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CICERO'S AUTOBIOGRAPHY: NARRATIVES OF SUCCESS IN THE PRE-CONSULAR ORATIONS

Cicero was both a prolific writer and a prominent politician: the link between these two aspects of his activity has been an object of enquiry since antiquity.¹ Recent scholarship on the political culture of the Roman Republic has delineated the huge variety of methods that members of the elite used to promote themselves and compete successfully with their peers.² Writing, in a variety of genres, was one of these methods; Cicero's textual presence thus takes its place alongside the (lost) works of his contemporaries as an aspect of his public *persona*. Detailed analysis of the Ciceronian corpus has sought to explain both the role that writing played in his political success and his extensive creation of texts, even in political retirement. At the same time, the richness of Cicero's works makes possible, or appears to make possible, the writing of his biography.³ At the heart of the interpretative struggle between *scripta* and *vita* are the letters: Nepos exclaimed that the reader of the correspondence with Atticus "would have little need of a continuous history of the period" and the letters underpin all biographical treatments.⁴ Their status, however, as texts arising from studied composition, belonging to collections created by careful editing, has recently been emphasised in a series of studies.⁵ In reading Cicero's works, and in attempting to move from them to Cicero's life, we are dealing with a narrative that is as much autobiographical as biographical.

1. Butler 2002; Gowing 2013. I am grateful to Julien Dubouloz for his invitation to contribute an early version of this paper to the seminar «La pragmatique judiciaire dans les Verrines de Cicéron», held under the auspices of ANHIMA in Paris in November 2011, and for the participants' comments during the symposium. My thanks also to Alice Jenkins, Ian Ruffell and the two anonymous referees for their acute feedback.

2. Flaig 2003; Hölkeskamp 2010.

3. Fotheringham 2013. The corpus of Cicero's writings is extensive, solipsistic and to a considerable extent its contents are verifiable against external sources: the combination, unusual in antiquity, has proved irresistible to biographers.

4. Nep. *Att.* 16.3, *non multum desideret historiam eorum temporum*; the comment apparently refers to a different collection from the one we have (Horsfall 1989 p. 96).

5. Schneider 1998; Gunderson 2007; Hall 2009; White 2010.

A concern with issues of “self-fashioning” is widespread in recent Ciceronian scholarship. These include Cicero’s status as a new man and his concern to structure a positive relationship with the Roman past in compensation for his lack of politically relevant ancestors; his use of writing to manage his relationships with his contemporaries; and his capacity to act as a cultural mediator between Greece and Rome.⁶ Such approaches are underpinned by the conviction that self-promotion was one of the motives behind Cicero’s dissemination of written versions of some of the speeches which he delivered, as well as for his investment of considerable time and effort into the creation of a series of prose treatises towards the end of his life.⁷ Cicero’s textual identity is, on this view, a deliberate creation, even if its priorities and aims changed over a writing career which lasted nearly forty years.⁸ The application of “career criticism” to ancient texts opens up further routes to assessing Cicero’s textual presence.⁹ Farrell notes that, whereas Greek poets have lives, Roman ones have careers, with Virgil becoming exemplary for subsequent generations of a poetic trajectory from “low” to “high” genres. He argues that Virgil’s self-conscious construction of his career in turn is informed by the behaviour of the Roman elite, whose political activities were highly structured through the agreed practices of the *cursus honorum*.¹⁰ But in Cicero’s case, it was not only his political career which took shape from the conventions of the *cursus honorum*. These also structured his textual presence, setting initially its parameters and contributing to its movement of both register and genre, as the public resonance of “Cicero” developed and the opportunities available to him to contribute to the *res publica* expanded.¹¹ There are marked

6. Krostenko 2001; Dugan 2005; Steel 2005; Kurczyk 2006; Gildenhard 2007; van der Blom 2010; Stroup 2010.

7. Self-promotion as a motive for the dissemination of the speeches is compatible with the pedagogical motive articulated by Stroh (1975 p. 50-54). Powell and Paterson (2004, p. 52-53) provide a fair summary of the problem: “...publication should be seen above all in its social context, and there could be several motives operating together. In the case of successful speeches, Cicero will have wanted to advertise his triumphs, grateful clients may have wanted to be reminded of the eloquence of their *patronus* in their support, and the public (including fellow advocates and students of rhetoric) will have been curious to know exactly how Cicero pulled it off.” The texts of the speeches became interesting to students – and rivals – precisely because of their association with the brand “Cicero”. See also Achard 2000.

8. In 58, when Cicero was in exile, he was concerned by the unauthorised circulation of an attack on Clodius and Curio that he had made in 61 (*Att.* 3.12.2, 3.15.3), asking Atticus to sort things out, if necessary by claiming that the text was a forgery: Starr 1987 p. 218-219; Crawford 1994 p. 227-263. In the opening of *de Oratore* (1.5) Cicero describes a work (clearly *de Inventione*) which has “slipped out”, *exciderunt*, from his notebooks; but this is surely artful deprecation, from a distance of two decades or more. Cicero’s first datable work is *pro Quinctio* from 81, though *de Inventione* may be earlier; the last surviving works are letters from the early summer of 43; he presumably continued to correspond in the remaining months of his life, though these were either lost or failed to meet the criteria of the letters’ editors (see White 2010 p. 31-61).

