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Chapter 12

Early-career Prosecutors: Forensic Activity and Senatorial Careers in the Late Republic

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1. INTRODUCTION

The relationship between forensic and political activity in the Roman Republic is well known.¹ Much of what the *iudicia publica* dealt with were offences in public office: embezzlement, extortion, bribery and various kinds of misconduct by military commanders. The increasing prevalence of violence within domestic politics towards the end of the Republic further increased the overlap between politics and legal proceedings through the use of legislation *de vi*. Even if juries generally reached their decision on the basis of the evidence presented to them, rather than their pre-existing political dispositions, it is nonetheless the case that many of the trials heard by the *quaestiones* that dealt with the offences of *repetundae*, *ambitio* and *maiestas* involved defendants who were prominent in public life.² This aspect of Roman public life – the fact that prominent men were vulnerable to legal proceedings arising from their public activities, whose outcome, if a conviction, could have career-ending consequences – would not necessarily lead to forensic activity on the part of politicians, particularly since the Roman legal system allowed advocacy.³ But in fact senators are found engaged in both prosecution and defence within the *iudicia publica*. This can be seen as an aspect of that distinctive lack of specialisation, or perhaps better a mantra of universal competence, which is so characteristic a feature of the Republican elite.⁴ In addition, prosecution in Rome depended on a private individual bringing a charge, rather than any action by the state: thus prosecution was, or was often perceived to be, motivated by personal animosity between politically active individuals, and undertaken by men who were themselves engaged in a political

¹ Gruen 1968; Riggsby 1999.

² A similar proportional confidence cannot be expressed about the *quaestio de vi*, given the breadth of its scope, though political significant trials *de vi* are numerous. On the relationship between the offences tried in the *iudicia publica* and the interests of the *res publica*, Riggsby 1999.

³ Crook 1995.

⁴ Beard and Crawford 1985: 56–9.

career.⁵ Consequently, forensic ability is generally regarded in modern research on the Roman Republic as a valuable skill for a politician to possess.⁶

The purpose of this chapter is to explore in more detail the ways in which forensic activity played a part in the public careers of late Republican politicians through a close examination of cases where prosecution was undertaken by very young men. Roman writers on rhetoric from Cicero onwards acknowledge the existence of a convention by which a young man prosecuted a senior political figure with a view to becoming known favourably in the community.⁷ This convention is regularly acknowledged in modern treatments of Republican oratory.⁸ However, the narrow and precise constraints within which this convention of early-career prosecution operated are often ignored. Close analysis of the known cases demonstrates the criteria that those who aspired to prosecute in this way needed to meet, and the characteristics their opponents had to possess. These parameters set this kind of prosecution apart from other forms of prosecution, ensuring that it could play a recognisable and constructive role in the creation of elite careers. In addition, undertaking a prosecution at an early age did not necessarily mean that the prosecutor subsequently became a specialist forensic orator, nor did those members of the elite who specialised as forensic orators necessarily begin their careers with a prosecution of this kind.

Early-career prosecution thus illuminates the role of forensic activity in senatorial careers more generally, with particular relevance to how we should understand that of Cicero. His is highly anomalous, despite his attempts to present his trajectory as normative. Finally, this chapter also illuminates the kinds of support from specialist advisors that members of the senatorial elite – particularly those who were not experienced when they prosecuted – could access.

The period studied is the century 149–49, that is from the establishment of the first permanent *quaestio* at Rome to the outbreak of civil war between Caesar and the *res publica*.⁹ Within this period it is possible to identify more than twenty trials, which form the basis of the following discussion.¹⁰

⁵ Consequently, prosecution was itself a high-stakes activity: Cic. *Off.* On prosecution more generally in the Republic, David 1992: 497–569; Crook 1995; Van der Blom forthcoming, chapter 1.

⁶ Fantham 1997; Van der Blom forthcoming.

⁷ See below, section 2.

⁸ So, for example, Fantham 1997: 120–21; Alexander 2002: 7.

⁹ This is also the period covered by Alexander 1990, to whose data I acknowledge my debt.

¹⁰ See Table 12.1

2. EARLY CAREER PROSECUTION AS AN IDENTIFIABLE CONVENTION

In 119 L. Licinius Crassus prosecuted C. Papirius Carbo in one of the *iudicia publica*; Carbo was found guilty and subsequently committed suicide.¹¹ The case is unusually well attested and a recurrent interest in accounts of the trial is Crassus' age at the time of the prosecution. Cicero, who was certainly in a position to be accurate, given his personal connections to Crassus and his circle, gives his age as twenty-one.¹² The prosecution was the occasion of Crassus' first public speech; it also, almost certainly, marked his entry into public life more generally. Crassus, and his prosecution of Carbo, is regularly used as an example when Roman writers on oratory discuss the age of practitioners at the start of their careers. In addition to the discussion of the case in *De Oratore* and *Brutus*, Cicero puts Crassus at the head of his list when he discusses in *De Officiis* (2.49) the phenomenon of prosecution by *adulescentes*: his other examples are M. Antonius (cos. 99) and Sulpicius (tr. pl. 88).¹³ Tacitus' list in *Dialogus* contains (in addition to Crassus, who is again mentioned first) Caesar, Calvus and Pollio.¹⁴

The significance of this case is not restricted simply to Crassus' age. It is an example of a phenomenon that could later be presented as a distinctive tactic: a prosecution undertaken by a young man in order to secure public recognition.¹⁵ In *Pro Caelio*, one of the many difficulties that Cicero faces

¹¹ Cic. *Fam.* 9.21.3; *De or.* 1.121, 2.170, 3.74; *Brut.* 159; *Off.* 2.47; Tac. *Dial.* 34.7; see further Gruen 1968: 107–9; Fantham 2004: 30–31.

