (1991) (Cicero).

¹² See Wirszubski (1950); Brunt (1988), Arena (2007a) and Arena (2007b) on the nature of *libertas*, and Earl (1967), Balmaceda (2005), Gildenhard (2007) and Schofield (2009), and the debate between McDonnell (2006) and McDonnell (2007) and Kaster (2007) on the nature of *virtus* and other Roman virtues.

¹³ Dugan (2005); Fantham (2006); Gildenhard (2007) and Connolly (2007) on Cicero. Batstone (1988a); Batstone (1988b); Batstone (1990) and Batstone (2008); Grethlein (2006a) and Grethlein (2006b) on Sallust.

the *res publica*.¹⁴ However, none of these have yet escaped from the idea of the constitution as a fixed entity within which politics, including political thought, was done rather than an architecture constructed through discursive processes.

However, if we take the definition of a constitution as it was proposed above, we should see the constitution of the Roman *res publica* as incorporating both Rome's political culture and her institutions. There were certain institutions and locations in which political activities and processes took place and there was a set of political values to which both the elite and the *populus en masse* officially subscribed. The constitution itself was woven out of these elements; the institutions, locations, processes, activities and ideas through which Rome functioned as a polity; and constructed through the political discourse of the Roman Republic, in which the nature of these various elements and the relationships between them were deliberated upon in interpretations of the constitution. Roman politics took place through discourse, in speech and debate in the forum, the Senate and the law courts (amongst other locations), with this discourse guided by the Roman understanding of the constitution – both the nature of the institutions and the important political ideas – and directing political action through the decisions that resulted from it.¹⁵

To understand the nature of the constitution of the *res publica* and the decline of the Republic, therefore, we must examine the way the Romans talked about it. The political discourse of the Republic tells us how the Romans conceived of the various elements of the constitution: which institutions and political processes were seen to be important, why, and how they were believed to function; the most important ideas and ideals of the Republic; the way the various institutions and processes were thought to relate to each other and to the ideas the Romans believed should be upheld. Such an analysis will not only enable us to access the Roman understanding(s) of the constitution of the *res publica*, but also to understand the way in which the nature of the constitution contributed to the decline of the Republic. It will emphasise the inherent flexibility of the constitution and its interpretability within Rome's decision-making processes, allowing us to see the impact Roman understandings of the *res publica* had upon the Republic.

¹⁴ Millar (1995); Millar (1998); Mouritsen (2001) and Morstein-Marx (2004), *Cf.*, Brunt (1982) and Shackleton Bailey (1986) on the ideas of *nobilitas* and *novitas*; McDonnell (2006) on *virtus*; Stone (2005) on *optimates*; Whitehead (2005) on *virī clarissimi*.

¹⁵ See Giddens (1982) p.8-10 on the 'recursive' nature of the organisation of social practices, and chapter 1.3 below.

2. The nature of discourse

According to the Oxford English Dictionary discourse is the, “Communication of thought by speech,” which may include, “A spoken or written treatment of a subject, in which it is handled or discussed at length.” In linguistics it is, “A connected series of utterances by which meaning is communicated, especially forming a unit for analysis; spoken or written communication regarded as consisting of such utterances.”¹⁶ Samuel Johnson defined discourse as “Mutual intercourse of language... the act of understanding, by which it passes from premises to consequences.”¹⁷ Howarth and Stavrakakis have described discourse as a social and political construction that establishes a system of relations between objects and practices while providing (subject) positions with which social agents can identify.¹⁸ This broader definition, which incorporates behavioural practices as well as verbal utterances into discourse, draws on the work of late twentieth century scholars who have studied the way in which discourses are formulated and formulate meaning and knowledge within societies and cultures. These include Laclau and Mouffe, who present discourse as, “The structured totality resulting from the articulatory practice,” in which an articulation is any practice – spoken or performed – that establishes a relation between two elements and results in a modification of their identity, and also Foucault, who proposed the idea at the end of *The Archaeology of Knowledge*, and argued in the *History of Sexuality* that sexual identities and the knowledge of a society about them are formed out of behaviour as well as out of verbal representations.¹⁹ These definitions of discourse all show that although the ideas put forward by modern proponents of discourse

¹⁶ OED, “Discourse”

(http://dictionary.oed.com/cgi/entry/50065473?query_type=word&queryword=discourse&first=1&max_to_show=10&sort_type=alpha&result_place=1&search_id=8H9W-nX37ql-3151&hilite=50065473 accessed, 23-01-2007).

¹⁷ Johnson (1805). Cf., OED, “Discourse.”

¹⁸ Howarth and Stavrakakis (2000) p.3.

¹⁹ Laclau and Mouffe (1985) p.105 (see Barrett (1994) for a critique of their presentation of discourse and ideology); AK p.213. See also Althusser (1971), who argues for practice as reflective the ideas and understandings of people, and that these practices form the ideology of a society; Ricoeur (1973) pp. 97-102, who argues that action is fixed through objectification as verbal discourse is fixed by writing, making ‘doing’ a type of utterance; and Giddens (1982) pp.31-32, who argues that ‘knowledgability’ (what subjects know about a particular topic or society) works on discursive and practical levels. Chartier (1997) p.19 takes issue with this, arguing that the rules governing production of discourse are different from those ruling conduct and actions. However, as Clark (2004) p.119 & 152 notes Chartier takes discourse to refer strictly to language, whereas for Foucault and others it is a ‘strategic field’ linked to force and productive of effects not limited to language. Robert Morstein-Marx’s book, *Mass Oratory and Political Power in the Late Republic* took up this description of discourse for his examination of conational oratory in Rome, calling discourse “An interrelated series of utterances and practices embedded in a specific political context and linked to a certain type of social action.” (Morstein-Marx (2004) p.15).

analysis sound more complex and use more technical terminology than the dictionary definition, what we are essentially talking about, when we refer to discourse, is a network of statements, verbal and behavioural, through which ideas and arguments are communicated between a group of people, creating a body of knowledge.

However, whilst these may be the 'essential' basics, discourse is more complex than such a brief summary allows. Whilst the codification of a topic within discourse leads to an objectification of language and suggests the possibility of coherence and normativity,²⁰ discourse - both in linguistic and behavioural forms - is fundamentally unstable and uncontrollable. Pocock has described language as a game, in which no one can have 'the last word' because each 'player' can discern unexpected possibilities in the others' use of language.²¹ Discourse is the same, with participants responding to each other in dialogues, many of which overlap, challenging - or even ignoring - the statements, ideas and practices of others, with no one individual ever able to control the situation. This means that the nature of language and knowledge is continually being refined, redefined or fractured within and in response to the ongoing discourse. For Foucault, discourse and the knowledge it produces are powerful entities that have a profound impact upon societies, politics and their cultures, and his archaeological and genealogical methods sought to examine the way in which discourses formed within a society and affected its development over time. In *The Archaeology of Knowledge* he aimed to, "Uncover the regularity of a discursive practice," to establish the rules by which discourses emerge and form a system of knowledge about a topic.²² With genealogy, as first put forward in 'The Order of Discourse,' he sought to understand how knowledge, and particularly 'subversive' knowledge, is formed in discourse despite the limitations imposed on discourse within society, an idea linked with Foucault's concern with the history of the other. As such it complemented and filled out the archaeology, rather than superseding it.²³

Foucault sought to understand how discourses were formed and developed by situating them within their context, acknowledging the various 'enunciative modalities' and power relationships that govern their formulation. In *The Archaeology of Knowledge* he argued that a discourse about any given topic is formed out of a number of statements that create a network

²⁰ Bourdieu (1990) pp.78-79.

²¹ Pocock (1984) p.41 uses the example of the Red Queen in *Alice Through the Looking Glass* to discuss an understanding of language that puts the speaker in the power of the listener who discerns the meaning (pp.31-32).

²² AK p.161.

²³ OD p.71.

of objects, concepts and strategies (or arguments), and that these statements are governed by various elements including the speaker or writer, their location, status in society and audience.²⁴ By building up a picture of the way in which these elements are formed and uttered he presented an understanding of the way in which a discourse is shaped and uttered, and becomes the body of knowledge about its topic within a society.²⁵

Foucault examined the meanings that are associated with particular objects, tracking the emergence of the objects and the ways in which they are discussed in a discourse, and identifying the authorities that govern their appearances in these locations.²⁶ The way in which objects are brought together by speakers and writers creates the concepts and strategies or themes that exist within a discourse. Formed from statements distributed throughout a discourse, concepts present inferences, implications, reasonings or descriptions, in which one statement succeeds and depends upon another, with 'types of dependence' including the rhetorical, logical, critical or descriptive.²⁷ Strategies, meanwhile, are, "Organisations of concepts... regroupings of objects... types of enunciation, which form... themes or theories."²⁸ By looking at strategies, Foucault aimed to describe the discourse as a whole, creating a picture of its major themes and strands of thought and the way in which they emerge from objects, enunciative modalities and concepts. There may be more than one strategy within a discourse but, he argued, there generally is one primary strategy that is constituted as the knowledge of a society about a particular topic, against which other 'subversive' forms of knowledge must struggle.²⁹ Statements articulated within a discourse form a historical archive which in turn forms the knowledge base within a discourse and contributes to the formation of all future statements on the subject.³⁰ Foucault argued that

²⁴ AK pp. 23-85, 121 & 130.

²⁵ See also White (1987) pp.2-3, who argues that discourse is the ground on which it is decided what shall be counted as 'fact' and calls the process of discourse constituting objects the "tropics" of discourse.

²⁶ AK pp. 46-47 & 54-58; OD pp.52-53

²⁷ AK pp.63-66.

²⁸ AK pp.71.

²⁹ AK pp.201, 206-212. 'The Order of Discourse' explores this idea of subversive knowledge, which the genealogical exploration of discourse seeks to uncover (pp.69-71). Sunstein (2006) pp.9-11 notes that human knowledge, both that of the individual and of the group, accumulates over time and that deliberation allows multiple 'particles of reason' to emerge within the society. At the same time, what he calls the 'Common Knowledge Effect' (p.84) tends to hold sway: knowledge or information held by most members of a group tends to exert the greatest influence over deliberative processes, often through 'cascades' in which the authority of the powerful or the majority hold sway and prevent those who think differently from voicing their dissent (see Sunstein (2001) pp.16ff for a fuller description of cascades).

³⁰ AK pp.144-146; OD pp.56-61.

the relationship between statements and the archive was two-way: it being possible for the archive to be either respected or rejected by a speaker in their statements, allowing both the continued existence and the continued modification of the rules that characterise discursive practices.³¹ This modification, while not always negative, has the potential to introduce contradictions and fractures into the archive, which can create conflict in the discourse.

One of the key elements Foucault saw as governing the formation of discourse, in terms of the objects, concepts and strategies that might be discussed in different places and different times, was power. He believed that power and knowledge were interdependent; power demanding a field of knowledge in order to form relationships in which one party had dominance over another.³² For Foucault power forms relations and functions within a field of knowledge, both elements working together as factors upon the enunciation of a statement, directing who can say what, and when. As such power relations have an impact upon the ongoing formation of knowledge and 'truth' within a discourse. This is not an absolute truth, but rather a Norm, that is formulated through discourse and affected by the power relations within that system, and which spreads through power relations as a 'truth'. In 'Truth and Power', Foucault expressed it thus: 'Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint... Each society has its regime of truth, its "general politics" of truth – that is the types of discourse it accepts and makes function as true.'³³

3. A discursive constitution

This thesis posits that Roman knowledge about the constitution of the *res publica* was formed through discourse; the combination of objects and concepts creating strategies and finally knowledge about the nature of the *res publica* and its constitution; and seeks to examine the fracturing of this knowledge in the late Republic through the proliferation of multiple strategies or understandings of the constitution which competed in Rome's political

³¹ In *HS* p.100 he claims that, "One must conceive of the double conditioning of a strategy by the specificity of possible tactics, and of tactics by the strategic envelope that makes them work."

³² *DP* pp.27-8. In 'Power and Strategies' Foucault put forward an argument about the way in which power exists and functions, seeing it as a fluid force existing in the balance of relationships which is not simply repressive but also conditioning and enabling (*P/K* pp.134-46). Detel (2005) pp.2 & 45 refers to Foucault's concept as 'regulatory power', a power that is not necessarily repressive but productive in a definable way, particularly in the production of truth, and sees him as examining its workings on three levels: (i) local power relations, in terms of specific historical forms and structures; (ii) the dynamics of power and their historical shifts – in narrative terms; (iii) forms of confinement and systems that play roles as 'props and strategies' embedded into the power base. Skinner (1989) p.22 describes this as the social vocabulary and the social fabric mutually 'propping each other up' and legitimating each other.

³³ *TP* p.131. Cf., *P/K* p.93, and *DP* pp.183-4 in which such 'truth' is referred to as the norm.

discourse to be regarded as the 'truth'. To do this, I will employ some of the critical approaches discussed here in a description of the understanding of the constitution of the Roman *res publica* as it existed after Caesar's death, in order to reveal the way in which Roman knowledge about the constitution emerged from discussions about proper political action and arguments about the ideals that were important and the way in which political structures should function. By looking at the way Cicero and Sallust expressed their ideas about the cultural and institutional elements of the *res publica* it will be possible to gain a picture of the way in which Roman discourse about the constitution was formulated and the knowledge of its nature established. By situating their work within the period in which it was produced we will be able to see not only how the writers' and speakers' statements were influenced by their context (the 'enunciative modalities') but how they, in their turn, influenced subsequent statements. They became the context for the ongoing discourse, shaping the interpretation and expression of others' understandings of the constitution and, through Rome's decision-making processes, shaping the Roman constitution itself. In this regard, the constitution of the *res publica* can be said to be a discursive entity; interpreted, experienced and altered through discourse.

When considering the formulation and expression of political and constitutional knowledge in discourse it can be helpful to think in terms of ideology. We are familiar with the argument that the knowledge that makes up ideology is not a set of absolute truths but a scheme of ideas, usually political, whose normativity is supported by its expression by those in positions of power. Studies of ideology since the latter half of the twentieth century have shown that it cannot be understood as a unified block of thought imposed upon the people by their rulers, but as a contested entity mediating between the rulers and the ruled.³⁴ Althusser's 'Ideological State Apparatuses' (political and societal institutions) are important in the creation and dissemination of ideology, which 'hails' individuals to identify themselves as subjects

³⁴ Connolly (2007) pp.38-39 gives an overview of recent thinking about ideology. Althusser (1971) is a proponent of the traditional view arguing that ideology is propagated from the top down through state apparatuses (institutions including the courts, prisons, government, the police and the army) and what he calls 'Ideological State Apparatuses' (ISAs), including the church, schools, family, political parties, media and culture, which educate and reproduce the ideology of the society. Connolly cites Gramsci (1991) as a turning point in thinking about ideology from Althusser's rigid terms towards a more fluid understanding of ideology as a combination of elements, which may be successfully articulated by a group seeking hegemony within a society in order to appeal to others. This idea is echoed by Laclau and Mouffe (1985) who argue that ideology is a political relationship that exists in a constant state of change and cannot be conceived as 'the irradiation of effects from a privileged point' (p.141), and by Žižek (1994b) pp.3 & 6 who sees the idea that we can critique ideology as something exempt from the turmoil of social life as part of ideology.

within it but this process does not work solely in a top down fashion.³⁵ Euben has argued that the meanings with which people identify are arrived at through dialogue – a process of negotiation which Laclau and Mouffe have described as ‘suturing’, a continual pulling together of the body politic.³⁶ Ideology emerges from a discursive process involving debate and negotiation, but it is rarely uncontested or universally accepted by all the members of a polity.

The production of constitutional knowledge occurs in the same way. The understanding of any constitution is formed discursively, out of the things that can be and are said about it. Cass Sunstein has noted that constitutional understandings are a product of political processes carried out over time, arguing that the meaning of a constitution is made, rather than found, through a process of interpretation.³⁷ This ‘meaning’ or understanding of a constitution arises from discourse about it as various participants make claims as to its nature and the proper course of action under it within the political process. These processes lead to the establishment of an understanding of the constitution through negotiation and decision-making: for example in elections, debates about legislation, or court cases. As with ideology, this process of interpreting and understanding a constitution is rarely uncontested: there is more than one constitutional strategy or understanding in any discourse: although there may be one dominant strand there are others that subvert, counter or compete with this and which may, in time break through, leading to a fracturing in the political knowledge of a polity or to the formation of a new knowledge or ‘truth’, if the participants in the discourse find a way to negotiate between their competing claims.

The process by which constitutional knowledge is formulated within a polity has an impact upon the constitution of that polity. Giddens has discussed the idea of ‘knowledgeability’, by which he means, “All those things the members of the society know about that society, and the conditions of their activity within it.”³⁸ This knowledge is not entirely cognitive or

³⁵ Althusser (1971) p.47; Morstein-Marx (2004) p.15.

³⁶ Euben (1997) p.145; Laclau and Mouffe (1985) p.88 n.1 notes that the idea of the suture implies that something is lacking, at the same time as it attempts to fill-in the gap, *cf.*, Barrett (1994) p.249. Morstein-Marx (2004) especially pp.14-16, and Connolly (2007), p.43 have examined the creation of ideology in the late Roman Republic, noting its formation points in the discourse of the *contio* and in the presentation of rhetorical theory, and emphasising that Roman republican ideology was not simply a case of the elite pandering to the masses, but that what Connolly calls the ‘extrahegemonic.’ The voice of those who were not members of the elite, was a critical element in the creation of the ideology.

³⁷ Sunstein (2009) pp.3, 23. He argues that even when there is a written constitution its meaning, for the polity, must still be interpreted. A Constitution of Many Minds explores the way in which this takes place in the United States, and follows on from his work on the creation and dissemination of opinion and knowledge in general.

³⁸ Giddens (1982) p.9.

conscious but reflexive within the continuity of human action and discourse; sometimes self-conscious and discursive (in which the agent can give account of his actions) and sometimes unselfconscious, reflecting a tacit, practical knowledge employed in action but which the agent is not able fully to explain.³⁹ It is this 'knowledgeability' and the human actions – both verbal and behavioural – that are rooted in it that are responsible for the reproduction of society in Giddens' theory of structuration. 'Structuration' is concerned with the reproduction and changing of social practices across space and time, and the conditions that govern this process.⁴⁰ He argues that this reproduction and constitution of society is the accomplishment of its members, albeit in a manner they do not wholly intend or comprehend through the 'unintended consequences' of their actions.⁴¹ This idea can also be applied to the reproduction of the constitution of a polity, as the citizens' knowledge about it guides their actions and reproduces it within their society.

4. The discursive constitution of Rome

Roman political discourse had a dual role in the *res publica*: it created knowledge about the constitution and thence the constitution itself, and also made use of this knowledge in the political decision making process.⁴² Roman knowledgeability about the constitution expressed in political discourse shaped what the *res publica* would do and what it would become as particular arguments attached to an understanding of the constitution, guided action and became precedents for the future. In such a situation, the constitution itself is a discursive entity, evolving over time through political decision-making processes that depend upon argument and discourse. A change or fracture in the understanding of the nature of the constitution could rapidly become part of the discourse and a precedent (part of Foucault's 'archive' or Giddens' 'knowledgeability') for future discourse and decisions. In such a situation the contest between different understandings of the constitution becomes not just a struggle for true knowledge about the nature of the constitution, but also a struggle for the future development of the constitution and the future of the polity as a whole.

³⁹ Giddens (1982) p.31; Giddens (1984) pp.1-14. In an examination of discourse, such as was outlined above, the actions arising from both kinds of knowledge are statements in the discourse.

⁴⁰ Giddens (1982) p.35; Giddens (1984) pp.1-14.

⁴¹ Giddens (1982) pp.8-10, 32; Giddens (1984) pp.1-14; Giddens (1976) pp.102-113; Giddens (1979) pp.59-73.

⁴² See Giddens (1982) pp.8-10 & Giddens (1979) pp.59-73 on the duality of the structure of society and its recursiveness (by which he means that the structure is the medium and the outcome of the reproductive practices).

In Roman political discourse, both that enacted in the very public sphere of the forum and the Senate and that taking place in the more restricted spheres of philosophy, historiography or letter writing, the objects under discussion included those elements that made up the *res publica* – its institutions, its values and its citizens.⁴³ Through this discourse the meanings, functions and roles of these objects were interpreted and negotiated to form understandings of and knowledge about the constitution. The discourse described and informed events and actions as part of the political process, but also created and perpetuated perceived truths and natural parameters of political action.⁴⁴ At its more theoretical end, it also sought to understand and refine the processes in which citizens made decisions and consensus was forged – the way in which public knowledge was formed.⁴⁵ However, the discursive process was not always successful, in terms of leading to a unified and universally accepted understanding of the constitution, and this created problems for the *res publica*.

In looking at Roman political discourse it is necessary to examine the statements made by writers and speakers about the *res publica* and its constitution in order to uncover the key objects that existed and major strategies and positions with which individuals and groups were encouraged to identify. In order to break down the discourse and establish the ideas and arguments that made up Roman understandings of the constitution we need to start by identifying the themes that existed in Roman thinking about the *res publica* and its constitution. Sallust's argument that the decline of morality had contributed to the decline of Rome is such a theme, as is Cicero's claim that the best interests of the *res publica* and the best interests of the citizen could not be separated. These understandings and arguments may

⁴³ While there was a concept of public and private in Rome, the division between them was not black and white but rather multi-layered. It would perhaps be better to say that there was a sliding scale of action from public to private, ranging from the words of the orator speaking in the forum or the deeds of the consul at the most public end to the retirement of an individual from Rome to sit at home and disengage from politics – which in itself could be seen as a political act. 'Private' activities, such as philosophy or the writing of history, which technically took place out of the public eye, were not held to be irrelevant to public political life; hence Cato's claim that one should give an account of one's leisure time as well as one's business (*Cat., Orig.*, fr.2P; 1.2C). In a polity where the majority of those vying for promotion or office, knew or knew of each other, no communication could be truly private and apolitical, and with the character, lifestyle and behaviour of aspiring political figures an accepted point of discussion in campaigns and legal cases there was no aspect of life that could be considered truly private. To hold the status *privatus*, was not to have privacy, as we understand it today, but rather it was to not hold the legal status of a magistrate. See, for example, Cicero (*Leg. Man.*, 61) describing Pompeius as having been an "*adulescentulus privatus*" when he raised an army on Sulla's return to Rome.

⁴⁴ Morstein-Marx (2004) p.14. He discusses contional speeches, but this claim applies for all Roman discourse.

⁴⁵ Connolly (2007) p.3.

be equated to Foucault's idea of 'strategies' and are the easiest element of a discourse to pick out, for they are the major political themes that emerge as Cicero and Sallust express their understanding of what was happening and had happened to the *res publica*.

From this point we can work almost in reverse as regards to Foucault's presentation of discursive elements in *The Archaeology of Knowledge*.⁴⁶ Once we have established the strategies that exist within the discourse, we can begin to analyse the various concepts and objects from which they are constructed. In order to do this we must identify the key terms in the political discourse which signify the ideas and institutions that the Romans understood as being critical to their *res publica*.⁴⁷ These elements include institutional bodies such as the Senate, the popular assemblies, and the magistracies, and political ideas including *libertas*, *virtus* and *gloria*. From this point it will be possible to analyse the ways in which they are understood and examine the ways in which they are related to each other within in the discourse in order to express the speaker/writer's understanding of the constitution.

To gain further insight into Roman understandings of the constitution we must also consider what was said, where and by whom, establishing the context and parameters of discourse within which objects, concepts and strategies were defined and knowledge about the *res publica* formed. This means asking who made the statements being examined, when and where they made them, what their position was, and why they uttered the statement. It is here that an assessment of the power relationships in which Sallust and Cicero stood will be important, as these, which marked their positions at Rome, will have been a factor influencing their contributions to the discourse. These enunciative modalities, as Foucault calls them, guided the expression of thought about the constitution in discourse. However, although they did present qualifications as to what might or might not be said for an argument about the *res publica* to be successfully received, they were not simply a limiting factor as they also provided

⁴⁶ AK pp.23-85

⁴⁷ Williams (1976) p.21 argued that a study of variations and confusions of meaning may help improve our understanding of history, by taking words at the level at which they are generally used and examining the changes in their meanings over time. Skinner (1989) pp.7-8 & 20-22 also argued that studying vocabulary could give insight into changing social beliefs, theories, perceptions, values and attitudes, but sought to clarify the importance of looking at political concepts, not just words, arguing that use of the word does not presuppose understanding of the concept and vice versa. This is also true of Rome: Cicero's definition of one of his four cardinal virtues as, "(That concerned) with the conservation of organised society, with rendering to every man his due and with the faithful discharge of obligations assumed," is hardly a concept attached to one specific word, although those he predominantly associates with it are *iustitia* (justice) and *benevolentia* (kindness) – nonetheless, it remains a political concept. However, the majority of concepts discussed in this thesis are tied to specific terms, although not all understandings of these concepts are the same.

the arguments that the writers under discussion wished to critique and counter. They were an inspiration, as well as a restriction.⁴⁸

An analysis such as that outlined above will show the way in which strategies emerged and were employed in discourse, and reveal the existence of different understandings of the constitution. The danger of such fractured knowledge about the constitution can be seen if one considers what a hegemonic knowledge or a coherent ideology offers a society. As was noted above, Laclau and Mouffe have referred to the creation of knowledge from discourse as a suture holding the society together, and Giddens has noted the importance of discourse in the reproduction of societal systems. More bleakly, Pocock and Žižek have both argued that the formulation of ideology is driven by a human fear of failure, isolation and death, and the search for a sense of partnership, completeness and virtue. Without it, the citizens of a polity are not truly part of a community that can be sustained through discursive processes.⁴⁹ If the suture splits, fault lines emerge in the understanding of the constitution of the polity, leading to tensions between its members as each pursues actions in accordance with their understanding of the constitution. The friction between these understandings affects the formulation and reproduction of knowledge about the constitution as each side makes claims in support of their point of view, creating further fractures in the common understanding of the *res publica*. The fracturing of constitutional knowledge means that the constitution will not be reproduced perfectly, but will be reinterpreted and will change. This change is not necessarily negative; the way it is understood depends upon the commentator's point-of-view. However, as we will see, both Cicero and Sallust saw the changes that took place in Rome's constitution as negative and detrimental to the *res publica*.

A discursive analysis of the work of Cicero and Sallust and the situation in Rome in 44-43 also reveals the problems that these different understandings of the constitution created for the *res publica*. Practically speaking the political discourse of the Roman Republic, post-Caesar, was part of the ongoing struggle for political power and the government of Rome. The process of discourse, through which audiences were encouraged to identify with particular positions and understandings of the constitution, was important as it directed the behaviour of

⁴⁸ Cicero's *Philippics* are particularly important in looking at the effect of enunciative modalities upon discourse as they were presented variously to the Senate and the people, and in the case of the second, in pamphlet form with a possibly limited distribution (see Manuwald (2007) pp.59 and Ramsey (2003) pp.157-159 on the publication of the *Second Philippic*). As such they reveal the way in which the utterance of statements about Roman politics was influenced by factors external to the speaker and how different understandings of the constitution emerged at Rome.

⁴⁹ Pocock (1972) pp.87-88; Žižek (1989) pp.5, 124-125.

its subjects as they participated in politics, and had a practical impact upon events. The fracturing of Roman knowledge about the constitution meant that the citizens were driven in different directions depending upon which arguments and understandings they accepted, splitting Rome. A shared understanding of the constitution of the *res publica* could not be negotiated, and eventually the discord turned violent and the Republic succumbed to civil war. This process can be seen particularly clearly when looking at Cicero's arguments about the *res publica* in the *Philippics* in which he seeks to convince his audiences of the truth of his understanding of Rome and to follow his proposals for political action against Antonius. His arguments played an important role in driving events onwards; his refusal to negotiate with Antonius contributing to Antonius' being pushed out of the *res publica* and towards military action.

In conclusion

The adaption and employment of modern theoretical approaches to discourse and to political thought and action enables a new appreciation of the Roman constitution as a discursive entity, created, directed and maintained through discursive processes which employed understandings of the constitution as arguments for action. It also enables us to put forward a new answer to the question of why the Republic was not restored after the death of Caesar. Christian Meier has asked, "How is it possible for an order to collapse when all who have a share in it regard it as a proper order... how is it possible for it to be destroyed by those who have a share in it, in the absence of any extraneous influence – to be destroyed when no one wishes to attack it, to be annihilated when no one repudiates it?"⁵⁰ He argued that the downfall of the Republic resulted from the contradiction between the forms of the communal state and the exigencies of a world empire, and claimed that in this 'crisis without alternative' there was no conflict about the order, but about the price of the order.⁵¹ This account will argue that there was conflict about the nature of the political order. Once we understand that knowledge about the nature of the Roman constitution was formulated through the discourse about it and could be changed through the same process, it becomes clear that the constitution was not simply a collection of static institutions but also the values and practices that allowed them to function, and did not exist in a monolithic form but was

⁵⁰ Meier (1996) pp.349-350.

⁵¹ Ibid. pp.353, 354. The idea of 'crisis without alternative' is explored in Meier (1966), especially pp.201-207.

discussed and contested by the citizens of the *res publica*. The contestation of the nature of the constitution, of what the 'proper order' ought to be split Rome. In the end, it became impossible to 'restore' the Republic, because there was no unified understanding of what its constitution should be. The multiple, fractured understandings of the nature of the *res publica* that existed in Rome after Caesar's death prompted conflicting proposals for action from the various participants in the discourse that led, in the end, to armed conflict.

Chapter Two: The Struggle for the Republic

Marincola has noted of historiography that, “Form and content cannot be divorced from the context within which the work was produced.”¹ The same may be said of political discourse, which is shaped by the events, situations, arguments and ideas to which its statements respond. In Rome in 44-43 the participants in the discourse all responded to each other, as well as to the critical event - Caesar’s death. All of the statements made after his assassination had an impact upon those that followed: each understanding of the constitution affected the statements of those who held it, which in turn had an impact upon the words and deeds of those with whom they engaged in discourse, forming events and influencing the responses to them. In order to establish the reasons behind the failure to restore the Republic after the assassination of Caesar, it is necessary to describe the way in which the constitution of the *res publica* was expressed by participants in the discourse in order to reveal the different understandings of the constitution that were held and the impact they had upon events in Rome. To this end, this chapter will examine the verbal and behavioural discourse of the major players at Rome immediately after Caesar’s death, with the exception of Cicero, looking at their statements about the constitution.

That the Republic was not restored was not wholly the result of the conspirators’ own indecision and failures or the better decision-making or more cunning manoeuvring of other men; it was also the consequence of a contested understanding of the constitution of the *res publica* in Rome at large. There was no unified sense of the ‘true nature’ of the constitution: the understandings of the two Brutii and Cassius conflicted with each other, as well as with those of Cicero - not to mention those of M. Antonius, Octavian or the other senators who played a role in shaping events. This conflict was reflected in the decision-making processes of Roman politics and had a knock-on effect upon the events that followed. This chapter will first look at Caesar’s dictatorship and the understanding of the constitution that it expressed, as it was to this as well as to Caesar’s assassination that Rome’s political discourse responded in 44-43. Then we will turn to the events that followed Caesar’s death, looking at them through the discourse – verbal and behavioural - of the conspirators, Antonius, Octavian, the Senate and the People, and examining them for the understandings of the constitution that they expressed. From this, we will be able to see some of the multiple understandings of the

¹ Marincola (1999) p.309.

constitution that existed at Rome and understand the impact that the fracturing of Roman knowledge of the constitution had upon events.

1. *Caesar's Dictatorship*

Caesar's dictatorship was a moment of difference for the governance of the *res publica*, in the Republican era.² His victory over Pompeius in the civil war gave put him in an exceptional position of power, with which many of his fellow Romans struggled to come to terms, and which affected Rome's political discourse about the proper nature of the constitution.³ Caesar's dictatorship was taken up at first to give him an official role in Rome in 49 and then set aside before being taken up again after his defeat of Pompeius, and then reiterated, initially for ten years, before being turned into a dictatorship for life.⁴ Mommsen argued that from 46 Caesar's title was *dictator rei publicae constituendae* and that his 'function' in this office was to restore or settle the *res publica*.⁵ For Caesar, however, the dictatorship seems to have been as much a way of legitimising his extraordinary power within the *res publica*, as it was an office with a function for him to fill, and its long-term endowment smacked of *regnum* to many in the Senate.⁶ Meier notes that the Senate, in granting powers and praises to Caesar, gave him nothing he could not have taken for himself. This was a problem for many of those who had been and felt they ought to be his peers: Caesar governed Rome as he had led his army, without debate or reference to others.⁷

The life and career of Caesar shaped Roman discourse about the nature of the *res publica* after his death.⁸ His dictatorship created a rupture in the *res publica*, establishing a new

² The idea of 'différance' established in Derrida (2001) pp.36-76 plays on the fact that 'différer' means both 'to defer' and 'to differ'. Caesar's dictatorship was both different from what had gone before and deferred the processes that many associated with the 'normal' processes and ideals of the governance of the *res publica*.

³ Cicero's writing during the period shows him struggling to come to terms with Caesar's dominance at Rome and decide upon his own course of action in response to it. See, for example Dugan (2005) and Gildenhard (2007) for readings of some of the texts Cicero wrote during Caesar's dictatorship.

⁴ *MRR* 2.256, 272, 286, 294, 305 & 317-318; *Caes.*, *B Civ.*, 2.20-21; *Suet.*, *Iul.*, 35, 37, 41-43; *Plut.*, *Vit. Caes.*, 37, 49-52, 57, 61.3; *App.*, *B Civ.*, 2.47, 90-95, 106; 3.11; *Dio* 41.24.1, 36-38; 42.20.3, 21.1, 41-56; 43.1.1, 14.3-4; 44.4-6.

⁵ Mommsen (1952-69) p.328; *Cf.*, Syme (1939) p.52; Badian (1990). Meier (1996) p.437 argues that Caesar had not been charged with the task of restoring the *res publica* but that the responsibility lay with him – something (p.439) he notes that Cicero pointed this out, using the terms '*rem publicam constituere*.' (*Marc.*, 27.1).

⁶ Rawson (1992a) p.463

⁷ Meier (1996) pp.434, 448.

⁸ Goldsworthy (2006) p.3 suggests that the condition of the Republic may have been terminal in the period this thesis considers because of Caesar's own actions. The existence of the dictatorship itself, as

understanding of the constitution in Rome's political discourse, one in which individual dominance was both possible and acceptable. Meier has argued that Caesar did not seek to establish a 'new' *res publica*, because there was no dissatisfaction with the old order.⁹ However, Caesar's dictatorship and the response it drew show that although there was no desire to abandon the *res publica*, there was debate over the constitution of Rome. Caesar's behaviour before and during his dictatorship shows a particular understanding of the *res publica*'s constitution, which came into conflict with that held by others in the Senate. Caesar claimed to be seeking to free Rome from a small faction (*factio paucorum*) and to be defending the rights of Rome's tribunes.¹⁰ However, his behaviour showed an understanding of the constitution that revolved around his own rights as a citizen of Rome. Suetonius quoted Caesar as having said, after the battle of Pharsalus, "I after all my victories, would have been condemned in the courts if I had not sought the aid of my army."¹¹ For Caesar, the constitution of the *res publica* should respect and preserve the *dignitas* and honour a citizen could earn through the holding of office and the performance of great deeds and in which the citizen whose *dignitas* was slighted could defend his position.¹² This illustrates Caesar's emphasis on the importance of the individual citizen in the *res publica*. Meier argued that Caesar thought in terms of individuals and was not sensitive to the political institutions and processes of Rome, as others were. The Senate, as a body meant nothing to him, unless they obstructed him; he dealt with and competed with individual Senators as friends, neutrals and opponents.¹³ Thus, while he claimed to be defending the rights of the tribunes in 49, he was willing to override them when they obstructed him.¹⁴

Caesar's dictatorship overrode the competitive aspects of Roman politics. He could nominate his preferred candidates for the magistracies, and even if he did not generally exercise this, he oversaw elections and influenced them by the presence of his power.¹⁵ With Caesar as dictator there was no equality of opportunity for success in Roman politics. In 49 Caesar had emphasised his need (and right) to defend his *dignitas* as a justification for his march on Rome, but his determination to maintain his position at the top of the tree denied

much as any of the measures Caesar passed or the things that he did, created a rupture with what many seem to have understood the *res publica* to be (see Syme (1939) p.59).

⁹ Meier (1996) pp.471-472.

¹⁰ Caes., *B Civ.*, 1.5-7, 22.

¹¹ Suet., *Jul.*, 30.4, claiming to repeat Pollio's direct quote (Rawson (1992a) p.433).

¹² Caes. *B Civ.*, 1.7.1, 7; 1.9.2.

¹³ Meier (1996) pp.358-359, 449.

¹⁴ Caes., *B Civ.*, 1.32-3; Dio 41.15-16; App., *B Civ.*, 2.41; Cic., *Att.*, 10.4.8, 10.9a.1. Rawson (1992a) p.430.

¹⁵ Meier (1996) pp.432, 434.

others the opportunity to shine and engendered resentment. Caesar's claim to mercy emphasised this, for his exercise of it set him apart from his fellow citizens. It was a quality that some of his peers and rivals felt that he had no right to exercise for it implied his superiority over them.¹⁶ Under Caesar's dictatorship success in Roman political life came to be based on one's relationship with the Big Man, as much as on any other qualifications. Nor would any other man be able to attain even temporary pre-eminence in Rome, without defeating Caesar or removing him from the political equation in another way.

Caesar's dictatorship provided an object against which other understandings of the *res publica* could be formulated: understandings in which there should and could be no one dominant individual, or in which the Senate held the balance of power through its *auctoritas* and the people were not as important as they had been as a power-base for Caesar. Rawson has suggested that Cicero was so concerned with Caesar's "cavalier way" with Republican forms that he did not try to understand the measures he passed.¹⁷ However, for Cicero – and for others – the very fact of the dictatorship's existence was enough: it did not matter what Caesar did with his office, its presence and his dominance went against the constitution of the *res publica* as they understood it. It also provided a model for an understanding of the *res publica* for other ambitious individuals who did seek pre-eminence; an example of how the *res publica* could, and perhaps should, be which could be echoed (for example by Antonius) or refined (as by Octavian). Caesar's dictatorship also influenced Rome's discourse in more direct ways, for it was Caesar who had established Antonius as his lieutenant and consular colleague, Lepidus as his *magister equitum*, Dolabella as suffect consul (for when Caesar would leave for the east), and Octavian as his heir. These individuals all played an important role in Roman politics after Caesar's death, able to participate in discourse and influence events from positions of authority in which they had been put by Caesar.

¹⁶ Caes., *B Civ.*, 1.6; Plut., *Vit. Cat. Min.*, 58-70; Rawson (1992a) p. 425; Weinstock (1971) pp.233-243 on *clementia* argues that it was a traditional virtue, one of two possible answers of what to do with the vanquished, and that it was rare in political usage until the civil war, when Cicero began to apply it to Caesar with a vengeance. Whilst Caesar referred to his own *miser cordia* and *lenitas* (Caes., *B Civ.*, 1.72.3, 74.7, 84; 3.98.2), Cicero referred to Caesar's *clementia* (Cic., *Marc.*, 1.5, 18.5; *Lig.*, 6.4, 10.1, 15.5, 19.10; *Deiot.*, 8.8; *Att.*, 8.9a.2; 9.16.1; *Fam.*, 15.15.2), making a virtue of the *res publica* into a personal quality, and a negative one. Cicero later criticised Brutus for saying he would show *clementia* (Cic., *Brut.*, 2.5.5; 1.2a.2). This is in contrast to the later Yavetz (1983) p.175, who expresses doubts that *clementia* was defined as the leniency of a superior towards an inferior in the 40s. The concept does not have to be clearly defined for the resentment to be felt – and such an understanding must begin its formation somewhere.

¹⁷ Rawson (1992a) p.439.

2. The Conspirators

As the assassins of the dictator, the conspirators' understanding of the constitution was naturally formulated and expressed in reaction to Caesar. Their words and deeds did not express an understanding of the constitution as something that needed to be re-established; rather they seem to have seen it as something concrete that had been suppressed for a while but which would return to life once the suppressing force was removed.¹⁸ The cautious behaviour of the conspirators and their reluctance to impose their will upon subsequent events has been seen as a mark of their lack of preparation and a failure to anticipate the problems that would follow Caesar's removal.¹⁹ This may have been true, but it also reflects an understanding of the constitution. Their understanding of the constitution allowed free competition between members of the Roman elite and placed the Senate at the core of the decision-making process, expecting them to guide the *populus* and the *populus* to follow the Senate's lead. In their perception of the situation at Rome, Caesar's dominance was unconstitutional and had suppressed Rome's proper constitution, but once he was removed it would be able to function as it should. Nonetheless, their behaviour does reveal a lack of recognition that theirs was not the only understanding of the *res publica* that had currency at Rome, and that they would need to engage in further discourse in order to restore the constitution as they wished it to be. They failed to realise fully the necessity of arguing for their vision before their fellow citizens, a failure that handed the initiative in subsequent events to others.

The understanding of the constitution expressed by the conspirators in the immediate aftermath of Caesar's death seems to have been guided by the voice of M. Brutus.²⁰ As the alleged descendant of L. Junius Brutus, the Expeller of Kings, he was the inheritor of what may be called a discourse of liberation, in which the claim of saving the *res publica* was tied to the call for *libertas* and freedom from tyranny. Cicero implied as much in the *Brutus*, a text that begins with L. Brutus as the first Roman orator and establisher of the *res publica* and ends with Cicero's grief over the early termination of Brutus' career as an orator due to the death of the *res publica*, and which offers a definition of *virtus* that includes the imitation of the example of

¹⁸ As Syme (1939) p.97 said: "They had no further plans – the tyrant was slain, therefore liberty was restored."

¹⁹ Ibid. p.97ff. See Rawson (1992b); Osgood (2006); Manuwald (2007) pp.9-31 for full narrative accounts of events at Rome in 44-43 B.C., the key sources for which are Cicero's letters and speeches, Appian's *Bellum Civile*, Dio books 44-46 and Plutarch's lives of Cicero, Antonius and Brutus.

²⁰ Rawson (1992b) p.192.

one's ancestors, something which for Brutus, his interlocutor and dedicatee, requires direct action.²¹ Appian's report that Brutus had rejected the suggestion that Antonius should also be killed by saying that it would be the act of partisans of Pompeius suggests he understood the *res publica* as a polity in which it was only acceptable to set aside the legal prohibition upon murder in the case of a tyrant in order to liberate the *res publica*.²² Such an understanding of their action in relation to the constitution may explain the conspirators' eschewal of violence and their reluctance to ensure the *res publica* was reordered according to their understanding of the constitution; they did not want to dominate the *res publica* or be thought to be establishing another oppressive regime.²³

That Brutus had to (or was said to have had to) reject the assassination of Antonius shows that there were differences of opinion between the conspirators about the action it was legitimate to take in defence of the constitution. Whatever any other member of the group considered the safest and most effective course of action, Brutus' argument that their action must be justifiable as an act of liberation from a tyrant seems to have been accepted. However, as the constitutional understandings and ambitions of Antonius and Octavian started to threaten the initial settlement of March 44, the conspirators had to respond in order to defend themselves and the *res publica*, as they held it to be. In the different courses of action that they took, their different understandings of the constitution become plain to see, and each had its own impact on events at Rome and on the ongoing political discourse.²⁴

Decimus Brutus was the first to take direct action in defence of his *res publica*, his refusal to surrender Cisalpine Gaul proclaiming his rejection of Antonius' alteration of the provincial allotments.²⁵ His stand against Antonius was encouraged by Cicero, who pleaded with

²¹ Cic., *Brut.*, 53, 331ff. Dugan (2005) pp.173-243 explores the relation between Cicero and Caesar in the *Brutus*, noting that in the text the evolution of oratory, and thus the survival of Rome (for oratory is the lifeblood of the *res publica*), depends upon successful imitation of exemplary predecessors. A similar call is made to Brutus in the *Tusculan Disputations* (see Gildenhard (2007) pp.93-4 on Cicero's use of literature to bring Brutus round to his political viewpoint).

²² App., *B Civ.*, 2.115; Cf., Plut., *Vit. Ant.*, 13.

²³ While the account of events provided by Dio cannot be taken as accurate his comment (44.19.2) that the conspirators feared being accused of slaying Caesar to gain supreme power suggests that such a concern would not be considered surprising or irrational.

²⁴ With M. Brutus and Cassius having left Rome for safety reasons soon after Caesar's funeral, and D. Brutus taking up his proconsulship in Cisalpine Gaul, the three most prominent conspirators were unable to speak in Rome and thus affect events through verbal discourse. In this situation, their different understandings of the *res publica* were revealed through their actions more than their words, and their actions revealed slightly different understandings of the *res publica*.

²⁵ Decimus, who was praetor in 45 (*MRR* 2. 307, 328) had been appointed to Cisalpine Gaul by Caesar (App., *B Civ.*, 2.214). Antonius called an assembly on 2 June 44 B.C., which Rawson (1992b) p.474 describes as, "Treble irregular," and at this meeting effected legislation to exchange his province of

Decimus to, “Liberate the *res publica* for ever from despotic rule.”²⁶ Whether Decimus’ stand against Antonius stemmed primarily from an understanding of the constitution which held Antonius’ manipulation of the Senate and the provincial allotment to be illegal or from self-interest must remain speculation, but it does show that he believed his stance was justifiable as a defence of the constitution. His behaviour shaped Roman discourse about the constitution and the future of the *res publica* as it provoked Antonius to further action and to the expression of statements about the nature of the *res publica* (as quoted by Cicero in the *Thirteenth Philippic*), and helped shape Cicero’s expression of his conception of the legitimate action of the citizen within the *res publica* – arguments that also helped give Octavian a legal position of power.

M. Brutus and Cassius left Italy in the summer of 44; Brutus heading to Greece whilst Cassius temporarily disappeared off the map, eventually reappearing in Syria where he had served as quaestor, holding the province after Crassus’ death at Carrhae.²⁷ As Octavian and Antonius raised armies in Italy and began to threaten the conspirators with reprisals Brutus and Cassius also began to raise support. However, they proceeded in different ways, reflecting different understandings of the constitution. Brutus took control of Macedonia from Q. Hortensius peacefully and though he went on to capture C. Antonius, he treated him with careful propriety until after the formation of the second triumvirate, when he ordered his execution.²⁸ His position as proconsul in Macedonia was swiftly legitimised by the Senate, on Cicero’s motion.²⁹ Brutus seems to have held an idealistic understanding of the *res publica*: efficacy, even in defence of the constitution, was not enough justification for action. He wrote to Cicero from Greece, declaring that, “What the Senate has not yet decreed, nor the Roman

Macedonia for Cisalpine Gaul. Cic., *Phil.*, 1.6 describes this meeting, emphasising the use of violence and the popular assembly over the Senate. For Cicero’s account of D. Brutus’ actions see *Fam.*, 11.5-11.6 and the *Third to Sixth Philippics*. Cf., App., *B Civ.*, 3.49, 51 and Dio 45.14.