9. On the history and definition of “career criticism”, see Cheney 2002.

10. Farrell 2002. For a preliminary attempt to explore the implications of career criticism for the case of Cicero, see Gibson and Steel 2010.

11. Is it possible also to talk of Cicero as an example of exploitation of the opportunities to match text to action? Cicero was of course not the first to write down his speeches, though it is difficult to find another so diligent in preserving his actions apart from the elder Cato (on whom see now Sciarrino 2011) and perhaps the younger Gracchus.

generic emphases in the different stages of Cicero's career, which reflect both the external opportunities he had as a speaker and the decisions he made about what to write.¹² The first half of his career, until his consulship, reflects the greatest external constraints: as we shall see, these had a significant effect on the nature of the personal narrative which he could construct.

Cicero's texts are thus a record of his public career, but one which is in constant dialogue, if not conflict, with the account which could be offered of Cicero as a public figure who was experienced through the medium of oral performance. Morstein-Marx has emphasised that the distinction between written and spoken is essential to understanding political speech in this period, and in particular the widespread use of *popularis* language.¹³ He uses the example of Cicero, who could present himself at *contiones* as a man of *popularis* sympathies in a way which seems deeply unconvincing to a reader with access to all of Cicero's writings. But most of Cicero's listeners would have no access to his "real" view of the people as a unreliable burden on the public treasury. The importance of oral performance in political life is a key element in the current re-evaluation of popular politics in the late Republic, which analyses the decisions of the Roman people as genuine, unpredictable, and connected to the information which it received at *contiones*.¹⁴ As records of oral performances, Cicero's texts are vital to this approach and need to be interpreted alongside the testimonia to, and scanty fragments of, other speakers' performances. Yet we still need to account for the great effort that Cicero devoted to disseminating versions of some, at least, of his speeches. The audience for these written records was limited in comparison with the audience which heard him speak: it would be reasonable to think that its potential reach was members of the Senate, those equestrians who involved themselves with political life in Rome, and their younger male relatives who were studying rhetoric. The overlap, that is, with the juries whom Cicero addressed (particularly after the changes to jury composition introduced in 70), is likely to have been considerable. This audience, clearly, mattered to Cicero, just as his relationship with the Roman people – as constituted as a listening and voting assembly in Rome – mattered. The former contained the men who might ask him for his services as an advocate, and whose gratitude, thus obtained, had a strong influence over voter behaviour in the elections for higher office; but no ambitious politician could insulate himself from the imperative to fashion an effective relationship with the people.¹⁵ Cicero was attempting to increase his chances of electoral and other success by creating a written narrative to sit beside his oral *persona*: his written reception was shaped by what happened in public,

12. He began as a poet and theorist and was then for twenty-five years primarily an orator; after a period in the second half of the fifties in which letters, speeches and treatises all play important parts in his outputs, he became a correspondent, and writer of treatises on oratory and philosophy, until the final, unexpected eighteen months of his life combine once again all three genres.

13. Morstein-Marx 2004, p. 204-240.

14. In addition to Morstein-Marx 2004, see North 1990; Jehne 1995; Pina Polo 1996; Millar 1998; Hölkeskamp 2009; Steel and van der Blom 2013.

15. Yakobson 1999; Mouritsen 2001 argues for a much narrower *contional* audience, which would have a much greater overlap with Cicero's readers.

since his readers were, we should assume, often also participants in the *contiones* and trials (whether or not as jurors).

Writing enabled Cicero to present to this small reading audience an edited account of himself, which inevitably reflected and was guided by his oral presence but which permitted a streamlining of events and, I suggest, a strong teleological imperative. The written “Cicero” is a figure engaged in a successful and inexorable ascent of the *cursus honorum*. Faced with the confidence of these texts, we need to remind ourselves that the Cicero of the late eighties BC could not know that he would be successful in entering the Senate; when, in the summer of 76 B.C., he had achieved that goal, he could not know that his coming quaestorship would be followed by any higher office; and so on. The point is obvious, but its implications for Cicero’s textual presence have not perhaps been fully articulated. Cicero’s writings contain an autobiographical impulse from the beginning of his career, but they are disseminated into a career context which is, for the most part, highly structured in accordance with agreed rules and at the same time full of personal uncertainty. The texts do not simply record his progress: they attempt to shape it, and do so as much through their impact as a unified and expanding narrative as through the force of discrete texts.