¹² Tacitus has nineteen, probably an error.

¹³ Interestingly, Antonius' prosecution of Carbo was *not* his first known public speech: that happened when he was prosecuted for sex with a Vestal in 113, a case to which Cicero does not refer. Moreover, he had already by then been elected quaestor. Fantham (2004: 29) suggests that he may have been active in civil cases. Cicero's attempt to make Antonius' career fit the more Crassan model is noteworthy, and may be related to the presentation of his own career: see below.

¹⁴ Quint. (*Inst.* 12.6.1) gives Caesar, Calvus and Pollio as examples of men who undertook prosecutions well before they reached the age of eligibility to the quaestorship, but does not include Crassus, and concludes his list with Augustus; cf. *Inst.* 12.7.3–4 (prosecution of bad citizens).

¹⁵ M. Fulvius Flaccus prosecuted Nasica Serapio in 132 (Alexander 18) for his part in Tiberius Gracchus' death, perhaps before he had been enrolled in the Senate (consul in 125, his praetorship may be as late as 128, and if he did not hold the aedileship he may not have been enrolled by the censors of 130); but he was at least ten years older than Crassus. Numidicus' prosecution of Messalla (Alexander 1990, no. 29) cannot be dated with any precision; if it is as early as 119, as Alexander suggests, then it offers a parallel to Crassus that may even be prior to his prosecution of Carbo (Numidicus was consul in 109, and therefore at least a decade older than Crassus; but would not have been a senator in 119). But Gellius, our only source for this trial, does not comment on the prosecutor's youth, and Numidicus does not feature as an example of a youthful prosecutor in the lists that Tacitus and Apuleius provide, which perhaps point to a later date. Examples can be found pre-149 of young men initiating

in defending his protégé Caelius is the latter's active and provocative judicial career, including the successful prosecution of Gaius Antonius in 59 with which Caelius began his forensic activity. In justifying Caelius' action, Cicero invokes what he claims was precedent for this behaviour if undertaken to secure a good reputation with the Roman people:

He wished, following the established practice and the example of those young men who later emerged in the community as outstanding men and distinguished citizens to let his diligence become known to the Roman people through some noteworthy prosecution.¹⁶

Two centuries later, when Apuleius wanted to construct a list of justifiable prosecutions by young men, to contrast with the behaviour of his own prosecutor Aemilianus, he invoked a very similar pattern of behaviour, using cases that can be found in Cicero's works:

He does not prosecute me for the sake of glory, as Marcus Antonius did Gnaeus Carbo, Gaius Mucius Aulus Albucius, Publius Sulpicius Gnaeus Norbanus, Gaius Furius Marcus Aquillius and Gaius Curio Quintus Metellus. These learned young men underwent this, for the sake of praise, as the first task of forensic activity, so that they might be known to their fellow citizens through some striking trial.¹⁷

Apuleius' treatment poses its own problems.¹⁸ It is, however, a clear demonstration of the persistence of a particular model of understanding forensic activity in the Roman Republic, where prosecution was a justifiable activity for young men as a means to becoming known by the Roman people.¹⁹

judicial proceedings, though direct comparison is difficult with the circumstances under which trials took place prior to the establishment of *quaestiones*. Livy's description of Ser. Galba's attempt to disrupt Paullus' triumph in 167 as 'si in L. Paulo accusando tirocinium ponere et documentum eloquentiae dare voluit' (45.37.3, 'if he wished by prosecuting Lucius Paullus to lay aside his apprenticeship and give evidence of his eloquence'), a description he includes in a speech he ascribes to M. Servilius, may well reflect later understandings of forensic careers; Galba himself acted during the passage of the law authorising Paullus' triumph, speaking in response to an invitation from the tribune of the *plebs* Sempronius Gracchus.

¹⁶ Cic. *Cael.* 73, 'voluit vetere instituto et eorum adolescentium exemplo qui post in civitate summi viri et clarissimi cives exstiterunt industriam suam a populo Romano ex aliqua illustri accusatione cognosci.'

¹⁷ Apul. *Apol.* 66, 'neque autem gloriae causa me accusat, ut M. Antonius Cn. Carbonem, C. Mucius A. Albucium, P. Sulpicius Cn. Norbanum, C. Furius M. Aquilium, C. Curio Q. Metellum. quippe homines eruditissimi iuvenes laudis gratia primum hoc rudimentum forensis operae subibant, ut aliquo insigni iudicio civibus suis noscerentur.'

¹⁸ On Apuleius' Ciceronian sources, and his errors, Hammerstaedt et al., 2002: 269. One peculiarity is the way that Apuleius avoids cases that seem elsewhere to compose a standard list, and relies instead on more obscure names and cases.