²⁶ Cic., *Fam.*, 11.5. Cf., *Fam.*, 11.7.2.

²⁷ Cic., *Fam.*, 12.4.2; 5.1; 11.1 reveal the uncertainty of Cassius’ location. Broughton calls Appian’s claim that Caesar had assigned Syria to Cassius and Macedonia to Brutus, “A mistaken assertion” (*MRR* 2.321). Rawson (1992b) p.475 says that Appian’s statement (*B Civ.*, 3.8) was probably a justification of their later seizure of these areas.

²⁸ Ibid. p.481. Cicero and Brutus discussed the fate of C. Antonius in a series of letters (Cic., *Ad Brut.*, 1.4.2; 2.3.2; 2.4.3; 2.5.5), with Cicero initially advocating custody and then comparing all three Antonii to Dolabella, who had been declared a *hostis* by the Senate. Brutus disagrees with Cicero over his classification of the Antonii as *hostes*, arguing that only the Senate or people can pass such judgement. See Plut., *Vit. Brut.*, 26.3-5; *Vit. Ant.*, 22.4; App., *B Civ.*, 3.79 and Dio 47.25.1 for the later execution of C. Antonius.

²⁹ Cic., *Phil.*, 10.

People ordered, I do not take it upon myself to prejudge, I do not make myself the arbiter.”³⁰ In a free *res publica* (such as he believed Rome was, after Caesar’s death), the individual could not act as he saw fit with impunity, but must wait for the Senate and people of Rome to direct him. Cassius’ understanding of the constitution, on the other hand, was more pragmatic. Although his position in Syria was not legalised until after Mutina, despite Cicero’s proposal in the *Eleventh Philippic*,³¹ he did not wait to move against those he saw as the enemies of Rome, proceeding to raise an army and pursue Dolabella without being authorised to do so by the Senate or people.³² As with Decimus Brutus we cannot distinguish the self-interest of the individual from his understanding of the constitution in their deeds – it is possible that Cassius saw his actions as the best way of securing the conspirators’ safety from Antonius and Octavian and also as a legitimate defence of the best interests of the *res publica*.³³

Despite the differences between the conspirators’ understandings of the constitution with regard to constitutional action, their statements regarding their activities continued to express a consistent theme: the service of Rome, and the liberation and securing of the *res publica* from tyranny in order to uphold the constitution – a constitution under which no one citizen could dominate the *res publica*. Their behaviour changed over time in response to the words and deeds of others, forced into further action in order to protect themselves and, as they saw it, to defend the *res publica* against the potential tyranny of Antonius. This revealed their different understandings of what this constitution should be contributed to the ongoing discourse about the constitution as it provoked responses from the other political actors about the nature and future of the *res publica*, both in support and in opposition to them. It is indicative of the fracturing of Roman knowledge about the nature of constitution that, even amongst men with a shared ambition to free the *res publica* from the domination of an individual, there was no uniform vision of what that polity should be.

3. Antonius

In contrast to the conspirators, Antonius’ understanding of the constitution of the *res publica* resembled that of Caesar in premising a polity in which the individual citizen could and

³⁰ Cic., *Brut.*, 1.4, *Cf.*, 1.2a.2.

³¹ Cic., *Phil.*, 11.21-23, 26f; *Fam.*, 12.7.1; Shackleton Bailey (1986) p.269. The Senate instead approved Calenus’ proposal that the consuls should take up the command against Dolabella once Antonius was defeated at Mutina.

³² Cic., *Phil.*, 11.28; *Fam.*, 12.7.2; 12.2-4 and 13.3-4. App., *B Civ.*, 3.74; Dio 46.40.1; Joseph., *AJ.*, 14.271-275 & *BJ.*, 1.218 – 225; Pelling (1996) p.6; Rawson (1992b) p.483.

³³ At Cic., *Fam.*, 12.12.2 Cassius declares that he has, “Declined no risk or labour for the country’s sake.”

should be able to accede to a position of pre-eminence if their achievements merited it, and in which a man of *dignitas* (echoing Caesar's conception of the term) had the right to defend his position from attack. The assassination of the consul and dictator was illegal, in Antonius' view, though he was prepared to negotiate with the conspirators as long as it did not endanger his position. His actions after the assassination showed an understanding of the constitution in which the Senate possessed authority, the people power, and in which the political processes were flexible and adaptable, all of which could be used to support one's position.³⁴ However, the emergence of Octavian destabilised the fragile balance of the relationship between the conspirators, the Senate, and Antonius as he challenged Antonius' grip on one of Caesar's most important legacies: his popularity amongst the people and the army. As the situation in Rome changed, Antonius' discourse (verbal and behavioural) altered but continued to show a consistent understanding of the *res publica* and the place he believed he should hold within it.

In the immediate aftermath of Caesar's death Antonius worked with and through the Senate, treating Brutus and Cassius as legal magistrates of the *res publica*.³⁵ He understood that the body was commonly accepted as playing a key role in the governance of the *res publica* and that they had a powerful position in Rome through their ability to offer advice and pass decrees. He never entirely abandoned his relationship with the Senate, continuing to negotiate with them whilst he besieged D. Brutus in Mutina, aware that their support of others, such as M. Brutus, Cassius or Octavian, or declaration of him as a *hostis* officially delegitimising his position, could endanger him.³⁶ His understanding of the constitution granted the Senate a major role; however, his behaviour also demonstrated that he saw the Senate as less powerful in the constitution than the people. Antonius' understanding of role of the *populus Romanus* in the constitution appreciated the importance of the people within the political ideology of the *res publica* as well as their practical power in the voting assemblies

³⁴ Whether he had ambitions to succeed to Caesar's position of supremacy within Rome from the outset is a matter for debate. Rawson (1992b) p.473 suggests that Antonius' moderation may have been a temporary expedient as by April he was making use of his access to Caesar's papers, funds and veterans, and argues that Cic., *Fam.*, 11.1 shows D. Brutus' early distrust of Antonius. However, Syme (1939) pp.105ff argues that Antonius was prepared to negotiate with the conspirators and did not seek supremacy as long as he remained secure, seeing the arrival of Octavian on the stage as the turning point in terms of Antonius' relationship with both the conspirators and the Senate, whilst Wistrand (1981) p.288f has suggested that it was the desire of Cicero and other supporters of the Republic to renege on the agreement of March 17th that provoked Antonius.

³⁵ Plut., *Vit. Ant.*, 14; App., *B Civ.*, 2.127-129 show Antonius playing on the concerns of the Senate to secure his own position.

³⁶ This can be seen in the *Philippics* and Cicero's regular responses to Antonius' claims in the Senate.

and as a mob.³⁷ He interacted with them more, and with greater success, than did the conspirators, reassuring them that Caesar's memory would not be dishonoured even whilst the Senate was meeting to discuss the settlement after the assassination.³⁸ He also used the people to secure his position. Seeking to protect himself by remaining close to Rome once he took up his *provincia*, he arranged to change the provincial allotments, securing Cisalpine Gaul for himself, using the people to pass his proposal.³⁹ In Antonius' understanding of the constitution, the Senate could give him authority but the support of the people would give him power.

Octavian's arrival in Rome posed a challenge to the influence Antonius wielded through his control of Caesar's papers and finances and his position as Caesar's lieutenant and for the loyalty of the people and the army. Antonius' resultant actions reveal much about his understanding of the constitution of the *res publica*, emphasising his perception of the power of the people as more important than the authority of the Senate. He opted not to turn to the Senate to dismiss someone he could have portrayed as an upstart seeking a position he had not earned, but instead he sought to maintain the support of the people and the veterans. Antonius began to attack the conspirators, and publicly reconciled with Octavian at the demand of the veterans in order to maintain their support.⁴⁰ Such an understanding of the way in which the constitution functioned had an impact upon events at Rome. Antonius' denouncements of the conspirators and appeals to the people shaped Cicero's arguments against him, allowing the orator to claim that Antonius was setting himself up as a tyrant and to propose action against him. They also caused Octavian to turn towards Cicero and the Senate for support, a move that eventually resulted in his appointment as a *propraetor*. Antonius, meanwhile, reiterated his right to defend his position and took action accordingly, using the people, the Senate and his army as far as he could in order to do so.

Antonius' attitudes towards both the Senate and the People and his behaviour in 44-43 reveal the self-interestedness of his conception of the constitution: he had no sense that the

³⁷ Millar (1998), North (1990a) and Morstein-Marx (2004) discuss the place of the people in Roman political thought and rhetoric.

³⁸ App., *B Civ.*, 2.130ff. The most famous instance of Antonius' engagement with the people is Caesar's funeral, at which he gave the oration, rousing the crowd to fury and violence (Plut., *Vit. Ant.*, 14; App., *B Civ.*, 2.143-148).

³⁹ Rawson (1992b) p.474. See section 2, above, for Decimus Brutus' response to this.

⁴⁰ Ibid. p.475.

res publica mattered, in the collective terms in which Cicero and Octavian understood it.⁴¹ He did not share the view of the conspirators that Caesar had been a tyrant nor Cicero's understanding of the relationship between the individual and the *res publica*, in which the *res publica* must come first and the individual who endangers it may be legitimately removed.⁴² Like Caesar, he emphasised the importance of the position of the individual citizen's well-being, and was concerned for his position and his *dignitas*, seeing personal defence of one's honour as legitimate within the *res publica*.⁴³ This was expressed in the letter he wrote to Lepidus and Octavian, in which he sought to counter Cicero's arguments, and which Cicero quoted at length in the *Thirteenth Philippic*.⁴⁴ The letter expressed his satisfaction at the death of Trebonius, whom he described as a parricide, and his dismay at the outlawing of Dolabella, regarding the punishment of parricides as the will of the gods.⁴⁵ In Antonius' *res publica* loyalty to friends was required and his outrage at Caesar's death stemmed less from a sense of damage done to the *res publica* than from the betrayal of his friend and mentor.⁴⁶ Caesar had earned his position in Rome with his defeat of Pompeius, and as such, his position ought to be protected. Likewise Antonius' own position as consul, which he was willing to protect by any means necessary. This led Antonius to an understanding of the *res publica* in which factions were normal as reflections of these loyalties and in which security came from the defeat of one's rivals and enemies. It was in this spirit that he urged Lepidus and Octavian to join with him against what he called, "Pompeius' camp."⁴⁷

Unlike Brutus or Cicero, Antonius was not idealistic about the nature of the *res publica*; he was more concerned about his own survival than the form of the polity in which he lived. He also lacked Octavian's understanding of the strength of such idealism and his ability to enunciate it successfully. He understood that the Senate and the popular assemblies were important bodies in the governance of Rome and that he, as a citizen and a magistrate, needed

⁴¹ Harries (2006) p.222ff. She also suggests that Antonius also failed to lack the sense of Rome as a community defined by its history, law and institutions, to which Cicero subscribed.

⁴² Cic., *Off.*, 1.2; 2.5, 25, 27, 115, 117; *Off.*, 3.19. See chapter 3.2(c) below.

⁴³ Cic., *Phil.*, 12.4 refers to Calenus' comment that Antonius is concerned with the maintenance of his *dignitas*.

⁴⁴ It is only here that Antonius' own words come down to us, quoted by Cicero in order to turn them against him. It is possible that Cicero misquoted Antonius for his own ends, and certainly we should assume that he selected the arguments and characteristics that he believed most damning, however it is probable that Antonius' letter was an open one and that any clear misquoting would have been noticeable. Shackleton Bailey (1986) p.321 and Ramsey (2007b) and Ramsey (2007c) have argued that Cicero preserves Antonius' *verba ipsissima* in this speech.

⁴⁵ Cic., *Phil.*, 13.22-23, 36.

⁴⁶ Cic., *Phil.*, 13.26, 32, 33, 34 38-39.

⁴⁷ Cic., *Phil.*, 13.26.

to work through them if he was to have authority and power, but they were tools he could and did use for his own advantage. He dealt with the Senate, the people and the army as an individual, his abiding principle for political action being that it should protect his position and interests, and whilst he sought to follow, or appear to follow, traditional and legal procedures, he was prepared to bend or, in Cicero's view, break the rules in order to safeguard himself and to overcome by conquest when persuasion failed. Antonius' expression of his understanding of the *res publica* in this way was one of the major factors influencing the enunciation of constitutional discourse after Caesar's death. It is especially notable in Cicero's formulation of ideas and arguments in the *Philippics*, which dealt with Antonius directly, but it also affected the words and deeds of the conspirators and Octavian, shaping not only the arguments made about the constitution of the *res publica* but also the acts and events of 44-43 which altered it.

4. Octavian

Octavian's understanding of the *res publica* may seem contradictory at times: he saw magistracies, the Senate, legal authority and unity as important to its continuation as a political community, yet at the same time was intent on becoming the dominant figure within this community and raised an army to give him the backing that would allow him to achieve it.⁴⁸ This tension lies in the discrepancy between Octavian's acknowledgement of the power of the understanding of the *res publica* as a communal polity free from the domination of any individual or small group, and his recognition of the flexibility that existed in the understandings of Rome's political ideas and in the relationships between the institutions of the *res publica* that could create instability at Rome and which he used to support his own desire for dominance.

Octavian was aware that an understanding of the *res publica* as a political system in which dominance by an individual or a few was unconstitutional was prevalent at Rome, particularly amongst the Roman elite whose ambitions Caesar's dictatorship had stifled. Such an understanding, like those of Cicero or the conspirators, focused on the freedom of Senate and the people to act in the governance of the *res publica*, although the understanding of the balance of power in the relationship between the two varied. Octavian also recognised that an understanding of the constitution with the Senate at its political centre had currency at Rome, especially amongst those who would be able to help him forge a good relationship with that

⁴⁸ Cic., *Att.*, 16.15.3 reports on a speech of Octavian's in a *contio* as referring to his desire to attain his father's honours.

body. He recognised the Senate as the council of the *res publica* with the ability to direct public affairs and to confer authority upon an individual, or to deny it to them.⁴⁹ Given that he was too young to be elected to any magistracy, he needed the Senate's support for his position and his attack on Antonius, and from late 44 he presented himself as the servant of the *res publica* and the student of Cicero, and was, in time, granted the *propraetorian imperium* that legitimised his unorthodox position.⁵⁰ He served alongside the consuls of 43 in a junior capacity and 'allowed' Cicero to speak in his favour before both the Senate and the People until a gap emerged in the established order with the deaths of the consuls.

Yet Octavian refused to rely on the Senate alone: like Antonius he recognised the authority they could give him but also understood the power the people held at Rome. He knew that the pre-eminence he sought ran contrary to understandings of the *res publica* as a polity that should be free from dominant individuals or that saw the Senate as the key political body in the direction of Roman politics and sought to use the support of the people and army to protect himself. On his return to Rome he applied for control of Caesar's finances as his adopted son and heir so that he could pay the bequests Caesar had made.⁵¹ When Antonius refused, he began to sell his own property so that he might fulfil these obligations. This enabled him to begin to challenge Antonius for popularity with the people and the army. Like Antonius, he also approached Caesar's veterans, touring Campania to gain their support, and sending agents to Brundisium to suborn the troops Antonius was bringing over from Macedonia, claiming that he had shown more loyalty to Caesar's memory than Antonius.⁵² Finally, he used the support of the people and the army to gain the consulship after the deaths of Hirtius and Pansa, marching on Rome with his army to demand the consulship. The Senate, faced with open hostility and lacking the forces to defend themselves (for Decimus Brutus was still dealing with Antonius, and M. Brutus had turned eastwards to join up with Cassius after receiving news of the victory at Mutina), offered Octavian the consulship.⁵³

Both Antonius and Octavian saw that the institutions, processes and connections of the *res publica* were flexible and could be used to their own advantage, but each proceeded in

⁴⁹ This could be done through the declaration of individual citizens as *hostes*.

⁵⁰ App., *B Civ.*, 3.48; Cic., *Phil.*, 5.46ff. The *quid pro quo* here is implicit, not explicit, but Octavian knew how to get what he wanted by behaving with Good Form.

⁵¹ Rawson (1992b) pp.471-2.

⁵² Ibid. p.478. App., *B Civ.*, 3.40 & Dio 45.12.2 offer slightly different accounts of Antonius and Octavian's activities in southern Italy, showing the complexity of the situation but also the importance that this group of citizens in Roman understandings of the constitutions.

⁵³ Ibid. pp.484-485.

different ways, understanding the constitution of *res publica* differently. Antonius did not see the *res publica* as a collective entity, and failed to understand the force such a conception held for others; Octavian saw the popularity and power of this idea and the importance of *concordia* to a stable *res publica* – and to the security of an individual who wished to rule. He recognised that neither his own personal position nor the *res publica* could be secured by conquest alone, and that if he sought to dominate he must have a legitimate legal position as well as popular support, hence his desire for the consulship. He seems to have been able to employ the idealism of men like Brutus and of Cicero in verbal discourse, whilst simultaneously employing the pragmatism of men like Cassius and Antonius in his actions. Although Octavian saw the value and the usefulness of the Senate, he also knew that having the support of the people and of an army would allow him to force himself into the positions he sought to attain. His understanding of the constitution incorporated the power of the people, the authority of the Senate and the need for public unity, emphasising the community of Rome. Octavian's espousal of both 'senatorial' and 'popular' themes about the *res publica* influenced the ongoing political discourse about the constitution of the *res publica*, seen notably in Antonius' letter, Cicero's *Philippics*, which argued for Octavian's grant of *imperium*, and Sallust's critique of both Octavian and Cicero. Unlike that of Cicero or the conspirators, however, his conception of the *res publica* reinterpreted the constitution, including a dominant position for the powerful individual who could hold these elements together.

5. The Senate and People

The individuals considered above all acted and reacted to events in relation to each other, and to the positions of the Senate and People at Rome.⁵⁴ Neither of these last bodies was

⁵⁴ The nature of entity that was 'the people' in Roman politics is subject to argument, and may be seen in different ways. There was the people as the sum total of the citizenry of Rome, the *populus* of the *Senatus Populusque*, but it was not possible in the Late Republic for the whole of the *populus* to be present at Rome (see Mouritsen (2001) for a full discussion of this). There was also the crowd, or mob, at Rome, the citizenry who attended *contiones* and voting assemblies, and participated in Roman political life. However, it is necessary to see the members of the *populus* physically in the assemblies in Rome as standing in a synecdochical relationship with the *populus* as the citizenry as a whole (see Ober (1989) p.147 on the existence of such a relationship in Athens) when talking about the participation of 'the people' in political events. Such a relationship appears to have been assumed/called into being by orators when they addressed the attendees of *contiones* as "*quirites*", calling the crowd in front of them to stand for the citizenry as a whole. See Laclau (2005) pp.65-172, who argues that the formation of "the people" as a political entity is a discursive process (he then proceeds to deconstruct this process). Morstein-Marx (2004) discusses the place of *contiones* in Roman politics and the way in which speakers guided or manipulated the responses of the crowd, in particular see pp.160-278 on debate and ideology. With regard to the events at Rome in 44-43, the 'people' should be considered as coming

united in their make-up or response to Caesar's death, or in their understanding of their place in the *res publica*. However, as political bodies each group had a voice in the political discourse of Rome, their communal understandings of the *res publica* can be seen through their decision-making and actions.

There was no immediate popular enthusiasm for the assassination of Caesar and it was Antonius rather than the conspirators who proved more effective at securing the support of the people. As Wiseman has noted, Cicero's description of the popular response to Caesar's assassination does not coincide with the narrative of events provided by Appian and Dio.⁵⁵ Immediately after the assassination the people were shocked and did not respond to the conspirators' proclamations of freedom with acclamation.⁵⁶ At Caesar's funeral violence broke out, the crowd responding violently to the conspirators after the public reading of Caesar's will and to Antonius' funeral oration.⁵⁷ After these events Brutus and Cassius left the city, concerned for their own safety, but at the same time they abandoned their chance to win over the people. Instead it was Octavian who challenged Antonius for the support of the people and the veterans, selling his own property in order to pay Caesar's bequests, and hosting the *ludi Victoriae Caesaris*.⁵⁸ The response of the people to the death of Caesar shows a loyalty to a man they believed had given them much.⁵⁹ Their understanding of the constitution seems to have centred on themselves and their place in the constitution – both in terms of their powers and the benefits they should receive as citizens. This understanding of their potential power within the *res publica* and their willingness to express their support of those they favoured and who they believed supported their interests led all the participants in the events of the period to engage with them, and their reaction contributed to the events that took place, and shaped the nature of the constitutional discourse.

from those who were present in Rome, and who attended *contiones*, and participated or were caught up in events, incorporating all those who were not Senators and magistrates. Linked to this loose grouping were Caesar's veterans, some of whom were in Rome, and some of whom were still with the legions which were roused by Antonius and Octavian. Clearly they were not a homogenous group who all thought and acted alike; however, they could and did act as a crowd, beyond their individual opinions, called into being as "the people" through a series of discursive and rhetorical acts, generally by those addressing them (see chapters 3.2(b)i and 4.2(b)ii on this).

⁵⁵ Cic., *Off.*, 3.19 ; App., *B Civ.*, 2.118-4.3; Dio 44.20-45; Wiseman (2009) pp.211-234. Cf., Dyck (1996) p.519 and Atkins and Griffin (1991) p.107.

⁵⁶ Dio 44.20-1; Plut., *Vit. Caes.*, 67; *Vit. Brut.*, 18; App., *B Civ.*, 2.120. Yavetz (1969) pp.63-64.

⁵⁷ App., *B Civ.*, 2.130. Dio 44.35-52; Plut., *Vit. Ant.*, 14 and App., *B Civ.*, 2.144-148 recount Caesar's funeral. Rawson (1992b) p. 470 notes that it was not until Caesar's will, which left benefactions to the Roman people, was made public that the mood amongst the crowd turned towards violence.

⁵⁸ Ibid. pp.472, 478.

⁵⁹ Yavetz (1969) pp.63-65.

Like the people, the Senate also failed to respond to the assassination of Caesar with great joy, but rather fled in terror and waited to see what would happen next.⁶⁰ It is unknown who spoke in the Senate meeting Antonius called, but as a body they voted for the compromise he proposed. At the time of Caesar's death there were few consulars or strong leaders in the Senate, which may have made it easier for Antonius to gain endorsement for his proposals, there being no one to counter him effectively.⁶¹ Gradually, though, the Senate rediscovered its voice, or set of voices, in Rome's political discourse, discussing proposals for action and being involved in events as a council, rather than a mere endorser of any individual's policies. Clearly, it was not a homogenous unit, with some senators inclined to follow Antonius' lead, or at least unwilling to stray from it, whilst others supported the conspirators, and still others - particularly after Antonius' departure from Rome - maintained a position between the two, urging negotiation and seeking peace.⁶² The Senate came to stand upon an understanding of its position in the constitution as the central council of Rome with the responsibility to guide the *res publica* and its people, and to counsel its magistrates. It was a role Cicero encouraged in the *Philippics*, though it backfired upon him in that he failed to persuade the Senate to follow many of his proposals. Other men came to the fore in the Senate, apparently arguing as convincingly as Cicero, amongst them L. Calpurnius Piso, who spoke out against Antonius in August 44, Q. Fufius Calenus, and Lepidus.⁶³ These men, along with Cicero were part of the discourse about the *res publica* as it took place within in the Senate, as well as on the wider Roman stage and influenced the direction events took in Rome. We know of their arguments primarily from Cicero's *Philippics*, where they can be read as "opposition discourse" - inspiring Cicero's responses and expression of the *res publica*, and stimulating events at Rome.

Lepidus' had been Caesar's *magister equitum* and had lent his support (including troops) to Antonius in the aftermath of the assassination. He remained in communication with Cicero and the Senate, as well as with Antonius after his departure for Narbonensian Gaul. Lepidus' understanding of the nature of the constitution is unclear, but Cicero clearly regarded him as a potential threat to the restoration of the *res publica*, as he saw it, seeking to detach him from Antonius by proposing honours for him at the beginning of 43 and praising his citizen

⁶⁰ Rawson (1992b) p.468.

⁶¹ Cic., *Phil.*, 1.6 claims that Antonius began to ignore the Senate.

⁶² Cic., *Phil.*, 3.20. *Phil.*, 7.1-7 attacks those Cicero sees supporting Antonius, including Calenus, although it is important to remember that this is Cicero's portrayal of events.

⁶³ See Cic., *Att.*, 16.7; *Fam.*, 12.25.3; *Phil.*, 1.7ff for reference to Piso's speech. *Phil.*, 11.15 notes Calenus' regular opposition to Cicero, and *Phil.*, 13 engages with Lepidus as well as Antonius.

qualities.⁶⁴ He does not seem to have succeeded, for in the *Thirteenth Philippic* he responded to a letter sent by Lepidus to the Senate in which the proconsul proposed that peace be made with Antonius and warned him of what he described as an uncharacteristic arrogance.⁶⁵ Lepidus' final declaration in favour of Antonius suggests that he may have shared elements of his understanding of the position of the individual in the *res publica* or at least to have disagreed with Cicero's understanding of the constitution. His decision to join Antonius was one of the major factors leading to the creation of the Second Triumvirate.

The most prominent of Cicero's opponents in Rome itself was Q. Fufius Calenus, father-in-law of the consul Pansa. He was the first Senator to be called on at meetings throughout 43, and Cicero regularly sought to counter his proposals.⁶⁶ Judging from Cicero's responses, Calenus appears to have been in favour of negotiating with Antonius through embassies as a fellow citizen and a magistrate, as opposed to Cicero's insistence on regarding Antonius as a public enemy and a man with whom negotiation was not possible.⁶⁷ Calenus also disagreed with Cicero over the Senate's attitude towards Brutus and Cassius, proposing that M. Brutus be ordered to give up the forces he had raised in Greece and Macedonia because he was not legally entitled to them, and that the consuls should draw lots for the provinces of Asia and Syria and pursue Dolabella, once the situation at Mutina had been resolved, rather than giving Cassius the command.⁶⁸ Calenus' understanding of the constitution seems to have centred upon the importance of upholding the legal positions of magistrates: his defence of Antonius' position as consul and unwillingness to legalise Brutus and Cassius' positions in the east indicating that he did not accept Cicero's argument that the good of Rome was the highest law and that he saw the creation of legal commands on such grounds as dangerous to the *res publica*. The opposition of Calenus and Lepidus to the arguments of Cicero and to the conspirators makes it clear that there were different understandings of the nature of the constitution amongst the Senators. His success – for by and large it was the point of view of Calenus and others whom Cicero described as supporting Antonius⁶⁹ that was accepted by the

⁶⁴ Cic., *Phil.*, 5.38-41.

⁶⁵ *Phil.*, 13.13. *MRR* 2.341. The Senate meeting that day had been called to consider this letter and another received from Munatius Plancus, the governor of Transalpine Gaul, advocating peace (Shackleton Bailey (1986) p.321).

⁶⁶ Manuwald (2007) pp.38-39, 538.

⁶⁷ Cic., *Phil.*, 8.18. Cicero also disagreed with L. Caesar on this matter (*Phil.*, 8.1-3)

⁶⁸ Cic., *Phil.*, 10.4; 11.21. Cicero's arguments about the legitimacy of Brutus and Cassius' positions in the *Tenth* and *Eleventh Philippics* were uttered in opposition to these proposals

⁶⁹ Cic., *Phil.*, 5.6; 8.1-3. Given Cicero's stance on the subject of Antonius, anyone who disagreed with his own point of view might well be considered an Antonian.

Senate during 44-43 - shows that some elements of Cicero's understanding of the constitution were unusual and hotly contested by his peers who sought to defend their *res publica*.

The responses of both the Senate and People to Caesar's death and to the various proposals for action that followed it both reflected different understandings of the constitution and affected the discourse that took place at Rome in 44-43, with the key individual participants all seeking to win the support of both parties. This process was affected by these individuals' understandings of the roles of the Senate and the people within Rome's constitution and by these groups' understandings of their own positions. Both of these influenced the arguments and behaviour seen in Rome's political discourse and the measures that were taken at Rome as a result of this discourse. These multiple understandings reflected the fracturing of Roman knowledge about the nature of the constitution and contributed to the civil strife at Rome as the political players struggled to establish their understanding of the constitution in the *res publica*.

In conclusion

The fracturing of Roman knowledge about the nature of the constitution of the *res publica* can be seen in the variety of arguments and claims that were made about *res publica* in the aftermath of Caesar's death by those with a stake in its future. The conspirators, Antonius, Octavian and senators such as Calenus all expressed different understandings of the nature of the constitution and the way in which it should function, and as we shall see, Cicero's understanding was different again. As each statement about the nature of the *res publica* was made it shaped the various responses to it, including those of Cicero, becoming a factor in the procession of events. Sallust, writing after the formation of the Second Triumvirate, responded to this discourse and these events, his understanding of the constitution of the *res publica* and its fate influenced by the outcome of the struggles that followed Caesar's death. He also revealed the effects that the clashing of these different understandings could have upon the constitution and the damage this could do to the *res publica* through the discursive processes that reproduced the constitution. The following chapters will describe the texts of both Cicero and Sallust in order to uncover the nature and formation of some of the different understandings of the *res publica* and the way in which they were rooted in varying conceptions of the individual elements of the *res publica*, examining how these understandings and the expression of them by various individuals were shaped by ongoing events, and the way

in which this affected the constitution of the *res publica* and the stability of the Roman Republic.

Chapter Three: Cicero's *res publica*

Cicero's speeches and texts of 44-43 were part of the post-Caesarian discourse about the nature of the constitution that, over time, decided the future of the *res publica*. This chapter will examine the understanding of the nature and constitution of the *res publica* expressed by Cicero in *de Officiis* and the *Philippics*, describing the way in which these understandings and expressions were affected by the situation in which he found himself and the impact that they had upon the political discourse and events taking place at Rome. As such it will act as a case study for the methodology established in chapter one, analysing one specific understanding of the constitution of the *res publica* and discussing the way in which it was formulated within the discourse of Rome at the time. It will show that individual understandings of the Roman constitution were formulated in response to other statements and strategies in the discourse and based on certain key objects including the *virtus* of the citizen, the quality of speech and the political institutions of Rome, and the relationships that the speaker argued existed between them. It will also reveal that the expression of the constitution at Rome varied depending on the location in which the statements were made and that this was both influenced by and added to the fracturing of Roman knowledge about the constitution.

Cicero's statements about Rome's political system in this period do not constitute a programmatic description of the constitution, rather they are representative of his understanding of it as they form the backdrop to the arguments he made about the future of the *res publica*. For Cicero, the constitution of the *res publica* was the foundation of Rome's success and so, at a time when he believed the polity was failing, he sought to convince his fellow citizens of his understanding of what the *res publica* was and the way they should act within it. The primary strategy or theme of his understanding of the constitution was that the *res publica* as a community of citizens was the most important aspect of Rome as a polity and must be maintained by any action necessary. Cicero's construction of the constitution centred upon the character of the Roman citizen, making the relationship of the citizen with the *res publica* as a political community the basis of a successful, stable polity. His argument was formed in reaction to the dictatorship of Caesar and the potential threat he saw in Antonius, and expressed his support for the cause of the conspirators. However, while he sought to restore the constitution, as he understood it, and stabilise Rome, Cicero's fervent expression of the threat Antonius posed drove Antonius to take steps to defend his position.

The first section of this chapter will describe Cicero's position and activities after Caesar's death in order to establish the way in which events impacted upon him and influenced his utterances as enunciative modalities. Cicero supported the assassination of Caesar as justified tyrannicide, but came to believe that the conspirators had not done enough to restore the *res publica* after his dictatorship and dreaded the prospect of Antonius becoming the dominant figure at Rome. He sought to intervene in the chaos and crises of 44-43 and to influence Roman politics in the best interests of the Roman polity – as he understood it. His formulation of the good citizen and of the citizen-*civitas* relationship engaged with the political positions of men such as Caesar, Antonius and Calenus, as well the actions of Brutus and Cassius, and argued that the good citizen must always put the *res publica* first. However, Cicero was not in a powerful position in comparison with Antonius, with no magistracy or *imperium* to support his actions and no loyal army. He had to rely upon his *auctoritas* and his rhetorical abilities in order to influence affairs, which led him to try to reclaim and redefine Rome's political vocabulary in order to express his vision of the Roman *res publica* and convince his audience of its truth.

The second section of the chapter will describe the way that Cicero expressed his understanding of the constitution of the *res publica*, the concepts and objects that were important to him and the way in which he connected them in formulating 'the constitution'. Section two will look at Cicero's definition of the character of the good citizen, something he had identified as important in *de Republica* when he declared that the mixed constitution was unlikely to become unstable, "Unless, that is, the politicians are deeply corrupt."¹ The character and behaviour of the individual citizen became more important in Cicero's political thought as the political systems and processes of Rome began to break down during the civil strife of the last years of the Republic. Without good citizens, the constitution could not be upheld and the *res publica* would cease to exist. Section three will examine Cicero's understanding of the processes and institutions that the good citizen should uphold. Cicero's statements about the institutions and structures of Rome's political system placed particular emphasis on the roles of the Senate and the People within the constitution and the attributes they should possess. They also reveal the importance of the good citizen to the *res publica*, as without proper citizen behaviour the roles and attributes of the Senate and people within the polity could not be maintained.

¹ Cic., *Rep.*, 1.69.

It is Cicero's connection of the good citizen to the *civitas* that will be the focus of the third section of this chapter, in an analysis of his understanding of the way in which citizens must uphold the *res publica* of Rome. In 44-43 he focused on two main ways in which the good citizen should support the *res publica*: by behaving appropriately, and by speaking properly. In making these arguments Cicero enunciated an understanding of legality and legal action in which the best interests of the *res publica* were the highest form of law, making this the marker for what was legitimate and legal in Roman politics. He also emphasised the importance of a political *vera vocabula* to the citizen's understanding of the nature of this appropriate behaviour and their ability to act properly within the *res publica*. Cicero argued that it was critically important that words be used in the right way in order that citizens could understand and fulfil their duties, acting appropriately in support of the constitution. It was through language and discourse that relationships between Rome's citizens and political institutions were established and maintained, and through them that decisions were made. If citizens used language inappropriately, falsely using recognised terms for desirable qualities to describe illegitimate behaviour, then the processes of the *res publica* would be compromised, and the best interests of Rome might be overlooked or ignored.

It was with these arguments that Cicero made his greatest impact upon the political discourse of the period as they were the basis of his opposition to Antonius, who he argued misunderstood the true nature of the good citizen and his relationship with the *res publica*, and whose actions Cicero used to define his conception of illegitimate behaviour. However, Cicero's employment of these themes raises questions about the way in which proper behaviour and language are defined in political life and the way in which Cicero himself acted and spoke. As we will see in chapter four, Sallust critiqued Cicero's understanding of the *res publica*, picking up on his arguments about legitimate behaviour and *vera vocabula*, highlighting the tension between Cicero's enunciation of them and his own behaviour, and suggesting that Cicero's own words and deeds in 44-43 damaged the *res publica*.

1. Saving the *res publica*: Cicero in 44-43

Cicero was in Rome at the time of Caesar's death and, although he was not included in the conspiracy, he was amongst those who went up to the Capitol to congratulate the conspirators.² Two days later he spoke in favour of the compromise that was proposed in the

² Rawson (1992b) p.468.

Senate, although he later told Atticus that this was because he had already realised that the conspirators' cause was lost.³ This letter, sent barely a month after Caesar's death, suggests that Cicero came rapidly to believe that the *res publica*, as he understood it, could not be restored whilst Antonius was active in Rome.⁴ Cicero's political discourse after the assassination of Caesar was shaped by his long dislike of Caesar's dictatorship and his desire to ensure that the *res publica* never suffered under the tyranny of an individual again. However, the way in which he made his response was affected by his position at Rome: hostile to Antonius and without much active support from the conspirators or other Senators, it was safer and possibly more effective for him to discuss the nature of the *res publica* outside the forum and curia, using philosophy and personal contact with particular individuals to win friends and influence people.

Antonius, as consul, was in a stronger position of power than Cicero, the orator, in the public political life of Rome and, so, after playing his part in the immediate resolution of the crisis following Caesar's death, Cicero removed himself from public activity in Rome. Cicero's decision to absent himself from practical activities in Rome was not solely due to a personal fear of Antonius or a belief that nothing could be done until Antonius' consulship expired. It also reflected a particular understanding of what his role in the *res publica* should be: the wise consular and senior statesman who advised and educated his juniors to follow in his footsteps. He returned to his philosophy and his correspondence with and education of younger senators, including the new consul Dolabella, the consuls-designate, Hirtius and Pansa, and eventually Octavian, whom he hoped to guide away from the example of his adoptive father and into a proper relationship with the *res publica*.⁵ Cicero had a long-held concern with the education of young men at Rome; his dialogues showing prominent statesmen passing on their

³ Cic., *Att.*, 10.1. Cf., Plut., *Vit. Cic.*, 42; Dio 44.23-33, who suggests that Cicero's theme was the importance of *concordia* in Rome. Cf., Cic., *Phil.*, 1.1 in which Cicero says he argued that the *civitas* should seek to remove *discordia*. Cic., *Att.*, 10.1 justifies this move as being the only option available to him.

⁴ Rawson (1992b) p.476 has suggested that this belief was one of the reasons Cicero decided to depart for Greece. She argues that Hirtius was also concerned by Antonius' activities soon after Caesar's death.

⁵ Cic., *Att.*, 14.11.2; 14.17.4; 14.21.4; 14.22.1; 16.8; 16.9 and *Fam.*, 9.1; 7.2 show the depth of his concern with the events going on around him, and the role he sought to play bringing individuals who had ties to Caesar into a working relationship with the conspirators for the benefit of Rome. See Van der Blom (2003) for a discussion of Cicero's actions in mid-44. She argues (p.291) that Cicero did not intend to be involved in the restoration of the *res publica* and suggests that he may have felt too old for this fight, reading *de Senectute* as an expression of his desire for retirement.

advice to the younger men around them, and, through Cicero, to the readers of the dialogue.⁶ Dyck has suggested that he wanted to strengthen his influence in order to secure his posthumous fame, but Cicero was also concerned with the stability and future of the *res publica*, and he aimed to win adherents not only to himself but also to his vision of the *res publica*, hoping to guide Rome from behind the scenes through his protégés.⁷ In such a role Cicero could exercise power in Rome's political discourse, his authority giving him influence over younger men who had practical power in the *res publica*.

Both *de Officiis* and the *First Philippic* cast Cicero as the elder statesman offering advice to younger men rather than as an active politician pushing proposals for Rome's future.⁸ The

⁶ In *de Oratore* Crassus and Antonius, and Q. Mucius Scaevola (the Augur) are shown in discussion with C. Aurelius Cotta and P. Sulpicius Rufus, whilst in *de Republica* Scipio, Laelius, Philus, Manilius and Sp. Mummius engage in discussion with the younger Q. Aelius Tubero, P. Rutilius Rufus, G. Fannius and Q. Mucius Scaevola. The presence of Scaevola in the role of a student in *de Republica* and a teacher in *de Oratore* provides Cicero with a sense of continuity in Roman education. This is increased through his association of his own education with the ideas of Crassus and Antonius (*de Or.*, 2.2) and his training with Scaevola (May and Wisse (2001) p.7) and gives him the legitimacy to proffer his own advice now that he is a senior consular in Rome (see Rawson (1991) pp.25-29 on Cicero's employment of Crassus as an example of how to speak and to behave at Rome). Steel (2005) pp.83-114 argues that Cicero used letters, speeches and treatises to create a series of communities that articulated and maintained the network necessary for a public career at Rome, compensating for his lack of family background. Cicero's creation of this network also justifies his understanding of the constitution by claiming that he learnt about the proper nature of the *res publica* from men like Crassus and Scaevola, who had learnt from Aemilianus and Laelius. In 44-43 *de Officiis* saw him seeking to pass this knowledge on to his juniors. Fantham (2006) p.21, 78-101 discusses Cicero's presentation of the training of the young orator. The theme of the elder statesman educating the younger is also prominent in the treatises Cicero wrote during Caesar's lifetime, for example in *De Finibus* (5.6, 5.76.), *Brutus*, *Orator* and the *Tusculan Disputations*. For discussion of the didactic element of this last, see Gildenhard (2007), who notes (pp.62-63) that Cicero endowed his *otium* with his political discontent under Caesar, and argues that he sought to present philosophical studies as a suitable activity for the Roman senator, offering a comprehensive program of civic instruction. That the *Tusculan Disputations* were dedicated to Brutus (*Tusc.*, 1.1) was not, he argues (p.98) merely happenstance or politeness. The *Brutus*, too, can be read as a text intended to educate younger Romans, notably M. Brutus, for the service of the *res publica*. Dugan (2005) p.234ff discusses the way in which the *Brutus* creates the idea that Brutus is Cicero's heir both oratorically and politically.

⁷ Dyck (1996) p.10. At *Phil.*, 2.113 Cicero comments that he is counting on the *adulescentes nobilissimi*. Ramsey (2003) p.328 has noted that Cicero used *adulescentes* elsewhere to describe men just over forty, including Brutus and Cassius (at *Phil.*, 1.22): he is not only speaking to Marcus' generation.

⁸ Cicero's *de Officiis* was composed in late 44 B.C., at the same time as he was working on the second *Philippic*. His first reference to the work in a letter comes in late October 44, and the last in mid November, whilst he reports the completion of the first two books to Atticus in early November. (Dyck (1996) p.19. *Cic., Att.*, 15.13a.2; 16.11.4; 16.14.3-4.) He had given the first *Philippic* in the Senate on 2 September 44 and the third on 20 December. The second *Philippic* was composed in the period between late September, after Antonius' attack on him in the Senate on the 19th of that month, and November. He sent a first draft to Atticus on 25 October, urging him to publish it at his discretion when the time was right and invited him to share it with at least one trusted friend in early November [*Cic., Att.*, 15.13.1-2; Ramsey (2003)]. Cf., Manuwald (2007) and Shackleton Bailey (1986) on the composition of the *Philippics*.

First Philippic, more moderate in tone than the speeches that followed, was given by Cicero on his return to Rome after his abortive trip to Greece. Cicero seems to have hoped that Antonius might prove malleable after the emergence of Octavian and offered him advice, urging him to eschew violence in favour of negotiation within the Senate.⁹ Even so, Cicero chose to miss the Senate meeting called by Antonius on the first of September, appearing the day after to deliver his advice to the consuls in order to avoid any direct confrontation. Meanwhile, he was writing the philosophical *de Officiis*, which, whilst addressed to his son Marcus alone, functioned as a guidebook to the proper duties and behaviour of a citizen of the Republic, for all those junior to Cicero who would have a part to play in the rebuilding of the *res publica*.¹⁰ He discusses the nature of concepts such as *virtus*, *sapientia*, *iustitia*, *liberalitas*, *beneficia*,

⁹ Cic., *Phil.*, 1.8; *Att.*, 16.7.1; Ramsey (2003) p.101; Rawson (1992b) pp.475-476 discuss Antonius' inconsistent attitude towards the conspirators at this time.

¹⁰ Cic., *Off.*, 1.1-3. Dyck (1996) p.12 notes that *de Officiis* was partially intended to replace Cicero's aborted trip to Athens, passing on the guidance he would have offered, and explaining the reason why Cicero, faced by conflicting personal and political *officia* had chosen to return to Rome. Before reading *de Officiis* as a Roman political text we must consider the relationship of Cicero's work to the original work of Panaetius on which *de Officiis* was based (Cicero *Att.*, 15.13a.2; 16.11.4; 16.14.3-4 was open about his use of Panaetius' original text), in order to establish the extent to which *de Officiis* can be read as a representation of Cicero's own thought rather than Greek philosophy translated into Latin with Roman *exempla*. In his Commentary on *de Officiis* Dyck (1996) p.19 argues that Cicero probably followed Panaetius fairly closely, owing to the speed of his composition (the work seems to have been written in October and November of 44, (Cic., *Att.*, 15.13a.2; 16.11.4; 16.14.3-4), for the first two books, before turning to Posidonius, Hecato and an Academic work for his critique of the Epicurean view of pleasure (Dyck (1996) p.487). Cf., Dugan (2005) p.6 who makes this case somewhat less strongly, saying Panaetius was 'undoubtedly' the source for Cicero's model of the self in *de Officiis*, although its views implicitly bear Cicero's endorsement. However, the positing of a Greek source, or several sources, for the philosophical elements of *de Officiis* need not require the reader to see a complete lack of originality or independent thought on Cicero's part. Through the process of reading the texts, Cicero will have absorbed the ideas they put forward into his own thought. As Atkins (1990) p.285 has argued, originality on its own is not the be all and end all of political or philosophical thought, what matters is the extent to which Cicero meditated upon the ideas that he was using and made them his own. The novelist, Jonathan Lethem (2007) p.61-64 has described this process of absorption as follows: "Most artists are brought to their vocation when their own nascent gifts are awakened by the work of a master. That is to say, most artists are converted to art by art itself. Finding one's voice isn't just an emptying and purifying oneself of the words of others but an adopting and embracing of filiations, communities, and discourses. Inspiration could be called inhaling the memory of an act never experienced. Invention, it must be humbly admitted, does not consist in creating out of void but out of chaos. Any artist knows these truths, no matter how deeply he or she submerges that knowing ... Active reading is an impertinent raid on the literary preserve." Clearly, Cicero had read, absorbed and engaged with the work of Panaetius and of other Greek philosophers, but he made them his own in *de Officiis* through his simultaneous restatement of them and personal engagement with Roman political life. He notes points at which he diverges from Panaetius (Cic., *Att.*, 16.11.4; *Off.*, 1.7-8, 152; 2.86; 3.7-12) and his discussion of the citizens' duties is carefully constructed to convince his readers that their primary duty is to act in the best interests of the *res publica*. Panaetius was part of the 'literary preserve' that Cicero had been raiding for years, adopting and making his sources his influences, turning them to the service of his own literary and political ambitions and the service of the *res publica*.

magnitudo animi, decorum, dignitas and *gloria* and the role that they play in the continuing successes and failures of the Roman *res publica*, formulating his discussion in response to the positions of Caesar and Antonius. He explains why the *res publica* must be the first care of the citizen and the reasons why, in fact, it is not in the interests of any citizen to behave otherwise.¹¹

De Officiis was Cicero's last philosophical text. At the same time as he was working on this treatise he was also writing his reply to the personal attack Antonius had made on him in response to the speech we know as the *First Philippic*. Insulted, and convinced that there could be no negotiation with the consul Cicero composed the *Second Philippic*. Although this speech was never publicly given, only circulated,¹² it nonetheless marks a change in Cicero's political discourse from the philosophical "private" sphere to the very public world of political oratory and action in Rome. Once Antonius and Dolabella had left Rome the balance of power shifted, and it became safer for Cicero to utter his opinions in the Senate and the forum, especially those that were directly critical of them, and he returned to the public stage to speak in support of the conspirators and in defence of his *res publica*. The *Philippics* show Cicero at his most powerful, his oratorical skills enabling him to influence opinion and events. Even so the *Philippics* also show that he could not exercise as much power as he might have liked. He was not invited to speak first in the Senate by the consuls of 43 and could not set the tone of the debate. He always had to respond, arguing against the proposals of Calenus and against Antonius, fighting to be heard and heeded, not always successfully.