A further complicating factor arises from the particular circumstances which Cicero faced as he contemplated the start of his career. The *cursus honorum* itself, with its promise of order and benchmarks against which progress and success could be publicly marked, was under considerable pressure at precisely that point in the mid-80s. Cinna and Carbo were, in defiance of the *lex annalis*, holding repeated consulships;¹⁶ and in 82 the younger Gaius Marius was elected to that position at the age of twenty-six or twenty-seven. The practices of the annual election of two consuls and of minimum ages for office-holding, expectations which shaped the entire public activity of the elite, were under threat. This period of disruption came to an end with two years of civil war fought across central and northern Italy and the establishment of Sulla’s terrifying dictatorship with its policy of legalised dispossession and assassination for his opponents. Only in 81 did some sense of normality re-emerge, with Sulla’s legislation on the *cursus* which re-asserted the sequence of offices and the minimum ages for their tenure. The killing of Lucretius Ofella in the forum because he was attempting to stand for the consulship without having held any earlier office was a bloody demonstration that Sulla intended his rules to be followed.¹⁷

Cicero claims in the *Brutus* that he was dedicating himself to his studies during this period, and notes, of his eventual début in 81, “then I first began to undertake cases, private and public, so that rather than learning in the forum, as many did, I might, as far as I could, come to the forum ready-taught”.¹⁸ This explanation is not in itself unreasonable. But it may also reflect Cicero’s caution

16. Cinna was consul in 87, 86, 85 and 84; Carbo, in 85, 84 and 82.

17. The date of Ofella’s attempt is however disputed; see further Keaveney 2003. Sulla was nonetheless unable, or unwilling, to prevent the progress of Pompeius’ unconventional career.

18. Cic. *Brut* 308; 311, *tum primum nos ad causas et priuatas et publicas adire coepimus, non ut in foro disceremus quod plerique fecerunt, sed ut, quantum nos efficere potuissemus, docti in forum ueniremus.*

in entering the public arena at so uncertain a time.¹⁹ Whatever the reasons behind Cicero's actions, they meant that one trajectory was closed off to him even before he began: he could not imitate his mentor L. Crassus and announce himself and his oratorical talent by prosecuting a senior figure at a precocious age.²⁰ By the time he spoke for Quinctius, he was twenty-five, considerably older than many orators on first appearance.²¹ But political uncertainty may not be the only factor in Cicero's eschewal of prosecution. Crassus was a *nobilis*; his political base offered protection from the *invidia* connected to prosecution. Cicero did not have these advantages.

By the time Cicero spoke for Quinctius, the return to normality – as constituted by Sulla – was well advanced. Cicero himself could plan his career with the expectation that he would stand for the quaestorship, and if successful enter the Senate, five years later; his chances of success had also risen appreciably, with the rise in the number of quaestorships. He could also identify his likely rivals on the basis of age and, should he have been confident enough to speculate further, envisage his ideal trajectory through the remaining prizes and duties of Roman public life. Cicero's decision to disseminate a *pro Quinctio* should not be separated from these prospects: it marks the beginning of the textual narrative of "Cicero".²² The case put Cicero, probably for the first time, against Hortensius, who was emerging as perhaps the leading orator of the day; and it enabled him to record his friendship with and service to Roscius the actor, who was Quinctius' brother-in-law.²³ The opportunity the case provided Cicero to locate himself in relation to the pro-Sullan elite compensated for his (probable) failure in securing his client's victory; and the speech itself demonstrates agile

19. The caution is even more interesting if we consider that there were few notable orators at Rome in the 80s (Cic. *Brut.* 307-311, confirmed by other sources; see Sumner 1973) and that Cicero had links with the Cinnan group through his Arpinate connections; see Rawson 1971 for his consistent failure not to exploit them.

20. Crassus' prosecution of Carbo in 119 set the pattern for this tactic; see David 1992 p. 525-547. Tac. *Dial.* 34.7 gives a canonical form of the list.

21. As Gellius (15.28) notes, in his attempt to explain how Nepos came to make so elementary a mistake in his biography of Cicero as his age at his first case. In 79 M. Aemilius Lepidus was threatened with prosecution by the Metellus brothers Celer and Nepos, both in their early twenties; in 79 or 77 Gaius Caesar (born in 102 or 100) unsuccessfully prosecuted Cn. Cornelius Dolabella (cos. 81) on *repetundae* charges arising from his tenure of Cilicia; and M. Aemilius Scaurus successfully prosecuted Cn. Cornelius Dolabella (pr. 81) in 78, at the age, probably, of eighteen (see discussions in Alexander 1990 and Sumner 1973). The difference in status between Cicero and these men – Scaurus and Caesar patricians, Celer and Nepos members of what was probably the most successful family in Roman politics over the previous half-century – is striking.

22. How far is this assertion complicated by the *de inuentione*? The scholarly consensus tends to place its dissemination before Cicero's début as an orator (though the evidence of *de or.* 1.5 is not conclusive); see Greco 1998, p. 9-11; Corbeill 2002, p. 31-34; Negri 2007, p. 185-193. In view of this uncertainty, it is unwise to construct any arguments based on the chronology of these works; but we can use *de inuentione* at the very least as evidence that Cicero was eager to establish for himself very early in his career a textual identity which made strong claims for the importance of oratory to a healthy *res publica*.