¹⁹ Compare Tac. *Dial.* 34.7: Tacitus similarly looks back to Republican oratory as a model of good practice but his focus is on the nature of training that young orators received and, as a result, their capacity to engage in prosecution at very young ages; he does not share Apuleius'

Table 12.1 lists cases that may fall under this heading. The criteria for inclusion are that (1) the case is the first in which the prosecutor is known to have spoken at a *iudicia publica*; (2) the prosecutor was not, or probably not, a senator at the time of the trial because he was too young to have stood for a qualifying magistracy; and (3) the prosecutor went on to enter the senate.²⁰ I give the prosecutor, the defendant, date, whether the prosecutor had consular ancestry, whether he is known to have continued as a forensic speaker after this prosecution, and, for convenience, the reference number in Alexander's *Trials*. There is a degree of imprecision about some of these examples: the dating of the trial is often not secure; consequently it is not always possible to define beyond doubt the relationship between the act of prosecuting and the prosecutor's career. In addition, we seldom know whether men reached the offices they are attested to have held *suo anno*, and as a result when they might have held earlier magistracies, which can be hypothesised even if not attested. Finally, our knowledge of specific forensic cases is evidently very patchy, insofar as a number of the men under consideration are discussed in Cicero's *Brutus* in terms that suggest that they were forensically active, yet cases in which they were involved other than a career-starting prosecution cannot be identified. Absence of specific evidence about subsequent forensic careers needs to be interpreted with some care. These caveats in place, the cases identified are ones where the probable age and stage of the prosecutor are compatible with the prosecution being his first major public act, where no earlier occasion on which he spoke in public is known, and where a public career is known to have followed this initial prosecution.²¹ It does

observation that prosecution can be a route to *gloria* and public recognition. Another point of contrast is that those whom Tacitus identifies, Crassus, Caesar, Asinius and Calvus, all continued their forensic careers after these debuts and were known as orators.

²⁰ P. Valerius Triarius is included although his subsequent career is not attested, as he is spoken of in *Pro Scauro* as though he intended to pursue a political career.

²¹ This second caveat is worth making insofar as it is usually impossible to say anything about the relationship between career development and a particular prosecution if the prosecutor did not hold public office. The wider implication that underlies the distinction, however – namely, that there was such a thing as a prosecutor within the Roman forensic system who regularly brought charges, itself deserves scrutiny. The problem is well illustrated by the case of Cicero's cousin Gratidius and his prosecution of Fimbria (Alexander 1990, no. 61) in perhaps 106. Gratidius' death in 102 ruled out a senatorial career, but this case may represent ambition for public life, particularly as he was a protégé of M. Antonius. M. Antonius himself is not included as a possibility, despite his identification by Cicero in *De Officiis* as an example, since his prosecution of Carbo was apparently preceded by a trial at which he defended himself, on a charge of sexual relations with a Vestal: see above, fn.13. I do however include Sulpicius, despite the fact that he had spoken in a civil case before he prosecuted Norbanus (Cic. *De or.* 2.88), since civil cases were less high profile than those in the *iudicia publica*. The prosecution of Eburnus (Alexander 62) is not included, because of uncertainty over the identification of the prosecutor and, if he was Pompeius Strabo, the relative dating of this trial and Strabo's quaestorship. The trial of P. Sulla in 62 (Alexander 201) is not included, despite the involvement of L. Manlius Torquatus, because of the likelihood that

not however include cases where the prosecutor was holding the tribunate of the plebs at the time of the trial or those where a man was prosecuted *de repetundis* by his quaestor,²² even though such prosecutors may well, prior to Sulla's constitutional changes, not yet have been members of the Senate, since the holding of either office indicates that a public career had begun.²³

Prosecution was an activity that might be undertaken at a very early stage of a career, in contrast to most other forms of public activity, particularly those that involved public speech. Roman public life was hierarchical: what an individual could do was heavily constrained by what he had already done and what he had been authorised to do by the Roman people and by those to whom they delegated their authority. In particular, citizens had no right to address their peers at an assembly: they required an invitation from the magistrate who had summoned the meeting.²⁴ Within this context, the forensic sphere offered unusual flexibility. A prosecutor had to convince the praetor to permit him to bring the charge; in some cases he had also to demonstrate at a *divinatio* that he was more competent to prosecute than another.²⁵ But that was the only barrier that a prosecutor had to clear: he did not need to hold or have held any office, and there were no formal qualifications that those speaking in the courts needed to possess. Even fewer constraints surrounded defence oratory: someone facing charges could, as far as we know, ask whomever he or she wished to speak on their behalf. But in selecting an advocate, we must assume, defendants looked for competence, ideally demonstrated by prior performance, particularly in cases where the defendant was a prominent public figure and the charge one that related to his conduct in public life. So forensic prosecution provided a way to speak to an audience of Roman citizens about weighty topics of wide public concern and interest earlier in a man's career than any other form of public speaking. Its

the lead prosecutor was his father. Cotta's prosecution of Carbo (Alexander 244) is omitted because nothing is known of the prosecutor's subsequent career, though senatorial ambition can be expected from the son of a consul (identification with the senatorial governor of Sardinia in 49 [Caes. *BCiv.* 1.30.2] is tempting but chronologically difficult given that Cotta embarked on his prosecution on the day he took up the *toga virilis* and that this is probably to be dated to 60 or 59.) In other respects this prosecution fits some of the patterns identified in this chapter well, in terms of the youth of the prosecutor, his senatorial connectedness and the motive of familial revenge.