Through these speeches, Cicero responded to the unfolding of events, rephrasing and adjusting his argument as necessary as the situation changed.¹³ Although each speech has its own arguments and subtleties, thinking about the corpus in terms of groups of speeches enables the reader to see in a simple manner the way in which Cicero's political discourse and

¹¹ Schofield (2009) p.208, who notes that, "In short, *de Officiis* accepts the need to develop an *argument* for and about the values Cicero had been trumpeting for decades, not just to reiterate them... In the process... something new in Roman discourse is forged."

¹² Manuwald (2007) p.59 notes that Cicero sent it to Atticus with permission to pass it on to friends. Shackleton Bailey (1986) p.31 suggests that it might have been given a wider circulation after Antonius' departure from Rome.

¹³ Manuwald (2007) pp.19-31, 74-86 & 92-93 provides a detailed discussion of the context for each of the speeches in the series. She argues that the speeches, as arranged in a corpus, reflect important stages in the conflict, claiming that *Philippics Three* to *Fourteen* are the *Philippics* 'proper', imitating the twelve Demosthenic *Philippics*, and Cicero's own twelve *orationes consulares*, with *Philippics One* and *Two* functioning as prequels to the main struggle. Within the group of twelve, she sees three subgroups: *Philippics Three* and *Four*, from the end of 44; *Five* to *Nine*, focusing on the embassy to Antonius; and *Ten* to *Fourteen*, first dealing with events in the East and the military conflict with Antonius.

discussion of the *res publica* was shaped by events. The first two *Philippics* responded to the events that took place between Caesar's death and September 44, with Cicero focusing on Antonius alone, initially advising him to return to a republican position, then berating him for failing to do so and attempting to establish him as an enemy of the *res publica*. The speeches from *Philippic Three* onwards were given after armed conflict had broken out: Octavian had marched against Antonius, although without success, and D. Brutus had refused to give up Cisalpine Gaul and was besieged in Mutina by Antonius. *Three* and *Four* presented proposals related to these events to the Senate and the People at Rome, Cicero arguing that Octavian and D. Brutus had served Rome by their actions. *Five* to *Nine* follow swiftly upon these: given over the course of barely more than a month, their concern was with the response of the Senate to Antonius and the issue of the embassy that was sent to him. Cicero argued ever more strongly that Antonius was an illegitimate proconsul and a *hostis*, and should not be treated with through negotiation and diplomacy, but must be defeated in war.¹⁴ *Philippics Ten* and *Eleven* dealt with the issues relating to the positions of M. Brutus and Cassius in Greece and Asia: Cicero proposing that both men be legally established with *imperium* in Macedonia and in Syria in order that they could serve the *res publica* and confront the dangers posed by C. Antonius (in Macedonia) and Dolabella (in Syria). *Twelve* and *Thirteen* returned to the situation in Cisalpine Gaul, with Cicero arguing against sending another embassy to Antonius and again claiming that war was the only way to get rid of the danger that he posed. Finally, the *Fourteenth Philippic* responded to the defeat of Antonius at Mutina and proposed the honours Cicero thought appropriate for the commanders responsible for the victory. The need to respond to these events and issues guided Cicero's enunciation of his key arguments and themes, particularly those concerned with the nature of the good citizen and legitimate action, which he expressed in relation to the various individuals whose actions and positions were under discussion.

After Mutina Cicero's position in Rome changed again. He appears to have continued to engage with events until the establishment of Octavian as consul, although Appian suggests that he did not attend the Senate.¹⁵ That said, Antonius had, finally, been declared a *hostis* and initially appeared to be as good as defeated; perhaps Cicero felt, initially, that his job was done. Cicero did write to plead with Brutus to return to Rome to defend the *res publica*, in

¹⁴ The *Fifth Philippic* presents Cicero's argument in a series of Senate meetings that began on 1 January 43, and the *Ninth* was given c. 4 February, in a meeting proposing honours for Ser. Sulpicius Rufus (Ibid. pp.23, 25, 63 & 536-540).

¹⁵ App., *B Civ.*, 3.89.

the absence of consuls, and seems to have continued to try to guide Octavian.¹⁶ However, defeat came with Octavian's refusal to pursue Antonius, his demand for the consulship, and, with the establishment of the Second Triumvirate whose designated role was *rei publicae constituendae* – the reorganisation of the *res publica*.¹⁷ Part of this process was the revocation of Caesar's policy of *clementia* and the establishment of proscription lists that would enable the triumvirs to raise money and land for their troops, and also rid them of dangerous enemies – amongst them, Cicero.¹⁸ Cicero might be regarded to have failed in his bid to restore his *res publica*. However, Antonius' determination to remove him shows how dangerous the triumvir believed the orator's understanding of the constitution and approach to political action – not to mention his rhetorical skills – to be to his position and his understanding of the *res publica*.

As a series of speeches with a definite aim – the removal of Antonius from Roman political life – the *Philippics* offered a very public expression of Cicero's political thought. With the exception of the *Second* they would have had an instant reception from their audience and needed to have an immediate impact on them in order to elicit a response.¹⁹ As such, although the *Philippics* reflect the same fundamental understanding of the constitution as *de Officiis*, Cicero's expression of some of the political concepts on which he founded his constitutional strategy changed as he fit them to the new location and audiences of his discourse. These reformulations were intended to have a different kind of impact upon the constitutional discourse, as Cicero sought to persuade a wide audience of his argument with an immediate effect. In this last, at least, Cicero was successful, for while Antonius could choose to ignore the comments and arguments of *de Officiis* he could not ignore those of the *Philippics*. Both the *Philippics* and Antonius' response to Cicero had an immediate effect on events at Rome. They did not, however, have the effect Cicero intended, as he failed to convince his audience that Antonius should be declared a *hostis* until after the battle of Mutina. He was not able to convince the Senate and people to act against Antonius, even as his attempts to do so shaped Antonius' discourse. In the end, Cicero's discourse did not restore the constitution of the *res publica* as he understood it, but it was an important part of

¹⁶ Cic., *Ad Brut.*, 1.10.3-5; 12.1; 15.10,12.

¹⁷ *MRR* 2.337.

¹⁸ App., *B Civ.*, 4.8-11 gives a version of the edict. Rawson (1992b) p.486.

¹⁹ Of course, the speeches as we possess them are the result of Cicero's publication of them. See Manuwald (2007) pp.54-90 for a discussion of the publication of the *Philippics* and the potential difference between the originals and the surviving versions. She argues for a basic similarity between the delivered and published versions, with the changes being stylistic rather than argumentative.

the discourse that renegotiated the constitution after Caesar's death and which led to the establishment of the second triumvirate in a reinterpreted constitution.

2. Constructing the *res publica*

Cicero's formulation of the constitution in 44-43 was directed by his understanding of the *res publica* as a community of citizens; a discursive strategy that he sought to see constituted in Roman political knowledge as *the* understanding of the constitution. In expressing this theme, Cicero's discourse focused on two main aspects of the constitution: citizenship and Rome's political institutions and practices, the key concepts out of which he formed his understanding of the constitution being *virtus*, *honestum*, *gloria*, good speech, the *populus Romanus*, the Senate and Rome's magistrates. He drew these concepts together in describing an understanding of the constitution in which the proper functioning of Rome's institutions depended upon the maintenance of good relationships between them, these being dependent upon the good character and behaviour of the citizen, exemplified in speech. This section will break down Cicero's depiction of the constitution to show the way in which he formulated his understandings of these concepts. It will look first at the character of the good citizen, which was the foundational concept of his *res publica*, before turning to Rome's political constitutions and the relationships between them. This will illustrate the importance of good citizenship in Cicero's *res publica*, an idea to which we will return in considering Cicero's expression of the relationship between the citizen and the *civitas*, focusing on his conception of the importance of good speech as the centrepiece of this relationship and the key element in upholding the constitution at Rome.

(a) Political Behaviour: The importance of the Good Citizen

Cicero's concern with the nature of the good Roman citizen had been apparent throughout his earlier political, philosophical and rhetorical treatises, and it only increased during the years of Caesar's dictatorship, as Cicero came to see Caesar himself as the major problem destroying the *res publica*. Texts such as the *Tusculan Disputations*, *Brutus*, and *de Senectute* reflect this in their focus on the nature and role of the good citizen from his education as a young man, through his career as a politician, to his old age.²⁰ Cicero continued to express his

²⁰ For example Cic., *Rep.*, 1.69 on the potential for bad citizenship to damage the constitution, and *de Republica* as a whole as a work, "*de optimo statu civitatis et de optimo cive*," – on the best condition of the polity and the best citizen, with book five focusing on the character of the ideal statesman. *De*

belief in the importance of good citizenship to the *res publica* after Caesar's assassination, determined to ensure that no individual would attain powers like Caesar's again. The description of the good citizen and the duties he should undertake to be regarded as honourable was the focus of *de Officiis*; the core argument of which was that the citizen could only be good if his deeds benefited the *res publica*. Cicero's formulation of the good citizen and his place in the *res publica* brought together his conceptions of several ideas, including *beneficentia*, *animi magnitudo*, *decorum* and, most importantly, *iustitia*. The combination of these positive characteristics, Cicero argued, spurred the citizen towards the performance of certain duties, the discharge of which supported the constitution, enabled Rome's institutions to function properly, and qualified the citizen to be regarded as a man of *virtus* and *honestum*. These ideas recurred in the *Philippics* as Cicero attacked Antonius, portraying him as a bad citizen whose victory would mean the final destruction of the *res publica*. Here however, he expressed them in a different way, adapting to the different location and audiences and using *virtus* as a 'tag' to describe individuals he wished to praise and promote rather than as complex philosophical virtue, reflecting the different modalities of political oratory.

There has been much discussion in classical scholarship as to the meaning of *virtus* in Rome. Often translated as 'courage' or 'virtue', while it is widely accepted that *virtus* is, etymologically, fundamentally that quality which is the proper characteristic of a man, opinion as to the nature of the characteristic is divided.²¹ The key debate is about the 'original' meaning of the term, the development of its ethical connotations and the influence of Greek thought upon the Roman understanding of *virtus*: that it had, by the late Republic, developed a network of potential meanings is generally accepted.²² McDonnell has argued that the original Roman understanding of *virtus* was of martial prowess and courage in the face of the enemy, and that a more ethical understanding developed in later in the Republic, stemming from Greek influence as Roman thinkers adopted ideas from the Greek idea of *arête*.²³ Kaster has

Oratore, too, was concerned with the character of the best citizen, in this case the citizen-as-orator. See Gildenhard (2007) pp.2-4, 63, 90 on Cicero's articulation of the importance of the citizen and civic education in the face of the tyranny of Caesar in the *Tusculan Disputations*, Dugan (2005) pp.172-332 on citizen behaviour, *virtus* and *ingenium* in the *Brutus* and the *Orator*, and Van der Blom (2003) p.291 and Powell (1988) pp.1-4 on *Cato Maior de Senectute*.

²¹ Cic., *Tusc.*, 2.43; Hellegouarc'h (1963) p.485.

²² See for example Earl (1961) and Earl (1967); Barton (2001); Balmaceda (2005); Kaster (2005); McDonnell (2006); Kaster (2007).

²³ McDonnell (2006) suggests that one of the problems of the late Republic was a contest between these two different understandings of *virtus*, personifying this contest in the figures of Caesar, who he argues continued to see *virtus* as military prowess (Caes., *B Civ.*, 3.59.1-3), and Cicero, who he presents as co-opting Greek ideas about virtue (pp.9-10, 110).

disagreed with this idea that *virtus*' meaning changed under Greek influence, suggesting that the different kinds of *virtus* (military and moral or ethical) originated in Rome's division between the military and the civil spheres.²⁴ Others, including Barton, Earl and Balmaceda have argued for a community-orientated understanding of *virtus*, the last claiming that courage and military prowess was not entirely focused on the individual but also on the defence of the community.²⁵ It is not my purpose here to provide an in-depth discussion of the nature or development of the concept of *virtus* at Rome, but to show that there are numerous possible readings of the meaning and uses of the term. Indeed, the inability of modern academics to wrestle *virtus* into a single coherent concept seems to stem from the way that the Romans came to understand political concepts such as *virtus* through a discussion of what they might, or might not, incorporate.

In 44-43 we can see Cicero grappling with this problem as he discussed the *virtutes* and *virtus* of the Roman citizen, using *virtutes* to describe individual positive qualities and *virtus* as a general cover term for such qualities, including military valour and the defence of the *res publica*, and also as a defining quality of the good citizen. This section will examine Cicero's construction of the good citizen and the nature of the qualities he argued that this individual should and should not possess. These objects include wisdom, *decorum*, *beneficentia*, *animi magnitudo* and justice. Whilst objects in Cicero's formulation of the good citizen, these elements were also concepts in themselves, expressed in terms of the objects in relation to which Cicero understood them. Justice was the most important, described by Cicero as the, "Sovereign mistress and queen of all the virtues,"²⁶ which guides all the qualities of the good citizen and directs him towards his duties as a member of the *res publica*.²⁷ The importance of the *res publica* in directing the nature and duties of the good citizen will become clear in this section, and will be returned to again in section 2(c) in discussing Cicero's understanding of the individual citizen's place within the *res publica*.

Cicero's conception of justice is based on two core principles: (i) that one should not harm another person unless unjustly attacked, and (ii) that communal property serves communal interests and private property private interests.²⁸ Both elements depend upon citizens maintaining good faith (*fides*) and fairness (*aequitas*), which require the honouring of

²⁴ Kaster (2005) p.54. Cf., McDonnell (2007) and Kaster (2007).

²⁵ Barton (2001) pp.36, 88-130, 281-283; Earl (1967) pp.21, 113; Balmaceda (2005) pp.21-58.

²⁶ Cic., *Off.*, 3.28.

²⁷ Cic., *Off.*, 1.26, 31, 43-44, 62-64, 94. Atkins (1990) pp.258, 260 & 266.

²⁸ Cic., *Off.*, 1.20.

agreements and promises and the treatment of others with kindness, and both had their origins in Roman legal culture.²⁹ In *de Officiis* Cicero quoted Q. Mucius Scaevola, the Pontifex, as having said that *bona fides* was the key element in a transaction, emphasising the importance of mutual responsibility in relationships as being at stake.³⁰ He also cites the example of Regulus to underline the traditional importance of *fides* in the Roman constitution. Regulus' behaviour upheld the constitution, and is contrasted with that of Dolabella in 44-43, which shows the problems that could result from its breaking.³¹ Cicero took these legal arguments and precedents and interpreted them in relation to the wider world of the *res publica*, with *fides* becoming not only an important aspect of legal connections, but also of the relationship between citizens in the constitution.³² This connection between Cicero's understanding of justice and Roman law was also an important element in Cicero's presentation of the relationship between the citizen and the *res publica*, to which we will return in section 2(c).

Also important to Cicero's conception of justice are those negative elements that the citizen should avoid: the things that might tempt one away from justice, and those that are unjust in themselves. The latter include cunning, malice (*malitia*) and fraudulent interpretation of the law, and constitute injustice because they break *fides*.³³ Pretence and concealment are also considered unjust: to seem to be a *vir bonus* when really behaving falsely is said to be the worst injustice, because it deceives one's fellow citizens. Meanwhile, the main temptations that may lead one astray and into such behaviour are *avaritia* and the desire (*cupido*) for *imperium*, *honor* and *gloria*, which Cicero includes amongst the things man gains by chance, rather than by nature.³⁴ Since these things are not man's natural possessions and must be earned or won, the way in which a man chooses to try to gain them is important, and determines whether he is to be regarded as a man of honour. A sense of justice guides the behaviour of the citizen, drawing them away from these temptations and directing their duties.

²⁹ Harries (2006) p.54 & 71 notes that Cicero understood *aequitas* to be a principle of proportional fairness that might be phrased as 'rendering to each his own.'

³⁰ Cic., *Off.*, 3.70.

³¹ Cic., *Phil.*, 9.10; 11.5; *Off.*, 1.15; 3.104, 111.

³² Cic., *Off.*, 1.15, 23, 45, 50, 64. Harries (2006) pp.23-25, 54 & 71.

³³ Cic., *Off.*, 1.28, 33, 62; 2.14; 3.96.

³⁴ Cic., *Off.*, 1.64; 115; 2.71. It is important to note that Sallust, too, saw the rise in *avaritia*, and *ambitio* and *cupido* for such things as *imperium* and *gloria* as part of the explanation for Rome's decline as examples.

In *de Officiis*, justice is integrally associated with the guiding of the citizen's service of the *res publica*. It enables the citizen to balance his own interests with those of the *res publica*: the personal desire for knowledge against the need to serve the *res publica*; the ambition for success and glory against the stability of the polity that gave these things meaning. Such personal interests and desires originated in man's character, in qualities that might either be regarded as 'good' or 'bad', depending on whether they manifested themselves in acts that were beneficial to the *res publica* or not. Without a sense of justice Rome's citizens could not make these judgement calls and might come to put their own interests, or those of a group or *factio*, ahead of the *res publica*, leading to civil strife³⁵

Caesar exemplified the damage that Cicero believed the citizen's divergence from justice might do to Rome. In *de Officiis* Caesar is described as having perverted the laws in order to gain sovereign power, his desire for *gloria*, *potentia*, *honor* and *imperium* having led him in the wrong direction – that is, to focus on self-interest rather than on the interests of Rome. Cicero went so far as to say that the loss of *fides* that comes from a citizen's decision to gain power and authority through fear rather than love had caused the *res publica* to be lost forever.³⁶ In saying this he attacked not only Caesar, but also Antonius and Dolabella, whom he later accused of having broken faith with the people of Rome.³⁷ Caesar's behaviour emphasised to Cicero the importance of justice in grounding all the duties of the citizen and also the importance of training and guidance in keeping a citizen on the right path.³⁸ To behave without justice, as he believed Caesar did, was to forfeit true *honestum/honestas* and

³⁵ Cic., *Off.*, 1.85-86.

³⁶ Cic., *Off.*, 2.29.

³⁷ Cic., *Phil.*, 3.30; 11.5.

³⁸ Connolly (2007) pp.78, 114-115 has noted a tension in Cicero's thought between the role of nature and the role of culture and choice in the creation of the ideal citizen: while his formulation emphasises the importance of man's natural reason in good citizenship (*Off.*, 1.11-15; 3.74-75), the good citizen is only fully formed through the (natural) restraint of their natural desires and through cultural processes, in particular through oratorical training. Although Cicero seeks to tie his formulation of the honourable citizen to nature through reason, he cannot escape the fact that men need to be trained or guided to the understanding that it is natural to act honourably and in the best interests of the *res publica*. Nature alone is not enough: although it forms man by giving him reason, man also needs training and guidance in order to recognise and cultivate those things that are naturally good. Men do not always naturally follow their reason; sometimes they are unreasonable and act dishonourably. The way to counter this, and ensure that man follows the path of his natural goodness, is through training and education – the cultural element of the formation of the citizen and the *res publica*. Cicero's texts and speeches in 44-43 aimed to provide such training and guidance, instructing his fellow citizens in good behaviour and persuading them of the proper relationship between citizen and *res publica*, and the right course of action to take to save the *res publica* strife.

also to damage and possibly destroy the *res publica*.³⁹ Antonius and Dolabella, in Cicero's eyes, had the potential to do this, and he sought to warn his audience/students of it.

Throughout *de Officiis* Cicero emphasised the way in which justice mediates the other qualities and characteristics required by the good citizen. It is justice that ensures that the search for knowledge and wisdom does not get separated from practical political activity, becoming "Lame and defective," for it prevents the citizen becoming all consumed by his study and from injuring the *res publica* by withdrawing his knowledge and wisdom from the community.⁴⁰ Cicero believed that the good citizen required knowledge in order to make the right decisions for himself and the *res publica*.⁴¹ Cicero cited the example of Servius Sulpicius Rufus to show the importance of these citizen qualities to the constitution. His knowledge gave him an understanding of justice and jurisprudence that Cicero describes as being almost divine in nature, and which enabled him to serve the *res publica* through the interpretation of Rome's statutes and civil law and the settlement of disputes.⁴² This depiction of Sulpicius was in stark contrast to the character of Antonius, with whom Cicero was implicitly comparing him, and who possessed, in Cicero's view, little justice or wisdom. Cicero argued that Antonius' behaviour revealed him to be someone who did not understand Rome, its traditions, its magistrates, or its gods, and who could not act properly within the *res publica*.⁴³

³⁹ Cic., *Off.*, 1.26, *Cf.*, 1.64 where Cicero says that men who seek to be *princeps*, as he said that Caesar did, refuse to be restrained by any argument or public and lawful authority (*publico ac legitimo iure*) and often turn out to be bribers or agitators (*largitores et factiosi*) who seek supreme power in order to be superiors by force than equal by justice.

⁴⁰ Cic., *Off.*, 1.63, 153; *Pl. La.*, 197b; *Men.*, 246c. See Dyck (1996) p.104 on the relationship between Cicero's *cognitio* and Panaetius' division of the honourable, and p.340-344 on the logical problems of Cicero's attempt to retain *cognitio* as the first virtue whilst making clear that social obligations are the more important *officia*.

⁴¹ Cic., *Off.*, 1.13, 155. In *de Oratore* Cicero has the character Antonius describe Crassus' presentation of the best orator as follows: "He seemed to me to extend the single function and title of orator over all subjects and arts" (*de Or.*, 1.213). Although Antonius decries this, defining the orator as, "Someone who, in cases such as commonly arise in the forum, is able to employ language pleasant to the ear, and thoughts suited to persuade," Cicero's understanding of the ideal orator as revealed throughout *de Oratore* demands the level of knowledge outlined by Crassus in book one, and by Antonius in book two, after he admits that he had previously sought only to refute Crassus and entice his pupils from him (2.40). In *de Officiis* the search for knowledge is directly associated with philosophy and the Greek philosophers (1.155), but Cicero also expressed the sentiment that the good citizen must have the requisite knowledge for the career he chooses, be it philosophy, civil law or oratory (1.115). It is philosophy, however, that leads the individual to an understanding of such qualities as justice and prudence.

⁴² Cic., *Phil.*, 9.10. Sulpicius' service to Rome is resonant of Cicero's discussion of the duty of the citizens in relation to their individual natures and talents and career choices at *Off.*, 1.114-119, where he described it as a duty to do one's best in the field that one has chosen and discussed the honour that accrues from this.

⁴³ Cic., *Phil.*, 1.12-13, 33; 2.19, 81; 3.9-10, 30; 5.7, 10.

Justice also mediates the citizen's behaviour by enabling him to understand the true nature of *decorum* and the proper way to behave in the *res publica*. For Cicero, *decorum* is concerned with, "The orderliness (*ordo*) and moderation (*modus*) of everything that is said and done, wherein consist temperance (*temperantia*) and self-control (*modestia*)."⁴⁴ As such, it rests on three principles: (i) the submission of appetite to reason, (ii) the careful evaluation of the importance of desired objectives so that the appropriate care and attention may be expended upon them, and (iii) the observation of moderation in all that is essential to man's outward appearance.⁴⁵ The qualities of the man of *decorum*, therefore, include *constantia*, *moderatio*, *temperantia* and *verecundia* (steadfastness, moderation, temperance and modesty or considerateness) displayed through prudent speech and action, and the repression of passion, including desire (*cupido*), fear (*metus*), rage (*libido*), and pleasure (*voluptas*).⁴⁶ Justice is the guide of such a citizen, for all things that are just are proper, and all things that are unjust are improper.⁴⁷ Justice adds good faith and fairness to man's natural qualities, working in harmony to produce the behaviour appropriate to a free man, enabling *decorum* to govern and check the behaviour of the individual, safeguarding the *res publica* from the dangers of desire, ambition and licence.

Cicero believed that *decorum* should guide the behaviour of the good citizen in all areas of his life, directing the kind of man he wished to be and the calling he wished to follow.⁴⁸ It sets rules for the behaviour of the citizen and directs them to the fulfilment of their *ingenium* in their choice of public role – be it philosophy, oratory or civil law.⁴⁹ *Decorum* also acts as a guide to the citizen in communication: without it, man's speech may be inappropriate, offensive, or even false. The danger of this in a polity in which decisions were made through a

⁴⁴ Cic., *Off.*, 1.15, 94, 100, 101-102.

⁴⁵ Cic., *Off.*, 1.141.

⁴⁶ Cic., *Off.*, 1.101-102. We will see that many of these appetites are also opposed to the true expression of the *magnitudo animi*, marking the *animi perturbatio*. Arena (2007b) pp.53-58, 65 argues that this freedom from fear is one of the factors that makes a Roman citizen truly free.

⁴⁷ Cic., *Off.*, 1.94. Stone (1999) pp.67-68 has argued (from *Off.*, 1.159) that even justice is made to yield to *decorum*, however as Cicero's understanding of *decorum* is itself rooted in justice, this is a false dichotomy. Stone reads *haec communitas* as justice, rather than the community, which is to misread Cicero's argument. Cicero refers to the second of his virtues, those things that support the *communitas*, (community), of which justice is a part, but not the whole. Cicero states that the wise man (who must have a sense of justice) will not think it right to behave in a way that is not decorous (which is a quality aware of what is just), because it cannot ever be truly in the interests of the *res publica* for the wise man do so. Therefore, there can never be any true conflict between justice and *decorum*, or indeed between the *communitas* and *decorum*.

⁴⁸ Cic., *Off.*, 1.103-140.

⁴⁹ Cic., *Off.*, 1.103, 114-118.

process of verbal debate was clear to Cicero, as we shall see below.⁵⁰ Without *decorum*, relationships between citizens in the *civitas* would be difficult to maintain, for each would put themselves first, above the interests of each other and above the *res publica*. Cicero's emphasis on the importance of *decorum* in the character of the good citizen was stimulated by the way he saw Antonius behaving. The *Philippics* included vivid descriptions of Antonius' improper behaviour: his relationship with Curio; his tendency towards violence, including political violence; and his abuse of his magistracies.⁵¹ He is described as *profligatus, impudicus, effeminatus*, a man of lust and cruelty (*libido, crudelitas*) who has no moderation or self-respect (*moderatio, pudor*).⁵² Antonius' behaviour, as Cicero describes it, did not serve the *res publica*, only himself. It made him a bad citizen, a bad magistrate, and a danger to Rome.

The temptation to put oneself before the *res publica* was something Cicero saw as a dangerous quality of the citizen's *animus*. He believed that justice and *decorum* were the guard against this, preventing the citizen man from indulging his *animus* and acting purely out of self-interest in a quest for *gloria* and thus damaging the *res publica*. The good citizen who achieves this balance is said to possess an *animi magnitudo*. Cicero's conception of the *animi magnitudo* focuses on the mental, rather than the physical, qualities of the man who possesses it. Its key elements are *fortitudo* and reason (*ratio*), and it is expressed in the performance of great deeds. These deeds are those that sustain and support the *res publica* – Cicero once again expressing the belief that the character and deeds of the citizen were central to the stability of the polity.

Cicero describes *fortitudo* as that virtue (*virtus*) which champions *aequitas* and justice, and encourages an indifference to circumstances, through the conviction that only that which is

⁵⁰ Connolly (2007) pp.170-171 & 270-272, argues that *decorum* was primarily an aesthetic quality that provided a performative index of acts of the body and tongue that enables the citizen to articulate the ethicocivic goals Cicero laid out at the start of *de Officiis*. She sees Cicero's particular interest in *decorum* as being in its role of governing oratorical practice, arguing that the ideal citizen is the one whose *decorum* is manifest in heterogeneity of speech, where it censors elite arrogance and superiority and enables the speaker to bring the audience together with him as equals and reinforce communal identity. Whilst Cicero is certainly concerned with oratory throughout his works, and does frame arguments for the orator as the ideal citizen, this is less to the fore in *de Officiis* than his concern for *decorum* as an ethical virtue that should govern the behaviour of all citizens in the *res publica* in whatever field for which their *ingenium* best fits them (Cf., Dyck (1996) p.241 who argues that Cicero moved the term from the aesthetic to the ethical sphere). Nature grants individuals with universal and particular characters, the latter of which should be guided by *decorum* in choosing a career (Cic., *Off.*, 1.107-118). *Decorum* thus guides the citizen through their lives in a way that does not endanger the *res publica*.

⁵¹ Cic., *Phil.*, 1.6, 12-13, 26-27; 2.44-45, 51, 53; 3.24, 30; 5.10; 6.3; 13.5.

⁵² Cic., *Phil.*, 3.1, 12, 28, 35; 4.21; 5.6.

honourable is important and one should not be subject to passion or fortune.⁵³ This is displayed in a refusal to be overcome by fear, desire, pain or pleasure, anger, or avarice – the qualities of injustice and indecorousness.⁵⁴ Such avoidance of excessive emotion (*animi perturbatio*) brings a calm spirit and displays *decorum*, allowing the *animi magnitudo* to be expressed through performance of great deeds, which leads to the attainment of glory indicative of a great spirit.⁵⁵ Such deeds also required the citizen to possess *magnum ingenium* – great talent. It is this quality that provides the citizen with his gifts, fits him for particular roles and careers and allows him, through the application of reason to consider the possible consequences of actions and events.⁵⁶ It also inspires deeds that display a man's talent, and its courage and spirit are those that uphold the *res publica*. They include the attainment of civil and military offices; involvement in the direction of the *res publica*, through politics or administration of the law; the defence of *libertas*; a willingness to engender one's own welfare rather than that of the public; and even tyrannicide.⁵⁷ It is these deeds that bring a man *gloria* and cause him to be considered honourable by his fellow citizens.⁵⁸

Cicero acknowledges the danger of some of the qualities of the *animi magnitudo*, noting that, "From this greatness of spirit spring all too readily self-will and excessive lust for power."⁵⁹ Such a desire might distract a man from putting the *res publica* first and lead him to focus instead on his own self-interest and wishes. This could show itself in several ways: it could lead men to seek war in order to gain *gloria*, or turn them away from argument and public or lawful authority towards bribery and agitation (*factio*).⁶⁰ The greater a man's spirit, Cicero worried, the more he would want to become the foremost citizen or sole ruler. Justice was the quality that restrained the *animus*, preventing it from carrying out acts that would harm other citizens, through the sense of *aequitas* inherent to it and through the *decorum* it

⁵³ Balmaceda (2005) p.48 suggests that Cicero deliberately chose to use *fortitudo*, rather than *virtus*, as his term for courage in *de Officiis* in order to avoid confusing his readers when he uses *virtus* as an overarching ethical term. He defines *fortitudo* at *Rep.*, 5.7.9 as a "*Virtus called fortitudo, which is made up of nobility of spirit and an entire contempt for pain and death.*" It was not a common term before Cicero took it up, although *fortis* was used as an adjective associated with *virtus* (McDonnell (2006) p.61 & Hellegouarc'h (1963) pp.247-248).

⁵⁴ Cic., *Off.*, 1.62; 66; 68-69.

⁵⁵ Cic., *Off.*, 1.67 - 69.

⁵⁶ Cic., *Off.*, 1.81; 2.46.

⁵⁷ Cic., *Off.*, 1.68, 70-72, 92.

⁵⁸ Cic., *Off.*, 1.67.

⁵⁹ Cic., *Off.*, 1.64.

⁶⁰ Cic., *Off.*, 1.64, 74, 85. In this latter part, Cicero is clearly thinking of Antonius who had effectively ceased from discourse and debate in the Senate by mid-44. Schofield (2009) p.208 notes that Cicero's critique of *magnitudo animi* in *de Officiis* was unprecedented in his work.

inspired.⁶¹ Without justice and *decorum*, a man's *animus* could not be considered a *magnitudo animi*.

Cicero cited Octavian, Trebonius and Sulpicius as examples of men who used their *ingenium* in the service of the *res publica*, Trebonius, notably, in his role in the conspiracy to assassinate Caesar.⁶² In contrast he compared Octavian's *ingenium* to that of Caesar, who, he argued, wasted his mind and his talents in satisfying the *populus* through demagoguery, ignoring the advice of the Senate and the good men (*boni*) and pursuing his own aggrandisement in a way that a free people (*liberi populi*) could not tolerate.⁶³ In the *Philippics*, too, Cicero implied that Caesar's misused *ingenium* and the damage his actions did to the constitution meant that he was not truly a man of *magnitudo animi*. However it was Antonius who more immediately inspired Cicero's exploration of a 'false' *magnitudo animi*. Cicero argued that if the *animus* does not act on *fortitudo* but is inspired by self-interest (*cupido*), then the citizen must be said to display *audacia* (audacity), and can be described as having an *animi perturbatio* – a disturbed or passionate spirit.⁶⁴ *Audacia* is a characteristic regularly ascribed to Antonius in the *Philippics* linked to his utter lack of *decorum*. Cicero used *audacia* to reveal Antonius as bold and reckless, a man who doesn't care if his actions harm others or harm the *res publica* as

⁶¹ Cic., *Off.*, 1.64.

⁶² Cic., *Phil.*, 5.49; 9.12; 11.9.

⁶³ Cic., *Phil.*, 5.49. His comment on Caesar suggests that he broke *fides* with the *populus* through this behaviour, misleading them, although it also suggests, perhaps unintentionally, that the people were easily misled through demagoguery. Manuwald (2007) p.719 notes that Cicero's criticism of Caesar places emphasis on the importance of the relationship between the individual and the Senate within the *res publica*. The *boni* do not feature prominently in Cicero's discourse after the assassination of Caesar. In the *Philippics* he urges Calenus to listen to the *boni* (10.6) who will guide him away from Antonius. He also declares that, "Nature makes good citizens (*boni cives*) in the first place, then fortune aids" (13.16). In such a formulation, it seems that the *boni* incorporated all those citizens Cicero judged to be 'good' and to have the interests of the *res publica* at heart. As Galbraith (2005) p.124ff notes in discussing the use of the term in a fragment of Cato the Elder (*ORF*⁴, Cato, 8.6.58 = Gell. 10. 3.17-18), there was no fundamental opposition between *boni* and *populares*, and follows Hellegouarc'h (1963) p.485 in arguing that the *bonus vir* was one who, "Manifests in his character the highest reaches of a *vir*, that is to say *virtus*." Galbraith argues that *bonus* in public discourse held a social and moral judgement, rather than a political one, but that such judgement eventually became a part of political partisanship, concluding (p.155) that the terms *boni*, *optimas* and *optimate* should be seen as words over which opponents would compete in order to support their arguments. Although the term is not widely employed in *de Officiis* and the *Philippics*, when it does appear Cicero does indeed lay claim to the *boni* as those who were 'good citizens' in his formulation of the concept, defining this 'group' on his own terms.

⁶⁴ Cic., *Off.*, 1.63, 102. We can see, from this, the importance of the good citizen's understanding of key Roman political terms and the need for proper use of language within the *res publica*. See section 3(iv) below for further discussion of this.

long as they provide him enjoyment or benefit.⁶⁵ Antonius did not restrain his passions, was not a good citizen and did not understand, and therefore could not fulfil, the duties he owed to the *res publica*. The *animus* without justice and *fortitudo*, such as that of Antonius, could not be regarded as true *animi magnitudo*. As Cicero said: “Not only has it no element of *virtus*, but its nature is barbarous and revolting to all our finer feelings (*humanitas*).”⁶⁶ In this way, Cicero aimed to redefine the idea of the great man in Roman public life post-Caesar, rejecting both Caesar and Antonius’ understandings of the great Roman as being dangerous to the *res publica* and offering his own reformulation of citizenship, in which the good citizen and great man is not he who achieves the most, but he who does most in the service of the *res publica*.

The last of the major objects in Cicero’s formation of the good citizen in *de Officiis* is *beneficentia* and its coevals, *benignitas* (kindness) and *liberalitas* (liberality, generosity). At its most basic a system of favours, true beneficence is extended through *opera* (work, service) and *industria* (diligence, industry), such as the protection of a man’s legal rights by assisting with counsel, or through one’s eloquence.⁶⁷ Money may be given with discretion and moderation to ransom captives, assume friends’ debts, help with provision of dowries or acquisition of property and also to pay for public building works, but generosity (*liberalitas*) is not to be confused with extravagance (*prodigientia*).⁶⁸ The aim of all service, if it is to constitute *beneficentia* rather than *largitio* (bribery), is the benefit of the *res publica*, which it achieves by strengthening social bonds and common interests, because *beneficentia* in its true form is not simply about self-interest but about serving one’s fellow citizens and the *res publica*. Cicero declared that the first principle guiding an act of kindness is that it does not injure the recipient or others: “By the standard of justice all acts of kindness must be measured.”⁶⁹ Justice and in particular, *aequitas*, must guide all acts of kindness, not only as regards their direct impact upon the recipient but also as regards the giver, who must not give beyond his means, and the worth (*dignitas*) of the recipient: generosity must be fair to all.⁷⁰ The worth of

⁶⁵ Cic., *Phil.*, 1.63; 2.1, 4, 9, 19, 43, 44, 64, 68, 90; 3.28, 35; 5.10, 41; 6.2, 28; 8.21; 9.15; 11.5; 13.10, 13.28. Manuwald (2007) p.106 & 323 describes this as part of the Roman oratorical practice of invective.

⁶⁶ Cic., *Off.*, 1.62,

⁶⁷ Cic., *Off.*, 2.54, 65-66.

⁶⁸ Cic., *Off.*, 2.55-56, 60. Although Cicero thinks it better to give to deserving individuals, rather than spend lavishly spending on public exhibitions (2.60, 63).

⁶⁹ Cic., *Off.*, 1.42. See also 1.44, where Cicero says that nothing is generous if it is not just, and 1.48, where Cicero declares that the *vir bonus* must always requite kindness, as long as he can do so without *iniuria* (injustice).

⁷⁰ Cic., *Off.*, 1.42, 44-45. The acts of Sulla and Caesar in transferring property should not be regarded as generosity, according to Cicero.

a recipient is established by their *virtutes*, particularly temperance (*temperantia*), self-control (*modestia*), and justice; in other words, by their *decorum*.⁷¹

Cicero's understanding of *beneficentia* is also formed in opposition to certain objects. The duties associated with *beneficentia* must come from a just sense of what is needed, not a selfish desire to receive in return, whether that return be financial or in the form of reputation or *gloria*.⁷² Such desire (*cupiditas*) perverts the guidance that justice should provide. It leads to such actions as the plunder and misappropriation of property in order to supply gifts that will secure personal gain for the giver.⁷³ These are the deeds of Antonius after Caesar's death for, according to Cicero, he thought only of profit and plunder, he sold exemptions, granted freedom to communities, removed provinces from the jurisdiction of the people and brought exiles back to Rome, all in pursuit of his own interests as he sought to gain support for his position.⁷⁴ Such activities, Cicero argued, are born out of the desire for glory and mark false kindness. They are not true *liberalitas*, and the proper term for them is *largitio* (bribery) not *beneficentia*.⁷⁵ Such denial of mutual obligation, social ties or a common interest in favour of self-interest demolishes the social fabric of the *civitas*, and thus the *res publica*.⁷⁶ This is where justice is important, for it guides the citizen in their understanding of what is best for the polity as a whole and directs them to pursue these ends in their expression of *beneficentia*.

In discussing each of these attributes of the good citizen: justice, *decorum*, kindness and generosity, and greatness of spirit, Cicero offered descriptions that centred firmly upon the good of the *res publica*. This involved the reclamation of key political terminology and concepts, in which he defined appropriate behaviour by focusing on the citizen's identity as a member of the community.⁷⁷ His arguments were formulated in opposition to the behaviour

⁷¹ Cic., *Off.*, 1.46.

⁷² Cic., *Off.*, 1.43, 49.

⁷³ Cic., *Off.*, 2.85. This ties in with Cicero's understanding that justice should ensure the safeguarding of private property (1.20).

⁷⁴ Cic., *Phil.*, 3.30.

⁷⁵ Cic., *Off.*, 1.44. Here we see Cicero's belief that Roman political vocabulary had become corrupted, with certain terms and concepts being misunderstood and misused. This is an idea that recurs in his work after Caesar's death, and also in Sallust's historiography. Of course, one can argue that Cicero spun the term *largitio* in order to portray certain kinds of behaviour in a negative light: *Largitio* may also be understood to mean giving freely or generosity, as well as bribery, but Cicero focused on the negative connotations in order to make his point about the kinds of activities that constitute the concept he seeks to promote as 'honourable'. Nonetheless, although Cicero chose to overlook his own possible complicity in the misuse of political language, the importance of the theme in Roman political thought remains.

⁷⁶ Cic., *Off.*, 3.28.

⁷⁷ See 3.2(c).

he believed had damaged the *res publica* in recent years, primarily that of Caesar, whose dictatorship he believed had damaged the bonds of *fides* and *aequitas* that had to exist between citizens in order that the *civitas* could function as a political system, and that of Antonius, whose individualistic understanding of the *res publica* Cicero believed would lead him to dominate and destroy Rome. This process of redefinition can also be seen Cicero's expression of another key political term: *dignitas*. This was a prominent quality in Roman political discourse in the Republican era, a positive characteristic that citizens were eager to claim they possessed, but which did not have one clear definition, and which Caesar had employed in defence of his actions in 49. Cicero sought to reclaim it from Caesar, turning away from his focus on the achievements of the individual, and formulating *dignitas* as a quality defined by the behaviour of the individual within the polity, and which, like the cardinal virtues discussed above, was rooted in a sense of justice.⁷⁸

Dignitas features in Cicero's discussion of the cardinal virtues in *de Officiis* as an element of *decorum* and therefore as a quality that guides the good citizen's behaviour. Cicero claimed that *dignitas* inspired submission to one's *auctoritas*, *potestas* and *imperium*, and described it as stemming from moderation in one's appearance, character and habits and not one's deeds.⁷⁹ In his formulation of *decorum*, Cicero employs *dignitas* as element of man's proper appearance, under the heading of beauty. It avoids finery and improper gestures and manners in favour of those that are simple and unaffected, and describes a man possessing a good complexion, born of physical exercise, and with neatness.⁸⁰ *Dignitas* returns, again connected with *decorum*, in Cicero's discussion of *beneficentia*, where it is the quality determining the nature of the kindness that is to be extended to an individual, which must be proportional to that man's *dignitas*, as it is shown by moderation in his character and habits.⁸¹ As noted above, Cicero thought that the *animus* had the potential to endanger the *res publica* through the individual's desire for glory, and argued that *decorum* and justice were important qualities in restraining the citizen. *Dignitas*, as part of *decorum* was part of that restraint, not a quality earned by the performance of great deeds inspired by one's *magnitudo animi*. Indeed, Cicero describes it as being earned by following the 'golden mean', rather than pursuing greatness.⁸²

⁷⁸ See chapter 2.1 on Caesar's conception of *dignitas*.

⁷⁹ Cic., *Off.*, 2.22. See also *Phil.*, 7.14.

⁸⁰ Cic., *Off.*, 1.130.

⁸¹ Cic., *Off.*, 1. 42, 45. See also *Phil.*, 1.14 where *dignitas* is associated with the ability to speak without fear; fear being a quality that is repressed by the man who possesses *decorum*, and *Phil.*, 7.14, where it arises from behaviour demonstrating *constantia*, *gravitas* and *perseverantia*.

⁸² Cic., *Off.*, 1.130: "*Mediocritas optima est*"

Cicero denied *dignitas* to Antonius, because his behaviour was immoderate and he lacked a proper sense of *decorum* to restrain his *animus*, which endangered the *res publica*.⁸³ For the same reason, the Senators who attended Antonius' controversial senate meetings are said as having gone "Unmindful of their *dignitas*," because they attended a meeting that was injurious to the *res publica*.⁸⁴ On the other hand, Cicero argued that the Senate would maintain its *dignitas* as a body if it acted against Antonius in accordance with justice and *decorum* in the best interests of Rome. In asserting that *dignitas* was part of *decorum* rather than a result of great deeds, Cicero's description of the good Roman citizen responded to the ideas of men like Caesar and Antonius, who sought to pursue and maintain *dignitas* through the great deeds that mark the *animi magnitudo*, and argued that they had forgotten *dignitas*' ties to *decorum*, justice and the service the individual owes to the polity.

Cicero's reclamation and redefinition of the attributes of the good citizen in terms of the good of the *res publica* led, naturally enough, to a formulation of *virtus* as a quality that might be attained by any citizen so long as they fulfilled their duties towards the *res publica*.⁸⁵ However, the complexity of Cicero's employment of the term reveals the multiple possible understandings of *virtus* that were held at Rome and the tensions between them. Throughout 44-43, Cicero used *virtus* in three ways: (i) as a general positive characteristic, (ii) to describe one amongst many good characteristics, and (iii) as the overall characteristic of the good citizen. Thus Pansa is said to possess *fortitudo*, *gravitas*, *moderatio*, *constantia* and *virtus*; whilst the qualities of the good citizen in *de Officiis* - justice, wisdom, *decorum* and *beneficentia* - are styled *virtutes*, and M. Brutus is described as a man made for the *res publica* by grace of his *virtus*.⁸⁶ These multiple uses are further complicated by Cicero's employment of *honestum* and *honestas* in *de Officiis*, as the ultimate characteristic of the good citizen, attained by the performance of his duties.⁸⁷ Adding to the problems of our understanding of

⁸³ Cic., *Phil.*, 12.4. Cicero is responding to Q. Fufius Calenus, who had claimed that Antonius would be obedient to the Senate if he can maintain his *dignitas*.

⁸⁴ Cic., *Phil.*, 3.20.

⁸⁵ That this was not the only possible understanding of *virtus* was shown by Sallust, in his depiction of Catiline (see chapter 4(ii)). Long (1995) p.224, 230, 233; Schofield (2009) p.208.

⁸⁶ Cic., *Phil.*, 7.6-7. 10.14; *Off.*, 1.16, 17; 3.28.

⁸⁷ There is some difficulty with Cicero's employment of the words *honestum* and *honestas* in *de Officiis*. Lewis and Short define *honestas*, *honestatis* as honour received from others, or repute, and *honestum*, *honesti* as honesty, integrity or virtue, with the implication that the possession of *honestas* is related to the regard in which an individual is held, whilst *honestum* is an innate characteristic. However, Cicero uses them interchangeably: for example, at 1.15 he presents the four qualities that lead to *honestum*, but at 1.61 these four cardinals are said to lead to *honestas*. Dyck (1996) p.69 sees no difference between the two terms in *de Officiis*, whilst Hellegouarc'h (1963) p.388 suggests that *honestum* was the

the Ciceronian concept of *virtus* are the different aims of the two surviving texts from this period, as these direct different uses of the term. In *de Officiis* we can see the attempt of Cicero the political philosopher to formulate clear understandings of *virtus*, *honestum* and the nature of the good citizen; whilst in the *Philippics* we see Cicero the politician exploit the different possible uses and understandings of *virtus* to the advantage of his argument. These differing expressions of *virtus* reveal the way in which Rome's political discourse about the constitution was shaped and the impact that this had upon the renegotiation of the constitution.