23. Cic. *Quinct.* 77-78. On Hortensius' family and career, see Dyck 2008; on the absence of other orators, see n.13 above. On Roscius, Dumont 2004.

argumentation alongside the articulation of a distinct speaking *persona*.²⁴ This “Cicero” is not a complete novice – he notes in the proem his practice in “other cases” – but he is intimidated by the forces he faces, and he and his client are at a disadvantage because of the influence of those who oppose them.²⁵

The themes of innocence made vulnerable through hostile power, and of an advocate whose courage, though under threat, compensates for his lack of experience, recurs in the next stage in Cicero’s textual journey, his speech *pro Sexto Roscio Amerino*.²⁶ This arose from a much more striking case than that of Quintius: Sextus Roscius was the first man to be prosecuted in the new *quaestio de ueneficiis et sicariis*, and was accused, moreover, of killing his father. The background to the case directly evoked recent disturbances, since the elder Roscius’ name had appeared on the proscription lists. Cicero’s tactics are correspondingly bolder than in *pro Quintio*: he defends Roscius by setting up Roscius’ cousins, Magnus and Capito, as the perpetrators of the murder and he constructs a sinister conspiracy involving Magnus, Capito and one of Sulla’s freedmen, Chrysogonus, to explain the motive for the elder Roscius’ killing.²⁷ It is almost as though *pro Roscio Amerino* is standing in for the career-making prosecution which Cicero had not (yet) engaged in, so firmly does he shift as the speech progresses from defence of his client to attack upon his enemies.²⁸ The speech also presents Cicero himself as a very different kind of person from the prosecutor, Erucius. He is not, he implies, a sordid hireling (as Erucius); he may be young and inexperienced, but he is supported by the noble families who have rallied to protect Roscius; and he concludes his speech with a confident demand that the jurors align their verdict with the good of the *res publica* by taking a stand against *crudelitas* and its threat to civilised behaviour.²⁹

These first two speeches are already the result of selection from the wider set of speeches that Cicero delivered: since he was responsible for dissemination, we must assume that he decided that those he had delivered for Titinia and for

24. The inference that Cicero lost the case seems secure: it is difficult to explain why he would not have recorded the fact of this early victory over Hortensius. On the speech, see Kinsey 1971; Hinard 1975; Bannon 2000; Platschek 2005.

25. Cic. *Quinct.* 1-11; 59; 77-78; 91-99.

26. It is possible that this case was also his next delivered speech, though his self-description in *Brutus* (312) suggests otherwise; his other forensic activity prior to his departure for Greece in 79 (the speeches on behalf of the woman from Arretium and on behalf of Titinia) is datable only in broad terms (Crawford 1984, p. 33-38; Marinone 2004, p. 59).

27. The legal and political background to this case, and the peculiarity that the death of a man whose name was on the proscription lists could give rise to a murder trial, have been extensively discussed: see Riggsby 1999, p. 55-66; Hinard 2008; Dyck 2010.

28. On the conventions of Ciceronian prosecution, Powell 2007, p. 8-14.

29. Cic. *S.Rosc* 154, *homines sapientes et ista auctoritate et potestate praeditos qua uos estis ex quibus rebus maxime res publica laborat, iis maxime mederi conuenit. uestrum nemo est quin intellegat populum Romanum, qui quondam in hostes lenissimus existimabatur, hoc tempore domestica crudelitas laborare. hanc tollite ex ciuitate, iudices, hanc pati nolite diutius in hac re publica uersari. quae non modo id habet in se mali quod tot ciues atrocissime sustulit uerum etiam hominibus lenissimis ademnit misericordiam consuetudine incommodorum. nam cum omnibus horis aliquid atrociter fieri uidemus aut audimus, etiam quo natura mitissimi sumus assiduitate molestiarum sensum omnem humanitatis ex animis amittimus.*

the woman from Arretium should not be part of the development of "Cicero".³⁰ Further development of the textual narrative was now delayed by Cicero's absences from Rome. He went in 79 to Athens and then Rhodes to enjoy the pacified eastern Mediterranean and to study rhetoric and philosophy. He returned to Rome in time to stand successfully for a quaestorship in 75, which interrupted his forensic career again with a year's service in Sicily. On his return, he was involved in a number of cases, and he appears to have disseminated written versions of two or possibly three of them: *pro Tullio*, *pro Vareno* and *pro Roscio Comoedo*.³¹ *Pro Tullio*, which survives in substantial fragments, is the most secure in its dating, and definitely prior to the *Verrines*.³² Tullius was the plaintiff in this civil law case, seeking damages for the killing of his slaves during a boundary dispute on his estate at Thurii. The speech demonstrates Cicero's competence – as far as we can tell, given its fragmentary state – in the kind of case that frequently exercised members of the elite, and it recorded obligations which were becoming ever more important as he planned his electoral progress through increasingly competitive offices.³³ The case that generated *pro Vareno* resembled that of Roscius of Ameria: L. Varenus, the defendant, was accused of murdering or attempting to murder men related to him, and was prosecuted under the *lex Cornelia de sicariis et ueneficiis*. Cicero's defence appears to have been based on the argument that Varenus did not benefit from the crime, combined with the transfer of guilt to another party: but only a small number of fragments survive.³⁴ Varenus was nonetheless convicted. Finally, *pro Roscio Comoedo* also recorded a civil law case, and the identity of Cicero's client, the