²² Cf. Cic. *Div. Caec.* 63.

²³ The *lex Atinia* did not, it seems, circumvent the actual procedure of senatorial *lectio*.

²⁴ A magistrate who could summon a *contio* could ask anyone he chose to address the people: but it is not clear what benefit the holder of *contio* might gain from an inexperienced and unknown speaker, particularly given what is known of the volatility of contional audiences. Interestingly, both Lucius Crassus and Hortensius are known to have addressed *contiones* very early in their careers – but in both cases after their initial prosecution. On procedure in the *contio*, Pina Polo 1996; Hiebel 2009.

²⁵ Of the cases considered in this paper, Caesar Strabo's prosecution of Albucius involved a *divinatio* (Cic. *Div. Caec.* 63).

attractiveness to those looking to pursue a public career, and particularly to those who did not wish to invest heavily in military activity, is not surprising. Of all the forms of public speaking at Rome, it was the one over which the potential speaker had the greatest control: he did not need to be invited to speak or elected to a particular office. If he could identify a target and convince the praetor that a case existed, he could autonomously create an opportunity to speak in a system that otherwise tightly controlled access to a public audience.

Nonetheless, the act of bringing a prosecution was not without its risks. Because the act of bringing a prosecution was that of an individual, not the community, it was easily interpreted as the act of an *inimicus* and one that would almost inevitably sour subsequent relationships between prosecutor and defendant. Even if the prosecution was successful, and the defendant convicted, his family might undertake a revenge prosecution at a later date; if the defendant was acquitted, his hostility could affect his former prosecutor's subsequent career and success. Although the development of a convention around a career-starting prosecution may have provided some justification for the activity, care was needed, as is evident from Cicero's attempts to explain away Caelius' behaviour. There were also practical issues. Although there were no requirements of a prosecutor in terms of his formal qualifications, to bring a prosecution successfully to court required technical knowledge and understanding of forensic procedure. These skills and knowledge were acquired through the *tirocinium fori*, a process of shadowing and practice, which introduced young men to the legal system. As a result, prosecution was in practice an option available only to those who had access to a network containing more experienced individuals.

3. EARLY-CAREER PROSECUTIONS: A CHRONOLOGICAL SURVEY

Analysis of the prosecutions that fall into this category of early-career prosecution, as defined above, reveals recurrent features as well as a range of differences between the men involved and the circumstances of the trials.²⁶ The nature of the evidence for most of these trials makes systematic comparison across each example impossible. However, a more impressionistic survey does reveal some suggestive variation around the circumstances behind decisions to prosecute and the relationship between initial forensic activity and subsequent career, as well as similarities in the profiles of the objects of prosecution.

In the case of Crassus' prosecution of Carbo, assessment is potentially clouded by the way in which the trial became exemplary of a career-initiating

²⁶ For the careers of these men, see Sumner 1973; David 1992: 721–902.

prosecution and the fundamental role that Crassus played in Cicero's repeated attempts to create a history of Roman oratory. Nonetheless, Crassus' youth at the time of prosecution is a fixed point, as is the prominence of the man he prosecuted: Carbo had been consul the previous year. The trial seems to be related to the continuing reverberations from the recent death of Gaius Gracchus, insofar as Crassus' speech referred to the fact that Carbo had defended Opimius the previous year despite what were thought to be Gracchan sympathies earlier in his career.²⁷

It is however not entirely clear how far Crassus used the speech to articulate a political stance of his own, though it seems likely that his performance in this case, which ended in Carbo's conviction, paved the way for his participation as *tresvir* in the foundation of a colony in Gaul, at Narbo, the following year, despite his age.²⁸ Crassus also had close links to powerful men; his consular father Mucianus had died a decade earlier but he was connected to the Mucii Scaevolae through both his father's biological family and his wife Mucia.

In the same year, 119, T. Albucius prosecuted Scaevola, Crassus' father-in-law, on *repetundae* charges arising from his proconsulship in Asia Minor; Scaevola, who spoke for himself, was acquitted. Albucius' inclusion in this category is questionable to the extent that he may possibly have held the quaestorship by this point; he was praetor in the first half of the 100s. Unlike Crassus, he was a new man; according to Lucilius, Scaevola claimed Albucius was motivated by hostility towards Scaevola, who had publicly mocked Albucius' philhellenic tendencies when the two met in Athens.²⁹ Lucilius seems to have dedicated an entire book of *Satires* to the case, which suggests it attracted considerable attention; though it is difficult to determine from the surviving fragments and testimony what line Lucilius took in his treatment. Scaevola was acquitted, and Albucius is not known to have been forensically active after this case. Finally he himself was the victim of a successful *repetundae* prosecution after his praetorship, and went into exile at Athens; the case is discussed in more detail below, as it appears to have marked his prosecutor Strabo's forensic début.

The next example chronologically in the table is Gaius Claudius Pulcher's prosecution of a Calpurnius Piso on *repetundae* charges, though the reconstruction of the case is rather less secure than the two considered so far. It depends on the combination of two pieces of information. The first is evidence from *De Oratore* of a trial or trials of a Piso, defended by Scaurus and by Crassus.³⁰ The second is an anecdote from Valerius Maximus about

²⁷ Cic. *De or.* 2.170. The quotation also suggests that Crassus disseminated a written version of his speech.