In *de Officiis* the nature of *virtus* as a quality of the good citizen is established as being built out of the separate *virtutes* that are characteristic of that individual. In book two of *de Officiis*, Cicero describes it in the following terms: “*Virtus* as a whole may be said practically to depend upon three things. One is perceiving what is true and clear in each case... The second is restraining the disturbed movements of the spirit... and making the impulses... obedient to reason. The third is treating those with whom we associate knowledgeably and with moderation...”⁸⁸ These qualities of *virtus* align with three of his four cardinal virtues.⁸⁹ The missing quality is the citizen's *animus*, something that is explained by Cicero's comment that the courageous spirit in a man without perfection and wisdom is too impetuous to mark out the good man (*vir bonus*): that is left to the other *virtutes*.⁹⁰ The *animus*, unless carefully balanced by justice to create an *animi magnitudo*, is the most dangerous of the citizen's attributes: necessary for the gaining of honour, but at the same time drawn to *gloria*, sometimes at the expense of the *res publica*. In 44-43 Cicero reformulated *virtus* so that it did not require the expression of the *animi magnitudo* but only the performance of the duties associated with the other three virtues.⁹¹ Like the individual *virtutes*, *virtus* is focused on the service of the *res publica* above self-interest, and is not primarily interested in any benefits that might result.

According to *de Officiis*, the natural rewards of *virtus* are *honestum* and *gloria*. Whilst Cicero's understanding of these ideas overlaps with *virtus* in many ways, they are distinguished

philosophical version of *honestas*. The idea that Cicero would have defined his usage more specifically if he had more time to revise the text is tempting, but must remain no more than speculation.

⁸⁸ Cic., *Off.*, 2.18.

⁸⁹ Dyck (1996) pp.385-386.

⁹⁰ Cic., *Off.*, 1.46

⁹¹ Cic., *Off.*, 1.19. Barton (2001) pp.36-37. Schofield (2009) p.208 notes that this sees Cicero 'picking an argument' with the entire Roman aristocratic tradition on *virtus*, presenting his view as correct by claiming that he was restoring not reforming Roman virtues. See chapter 4(II)a for more on the 'aristocratic tradition' of *virtus*, with reference to his portrayal of Catiline.

by their association with the reputation of the citizen, a reputation that is, in turn, linked to the performance of great deeds inspired by the *magnitudo animi*. Cicero argued that *honestum* cannot be fully separated from the possession of *virtus* for the former cannot exist without the latter; but also notes that it requires a man's *virtus* to be recognised by his fellow citizens, something that occurs through the citizen's performance of the duties that reflect the *magnitudo animi*.⁹² Such a citizen will gain a good reputation and be regarded as honourable. However, Cicero also argued that *honestum* had come to be misunderstood in Rome; seen as being earned by the individual's personal achievements and separated from the individual's service to the *res publica*. This misunderstanding is linked to the perversion of the *animi magnitudo* that occurs when the citizen is not guided by justice. At the same time Cicero makes it clear that the apparent division between self-interest and the interest of the *res publica* which has created problems in the understanding of the true nature of *animi magnitudo* and *honestum* is a false dichotomy. In Cicero's *res publica* the interest of the citizen and the *res publica* are one and the same, for it is in the citizen's interests to put the *res publica* first if he wants to be considered truly honourable.⁹³ In the *res publica* as Cicero thought it should be, the good citizen was the man who fulfilled his duties within the *res publica* with wisdom, justice, *decorum*, generosity and a great spirit. Such a man would possess *virtus* and should also possess *honestum* and also *gloria*.

In relating good citizenship to the stable *res publica* in *de Officiis* Cicero developed an argument as to why his understandings of *virtus* was the correct one, explaining how it upheld the constitution.⁹⁴ In the *Philippics*, however, he simply employed it to describe those he wanted to present as good citizens. He avoided using *honestum* and eschewed the establishment of any definite meaning of *virtus* order to allow his audience to insert their own understanding of the term into his argument. What Cicero himself believed *virtus* to be was immaterial in this kind of discourse, what was important was that he convinced his audience of the *virtus* of the people and actions he was supporting. Cicero used *virtus* to describe the characters and deeds he wants to support, assuming that his audience knows why they are *virtus* and using rhetorical techniques to align himself with his audience in support of this

⁹² Cic., *Off.*, 3.13.

⁹³ He also suggests that a similar misunderstanding has occurred regarding *gloria*. The exploration and resolution of this tension between the honourable (*honestum*) and expedient (*utile*) is the focus of book three of *de Officiis*.

⁹⁴ Schofield (2009) p.208.

virtus.⁹⁵ He focused on the link between *virtus* and service to the *res publica*; making it a double association – if a citizen has *virtus* it implies that they are serving the *res publica*, and, if they can be said to be serving the *res publica*, then they must have *virtus* - but he does not explore the nature of this service.⁹⁶

Virtus, in the *Philippics*, is a quality of the good citizen who serves the *res publica*, but the specific qualifications for this status remain largely hidden behind Cicero's rhetoric. The form of the *Philippics* encourages the rhetorical creation of such a semantic vacuum: the speeches do not provide the space for a detailed, philosophical explanation of the qualities and activities that grant a man *virtus*: they must simply demonstrate that a man has *virtus* or not. Cicero's most public political discourse expresses the importance of *virtus* in Rome's constitutional ideology, but does not seek to redefine the term in the same way that he does in *de Officiis*. He was able to avoid his argument's rejection by those who might disagree with his own understanding of *virtus* and at the same time painted over the cracks in Rome's constitutional knowledge. By employing *virtus* as a tag to describe citizens and emphasising the link between *virtus* and the service of the *res publica*, Cicero not only demonised and de-Romanised his enemies but also made the nature of *virtus* appear incontestable, making it harder for them to fight back in debate and driving them towards military action.

Just as Cicero sought to redefine the nature of the various characteristics of the good citizen in *de Officiis*, so his presentation of *gloria* sought to reclaim it from those he believed used its possession to justify actions that might damage the *res publica*, casting it as a quality that only had value within the *res publica* and which could not, therefore, be won by deeds that did not serve the interests of Rome. In this his definition of *gloria* resembles his exploration of *honestum* in *de Officiis*: its possession by a citizen depends upon public opinion, but this public, in the late Republic, misunderstood the true nature of the quality to be accorded to the citizen. For Cicero, *gloria* was not a characteristic that the citizen was required to possess in order to be considered good or honourable, but rather a quality that was part of his reputation, attained through his behaviour as a good Roman. Because of this, Cicero's understanding of *gloria* built upon his understanding of the qualities of the good citizen. To possess *gloria*, one had to behave with justice and *decorum* and perform the duties associated with *beneficentia* and the *animi magnitudo*, for "The peak and perfection of *gloria*

⁹⁵ See 3.2(b)i below for discussion of the rhetorical techniques Cicero employed in speaking to the people.

⁹⁶ Cic., *Phil.*, 3.8, 31; 5.35, 41; 7.6-7; 10.14; 13.24; 14.11.

lies in the following three things: if the masses love you, if they have faith in you (*fides*), if they think you worthy of some honour combined with admiration (*admiratio, honor*).⁹⁷ In the *Philippics*, rather more stirringly, *gloria* is described as, “The credit (*laus*) for laudable actions and the reputation (*fama*) earned by notable public services, approved by the testimony of the best of us (*optimi*) and also by that of the multitude.”⁹⁸

As with *honestum*, the deeds that contribute most to the gaining of *gloria* are those that stem from the *animi magnitudo*, including military service and eloquence, for they build a man’s reputation.⁹⁹ Just as the true *animi magnitudo* was defined by service to the *res publica*, so Cicero defined *gloria* not in terms of personal success and achievement, but in the service rendered to the *res publica*. Writing of his son’s opportunities for gaining *gloria*, Cicero bemoaned the fact that any praise young Marcus had won for his deeds in Pompeius’ army came to nothing with the fall of the *res publica*: without the *res publica*, military success was worthless in terms of gaining *gloria*.¹⁰⁰ In discussing eloquence, Cicero argued that when a single man dominated affairs there was no longer room for counsel (*consilium*) or *auctoritas*, disabling the citizen’s ability to win *gloria* through eloquence. The silence of the good citizen indicates the failure of the system, in which all citizens should be able to participate.¹⁰¹ The good citizen’s eloquence should guide and support the *res publica*, and thus bring him *gloria*.

⁹⁷ Cic., *Off.*, 2.31; Cf., Cic., *Off.*, 2.31-42 and 52-64.

⁹⁸ Cic., *Phil.*, 1.31. He declares at 1.33 that Antonius is ignorant of *vera gloria*. Speaking publicly in Rome, Cicero includes the crowd as one of the groups granting a man’s reputation. In the *Tusculan Disputations*, however, he describes *vera gloria* as the approval of good men (*laus bonorum*) only. Cicero argues that the multitude tends to err, in contrast to the wise judgement shown by the *boni*, and that the popular understanding of *gloria* blinds men to the extent so that, “Some of them bring about the utter ruin of their country and others their own downfall.” (*Tusc.*, 3.4. Cf., *Off.*, 3.13-17 where Cicero comments that the crowd does not understand how far the common, or ‘mean’ (*media*) understanding of *honestas* falls from the ideal).

⁹⁹ Cic., *Off.*, 1.65; 2.45-51. Cf., 1.72-78 for Cicero’s comparison of civil deeds with military ones in the duties that fulfil *animi magnitudo*. Cicero (*Off.*, 1.77) associated his own eloquence with his service to the *res publica*, notably in his activities against Catiline, declaring that it was owing to his vigilance and counsel that Catiline was defeated. Dugan (2005) p.20 has argued that Cicero sought to construct his claim to power on his intellectual and literary achievements, rather than military ones. This must partially have been due to his own lack of military success and inclination for it, but it is also likely to be the result of observing the events of the first century B.C. at Rome, including the civil wars of Marius and Sulla in his youth, where the successes of individual military commanders tore the *res publica* apart. Many of Cicero’s treatises, *de Oratore* in particular, deal with the orator as the ideal Republican citizen, having knowledge and wisdom, able to discern the best course of action and guide and advise the *res publica*.

¹⁰⁰ Cic., *Off.*, 2.45.

¹⁰¹ Indeed, Cicero suggested that it was more honourable and more worthy of glory to remain silent during the domination of an individual, and worried that his *pro Marcello* of 46 had robbed him of his honourable absence from public affairs (Cic., *Fam.*, 4.4.4). This idea recurs in the prologues of Sallust’s monographs (see chapter 4.2(a)).

Eloquence is thus established not only as an activity that brings one *gloria* but also as an essential part of Cicero's *res publica*, necessary for the continued success of the polity.¹⁰² Without the *res publica*, true *gloria* cannot exist. The good citizen's actions may be virtuous and just, but they cannot be counted glorious, because they cannot reflect glory upon the *res publica*.

As in his philosophical presentation of the attributes of the good citizen, Cicero reclaims *gloria* arguing that there is a 'true' and a 'false' understanding the term, with the service of good citizen to the *res publica* being the defining characteristic of *vera gloria*.¹⁰³ This *vera gloria*, rooted in the honourable performance of duties is a legitimate part of Republican politics for Cicero, a laudable attribute that should not be scorned.¹⁰⁴ Like the virtues discussed above, man's pursuit of *gloria* must be directed by his sense of justice and submitted to the good of the *res publica*.¹⁰⁵ False *gloria*, however, is won by pretence and injustice rather than the development of *fides* and from the performance of activities associated with the false versions of the citizen's qualities: cunning, *largitio*, *audacia* and *cupido* rather than *moderatio*, *beneficentia* and *decorum*.¹⁰⁶ Things done and said out of a desire for *gloria*, rather than in support of the wellbeing of the *res publica* are dangerous to Rome. This danger is the same as that of the *animi magnitudo*: Cicero acknowledges that the greater a man's spirit the more likely he is to be tempted by glory (*gloria cupiditate*) and that, in such a situation, a man may desert justice.¹⁰⁷ The *gloria* that he will win through deeds that lack justice will not be *vera gloria*. Cicero's understanding and expression of *vera gloria* is influenced by the careers of men like Caesar and Antonius who both sought and claimed *gloria*. In order to reconstruct the *res publica* as a polity in which the community was more

¹⁰² Cic., *Off.*, 2.2-3. Dugan (2005) pp.232-34 notes that *litterae* may be translated as voice or words, associated with one's performance in the Senate and the forum, both of which indicate Cicero's silence under Caesar. *Brut.*, 6-7; 331-332 presents a similar theme: the lack of counsel in the contemporary *res publica*, and the interruption of Brutus' own oratorical career, robbing him of the *res publica* and the *res publica* of his services. Cicero's return to active public life and speaking in the service of the *res publica* with the *Philippics* in 44 made such an impact that Dugan (2005) p.73 can argue that these speeches were a more authentic version of his 'self' as a servant of the *res publica* and threat to the triumvirs than his own body.

¹⁰³ Cic., *Off.*, 2.43-44.

¹⁰⁴ Cic., *Off.*, 1.71.

¹⁰⁵ Cic., *Off.*, 1.26 notes the failure of justice when men desire *imperium*, *honor* or *gloria*. 1.84 demands that *gloria*, which is a personal quality, must be sacrificed if Rome requires it.

¹⁰⁶ Cic., *Off.*, 2.36, 43.

¹⁰⁷ Cic., *Off.*, 1.65. Long (1995) pp.224, 230, 233 and Schofield (2009) p.16 agree that Cicero's 'assault' on perverted *magnitudo animi* and critique of false glory is an attempt to reform the Roman honour code, making glory a, "Co-operative value, grounded in justice." (Long, p.230)

important than the individual, and to justify his attack on Antonius and on Caesar's dictatorship, Cicero reformulated *gloria*, making its central object the service of the *res publica* above the performance of great deeds. This led him to declare that Antonius was ignorant of the true path to *gloria*, and that Caesar's achievements, whilst great (*magnas*) were not truly glorious.¹⁰⁸

Cicero's reformulation of *gloria*, *honestum* and the other characteristics of the good citizen in *de Officiis* acknowledged that something had gone wrong in the political discourse and culture of Rome. This, he argued, was a danger to the stability and survival of the *res publica* in its best form, for it had allowed the domination of Caesar and potential dominance of Antonius. Therefore, in *de Officiis* and the *Philippics* he offered his fellow Romans guidance in the way they should behave as Roman citizens and, more particularly, in the contemporary crisis. However, the guidance was of different kinds and expressed his understanding of good citizenship in different ways. In *de Officiis* he presented a philosophical argument for the importance of good citizenship in the successful *res publica* to other members of the Roman elite whom he wished to influence, explaining in detail why his understandings of the proper citizen qualities were the correct ones. In the *Philippics* his rhetoric removed this process of explanation, replacing it with the simple association of the positive qualities of the Roman citizen with those he wished to support. In both Cicero redefined and manipulated Rome's political vocabulary in support of his presentation of good citizenship, seeking to counter the example of Caesar and the threat of Antonius, and urging his fellow citizens to follow his precepts in order to save the *res publica*. Such salvation, according to Cicero's presentation of the *res publica*, started with the citizen and his personal behaviour, but ended in the public life of Roman politics: in the decisions that were being made in the forum and in the Senate. As the following sections of this chapter will make clear, the individual was required to undertake the duties of the 'good citizen' whatever role he had in public life: be it as a member of the Senate, a magistrate or one of the *populus Romanus*. Such behaviour would support the *res publica* and bring stability as it would enable the political bodies of Rome to function properly.

¹⁰⁸ Cic., *Phil.*, 1.33. This clashes with, or corrects, Cicero's expression of *gloria* in relation to Caesar in the *pro Marcello* of 46. There he described *gloria* as being the fame of great services done in the service of his fellow citizens, the country (*patria*) and all mankind, and implies that Caesar was a man of *gloria*. In 44 with Caesar dead, and writing a philosophical treatise, Cicero was freer to express *gloria* as he wished, and he chose to deny it to Caesar.

(b) Political Structures

In *de Officiis* Cicero presented the following definition of the *res publica*: “Without the association of men, cities could not have been built or peopled. In consequence of city life, laws and customs were established, and then came the equitable distribution of private rights and a definite social system. Upon these institutions followed a more humane spirit and consideration for others, with the result that life was better supplied with all it requires.”¹⁰⁹ This coming together was inspired by nature, acting through the common bonds of reason and speech, and developed into the close bond of fellow citizens, free people who enjoyed equal rights before the law.¹¹⁰ This section will examine Cicero’s understanding of the nature of the structures that were established as a result of city life, the roles of the magistrates, Senate and people of Rome and the relationships between them in order to establish the way he believed they should function in the constitution of the *res publica*. At the heart of Cicero’s understanding of the political structures of the *res publica* was the Senate: advisor to both the magistrates and the people, and upholder of Rome’s laws. Yet at the same time, Cicero’s Senate was not all-powerful. He recognised that the Senate could only function effectively in conjunction with Rome’s magistrates and the various assemblies of the people, and that these relationships relied upon the good citizenship of all involved. Cicero’s understanding of these relationships can be seen most particularly in the *Philippics*, in which he urged the restoration of the *res publica* as it should have been. However, even Cicero could not, or did not choose to, clearly delineate the practical workings of the relationships between Rome’s institutions in the constitution; his expression of them varying depending on the audience to whom he was speaking. In the absence of such perfect clarity, the successful functioning of the constitution of the *res publica* came to rest upon the shoulders of the citizens.

(i) The Populus Romanus

In recent years, classical scholarship has paid a good deal of attention to the political role of the *populus* in the *res publica*, with work by North, Millar, Mouritsen and Morstein-Marx examining their place, in political ideology and in the practice of politics; establishing their importance within Republican political life.¹¹¹ The *populus* were the people of Rome, the total

¹⁰⁹ Cic., *Off.*, 2.15.

¹¹⁰ Cic., *Off.*, 1.12, 50, 53, 88.

¹¹¹ Millar (1986); Millar (1995); Millar (1998); Morstein-Marx (2004). This is a movement away from the focus on the Roman aristocracy as the driving force in the politics of the Republican era that typified

citizen body who held the right to vote in elections and on legislation. As such they were involved in Rome's decision-making processes through *contiones*, voting assemblies and elections and played a major part in the political life of the *res publica*. The distinction between *populus* and *plebs* is complicated but was by no means arbitrary, and it is worth examining them, as far as possible, as separate political concepts when looking at the construction of understandings of the constitution.¹¹² In 44-43, Cicero avoided talking about the *plebs* except when referring to the tribunes, preferring instead to focus on the *populus* as a united entity not split by differing political interests. His representation of the *populus* in this period, primarily expressed in the *Philippics*, centres upon their power to affect the decision-making process and upon the importance of their *libertas*, which is equated to the *libertas* of the *res publica* as a whole.

That Cicero understood the *populus* to have a role in Rome's decision-making processes can be seen both from the arguments he makes in the *Philippics* and from the fact that he chose to speak directly to the people. Cicero acknowledged that the people had a voice in Rome and knew that they could be encouraged to make that voice known in order to affect the direction of Roman politics. *Philippics Four* and *Six* were delivered in *contiones*, Cicero using the occasion to inform the *populus* of the Senate's decisions and to put his own perspective upon them, with the aim of gaining popular support for his cause.¹¹³ For him, the power of the *populus* lay not only in its ability to elect magistrates, but also in its power to choose which proposals they were going to support – be they those put forward by the Senate, or those of other individuals (such as Antonius, in 44, or, in previous years, the tribunes). Hence Cicero

scholarship for much of the twentieth century, for example in Gelzer (1912) (trans., Gelzer (1968)); Münzer (1999); Syme (1939); Taylor (1949); Gruen (1995).

¹¹² Horsfall (2003) p.26; Hellegouarc'h (1963) pp.506ff. The difference between the categories of 'patrician', 'plebeian' and *populus* have garnered a good deal of comment in scholarship dealing with the early Roman Republic. It seems generally accepted that the term *populus* or *populus Romanus* initially covered the army, but that the distinction between this and the body indicated by the term 'plebeian' gradually faded over time (Momigliano (2005) p.174; Cornell (1995) pp.256-8; Smith (2006) p.200; Mitchell (2005) p.152). There is also some consensus that the term *plebs* was used to refer to a political group amongst the non-patricians and which, by the end of the Republic had come to be used for the lower classes generally. Momigliano (2005) pp.177-181 argues that the plebeians were originally those outside the army, who formed their own organisation whose structures mimicked those of the army, and whose group began to grow as dissatisfaction with the patricians increased. Cornell (1995) pp.256-258 doubts that the plebeians were formally excluded from the army, but also holds that they had their own identity and agenda, whilst Smith (2006) p.200 argues that the plebeians were shaped by more than one interest group, but that they undoubtedly had a political dynamic. Yavetz (1969) p.7, 149 suggests that the difference between *populus* and *plebs* was, at times, moral, writers using them to show goodwill or aversion to a group. See chapter 4.2(b)ii for Sallust's understanding of the people, which reflects some of these distinctions.

¹¹³ Manuwald (2007) p.81.

sought to gain the support of the people for his stance against Antonius, both to draw them away from Antonius himself, and to encourage the Senate to act against him.

In order to gain this support, Cicero aimed to bring the *populus* together as a group and align them with his point of view. To this end, he sought to create unity through his rhetoric, making his audience stand for the whole of the *populus* in a synecdochical relationship and conflating the interests and opinions of this *populus* with those of the *res publica*.¹¹⁴ He claimed that the *populus* was united against Antonius, who was an enemy of the *res publica*, and described them as speaking “*Una et mente et voce*,” – with one voice.¹¹⁵ In his assumption of this unity, Cicero also evoked it, and called upon it in support of his argument against Antonius, aiming to deprive his opponent of popular support. Morstein-Marx has discussed the kinds of claquers or “claptraps” Roman speakers used to manipulate the audience, from outright bribery or packing the meeting to the use of rhetorical techniques to elicit applause such as using cues to let the audience know when the message was coming, and when they should applaud.¹¹⁶ The crowd could be called on by a speaker to become “The People” as a political entity: to form themselves into a cohesive, effective political body that was able to make demands.¹¹⁷ The *Fourth Philippic* exemplifies Cicero’s employment of this technique as he declared that: “The brave, true judgement of the legions is confirmed by the Senate and improved by the entire Roman people (*populus Romanus*), unless you, Men of Rome (*quirites*), judge Marcus Antonius to be a consul, not a public enemy? Yes, Men of Rome, I thought your judgement was as you now declare it.”¹¹⁸ He identified his audience, the *quirites*, with the *populus Romanus*, and defined them politically in their opposition to

¹¹⁴ Ober (1989) p.147 on the synecdochical relationship between the orator’s audience and the whole citizen body, Cf., Chapter 2n.54 above. See also Morstein-Marx (2004) p.121. As we will see in chapter 4.2(b)i Sallust shows this effect in action in the *Bellum Jugurthinum* and critiques it.

¹¹⁵ Cic., *Phil.*, 4.2. Cf., 1.21; 4.8; 6.2; 7.22. Ramsey (2003) p.130.

¹¹⁶ Morstein-Marx (2004) pp.119-159. His argument is based on Atkinson (1984) pp.47-85’s discussion of ‘applause-elicitation’. It is worth noting that, for Cicero, violence was not a legitimate popular response, and he did not seek to elicit it from the people. He acknowledged that other men did so, and referred regularly to Antonius’ passing of new laws by violence. He implies that the ‘true’ *populus* did not employ violence, and that they were shut out of the assembly by Antonius’ armed men (Cic., *Phil.*, 1.26; 5.10; 6.3; 13.5). This is contrary to Cicero’s understanding of how the Senate and the people should and did interact with each other: violence is the illegitimate response of a subset of the people to a ‘rogue agent’ such as Antonius.

¹¹⁷ See Laclau (2005) especially pp.65-171 for a critical analysis of the way in which ‘the people’ are formed as a political unit. He argues that ‘the people’ form themselves by excluding an Other and representing themselves as the legitimate totality of the citizen body, claiming that, “The ‘people’ do not emerge without a breakdown in the social and a sense of something lacking.” (p.81). He also argues that this political ‘people’ cannot pre-exist its articulation in political discourse and is created in political argument, usually through a series of demands.

¹¹⁸ Cic., *Phil.*, 4.6-7. Morstein-Marx (2004) pp.140-142.

Antonius. Cicero's rhetorical rhythm left a pause for an audience response before his final statement, which encouraged them to react in his favour, excluding Antonius from the *populus Romanus* and the citizen body.

The key idea around which Cicero's understanding of and approach to the *populus Romanus* centred was that of *libertas*. This quality, and the demand for its defence was particularly prominent in the speeches given in *contiones*, although Cicero also employed it to motivate action in the Senate speeches, as a quality belonging to the *populus Romanus* that the Senate must defend with their *auctoritas*.¹¹⁹ Throughout the *Philippics* *libertas* is presented as a birthright of the *populus Romanus* guaranteed by the continued existence of the *res publica* and defined almost entirely by an opposition to servitude. The threat of servitude is personified in Antonius, as Cicero argues that to defend the *res publica* against Antonius is to protect the *libertas* of the people, which Antonius threatens by being both willing and able to lead a military attack on the *res publica*, and also by his political methods when he is in Rome, which remove both the Senate and the *populus* from the decision making process. This critique of Antonius reveals a conception of *libertas* rooted in the right to participate in governance through legislation and elections; protected by both the citizens' understanding of justice, and their access to it in the courts.¹²⁰ True *libertas* is thus made synonymous with the existence of the *res publica*, as Cicero encourages his audience to join with him against Antonius or lose the *res publica* and with it their *libertas*.¹²¹

Mouritsen has argued that the lack of definition of *libertas* was due to its importance in Roman politics, invoked by every political player who had to defend their position in relation to the idea of *libertas populi Romani*.¹²² Cicero's use of *libertas* in the *Philippics* attempted to

¹¹⁹ Cic., *Phil.*, 3.8, 29; 4.1, 3, 4, 7, 11, 16; 5.34; 6.1-2, 9, 17; 7.27; 8.8; 13.1, 33. The importance of the defence of *libertas* as a trope can be seen by the way in which the fourth *Philippic* ends with a call for *libertas* to be restored.

¹²⁰ Cic., *Phil.*, 1.16; 3.19; 8.8; 13.1.

¹²¹ Cic., *Phil.*, 1.15; 3.12, 29; 4.3; 5.21; 8.32; 10.18; 12.1; 13.2; 14.11.

¹²² Mouritsen (2001) p.11. Brunt (1988) pp.281-350 discusses the variety of possible understandings of *libertas* in the late Republic beginning with *libertas* as the opposite of slavery, but shows that it became more than the legal status of an unbounded man (p.296) and notes the importance of both 'positive' and 'negative' freedoms in Roman *libertas* (p.309; See Berlin (1979) p.7 for 'positive' and 'negative' liberty and Connolly (2007) pp.158-159 for a critique of its usefulness in considering the Roman idea of *libertas*). Most importantly, Brunt notes that one man's freedom may lead to another man's servitude: political rights may lead to power for some, subjection for others; the underprivileged may complain in the name of liberty if they suffer restraints from which others are immune or lack power others enjoy and discusses the employment of *libertas* in different ways by different people and groups (p.330). He refuses to accept that any Roman concept of *libertas* itself included a degree of restraint or moderation, arguing that any limits on *libertas* came from without, either through law or personal behaviour (p.318). Wirszubski (1950), however, argues (p.7) that *libertas* was seen as an acquired civic right, describing it as

sidestep the tensions that existed between these different understandings of *libertas* at Rome by refusing to clearly delineate the nature of the powers it granted the people. It must be defended, certainly, and its existence enabled the *populus* to participate in political life, but the extent of the power it gave the people and the exact nature of the rights it guaranteed were not specified.¹²³ In the *Philippics* Cicero's employment of *libertas* varied depending upon his audience. When addressing the Senate, Cicero implied that whilst the *libertas* of the people must be defended, it also needed guiding in the right direction.¹²⁴ Meanwhile, when addressing the people, he suggested that this *libertas* allowed them to direct the Senate through the expression of their opinions.¹²⁵ His very broad representation of *libertas* as the right to participate freely in politics, without specifying how far this power could or should be taken, enabled Cicero to allow several conceptions of *libertas* to be held simultaneously by different audiences and different members of the same audience. Cicero did not require his audience to abandon their understanding of *libertas* for his, lowering the probability of their rejection of his proposals as regards Antonius because they did not believe that he cared sufficiently about their *libertas*. His usage also reflects a constraint to express political ideas differently in front of different audiences.¹²⁶ This had an impact upon the discursive construction of the constitution as it led to a lack of clarity as to the proper nature of the

sum of civic rights granted by the laws of Rome, and claiming *libertas* thus contains a notion of restraint distinguishing it from *licentia*. Like Brunt, Connolly (2007) understands that *libertas* acts as a 'conceptual spectrum', and argues that slave vs. free is the key binary in the construction of *libertas*, rather than positive vs. negative, ruling out the idea that *libertas* was equated to participation in politics (p.35). However, as we shall see, *libertas* is associated with the right to participate by both Cicero and Sallust.

¹²³ *Contra* Arena (2007b) who has argued that Cicero's conception and expression of *libertas* changed during the period of Caesar's dictatorship, from a more traditional Roman understanding rooted in law and legal procedure (which she sees as present in the treatises of the 50s) to one influenced by Greek philosophy and ethics with one's *libertas* arising from one's own behaviour. In this formulation, only the truly virtuous (those with *honestum/honestas*, in the terms of *de Officiis*) have true *libertas*, which can therefore be understood as freedom from emotion, passion, and the domination that these lead into. She suggests that Cicero moves away from seeing *libertas* as a juridical concept associated with citizenship, towards a moral, universal idea, and concurrently turns away from law as a guarantor of *libertas* towards personal initiative. This division is too rigid: although Cicero's expression of the way *libertas* should be defended did alter over time, so did the situation in which he was speaking. Whilst *de Officiis* and the *Philippics* do present an idea of a personal, ethical *libertas* linked to *virtus*, it is not entirely new to him, nor Cicero does he not abandon his juridical understanding of *libertas*.

¹²⁴ Cic., *Phil.*, 3.29; 7.27.

¹²⁵ Cic., *Phil.*, 4.16.

¹²⁶ *Contra* Connolly (2007) pp.159-161, who suggests that Cicero's praise of popular *libertas* from the rostra was merely a pandering to the demands of the crowd, preferring to focus on his presentation of the term in his political and philosophical treatises as his 'true' understanding, which she argues present a dialectical relationship of *libertas* and *dignitas* and reveal Cicero's "aristocratic bias".

relationship between the *populus* and the Senate and magistrates who counselled and lead them, as we will see below.

The defence of *libertas* in Cicero's constitution depends upon the behaviour and actions of the *populus* themselves, and on those who lead and guide them. In 44-43, it depended on the unity of the people and their will to withstand Antonius, and upon the ability of the Senate and Magistrates to guide their actions against him. It also depended on their *virtus*: Antonius was not a true citizen but a *hostis*; therefore it was the duty of the good citizen, the man of *virtus*, to stand against him. Given the voice Cicero allows the *populus* within the *res publica*, the character of the citizens who made up that body was important to the success of the polity. For Rome to succeed, her citizens had to put their own interests aside and put Rome first. They also had to be able to identify and reject those that might lead them in the 'wrong' direction. However, this was complicated in practice by the use of rhetorical techniques, such as the claptraps mentioned above, which evoked the voice of the people and guided it, and which Cicero both employed and allowed in his conception of the *res publica*. This is a problematic issue in politics – after all, it was possible that the speakers would not have had the best interests of the *populus* or the *res publica* at heart.¹²⁷ Rhetorical techniques such as claptraps allowed speakers to unite the *populus* and lead them in the 'right' direction, thus countering dangerous elements of the *populus* or bad citizens within this body. However, they also allowed those Cicero saw as 'bad' citizens to lead the *populus* astray. For Cicero's *res publica* to be successful, therefore, it was critically important that the people's leaders, as well as the people themselves, be good citizens.

(ii) The Roman Magistrate

Whilst Cicero believed the behaviour of all Rome's citizens to be important, that of those who wished to become magistrates was perhaps most important because they held power and influence through the possession of *potestas* and *imperium*.¹²⁸ Caesar and Antonius, he believed, were examples of the potential a magistrate had to destroy the *res publica*. The citizen-qualities of Rome's magistrates and senior statesmen are, therefore, to the fore in Cicero's consideration of Rome's political institutions after Caesar's assassination. In confronting Antonius after Caesar's death Cicero was dealing with the consul of Rome, and his

¹²⁷ Morstein-Marx (2004) p.21-21 describes this as the 'less-than-ideal' speech situation in a critique of Habermas (1984) & Habermas (1987).

¹²⁸ Lintott (1999) pp.95-99.

arguments about Antonius' character and actions relate to his understanding of what a Roman consul should be. Throughout his work, Cicero also reflected on the roles of other magistrates, including tribunes and the consulars: Rome's former consuls, now senior members of the Senate.

The qualities of the good magistrate were those of the good citizen expressed on the most public of stages. The magistrate must represent the *civitas* and uphold its *dignitas* and honour (*decus*); enforce the law (*lex*) and administer justice (*ius*), focusing not on the gaining of honour but only on serving the *res publica*.¹²⁹ They must also have wisdom and eloquence, the former enabling the latter to be used in the service of the *res publica*.¹³⁰ Cicero argued that Antonius' bad character was proof that he was a bad consul, emphasising his inability to control his passions, his tendency to use violence in pursuit of his aims and his improper attitude towards the Senate and people of Rome, finally declaring that there was, "Nothing of a consul [about Antonius], neither in his mode of life nor in his official conduct nor in the manner of his election."¹³¹ Good magistrates should uphold the *res publica* and defend it, declared Cicero, and Antonius was not such a man, as his tribunate and time as *magister equitum* had also proved.¹³² In contrast to Antonius and Dolabella Cicero put forward himself, Hirtius and Pansa as examples of good magistrates. Cicero defined his "good" consulship in the *Philippics* with reference to his submission to the advice of the Senate in 63, arguing for the importance to the *res publica* of a symbiotic working relationship between magistrate and Senate that is founded on the trust that each has the best interests of Rome at heart.¹³³ Antonius did not maintain such a relationship, argued Cicero, and therefore cannot be considered a good consul or proconsul. Hirtius and Pansa, on the other hand, are said to have worked with the Senate in 43 and to be good men and good consuls with Pansa described as,

¹²⁹ Cic., *Off.*, 1.73, 124.

¹³⁰ Eloquence included speaking before jurors, the people and the senate, offering advice, and concerning oneself with the good of the *res publica* (Cic., *Off.*, 2.46-51). Many of Cicero's treatises, *de Oratore* in particular, deal with the orator as the ideal Republican citizen, having knowledge and wisdom, able to discern the best course of action and guide and advise the *res publica*.

¹³¹ Cic., *Phil.*, 2.10. See also *Phil.*, 1.8-9, 12; 2.81, 109; 3.9-10, 24, 28; 4.4, 15; 5.7, 25; 6.5, 16 for Antonius' unconsular character. Antonius' bad characteristics appear in *de Officiis* as characteristics of the bad Roman citizen. See section 2(c) below for more on Antonius' illegitimacy as a consul. Dolabella also failed to be a proper consul: he had feigned affection (*benevolentiae falsae*) for the people and broken the trust (*fides*) required in their relationship through his crimes. Cf., Cic., *Phil.*, 11.2, 10, 15 which describe Dolabella as a 'bad' magistrate and support the proposal that he should be declared a *hostis* after his capture, torture and murder of Trebonius.

¹³² Cic., *Phil.*, 1.25, 2.53; 3.12; 4.9; 7.15

¹³³ Cic., *Phil.*, 2.11. See section 2(b)iv for more on this.

“The best, most outstanding consul I can remember.”¹³⁴ Both men are said to possess *virtus*, *gravitas*, *prudencia*, *industria*, *sapientia* and *animi magnitudo*, all of which are qualities of the honourable citizen. Moreover, their qualities are highlighted by the situation in which they hold office. They have not buckled before the threat of Antonius, but exercised their good qualities in guiding the *res publica*.¹³⁵ In the final *Philippic* Cicero praises both consuls, saluting them as *imperator* for their *virtus*, *consilium* and their *felicitas* in saving the *res publica* from slavery (*servitus*).¹³⁶ They put themselves in danger to fight for the future and freedom of the *res publica* against Antonius, whom Cicero again declares a *hostis*.¹³⁷ This is the behaviour of a true consul: the exercise of *virtus* and other honourable qualities in the service of the *res publica*.

The other magistracy to which Cicero referred specifically is that of the tribune of the plebs. This office appears only briefly in Cicero’s comments after the assassination, a time at which the tribunes seem not to have been particularly prominent, or at least, not to have been giving Cicero himself too much cause for concern.¹³⁸ However the tribunate was a problematic office for Cicero in the constitution of the *res publica*, and in the *Philippics* he mentioned both the positive and negative points of the tribunate as he understood the office. He notes that some tribunes have had ‘subversive tendencies’, which had to be checked by the *quaestiones* dealing with *vis* and *maiestas*, and described the tribunes who proposed Pompeius’ commands in the 60s as ‘troublemakers.’¹³⁹ He also referred to Antonius’ tribunate, arguing that it was Antonius’ abuse of this office that allowed Caesar the pretext for the civil war through the claim that the tribunician prerogative had been overthrown.¹⁴⁰ Yet at the same time, Cicero acknowledged the good ends towards which the tribunes might exercise their powers, asking whether Rome should fear bad laws so long as there are good tribunes ready to use their veto to defend the *res publica*.¹⁴¹ In Cicero’s constitution the tribunes had an important role to play in the passing of legislation and the defence of the citizens, but it was important for the

¹³⁴ Cic., *Phil.*, 7.6.

¹³⁵ Cic., *Phil.*, 7.6-7; 12.2; 13.24; 14.4.

¹³⁶ Cic., *Phil.*, 14.11, 28.

¹³⁷ Cic., *Phil.*, 14.24.

¹³⁸ The new tribunes were responsible for calling the Senate meeting on 20 December 44, at which Cicero gave the *Third Philippic*, in order to discuss security for the inauguration of the new consuls, for which Cicero praised them, noting their good judgement (*consilium*) and intentions with regard to the security of the *res publica* (Manuwald (2007) pp.21-22).

¹³⁹ Cic., *Phil.*, 1.22; 11.18. Cicero conveniently ignored the fact that he spoke in support of Pompeius’ second command in the *Pro lege Manilia*.

¹⁴⁰ Cic., *Phil.*, 2.53.

¹⁴¹ Cic., *Phil.*, 1.25.

stability of Rome that they used their powers for good, serving the *res publica* rather than their own ambitions and interests.

Cicero's demand that Rome's leaders be good citizens first and foremost did not end with the magistrates in office. He also required this of all those former magistrates who made up the Senate, in particular Rome's consulars. In the *Seventh Philippic* Cicero constructed an idea of what kind of men the consulars should be and what their role should entail, envisioning them as an important group who ought to put their experience to the public benefit by acting as leaders in the Senate, and arguing that no-one should be called a consular unless their behaviour merited it.¹⁴² Manuwald suggests that Cicero's repetition of the term *nomen* in his description of the consular emphasises that *consularis* was no mere title but a role that carried with it obligations and standards of conduct.¹⁴³ Indeed, the role of the consular was so important in Cicero's *res publica* that he declared that in the absence of former consuls all right-minded and courageous men should be considered consulars.¹⁴⁴ He describes some of the current consulars as, "Not persevering resolutely enough (with *constantia*) in the cause that they have embraced (i.e. that of the *res publica* against Antonius) and not always regulating their views by the public advantage (*utilitas rei publicae*) but sometimes by hope and sometimes by fear."¹⁴⁵ He expected consulars to live up the same high standards as the consuls, though in an advisory rather than a proactive role, upholding the *res publica* in a

¹⁴² Cic., *Phil.*, 7.3- 5. Manuwald (2007) pp.909-910 notes that Cicero's more theoretical considerations on the role of the consular are only seen in the *Philippics* and in some contemporary letters. Cf., Bonnefond-Coudry (1989) pp.644-654. Manuwald notes that in 43 B.C. there were 17 consulars in the Senate (including Ser. Sulpicius Rufus who died during the year), many of whom were associated with Antonius.

¹⁴³ Cic., *Phil.*, 7.5; Manuwald (2007) p.844. Sall., *Iug.*, 3.1 suggests a similar idea, stating that the honour of a magistracy is no longer bestowed upon merit (*virtus*). Given the context and argument of the *Philippics* is not surprising to see that Cicero also defines appropriate behaviour in terms of opposition to Antonius, who is described not only as an unworthy consular himself, but also as unworthy of support from others.

¹⁴⁴ Cic., *Phil.*, 7.5; 8.22.

¹⁴⁵ Cic., *Phil.*, 14.17. Cf., 7.1-2, 5; 8.8, 12-13, 17-18, 30; 10.3, 7; 12.4, 7 for further criticisms of Cicero's opponents and the damage their arguments did. In *de Officiis* (1.68-69) Cicero places hope and fear amongst the emotions that disturbs the spirit of the individual and marks them as negatives of *constantia*, *fortitudo* and the possession of *animi magnitudo*, which is one of the cardinal virtues required to be honourable. If we regard Cicero's thinking on the subject of the honourable in *de Officiis* to be something he drew upon when composing the *Philippics*, then it seems that he accused his fellow consulars of failing to be honourable in this regard. Arena (2007b) argues that Cicero, in *de Officiis*, borrowed from the Stoics in his formulation of *libertas*, and considered that only the wise, morally virtuous man can be free and preserve the *libertas* of the community. She argues that as fear endangers men's virtue, so it causes them to give up their independence to those who wish to dominate them. Here Cicero accused the consulars of not only giving up their own *libertas*, but also that of those to whom they are responsible, the people of Rome.

responsible fashion and not leading the people astray. The behaviour of the individual Senator as a citizen is therefore to be understood as vital to the proper functioning of the Senate because it brings with it the *auctoritas* that is required for the fulfilment of its role. Failure to lead the *res publica* in the right direction would bring dishonour to the individual, and to the Senate, and endanger the *res publica* as a whole.¹⁴⁶

(iii) The Roman Senate

The Roman Senate was the collective body of current and former magistrates. As such, its members were required by Cicero to replicate the qualities demanded of the magistrate, which are those of the good citizen writ large. Without such character the Senate could not function effectively in the *res publica*. Cicero stated his understanding of the Senate's place in the constitution in the opening of the *First Philippic* when he said that he had hoped that the, "The *res publica* had at last been restored to your [the Senate's] guidance (*consilium*) and authority (*auctoritas*)."¹⁴⁷ Cicero placed the Senate at the core of Rome's political life; deliberating, advising and overseeing the activities of Rome and preserving the *res publica*. The Senate was the guardian of appropriate, legitimate action within the Republic and, in this way, the ultimate judge of what constituted the best interests of Rome.¹⁴⁸ In the *Seventh Philippic* he described the Senate as, "The supreme council of the world" and feared that it might have been seen to lack counsel (*consilium*) if it did not act as it should against Antonius.¹⁴⁹ For Cicero it was nature of their behaviour, their *auctoritas* and the quality of their advice as regards Rome's interests that made the Senate.¹⁵⁰

¹⁴⁶ Cic., *Phil.*, 8.20.

¹⁴⁷ Cic., *Phil.*, 1.1.

¹⁴⁸ What Cicero does not seem to have taken into account, at least in the *Philippics*, was the idea that it might be possible for several people to hold the best interests of the *res publica* at heart and yet have different ideas about the course of action these interests should direct. He argues that 'other' understandings of the constitution are misunderstanding, but it would be possible even if there was a single understanding of the constitution for different courses of action to be proposed by those genuinely seeking to support the 'best interests' of Rome. It would certainly not constitute good rhetorical practice for him to admit this in the *Philippics* as he must convince his audiences that there is only one possible course of action, but his refusal to negotiate created problems for Rome. Sallust presents a better understanding of this problem, speaking from 'outside' the public debate, as he shows both Cato and Caesar, in the debate over the fate of the captured conspirators, as speaking in the best interests of the *res publica* whilst making it clear that it is impossible for them to truly know what these best interests are, due to the loss of Rome's *vera vocabula* (see 4.2(a) and 4.3).

¹⁴⁹ Cic., *Phil.*, 7.19.

¹⁵⁰ Cic., *Phil.*, 11.27. This led him to argue that Brutus and Cassius had been, "Their own Senate on a number of occasions."

It was this *auctoritas* that enabled the Senate to act in relation to the magistrates and the people of Rome, giving them the standing that they required in order for their *consilium* to be heeded.¹⁵¹ However, the possession of *auctoritas* was not a given for the Senate: it had to be earned through the appropriate behaviour of the Senators, expressed in the counsel they gave Rome's magistrates and the *populus Romanus*. Cicero's conception of *senatus auctoritas* was of a quality rooted in the behaviour of the Senators, who must possess seemliness (*decus*), respectability (*honestas*), credit (*laus*) and dignity (*dignitas*) through their expression of *constantia*, *fortitudo*, *gravitas*, *perseverantia* and *sapientia* in dealing with the problems that face both them and the *res publica*.¹⁵² In 44-43 he sought to persuade the Senate not to be intimidated by Antonius and to remain constant to the cause of the *res publica*.¹⁵³ The behaviour of the individual Senators as citizens within the wider body was vital to the proper functioning of the Senate because it brought the group the *auctoritas* that is required for the fulfilment of its role. If they failed to give good advice their *auctoritas* would fail, and they would not be heeded in future, creating problems for the *res publica*.¹⁵⁴ This led to Cicero's argument that the Senate must act against Antonius in order to preserve both its *auctoritas* and the Roman *res publica*.

Throughout the *Philippics*, and in particular in those speeches delivered before the Senate, Cicero regularly emphasised the importance of *auctoritas* to the Senate, presenting it as an attribute that was vital to success in their role as a guardian and guide of the *res publica*. Their function was to counsel the magistrates; who were members of the Senate; through its debates and to direct their actions, and also to guide the people through the proposals it made and the discussions in which its members participated in *contiones*, such as those at which Cicero presented his *Fourth* and *Sixth Philippics*, and through both of these activities to defend the *libertas* of the *populus Romanus* and uphold the *res publica*.¹⁵⁵ It was therefore important that the Senate was able to work effectively with Rome's other political bodies. Cicero presented the relationships between Rome's political bodies as fluid and flexible, with

¹⁵¹ Cic., *Phil.*, 7.14; 13.6. *Constantia*, *gravitas* and *perseverantia* are behavioural qualities that Cicero lists as contributing to *auctoritas* here, but in *de Officiis* they, along with *fortitudo* and *sapientia* are qualities of the honourable, suggesting that for Cicero *auctoritas* was a result of being honourable.