30. Crawford 1984, p. 33-36 discusses reasons for the non-publication of these speeches. In the case of the woman from Arretium, she suggests that the opposition that it involved to Sulla may have explained Cicero's failure to disseminate; this seems reasonable, particularly given that a decade later, in a Rome decisively emerged from its post-Sullan phase, Cicero was happy to remind the audience at Caecina's trial (*Caec.* 96-97) of his earlier success, in a context which is exemplary, rather than essential for his argument. I would disagree, however, with Crawford's suggestion in the case of Titinia that Cicero – in addition to the reason that he departed from Rome soon afterwards – "had not yet established a firm reputation as an orator and hence had no cause to circulate his speech" (36). It is much more likely that his client – charged under the *lex de sicariis et ueneficiis* – was convicted. Cicero's references to the speech – the only evidence for it – are from *Brutus* and *Orator*, and are made because he wishes to record the deficiencies of Scribonius Curio *pater's* oratorical memory; that, and the distance of thirty years, may have made the record of an early failure more tolerable and besides, few of his readers would remember the case.

31. In addition, Cicero *may* have disseminated a version of a speech he gave on leaving Sicily (Crawford 1994, p. 19-22). This would be another dimension to Cicero's attempt to create an oratorical presence, and his first non-forensic speech to be disseminated.

32. Lintott 2008, p. 69-73.

33. The *commentariolum petitionis* summarises the benefits of forensic orator for the candidate in sections 2-4 and 19; its evidence is valuable even though its ascription to Cicero's brother Quintus is doubtful: Alexander 2009.

34. See Crawford 1994, p. 7-18; cf. Quintilian (*I. O.* 7.2.36), "An advocate should as far as possible insist on this point, that nothing is credibly done without a reason. Cicero handles this point very vigorously in many of his speeches, and above all in *pro Vareno*, who was in trouble on every other point – and he was convicted." (*patronus uero, quotiens poterit, instabit huic loco, ut nihil credibile sit factum esse sine causa. quod Cicero uehementissime in multis orationibus tractat, praecipue tamen pro Vareno, qui omnibus aliis premebatur, nam et damnatus est*). The date of the speech is also uncertain: it is prior to the *Verrines*, but might even date to before Cicero's eastern journey.

actor Roscius, may be sufficient explanation for Cicero's decision to disseminate a written version. In addition, the speech is a brilliant and witty *tour-de-force*, which takes the comic plots in the performance of which Roscius so excelled as the basis for a forensic emplotment which confines Roscius' opponent to the character of a comic villain.³⁵ The speech does not simply record one of Cicero's many *beneficia*; it also advertises an extraordinarily fertile and flexible talent. Unfortunately, however, its date remains contested, and it may be as late as the year of Cicero's praetorship.

Disseminated texts continue to represent only a proportion of Cicero's actual forensic activity: during this period he spoke on behalf of Roman citizens in Sicily (which may not have been in a formal trial situation) and in Rome he defended a freedman, Scamander (another case under the *lex Cornelia de sicariis et ueneficiis*) and spoke for Mustius in a civil case.³⁶ The process of selection which we observed in the opening years of his forensic career continued to operate as he began to hold public office. Even if the motives for publication and non-publication were derived primarily from the variables of each specific occasion – the identity of the client, the interest and importance of the case, and its outcome – the individual parts of the *corpus* came together to produce an overall account of “Cicero”. The selection which we can observe suggests that Cicero was attempting to construct himself as a busy and flexible orator (he publishes a higher proportion of his forensic speeches during the 70s than at any point later in his career), well-connected among the élite, who combined the capacity to challenge the status quo on behalf of the unjustly accused, even when cases appeared desperate, with the legal skill to handle complex civil law disputes.³⁷ Such certainly is the story which Cicero tells towards the end of his life, in *Brutus*: in the year between his return from Asia and departure for Sicily “I conducted noble cases” and by the time of Verres' trial “I had spent almost five years in many cases and in important defences”.³⁸ But the narrative that he was constructing during these early years arguably lends itself, despite Cicero's efforts, to a less favourable reading. In this alternative analysis, we see an advocate attempting to construct a positive reputation on the basis of obscure clients and partial success. Even more notable than the high proportion of speeches Cicero disseminated is the number of failures that he recorded at this point in his career: Varenus was definitely convicted, and Quinctius probably lost his case. (The only other known failure that Cicero disseminated was the exceptional *pro Milone*.)³⁹ Faced with a choice between silence and failure, failure appears to have been preferable: any textual presence was better than none at this early stage. But the shift in his later practice to the suppression of failure suggests

35. Axer 1980; Harries 2007, p. 136-141; on dating, Marinone 2004, p. 274.

36. Crawford 1984, p. 37-43. He also addressed the tribunes of the plebs on behalf of the Sicilian Sthenius (Crawford 1984, p. 44-46).