²⁸ Fantham 2004: 31–2.

²⁹ Lucil. 2.87–93; Gruen 1992: 289–91.

³⁰ Cic. *De or.* 2.265 (Scaurus as advocate; a hint that the charge was *repetundae*, as one witness

a trial in which the prosecutor, L. Claudius Pulcher, lost an almost certain conviction of a Lucius Piso because the defendant's emotional appeal was powerfully supplemented by a shower of rain.³¹ The *praenomen* 'Lucius' raises suspicions as it was not generally used by the patrician Claudii, and if this case in Valerius Maximus is to be connected with the one discussed in *De Oratore* the consul of 92 is the best fit for the prosecutor. But the reconstruction cannot bear very much weight, though it does seem to be an example of the Claudii Pulchri as prosecutors, a trend that is continued in subsequent generations.

Caesar Strabo's prosecution of Albucius, on *repetundae* charges arising from his governorship of Sardinia following his praetorship, is unambiguously attested, including as one of Apuleius' examples, and can be dated to the second half of the 100s.³² According to Cicero in *De Officiis*, Strabo took care to present it as a defence of the Sardinians; some care is needed in interpreting this passage, as Strabo acts as parallel to Cicero's own prosecution of Verres. But it seems unlikely that Cicero could have radically recast Strabo's tactics, even if he had chosen where to place the emphasis, particularly if a written text was still in existence. Strabo was aedile only in 90, so this prosecution probably dates from his early twenties; he was also exceptionally well connected in political terms. This case is also the only one discussed in this chapter where a *divinatio* is known: Strabo won the right to prosecute ahead of Albucius' quaestor Pompeius Strabo (cos. 89). Unfortunately, the account of how Caesar Strabo managed this derives entirely from Cicero's account in his *Divinatio in Caecilium*, and his attempts there to find parallels for his prosecution of Verres (ahead of Verres' quaestor Caecilius); Caesar Strabo's arguments may have involved more than a eulogy of the bond between quaestor and pro-magistrate and the fact that the Sardinians had asked him to act, though if so they are not recoverable.³³

The prosecution that the Luculli launched against a Servilius can be datable only broadly: it followed their father's prosecution, and conviction, on *repetundae* charges by the same Servilius after the elder Lucullus' promagistracy in Sicily, which followed his praetorship in 104. It appears to have been the prosecutors' first public act, and they may have been not yet twenty at the time; but the open motive of revenge sets this trial apart from

was a *Gallus*); 2.285 (Crassus as advocate). We cannot, however, be completely sure that these two anecdotes refer to the same trial.

³¹ Val. Max. 8.1.absol.6.

³² Cic. *Div. Caec.* 63 links Albucius and Caesar Strabo; Strabo's prosecution is also mentioned at *Off.* 2.50 and Suet. *Iul.* 55 (the latter passage suggesting also that a written version of the prosecution speech was disseminated); the fact of Albucius' conviction at Cic. *Scaur.* 40 and *Pis.* 92. On the trial, Gruen 1964.

³³ See also Thompson 1969, who argues that Pompeius Strabo was attempting a collusive prosecution.

the others considered hitherto.³⁴ The Luculli may have acquired public recognition through their actions, but this was recognition ultimately derived from their defence of their father's interests (unsuccessfully, as Servilius was acquitted) rather than from an entirely new affair. Neither brother is known to have spoken in the courts again; Cicero does describe L. Lucullus as spending his youth *in forensi opera*,³⁵ but as the point of that passage is to bring out how surprising his later military competence was the impression of a great deal of activity may be misleading.

C. Scribonius Curio's prosecution of Metellus Nepos is one of Apuleius' examples, but precise dating is elusive; Asconius³⁶ implies that the trial took place after Nepos' consulship in 98, which would put Curio in his mid-twenties. Nothing is known about the charge or the outcome, though Curio did go on to a successful if at time idiosyncratic career as a forensic orator, as well as reaching the consulship in 76.³⁷ The inclusion of Fufius' prosecution of Aquillius as an example of an early career prosecution is not very secure: it is not identified as his first forensic speech.³⁸ However, Cicero cites the prosecution in *De Officiis* (2.50) as an example in a context that implies that Fufius was not a habitual prosecutor, and perhaps even that he initiated his career by so doing. Fufius was a new man, as far as can be ascertained, and sufficiently active as an orator to have a distinctive style, criticised by Crassus in *De Oratore* (3.50), and one who spoke in deliberative as well as forensic contexts.³⁹ Sulpicius too built an oratorical career before his early death after his prosecution of Norbanus *de maiestate*, the case that forms the centrepiece of Cicero's *De Oratore*;⁴⁰ he is regularly spoken of by Cicero and those who follow his rhetorical history as one of the two pre-eminent younger orators of the period immediately prior to the Social War, the other being Cotta.⁴¹ There is however no specific forensic case in which Sulpicius is known to have participated after his unsuccessful prosecution of Norbanus (which was not his first forensic case: he was involved in what Antonius in *De Oratore*⁴² describes as a *causa parvula* a year before the Norbanus case, possibly a civil

³⁴ Cic. *Acad.* 2.1 describes L. Lucullus as *admodum adulescens* at the time of the prosecution; he was probably about fifteen at the time of his father's conviction, assuming his quaestorship in the early 80s was not significantly delayed. Revenge: Cic. *Off.* 2.50; Plut. *Luc.* 1; Quint. *Inst.* 12.7.3–4. On revenge and the courts, Flaig 2003: 145–7.