¹⁵² Cic., *Phil.*, 7.9-25; 13.6. See Manuwald (2007) p.825 on the structure of this speech.

¹⁵³ Cic., *Phil.*, 7.1-2, 5; 8.8, 12-13, 17-18, 30; 10.3, 7; 12.4, 7; 14.17.

¹⁵⁴ The fact that the behaviour that brings *auctoritas* seems to come from acting in the best interests of the *res publica*, including the giving of good counsel, makes the system circular and a break in it dangerous – once true *auctoritas* is lost by inappropriate behaviour or bad advice how can the Senate reassure the people that their future actions are in the best interests of the *res publica*?

¹⁵⁵ See Morstein-Marx (2004) pp.34-67 for a discussion of the procedures of the *contio*.

the Senate not simply dictating policy to the magistrates and the people, but interacting with both to guide the *res publica* towards the best course of action.

(iv) Political Relationships: Senate-Magistrate-People

Cicero's understanding of the political relationships that existed within the Roman constitution can be seen on two levels: (i) in the way in which he depicted them in his words in 44-43, and (ii) in the way in which he behaved in 44-43 as he gave the *Philippics*. Both of these express an understanding of the constitution, particularly of the flexibility the relationships between the Senate and magistrates, Senate and people and the magistrates and people, and neither clearly expresses the direction in which power should flow. Despite the fact that magistrates were Senators with the ability to participate in Senate debates,¹⁵⁶ the interests and opinions of Senate and magistrates were not automatically identical. But who should be the voice of authority in such a disagreement? Should the magistrates always be guided by the Senate, or should they have the authority to ignore their advice if they disagreed with it? A similar tension existed between the Senate and the people: the voice of counsel and the voice of political power. Should the Senate, as the guide of the people instruct them as to the best course of action for the *res publica*, or should the Senate's proposals for action be guided by the opinion of the *populus Romanus*? Cicero's presentation of the relationships between the Senate, the *populus*, and the magistrates reveals this uncertainty and the way in which it could be exploited. The relationships between the different political bodies and the balance of power had to be negotiated through discourse, with the good citizenship of all parties essential if this flexibility was not to be exploited. However, Cicero's own behaviour, especially in giving the *Philippics*, made the most of the flexibility as he tried to urge both the Senate and the People to guide Rome in opposition to Antonius.

Throughout the *Philippics* Cicero's understanding of the Senate/magistrate relationship in the constitution is presented in reference to Antonius' behaviour, the orator ultimately claiming that Antonius' rejection of the Senate's *consilium* was a rejection of the best interests of the *res publica* in favour of his own, a sign of his failure as a magistrate and as a citizen.¹⁵⁷ Cicero argued in the first *Philippic* that the Senate should guide magistrates, saying that his hope that Antonius would leave his bad advisors and be directed by the Senate (*ad*

¹⁵⁶ North (2006) p.266.

¹⁵⁷ Cic., *Phil.*, 4.14, *Cf.*, *Phil.*, 1.6; 2.11, 52. 9.6, 9; 10.23 for examples of Antonius failing to be guided by the Senate.

auctoritatem senatus esse reditum) had prompted his return to Rome.¹⁵⁸ The good relationship of Senate and magistrates is thus established as a key part of the proper functioning of the *res publica* in Cicero's thought a harmonious working partnership between council and counsel ensuring the *res publica* could be led in the right direction. Cicero himself provides the model for the proper constitutional relationship between Senate and magistrate claiming that in 63, "[The] consulship was mine only in name; in reality it was yours [the Senate]. Every decision, every official act, everything I did was done by the advice and authority and vote of this House."¹⁵⁹ Cicero's discussion of the character and behaviour of Regulus in *de Officiis* also provides a constitutional example for the proper Senate-magistrate relationship and a contrast with the behaviour of Antonius, Cicero declaring that the noblest aspect of Regulus' conduct was his submission of his judgement to that of the Senate.¹⁶⁰ Cicero employed of his own and Regulus' examples as precedents for proper, constitutional, behaviour, allowing him to interpret the constitutional relationship between Senate and magistrate as one in which the magistrate was guided by the Senate in the best interests of the polity.

However, Cicero's expression of the Senate/magistrate relationship was influenced by his desire to bring Antonius under the influence of the Senate. He wished to curb Antonius, and so he argued that the Senate should guide Rome's magistrates. As North has noted, the Senate needed the magistrates to enact their advice as they were the primary active agents of the *res publica* and their liaison with the *populus* through their power to call *contiones*: Cicero's desire to bring Antonius and Dolabella 'in from the cold' in the *First Philippic* reflects the powerful position of the magistrate in the *res publica*.¹⁶¹ Indeed, Cicero's citation of his own consulship as an example of how things should be is adapted to suit his aim as regards Antonius.¹⁶² In 63 B.C. Cicero was hardly the simple executive of the Senate's will that this passage suggests: his *First* and *Fourth Catilinarians* show Cicero, as consul, seeking to persuade

¹⁵⁸ Cic., *Phil.*, 1.8-9.

¹⁵⁹ Cic., *Phil.*, 2.11.

¹⁶⁰ Cic., *Off.*, 3.110. Dyck (1996) p.620. Regulus is also used as a comparative figure by Cicero at *Phil.*, 11.9, where his torture by the Carthaginians is compared to Trebonius' by Dolabella. This not only elevates the character of Trebonius, making him a martyr to the cause of the *res publica*, but also emphasises the un-Roman behaviour of Dolabella, who had been declared a public enemy after this act. Cicero is then able to make clear that Dolabella could no longer be considered a citizen of Rome, and legitimise Cassius' action in setting out for Syria against him.

¹⁶¹ North (2006) p.266; Morstein-Marx (2004) pp.38-42.

¹⁶² Cic., *Off.*, 3.110.

the Senate to see the danger of Catiline's conspiracy and to act accordingly.¹⁶³ The influence of the contemporary situation can be seen in Cicero's interpretation of his consulship in these examples, as in the years since his consulship he had spent much effort in establishing himself, rather than the Senate, as the saviour of the *res publica* from Catiline.¹⁶⁴

Cicero understood that the constitution of the *res publica* allowed the relationship between the Senate and the magistrate to be more than simply one-way traffic. The Senate could offer advice to the magistrate and the magistrate should heed it, but at the same time the Senate should also listen to the advice of the magistrate and heed it. However, the success of this depended upon the nature of the communication and upon the maintenance of good faith in the relationship between the two parties, each trusting that the other was truly concerned with the best interests of Rome. If the magistrate threatened the Senate, for example by stationing soldiers outside the meeting,¹⁶⁵ or if either the magistrate or the majority of Senators were not good citizens, then the *res publica* was jeopardised. If one man came to dominate, as Caesar had and Cicero feared Antonius might, then, Cicero argued, *auctoritas* and *consilium* would cease to exist for the *fides* binding Rome's citizens would be broken and speech would no longer be honest.¹⁶⁶ Cicero feared Antonius' influence over the Senate in such a situation and so he argued that the proper constitutional relationship was for the Senate to instruct the magistrate. Nonetheless, it is not hard to imagine him arguing that a good magistrate should have the final say in a dispute with a recalcitrant Senate, when the *res publica's* interests were at stake. Indeed, he approved Brutus and Cassius acting as their own Senate in pursuing the best interests of the *res publica* when the Senate would not or could

¹⁶³ Cape Jr. (1995) pp.260-3. He describes the way that Cicero emphasised the Senate's fears whilst playing down his own, establishing standards for political action and also appealing to their self-interest. On the matter of the possible editing of the *Fourth Catilinarian* before publication see Gelzer (1968) p.99; Syme (1939) pp.105-111 and Rawson (1983) pp.82-85 who all argue that the text was edited, against McDermott (1972) and Cape Jr. (1995) pp.258-260, who argue although the speech may have been edited, it remains good evidence for its political and rhetorical context.

¹⁶⁴ For example, Cic., *Rep.*, 1.2; *Leg.*, 1.8; *de Orat.*, 1.3; *Mil.*, 73, 82; *Att.*, 12.21.1-2; and his epic poem *de Consulato suo*, now only surviving in fragments, including at Juv., 10.122. In *Mil.*, 8 Cicero is careful to lay the responsibility for the execution of the conspirators at the feet of the Senate (See Melchior (2008) on the similarities between the *Fourth Catilinarian* and the *Pro Milone*).

¹⁶⁵ Cic., *Phil.*, 5.18; 13.14. Cicero ignored the fact that he wore a visible breastplate to oversee the consular elections in 63 in order to emphasise the danger of Catiline, which might be read as an attempt to influence the electorate (Cic., *Mur.*, 52; Dyck (2008) p.7).

¹⁶⁶ Cic., *Off.*, 2.2-3. One might suggest, therefore, that for Cicero the *auctoritas* of an individual is also associated with their ability to speak freely, offering counsel, in the *res publica*. It is therefore ironic that Cicero was so desperate to get the Senate to do things his way in 43.

not guide them properly,¹⁶⁷ and much of his self-presentation in the *Philippics* was of himself as a consular who understands what is in the best interests of Rome and who is advising the Senate to heed his counsel.

A similar two-way relationship can be seen in Cicero's representation of that between the Senate and the people of Rome. In Cicero's constitution each had the power to direct the *res publica*: the Senate counselling the people, who should listen to their advice; and the Senate listening to the opinion of the people. Cicero's rhetorical assumption of a unity of interest and opinion between the two groups with regard to Antonius enabled him to ignore the potential problems that might arise because of this flexibility. However Cicero's own presentation of the power balance in the Senate/*populus* relationship changed depending on whether he was speaking before the Senate or the *populus*, revealing the potential for different conceptions of the relationship between the two groups. When speaking to the Senate he urged them to act as a guide and to persuade the *populus* to follow their lead, emphasising the need for them to advise and guide the *populus*, to defend *libertas* and to set an example of good citizenship by their actions, their ability to counsel the people giving them power. The importance of this role can be seen in *Philippic Seven*, where Cicero urges the Senate to action against Antonius, arguing that if the people did not know what the Senate were doing then they would begin to lose heart for the fight.¹⁶⁸ The *auctoritas* of the Senate was vital in guiding the opinion and action of the *populus*; their behaviour had to act as an example and a guide to people of Rome and then their advice would be taken up and acted upon to the benefit of the *res publica*.¹⁶⁹ However, when speaking to the *populus*, he urged them to make their opinion known and to guide the decision-making of the Senate, putting them in a position of power as they chose whether or not they were going to take up the proposals put forward by the Senate. He saw that the people had a voice, and that they could be encouraged to make that voice known. *Senatus auctoritas* had an important role in encouraging the people to choose in favour of the Senate, but it was also possible for a speaker to encourage the people to make their contrary opinion known, and thus to guide the decision making of the Senate.¹⁷⁰

¹⁶⁷ Cic., *Phil.*, 11.27; *Brut.*, 2.5.5; 1.2a.1; 1.4.2; *Fam.*, 12.7. Brutus rejected Cicero's argument, declaring that the Senate and people of Rome should direct his actions.

¹⁶⁸ Cic., *Phil.*, 7.14.

¹⁶⁹ Cic., *Phil.*, 5.1; 12.8. As Morstein-Marx (2004) pp.38-42, 160-164 pointed out, it was the magistrates, members of the Senate who called *contiones*, invited speakers, setting the scene within which the people heard advice and opinions, and putting the political elite in a position of power.

¹⁷⁰ Cic., *Phil.*, 1.21; 3.2, 32; 4.2, 8; 6.2-3.

Cicero's own behaviour and use of rhetoric shows that he understood the constitutional relationship between the Senate and people to be fluid in terms of the direction that power flowed and that he was prepared to exploit this fluidity. As can be seen by the two sets of paired speeches; *Philippics Three and Four*, and *Five and Six*; Cicero sought first to persuade the Senate of his arguments; claiming that they should lead the people accordingly; but when he failed to gain their support for his proposals he went to the people to seek their support and to urge them to encourage the Senate to act. He did not seek to rouse the people violently against the Senate, but he was willing to encourage them to let the Senate know that they disagreed with their decision in order to influence the Senate's position. In the *Sixth Philippic* he incites the people's disapproval of the proposed embassy to Antonius: "I realise, Men of Rome (*quirites*), that you repudiate this proposal, and you are not wrong."¹⁷¹ Cicero knew that he was using rhetoric to provoke a popular response: in the *Fourth Philippic* he compared himself to a general exhorting his troops.¹⁷² However, he claimed that it was the people who put him in this role, declaring him to have saved the *res publica* for the second time after he had given the *Third Philippic*, and implied that it was therefore legitimate for him to speak against the decision of the Senate in such a manner.¹⁷³ As such, Cicero claims to be a true *popularis*, because he represents both popular opinion and the best interests of the people. Those who opposed him, he argues, were known as *populares* but were self-interested and did not really support the *res publica* in its proper form. Here we see again Cicero's reclamation and redefinition of political vocabulary in his portrayal of the *res publica*, as he develops the concepts of 'true' and 'false' *populares*, just as he did for 'true' and 'false' *gloria*.¹⁷⁴ Cicero makes clear that being a true friend of the people is about the good of the *res publica* as well as popularity, his behaviour expressing an understanding of the constitution in which it was legitimate for a consular to counsel the people to encourage the Senate to act in accordance with their wishes, just as long as it was done by a good citizen in the service of the *res publica*.

In Cicero's depiction of the constitution of the *res publica*, proper and effectively functioning relationships between the Senate, the *populus* and the magistrates depended on

¹⁷¹ Cic., *Phil.*, 6.3.

¹⁷² Cic., *Phil.*, 4.11. See section 2(b)i above on claptraps.

¹⁷³ Cic., *Phil.*, 6.2. Morstein-Marx (2004) p.143.

¹⁷⁴ Cic., *Phil.*, 7.4-5. Cf., *Cat.*, 4.9; *Leg. agr.* 2.6-10. Contra Manuwald (2007) p.841, who argues that Cicero uses *popularis* in two ways: (i) to refer to a member of a party allegedly supporting the interests of the people, or (ii) to refer a person working in the interests of the people, and that these two meanings are mutually exclusive.

the maintenance of unity between these groups in the common desire to serve the best interests of Rome. This meant that the stability of the institutions, the constitution and of Rome depended upon the political culture and the quality of its citizens. If Rome's citizens were men of *virtus* then they would be able to discern the best interests of the *res publica* and guide Rome accordingly; the fluidity in the relationships between institutions would not create problems. However, if self-interest and ambition crept in amongst the citizens, the flexibility in the constitution could be exploited, the institutions protecting the *res publica* would not be upheld and the *res publica*, in its true form, would cease to exist. This, Cicero believed, had happened under Caesar and would occur again if Antonius were to be successful, thus, if the *res publica* was to be restored successfully, the character of the citizen – both those in positions of leadership and amongst the mass of the people – became more important than ever.

(c) The Individual and the Community: The Citizen within the res publica

Cicero's connection between the behaviour of the citizen and the welfare of the *res publica* was an important element in his understanding of the constitution and of his attack on Antonius. From Cicero's presentation of the way the political institutions of Rome functioned in the constitution the importance of good citizenship is clear and from our study of Cicero's discussion of citizenship in section 2(a) it is clear that the wellbeing of the *res publica* was a key part of his definition of the good citizen. Without the *res publica* as a polity the citizen did not and could not exist: therefore, only the citizen who put the *res publica* first could be regarded as a truly good citizen and a legitimate magistrate of Rome. For Cicero, the citizen who endangered the *res publica* was not a true citizen. In this way, the security and wellbeing of the *res publica* became the key factor governing the possession of citizenship itself. This section will examine the way in which Cicero understood the relationship between the citizen and the *res publica* as a legal bond which the citizen must not break, and which, he argued, defined legal and constitutional action at Rome. It will also consider the way in which Cicero saw the citizen as interacting with his peers within the *res publica*, the significance of speech as the medium through which the community was maintained and the importance of good speech in Cicero's understanding of the constitution of Rome.

For Cicero the citizen was a part of the *res publica*: without it, he had no status and it was therefore his duty to uphold the polity that gave him meaning and security. He turned the connection between the *cives* and their *civitas* into a legal bond born out of the contract that

bound citizens together in the *res publica*, employing legal terms such as *fides* and *societas* to describe the association of mankind in a polity. Law (*ius*) itself is a critical part of Cicero's understanding of the constitution.¹⁷⁵ From the life of the city, which was created by the coming together of men, came laws and customs (*leges moresque*), and these constituted the foundation of the *res publica*. The difference between a *hominum societas* and a *civitas* as a community was citizenship, a quality rooted in common bonds and possessions including laws (*ius*), statutes (*leges*) and courts (*iudicia*), creating a free people who enjoy equity before the law.¹⁷⁶ Cicero argued that since Rome's citizens had come together to form the *res publica* in a partnership they had the duty of behaving towards each other *ex bona fides*, as partners in a legal association were expected to do and were required to treat each other with justice and uphold the *res publica*.¹⁷⁷ For Cicero any citizen who did not act in the interests of the *res publica* had broken his legal obligations and was not, legally, a citizen. He applied this argument to Antonius and to Dolabella in order to justify action against them¹⁷⁸

Cicero's presentation of law in 44-43 plays out on two levels: that of statutes (*leges*), rights, tradition and precedent (*ius*) which he employs and interprets to make his case, and that of a higher law or standard of right action, which Harries has called law-as-philosophy, and which came into play when man-made law failed to protect the *res publica*.¹⁷⁹ These levels are never fully separable, since the law, in the form of the *leges*, *mores* and *institutes* of the ancestors, must be upheld by good citizens acting in support of the *res publica*.¹⁸⁰ However, if these laws fail to protect the polity, then the good citizen may act in support of the *res publica* through the exercise of his reason and wisdom. As Agamben has noted, this kind of 'state of exception', in which extraordinary constitutional action is legitimised by a state of emergency, exists in the border areas of juridical order, neither within or without legal norms, and is

¹⁷⁵ The law itself is defined by justice and *aequitas*: without *aequitas*, *ius* would not be *ius*, and that the law is concerned with fairness (*aequitas*), not wrath (*iracundia*). Indeed, the reason for first making good men kings and then for creating laws (*leges*) was to establish *aequitas* because the people were being oppressed by those with power (Cic., *Off.*, 1.89; 2.41-42). Rome's *leges*, according to Cicero, were the statutory expression of *ius*, *aequitas* and justice, but they did not, on their own, comprise the entirety of Roman law. See Lintott (1999) pp.3-8 and Harries (2006) pp.68-70 on sources of legal authority at Rome.

¹⁷⁶ Cic., *Off.*, 1.12, 50, 53, 88; 2.15.

¹⁷⁷ Cic., *Off.*, 1.12, 15, 23, 45, 50, 64 Cf., *Rep.*, 1.39. Harries (2006) pp.23-25, 54 & 71.

¹⁷⁸ This argument was not new in 44-43; he had also employed it against Catiline. Cic., *Cat.*, 1.3, 13, 28. Cf., *Ibid.* pp.57, 189-193.

¹⁷⁹ *Ibid.* pp.53-58.

¹⁸⁰ Cic., *Phil.*, 13.14 declared that permission to act comes from these three sources.

justified by the principle that law is ordained for the well-being of men.¹⁸¹ Through such a presentation of Roman law and a declaration that Rome was in a time of crisis Cicero was able to argue that only actions that support the *res publica* are legitimate for the citizen and that because they are legitimate they must therefore be legal. The law is concerned with justice, as is the good citizen – therefore, logically, the acts of the good citizen must be legal. Simultaneously, acting illegally, in contravention of statutes, traditions and institutions, is illegitimate and marks one as a false citizen. In such an understanding of law, therefore, the character and behaviour of the citizen is the arbitrator of legitimacy and legal and constitutional action.

Cicero's expression of this understanding of law in the constitution both reflected his understanding of the situation at Rome in 44-43 and responded to it as he attempted to justify the actions of the conspirators and Octavian, and to de-Romanise Antonius in order to legitimise his attack on him.¹⁸² We have already seen that Cicero described the qualities and activities of various individuals in order to portray them as good or bad citizens. However, Cicero's aims in this were not only limited to the influencing of public opinion; he wanted to turn this opinion to action, in particular the establishment of the tyrannicides and Octavian in legal positions of authority, and the declaration of Antonius, and later Dolabella, as a *hostis*. He sought to turn his understanding of the constitution into *the* constitution by having his arguments accepted and acted upon in Roman political life, in this case through the enactment of the legal measures that would see Antonius outlawed, and the positions of Octavian, the two Brutii and Cassius made official.

In the *Philippics*, Cicero argued that Antonius's bad character, his inability to control his passions, his attitude towards the Senate and people of Rome, and in particular his tendency to employ violence, endangered the *res publica* and were proof of his illegitimacy as a citizen

¹⁸¹ Agamben (2005) pp.23-25. He describes the 'state of exception' as a fictional lacuna in public law, where the law remains in force but with its application suspended (p.31). Cicero's argument has been reiterated over the years, for example by Abraham Lincoln, who believed it was not possible to, "Lose the nation yet preserve the constitution," and that all action taken in defence of the constitution was legal (Lincoln (1989) p.585-586), and by Richard Nixon, who cited Lincoln's argument saying that, "When the President does it, that means that it is not illegal," (Transcript, (1977)). The acceptability of this kind of argument is clearly a matter of context and perspective: Cicero's argument was not accepted by all at Rome.

¹⁸² Harries (2006) p.185 argues that after his exile Cicero created a public discourse making law the defining characteristic of the community and excluding the lawless. His attack on Antonius in the *Philippics* is the culmination of this.

and consul of Rome.¹⁸³ To these arguments Cicero added the claim that the legislation Antonius had ushered through after Caesar's death was illegal because it violated existing *leges*, *mores*, and *institutes* and because it damaged the *res publica*. In the first *Philippic* he countered Antonius' argument that he was maintaining Caesar's *acta* by claiming that such *acta* should consist only of Caesar's laws, passed whilst he was alive as legislative acts of the people. Cicero also implied that, as Antonius was the sole authority producing these new *acta*, they might not be those of Caesar at all, and thus doubly illegal, as only Caesar's *acta* were to be maintained. Cicero then presented Antonius' actions as triply illegal, since not only were they not really *acta*, and possibly not even the *acta* intended by Caesar; they actually undermined the *acta* Caesar passed when he was alive.¹⁸⁴ By acting in this way, Cicero argued, Antonius broke *fides* with the Senate and of Rome, because he undermined the settlement that had been established in the Senate after Caesar's death.

In addition to the illegality of the Antonius' legislation, Cicero also argued that Antonius passed this legislation in an unconstitutional manner; failing to promulgate the statutes beforehand, in order to prevent any discussion or protest of them either in the Senate or before the people.¹⁸⁵ Cicero questioned the make-up of the assembly that passed this legislation, quoting from the traditional formula: "The People (*populus*) lawfully enacted..." and then responding by asking, "What people? The people (*populus*) which was shut out?"

¹⁸³ Cic., *Phil.*, 2.10. Cf., 10.12 where Cicero declared that to use one's *imperium* to attack the *res publica* is to automatically forfeit that *imperium*.

Similar rhetoric about legitimacy was employed in the US elections in 2008, when President G. W. Bush, speaking at the RNC, declared: "Fellow citizens: If the Hanoi Hilton could not break John McCain's resolve to do what is best for his country, you can be sure the angry left never will." (For the full text of the speech, see Bush (2008). This was followed by Sarah Palin's comment about Barack Obama: "This is not a man who sees America as you and I do - as the greatest force for good in the world. This is someone who sees America as imperfect enough to pal around with terrorists who targeted their own country." (Ambinder (2008)). Political bloggers Marc Ambinder (2008) and Matt Yglesias (2008) both commented on the way in which such rhetoric aimed to push Obama and the Democrats out of legitimate political debate because they were un-American. Ambinder translated Palin statement in the following way: "It's that Obama, 'is not a man who sees America as you and I do.' This is the message that opponents of Obama began with: he's not one of us. He's *culturally foreign*. He doesn't *share your values*. He's *dangerous*." Such examples illustrate the example of the divisiveness of this kind of rhetoric.

¹⁸⁴ Cic., *Phil.*, 1.16-23. This provides an example of the problem of political vocabulary at Rome, as Cicero and Antonius dispute the meaning of the term '*acta*'.

¹⁸⁵ Cic., *Phil.*, 1.25; 5.7. Lintott (1999) p.44-6 notes that the waiting period was known as a *trinundinum*, or three market days, and was in effect around 17 days long.

¹⁸⁵ Cic., *Phil.*, 1.25. This criticism is also important since it shows that Antonius' actions prevent the Senate from fulfilling their proper role in the *res publica*.

Lawfully? Are you referring to a legality which has been abolished by armed violence?"¹⁸⁶ Cicero also argued that Antonius' behaviour towards the Senate was improper and unconstitutional, portraying him as either ignoring the Senate and its *consilium*, or making a mockery of it. He claimed that Antonius effectively suspended the Senate in the summer of 44, using the popular assembly in order to pass legislation.¹⁸⁷ Later, Antonius was described as failing to attend Senate meetings he had called, using the Senate to allot *provinciae* in order to suit his interests, and overseeing the issuing of decrees after nightfall.¹⁸⁸ Antonius is said to have no *consilium publicum*, because he ignores the Senate; this meant, to Cicero, that he really based his behaviour on *privatum consilium* and his actions were illegal.¹⁸⁹ Antonius' relationships with the Senate and the *populus* were, according to Cicero, not those that a consul should have in the constitution of the *res publica*, as they denied both their proper role in the political processes of the *res publica*.

Cicero argued that Antonius' actions and therefore his position as consul were illegitimate and illegal because they did not uphold the constitution. His abuse of his magistracy and his failure to support the best interests of the *res publica* meant that he was not a true Roman citizen, and Cicero therefore claimed that he must be a *hostis*. He also argued that the Senate had effectively declared him such by their actions towards him and that the people confirmed this: all that was needed was the legal confirmation.¹⁹⁰ At times Cicero's arguments for Antonius' illegitimacy became circular, for example in his claim that Antonius could not truly be a consul, because if he were then those soldiers who abandoned him must be condemned, an argument that could only be sustained by the simultaneous claim that the legions acted rightly in abandoning him, an argument supported by the commendation that Cicero proposed for them in the third *Philippic*, based on their refusal to support Antonius.¹⁹¹ Once Dolabella was officially declared a *hostis*, however, Cicero was able to argue that by aligning himself with

¹⁸⁶ Cic., *Phil.*, 1.26; Cf., 1.25; 2.112; 5.7. This begs the question as to who did pass these laws. If the answer, as it seems it must be, is that some of the people did attend, then Cicero's claim that the *populus* thinks and acts as a united entity against Antonius (*Phil.*, 3.32; 4.2) is undermined, and his manipulation and interpretation of the concept of legality can be seen.

¹⁸⁷ Cic., *Phil.*, 1.6.

¹⁸⁸ Cic., *Phil.*, 3.19-20, 24-25. Manuwald (2007) p.412 on the possibility that the provincial allotment was passed illegally after dark. Lintott (1999) p.73.

¹⁸⁹ Cic., *Phil.*, 3.5, 12; 4.14.

¹⁹⁰ Cic., *Phil.*, 4.1-2; See also 2.2, 51; 3.6, 14; 4.5, 14; 5.27; 13.23, 26; 14.6 for Antonius the *hostis*.

¹⁹¹ Cic., *Phil.*, 3.39; 4.5-6; *Brut.*, 2.5.5; 1.2a.1

Dolabella, Antonius effectively condemned himself.¹⁹² However, he still failed to convince the majority of the Senate of his argument, and Antonius was not declared a *hostis* till after Mutina, a failure that revealed the existence and strength of other understandings of the constitution in Rome.

Whilst seeing Antonius as having no *consilium publicum*, because of the way he interacted with the Senate and people, Cicero argued that although the conspirators and Octavian had taken action on their own initiative (*privatum consilium*), without the authority of the Senate, their actions were constitutional because they were carried out in the best interests of the *res publica* and had merely pre-empted the decision the Senate was about to make.¹⁹³ In defending Octavian he argued that the young man's deeds were carried out in defence of the *res publica* rather than self interest and that they were therefore constitutionally legitimate.¹⁹⁴ Cicero's presentation of Octavian's actions echoed his description of the proper behaviour of the magistrate. In justifying his proposal that Octavian be appointed *propraetor* he also cited the example of Pompeius, who had received great honours in a less worthy cause, and of Rullus, Africanus and Flamininus, who had been elected to consulships at a young age.¹⁹⁵ For Cicero age was not a constitutional objection to giving Octavian *imperium*, as long as Octavian was a good citizen who would defend the *res publica*; as he had already proved he would.

Cicero's justification of the conspirators' actions as constitutionally sound followed the same argument. He began with a defence of the assassination of Caesar itself, citing the example of L. Junius Brutus and the expulsion of the kings as constitutional precedent;¹⁹⁶

¹⁹² Cic., *Phil.*, 13.23, 36. Cf., *Phil.*, 11.10 & 15 for Cicero's support of Calenus' proposal that Dolabella be declared a *hostis*, which uses argument based on Dolabella's behaviour in capturing and murdering Trebonius

¹⁹³ Cic., *Phil.*, 3.3, 8; 4.2-4, 7-8; 10.12, 15; 11.27. Harries (2006) pp.224-228. For Sallust, acting on one's *privatum consilium* was a sign of a bad citizen, one who put his own interests ahead of those of the *res publica*. In the *Historiae* (fr., 1.77M) Lepidus is criticised by Philippus for acting on his *privatum consilium*. McGushin (1992-94) 1.146-7 suggests that Philippus' phrase may be a deliberate reference by Sallust to the illegal activity of Octavian. Pompeius' later warning (fr., 2.98M) to the Senate not to force him to act on his own counsel acts echoes the *privatum consilium* of which Lepidus is accused. It allows the historian to show his audience how easy it would have been for Pompeius, who had been sent to Spain at the request of the Senate, to become another Lepidus, turning on the *res publica* in support of his own ends and those of a group he claimed to champion. It is possible that Sallust's criticism of acting upon *privatum consilium* is a comment on Cicero's behaviour and political thought as expressed in the *Philippics*, as the man who stood against Catiline in 63 B.C. sought to legitimise the actions of a man who acted on his own initiative in a similar way to both Lepidus and Catiline, and to whose actions as triumvir Sallust referred in Caesar's speech in the *Bellum Catilinae* (51.36), and the prologue to the *Bellum Jugurthinum* (3.2).

¹⁹⁴ Cic., *Phil.*, 3.3, 8; 4.2; 5.47-53; 11.20.

¹⁹⁵ Cic., *Phil.*, 5.43, 47-48.

¹⁹⁶ Cic., *Phil.*, 1.13; 2.26, 114; 3.9, 11.

countering the attacks Antonius began to make against the conspirators after Octavian's return to Rome, and, possibly, the opinion of Octavian himself. In *de Officiis* Cicero discusses the duty of the good citizen to a friend who has become a tyrant, arguing that although it is dishonourable to kill a friend and may thus appear dishonourable to kill a friend who becomes a tyrant, it is in fact an act of service to kill a tyrant, and therefore it is both a duty of the good citizen and one that will bring him honour.¹⁹⁷ In the *Philippics* he defended Decimus Brutus, Marcus Brutus and Cassius by arguing that they were acting in defence of the *res publica*, and that the Senate should acknowledge and legalise their deeds.¹⁹⁸ In defending M. Brutus and Cassius he went so far as to claim that, "Law (*lex*) is nothing but a moral code of right conduct derived from the will of the Gods ordaining what is good (*honestum*) and forbidding its opposite."¹⁹⁹ This was the principle he applied to his arguments about right action within the *res publica*, defining proper conduct as that which upheld the constitution (as he understood it) and defended the *res publica*. Cicero's understanding of law as a standard of right action emphasises the importance of good citizenship in his understanding of the constitution, for the good citizen will know what this standard is and act in accordance with it.

As Manuwald notes, Cicero's definition of law and legal action in the *res publica* allowed him to take his own assessment rather than positive law as his guideline for his arguments, determining the welfare of the community subjectively.²⁰⁰ Cicero's expressed certainty of the right course of action led him to pursue a rhetorical line of attack that sought to drive his opponents out of the discourse, as he argued that they did not understand the proper duties of the good citizen or know or care about the best interests of Rome. In order to convince his audiences of this, Cicero presented them with two mutually exclusive options, favouring one himself, and not fully elaborating on the other, refusing to allow any other conception of the situation.²⁰¹ In *de Officiis* too, Cicero suggests that devotion to the *res publica* led to one clear set of duties and activities. That reality of the legal situation was more complicated than Cicero allowed in his speeches, and that his interpretation did not find favour with a majority

¹⁹⁷ Cic., *Off.*, 3.19. Both Dyck (1996) p.519 and Atkins and Griffin (1991) p.107 note that Cicero exaggerates the unity of the *populus Romanus* over the assassination of Caesar at this point (see chapter 2.5), but despite the fairly obvious reference to recent events; it is still technically a paradigmatic example and thus Cicero can make such a sweeping statement

¹⁹⁸ Cic., *Phil.*, 3.8, 12, 38; 4.7-9, 46-48; 5.19, 37; 6.9.

¹⁹⁹ Cic., *Phil.*, 11.28. Cf., 10.2, 7, 12, 14, 25; 11.30. Harries (2006) p.227 notes that this argument employs the principles of natural law that Cicero first laid out in *de Legibus*, adopting it for oratory and exploiting the ambiguities it brought to the concept of 'law'.

²⁰⁰ Manuwald (2007) pp.303-4.

²⁰¹ Cic., *Phil.*, 2.31-32 makes the technique explicit. Cf., *Phil.*, 5.5; 8.11-13; 13.49. Ramsey (2003) pp.209-210; Harries (2006) pp.201, 218; Manuwald (2007) p.305.

of the Senate can be deduced from the way in which he continually has to reiterate his arguments, responding to other proposals not only from Antonius, but also from other Senators, and from his attempt to reclaim and clarify the definitions of key Roman political terminology in *de Officiis*.

The final concept in Cicero's understanding of the constitution also shows the importance of good citizenship in successfully supporting the *res publica*. Speech was the medium through which Rome's citizens interacted with each other and was of critical importance in Rome's political processes and in the maintenance of the *res publica*. It was through speech that the citizens' understandings of the *res publica* were expressed through which the constitution was interpreted, constructed and developed. Throughout his work after Caesar's death, Cicero expressed the importance of good speech and the proper use words to the effective functioning of the constitution. Cicero was aware that different understandings of words indicating political concepts existed in Rome and argued that this damaged the *res publica* by misleading people into thinking that certain things were of benefit to the *res publica* when in truth they were dangerous.

As seen above, Cicero sought to reclaim and redefine key terms in Rome's vocabulary to create a 'true' understanding of the *res publica*, as opposed to any other 'false', self-interested versions. Cicero argued that false understandings of words led to fundamental misunderstandings of the key political ideas of the Roman constitution, breaking the essential bond between the duty of the citizen and the good of the *res publica*. One of the most fundamental misunderstandings that Cicero described is the separation of *utile* (expediency) from true honour, something that led men to pursue their own self-interests. Cicero claimed that only things that were honourable were useful to the individual and that honour could only come from the service of the *res publica*.²⁰² Without such an understanding of the relationship between citizen and polity, Cicero argued that men would pursue their own self-interest at the expense of Rome, destabilising the constitution and damaging the polity.

Such misunderstandings of Rome's political vocabulary were expressed in speech as well as in actions. Knowing the '*vera vocabula*'²⁰³ was the duty and the mark of the good citizen, for if words were used inaccurately or with deliberate intent to mislead an audience then *fides* was betrayed and the decision-making processes of Rome would be compromised and the *res*

²⁰² Cic., *Off.*, 2.9; 3.43. Cf., *Phil.*, 5.6.

²⁰³ Sall., *Cat.*, 52.11-12 for the term *vera vocabula*. The place of language in the *res publica* is a theme Sallust takes up and develops: see 4.2(a) and 4.3.

publica damaged.²⁰⁴ Cicero argued that in order for the *res publica* to function as a polity it was necessary that all the citizens understand what was meant when these various terms were employed in political discourse. The loss of *vera vocabula* made it harder for Rome's citizens to be sure that they were not being misled or deceived by those who were advising them as to the best course of action for the *res publica*. So, when arguing against Calenus' proposal for negotiation with Antonius, Cicero claimed that Calenus misunderstood the true nature of peace. Calenus' understanding of peace, according to Cicero, was slavery and his proposals for the *res publica* based on this understanding misled his fellow citizens and endangered Rome.²⁰⁵ Such misuse of words could break the bonds between Rome's citizens leading to factionalism and civil strife and also allow decisions to be made that would not benefit the *res publica*.

The misunderstanding and misuse of words was a negative feature in Cicero's formulation of the constitution of the *res publica*. The lack of a *vera vocabula* led to misunderstandings of the key elements of the constitution – both the ideas and the institutions. In such a situation the flexibility of the relationships between Rome's various institutions could be exploited, as political actors failed to understand the proper constitutional roles of these institutions and the true meanings of the political terms they employed in speaking in the Senate or the forum. Bad speech meant that individuals not only misunderstood the constitution and acted improperly in the *res publica*; they also led others away from the 'true' understanding of the constitution through their proposals and arguments in public discourse. In this way, different understandings of the constitution became a part of Rome's political discourse, fracturing Roman knowledge about the constitution and making its renegotiation or re-establishment more difficult.

The successful maintenance of Cicero's constitution required that the citizen behave appropriately and speak properly in order to ensure the effective functioning of Rome's political institutions. The citizen was required to uphold the constitution and the *res publica* or they would not only not be considered a good citizen but would be regarded as no citizen at all. The citizen, in short, was the key element in Cicero's interpretation of the Roman constitution in 44-43 and the basis of his hope for its future as he sought to guide the actions of men like Brutus, Cassius and Octavian in its defence. However, while Cicero emphasised the importance of a unified understanding of the constitution to the stability of Rome, his

²⁰⁴ See Cic., *Off.*, 2.21-23, 33-3 for the importance of *fides* in the relationship between advisor and advisee. Moderation in speech was also important, and comes from a citizen's *decorum* (Cic., *Off.*, 1.94).

²⁰⁵ Cic., *Phil.*, 8.11-13.

understanding of it was one amongst many. He sought to present other understandings of the constitution as false and damaging, but cannot fully escape the charge that his own discourse was a part of the problem Romans faced as they sought to renegotiate their constitution in 44-43.

The way in which Cicero expressed his understanding of the constitution had an impact upon Rome's constitutional discourse and thence upon the constitution; but not always in the manner that Cicero himself would have hoped. As Cicero sought to drive Antonius out of the *res publica* by portraying him as a bad citizen and illegitimate consul who did not possess the *vera vocabula* or have the best interests of Rome at heart, he shaped Antonius' expression of his understanding of the *res publica* and was a factor in Antonius' decision to take military action to defend himself. Cicero's expression of his understanding of the constitution further affected its reproduction through its role in establishing Octavian in a position of power at Rome, from which he could argue for his understanding of the constitution. Although Cicero was, ultimately, successful in seeing Antonius declared a *hostis* and the positions of the conspirators legitimised, as happened after the battle of Mutina, the unintended consequences of his words and actions was the shaping of the actions of Antonius, and of Lepidus and Octavian and thus the renegotiation of the constitution of the *res publica* that led to the formation of the Second Triumvirate.

In Conclusion

Cicero's expression of the constitution of the Roman *res publica* in the aftermath of Caesar's assassination reveals an understanding of Rome's political system that had been formed by the experiences and considerations of his long career, but which also reacted to some very specific contemporary issues, notably the dictatorship and death of Caesar and the behaviour of Marcus Antonius in 44-43. Believing that the constitution of the *res publica* had been in abeyance throughout Caesar's dictatorship and fearing for its future survival, Cicero took up the cause of the conspirators, who he argued had acted honourably in assassinating Caesar, and who he believed could help lead Rome and restore the constitution. He also took up the cause of Octavian, who, as Caesar's heir, could command the loyalty of the people and the army, aiming to bring Octavian under the guidance of the Senate and to use his power against Antonius for the good of the Republic.

Throughout 44-43, Cicero emphasised the importance of the relationship between the citizen as an individual and the *res publica* as a whole to the stability and wellbeing of the

latter and the identity of the latter. In his understanding the *res publica* arose from a union of the citizens for the security of their mutual interests and the dispensation of justice, whilst the citizens, particularly those who played a role in the administration of the *res publica*, were responsible for the maintenance of this union. This they could do by behaving as good citizens should, with justice, decorum, generosity and greatness of spirit. Such behaviour when carried out in the political sphere at Rome by participation in the political practices of the polity as a member of the Senate or of the citizen body attending *contiones* and voting assemblies, sustained and supported the *res publica*. It was a duty of the citizen to sustain the polity, but it was also in their best interests. Without the *civitas* and the *res publica* the citizen could not be a citizen, for there was no polity he could be a citizen of or be protected by. Any denial of the social ties and mutual obligations that bound the citizens together in support of the *res publica* destroyed the *civitas* as it led to the corruption and rejection of such virtues as *beneficentia*, *liberalitas* and justice as well as to theft, embezzlement, plundering of both allies and citizens in a lust for wealth and power.²⁰⁶ Citizens, Senators and magistrates who did not behave appropriately or speak properly endangered the relationship between the Senate and people of Rome, exploiting its fluidity, and in so doing they damaged the *res publica* and could not be regarded as true citizens. Rather, they ought to put the interests of Rome before their own desires, creating a unity of purpose within the *res publica*. Cicero sought to bring his understanding of the constitution into being through his oratory and create this unity, persuading his audiences that the *res publica* would be secured if they acted appropriately, and isolating those, such as Antonius, who he believed endangered this.

Cicero's understanding of the constitution of the *res publica* allowed for debate and discourse in Rome's public *fora*, indeed, it required it, as can be seen in from his discussion of *gloria* in *de Officiis*.²⁰⁷ Yet in 44-43 Cicero found that such debate threatened his argument and, he thought, the future of the *res publica*, for it allowed those he considered dangerous to have a voice. He therefore sought to control Senate's relationship with the people through his rhetoric, arguing that there was only one legitimate course of action that the Senate and people of Rome could take and portraying those who opposed it as 'bad' citizens: amongst them the consuls Rome. However, Cicero failed to convince his fellow citizens of the justice of his cause and the correctness of his understanding of the constitution, while his own discourse and actions, in particular his attack on Antonius and support of Octavian created

²⁰⁶ Cic., *Off.*, 3.26, 28, 36.

²⁰⁷ Cic., *Off.*, 2.2-3 Dugan (2005) pp.232-234. See section 2(a), above.

problems additional to those they aimed to solve.²⁰⁸ His tendency to define other understandings of political concepts, as wrong and dangerous for the *res publica*, rather than accept the possibility of their validity in a different understanding of the constitution or an evolving polity helped to drive Antonius out of the political debate towards a military defence of his position, and precluded the opportunity for compromises that might have enabled Rome to avoid civil war. He also helped to legitimise Octavian's irregular position in Roman political life, providing him with the platform he needed to establish himself and to gain the consulship. As the next chapter will show, Sallust responded to and critiqued Cicero's political thought as he sought to explain the crises at Rome in the first century, making clear that Cicero's understanding of the was not the only one to exist at Rome, and that his pursuit of it in political praxis contributed to the problems of the Republic.

Cicero's statements about the constitution in 44-43 not only sought to establish a particular understanding of its nature, but also to effect it in practice. In this way, his discourse became part of the events that followed Caesar's death, responding to them and stimulating them as he sought to restore and preserve the *res publica*. Men such as Antonius, Octavian, M. Brutus and Cassius engaged with and reacted to Cicero's arguments and activities at Rome, driving events forwards. Cicero's statements and the actions he took in entering the political discourse of the day also entered into archive of constitutional knowledge of the *res publica* that existed in Rome at the end of the first century B.C. They had an impact upon the way that the constitution was reconstituted through the discourse of the time, for they influenced the actions of Antonius, as well as Lepidus and Octavian, and the way in which they expressed their understandings of the *res publica* through them, which led, in the end, to the formation of the triumvirate, and the beginnings of a new kind of governance and constitution at Rome.

²⁰⁸ Of course, it doesn't follow that Cicero was any more guilty of this than any other prominent Roman in the late Republic, it is just that the surviving evidence allows us to see it in his case.

Chapter Four: Sallust's *res publica*

The death of Cicero did not see the end of republican political thought in Rome.¹ Circumstances changed: Cicero was proscribed and executed in 43, and the desire of the conspirators to re-establish a *res publica* free from the dominance of an individual or handful of individuals died with Brutus and Cassius at Philippi.² In November 43 the *lex Titia* formally established Antonius, Octavian and Lepidus as the Second Triumvirate, the years that followed seeing a struggle for dominance between the three men. Yet constitutional thought and political discourse continued nonetheless: its expression shaped by the events that had followed Caesar's death and the new rule of the triumvirate.³ This chapter will examine Sallust's representation of the Roman constitution in his historical writing, arguing that his understanding of the *res publica*, and in particular his emphasis on speech in daily political life, reveals the fractured nature of Roman knowledge about the constitution.

Sallust's depiction of the *res publica* was as influenced by the events and discourse that followed the assassination of Julius Caesar as it was by the events about which he wrote.⁴ Hayden White has claimed that, "Everyone recognises that the way one makes sense of history is important in determining what politics one will credit as realistic, practicable and socially responsible."⁵ Whilst it may not be true that everyone does recognise this, in Sallust's historiography we can see that his understanding of Rome's recent history and contemporary situation did shape his expression of the proper nature of Rome's constitution. Whilst both of his monographs deal with periods and events that the historian presents as key moments in the decline of the *res publica*: the long-running war with Jugurtha at the end of the second century B.C., and the rebellion of Catiline in the 60s; each also has its own political and constitutional strategies that relate both to the primary narrative and to the historian's

¹ Pace Connolly (2007) p.21.

² Pelling (1996) p.8. See also App., *B Civ.*, 4.2ff; Dio 46.54ff; Plut., *Vit. Brut.*, & *Vit. Ant.*, as well as Syme (2002), and Osgood (2006) for further narrative of the period in which Sallust was writing.

³ Osgood (2006) examines the effect that Caesar's death and the Triumviral period that followed had upon Rome through Roman literature. Syme (2002) pp.246-255 also argued for the existence of a "Triumviral Period" of literature, which includes Sallust, Horace's *Epodes* and *Satires*, the early works of Propertius and Virgil and the last of Varro, and which probably also included Asinius Pollio. Cf., Henderson (1998), who discusses the relationship of civil war and literature, see especially chapter one on Appian's account of the proscriptions.

⁴ As Fox (2007) p.263 notes, Sallust stressed the past as a mechanism for understanding the present, depicting recent historical events to emphasise the close connection.