37. Crawford (1984, p. 12) analyses frequency of publication over Cicero's career. Steel (2005, p. 21-28) discusses Cicero's publication strategy, but is insufficiently alert to the impact of the developing *corpus* of his speeches.

38. Cic. *Brut.* 318-319, *causas nobilis egimus...cum igitur essem in plurimis causis et in principibus patronis quinquennium fere uersatus...*

39. Melchior 2008.

that Cicero would surely have preferred to record himself only as an advocate who won his cases. The very existence of *pro Quinctio* and *pro Vareno* points to a dearth of early successes.

Abandoning a teleological view of Cicero's public career, which transposes inevitable success back to his early years, and acknowledging instead that his first decade as an orator involved only intermittent success, provides an essential framework for understanding both the *Verrines* and the case which generated them. This huge quantity of oratorical prose, unprecedented not only in Cicero's earlier writing but in Roman oratory as a whole, consolidates the strand in Cicero's narrative, apparent in *pro Roscio Amerino* and *pro Vareno*, which presents him as a fearless and solitary defender opposing an unjust and much more powerful group of men.⁴⁰ Moreover, it shows him being successful in this role. But it also signals his capacity to engage with issues which affect the *res publica* and arise from the behaviour of senior figures within the élite. Cicero had previously spoken at *iudicia publica* only in cases brought under the *lex Cornelia de sicariis et ueneficiis*; the prosecution of Verres was in the *repetundae* court, with its almost inevitable focus on the behaviour of senior magistrates.⁴¹

The *Verrines* emphasise the wide and detrimental impact of Verres' actions on the *res publica*.⁴² The first of the five speeches from the second hearing covers Verres' public career before his time in Sicily; the remaining four demonstrate the damage he has caused to Rome through the subversion of law, economic output, the relations with Rome's allies and its gods, its military security, and finally the security of individual citizens. The perspective helps to counter the difficulty inherent in *repetundae* cases of convincing the jurors that magistrates' behaviour overseas, and at the expense of non-Romans, is relevant to Roman interests.⁴³ In addition, Cicero links the trial to the contemporary debate about the composition of juries, by arguing that Verres' acquittal would be treated as evidence for the systemic corruption of senatorial juries which could only be fixed by the transfer of some or all jury places to other groups: the current, senatorial, jury to whom is speaking are thus in a position not only to deliver a just verdict (by convicting Verres) but also to protect the interests of the Senate and thus the interests of the whole *res publica*.⁴⁴

The *Verrines* confirm Cicero as a man who can speak for, and about, the *res publica*. They also look forward to the next stage of his career as aedile, tenure of which is tied, so Cicero claims, to his efforts in this case (*Ver* 1.24-25); and perhaps they also give Cicero what could be described as a "tribunician moment", an opportunity for him to access *popularis* tropes despite his

40. For this aspect of *pro Vareno*, note Crawford Fragments 1 and 2.

41. To draw this distinction is not fundamentally to challenge the argument (Riggsby 1999, p. 151-171) that the shared feature of offences tried by the *iudicia publica* was their capacity to damage the *res publica*; what makes *res repetundae*, *ambitus* and *maiestas* distinctive is that, in practice, those capable of committing them were men engaged in public life.

42. Among recent discussions of these speeches, note particularly Dyck 2008, p. 149-153; Pittia 2010; and Gildenhard 2011.

43. See Vasaly 1993, p. 191-243; Steel 2001, p. 21-74. In the *Verrines*, Cicero emphasises the cultural and historical links between Sicily and Rome (*Ver* 2.2.2-9); see further Prag 2013.

44. The jury question is handled most extensively in the first hearing, *Ver* 1.34-56; see also *Ver* 2.1.4-23; 2.5.177-178; see further Fontanella 2004.

decision not to seek the tribunate of the plebs. Perhaps most importantly of all, they record his victory over Hortensius, the dominant figure in Roman forensic oratory over the previous decade, consul-elect, and a man intimately connected to the leading figures of the immediately post-Sullan period.⁴⁵ This is the point at which Cicero, as he looked back, could claim to have emerged as Rome's leading orator.⁴⁶ It is tempting to link this record of victory over Hortensius with a wider sense of renewal during this year, with the restoration of tribunician powers and the first census since Sulla's dictatorship. In oratory, too, Cicero implies, a transformation of power is occurring, in which the power of the Sullan nobility, as represented by Hortensius, is being replaced by new and untainted talent. This is a narrative structured to put Cicero in a strong position for the praetorian elections three years hence, in the summer of 67.