³⁵ Cic. *Acad.* 2.1.

³⁶ At 63 C.

³⁷ On Curio as an orator, Rosillo Lopez 2013: 294–6.

³⁸ It gave Antonius the opportunity to deliver one of his most notorious defences, involving the ripping off of Aquillius' tunic to reveal his scars: Cic. *Verr.* 2.5.3; *De or.* 2.194–9; Hall 2014: 19–21.

³⁹ Cic. *De or.* 2.91, where *furit in re publica* implies deliberative oratory, perhaps in the context of a tribunate.

⁴⁰ At 2.197–204.

⁴¹ On Sulpicius, see Powell 1990.

⁴² At 2.88.

law case). Hortensius' forensic début can be dated firmly to 95, with his age as nineteen, on the basis of the discussion of his career in *De Oratore* and *Brutus*.⁴³ More detail of his first case is however hard to secure.⁴⁴ What is evident however is that it was one with significant broader political implications that led to Hortensius addressing the Senate in the same year, where 'he defended the cause of Africa'.⁴⁵ This opportunity for a nineteen-year-old to speak in the Senate is remarkable and difficult to parallel. The final possible example of an early-career prosecution datable prior to the Social War is Marcus Censorinus' attempt to prosecute Sulla after his proconsulship in Cilicia on what seem to have been *repetundae* charges.⁴⁶ However, the case was dropped before it came to trial.⁴⁷

There is a hiatus in prosecutions by young men from the outbreak of the Social War until the re-establishment of the courts during Sulla's dictatorship: the intense judicial activity that was sparked by the *lex Varia* in 90 did not, as far as we know, provide opportunities for début activity. Sulla's transformation in the *respublica* affected, if it did not fundamentally alter, the framework for this kind of prosecution. In the early 70s particularly, the prosecution of high-profile public figures inevitably involved engagement with recent history. It is possible, too, that the heightened competition that followed from the rise in the number of junior magistracies relative to senior ones increased the pressure on political aspirants to find ways to become known to the voting public. In 79 the Metelli brothers Celer and Nepos (the future consuls of 60 and 57 respectively) brought a prosecution of Aemilius Lepidus for *repetundae* following his proconsulship in Sicily; the prosecution was dropped, apparently because the praetor refused to bring the case to trial. Lepidus was about to secure the consulship for 78, apparently against Sulla's wishes, and seek to unravel some aspects of his political reforms; how far his political programme was an element in the Metelli's decision to prosecute is unclear. More can be said about the following two prosecutions, of the homonymous Cn. Cornelii Dolabellae. Aemilius Scaurus, Sulla's stepson, successfully prosecuted the praetor of 81; the following year, Julius Caesar (having narrowly escaped death during the proscriptions) unsuccessfully prosecuted the consul of 81. That we have here a contrast between a piece of self-regulation by the ruling elite and an attack on it seems

⁴³ Especially *De or.* 3.228–9 and *Brut.* 228–30. The calculation that the latter passage does of the period of time (from this forensic debut down to his death) as one in which Hortensius was a *patronus* confirms that 95 involved a forensic case, even though it is only described here as *in foro*.

⁴⁴ The object of Hortensius' prosecution is not identifiable, nor the outcome of the trial.

⁴⁵ Cic. *De or.* 3.229, 'in senatu causam defendit Africae[.]'

⁴⁶ Plut. *Sull.* 5.

⁴⁷ Censorinus' qualities as an orator are noted by Cicero in *Brut.* 237, where he is also described as 'iners et inimicus fori' ('lazy, and an enemy of the forum'); no occasion when he actually spoke in public is attested.

a convincing interpretation.⁴⁸ Scaurus and Caesar are both known to have continued their forensic careers.

The trial of Terentius Varro in 74 for extortion in Asia is perhaps best known for the blatant bribery of the jury that took place during it. The prosecutor was App. Claudius Caecus, then in his mid-twenties; he was faced with Hortensius as Varro's advocate, and Varro was acquitted. The next possible case is nine years later, when his younger brother Publius Clodius prosecuted Catilina, also on *repetundae* charges. Cicero's allegation that Clodius prosecuted Catilina in order to ensure his acquittal is difficult to disentangle from the later hostility between the two men. Clodius was perhaps twenty-seven at the time; he had already spent some years with Lucullus' army in the east and been involved in the mutiny of Lucullus' troops, though how far that episode coloured his reputation once back in Rome is far from clear, particularly as the emphasis on his role as instigator of the mutiny depends heavily on the way that his subsequent political career developed.⁴⁹