⁵ White (1987) p.73.

contemporary situation.⁶ The *Bellum Catilinae* considers the role of the individual in the decline of the *res publica* through an account of Catiline's rebellion, whilst the *Bellum Jugurthinum* focuses on the danger of *factio* at Rome, both issues as relevant under the triumvirate as they had been in 107 or 63 B.C. In addition, both texts express a concern with the nature of the relationship between the individual and the community and the importance of good speech in the maintenance of the *res publica*. Through this last concern, in particular, Sallust's discourse reveals the problems that beset a discursive constitution and offers an explanation for the political instability of the *res publica* that is rooted in the nature of language and discourse. Whilst Sallust's Cato decries Rome's loss of *vera vocabula*, suggesting the existence of such a language, the historian used the various speakers in his works to reveal the multiplicity of political ideas and conceptions of the *res publica* at Rome, suggesting that such a true vocabulary was, in fact, an impossibility.⁷

⁶ Sall., *Cat.*, 4.4 and *Jug.*, 5.1-2 emphasise these 'turning points'. In terms of Sallust's understanding of Roman decline, one can see that the *Bellum Jugurthinum* acts as a clear 'prequel' to the *Bellum Catilinae*, although the writing of Rome's history before the dictatorship of Sulla leads Sallust to certain inconsistencies or evolutions in his depiction of the decline of *virtus* in chronological terms, as he moves the date at which Rome's decline begins backwards in time. However, evolution of political thought in a historian is hardly unsurprising, and the *Bellum Jugurthinum* represents such a development in Sallust, especially with regard to his understanding of the decline of *virtus* and its role in the failing *res publica*, and his presentation of *factiones* at Rome. Garcia Lopez (2001) p.6 argued that these turning points allow Sallust to exclude certain qualities as non-Roman, while Fox (2007) p.264 notes that this use of 'decisive moments' allows Sallust to sustain both an ideal past and a corrupt present, in which the ideal is only glimpsed in flashes of individual virtue, in an 'ironic' account of history (which White (1973) pp.37-38, 54-59 defines through the historian simultaneously composing history and drawing the reader's attention to the difficulty of this composition).

⁷ It is important to remember that the speeches and statements in the *Bellum Catilinae* are not those uttered by the historical figures themselves but the historian's representation of them. However, it is unlikely that the historian simply created fictional speeches. Wiseman (1979) pp.28-29, 51-52 notes the ambiguity in historians' 'reporting' of what was said, citing the classic line of Thucydides (1.22.1) "My method has been, while keeping as closely as possible to the general sense of the words that were actually used, to make the speaker say what in my opinion, was called for by each situation." Whilst noting that few historians were as dutiful in fulfilling these conditions as Thucydides or Polybius (12.25a5-25b4) and that speeches were used to add colour and style to the text, he also argues that the content of these speeches was not entirely the historian's own invention but must have reflected the arguments that were found in the sources. Cf., Fornara (1983) pp.142-168 on the tensions within historiographical speeches, who concludes that in generally, the Thucydidean principle seems to have governed historical practice; Woodman (1988) p.11 who follows De Ste Croix (1972) pp.9-10 in arguing that most historiographical speeches 'got the gist' of the main thesis of the original, but did not necessarily follow the main points of the argument. Smith has argued that there was a tradition about the speech-making in the early Republic, that key phrases or ideas were remembered as being uttered at particular moments and that these became canonical and were elaborated upon by later historians (Smith (2007), Cf., Miller (1975)). Speeches in Sallust's work have specific roles to play within the narrative, illuminating character or allowing for a simpler representation of complicated events (Syme (2002) p.68; Paul (1966); McGushin (1977) pp.134-135). It seems that Sallust's work recreated speeches that were actually given: certainly those of Cato and Caesar before the Senate and Memmius before the

Sallust's understanding of vocabulary and language-use has been commented upon by other scholars. Syme claimed that Sallust was aware of the ways in which words could be used either positively or negatively in both political and ethical connotations, and noted the way in which, in his elaborated narrative, the historian was selective with his own vocabulary.⁸ An examination of Sallust's choice of terminology and the understandings he expresses is important in analysing his understanding of the Roman constitution and the decline of the Republic. This chapter will begin by presenting Sallust's work and its major themes within the context in which it was written in order to show the way in which Sallust's depiction of the *res publica* was influenced by recent events at Rome. Then it will describe Sallust's formulation of good citizenship and of the political structures of Rome within his narrative of a declining *res publica*, with particular focus on the moral quality of Sallust's conception of *virtus* and his understanding of the role of various groups and *factiones* in the *res publica*. Finally, I will examine Sallust's presentation of political language and discourse at Rome, and his implication of Cicero in the creation of the crises that followed Caesar's death.

This chapter will focus on Sallust's two monographs, the *Bellum Catilinae* and the *Bellum Jugurthinum*, written between 43 and 40 B.C.⁹ The *Historiae* are too fragmentary for a

people would have been widely known and commented upon (McGushin (1987) p.80). In addition, Sallust as a former tribune and a member of the Roman elite knew the ways in which ideas might be put across in the speeches uttered in these times and places, even if he had not heard them himself. The thesis of the argument presented in the speeches of the characters, therefore, may be regarded as a credible representation of what was said at the time, so whilst we must remain aware that these are not verbatim reports, we may read the direct speeches within the *Bellum Catilinae* as plausible statements of the political and constitutional strategies of these characters in their situation. Particularly relevant, for my argument, is the way in which Sallust's presentation of different arguments through different speakers allows him to show the plurality of understandings of the *res publica* at Rome.

⁸ Syme (2002) pp.117 & 255-6. See also Batstone (1988a), Batstone (1988b), Batstone (1990); Batstone (2008); Garcia Lopez (2001); Grethlein (2006a); Grethlein (2006b); Kraus and Woodman (1997); Levene (2000); Scanlon (1980); Sklenar (1998); Tannenbaum (2005) & Woodman (1988) pp.117-127.

⁹ It is impossible to firmly establish the date for any of Sallust's works, but the *Bellum Catilinae* and *Bellum Jugurthinum* appear to have been written during the 40s, and the *Historiae* during the early years of the 30s and left unfinished at the time of Sallust's death. Syme (2002) pp.58-59 sets Cicero's death as the *terminus post quem* for the writing of *Bellum Catilinae*; Ramsey (2007a) pp.6-7 sets it at the death of Caesar, due to Sallust's reference to Cato and Caesar in the past tense (53.6), but argues that it was probably published after the death of all the major participants, including Cicero. The consensus now is that the *Bellum Catilinae* was written and published in 43/42 and the *Bellum Jugurthinum* in 41/40, with the *Historiae* being composed during the early years of the 30s and left unfinished at the time of Sallust's death (Cf., McGushin (1977) p.7; Comber and Balmaceda (2009) p.2; Paul (1984); McGushin (1992-94) 1.4, 18-20) although it has also been suggested that the *Bellum Catilinae*, at least pre-dated the deaths of Cicero and Caesar (Büchner (1960); MacKay (1962)). The way in which Sallust responds to the political concerns and discourse of the late 40s, as is my contention, support a post-Ciceronian dating. Following Syme (2002) p.313ff I regard the *Epistulae ad Caesarem senem de re publica* and the *Invective* as spurious.

confident discussion of its overarching themes within the limits of this thesis. It is possible to identify key catchwords, phrases and concepts, and to begin to compare their use in the *Historiae* with their employment in the monographs, but difficult to do more than speculate as to the overall arc of political thought as expressed in the original text, or to more than suggest fragments as possible examples for an extension or development of Sallust's political thought. While the work does appear to incorporate similar political ideas to those expressed in the monographs, it is hard to employ them as primary evidence for this thought without offering a serious consideration of the possible structure and content of the work.¹⁰

1. Living in the shadows: Sallust's situation after 43

By the time Sallust began writing history he was no longer the fiery tribune he had been in the 50s, but a mere spectator: unable to pronounce his political views in the forum. He had left public political life during Caesar's dictatorship and apparently had no desire to return to it.¹¹ Rome was under the governance of the Second Triumvirate, who he could not directly criticise without risking the fate of Cicero. Syme describes these years as a period in which, "Freedom, justice and honesty, banished utterly from the public honours and transactions of the State, took refuge in the pursuits and relationships of private life."¹² The holding of public offices and participation in political life were fraught with problems, and there was rivalry amongst the triumvirs and the likelihood of further civil strife. It was safer to remain in retirement. From such a position, Sallust could not engage in oratory as Cicero had done and

¹⁰ The limitations of a doctoral thesis make such a discussion impossible at the present time. The fragmentary nature of Sallust's *Historiae* leads, inevitably, to problems when one seeks to examine them for evidence of the historian's political and constitutional thought. The reader must take statements that deal with political and constitutional matters out of their narrative context, lessening their ability to fully appreciate Sallust's thought. Bearing this in mind, this account will focus on Sallust's discourse in the monographs.

¹¹ Sall., *Iug.*, 4.4. Little is known of the life of Sallust until his involvement in the turbulence after the death of Clodius. Born in the Sabine town of Amiternum, he seems to have come to prominence in Rome during his tribunate of 52 (Asconius 37C. 18-21, 49C. 1-10, 20-24; Cic., *Mil.*, 45, 47). At the end of that year both Rufus, and his fellow tribune, T. Munatius Plancus Bursa were tried and condemned, but Sallust somehow escaped until 50 B.C. when he was ejected from the Senate by the censors L. Calpurnius Piso and Ap. Claudius Pulcher (Dio 40.63.4. Cf., Syme (2002) pp.33-35 & Ramsey (2007a) p.4). After this, Sallust is known to have commanded a legion for Caesar in 49, been involved in the African campaign and then to have held the province Africa Nova as praetor in 46. When he returned from Africa to face charges of corruption; Dio says that he pillaged the province, and implies that Caesar took money from those accused of extortion in return for clemency. (App., *BC.*, 2.92.387; Dio 42.52.1ff; 43.9.2, 47.4). Sallust's political career was effectively at an end once again, although he was spared the humiliation of a second expulsion from the Senate, and he retreated into private life. (See also Allen Jr. (1954); Taylor (1949) pp.26 & 178; Paul (1966))

¹² Syme (2002) p.246.

he also chose to avoid political philosophy. He turned instead to history, using it to express his dissatisfaction with the changes that had taken place at Rome from a distance.¹³ However, it would not have been wise to write about Rome's very recent history; involving, as it must, the consideration of Caesar's later career. The conspiracy of Catiline and the Jugurthine war were safe choices that allowed the historian to comment upon the decline of Rome whilst leaving the careful reader to draw for themselves the conclusion that this decline had ended in the rule of the triumvirs.¹⁴ Sallust's historiography treads a careful path between outspokenness and caution: expressing his disaffection at the developments of events in Rome over the past century, but carefully retaining a plausible deniability on the subject of his opinion of the triumvirate.

Sallust's depiction of the constitution in his monographs responded to the contemporary situation in Rome in a number of ways: in relation to the situation in Rome and Italy, in Rome's wider empire, and in the way that the *res publica* was governed. The *Bellum Catilinae*

¹³ Woodman (1988) p.125. Sallust's choice of genre and, particularly, his style, have been seen as a response to and reaction against Cicero. *de Or.*, 2.51-4 presents the clearest picture of Cicero's understanding of how history should be written (see Wiseman (1979) p.25, 34 & 40 & Woodman (1988) pp.77-80 for commentary on this passage). Sallust's style does not fit Cicero's prescriptions: brevity, speed and abruptness are his hallmarks, along with obscure vocabulary. He is anti-Ciceronian in sentence structure and vocabulary (Quint., 4.2.45, 10.1.102; Sen., *Ep.*, 114.17; Syme (2002) p.54, 257) and may have deliberately chosen to go against Cicero's stylistic demands in a rejection of Cicero's politics and personality. Seneca expressed the belief that style of writing and speaking reflected one's life and personality, and to Sallust, Cicero's style may have seemed symptomatic of a complacency and conservatism that were part of the decline of the *res publica*. (Sen., *Ep.*, 114.1. Woodman (1988) p.126). However, even more than displaying a rejection of Cicero, Sallust's language reflects his life and personality, and his subject matter and personal historical context. Syme (2002) p.61-64 suggests that Caesar's death spurred people to look back at his early life and career, which may have been an additional factor in Sallust's choice of Catiline's rebellion but cannot explain his study of the Jugurthine war. He and Earl (1961) pp.2-3 rebuff the claims of Mommsen (1952-69) p.489, Schwartz (1897) p. 580, Schur (1934) p.184, Leeman (1952) p.23 and Leeman (1955) p.208 that Sallust was an apologist for Caesar. Rather, Sallust adopted the persona of an historian out of joint with his times. Levene (2000) p.170ff notes the association of Sallust's style and that of Cato the Elder (Quint., 8.3.29; Suet., *Div. Aug.*, 86) and argues that Sallust sought to align himself with Cato's morals by doing this (*Cf.*, Earl (1961) pp.44-45). Grethlein (2006b) pp.304-311 has argued that Sallust's style reflects the uncertainty of his narrative and the confusion of Rome in 63 through mimesis, rhetoric and reception, transmitting the uncertainty and chaos of Rome in the first century to the reader.

¹⁴ Eagleton (1983) p.205 describes subtext as, "A text that runs within, visible, at certain 'symptomatic' points of ambiguity, erasure or over-emphasis and which we, as readers, are able to write, even if the novel itself does not." Sallust's understanding of the Roman constitution and his critique of the rule of the triumvirate are expressed in subtext, notably through the gap he creates between the words of his speakers and their proper meanings (see section 3, below). Ahl (1984) discusses the use of 'figured speech' in order to criticise safely. The essential idea behind the concept is that the speaker or writer wants us to understand something different than is being said (p.192), and she notes its employment by Thucydides in the Mytilinean debate. *Cf.*, Scanlon (1980) and Drummond (1995) pp.50-56 on Sallust's employment of Thucydidean techniques and styles, including the similarities between the Mytilinean debate and the Caesar/Cato debate in the *Bellum Catilinae* (p.102).

considers the situation in Roman Italy, describing its condition at the time of Catiline's rebellion as debt-ridden and dissatisfied, its people ready to revolt if a leader could be found.¹⁵ In 42 B.C., around the time Sallust was composing the *Bellum Catilinae*, Octavian returned to Rome; his brief the settlement of army veterans. Given the recent history of settling Rome's veterans, it seems unlikely that the problems that Octavian's programme encountered and exacerbated were wholly unexpected.¹⁶ Sallust's understanding of the Roman *res publica* incorporates Italy, recognising the existence of a long-running problem in the constitution as regards this union, and the possibility of its exploitation by disaffected or ambitious Romans. His recognition that struggles for power in Rome were tied to dissatisfaction across Italy is expressed in the *Bellum Catilinae*, formed by his personal experiences of the first century B.C., including the immediate situation in Italy before and after Octavian's return from Philippi.¹⁷

In the *Bellum Jugurthinum*, it is the relationship of Rome with her empire that is considered with regard to the constitution, Sallust describing the way in which the extension of the empire affected the governance of the *res publica*. After the destruction of Carthage, he claimed, fear had died, and avarice, pride and ambition had arisen at Rome.¹⁸ The desire for provincial commands where riches and glory could be gained was a part of this and it stimulated rivalry within the Roman elite culminating, during the *Bellum Jugurthinum*, in Marius' turn to the *populus* in order to win the consulship and be given command of the war. Sallust knew that it was these divisions that men such as Caesar, Antonius and Octavian had exploited, and would continue to exploit, as the triumvirs divided Rome's *provinciae* between them.¹⁹ His commentary on the way in which Marius incited popular support for his consulship and command of the war acts as a criticism of the way in which these men gained their power at Rome.²⁰

¹⁵ Sall., *Cat.*, 20.2-17; 23.4; 40.1.

¹⁶ The question of what to do with returning veterans had been a problem for Rome throughout the first century, perhaps most prominently on Pompeius' return from his eastern campaigns in 62 (Wiseman (1992a) pp.364-367) where the failure to resolve the issue was a factor in the formation of the first triumvirate.

¹⁷ Sall., *Cat.*, 28.4; 52.16-19; Drummond (1995) p.28. In Octavian's settlement both the very smallest estates and the very large ones belonging to Senators would be largely exempt from redistribution. It was those in between who were the worst hit, and they could ill-afford their losses. L. Antonius, brother of the triumvir, became the focal point for much of the dissatisfaction, which broke out into rioting and then warfare in 41. Events culminated in the siege of Perusia, which finally fell in the spring of 40 and was brutally plundered by Octavian's troops (Pelling (1996) pp.14-17; Syme (2002) pp.207-212).

¹⁸ Sall., *Jug.*, 35.10; 41.2-5.

¹⁹ Dio 46.55.3-56.2; App., *B Civ.*, 4.27; Osgood (2006) p.60; Pelling (1996) p.1; Rawson (1992b) p.486.

²⁰ Sall., *Jug.*, 63-64; 73.2-7; 84-85.

Sallust's discussions of the relationship of both Italy and the empire with Rome reveal both his understanding of the impact Rome's expansion had had upon the constitution and his concern for good governance at Rome. His focus on the relationship of the behaviour of the individual, especially within the political community is particularly important with regard to this and is prominent in both texts. His descriptions of, amongst others, Metellus Numidicus, Marius, Sulla, Catiline, and even Cato and Caesar make clear the danger that the failure of the moral character of its citizens poses to the *res publica*: problems are only potential problems, until flawed men make use of them for their own ends. The failure to act appropriately and speak honestly led to the abuse of power by men in positions of authority and endangered the *res publica* through the increase of factionalism and civil strife. Such a perspective reveals a reaction not only against the behaviour of the historical figures about whom Sallust was writing, but also against the prominent men of his day who he saw as acting in the same way. Sallust thus entered into both historical and contemporary discourses about power and the individual in the *res publica*.

Both the *Bellum Catilinae* and the *Bellum Jugurthinum* present a picture of the Roman *res publica* in a state of decline. Sallust's historiography aimed both to narrate and to explain this decline, arguing that the decline in Roman morals had led to a decline in Roman citizenship and thence to a decline in the *res publica* itself as political ambition and avarice grew, undermining the constitution and destabilising Rome. For Sallust, the second triumvirate was the natural (if not necessarily inevitable) end point of this decline: the problems he cites as causes of Catiline's conspiracy and the long running of the Jugurthine war had turned Rome into the polity in which he lived. The establishment and the governance of the triumvirate at Rome shaped Sallust's understanding and depiction of the *res publica* in the last hundred years of the Republic, and also directed his expression of these ideas in historiography rather than in public life.

2. Constructing the *res publica*

Sallust's expression of the constitution shared Cicero's discursive strategy of the *res publica* as a community of citizens, the behaviour of these citizens supporting and maintaining the institutions of the community and enabling the *res publica* to succeed. Similarly, Sallust's formation of this strategy centred on conceptions of good citizenship, including the ideas of *virtus* and *gloria*, good speech and conceptions of Rome's political institutions. However, a description of Sallust's political discourse reveals that he expressed these concepts in a

different manner to Cicero and brought them together in a different way in his depiction of the constitution. This was, in part, a reflection of the different ambitions and genres of in which Cicero and Sallust expressed their understanding of the constitution: while Cicero actively sought to establish his understanding of the constitution and restore the *res publica*, Sallust wished to explain how the *res publica* had declined. His history did not need to persuade an audience of the correctness of his understanding of the constitution as Cicero's oratory and philosophy did, and instead he was able to explore the different constitutional concepts and strategies that had existed in Rome and the impact that they had had upon the *res publica*. By virtue of writing in a different genre and writing after Cicero, Sallust was able to include a critique of Cicero's discourse in his depiction of the constitution and the decline of the *res publica*. The events that had followed Caesar's death, in which Cicero was an active participant, shaped Sallust's constitutional thought and confirmed his understanding of the importance of good speech and good citizenship in maintaining the constitution of the *res publica*. However, while Cicero saw himself in the role of the good citizen, Sallust's political discourse shows that he was not and could not have been a truly good citizen, for the lack of a *vera vocabula* had affected him as it had everyone else.

(a) The Good Citizen

Sallust, like Cicero, regarded the character of the citizen as an important part of Rome's political culture with good citizenship upholding the ideals, processes and institutions of the *res publica*. As such, the citizen is a key element in Sallust's understanding of the constitution of Rome and in his explanation of the constitution's change and decline. In many ways Sallust's conception of the good citizen echoes that of Cicero, especially in his presentation of *gloria* as a quality dependent on service to the *res publica*. However, whilst Sallust employed many of the same objects as positive and negative characteristics of the good citizen, he brought them together in a different manner to Cicero, ultimately exposing the flaws in some of the ideals associated with the good citizen. Where Cicero defined and interrelated a set of cardinal virtues, Sallust's good citizen was formed through progressive phases: his understandings of 'morality', 'public morality' and *virtus* building upon each other, formed around core group of objects with each concept becoming an object in the formation of the following concept. From an understanding of morality Sallust defined the appropriate behaviour of the citizen in public affairs, upon which was based a concept of what it means to

be a man of *virtus* or excellence.²¹ Sallust then went on to reveal the multiple understandings of good citizenship extant in Rome and to describe the problems they created for the *res publica* as they inspired the behaviour of those who held them and contributed to the competition and conflict at Rome. In this section I will discuss the attributes Sallust saw as those of the good (and bad) citizen, the way in which *virtus* - the ultimate attribute of the good citizen – had to be gained through public service, and the way in which Sallust presented the existence of multiple concepts of citizenship.

Sallust's understanding of morality is expressed during his exposition of Rome's rise to greatness, citing justice, probity, austerity, temperance and devotion to the gods as moral qualities, opposed to extravagance, debauchery and greed – the qualities associated with Catiline's supporters, and the bribery and corruption of some of the *nobilitas* in the *Bellum Jugurthinum*.²² Sallust justified the importance of these objects in Rome's political culture by claiming their possession by Rome's founders and ancestors who had made the *res publica* great and setting this against the behaviour of the men in Sallust's narratives who contributed to the decline of Rome. These traditional moral qualities are then combined in the good citizen with wisdom; a desire for *gloria*, specifically in relation to praise, renown and nobility rather than to power, influence and money; and discipline and bravery, established in military life, but carried over in to the civil world to present a 'public' morality, for these are the qualities that the citizen needs if he is to participate in Roman political life.²³ Meanwhile, the negative characteristics of citizens involved in public affairs include arrogance and tyranny, which are specified as characteristics of rulers; leisure and wealth, described as a burden and curse; avarice, the opponent of honour and integrity; and ambition, a quality that is described by the historian as 'ill-starred', holding men captive and associated with falseness and self-interest and set against friendship and goodness of heart.²⁴ Sallust showed the effect of these qualities on the behaviour of citizens and on the constitution through his historical narratives. In the *Bellum Catilinae*, for example, Catiline is associated with cunning, treachery, pretence and concealment, covetousness, prodigality, violent passions, lust, indiscretion, murder, pillage and political dissention, and his deeds threaten to bring down the *res publica*. In contrast, Cato and Caesar are shown as men of great merit, who seek to preserve the constitution and

²¹ See chapter 1.4 above on the blurry divide between public and private at Rome.

²² Sall., *Cat.*, 9.1-3; 14.1-3; *Jug.*, 8.1; 13.8.

²³ Sall., *Cat.*, 6.5-7.7; *Jug.*, 1.3.

²⁴ Sall., *Cat.*, 3.3-4, 4.2, 6.7, 10.1-11.2.

who are described as possessing characteristics including dignity, austerity, piety, generosity and forgiveness.²⁵

Of the negative objects of citizenship, Sallust conceived of avarice and ambition as being the most damaging, arguing that they tempt men to a desire for power and the wrong kind of *gloria* and corrupt *virtus*. In the *Bellum Catilinae* he said that, “Hence [after the destruction of Carthage] the lust for money first, then for power, grew upon them; these were... the root of all evils.”²⁶ Sallust considered avarice to be a quality of the bad citizen because of its impact upon the *res publica*: the avaricious man sought his own self interest, not the good of the community, and this destabilised the constitution. It is noted as a motive for Catiline’s conspiracy: he and his supporters desire wealth because they have squandered their own and he gathers support in Italy by taking advantage of ongoing debt problems.²⁷ It also plays a role in the narrative of the *Bellum Jugurthinum*, where Sallust employed the non-Roman Jugurtha to describe Rome as, “A city for sale and doomed to speedy destruction if it finds a purchaser.”²⁸ In the *Bellum Jugurthinum* Jugurtha himself plays the role of the purchaser, though it is through the avarice of such men as Lucius Opimius, Bestia and Scaurus, that he is able to become so great a threat to Rome.²⁹ In the narrative of the *Bellum Jugurthinum* the increase of avarice in Rome leads to discord between the people and the *nobilitas*, who held power and who were benefitting from bribery and the flow of riches to Rome, and also within the *nobilitas* itself.³⁰ These divisions, as we will see, were an important part of Sallust’s explanation for the decline of the *res publica*.

Whilst avarice was dangerous, it was ambition that Sallust saw as the key negative characteristic of the citizen. For Sallust ambition was distinguished from a natural and good desire for success and glory by the methods used to gain objectives, and he described it as: “A fault, it is true, but not so far removed from *virtus*; for the noble (*bonus*) and the base (*ignavus*) alike long for *gloria*, honour, and power, but the former mount by the true path, whereas the latter, being destitute of noble qualities (*bonae artes*), rely upon craft and

²⁵ Sall., *Cat.*, 5.1-5, 15.1-5, 23.6, 26.3-4, 29.1, 54.

²⁶ Sall., *Cat.*, 10.3; 11.1. See McGushin (1977) pp.90-91 for an overview of attempts to explain the apparent contradiction in listing the order in which avarice and ambition arose at Rome. He suggests the cause is careless writing. Conley (1981a) however, posits that Sallust thought in terms of two differently motivated ambition: ambition for *imperium* at 10.3, and ambition for wealth at 11.1.

²⁷ Sall., *Cat.*, 14.2; 16.4.

²⁸ Sall., *Jug.*, 35.10.

²⁹ Sall., *Jug.*, 8.1; 15.4-5; 16.3-4; 28.5; 29.1-3; 32.2-3. Questions about the accuracy of Sallust’s reporting of the settlement of Numidia by Opimius’ commission (see Paul (1966) p.70) shows even more clearly that Sallust aimed to emphasise the danger of avarice to Rome. Levene (1992) p.60.

³⁰ Sall., *Cat.*, 10.1-11.6; *Jug.*, 41.2-3. See section 2(b)ii below on Sallust’s conception of *nobilitas*.

deception (*dolis atque fallaciis*).³¹ Sallust presented *ambitio* as a false *virtus* having similar ends in the attainment of *gloria* and fame, but depending on different means: cunning and tricks. One could not be both ambitious and a man of *virtus*, for *virtus* depended on *bonae artes* that were not employed by the ambitious. For Sallust means were as important as ends; *virtus* and *gloria* could not be gained without good behaviour.³² The conception of *ambitio* as the result of a misunderstanding of *virtus* and its false association with *gloria* is part of Sallust's ongoing depiction of the improper use of words in Roman discourse and the threat this posed to the constitution of the *res publica*, in this case by its corruption of the citizen.

The damage Sallust thought ambition did to the constitution can be seen through the characters and behaviour of Catiline, Marius and Sulla. Sallust's Catiline does not possess the moral characteristics of the good citizen, either in public or private life and although he is well-known, he is notorious rather than renowned. His ambition is revealed in the way in which he pursues wealth and power, using intrigue and eventually armed rebellion in quest of his goals: the craft and deception that Sallust decried, rather than the *bonae artes* of *virtus*. Ambition is also a failing of Marius, but here it is more insidious and potentially more dangerous to the *res publica*, for it does not manifest itself in violence and can be seen as part of 'normal' political behaviour in Rome. Marius is said to have had a desire for the consulship and to have been driven by ambition to break the hold of the *nobilitas* on that office. This caused him to court popularity amongst the *negotiatores* in Africa, complaining about Metellus' command of the war and employing 'seditionary' magistrates to gain the support of the people at Rome by spreading rumours about Metellus and exaggerating his own qualities.³³ His ambition does not wholly negate his other good qualities,³⁴ but it causes him to abandon *bonae artes* in pursuit of his political goals and creates disharmony in Rome. The character of Sulla, too, is ambitious: although he is educated and intelligent, brave and generous, he desired *gloria* and possessed, "A mind deep beyond belief in its power of disguising his purposes."³⁵ Although Sallust contrasts the apparent difference between Marius and Sulla's approaches to their commanding officers, Sulla's 'obedience' to Marius is part of his ability to dissemble; his ambition and willingness to undermine his commander being revealed in his capture of

³¹ Sall., *Cat.*, 11.1-2.

³² Sall., *Cat.*, 11.1-2.

³³ Sall., *Iug.*, 53.2, 6; 54.5; 55. 1-5; 63.3, 5-6.

³⁴ Sall., *Iug.*, 53.2 describes Marius as possessing diligence, honesty, military skill and a great spirit.

³⁵ Sall., *Iug.*, 95.3-4.

Jugurtha.³⁶ By ending the *Bellum Jugurthinum* immediately after Sulla's capture of Jugurtha, Sallust left the ambition and character of Sulla prominent in the audience's mind, a premonition of the later struggle between him and Marius and the resultant crises in Rome.³⁷

The defining characteristic of the good citizen, which both avarice and ambition negate, is *virtus*, which Sallust understood as being the possession and expression of the moral qualities discussed above in all areas of the citizen's life, but most particularly in the service of the *res publica*. Sallust's employment of *virtus* in his discourse differs from that of Cicero. Whilst Cicero employed *virtus* in both the singular and plural forms, and also used *honestum* and *honestas* as a characteristic of the citizen whose *virtus* has been publicly recognised, Sallust only used *virtus* in the singular and did not refer to *honestum*, using only *gloria* to refer to a man's public reputation. Sallust's expression of *virtus* also reveals the different possible understandings of the term in Roman political discourse and of the place of *virtus* in the constitution, making clear that his understanding of the quality is different from that expressed by the characters in his narratives, and emphasising the way that these different understandings influenced men's political actions and affected the *res publica*.

Both of Sallust's monographs open with meditations on *virtus* as the quality of man: that excellence which he may achieve. The concept of *virtus* expressed is precise and rooted in citizen behaviour; it avoids the plural *virtutes*, referring to the elements of good behaviour as *bonae artes*. *Virtus'* attainment is associated with man's actions, in particular the good deeds originating in the *animus* (mind or spirit) that are expressions of man's *ingenium* (natural disposition or talents). The good citizen must act not with the tricks and cunning of the ambitious man but with *bonae artes*.³⁸ Sallust divided man's actions between the mind and the body, of which the former are superior. For Sallust the body was to be associated with servility, brutality and the characteristics of sloth, appetite and sleep; the mind with the ability to rule, the characteristics of self-restraint and justice, and success in activities such as agriculture, navigation and architecture. Success in warfare depended upon both the strength of the body and the excellence of the mind, and the successful exercise of power, in both military and civil life is presented as depending upon mental excellence.³⁹

³⁶ Sall., *Iug.*, 64.5; 96.3; 105-113. Dijkstra and Parker (2007) pp.143, 154-159.

³⁷ Levene (1992) pp.53-55 notes that there is no thematic closure in the *Bellum Jugurthinum* because there is no effective stylistic closure, just an abrupt termination of Jugurtha's story, with Sallust (and Rome) awaiting the future careers of Marius and Sulla.

³⁸ Earl (1961), pp.10-12, 31-32.

³⁹ Sall., *Cat.*, 1.2; 2.3-8; *Iug.*, 1.3-4; 2.1-2.

In his association of *virtus* with moral deeds that serve the *res publica*, Sallust's conception of the quality appears to be aligned with that which Earl called the 'aristocratic ideal' of *virtus*: in which *virtus* is interdependent with *nobilitas*, focused around the citizen's lineage as well as their own deeds.⁴⁰ However Sallust's concept of *virtus* was less restrictive than this as he divorced *virtus* from *nobilitas*, focusing instead on the behaviour of the citizen as an expression of their *ingenium* and making it clear that the way a citizen chose to pursue deeds was as important as the achievements themselves.⁴¹ *Ingenium* was something that all men possessed, and all had the potential to express *ingenium bonum*. *Virtus*, therefore, was a quality attainable by any citizen. In the *Bellum Jugurthinum*, for example, the *novus homo* Marius is described as having many of the characteristics that contribute to *virtus*. His lack of an ancient family is noted as an obstacle to his attaining the consulship because of the state of Rome, but not to his being seen as a man of *virtus*. On the other hand, Metellus, whilst said to possess *virtus*, is criticised for his pride and arrogance, a flaw Sallust noted as being common to the *nobilitas*.⁴² We can also see that Sallust's concept of *virtus* is not restricted to Roman citizens: in the early passages of the text the young Jugurtha is associated with the quality. His behaviour is described in terms of the objects of *virtus*: he has a vigorous intellect (*ingenium*) and is not spoiled by luxury or idleness, and indeed the word *virtus* is associated with him directly, as it is with no other character in the *Bellum Jugurthinum* but Metellus.⁴³ When sent to serve in Numantia under Scipio he displays hard work, obedience, a willingness to face danger and is described as, "Valiant in war and wise in counsel (*bonum consilium*), a thing most difficult to achieve."⁴⁴ As with the positive characteristics attributed to Catiline as a military leader, so Jugurtha's qualities, which might have granted him the appellation *virtus*, become perverted; used not in the service of the Roman *res publica* or to the benefit of Numidia, but only to further his own ambitions. *Virtus* can thus be seen to be understood by Sallust not only to mean a set of characteristics and abilities, but also something linked to the end towards which they are directed: the service of the *res publica*.

⁴⁰ Earl (1961), p.18-26.

⁴¹ Sall., *Cat.*, 11.1-2. Syme (2002) p.253; Earl (1961) p.30; Comber and Balmaceda (2009) pp.21-26.

⁴² Sall., *Iug.*, 63.2; 64.1. See section 2(b)i for the complexities of '*nobilitas*' in Sallust's constitutional thought.

⁴³ Sall., *Iug.*, 6.1-2; 9.3; 64.1. Marius' *virtus* is described as 'exaggerated' by his supporters at 73.6, perhaps not an absolute rejection of his possessing this quality, but Sallust nowhere attributes it to him directly.

⁴⁴ Sall., *Iug.*, 7.5.

In his monographs Sallust sought to redefine the nature of this service in response to the Rome in which he lived. As seen above, Sallust acknowledged that *virtus* could be displayed in public life, but in his discussion and justification of his turn to historiography in his prefaces he advocated a virtuous retirement from the corruption of political life, the man of *virtus* refusing to sully himself by participating in contemporary politics and serving Rome through reflecting upon and understanding the cause of her problems. He argued that one could be of more service to the *res publica* by inactivity in public affairs, and argued that the recording of the past, the *memoria rerum gestarum*, was of particular service.⁴⁵ The importance of remembering past deeds in the *res publica* is exemplified in the *Bellum Jugurthinum* with reference to Quintus Fabius Maximus and Publius Scipio, who were exhorted to the pursuit of *virtus*, fame and *gloria* by the example of their ancestors.⁴⁶ Grethlein has argued that Sallust saw the relationship between *res gestae* and *memoria rerum gestarum* as a dialectical one, in which the former are motivated by the latter, becoming in time memorialised themselves and acting as an exhortation to future deeds. The failure of this relationship, which is identified in the prologue of the *Bellum Jugurthinum*, leads to a loss of *virtus* and thus to a decline of the *res publica*. In this way Sallust could create a justification for his historiography as a service to the *res publica*; recalling the past would encourage the betterment of the *res publica* in future.⁴⁷ It also enabled Sallust to redefine the appropriate behaviour of the good citizen within the *res publica* and thus the relationship of the individual with the community. Cicero came close to this during Caesar's dictatorship, expressing the idea of an honourable absence from public life, but once the repressive force was removed and political participation was once more possible, he argued that intellectual activity without political action was impotent.⁴⁸ In contrast Sallust, whilst agreeing that active political participation had been the ideal for good citizens, argued that those days had passed. The best course of action for the Roman citizen in the current situation was retirement from active politics, and that the best service one could give the *res publica* was to remind one's fellow citizens of Rome's past glories and inspire their emulation in future.

The final object with which the good citizen is associated in Sallust's depiction of Rome's constitution is *gloria*. Sallust argued that *gloria* could not be possessed without *virtus*, for it

⁴⁵ Sall., *Iug.*, 4.1, 4.

⁴⁶ Sall., *Iug.*, 4.5-6. It is unclear whether Sallust is referring to Scipio Africanus or Aemilianus at this point, as he refers to them both as Publius Scipio within the *Bellum Jugurthinum* (5.4 – Africanus; 7.4 – Aemilianus).

⁴⁷ Grethlein (2006a) pp.135-140. Cf., Garcia Lopez (2001) p.14.

⁴⁸ Cic., *Fam.*, 4.4.4; Cic., *Off.*, 1.63, 153.

was won by actions that accorded with the positive types of behaviour that form his conception of good citizenship, *virtus* proceeding to *gloria* through *bonae artes*, the *gloria* being eternal if gained through the outstanding deeds of the *ingenium*.⁴⁹ Just as *virtus* could be displayed through military and political activities, such as the holding of magistracies and military commands, *gloria* could also be won through these pursuits.⁵⁰ The recognition of this *virtus* should lead to *gloria* and renown amongst one's contemporaries. However, the attainment of *gloria*, particularly through public activities, was not simply a matter of holding the offices and getting to the top; one must behave appropriately, that is with *virtus*, along the way. This is made clear in the reference Sallust made to the Roman magistracies, which he represented as having been devalued by the behaviour of men who had recently held them. It was the man that makes the office, not the office the man, argued Sallust, claiming that in contemporary Rome, "Honour (*honor*) is not bestowed upon merit (*virtus*)."⁵¹ Since men of *virtus* were not gaining the honour of public offices, the offices themselves were no longer able to confer true *gloria* on an individual. It was behaving with *virtus* in the service of the *res publica*, performing deeds inspired by *ingenium bonum* that brought *gloria*, not simply the holding of an office for its own sake or the wrongful attainment of office, even if one sought to do good with it.⁵²

In the *Bellum Jugurthinum* Sallust expressed the idea of *vera gloria*, arguing that the preference of some members of the *nobilitas* for *vera gloria* rather than unjust power was a cause of civil strife at Rome.⁵³ With this statement, Sallust showed that there was more than one understanding of *gloria* held at Rome and that this caused problems for the *res publica*. The desire to hold political offices was not necessarily bad; Sallust's concept of good citizenship holds the competition between citizens for the *gloria* that they bring to be a positive, but it is the way in which they are pursued and the reasons for this pursuit that threatened the *res publica*. Sallust argued that once the desire to serve the *res publica* was replaced by a desire for the money and power these offices might bring, the constitution became unstable and the *res publica* began to decline.⁵⁴ The '*gloria*' that was earned by such actions was not *vera gloria* because it arose from selfish actions and damaged the *res publica*, exemplified in the rebellion of Catiline and the rise of *factiones* at Rome, as Sallust illustrated

⁴⁹ Sall., *Iug.*, 1.3; 2.2; *Cat.*, 11.1-2.

⁵⁰ Sall., *Iug.*, 2.4; 3.1; 4.1; *Cat.*, 3.1., 7.6.

⁵¹ Sall., *Iug.*, 3.1; *Cf.*, 4.8.

⁵² Sall., *Iug.*, 3.2.

⁵³ Sall., *Iug.*, 41.10; 42.1.

⁵⁴ Sall., *Cat.*, 11.2; 12.1.

the danger of different understandings of political concepts to the stability of the Roman constitution.

Many of the elements of Sallust's conception of the good citizen echo those of Cicero, notably in his definition of a *vera gloria*. There were, however, differences: Sallust did not seek to remove the great deeds of the *animus* from the definition of *virtus*, and expanded the definition of these deeds to include the remembrance of the past and writing of history. He also formed his understanding of citizenship differently – the result of expressing his constitutional thought in a different genre. Cicero's expressions of *virtus* varied depending on whether he was writing philosophy or giving a speech; Sallust's, expressed in historiography, is neither as complex and philosophical as that seen in *de Officiis*, nor as simple as that in the *Philippics*. Unlike Cicero in his *Philippics*, Sallust did not need to convince an audience of an individual's *virtus* or lack thereof; rather he was able to use his histories to explore the nature of *virtus*, the problems that its decline created for the *res publica*, and to show that one aspect of this decline was the proliferation of different understandings of good citizenship and of the constitution.

Sallust's monographs make it clear that no citizen was perfect, possessing *virtus* in its proper and highest form, or wholly bad. Men who might be seen as 'bad' for Rome, such as Bestia and Catiline, are presented as having good moral qualities alongside the bad. Bestia possesses endurance, keen intellect (*ingenium*), foresight, military experience and fortitude in the face of dangers and plots, whilst Catiline displays leadership and courage in his final battle.⁵⁵ At the same time, the better men have their faults: Metellus may have *virtus* and *gloria* but he is also proud and arrogant.⁵⁶ Even Caesar and Cato, whom Sallust identified as, "Two men of towering merit (*ingens virtus*),"⁵⁷ possessing between them eloquence, greatness of spirit (*magnitudo animi*), generosity, gentleness, compassion, loyalty, austerity and *dignitas* are not perfect. Sallust noted Caesar's desire for great power, an army and war to give his *virtus* scope, displaying to his audience the potential of the man who would become dictator to fall to *ambitio*.⁵⁸ The *virtus* of both men is undermined by the way in which they are compared in the synkresis that follows their speeches in the Senate debate – one of the most important passages in Sallust's depiction of *virtus* in Rome, for it reveals the extent of the loss

⁵⁵ Sall., *Iug.*, 28.5; Sall., *Cat.*, 60-61; Wilkins (1994) pp.1, 47, 54.

⁵⁶ Sall., *Iug.*, 64.1.

⁵⁷ Sall., *Cat.*, 53.6.

⁵⁸ Sall., *Cat.*, 54.1-6.

of *vera vocabula* at Rome and the impact this had on the Roman understanding of *virtus* and its expression in action in the *res publica*.

On the surface of the passage, Caesar and Cato are both presented as men of *virtus* and *gloria*.⁵⁹ It has been argued that the two men together are shown to possess the *virtus* that could have saved the *res publica*, but individually they are flawed, and that their division symbolised the divisions in the *res publica*.⁶⁰ However, the different characteristics associated with the two men do not function in a comparative or complementary manner and Sallust's comparison not only undermines their *virtus* but the whole conceptualisation of *virtus* in Rome. As Batstone has illustrated, the way in which the objects of *virtus* are presented ensures that the attributes of each man undermine those of the other, leaving the reader continually asking the question, 'How can both men have *virtus*?'⁶¹ By contrasting Sallust's attribution of the various objects of *virtus* to the two men with their speeches we can see that not only did Sallust deny true *virtus* to both Caesar and Cato, he also showed that neither possessed the proper understanding of the nature of *virtus*. As such the passage functions not only as an example of the problems of *virtus* in the first century B.C., but also turns the speeches of Caesar and Cato into an example of the problem of incorrect use of political vocabulary and a representation of two of the different understandings of *virtus* expressed in Rome.

One of the ways in which Sallust complicates the concept of *virtus* and reveals the multiple understandings of the term is through the employment of *dignitas* in his references to citizenship. *Dignitas* itself was a problematic idea at Rome in the late 40s following Caesar's emphasis on the quality in his justification of his actions in the civil war, and Sallust, like Cicero, engaged with it in his consideration of the good citizen.⁶² However, while Cicero aimed to redefine and reclaim the term for the good citizen, Sallust rejected it, his list of the moral qualities of the good citizen failing to include it – indeed *dignitas* rarely appears in his work attached to an individual. It appears for the first time in Catiline's discourse, associated in his words with his patrician status and Roman-ness (opposed to Cicero, whose family came from

⁵⁹ Sall., *Cat.*, 53-54.

⁶⁰ Syme (2002) p.120. Cf., McGushin (1987) p.107.

⁶¹ Batstone (1988a). He argues that Sallust shows an opposition between traditional virtues of personal, social and political action (in Caesar) and the traditional intellectual categories by which those actions are known and judged (in Cato); concluding that the problem of the first century was not so much a lack of *virtus* and *bonae artes* but a failure in the proper negotiation between action and judgement.

⁶² Caes. *B Civ.*, 1.7.1, 7; 1.9.2. See chapter 2(I) for Caesar's *dignitas* and 3(a) for Cicero's engagement with the idea.

Arpinum). This understanding is revealed to be flawed by Catiline's subsequent actions: his use of the term making *dignitas* a suspect value for a political figure to call upon. It is then employed by Caesar to appeal to the Senate and the self-interest of the Senators and by Cato with reference to Lentulus, who he says possesses *dignitas*, again tying it to family status. These uses raise suspicions about the speakers' understandings of the concept and the possession of the quality by Rome's citizens.⁶³ Cato himself does not suggest that Lentulus has *dignitas* but acknowledges that he is generally seen as possessing that status; Lentulus' capture in the conspiracy discrediting the emphasis on the idea of *dignitas* in Roman politics. Sallust's refusal to grant Caesar *dignitas* suggests that the historian believed that Caesar did not understand the true meaning of the term. By ascribing *dignitas* to Cato instead and coupling the term with *severitas*, Sallust indicated that *dignitas* is connected to the citizen's behaviour, and by denying it to the patrician characters he undermined potential links to familial status. The coupling of the term with *nobilitas* in the *Bellum Jugurthinum* in a negative light further denies this link, and raises questions about the importance of *dignitas* to the good citizen.⁶⁴ Finally, in contrast to Catiline's demand for office as befits his *dignitas* and Caesar's claim in his *Bellum Civile* that the actions of the Senate against him endangered his *dignitas*, Sallust ascribed the quality to Cato, a man who failed to attain the highest political office. Sallust thus dissociated *dignitas* from great deeds, as Cicero had done, but whilst Cicero sought to co-opt a new understanding of *dignitas* into his formulation of the character of the good citizen, Sallust did not, leaving it an inessential characteristic and suggesting that he thought too much emphasis had been placed on the concept in recent Roman discourse.

This discussion of *dignitas* highlights one major element of the political discourse present in Sallust's historiography: the historian's exposition of the multiple understandings of political ideas in Roman discourse. Through the words of his major characters the historian revealed their understandings of various aspects of Rome's constitution, including the nature of good citizenship and its various elements and the role of the different political structures in the *res publica*. He also undermined them through the employment of the theme of *vera vocabula* in which he reveals the loss of the true meanings of political concepts and terms at Rome, a

⁶³ Sall., *Cat.*, 35.3-4; 51.7; 52.32. Sallust's depiction of Caesar's focus on *dignitas* referenced Caesar's employment of it as a justification of his actions in 49 and also echoes Cicero's somewhat sarcastic reference to Caesar's *dignitas* in 63 B.C. at *Cat.*, 4.9.8 (Harries (2006) p.204) creating a link between Caesar's early preoccupation with this quality and his later actions in sparking the civil war.

⁶⁴ Sall., *Jug.*, 41.5.2.

problem associated with the decline of *virtus*.⁶⁵ Multiple understandings of citizenship are displayed most clearly in the *Bellum Catilinae*, the speeches in the *Bellum Jugurthinum* primarily reflecting understandings of different political groups and institutions in the constitution rather than the nature of the good citizen. At this point I will discuss the different understandings of the qualities of the good citizen that Sallust represents, returning to his critique of them through the idea of *vera vocabula* in section three below.