The *Verrines* thus translate Cicero's success during the trial in securing Verres' conviction into a staging post in a narrative which is now directed at the highest offices in the state. But that success should not inevitably be read back into Cicero's decision, reached the previous year, to prosecute Verres: this was a more finely balanced judgement.⁴⁷ There were undoubtedly some factors in the case which favoured the chances of a prosecution. Verres himself was not from an established political family (his father may have entered the Senate later than he) and, despite good relations with the Metelli, he was not at the centre of any powerful groupings.⁴⁸ Moreover, his conduct in Sicily had already been the subject of senatorial discussion and tribunician inquiry, about the judicial proceedings against Sthenius.⁴⁹ And the prospect of wider political reform, from which the prosecution of a (relatively weak) member of the Sullan *nobilitas* might benefit, was clear as soon as Pompeius was elected to the consulship. Nonetheless, prosecution created difficulties for someone who did not seek to make it his occupation. In addition to the moral issues, particularly concerning cruelty, which could be raised (and Cicero did not have the accepted excuse of

45. Hortensius was closely associated with both Catulus (whose sister was his wife) and Lucullus (an environment depicted, much later, by Cicero in *Lucullus*); and he had regularly defended during the previous decade senior members of the élite (*ORF* 92). Cicero's "advice" to Hortensius at the end of the *Verrines* (2.5.174-177) indicates his attempt to rebalance their relationship: Cicero implies that Hortensius has engaged in bribery on Verres' behalf, accuses him and his associates of exercising a *regia dominatio* over the courts and the state, and threatens him with imminent tribunician action if this continues: "Wrongdoing in this case will be very dangerous for you – more so than you think. You may reckon that, as consul designate and having held your public offices, you are now free from anxiety about your reputation – but, trust me, it requires as much effort to keep those honours and benefits from the Roman people as to acquire them" (*magno tuo periculo peccabitur in hoc iudicio, maiore quam putas. quod enim te liberatum iam existimationis metu, defunctum honoribus designatum consulem cogites, mihi crede, ornamenta ista et beneficia populi Romani non minore negotio retinentur quam comparantur*). The dynamics of relationship which this advice from aedile-elect to consul-elect attempts to create are remarkable.

46. Cic. *Brut.* 319-320.

47. Since the process of *diuinatio* began almost as soon as Verres' period in office came to an end at the end of 71, it is reasonable to assume that Cicero had taken the decision to prosecute some time during 71.

48. Given the way in which Cicero presents his prosecution as part of a renewal of the *res publica*, we might if anything expect him to over-emphasise the role of the Metelli in supporting Verres, insofar as they were deeply embedded in the Sullan *nobilitas*.

49. Cic. *Verr* 2.2.95-101.

being at the start of his career) was the inevitable *inimicitia* should prosecution fail. Verres was far from certain to have been successful in the consular elections for 68, had he been acquitted; but his chances were not negligible. Cicero's decision involved risk; he took those risks because the tactics he had hitherto adopted were not proving sufficiently effective in creating for him a public *persona* that could sustain further successful electoral campaigning all the way to the consulship.⁵⁰ Despite his account of himself in *Brutus*, there is no evidence that he was being asked by members of the élite for forensic defences: and we can reasonably assume that Cicero himself would have preserved notice of such occasions, if they had occurred.

The *Verrines* thus record a turning point in Cicero's career and in the narrative which he could offer of it. The prosecution of Verres was an attempt to re-energise Cicero's progress, and the *Verrines* record the transmutation of that success into an acknowledged stage in Cicero's unfolding career. The subsequent transformation in the forensic opportunities he received is striking. Almost immediately, he found senatorial clients, with defences, in 69, of the former praetor Fonteius on *repetundae* charges and of Oppius (an ex-quaestor) on charges arising from his conduct as proquaestor in Bithynia. These were followed by Orchivius (pr. 66) in 65, and Gallius (pr. 65), probably in 64, as well as two ex-tribunes (Manilius and Cornelius) on charges arising from the conduct in that office. In addition, Cicero continued to work for well-connected *domi nobiles*. He spoke for Caecina in a civil case in 69 concerning the ownership of property; defended Cluentius on a murder charge in 66; and in that year or the following spoke for Fundanius. He was prepared to defend Sulla's son Faustus on a charge of *peculatus* (the case did not actually come to trial) and there were also forensic speeches in cases involving Mucius Orestinus and Matrinius.⁵¹ Cicero also delivered his first deliberative speeches at Rome, with support for Manilius' law on Pompeius' command and a contribution to a senatorial debate on the position of the king of Egypt as well as a defence of his own consular candidacy.

After the *Verrines* Cicero was busy forensically, and his clients brought with them influence that could be devoted to his advancement. In addition, Cicero appears to have been successful in his cases, though it is difficult to determine whether this was the result of increased skills, or an increased client base enabling him to avoid the truly desperate. And once he reached the praetorship he was in a position to contribute oratorically to the affairs of the *res publica*. As significant

50. Cicero did succeed in being elected in the summer of 70 to the aedileship, at the earliest date possible. I am not convinced, however, that this seriously undermines the argument that Cicero was driven to prosecute Verres because of what he perceived as weaknesses in his existing forensic career. We do not know what proportion of men who planned to stand for the praetorship tried to secure the aedileship. Moreover, though the aedilician elections of 70 preceded Verres' trial, Cicero was already Verres' prosecutor. If I am right in suggesting that the prosecution of Verres could be perceived as a *popularis* move in the context of a reforming year, Cicero may have benefited from it in electoral terms even before he had said a word.