Caelius Rufus' prosecution of Antonius in 59 has already been mentioned; his is the name most closely linked as prosecutor to this trial, though he was in fact part of a team; the other two prosecutors cannot be securely identified, though neither appears to have been experienced.⁵⁰ How far the jurors shared the hostility to Antonius, which led sympathisers with Catilina to rejoice in his conviction is unclear, but his reputation more generally (including expulsion from the senate in 70) may have made him vulnerable. Cicero felt obliged to defend him because of their shared tenure of the consulship.⁵¹ Also in 59 D. Laelius prosecuted Valerius Flaccus, again as part of a team.⁵² The most visible of the other prosecutors was C. Appuleius Decianus, a Roman *equus* resident in Asia. It could be argued that this case involved an inexperienced but ambitious speaker, Laelius, joining forces with a collaborator, Decianus, who supplied a detailed understanding of the case and whose own motives were not related to political life in Rome but to the maintenance of his interests outside Italy.⁵³ But Laelius had been in Asia himself, as a legate of Pompeius, and could therefore present the prosecution as one in which he had some personal stake. Furthermore, Cicero records in his defence of Flaccus complaints by Laelius that Decianus had been suborned by Flaccus.⁵⁴ It seems unlikely that Laelius would have made so damaging an admission in his speech itself, and it is clearly in Cicero's interests to suggest a divided prosecution; but the fact that Cicero makes this

⁴⁸ Gruen 1966.

⁴⁹ On Clodius' early career, Tatum 1999: 44–55.

⁵⁰ See Alexander 1990: 119–20.

⁵¹ Crawford 1984: 124–31.

⁵² Alexander 2002: 79–81.

⁵³ On Decianus, Steel 2001: 58–66.

⁵⁴ Cic. *Flac.* 81.

point at least suggests that the prosecution team looked heterogenous and could be presented as motivated by different factors. It was not successful, and Laelius himself is not known to have been involved in forensic cases subsequently. Licinius Calvus' prosecutions of Vatinius were canonical texts for subsequent generations, pre-eminent among an extensive corpus of written works by one who was regularly identified, with Caelius, as the greatest orator of the generation after Cicero.⁵⁵ There appear to have been at least three speeches against Vatinius, and the chronology of Calvus' attacks on Vatinius is difficult to establish securely.⁵⁶ However, Tacitus *Dialogus* 34 implies that an attack on Vatinius marked Calvus' forensic début.⁵⁷ That is probably to be dated to 58, since Calvus' involvement in other forensic cases is attested for the year 56, and he was constantly active in the courts throughout the 50s until his death. Sempronius Atratinus' prosecution of Caelius *de vi* in 56 had the justification of revenge, as Caelius was prosecuting his natural father Calpurnius Bestia; this was also an occasion where there was a large prosecution team, though Atratinus was the *nominis delator*. No further forensic activity by Atratinus is known, though he survived the Civil War and held a suffect consulship in the 30s. Asinius Pollio's first prosecution or prosecutions, of Gaius Cato in 54, are mentioned in Tacitus *Dialogus* 34; Pollio may have been prosecuting alongside Calvus, though the precise circumstances are difficult to unravel.⁵⁸ Pollio went on to an oratorical career of considerable distinction, though only after the Civil War; the prosecution or prosecutions of Cato are his only known forensic activity prior to 49.

Valerius Triarius, the prosecutor of Scaurus in 54 on *repetundae* charges following the latter's proconsulship in Sardinia, is described by Asconius (at 18 C) as *adulescente parato ad dicendum et notae industriae*; Douglas suggests that the praenomen Publius, given to him by Asconius, may be an error for Gaius and the prosecutor of Scaurus identical to the C. Valerius Triarius whom Cicero praises in *Brutus* but whose forensic activity cannot otherwise be identified.⁵⁹ Triarius had a connection with Sardinia: his father had been governor there in the 70s BC. Thanks to the survival of large fragments from Cicero's speech defending Scaurus, and Asconius' commentary on it, it is possible to say more about the backing that Triarius might have drawn on. There was a team of prosecutors, though its other members were not politically active; Appius Claudius Pulcher, one of the consuls of the year,

⁵⁵ Tac. *Dial.* 21.1–2 identifies twenty-one *libri* by Calvus.

⁵⁶ Gruen 1967; Sumner 1973: 149.

⁵⁷ Gruen 1967: 217–18 is sceptical, though, on the grounds only that information in the *scholia Bobiensia* (the only source for Calvus' involvement in the trial of Vatinius in 58, in other respects well-attested) is often unreliable. But it seems unlikely that Tacitus would, in a passage about the youth of prosecutors in the Republic, chosen a case that was not Calvus' first.

⁵⁸ Sen. *Controv.* 7.4.7.

⁵⁹ Douglas 1966:194; Alexander 2002: 99 fn.3.

supported the prosecutors; and Asconius notes that Scaurus was initially apprehensive that the close friendship of Triarius and his mother Flaminia with M. Cato's half-sister Servilia might affect Cato's impartiality as presiding praetor. It was a case where we know a young prosecutor drew on support and advice from more senior and experienced men.

The inclusion of Pompeius Rufus' prosecution of Messalla Rufus in 54 is questionable, because of the age of the prosecutor: he was born no later than the early months of 87 and so well into his thirties; his quaestorship is not attested but could well be prior to this prosecution.⁶⁰ The Claudii Pulchri's prosecution of Milo for the murder of their uncle Clodius was driven immediately by the external necessity of the death of a relative, though that motive was compatible with the reputational and career development aspects of these prosecutions. In addition, the Pulchri must have seemed to the rest of Clodius' family capable of carrying out the task.