Catiline's understanding of the good Roman appears in his speeches to his followers at the beginning and end of his conspiracy, as well as through Sallust's report of his angry words in the Senate and in the letter he sends to Catulus as he leaves Rome. In these passages Catiline associates good citizenship with the possession of *dignitas* and family status and defends his deeds with the claim that his *ingenium* led him to fight for his rights and for the 'unfortunate' against the unworthy and the few whose possession of power is contrary to the proper state of the *res publica*.⁶⁶ Catiline's ideal Roman is known by his deeds, which like Sallust and Cicero, he relates to the best interests of the *res publica*. These he defines in terms of opposition to the power of the few (*potentia paucorum*), the defence of *libertas* and the search for honour (*decus*) and *gloria*.⁶⁷ However, Catiline's *libertas* is associated with the right to pursue personal glory, power and wealth and his honour with *dignitas* and familial status. In his letter to Catulus he justifies his deeds with the statement that: "Maddened by wrongs and slights, since I had been robbed of the fruits of my toil and energy and was unable to attain a position of honour, I followed my usual custom and took up the general cause of the unfortunate... I saw the unworthy (*non dignos*) elevated to honours, and realised that I was an outcast because of baseless suspicion. It is for this reason that, in order to preserve what *dignitas* I have left, I have adopted measures which are honourable enough considering my situation."⁶⁸ By using the tag, "*non dignos*" of others, Catiline claims *dignitas* as his own. Not only does he regard it as an important quality of the Roman citizen, unlike Sallust, he also emphasises his family and status, marking them as important to the citizen. Catiline's focus on *dignitas* and *nobilitas* is part of his understanding of the characteristics that qualify a citizen for

⁶⁵ See section 3 for more on the concept of *vera vocabula* in Sallust.

⁶⁶ Sall., *Cat.*, 20.11; 35.

⁶⁷ Sall., *Cat.*, 20.2-10; 58.1-3. This suggests that Catiline's *virtus* is less ethical than that of Sallust (or Cicero) and more dependent on physical courage.

⁶⁸ Sall., *Cat.*, 35.3-4. Catiline does not name names, but from his linking of the unworthy to the baseless accusations made against him and his reference to Cicero as a 'resident alien' (*Cat.*, 31.7) it is clear that they include Cicero, a *novus homo*.

a 'position of honour' and mark him as a good Roman.⁶⁹ It is this understanding of good citizenship and the role/rights of the good citizen in the constitution of the *res publica* combined with his ambition and avarice that led Catiline to seek the consulship so desperately and to turn to armed revolt when he was unsuccessful.

Sallust used the paired speeches of Caesar and Cato to put forward other alternative understandings of Roman citizenship. Both men are shown to be concerned with the preservation of the *res publica* and seek to establish the course of citizen-action that would ensure this, but their conceptions of the proper nature of citizenship differ. Caesar's conception focuses on the citizen's duty to obey the law and uphold the *dignitas* of the *res publica*, whilst Cato's focuses on the moral imperative to remove those who would destroy the *res publica* and secure the *res publica*.⁷⁰ These different conceptions of citizenship lead them to propose different courses of action with regard to the conspirators, each of them claimed as constitutional with reference to different laws and precedents and each of which would have set different precedents for the future if acted upon.

Caesar's speech demands reason and obedience to statute from Rome's citizens, arguing that, "All men who deliberate upon difficult questions ought to be free from hatred and friendship, anger and pity... no mortal man has ever served at the same time his passions and his best interests."⁷¹ He makes intellect and passion antithetical in their effects upon the ability of men to make judgements. Passion is something that possesses the mind, whereas intellect is applied by the mind, which for Caesar is the superior decision-making tool and the root of good judgement and good citizenship.⁷² In following intellect rather than passion good citizens will seek to uphold the law, regardless of their moral outrage against the conspirators. Since there is no punishment commensurate with the crime of the conspirators, argues Caesar, the good Senator must limit himself to the penalties established by the laws (*leges*).⁷³ Caesar also makes *dignitas* a quality of good Roman citizenship. He references the example of Rome in deciding what to do with the Rhodians after the Macedonian war, and notes that they,

⁶⁹ Sall., *Cat.*, 35.3-4.

⁷⁰ Sklenar (1998) pp.206-215 argues that the paired speeches allow Sallust to set his rational and moral ideals against each other in an autologomachy, with Caesar taking the side of logic and reason, and Cato the voice of moral outrage, discussing the way each speech takes on Sallust's own earlier words. He also notes that this is only possible because of the loss of appropriate behaviour and *vera vocabula*, an idea we will return to later.

⁷¹ Sall., *Cat.*, 51.1-4.

⁷² The superiority of the mind echoes Sallust's presentation of the roots of the good citizen in his prologues.

⁷³ Sall., *Cat.*, 51.8. Cf., Cic., *Cat.*, 4.10 which implies Caesar cited the *lex Sempronia*.

“Inquired rather what conduct would be consistent with their *dignitas* than how far the law would allow them to go in taking vengeance on their enemies,” in order to support the constitutionality of his argument.⁷⁴ While Caesar’s good citizens must be reasonable and personally disinterested, they must also seek to uphold the reputation and *dignitas* of the *res publica*. Here it is not the *dignitas* of an individual person, as Caesar asserted it in his *Bellum Civile* or as Catiline asserts it in the *Bellum Catilinae*, but of the Senate and Rome as entities.⁷⁵ *Dignitas* is associated not with family status, ancestral achievements or the right to hold office, but with the good name of Rome, the taking of appropriate action and the example of the *maiores*, set against the vengeance and passion Caesar would have the good citizen avoid.⁷⁶

Cato, on the other hand saw the security of the *res publica* as the primary responsibility of the good citizen. Like Caesar his conception requires an, “independent spirit free from guilt or passion,” but this does not preclude moral outrage on behalf of the *res publica*.⁷⁷ Cato makes it clear that, ideally, Rome’s leaders would place the *res publica* above their own interests.⁷⁸ However, he also makes it plain that he does not see such self-sacrifice in the current Senate, and so when he exhorts the Senate to act against the conspirators he does so by appealing to the self-interest of the Senators.⁷⁹ Sallust’s Cato presents two understandings of citizenship – his ideal, and that which he believes is common in Rome. The latter is similar to that of Catiline, as it incorporates the defence of one’s own interests into the support of the *res publica*, whilst Cato’s own conception, like that of Cicero, involves sacrifice of the self to the good of the *res publica*.⁸⁰ The importance of preserving the *res publica* is made clear by Cato’s presentation of the attitude the citizen ought to have towards the law in such a situation. Unlike Caesar, who urges restraint and faithfulness to statute, Cato argues that, “In vain will you appeal to the laws when once it [the overthrow of the *res publica*] has been

⁷⁴ Sall, *Cat.*, 51.5-6. Sallust’s Caesar’s choice of example is particularly pertinent given the famous role of the Elder Cato in persuading Rome not to make war on Rhodes (Ramsey (2007a) p.195; McGushin (1977) p.243). Large sections of the speech survive in Gell., 6.3 = *ORF*² fr.163-171.

⁷⁵ Sall., *Cat.*, 51.7; Caes. *B Civ.*, 1.9.2.

⁷⁶ Sall., *Cat.*, 51.6-8.

⁷⁷ Sall., *Cat.* 52.21.

⁷⁸ Sall., *Cat.*, 52.5.

⁷⁹ Sall., *Cat.*, 52.5. Drummond (1995) pp.50-56 notes the likenesses between the debate in the Senate in the *Bellum Catilinae*, and the Mytilenean debate in Thucydides (3.36-59). He argues that here Caesar takes the role that Diodotus plays in the original, demanding a rational and unimpassioned decision-making process and the discernment of the long-term interests of the *res publica*, whilst Cato is the Cleon figure, appealing to the self-interest of the Senate to act, his claim that the true names of things have been forgotten recalling Cleon’s depreciation of ‘clever oratory.’

⁸⁰ Sklenar (1998) p.213 shows the way in which Cato absolves himself of ‘bad citizenship’ and responsibility for Rome’s problems.

consummated.”⁸¹ The good citizen, Cato argues, must risk going against the letter of the law in order to preserve the polity without which the law is meaningless. In this, Cato’s conception of the good citizen echoes Cicero’s interpretation of law-as-right in the *Philippics*, in which the security of the *res publica* is the most important factor in determining legal behaviour. Sallust’s understanding of the importance of this argument in relation to Rome’s constitution and the recent problems of the *res publica* will be seen in section three as we discuss the way in which Sallust undermined Cato’s argument through the theme of *vera vocabula*.

By describing several different understandings of good citizenship, Sallust was able to represent the political conflict at Rome and explain some of its causes, showing the way in which different understandings of the good citizen had an impact upon Roman discourse and upon the formulation of the constitution. Even when held by relatively good, well-meaning citizens like Cato and Caesar, different understandings of citizenship created problems for the *res publica* for they led to the proposal of very different courses of action and created divisions. The problem is shown at its most extreme in Sallust’s portrayal of Catiline, who goes so far as to take up arms in support of what he believes is owing to him as a citizen. Catiline’s deeds, as they are represented by Sallust run counter to the ideal of Roman citizenship and provide an object lesson in the dangers of immorality and ‘bad’ public behaviour for Rome. He surrounds himself with men who are indebted and avaricious, encourages young men in wicked ways and, after his failure in the consular elections for 63, begins to collect arms and money, and to distribute his supporters throughout Italy.⁸² Whilst Sallust’s Catiline is not a cardboard cut-out villain, displaying valour and dedication, particularly in his final battle, he does not employ his good qualities in the right way, using them in service of a cause that does not benefit the *res publica*.⁸³ His understanding of the good citizen and his place in the *res publica* lead to activities that create not harmony but strife, undermining the constitution and endangering the *res publica*.

Each different conception of citizenship led to a different understanding of the nature of the place of the citizen in the constitution and thence to different courses of (or proposals for) action. Catiline’s conception of the good Roman citizen led him to the understanding that he was owed a good position, honour and power within the polity, and first his words and then his actions, as he sought to claim these rights, became more and more violent. Caesar’s focus

⁸¹ Sall., *Cat.*, 52.4.

⁸² Sall., *Cat.*, 14.1-3, 16.1-3, 24.

⁸³ Sall., *Cat.*, 60-61; Wilkins (1994) pp.47, 54.

on the citizens' reason led him to emphasise the relationship between the citizen and the maintenance of Rome's statutes and the polity's *dignitas*, while Cato's understanding that the good citizen must defend the *res publica* at all costs led him to play upon his audience's fears and self-interest.⁸⁴ These different conceptions and divisions appeared in Rome's political discourse as the understanding of the *res publica* against which proposals for action were made and action carried out. The expression of different understandings displayed a fracturing of Roman knowledge about the nature of the constitution and constitutional action within the *res publica*. Through discourse and the decision-making processes of Rome some of these understandings became part of the nexus of constitutional authorities and altered the constitution of the *res publica*. Cato's speech reveals that self-interest had grown to such an extent that a successful argument must appeal to this as much as to the good of the *res publica*. It had become part of the political culture of Rome and affected the constitution of the *res publica* by changing the relationships citizens had with each other and with their political institutions and practices. Cato's own understanding of citizenship and concurrent proposal for action also went on to become an authority that could be appealed to in future debates as it established a precedent for the kind of action that could be taken against citizens who took up arms 'against' the *res publica*.⁸⁵

Sallust's expression of the relationship between individual and *res publica* responded to a succession of events that influenced the political discourse at Rome in the first century B.C.: Sulla's dictatorship; Pompeius' rise to prominence; Caesar's dictatorship, and the contemporary issue of the Second Triumvirate. His exploration of the theme through a

⁸⁴ It is possible that Sallust was responding to the events of 49 as much as 63 in representing Caesar and Cato's arguments about the citizen in the *res publica*. Before the civil war Caesar sought to stand for the consulship, as he was legally entitled to do ten years after his first consulship under Sulla's *lex annalis*, and which he had been authorised to do *in absentia* through a law passed in 52, despite Cato's opposition (Caes., *B Civ.*, 1.32.2; App., *B Civ.*, 2.25; Seager (1992a) p.201; Wiseman (1992b) pp.412-413; Tatum (2006) p.205). Meanwhile Cato in 49, was one of the group opposed to negotiation with Caesar as injurious to the *res publica* (Caes., *B Civ.*, 1.32.3; Cic., *Att.*, 16.11.2; Tatum (2006) p.207; Tatum (2008) p.132-133), to the point of breaking established *leges*. (There was another law of 52 which required all candidates to submit their intention to stand in person. Although Pompeius had added a codicil to exempt Caesar from this, its legal standing was highly debatable (Tatum (2008) pp.130-131). All of this served to make Caesar's legal and constitutional right to stand for the consulship *in absentia* ripe for legal contestation).

⁸⁵ Caesar himself referred to it in 49, when he said that the so-called *Senatus Consultum Ultimum* had only been used against violence and popular unrest and argued that this could not apply to him (Caes., *B Civ.*, 1.5; Meier (1996) p.359). It was also an argument that Cicero used in 44-43, echoing his own employment of it against Catiline in 63 (*Cat.*, 1.3, 13, 28). Sallust's presentation of this argument in Cato's speech is resonant of Cicero's usage of it in 63 and 44-43, and allows him to comment on its dangers (see section three, below).

historical narrative allowed him to offer criticism of the triumvirate without appearing to do so: whilst he could not safely talk about the triumvirs outright, he could bring out parallels in his writing and comment upon their historical predecessors. For example, Sallust's description of Sulla's rule in which, "All men began to rob and pillage... the victors showed neither moderation nor restraint, but shamefully and cruelly wronged their fellow citizens,"⁸⁶ cannot fail to bring to mind the parallel of the triumvirs' proscriptions. Sallust brings a tone of moral outrage to his description of Sulla, and the understanding that his career kick-started the final decline of the *res publica* is inescapable. Issues of immorality and the wellbeing of the *res publica* are associated with Sulla and with Catiline, and implicitly with Marius and Sulla, as the historian draws a picture of growing decline and implies a pattern in which ambitious men build up armies away from Rome and then lead them on the city to obtain their goals; footsteps in which first Caesar, and then Octavian and Antonius would follow.

The character of the citizen and his place in the constitution of the *res publica* is a constant concern of Sallust's historical writing and his political thought. This reflects the importance of the theme in Roman political discourse throughout the first century B.C.: a theme that gained greater piquancy with the dictatorships of Sulla and Caesar, and which was critical to Sallust's understanding of the *res publica* as he expressed it during the rule of the Second Triumvirate.⁸⁷ Sallust presented his own understanding of the proper relationship of the good citizen with the *res publica* through a description of appropriate citizen behaviour and the nature of *virtus* and *gloria*. The true natures of these qualities, key characteristics marking the good citizen, were defined by the citizen's rejection of self-interest in favour of the service of the *res publica*. Sallust argued that Rome's rise and successful *res publica* depended upon the *virtus* of the citizens and its decline resulted from an increase in immorality and bad citizenship.⁸⁸ The narratives of Sallust's monographs and the descriptions of their key characters reveal that by indulging their own self-interest and acting in accordance with their avarice and ambition,

⁸⁶ Sall., *Cat.*, 11.4.

⁸⁷ See chapter 3.2(c) for discussion of Cicero's expression of this theme.

⁸⁸ Sall., *Cat.*, 10.6; 12.1; 53.4–5; *Iug.*, 4.5–7; 41.1–5. In the *Bellum Catilinae* Sallust identifies Sulla's return from the east as the critical moment (11.4–7) in the increase of corruption at Rome. However, he also cites the destruction of Carthage as the point at which Rome's fortunes began to change (10.1–2). The *Bellum Jugurthinum* identifies the destruction of Carthage as the turning point in Rome's transition from ideal political society to declining political society (41.2). Sallust's understanding of the decline of Rome evolves between the two texts; but it appears to be less a change of mind, than a re-evaluation of the spread of corruption at Rome. This process seems to have continued as Sallust wrote the *Historiae*, in which he continues to cite the destruction of Carthage as the point at which discord, avarice and ambition emerged at Rome, but also acknowledge that there were other disagreements in Rome from the very beginning of the Republic (fr. 1.11M = Aug., *CD.*, 2.18.)

Roman citizens contributed to the decline of their polity through the creation of discord. In the ideal *res publica* there should be no strife among the citizens for glory or power while the *bonae artes* that are the sign of *virtus* and lead to the attainment of *gloria* remain strong regardless of the polity's success or the existence of external threats (the *metus hostilis*). As long as the citizens were men of *virtus*, then harmony would be maintained and the constitution remain stable.⁸⁹ And so it was at Rome, according to Sallust, until the fall of Carthage, when the removal of the *metus hostilis* led to a lapse in *virtus* as there seemed to be fewer reasons to maintain it: self-interest appeared, affecting men's understandings of good citizenship and proper behaviour and leading to an increase in political conflict and civil strife.⁹⁰ It is Rome that pays the price for the corruption of the citizens and the understanding of what a citizen should be: the constitution of Rome being undermined by the behaviour of the citizens who were supposed to uphold the political structures and systems of the *res publica*.

(b) Political Structures

Sallust's historical narratives reflect an understanding of the constitution in which appropriate citizen behaviour maintained Rome's political culture and enabled the political structures and institutions to function properly. Consequently, the failure of citizenship, as discussed above, caused failures in these institutions and in the constitution of the *res publica*. Sallust's depiction of Rome's constitutional structures centred on the Senate, the people and popular assemblies; his historical narratives provide the reader with an understanding of the way he saw the institutions of the *res publica* working, in comparison to the way he thought they should work. This section will examine Sallust's understanding of the nature and role of the Senate and people of Rome, including his presentation of the *nobilitas*, the *plebs* and the problem of *factiones* in Roman political life. Like Cicero, Sallust presented the Senate as the council of the *res publica* and the guide of the citizen body, with whom power rested, and noted the importance of the relationship of Senate and people to the constitution and the necessity of good citizenship in maintaining it. However, whilst Cicero's discourse, particularly in the *Philippics*, sought to bring the Senate and the people together and to evade the problems of *factio* through rhetoric, Sallust's historiography exposes the different

⁸⁹ This can be seen as the ideal version of the process of social reproduction described by Giddens (1982) p.35 and Giddens (1984) pp.1-14.s

⁹⁰ Sall., *Cat.*, 10.1; *Iug.*, 41.3; *Hist.*, fr. 1.11M on the removal of the *metus hostilis* and the effect upon Rome.

understandings of the *nobilitas* and the people in Rome's political discourse and shows the way they undermined the constitution and endangered the *res publica*.

(i) *The Senate and the nobilitas*

Sallust's first presentation of the Senate comes in his brief overview of the history of Rome in the *Bellum Catilinae*: "A chosen few, whose bodies were enfeebled by age but whose minds were fortified with wisdom, took counsel for the welfare of the state."⁹¹ This is Sallust's conception of the proper role of the Senate in the *res publica*: the Senate, possessing wisdom, advising the other institutional elements in Rome be they kings, consuls or the people. They are also responsible for guiding Rome's 'foreign policy', as seen during the Jugurthine War.⁹² During the Catilinarian crisis, the Senate acts as a counsel to the consul; it is they who decree the sending of Marcius Rex to Faesulae and Metellus Creticus to Apulia in order to deal with the insurrections in Italy, declare Catiline and Manlius to be *hostes* of the *res publica*, and question the conspirators and debate their fate.⁹³ Although the *Bellum Catilinae* shows the Senate voting to give the consuls emergency powers that enabled them, "To raise an army, wage war, exert any kind of compulsion upon allies and citizens, and exercise unlimited command and jurisdiction at home and in the field,"⁹⁴ Sallust suggests this only bypassed the

⁹¹ Sall., *Cat.*, 6.7.

⁹² Sall. *Iug.*, 13.3-4, 7, 9; 24.1-2; 27.1; 28.1.

⁹³ Sall., *Cat.*, 30.2-3, 36.2, 48, 50-53.

⁹⁴ Sall., *Cat.*, 29.2-3. Cf., Caes., *B Civ.*, 1.5, who was the first to refer to such a decree as the *ultimum senatus consultum*. Ramsey (2007a) p.144 sees the so-called *SCU* as serving as a substitute for the dictatorship, effectively suspending a citizen's right of *provocatio*. Lintott (1999) pp.89-93 prefers the term *senatus consultum de re publica defendenda*: a more accurate, if long-winded, definition. He sees the decree as a tradition that emerged in the Late Republic from *mos*, not involving *lex*, in which the Senate encouraged the consul to take any measure necessary against a citizen threat to the *res publica*, regardless of the strict legality of the actions taken. Drummond (1995) pp.89-95 argues that the powers that this decree granted were always open to challenges and could not attain the privileged status of a proper juristic institution through custom and consent. He sees the decree as something that could be argued to have a legal existence *in iure* as it represented the will of the Senate and because it became part of tradition. He also notes that, "Where there is no established mechanism or criteria by which such norms (of tradition as they exist in relation to *ius*) can receive definitive recognition their existence and therefore their influence on political conduct is entirely contingent upon the extent to which they are acknowledged as such among those engaged in political action." (p.87). It seems to be the case that the *senatus consultum de re publica defendenda* was something that the Senate voted on (the vote dealing with C. Gracchus in 121 is the first instance of this) and - despite its vagueness in terms of language and powers - it granted, a certain legitimacy *in iure*. However, the actions taken under it were open to question (as happened with L. Opimius after 121, and Cicero after 63) due to the fact that actions taken under such a decree could break certain statutes, enabling the existence of different opinions as to whether they could be accepted as legitimate. The problem of the so-called *SCU* highlights the discursive nature of the constitution, because its legality and constitutionality were debated and accepted or rejected in Rome's political discourse.

ability of the people to withhold these powers from the consuls; and the Senate continued in an advisory role.

Sallust's picture of the Senate as wise counsel and guide resembles that of Cicero. Like Cicero, Sallust also suggested that the Senate's ability to act as a guide depended upon their behaviour; *senatus auctoritas* failing when the Senate failed to act in the best interests of the *res publica*. Cicero, as we saw in chapter 3.2(c) acknowledged the existence of disagreement within the Senate. However, while he represented it as the 'bad' behaviour of a few Senators (such as Calenus) which could be overcome by negating their arguments, Sallust suggested the problem was more endemic. His portrayal of the *nobilitas* as a powerful unit within the Senate reveals long-standing problems within that body that damaged its ability to guide the *res publica*. The monographs present various overlapping and contrasting understandings of *nobilitas*, including that held by those who considered themselves to be *nobilitas*, that of the people and those opposed to the *nobilitas*, and that of 'true' *nobilitas* held by Sallust himself, and reveal the problems this created for the *res publica*.⁹⁵

The clearest statement of Sallust's conception of the 'true' nature of *nobilitas* comes in Marius' speech in the *Bellum Jugurthinum*, where the new consul declares, "For my part, I believe that all men have one and the same nature, but that the bravest is best born; and if the fathers of Albinus and Bestia could now be asked whether they would prefer to have me or those men [the *nobiles*] for their descendents, what do you suppose they would reply?... But if they rightly look down on me, let them also look down on their own forefathers, whose nobility (*nobilitas*) began, as did my own, in manly deeds (*ex virtute*)."⁹⁶ Although Marius' formulation of this understanding of *nobilitas* is rhetorically driven, in that he employs it to present himself as the equal of those currently regarded as the *nobilitas*, we must not discount

⁹⁵ Just as modern scholars have struggled to elucidate and establish the nature of Roman *virtus* and *libertas*, so they have sought to understand the nature of Roman *nobilitas*. Mommsen (1952-69) III³ pp.463-64 defined the *nobilitas* as those who had the right to display the *imagines* of their ancestors; those who had ancestors who had held curule office. Whilst noting that there was no single ancient definition of *nobilitas*, Gelzer (1968) pp.28, 31-32 argued that it could only be claimed by those with consular ancestors (Cf., Syme (2002) p.11; Earl (1961) p.18). Brunt (1982) pp.1-17 countered this, arguing that Mommsen's formulation was more accurate, and was countered in turn by Shackleton Bailey (1986) pp.256-258, who argued for Gelzer's model. More recently the idea of the *nobilitas* as a fixed group has come to be questioned: Millar (1984) p.11 and Flower (1996) p.61-62 have argued for an understanding of 'nobilitas' as a descriptive term that could be employed flexibly. Van der Blom (2007) pp. 56-57 argues that Cicero played on a variety of ideas, including those of family and status, associated with *nobilitas* as part of his rhetorical strategies. Sallust, as we shall see, revealed such a usage of the term in his monographs. As with *virtus*, the modern failure to establish the 'qualifications' for *nobilitas* reflected the fractured understanding and conflicting expressions of this concept in Roman discourse.

⁹⁶ Sall., *Iug.*, 85.15-17.

this ‘true’ *nobilitas* as a political ideal of the historian. Rather Marius’ flawed enunciation of the idea adds to our understanding of it, and is related to Sallust’s idea of *vera vocabula* (see section three, below). Whilst Sallust undermines many of the claims of all of his speakers, through the theme of *vera vocabula*, he does not critique Marius’ expression of *nobilitas*: instead he casts doubts on Marius’ claim to this *nobilitas* by questioning his *virtus*. *Nobilitas* here depends on *virtus* not ancestry and incorporates the characteristics that were important to the good citizen and played a positive role in the well-being of the *res publica*. It was not a quality that should accord the citizen advantages within the *res publica*, but one which reflected their contribution to the polity. However, Sallust also makes clear his view that the idea of *nobilitas* had become corrupted at Rome. In the *Bellum Catilinae* he associates the idea with a subgroup of the Senate, men who, “Strove... ostensibly in behalf of the Senate, but really for their own aggrandisement.”⁹⁷ The true nature of the concept of *nobilitas* as Sallust presents it, had been forgotten by many of those who identified with it, superseded by a corrupted understanding.

The idea of *nobilitas*, as understood by those who identified themselves as *nobilitas*, is represented by Sallust as centred upon family status and a corresponding possession of power. In his speech, Marius refers to the *vetus nobilitas*, an ‘ancient’ *nobilitas* tied to the deeds of their ancestors, the power of their relatives and their numerous clients, and claims that those who possess these regard those who do not as lacking *nobilitas*.⁹⁸ This *nobilitas* is also associated with the possession of *dignitas*, a quality which, according to Catiline in the *Bellum Catilinae* was itself based in familial status and ancestral achievement.⁹⁹ However, this *nobilitas* is a corrupt echo of the true concept, in which unearned familial status takes precedence over individual virtues. Sallust claimed that these self-identifying *nobilitas* abused their *dignitas* in the years following the fall of Carthage to justify their desire to maintain their power in the *res publica*.¹⁰⁰ Those who held this idea of *nobilitas* believed it guaranteed them the right to hold power in the *res publica*.¹⁰¹ The association of the *nobilitas* with the exclusive control of power in politics is reinforced by the statement that the tribune Memmius is

⁹⁷ Sall., *Cat.*, 38.2.

⁹⁸ Sall., *Iug.*, 85.4. This is also seen in Sallust’s comment that the only qualification Marius lacked for the consulship was an ancient family (85.16).

⁹⁹ Sall., *Iug.*, 41.5; Sall., *Cat.*, 31.7; 35.3-4. See section 2(a) above for Catiline’s understanding of *dignitas*.

¹⁰⁰ Sall., *Iug.*, 41.5; 42.1, 4.

¹⁰¹ Sall., *Iug.*, 1.3 associates *potens* with the *animus* and the individual’s ability to act. At this level it is not a negative quality; although the desire for *potentia* is said (*Cat.*, 12.1) to draw men from *virtus* towards ambition. Cf., Sall., *Iug.*, 64.2-4.

described as being, “Hostile to the domination of the nobles (*potentiae nobilitatis*),”¹⁰² and by Sallust’s presentation of his actions in the context of the reaction of the people against those considered to be *nobilitas*.

This reaction and conflict, which Sallust presents as a critical part of the decline of the *res publica*, stems from another understanding of *nobilitas*: one held by those opposed to the self-identifying *nobilitas*’ hold on power, a group that included the tribunes (such as Memmius and Mamilius) and Marius.¹⁰³ This understanding adds ‘self-interest’ and ‘abuse of position’ to ‘family status’ and ‘the possession of power’ to the concept of *nobilitas*, Sallust describing the *nobilitas* as following their passions (*lubido*) and abusing their *dignitas* at the expense of others and of the *res publica*. Also attributed is pride (*superbia*), illustrated through the character of Metellus.¹⁰⁴ Indeed, in the prologue Sallust claimed that the Jugurthine war was important because it marked the first occasion of resistance being offered to the *superbiae nobilitatis* at Rome.¹⁰⁵ The negativity of this object, in terms of the nature of *nobilitas* is made clear through the consequences of Metellus’ response to Marius: the growth of the new man’s ambition and the civil discord that followed.¹⁰⁶

These conflicting understandings of *nobilitas*, one claiming the right to hold power at Rome, the other rejecting this claim, reveals one of the problems that stemmed from the existence of multiple understandings of the constitution. The belief of the self-identifying *nobilitas* in their superiority and their argument that this ought to be reflected in the governance of the *res publica* represents one understanding of the constitution and led them to the abuse of their position and their power as they pursued self-interested ends. The counter-conception’s rejection of the *nobilitas*’ claim to political superiority led those who held it to reassert the power of the people against the *nobilitas*. The problems that stemmed from this process are exemplified in Sallust’s portrayal of Marius’ reaction to Metellus’ dismissal of his consular ambitions as Marius stirs up the *equites* and the people against the *nobilitas*, as he understood them. This created factionalism and strife at Rome, dividing the *populus* from the ‘*nobilitas*’,

¹⁰² Sall., *Iug.*, 27.2. 31.9; 40.1-3.

¹⁰³ Sall., *Iug.*, 30-33; 40.

¹⁰⁴ Sall., *Iug.*, 64.1.

¹⁰⁵ Sall., *Iug.*, 5.1.

¹⁰⁶ Earl (1961) p.72 suggests that Sallust disguised other reasons Metellus may have had for telling Marius to wait. Marius had been an ‘old’ praetor (i.e. he had not been elected at the earliest opportunity), had come bottom of the list and had barely escaped a bribery charge. He was not a political success story waiting to happen. Syme (2002) p.161 suggests that Sallust assumed, based on his experiences in his own era, that military talent in a *novus homo* would easily bring political success as far as the praetorship and did not realise that Marius’ political success was not a given and that Metellus might have had this as a reason for advising patience.

and finally results in the people's rejection of the Senate's prorogation of Metellus' command in Numidia and their replacement of him with Marius. This act, by which the popular assembly overrode the Senate's recommendation, altered the relationship between Senate and people in the constitution and set a precedent for future action.¹⁰⁷ It also set a precedent for future interactions between members of the Senate who opposed the negative conception of the *nobilitas*, and the *populus*, in which elite individuals turned to the people to support their ambitions.¹⁰⁸

However, despite his description of the role of the *nobilitas* in the decline of the *res publica*, Sallust acknowledged that not all of those who identified themselves as *nobilitas* were totally corrupt. Even within discussion of the beginnings of the corruption of the '*nobilitas*' Sallust reveals an understanding of them as more than a homogenous group, describing the emergence of members of the *nobilitas* who preferred true glory (*vera gloria*) to unjust power as a factor in the rise of civil strife at Rome.¹⁰⁹ At times Sallust presents *nobilitas* as a coherent concept, a united group; at others he displays an awareness of differences within that group. He also applied the *nobilitas* tag to individuals, some of whom, though by no means all, displayed other positive elements of citizenship. It is the divide in the *nobilitas* itself that is said to have begun to disturb the *res publica* and cause, "Civil dissension to arise like an upheaval of the earth."¹¹⁰

The *nobilitas* appear as a homogenous politically active group primarily when Sallust expounds his theme of civil strife between *partes* and *factiones* at Rome.¹¹¹ At other times his representation allows for more variety: individual members of the *nobilitas* might display *virtus* or desire *vera gloria*, their *nobilitas* being based in their familial status; or a mixture of positive attributes alongside the negative.¹¹² His individual characters have degrees of *virtus*, and may have good characteristics or be judged positively within the text, even whilst they are members of the *nobilitas* which, as a whole, plays a negative role. This dichotomy seems to lie in a tension between Sallust's understanding of the *nobilitas* as a political group who played a negative part in events, his understanding of the importance of individual *virtus* to the constitution and his understanding of the relationship between *virtus* and true *nobilitas*. This

¹⁰⁷ For example, the passage of P. Sulpicius' proposal that Marius replace Sulla in the command against Mithridates in 88 (Seager (1992a) p.168) which, in turn, set further precedents.

¹⁰⁸ Sall., *Cat.*, 38.1 notes this practice. North (1990b) p.18.

¹⁰⁹ Sall., *Iug.*, 41.10; 42.1.

¹¹⁰ Sall., *Iug.*, 41.10.

¹¹¹ Most notably at Sall., *Iug.*, 41.

¹¹² Sall., *Iug.*, 41.10; 42.1.

creates a strain within the text, *nobilitas* being simultaneously a concept that covers status and behaviour; a group and individuals who may be both 'good' and 'bad'. This reflects the tension that seems to have existed in Rome at the time, a confusion as to who exactly the *nobilitas* were, what their role was in Roman politics and what their role should be within the *res publica*, Sallust's writing mimicking this uncertainty in order to convey to his audience the confusion that existed and the political problems surrounding the place of the *nobilitas* in the constitution.¹¹³

Another aspect of the complexity of the *nobilitas* is seen in Sallust's presentation of another subgroup in Roman politics: the few (*pauci*). Brunt argues that Sallust uses these terms indiscriminately, and at one point in his digression on factions Sallust does refer to the *pauci* in the same breath as the *nobilitas*.¹¹⁴ However, there is a distinction, and elsewhere Sallust conceives of the *pauci* as being a part, but not the whole, of the *nobilitas*: a part that is conceived of negatively, as being immoral.¹¹⁵ In describing those who wanted to delay the Senate's response to Jugurtha's murder of Adherbal and massacre at Cirta he refers to a 'few partisans' of Jugurtha (*paucos factiosos Jugurthae*), rather than the *nobilitas*.¹¹⁶ In addition, although Memmius is described by Sallust as being against the *potentiae nobilitatis*, he declares in his speech that he will face the *factionis potentia*, a group that is associated in his speech not with the *nobilitas*, but with the *superbia paucorum*, the arrogance of the few, that has been displayed towards the people over the past 15 years.¹¹⁷ The *pauci* are associated with the possession of power and glory, the holding of offices, priesthoods and provinces, factiousness, and arrogance, negative political objects, and with tyranny and the opposition of

¹¹³ Grethlein (2006b) and Batstone (1990) discuss the mimetic nature of Sallust's authorial voice as he reflects the confusion and uncertainty depicted in both the *Bellum Jugurthinum* and *Bellum Catilinae*. The same process can be seen in his presentation of political affiliations and groupings at Rome, the complexities of the text mimicking the myriad associations within the *res publica*.

¹¹⁴ Sall., *Iug.*, 42.1. Brunt (1968) p.231.

¹¹⁵ Paul (1984) p.14 sees the *pauci* in Sallust as the governing nobilitas or a clique within, but notes that when it is used in the prologue (3.2) it refers to the second triumvirate. Hellegouarc'h (1963) p.444 notes the morality applied to the use of '*pauci*' by Sallust and Cicero.

¹¹⁶ Sall., *Iug.*, 27.2. Cf., 28.4, where Sallust describes Bestia's legates as , "*Homines nobiles, factiosos*" – with the adjective *factiosos* qualifying *nobiles*; an indication that although these men are both of the *nobilitas* and the *factiosi*, not all of the *nobilitas* fall into both groups.

¹¹⁷ Sall., *Iug.*, 27.2; 31.2, 4. Paul (1984) pp.98-99, notes that 15 years counted back from 111 (the year of Memmius' tribunate) would be 126, or 125 (counting inclusively), the beginning of the Gracchan agitation for the extension of Roman citizenship to the Latins and allies, but queries the importance of this to the people at large. He suggests that Sallust mistakenly took Memmius' mention of a 15-year period from a different speech, but this is to assume more careful accuracy in historiographical speechwriting than was probably the case. It seems more likely that with 126/5 B.C. being a year roughly directly in the middle of the period between the tribunates of the two Gracchi, Sallust chose fifteen years as a rhetorical device to emphasise the length of the people's suppression.

libertas.¹¹⁸ These are the qualities associated with the *nobilitas* by those who opposed them and indeed the *pauci* are sometimes associated with the *nobilitas*, especially by those who rejected the *nobilitas*' claim to power. However Sallust shows that they might also be opposed by those who self-identified as *nobilitas*, for instance in Catiline's declaration that he was standing against the few.¹¹⁹ In this way the concept of the 'few' is rhetorically constructed in Roman political discourse as the 'other' to which the speaker's argument is opposed. This process is seen in the words of Catiline, who claimed *nobilitas* and in those of the tribune Memmius. The idea of the few is always negative in Sallust's conception of the *res publica*, their power illegitimate.

Sallust's representation of multiple understandings of *nobilitas*, the conception of the *pauci* and its occasional association with the *nobilitas* emphasises the fragmented nature of Rome's understanding of the constitution of the *res publica*, and the problems this caused for the *res publica*. For Sallust, the *nobilitas* were not inherently problematic or bad for the *res publica*, but their corruption, and the corruption of the understanding of 'nobilitas' was, as it led to conflict in the *res publica*. All of these understandings of *nobilitas* featured self-interest on the part of the holders, itself a characteristic of the bad citizen. 'False' understandings of *nobilitas* led to improper citizen behaviour, damaging the unity of the Senate and creating problems in the relationship between the Senate and the people. The different conceptions of *nobilitas* reflected different understandings of the constitution and the role that a 'nobilitas' could or should play in the government of the *res publica*. These in turn, were reflected in the words and deeds of the individuals who held them: Marius rejected Metellus' understanding of *nobilitas* and pursued the consulship; Catiline argued that his *nobilitas* gave him certain privileges and acted to claim them; whilst Memmius rejected the understanding of the *nobilitas* as having the right to hold power in the *res publica*, understanding the *nobilitas* as a negative group who repressed the people's rightful place in the constitution, and acted to encourage the people to claim the power he believed they should have. The different understandings of *nobilitas* led to debate and dissent about the constitution of with regard to the possession of power in the *res publica*, affecting both the relationship between Rome's elite in the Senate and the mass of the people, and the reproduction of the constitution.

¹¹⁸ Sall., *Iug.*, 31.16, 23; 41.7; *Cat.*, 20.7-8; 39.1.

¹¹⁹ Sall., *Iug.*, 31.9, 20; *Cat.*, 20.7-8; 39.1.

(ii) *The populus and the plebs*

Sallust's depiction of the nature of the Roman people and their place in the constitution of Rome was as complex as his depiction of the *nobilitas*. He presented the *populus Romanus* as the citizen body of Rome, who, while guided by the Senate's counsel, hold power within the *res publica* through their participation in the political process in Rome's voting assemblies. In this, Sallust's understanding of the Roman people and their place in the constitution resembled that of Cicero. However, while Cicero represented the people as united in their rejection of Antonius and sought to use this to encourage the Senate to action, Sallust's presentation of the constitution, particularly as seen in the *Bellum Jugurthinum*, explored the multiple understandings of 'the people', and highlighted the way in which they could be employed by speakers for their political ends and the damage this could do to the *res publica*.

Sallust employed three terms that may be translated as 'the people': *quirites*, *populus* and *plebs* (occasionally, the term *cives* is used for citizens). The first is the most straightforwardly dealt with, the term being employed by the speakers in the texts to address their audience and to associate themselves with them as citizens of Rome.¹²⁰ The meaning of the terms *populus* and *plebs* are more complicated, but their usage is by no means arbitrary, and they must be considered as separate concepts within Sallust's political thought: the term *populus* is used to refer to the population of Rome as a whole, and *plebs* to a politicised unit within the *populus*.¹²¹ Sallust's usage contrasts with that of Cicero, who did not discuss the place of the *plebs* at Rome. The *plebs* as the politicised people feature prominently in Sallust's narrative of Roman discord and decline and are shown to have had a negative impact upon the Roman constitution.

Sallust generally employed the term *populus* in relation to the Roman citizenry as a whole, equivalent to the *quirites*.¹²² As such they are associated with the possession of *imperium* and

¹²⁰ Sall., *Iug.*, 31; 85. Richard (2005) pp.108-9 notes that '*quirites*' applied to the totality of citizens taken as a homogenous body. Smith (2006) p.200 argues that it is applied specifically to the civic community, as opposed to the *populus Romanus* who were the army, citing the example of Caesar calling his troops '*quirites*' to deny them their military quality (see Suet. *Iul.*, 70). Whatever the root of the term, it is certainly used in a civilian context by Sallust's speakers.

¹²¹ See chapter 3.2(b)i for modern scholarship on the difference between the *populus* and the *plebs*.

¹²² Sall., *Cat.*, 29.3; *Iug.*, 8.2; 64.2.

maiestas.¹²³ Sallust's depiction of the *populus* shows them holding collective power in the *res publica* through these qualities, devolving *imperium* upon magistrates they elected and assenting to and legitimising the actions and decisions of the Senate and magistrates.¹²⁴ The *populus* are associated with specific political and constitutional processes within the *res publica*, notably the passing of legislation and the awarding of commands. It is they who are the audience of a *contio*, where they are addressed as *quirites*, and they who make up the political unit who vote upon bills put before them.¹²⁵ They are also the body that votes in elections – it is they, according to Metellus, who could have denied Marius a consulship.¹²⁶ The activity of the tribune Baebius, who was bribed by Jugurtha to help him escape judgement by the people is said to make the *populus* look ridiculous because their role in the *res publica* is bypassed by this corruption.¹²⁷ In fulfilling their role Sallust suggested that the *populus* should heed the advice of the Senate – as long as this advice is in the best interests of Rome – criticising the *populus* in the *Bellum Catilinae* for refusing to betray Catiline, despite two decrees of the Senate.¹²⁸

Lastly, Sallust (like Cicero) linked the *populus* with the possession of *libertas*.¹²⁹ In the *Bellum Catilinae* *libertas* is shown as an important element of the ideal *res publica* in two forms: that of the *res publica* against external rivals, and that of the citizenry against the tyranny and arrogance of rulers.¹³⁰ In the *Bellum Jugurthinum*, the *populus* are said to have responded to the *nobilitas*' abuse of their *dignitas* with an assertion of their *libertas*.¹³¹ This *libertas* appears to consist of their ability to participate in political affairs, such as that which Baebius' corruption denied them. As such, it is associated with their ability to exercise their political power freely without interference or manipulation from the Senate or magistrates. However, just as Sallust described the *nobilitas* as abusing their *dignitas* to hold on to political power after the fall of Carthage, so he said the *populus* abused their *libertas*, also with the aim of holding the balance of power in the *res publica*.

¹²³ Sall., *Iug.*, 31.11. *Maiestas* here expresses the pre-eminence and independence of the people in the *res publica*. Hellegouarc'h (1963) pp.314-320 discusses *maiestas*, and notes (p.317) that the *maiestas populi Romani* may be opposed to the *auctoritas senatus*, with reference to Cic., *Phil.* 3.13.

¹²⁴ Lintott (1999) p.96.

¹²⁵ Sall., *Iug.*, 30.3; 31.1; 32.1; 40.1; 73.7; 84.1, 5.

¹²⁶ Sall., *Iug.*, 64.2;

¹²⁷ Sall., *Iug.*, 33.2; 34.1-2.

¹²⁸ Sall., *Cat.*, 36.4-5. Ramsey (2007a) p.164 believes these decrees to be the declaration of Catiline as a traitor and the earlier vote to reward anyone giving information about the plot (30.6).

¹²⁹ Sall., *Iug.*, 41.5.

¹³⁰ Sall., *Cat.*, 6.2, 6.5-7, 7.3-7.

¹³¹ Sall., *Iug.*, 42.1.

This abuse, according to Sallust, originated in the politicisation of an element within the *populus*: the *plebs*. Whilst Sallust described the *populus* as abusing their *libertas* he stated that the *plebs* had fought to assert their *libertas* against the *nobilitas*, suggesting that he saw the *plebs* as a different political entity to the *populus*.¹³² From the *Bellum Jugurthinum* we can see that Sallust only employed the term *plebs* in relation to political activity taking place in Rome, specifically activity that is set in opposition to the behaviour of the *nobilitas*, the term '*plebs*' acting as a tag for a highly politicised group with a defined political identity within the *populus*.¹³³ The *plebs* act in the same political situations as the *populus*, but they do so in a factional manner. They supported Memmius' bill, passed Mamilius' proposal for a special *quaestio* and accepted rumours Marius spread about Metellus, resulting in his election to the consulship.¹³⁴ Finally it was the *plebs* who took the direction of the Jugurthine war from the hands of the Senate and the *nobilitas*: although it was the *populus* that had the right to vote in elections and on T. Manlius Mancinus' bill to give Marius the command in Numidia, it was the *plebs* within that group that brought Marius' election and command about.¹³⁵

The opposition of the *plebs* to the *nobilitas* is particularly prominent in Sallust's narrative. He identified the figure of Opimius with reference to his cruel use of the victory of the *nobilitas* over the *plebs* after C. Gracchus' death, and described the passing of Mamilius' bill for the instigation of legal proceedings against those who had advised Jugurtha to disregard the Senate's decrees as inspired by hatred of the *nobilitas* rather than love of the *res publica*.¹³⁶ Later Marius and other, 'seditious magistrates,' who support him are shown exploiting this opposition against Metellus: the *nobilitas* are defeated, and the *plebs* ensure that Marius is elected consul.¹³⁷ The antithesis is also expressed in terms of social status in the *Bellum Jugurthinum*, where artisans and farmers are named as those who downed tools to support Marius. In their political activity and in their rights and possessions, the *nobilitas* are portrayed as the 'haves', the *plebs*, the 'have nots'.¹³⁸

¹³² Sall., *Iug.*, 42.1.

¹³³ Sall., *Iug.*, 31.9, 20.

¹³⁴ Sall., *Iug.*, 30.1; 33.3; 40.3; 73.3, 6; 84.1

¹³⁵ Sall., *Iug.*, 73.7; 84.1.

¹³⁶ Sall., *Iug.*, 16.2; 40.3.

¹³⁷ Sall., *Iug.*, 73.5-7; 84.1.