51. Crawford 1984, p. 55-69, 73-76; Crawford 1994, p. 23-41, p. 57-158; Marinone 2004, p. 68-81. On oratory and the support of the well-connected, [Q. Cic.] *comm. pet.* 19. Matrinius was seeking an appointment as a *scriba*; Mucius Orestinus was tribune of the plebs in 64. On the complexities of Cicero's forensic relationship with Manilius see, in addition to Crawford 1984, Ramsey 1980.

as the increase in the intensity of his oratorical work was his continuing diligence in recording it. He disseminated versions of all the deliberative speeches – *de imperio Cn. Pompei*, *de rege Alexandrino*, and *in toga candida* – and most of the forensic speeches (the exceptions are those for Matrinius, Orchivius and Orestinus).⁵² This is the narrative of a figure dominant in the forensic sphere and heading towards the consulship with the support of people and senate.

The impact of one of Cicero's speeches in its written form must be considered in relation to what already existed under his name in the public domain: we are dealing not with a series of discrete texts but with the construction of a narrative, which took its general shape from the conventions of the *cursus honorum* but was additionally informed by the particulars of Cicero's activity. In the period before 70, we can see in Cicero's published speeches the struggle between the ideal type of the public career and what Cicero actually experienced and achieved, which was, in some important respects, deficient.⁵³ The prosecution of Verres then takes its place as an undertaking not entirely without risk, designed with the express purpose of switching Cicero's career back onto his preferred story of inexorable success. The *Verrines*, with their carefully structured presentation of the outcome, turn that forensic achievement into a lasting textual monument that becomes the foundation for the unimpeded progress of the following six years.

The achievement of the consulship marks an appropriate place to break, since it marked a turning point in both political career and in the record of that career. The *cursus honorum* ceased to be a guide: there were still successes to be achieved by consulars – the censorship, a triumph, membership of a priestly college if that had not already been attained – but the pace of such acquisitions was less firmly determined. In Cicero's case, his decision not to take a province after the consulship further narrowed the range of his choices; and, of course, his plans as a senior member of the Senate were quickly disrupted, first by the increasing tensions between Pompeius and his peers and then, and much more directly of concern for Cicero, Clodius' tribunate and Cicero's own exile. As Cicero found himself under personal threat and as the nature of his public role and possible contribution changed in response to the pressures of the political environment, he explored a whole range of textual opportunities to present his

52. The nature, and recording, of speeches *pro Manilio* remain disputed; see n. 51. Crawford (1984) suggests that the Matrinius case went unrecorded because of the obscurity of the client, and that of Orchivius because its political ramifications might complicate Cicero's campaign for the consulship. Whether or not these particular hypotheses are accepted, it seems reasonable to conclude – given the very high proportion of speeches disseminated – that these particular examples could not be brought into line with Cicero's desired narrative. (Orestinus' case may have been concluded before it came to trial).

53. Perhaps the divergence between oral and written prior to the *Verrines* – when it is at its greatest – was easier to manage because it was played out simply in the forensic sphere: that is, Cicero had not committed himself directly to the people, *qua* people, in anything that he had said. His failures were those of unemployment and forensic defeat. As his deliberative career began, the potential tensions between the expectations of his listening and reading audiences increased; *de imperio Cn. Pompei* provides a demonstration of his attempts to manage his *persona* so that oral popularity could be acquired through a speech which would also serve a useful function in written form: see further Rose 1995; Steel 2001 p. 114-156.

narrative and challenge that of Clodius and his other critics: oratory was part of his strategy, with the publication or re-publication of a set of consular orations in 60, but so too were historiography and poetry.⁵⁴ A wide range of genres was now summoned to support “Cicero”. Moreover, the challenge of maintaining a productive relationship between oral and written narratives became greater as the nature of the opportunities to speak became more unpredictable, and the constraints of political life itself led him towards texts which did not require a pretext for their existence.⁵⁵ Among his treatises, questions of selection and dissemination do not arise: he decided what he wished to write, and disseminated the results.⁵⁶

Oratory – deliberative as well as forensic – did not offer similar freedom, and consequently the earlier narrative of “Cicero” was heavily shaped by external constraints. We cannot always explain why some speeches were suppressed, and arguments about non-dissemination are inevitably speculative, given the depth of our ignorance concerning the details of the cases to which such speeches belong. But the oratorical texts which Cicero disseminated are not the unreflecting transcription of his public acts: they are elements in a planned narrative, which record his constant attempt to impose, on the sometimes recalcitrant raw material of Roman politics, order and success.

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54. On the consular orations, Cic. *Att* 2.1.3; on his textual strategies, Steel 2005, p. 49-63.

55. It is interesting to note that Cicero did not disseminate speeches which he had not delivered (with the possible partial exception of *pro Milone*: Fotheringham 2006; Melchior 2008) until the period after Caesar's assassination.

56. The dissemination of *de legibus* remains a problem: see the discussion in Dyck 2003.

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