¹³⁸ Sall., *Iug.*, 73.6. The social element of the formation of the *plebs* as a concept does not feature largely in Sallust's thought. In the *Bellum Catilinae* Sallust's thought about the nature of 'the people' is generally less developed and less prominent than in the *Bellum Jugurthinum*; but it does give the reader a greater insight into Sallust's understanding of the social make-up of the *plebs*. They are associated with the urban poor, whom Sallust portrays in a negative fashion (*Cat.*, 37.5-11), but they are not simply an urban group: the *plebs* in Etruria are described as having lost land and property under Sulla (*Cat.*,

However, Sallust also suggested that the ‘*plebs*’ were a rhetorically constructed entity; an identity with which members of the *populus* were encouraged to associate themselves. This process is revealed during Memmius’ speech in the *Bellum Jugurthinum*, in which he equates the *plebs*, rather than the *populus*, with the citizen body of Rome, making them the ‘legitimate’ people and excluding those who do not share the political interests of the *plebs*.¹³⁹ By associating his audience with the *plebs* and declaring their sovereignty in the *res publica*,¹⁴⁰ Memmius seeks to move his audience to equate themselves with the *plebs*, a group that is conceived of as politically active and reactive against the *nobilitas* as a dominant faction who are suppressing the *libertas* of the people. He evokes the history of the *plebs* at Rome, reminding his audience that their ancestors had twice seceded in order to assert their legal rights and sovereignty and seeking to spur them to action by the example of their forefathers who had acted politically in seceding in order to assert their legal rights and their *maiestas*.¹⁴¹ Memmius sets himself and his audience against the power of ‘this faction’, the *nobilitas* and the few.¹⁴² He claims that this group has stolen from the people, their crimes including the appropriation of the tributes of kings and free peoples, the possession of power, glory and wealth, including consulships, priesthoods and triumphs, and the betrayal of Rome’s laws and the sovereignty of his audience.¹⁴³ It is in the context of this opposition that Memmius refers to the *plebs*’ right to and desire for *libertas*, arguing that ‘the few’ have suppressed it by their crimes and telling his audience that, “If your love of *libertas* were as great as the thirst for tyranny (*dominatio*) which spurs them [the few] on, surely our country would not be torn asunder as it now is, and your favours would be bestowed on the most virtuous, not on the most reckless,”¹⁴⁴ The tribune’s speech aims to create the *plebs* out of the *populus*, calling them into existence with the demand for the defence of *libertas* against the domination of the few.

We can see that Sallust’s depiction of the *plebs* in the narrative of the *Bellum Jugurthinum* is couched in the same terms as Memmius’ creation of them as a political power, representing the tribune’s construction of the concept as the common understanding of the term in late

28.4). The members of the *populus* who might act as the *plebs* in Roman political life are those who are impoverished, to whom the rhetoric of repressed rights and *libertas* as Memmius formulates it would be most appealing.

¹³⁹ See Laclau (2005) especially pp.65-171 on the formation of the people through discourse in this way.

¹⁴⁰ Sall., *Iug.*, 31.7, 9, 11.

¹⁴¹ Sall., *Iug.*, 31.16-17, 23

¹⁴² Sall., *Iug.*, 31.2, 4, 7-9.

¹⁴³ Sall., *Iug.*, 31.9-10.

¹⁴⁴ Sall., *Iug.*, 31.16, Cf., 13.23.

Republic. Although he reveals the idea of the *plebs* as a rhetorical construction through Memmius' speech, the historian also accepts the force that this construction had within Roman politics and the impact it had upon the role the *populus* played in the *res publica*, particularly as regards their assertion of their *libertas*. Sallust follows Memmius in relating the *plebs* to *libertas*, but also criticises the tribune's representation of this association, revealing the tribune's expression of the relationship to be based in a false understanding of *libertas*: the *plebs* are not being denied *libertas* as they and their champions claim; rather they are demanding the wrong kind of *libertas*.¹⁴⁵ We have noted that Sallust considered *libertas* as important to the *res publica*, expressed through the ability of the *populus* to participate in political activity and the absence of tyranny or domination. However, Memmius links the *plebs*' desire for *libertas* with the right to possess glory and wealth - a formulation echoing that expressed by Catiline in the *Bellum Catilinae*, born out of ambition and avarice.¹⁴⁶ This *libertas* is self-interested and the demand for it leads to the creation of the *plebs* as the political 'people'. It is the *plebs*, as the political 'wing' of the *populus* who are responsible for the abuse of *libertas* that Sallust describes as they seek to dominate in the political life of Rome, rejecting the guidance of the Senate in favour of their own interests and desires.

Sallust's historical narrative recognises the force of Memmius' understanding of the place of the people in Rome's constitution but also undermines it, critiquing his association of the *plebs* with *libertas* and showing that Memmius' calling-out of the *plebs* contributed to the civil strife in Rome. Sallust showed that this misunderstanding of the *plebs* as the true people of Rome had a negative impact on the *res publica*, just as the various 'false' understandings of *nobilitas* did. Like them it represented a particular understanding of the Roman constitution, in this case one in which the people should control the balance of power in the *res publica*, the Senate and magistrates acting in accordance with their desires, rather than as a counsel and guide. This attempt to dominate, is, in Sallust's understanding of the constitution, as illegitimate as the self-identifying *nobilitas*' understanding of their right to power, and is as damaging to the *res publica*, in its contribution to the rise of civil strife at Rome.

(iii) *The problem of factio*

Sallust presented an understanding of the constitution of the *res publica* in which the Senate should act as an advisory body and the people in accordance with the advice they were

¹⁴⁵ Sall., *Iug.*, 42.1.

¹⁴⁶ Sall., *Cat.*, 20.8.

given for the good of the polity. In such a polity the people have freedom to act, and should act in the right way. Yet the success of the constitution depended upon the *virtus* and citizenship of those participating in Roman political life, and it was possible for ambitious individuals to create and exploit divisions within the *res publica*, as seen in Sallust's presentation of Marius activities in the *Bellum Jugurthinum*. North has argued that the will of the Roman people only found voice in the context of divisions in the oligarchy (using this term rather than *nobilitas* to avoid the issues over who the *nobilitas* actually were), democratic politics in Rome being a function of the degree and type of competition taking place within the elite.¹⁴⁷ Sallust's historical narratives argue that Rome's constitution had been undermined by such activity, which reflected the rise of different, conflicting understandings of the roles of the Senate, *populus*, *nobilitas*, and *plebs* in the *res publica*, conceptions that originated in the self-interest in the holder and led to a rise in factionalism and civil strife at Rome.

In Sallust's understanding of the *res publica* the successful functioning and replication of Rome's political structures and processes depended upon the maintenance of harmony between those involved in the political process. This was sustained as long as Rome's citizens were men of *virtus*, acting in the best interests of the *res publica*. However, once *virtus* began to decline, the good relationship between Senate and people went with it, divisions emerging within and between the two groups. Sallust's understanding of the importance of *concordia* can be seen in his descriptions of Rome before the destruction of Carthage and Sulla's return from the east, and in the speech of Micipsa, King of Numidia, before his death. The dying king hands over his kingdom to his three sons saying: "I deliver to you three a realm that is strong if you prove virtuous (*boni*), but weak if you do ill; for harmony (*concordia*) makes small states

¹⁴⁷ North (1990b) p.18. His arguments are part of a larger debate over the extent to which there was an effective element of democracy in the Roman political system, marking a change of approach to the study of Roman politics, away from a focus on the elite and the *populus* as a potential tool of the elite (for example, Meier (1966); Badian (1972); Gelzer (1912); Gruen (1995); Münzer (1999)). The arguments of Millar (1998) (following his earlier works: Millar (1984); Millar (1986); Millar (1995)) are at one extreme of this debate, placing the *populus Romanus* as the sovereign body formally at the centre of the Roman political system (pp.1 & 4), going so far (p.209) as to describe the *res publica* as a direct democracy, *contra* Brunt (1988) p.23 who argued that while the people did have constitutional rights this did not constitute a democracy. Mouritsen (2001) has countered Millar's viewpoint, arguing that a 'democratic' ideology does not necessarily reflect a democratically functioning political system (p.15), examining the nature of the body that was the 'people' as it was active in Roman politics and concluding that only a small percentage of the *populus* could actually participate (pp.128-148). Morstein-Marx (2004) has also critiqued Millar's arguments in an examination of the nature of the political discourse that took place between the mass and the elite at Rome, arguing that public oratory created an ideological structure in which the *populus* were sovereign but that the elite were dominant in this discourse through a cultural hegemony (pp.33, 279-287).

(*parvae res*) great, while discord undermines the mightiest empires.”¹⁴⁸ Yet after Micipsa’s death the relationship between the three men rapidly breaks down through Hiempsal’s pride and Jugurtha’s fear and ambition, and civil war breaks out in Numidia. By giving Micipsa this speech Sallust not only provided an introduction to the situation in Numidia into which Rome entered, but also showed the importance of *concordia* in maintaining any political society. It also allowed him to pass comment on the political situation in Rome at the time he was writing, in which three men had inherited the dominance of one, and warn of the danger of discord between them to the peace and stability of the *res publica*. However, no Roman speaker is shown to enunciate the value of harmony; rather their words move Rome towards ever increasing discord. Opimius, the former consul who had built a temple to Concord after his defeat of C. Gracchus is accused of factional behaviour in this aftermath of this ‘victory’, and shown to succumb to avarice which, as we have seen, led to discord at Rome.¹⁴⁹ The true meaning of *concordia* and its importance to the *res publica* goes unacknowledged at Rome throughout the *Bellum Jugurthinum*, suggesting that Rome’s citizens were not fully alert to the importance of *concordia* to a stable *res publica*. Instead its importance is revealed through the depiction of its erosion through the decline of *virtus* and increase of *ambitio*, *avaritia* and factional strife in Rome.

Sallust’s understanding of factional strife at Rome led him to portray a tangle of fractured concepts that reflect the complexity of social and political relationships at Rome, making clear the importance of good citizenship, *concordia* and of a unified political knowledge to a successful polity.¹⁵⁰ Sallust’s willingness to discuss the presence and effect of *factiones* at Rome contrasts with Cicero’s refusal to do so after Caesar’s assassination. For Cicero, the only

¹⁴⁸ Sall., *Iug.*, 10.6.

¹⁴⁹ Sall., *Iug.*, 16.2; 42 places the Gracchi in the narrative of the growth of factional strife at Rome. App., *B Civ.*, 1.26 and Plut., *C. Gracch.*, 17.6 record Opimius’ rebuilding of the temple of Concord. Although Sallust does not mention the temple of Concord that Opimius built, his audience would surely have been aware of it (it stood until Tiberius’ rebuilding between 7 B.C. and 10 A.D.) and awake to the divergence between Opimius’ representation of his activity against Gracchus as being in the cause of *concordia*, and Sallust’s of it as part of increasing discord in the *res publica*.

¹⁵⁰ It is important to make it clear that the *partes* and *factiones* of which Sallust speaks were not organised associations or formal parties as we might think of modern political groupings. Translating these terms without loading them with modern political understandings is tricky, but what is clear is that they should not be held to represent organised political groupings, or even rigid political classes. Brunt (1988) p.444 argues that ‘factions’ were at most small and evanescent, and that references to ‘Marians’, ‘Sullans’ and the like almost invariably denote men following one of the leaders in the civil wars when there was a polarisation of the elite derived from conflicts between *optimates* and *populares*. He associates the divisions in Sallust not as parties centred on individuals, but *optimates* and *populares*, or Senate and *plebs*.

division in Rome was between those defending the *res publica* and those who were attacking it. He dismissed Antonius' reference to factions in the *Thirteenth Philippic* by arguing that all Antonius' supporters were 'bad' citizens who were attacking Rome: it was not factional strife, it was war.¹⁵¹ Sallust's representation of the *res publica* incorporates various groups and describes the way in which they became a part of the politics of Rome and of Roman understandings of the constitution. Memmius' comment that a group united by the same emotions and ambitions was called friendship (*amicitia*) when it was a group of good men, but *factio* when it was bad men shows the normality of such groupings in Roman politics in the first century.¹⁵² This comment also allows Sallust to establish that the terms used to describe political groups and strife at Rome were not neutral terms but ones indicating a particular take on the grouping in question: the multiple understandings of these groups becoming a part of the political debate and endangering *concordia* and the constitution of the *res publica*.

Sallust's exploration of the understandings of the *nobilitas*, the *pauci*, the *populus* and the *plebs* in the *res publica* shows the way in which speakers identifying themselves with one of the groups could define their opponents as factional, employing the different understandings of these groups and exploiting and increasing the divisions in Roman political life, thus fracturing Roman knowledge about the constitution. His depiction of the rhetorical construction of the *plebs* and the *pauci* as political groups shows the way in which this process undermined the constitution of the *res publica* by allowing discord to be established throughout Roman politics, as those who could not get support for their proposals within the Senate could turn to the people for support, forming the *plebs* into a political unit that opposed the Senate as the 'home' of the *nobilitas*. It also damaged the understanding the balance of power between the Senate and the people through its expression of an understanding of the constitution in which the people should hold the balance of power and direct the actions of the Senate. By presenting this rhetorical technique as a negative practice contributing to factional strife, Sallust was able to criticise the behaviour of those who employed it: not just Catiline, Memmius and Marius in his historiography, but also, implicitly, Cicero, who had used this kind of rhetoric used it to isolate Antonius from the *populus Romanus* in 44-43.¹⁵³ Although Cicero denied factionalism, arguing that he represented the

¹⁵¹ Cic., *Phil.*, 13.26-30

¹⁵² Sall., *Iug.*, 31.15.

¹⁵³ Chapter 3.2(a)i.

res publica against Antonius' warmongering,¹⁵⁴ Sallust's negative depiction of this kind of rhetoric implies that Cicero's actions and words did increase civil strife at Rome and indicts Cicero's behaviour as part of the factionalism that damaged the constitution and as a contributing factor in the failure to restore the constitution of the *res publica* after Caesar's death.

Sallust's representation of *factiones* and of the conflicting understandings of the roles of the *nobilitas*, the few and the people were part of an ongoing debate about the roles of these groups in the *res publica* in the first century. For Sallust the concept of *nobilitas* held by those who identified themselves as *nobilitas*, and the idea of the *plebs-as-the-populus* expressed by Memmius were negative elements in his representation of the Roman *res publica*, damaging to the constitution because they expressed an understanding of the constitution in which one group of citizens could dominate the rest of the citizen body. In the *Bellum Jugurthinum* Sallust declared that that, "To rule one's country or subjects by force... is nevertheless tyrannical; especially since all attempts at change foreshadow bloodshed, exile and other horrors of war."¹⁵⁵ Sallust's understanding of tyranny and the bloodshed accompanying its ending reflected the events that followed Caesar's assassination, including the proscriptions and the deaths of the conspirators at Philippi, as well as providing a warning of what might occur when the rule of the current 'few' – the triumvirate - came to an end.

In Sallust's understanding of the constitution of the *res publica*, power should be balanced between the Senate, who had power through their authority to guide the people; and the people, who had power through their participation in political affairs. This balance was undermined by divisive and factional behaviour, which itself originated in the failure of good citizenship, the rise of ambition and avarice and the decline of the *vera vocabula*. Sallust's depiction of the multiple understandings of *nobilitas* and the rhetorical construction of such political elements as the *pauci* and the *plebs-as-the-people* shows the importance of speech in Rome's political culture and of good speech to the stability of the constitution. With speech being the medium of political communication in Rome the different understandings of political concepts and key political terminology created problems for Rome's decision-making processes and affected the Roman understanding of the constitution as it was renegotiated

¹⁵⁴ Cic., *Phil.*, 13.18.

¹⁵⁵ Sall., *Iug.*, 3.2-4, 27.1, 30.3; *Cf.*, *Cat.*, 20.7, 39.1. Syme (2002) p.218.

and constructed through discourse.¹⁵⁶ We have already seen that Sallust's description of the *res publica* shows the existence of different understandings of various political concepts at Rome and their impact upon the *res publica*. Sallust links this issue to a discussion of *vera vocabula* and the role of language-use in the decline of the Republic.

3. *Vera Vocabula: The Problem of Speech*

Writing under the second triumvirate, Sallust's presentation of the state of the *res publica* and its constitution is bleaker than that of Cicero. Whilst Cicero sought to reclaim Rome's political vocabulary and re-establish the constitution, arguing that the *res publica*, as he thought it should be, could be restored if a few bad citizens were removed from Rome, Sallust presented the decline as deeply rooted and irresolvable and sought to explain it. One of the major factors in the decline of the *res publica* according to Sallust's historical narratives was the disappearance of a *vera vocabula* at Rome: the loss of the true understandings of political terms and concepts such as *virtus*, *gloria* and *nobilitas*. This loss manifested in the misunderstanding, misuse and abuse of political terminology made it impossible to ensure a unified understanding of the nature of the *res publica* and to determine the best course of action for Rome. Sallust made the importance of *vera vocabula* explicit in the *Bellum Catilinae*, where Cato says that, "In very truth we have long since lost the true names for things. It is precisely because squandering the goods of others is called generosity, and recklessness in wrong doing is called courage, that the *res publica* is reduced to extremities."¹⁵⁷ In Sallust's depiction of the late Republic this is a problem that affects every citizen, even those he describes as 'good' men, such as Caesar and Cato, and the theme appears throughout his work as he undermines the words of all of his speakers and reveals the problems this loss caused the *res publica*.¹⁵⁸ In Sallust's historiography the loss of *vera vocabula* and the corruption of citizenship appears to be a chicken-and-egg situation: the decline of language meant that citizens did not understand the true nature of the qualities they should seek to

¹⁵⁶ Sallust and Cicero both suggest that these different understandings were 'misunderstandings' that led to the 'misuse' of language. This interpretation of the history of Rome in the first century B.C. is influenced by their own perspectives and understandings of the constitution. These different understandings are, rather, part of the natural instability of language that can create problems in all political systems, particularly if the participants in the discourse are unaware of or exploit the issue.

¹⁵⁷ Sall., *Cat.*, 52.11-12.

¹⁵⁸ McGushin (1992-94) 1.14 notes the ironic gap between the speaker's point of view and the situation Sallust's narrative, see also Batstone (1988a) p.8, 17-23, 27; Grethlein (2006a) pp.141-143; Batstone (1990) p.129. Leach (1989) p.202 notes that irony as a tool the author could use to make words signify something other than what they appear to say was an established concept in ancient theory.

possess or their proper relationship to the community. At the same time, the decline of citizenship contributed to the decline of language as some citizens deliberately misused key political terms for their own advantage.¹⁵⁹ This section will examine the way in which Sallust showed that none of his characters knew Rome's *vera vocabula*, revealing the falseness their various understandings of the nature of Roman political ideas and the constitution of the *res publica*, and explaining the problems this caused Rome.

It has been argued that the first speech of Catiline contributes to a rounded portrayal of the character as a citizen struggling for social and political economic reform as well as for power: not undercutting the negative elements of Sallust's description, but foreshadowing the Catiline of the finale, dedicated and determined to resist oppression.¹⁶⁰ However, when we set Catiline's expressions of the concepts of *libertas* and *virtus* against those of Sallust and against his own actions, it becomes clear that his words are the expression of his character as an embodiment of danger to the *res publica* through the misapplication of political vocabulary. Catiline's demand for *libertas* is linked to the desire for the power and riches that Sallust cites as objects of Rome's failing *virtus* and decline, and resembles the abuse of *libertas* by the *plebs* discussed above.¹⁶¹ Catiline's employment of *virtus* is similarly deceptive: his emphasis upon *dignitas* and *nobilitas* distinguishes his concept from that of Sallust, and makes his speech questionable. When set alongside his activities, even before his resort to armed rebellion, the gulf between Catiline's concepts and those of Sallust is made plain. Catiline's self-identification as a man of *ingenium* and *virtus* supporting *libertas* is undermined: his *ingenium* is not shown in *bonae artes* leading to *virtus* but in cunning and tricks that aim to fulfil his ambitions and earn him *gloria* by a false path. Indeed, his concept of *virtus* is openly challenged in the Senate; his attack upon Cicero as *inquilinus civis urbis Romae* shouted down.¹⁶² Through a depiction of Catiline as a man who misapplies words to concepts that he understands in terms of his own self-interest rather than the welfare of Rome, Sallust was able to show that he was a threat to the *res publica* even whilst he was still campaigning for the

¹⁵⁹ Derrida (2001) questioned the relationship between structure and genesis (pp.193-211), arguing that the complexity of origins destabilises both the idea of origin and of structure, leading to his process of deconstruction. Sallust's 'lack of clarity' on the issue has led Batstone (2008) to employ Derrida's ideas for a study of Sallust's use and discussion of political language in the *Bellum Catilinae*, arguing that the text shows language to be thoroughly unstable and unreliable, a problem that Sallust argues had a knock-on effect upon Roman politics and the reproduction of the constitution.

¹⁶⁰ Wilkins (1994) pp.53, 137-9.

¹⁶¹ Sall., *Cat.*, 39.1.

¹⁶² Sall., *Cat.*, 31.5-9. Ramsey (2007a) p.149 notes that *inquilinus* properly refers to a lodger in a house that he does not own. Cicero is thus accused by Catiline of not being Roman and therefore not having the right to defend Rome.

consulship. After his outburst in the Senate this danger is seen openly in Catiline's deeds as he resorts to armed insurrection. The risk of misunderstanding and misusing words is thus revealed through actions that imperil the *res publica*. Despite his 'brave' ending on the battlefield, Catiline's words and deeds are ultimately misapplied, serving only himself, and not Rome.

Marius and Memmius also lack *vera vocabula* and have a flawed understanding of the *res publica*. Theirs is a less self-centred understanding than that of Catiline, but in the emphasis of their speeches on the presence of division and *factio* in Rome they stir up further discord in the *res publica*. Sallust used their speeches to show that the *libertas*, *virtus* and *nobilitas* incorporated in their arguments are not the true forms of concepts, for they do not contribute to the *concordia* of the *res publica*. Although both men claim to support the rights of the *plebs* against the *nobilitas* in their speeches the historian contested their stance, showing the danger their arguments pose to the constitution because they contribute to factional behaviour. Although Marius claims that, "As the whole *res publica* is of more value than a consulate or a praetorship, so much greater ought to be the care with which it is governed than that which is shown in seeking those offices," his own campaign for the consulship is shown to have contributed to the growth of civil strife in Rome.¹⁶³ And while Memmius argues that he is defending the *libertas* of the people from the domination of a few, Sallust's revelation of his misunderstanding of *libertas* and his misunderstanding of the role of the people in the *res publica*, shows that he was damaging Rome by misleading his audience about their role in politics and undermining the proper balance of the constitution.

Marius' expression of *nobilitas*, too, is shown to contribute to discord at Rome. There is a certain irony in Sallust giving Marius the presentation of this concept of *nobilitas* based on *virtus*, as the historian refused to accord *virtus* to the character and also indicated that Marius fails to enunciate the true *nobilitas* in its fullest form. As he unfolds his conception of *vera nobilitas*, Marius notes the elements of *virtus* that he claims are *nobilitas*' requirement: the activities of the military man - experiences that he denies the current *nobilitas* possesses.¹⁶⁴ His concept of *virtus* is narrower than that of Sallust, which focuses on the expression of *ingenium* in *bonae artes*, and which can be expressed in civil and private life, as well as in military roles, and although he is shown in his campaigns to possess all the qualities that he lists, he does not possess all the historian's requirements, being flawed by political ambition. Although his

¹⁶³ Sall., *Iug.*, 85.2.

¹⁶⁴ Sall., *Iug.*, 85.11, 31-37.

refusal to root *nobilitas* in family status and office holding chimes with Sallust's understanding of *nobilitas*, Marius' conception is more limited. It also creates problems for Rome, through Marius' opposition to the *vetus nobilitas*, those who based their claim to *nobilitas* on their ancestry.¹⁶⁵ Marius' emphasis on the opposition of the *plebs* to this group seeks to evoke it amongst his audience, creating a *factio* and contributing to discord at Rome.

Sallust's focus on the speeches of Marius and Memmius shows the falsity of the political concepts attached to the *plebs*. This is balanced by his critique of the concepts held by the self-identifying *nobilitas* (particularly their understanding of their own *nobilitas*) through the narrative's focus on their behaviour in Rome and Numidia. The main political strategy of this group is shown to be the maintenance of the *nobilitas*, both as the appropriate holders of power in the *res publica*, and in terms of their own *dignitas* and wealth. However, their concept of *nobilitas* reflects a misunderstanding of the term, as Sallust shows in his description of their avarice and self-interest. Even the actions of Metellus, which reveal a personal desire to act in the best interests of the *res publica*, are undermined by his pride as a member of the *nobilitas* and his rejection of Marius' consular ambitions. By focusing a large part of the narrative on the campaigning *nobilitas* commanders in Numidia, and the two major speeches to those rousing the *plebs* at Rome, the historian balanced the two 'sides' in his representation of factional strife at Rome, clearly showing that both groups had lost the *vera vocabula* and both contributed to the decline of the *res publica*. The *Bellum Jugurthinum*'s focus on individual characters and speakers on each 'side' also enabled Sallust to reflect upon the part played by the failure of the *virtus* of individual citizens in the decline of the *res publica*. The potential of Memmius, Marius, and Metellus for *virtus* is countered by their failure to possess *vera vocabula* and their consequent contributions to factional strife at Rome.

Even Sallust's, "Men of *ingens virtus*," are shown to have lost the understanding of the true nature of Rome's political vocabulary. Sallust used the speeches of Caesar and Cato to show the way in which two well-intentioned speakers could argue from the same pool of political concepts and examples, and use the same words to make two different cases. Moreover, although he called both speakers the best Romans of his lifetime, the synkresis undermines their *virtus*, tying their flaws into the narrative of decline by showing that *vera vocabula* had been lost even by these men. This revelation occurs through Sallust's use of terms employed by Caesar and Cato in their speeches in the synkresis, his application of them revealing the flaws in the speakers' understandings of these concepts. Their misunderstandings of Roman

¹⁶⁵ Sall., *Iug.*, 85.4.

political concepts creates problems for their speeches and allows Sallust to show that even those seeking to do the best for Rome could not because their understanding of Rome's vocabulary failed them.

Sallust's use of the terms *mansuetudo*, *misericordia* and *dignitas* with regard to Caesar are important in his revelation of the failure of *vera vocabula* at this point. Although Sallust showed Caesar using the concept of *dignitas* in his speech, as he had used it as justification for his actions in the civil war, he went on to apply the term as a description of Cato, whose fame is increased by his *severitas* and *dignitas*.¹⁶⁶ Sallust's concept of *virtus* does not, as we have seen, take *dignitas* as an object. Sallust's refusal to grant Caesar *dignitas* contrasts with Caesar's own use of the term, and must lead the reader to suspect that the historian believed that Caesar did not understand the true meaning of the term. If Caesar did not possess *dignitas*, then his understanding of the concept and his appeal to it in his speech become suspect and a potential danger to the *res publica*.

However, it is not only Caesar whose understanding of political terminology has failed. Sallust's use of *mansuetudo* and *misericordia* (gentleness and compassion) in the synkresis echoes Cato's employment of it in his speech, but with a significantly different tone. Here it is not scorned as weakness or appeasement, but is applied to Caesar as a positive aspect of his *virtus*, making it clear that his proposal for compassion towards the conspirators was not made out of self-interest or some misplaced *clementia* or compassion, but in the best interests of the *res publica*. Simultaneously, he shows that Cato misuses words: employing *mansuetudo* and *misericordia* inaccurately in order to sway the Senate away from Caesar's proposal. The man who complained of the loss of *vera vocabula* and who had to appeal to the Senate's self-interest because they had lost the understanding of citizenship is shown either to have lost the meaning of *mansuetudo* and *misericordia*, or to have laid it aside in order to achieve victory in the Senate debate.¹⁶⁷

Caesar and Cato are both guilty of adding to the problems at Rome through the misuse of political vocabulary. Their misunderstanding of the key political ideas in the Roman constitution leads to conflict within the Senate, while their arguments add to the archive of Roman political knowledge about the constitution, corrupting it with false understandings of these ideas and about the constitution and fracturing Rome's constitutional knowledge.

¹⁶⁶ Caes. *B Civ.*, 1.7.1, 7; 1.9.2; Sall., *Cat.*, 51.6-8, 51.27, 54.2.

¹⁶⁷ Sall., *Cat.*, 52.5. Drummond (1995) pp.50-55 notes the way Cato's speech plays upon the self-interest of the Senate, *Cf.*, *Cat.*, 52.5-9, 12, 18.

However, there is an element of the victim in their positions as well. By describing them as the men with the greatest *virtus* in their time directly following their speeches, Sallust made it clear that they both wished to speak in the best interests of the *res publica* but that they could not escape the problem of their era. Words have been misused and perverted to the extent that the descendant of Cato the Elder, who had argued for compassion for the Rhodians, scorned compassion as dangerous to the *res publica*; whilst Caesar overestimated the importance of *dignitas* to the security of Rome. They were unable to interpret the constitution properly because the archive of political knowledge out of which they constructed their understanding of it had already begun to fracture. This created problems for the *res publica* as it led to the misinterpretation of the constitution in political discourse, the proposal of actions that were not necessarily in the best interests of Rome and, finally, the establishment of these misinterpretations as part of the nexus of authorities guiding the reproduction of the constitution as they became precedents to be called upon in Rome's decision-making processes.

In addition to offering an explanation for the events being narrated and for the decline of Rome, Sallust's theme of *vera vocabula* and the decline of the *res publica* also responded to the events that followed Caesar's death. This theme allowed the historian to critique the discourse of Cicero, reacting to his expression of good citizenship and the role of the people in the *res publica*, and to his use of language and rhetoric after the assassination of Caesar. In this way, he made Cicero as complicit in the failure to re-establish the Republic after Caesar's death as Antonius, Octavian or the conspirators.

In Sallust's presentation of Catiline's misappropriation of *virtus* to his cause, the historian comments on the way *virtus* was used as a tag to identify positive behaviour and good citizens in political discourse.¹⁶⁸ As we saw in chapter three, this was the way in which Cicero expressed *virtus* in the *Philippics*, employing it to legitimise the actions of Decimus Brutus, Octavian, Marcus Brutus and Cassius. Through Catiline, however, Sallust showed that the term might be used to authorise actions and individuals that might unbalance the constitution and endanger the *res publica*. Cicero's legitimisation of Octavian in this way was particularly problematic for Sallust, given Octavian's subsequent establishment as a triumvir, a position that allowed him (along with Antonius and Lepidus) to dominate Roman politics in a manner

¹⁶⁸ Sall., *Cat.*, 20.2-17.

that Sallust thought unconstitutional because it undermined the proper roles of the Senate and people in the *res publica*.

Sallust also reacted to Cicero's arguments about the law in the *Philippics* through the argument made by Cato in the *Bellum Catilinae*. Replying to Caesar's argument that the Senate follow the letter of certain laws, Cato declares that the security of the *res publica* as a whole is paramount. If Catiline were allowed to win there would be no way of proceeding against these conspirators in law, so Cato recommends that the Senate do not worry about the legal niceties but focus on the security of Rome.¹⁶⁹ In this establishment of a 'state of exception' Cato's argument is reminiscent of that of Cicero as he sought to have Antonius declared a *hostis* in the way that it privileges the ultimate good of the *res publica* (or his understanding of it) over the letter of the law.¹⁷⁰ However, Sallust made it clear in the *Bellum Catilinae* that Cato's arguments regarding the conspirators and understanding of the *res publica* are suspect because of the way in which he misuses Rome's political vocabulary and plays upon the fears of the Senate to convince them of his argument. Through the theme of *vera vocabula*, Sallust was able to raise questions about the validity of this line of argument and suggest the negative impact had upon the *res publica*.

A further criticism of Cicero's behaviour in 44-43 is raised through Caesar's speech in his expression of concern about what might happen if a man of lesser quality than Cicero should be consul, command an army and draw his sword in accordance with a decree of the Senate.¹⁷¹ Both McGushin and Ramsey posit an allusion to the behaviour of Octavian at this last point, the young man having had his army legitimised by the Senate, in large part through the arguments of Cicero, before he marched on Rome with his army to demand the consulship.¹⁷² The activities of the second triumvirate, too, were undertaken with the backing of a law authorised by the Senate. The *lex Titia* made Antonius, Lepidus and Octavian *tresviri rei publicae constituendae*, in order that they might 'arrange' the *res publica*.¹⁷³ In enacting the proscriptions Antonius and Octavian could be said to be literally drawing their swords in obedience to a decree of the Senate. Sallust's-Caesar's remark suggests that the decision

¹⁶⁹ Sall., *Cat.*, 52.3-4.

¹⁷⁰ See chapter 3.2(c); Agamben (2005) pp.23-25.

¹⁷¹ Sall., *Cat.*, 51.1, 5-6, 35-6.

¹⁷² McGushin (1977) p.253; Ramsey (2007a) p.207. It also reflects on the fact that Caesar, too, led an army against Rome, fracturing Sallust's apparently positive portrayal of Caesar as a younger man.

¹⁷³ *MRR* 2.337; Rawson (1992b) p.486. It is worth noting that Sulla may well also have been appointed *dictator rei publicae constituendae* (see App., *B Civ.*, 1.99 and *MRR* 2.66) making him a premonition for the second triumvirate.

made in 63 and Cicero's behaviour as consul provided a precedent that could be employed by later magistrates to justify the removal of citizens whose opposition they did not appreciate and criticises his role in legitimising Octavian's place in Roman politics. For Sallust, Cicero was as implicated in the decline of Rome as any other political figure, for his words had misidentified Octavian as a man of *virtus* and gained him *imperium*, and had encouraged the people to direct the Senate's action through their condemnation of Antonius, driving Antonius out of Rome and inspiring his violent response. Sallust's engagement with Cicero's political vocabulary and ideas shows that Cicero's representation of the *res publica*, particularly as expressed in his oratory, was one understanding of the constitution amongst many, and that his pursuit of it misused language and contributed to Rome's return to civil war and the failure of the constitution of the Republic that came with the second triumvirate.

In Conclusion

Sallust's depiction of the constitution of the *res publica* in the last century of the Republic reflected his understanding that the constitution no longer existed in its proper form, the *res publica* having become a polity dominated by three powerful men. His attempt to explain this decline through the writing of history was shaped by Caesar's dictatorship, its aftermath and the governance of the second triumvirate both in his formulation of the *res publica* and its decline and in his choice of genre, as he masked his critique of the 'tyranny' of a few men – as he understood the triumvirate to be – by narrating the story of two major crises in Rome's recent history. His historiography explores Roman ideas about good citizenship, the political structures of the *res publica* and the importance and problems of language as he reveals the multiple understandings of elements of Rome's constitution that signalled the fractured nature of Roman knowledge about the nature of the constitution.

Sallust presented an understanding of the constitution as he thought it should be, contrasting it with those held at Rome in the late Republic, which he revealed through his historical narratives. He cited the growth of ambition, avarice and self-interest combined with the loss of the *vera vocabula* as causing the decline of good citizenship and the rise of different understandings of citizenship and the relation of the citizen to the *res publica*, damaging Rome's political culture. For Sallust, as for Cicero, the good citizen ought to uphold the constitution of the *res publica* through their words and deeds. The failure of good citizenship undermined the roles of the Senate and the people in the constitution, as Sallust understood it. The loss of *vera vocabula* created further problems as it gave rise to misconceptions of the

nature of the *nobilitas* and the place of the people in the constitution and thence to a rise in factionalism and civil strife, as these ideas were expressed in Rome's political discourse.

Sallust's historiography reveals the damage inflicted by this fracturing of Rome's knowledge about the constitution upon the constitution and the polity. The enunciation of these various flawed understandings of political concepts in Roman discourse led to increased discord at Rome and, in time became part of Roman understandings of the *res publica*. As arguments and proposals based on these understandings were successful and accepted at Rome they became part of the nexus of statutes, decrees, judgements and precedents that provided authorities for future debates over constitutional action. It was in this way that the Senate's decision that the consul be empowered to act in the best interests of the *res publica* against Catiline and Cato's argument that the conspirators should be executed without trial for the good of Rome became precedents for the Senate's action against Caesar in 49, Cicero's arguments against Antonius in 44-43, and the proscriptions of the second triumvirate. Sallust's historiography explains the process by which the constitution of the Republic developed into the constitution of Rome under the second triumvirate, showing the fracturing of Roman knowledge of the constitution and the impact of the pursuit of these different understandings of the constitution by various citizens.

Conclusion: Fractured Knowledge

The preceding chapters have proposed a new way of looking at the constitution of the Roman *res publica* and employed it in an examination of the political situation at Rome after the assassination of Julius Caesar in order to suggest an explanation for the failure of the restoration of the Republican system of government, arguing that the constitution of the 'Republic' could not be restored because there was no single understanding of the nature of that constitution.

The Roman constitution was not a static body of institutions and rules within which politics happened, but rather a flexible entity comprising both Rome's political institutions and the culture within which they existed, the proper nature of which was interpreted, established and reproduced through discourse. In this discourse understandings of and arguments about the nature of the constitution were constructed and debated from a nexus of authorities including Senate decrees, statutes, legal judgements and precedents. These authorities were interpreted by the participants in Roman political life to form their understandings of the constitution, which acted as a guide upon their actions and their speech within the *res publica*. The actions undertaken and arguments expressed became, in turn, the authorities that shaped future interpretations of the constitution and arguments for constitutional action. This discursive process created flexibility in the constitution and enabled the *res publica* to adapt and respond to changing situations. However, it also meant that different understandings of the nature and processes of the constitution became established in the discourse, fracturing Roman knowledge about the constitution and leading to conflicts in the political process.

By adapting and employing theoretical ideas about the nature of discourse and political knowledge it has been possible to break down Rome's political discourse and describe the way in which Roman knowledge about the constitution was formulated. Applying this methodology to the political discourse of Rome after Caesar's death, it is possible to see the multiple versions of the constitution and the various understandings and expressions of the political concepts that underlay them. As chapter two showed, these understandings ranged from Antonius' argument that the *res publica* ought to protect the citizen and his position to Brutus' emphasis on the importance of the Senate as the chief council and guide of Rome, the *populus*' understanding of their own importance in Roman ideology and the constitution and Octavian's recognition of a flexibility in the political relationship between the Senate and

people that allowed him to interact with them both to his own benefit. These multiple understandings were a result of the fracturing of Roman political knowledge about the constitution and they were contested in public life in a struggle for the future of the *res publica*, as through the words and deeds of all the participants.

As a major player on the political stage in 44-43 B.C., Cicero gives us a particular insight into the process by which such an interpretation of the constitution was formulated, expressed and contested in Rome's political discourse. *De Officiis* and the *Philippics* offer a detailed presentation of Cicero's understanding of the constitution: the way its expression was shaped in response to the situation at Rome, the concepts upon which it was founded, and the impact it had upon the formulation of the constitution at that time. Cicero recognised that the Roman constitution had evolved over time but, as he had argued in *de Republica*, he believed that it had reached its perfected form and argued that it must be preserved.¹ His understanding of the constitution emphasised the importance of the political culture and its role in ensuring the stability of the *res publica* as he focused on the character of the good citizen and the citizen's behaviour in the polity, citing the examples of men like Regulus to support his argument. Good citizens maintained the constitution, allowing Rome's institutions to function effectively by understanding and pursuing the best interests of the *res publica* in their actions and speech. In his interpretation of the constitution Cicero presented law not only as a collection of statutes, judgements and precedents,² but also as a standard of right action – constitutional action – that was a higher kind of law and one that could be invoked when man-made law failed. This concept shaped his arguments against Antonius and his defence of the actions of D. Brutus, Octavian, M. Brutus and Cassius. It was in the expression of this concept of law in particular that Cicero's understanding of the constitution clashed with those others held at Rome, most notably those of his fellow consular Calenus and of Antonius, although it was also countered by M. Brutus. The conflict between Cicero's understanding of the constitution and those of his opponents affected events at Rome particularly through his establishment of Octavian in a legal position as *propraetor* and in the way his comments provoked Antonius to respond and express his own understanding of the constitution. In this way Roman political discourse about what the constitution ought to be shaped the reformulation of the constitution of the *res publica* after Caesar's death.

¹ Cic., *Rep.*, 2.63.

² To name just three of the elements he cited as sources of the *ius civile* at *Topica* 28.

While Cicero's discourse gives us access to the formulation of one specific understanding of the constitution, Sallust's historiography describes several of the multiple understandings of the constitution and also reveals the impact that the fracturing of Roman knowledge about the constitution had upon the stability of the *res publica*. Through his historical narrative Sallust was able to enunciate his own understanding of the proper nature of the constitution and to show how the understandings of his characters differed from this. Sallust's own presentation of the constitution was drawn against a picture of a declining *res publica*, in which the rise of avarice and ambition led to a decline in Roman citizenship. This undermined the political institutions and processes of the *res publica*, destabilising the constitution and damaging Rome. In narrating Rome's decline and crises, Sallust explored the way in which his characters words and deeds reflected their understanding (or misunderstanding) of the nature of the constitution of the *res publica*. From this he could show the way in which misunderstandings of the constitution, in particular of the concept of citizenship, led Roman citizens to act in ways that damaged the constitution and caused the decline of the *res publica*.

In many ways Sallust's understanding of the constitution of the *res publica* echoed that of Cicero. They expressed similar understandings of the concepts that they saw as being key elements of the constitution, especially in the relation of these concepts to the good of the *res publica*, although the concepts are expressed differently in Sallust's historiography than in Cicero's philosophy and oratory. Their employment of the same key terms, such as *virtus*, *gloria* and *libertas* shows the existence of a political ideology at Rome, in which these terms had value. That both emphasised the power of the people in the *res publica*, the role of the Senate as a voice of authority and a counsel to the people and magistrates, and the importance of good citizenship in the effective functioning of both of these bodies in the constitution also suggests a common understanding of the way in which the political system of the *res publica* ought to function. At the same time the discourse of both makes clear that their understandings of these political concepts and of the constitution as a whole were not the only ones in currency in Rome, and argue that other understandings - misunderstandings from their perspective - were damaging to the stability of the constitution. Sallust took this further than Cicero, clearly describing some of the different understandings of the constitution and their impact upon the *res publica* and indicting Cicero's expression of his own understanding of the constitution as a part of the problem.

Cicero and Sallust both made clear the importance of speech to the maintenance of the constitution: it was a key part of the political culture of Rome and the medium through which

political decisions were made and the constitution interpreted and reinforced or altered. Cicero's understanding of the constitution made clear the importance of speaking in the best interests of Rome and of using words properly, in their true meanings, as he sought to reclaim key terms in Rome's political vocabulary from those he claimed misunderstood and misused them to the detriment of the *res publica*. In this, his presentation of the constitution was influenced by the ongoing discourse as he countered the other understandings of such concepts as *dignitas* and *gloria* and sought to incorporate them into his *res publica*. In discussing Rome's political language, Cicero established himself as the arbiter of what was 'right', presenting himself as a good citizen, possessed of wisdom and *virtus*, speaking in the best interests of the *res publica*. However, from an examination of Cicero's discourse about the constitution in 44-43 it becomes clear that Cicero was not an innocent in the problems of Rome where language was concerned. Cicero's oratory exploited terms such as *virtus* and *libertas* as ideological and descriptive tags, using them to defend the actions and individuals he approved of against those he did not. In addition he displayed a willingness to exploit the flexibility inherent in the power balance in the relationship between the Senate and the people; the stability of which he himself suggested depended upon good citizenship and good speech. In the *Philippics* however he encouraged the Senate to take the lead in guiding the people and the people in directing the Senate. Cicero would no doubt have argued that this was the behaviour of a citizen acting in the best interests of the *res publica*, persuading both the political bodies at Rome to cast out an enemy: but his behaviour was based on his personal understanding of the constitution and was not accepted by all at Rome. His refusal to accept the potential legitimacy of other views of the constitution and his rejection of compromise led to further discord rather than unity.

Sallust's presentation of the problems of language and speech in the *res publica* responded to Cicero's discourse, criticising his expression of his understanding of the constitution and pursuit of it in discourse as an abuse of language that increased conflict in the *res publica*. Like Cicero, Sallust argued that language was an important part of the constitution and claimed that without the proper understanding of Rome's key political terminology the discourse through which Rome's political processes functioned and the constitution was reproduced would be undermined. However, while Cicero sought to reclaim and redefine Rome's political vocabulary in his bid to establish his understanding of the constitution, Sallust presented Rome as having lost its *vera vocabula* and being beyond 'saving' in this way. By establishing his own understanding of the constitution and contrasting it with those expressed by his characters, he

made it clear that none of his speakers understood the true meanings of Rome's political terminology. Instead, their speeches and proposals expressed and established conflicting understandings of the constitution and constitutional action in Roman discourse and its archive. In his explanation of Rome's decline he argued that the loss of *vera vocabula* had led to the misinterpretation and misrepresentation of the constitution in various proposals for action; this then destabilised the constitution as these decisions became part of Rome's constitutional archive, fracturing Rome's knowledge about its constitution. Cicero's constitutional discourse both reflected and contributed to the fracturing of Rome's constitutional knowledge, as it employed different conceptions of the Senate-people relationship depending on the audience.

For Sallust, the establishment of the second triumvirate was the end point of his narrative of decline, the result of years of a failing political culture undermining the ability of the political institutions and processes to uphold the constitution of the *res publica*. Through the period of history Sallust's monographs describe and in which Cicero participated, the discursive processes of Roman political life allowed the constitution to be adapted in order to meet the demands of the day as it was reproduced. However, these changes did not always have a positive long-term effect upon the stability of the polity as they altered the balance of power between Rome's political bodies and changed and fractured the understanding of what that power balance should be. Over time, as Rome's empire grew and the prizes of political life increased the interpretation of Rome's constitution in discourse, the basis for decision-making and political action, became a more fraught affair as citizens and groups sought to possess the benefits of this growth. Different understandings of various elements of the constitution emerged at Rome, debating the nature of citizenship, the role of Rome's political bodies and the relationship between the citizen, these structures and the *res publica*. These debates created a fracturing of Roman political knowledge, multiple understandings of the constitution being formulated, expressed and enshrined as constitutional precedents in response to the different pressures Rome faced.

Caesar's dictatorship created a rupture in the *res publica*, establishing the possibility of a different kind of polity. After his assassination, the fractured nature of Roman constitutional knowledge meant that the restoration of the 'Republic' as a political system was not inevitable. The constitution had to be renegotiated and reconstructed in order to stabilise the *res publica* for the future. However, there were multiple understandings of what that constitution should be, from those of Antonius and Octavian, who saw the potential for the

dominance of a powerful individual, to those of Cicero, Cassius, and Brutus, who rejected the idea of any such dominance in a free *res publica*. The validity of these different understandings of the constitution was contested in Roman discourse in 44-43 B.C., each argument provoking and shaping the succeeding responses, and pursued with such force that they were soon reflected in individuals' willingness to take military action as well as in their words. This process led eventually to the establishment of the second triumvirate, but this was not the end of the renegotiation of Rome's constitution. The triumvirs' understanding of the *res publica* continued to clash with that of the conspirators until Brutus and Cassius were defeated at Philippi, and then with that of Sextus Pompeius and those of each other. Even after Actium and the establishment of the principate under Augustus, the Ciceronian and Sallustian understandings of the constitution as that of a free political community remained, a 'subversive' strand of knowledge under the principate.

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