The final case of a youthful prosecutor attested before the outbreak of the Civil War is P. Cornelius Dolabella, who prosecuted App. Claudius twice after his return from Cilicia early in 50: first for *maiestas* and then, when that was unsuccessful, for bribery, probably in relation to Appius' campaign for the censorship. This too was unsuccessful. At the second trial one of Appius' advocates was Hortensius, in what turned out to be his final case. This was Dolabella's first (and only) attested forensic activity as a speaker, but he had already faced two prosecutions himself, on capital charges, and had Cicero as his advocate.⁶¹ This was not, then, Dolabella's first appearance on the public scene, and it is possible that he had already been elected quaestor. Dolabella's actions were a considerable embarrassment to Cicero, whose daughter had just married him, and Cicero had been trying very hard to maintain good relations with Appius. In an attempt to distance himself, he describes Dolabella's action, in a letter to Appius, as *permirum* (rather strange), and comments that Dolabella lacks *ornamenta* and *praesidia*, marks of distinction and resources, in comparison to Appius. Elsewhere, however, Dolabella's motivation becomes clearer: Caelius notes that the *invidia* against Appius is less than he expected.⁶² This suggests that Dolabella had opportunistically identified a target, action against whom he hoped would be popular.⁶³

On the basis of these cases, we can amplify the pattern that Cicero and subsequent writers describe by identifying further features, which many or

⁶⁰ The *terminus ante quem* for his birth is his father's death during violent disturbances in Rome during 88.

⁶¹ Cic. *Fam.* 3.10.5.

⁶² *Idem*: 8.6.1

⁶³ *Idem*: 3.10.5 implies that there was no pre-existing ill-feeling between the two men, as he describes the prosecution as one through which Dolabella will assume a state of enmity with Appius.

all of them share. Perhaps the most obvious is the social position of these early-career prosecutors. Of the twenty-five prosecutors in the twenty-two cases I have identified, seventeen were the descendants of consuls; two more were the sons of praetors. Ten were patricians.⁶⁴ Thus in most cases youthful prosecutors possessed considerable social and political capital in terms of their ancestry. If we consider the small number of prosecutions undertaken by men who did not have consular or immediately praetorian ancestry, we can see that in most cases there were some other relationships that could approximate. Sulpicius was a protégé of Antonius, a consular and leading orator (even if the prosecution in question involved his facing Antonius as the defence advocate). Laelius' father had served with Pompeius as a legate during the campaign against Sertorius and died there; and the family connection with Pompeius continued. Caelius had the support and friendship of Cicero, if not specifically for the prosecution of Antonius; and Pollio may have been working with Calvus who, although very junior in career terms, had already made a considerable impact as a forensic speaker. Caelius and Pollio were also making their débuts in the 50s, by which point the role of forensic oratory in political life had shifted somewhat. Not only had the volume of activity seemingly increased following Sulla's reforms to the law courts; Hortensius and above all Cicero had established forensic activity as the basis for a highly successful public career in a way that is difficult to parallel in the period before Sulla. Caelius and Pollio were both very talented speakers; given that forensic brilliance was now demonstrably a credible route to political eminence their willingness to take on the risks of an early-career prosecution despite the lack of robust family connections makes sense.⁶⁵ It may also be relevant that neither Antonius nor Gaius Cato commanded wide support among the elite.⁶⁶ The exceptions to this pattern are Albucius and Fufius, where we can only hypothesise strong motives for prosecution and engagement by both men with the forensic sphere. An early-career prosecution was in most cases only undertaken by men who had the support of experienced political actors, whether that was family support or not.

In most cases the man prosecuted was senior, a former praetor or former consul: this confirms that the search for reputation was a major factor in motivating such prosecutions. Obscure defendants and trivial crimes would not have the same effect. More speculatively, there is some indication that even when undertaken by a young man as his début, a prosecution needed to

⁶⁴ Cicero's remarks about Dolabella are a useful check on assuming that patrician status automatically conferred significant advantage; however, in that case he is comparing two patricians.

⁶⁵ Sulpicius is an important precursor in this respect.

⁶⁶ Antonius' shortcomings are discussed above; for Gaius Cato's career and alliances, see Gruen 1967.

be justified by appeal to the motives that Cicero claims justified prosecution more generally: either the interests of the *res publica*, or revenge, or the obligations of patronage. The Luculli, Cotta and the Claudii Pulchri were acting on behalf of a close relative; Caesar Strabo and Triarius, prosecutors in *repetundae* cases dealing with Sardinia, could both point to connections with the island. Too little is known about the tactics and backgrounds of most of these prosecutions to make a confident assertion, but it seems that prosecutors in these cases needed to justify their actions in the same way as any other prosecutor, even if the audience understood that there were distinct motives of personal ambition involved as well.

Early-career prosecutions were almost always undertaken by young men who belonged to the elite or who had already secured significant support and backing from an eminent individual. The eminence of their targets supports the ambition inherent in the activity: it was a designedly high-profile act, to draw the attention of the citizen body to a young man of energy and talent and prepare voters to accept him in subsequent years as an appropriate recipient of their support for public office. However, this route to notoriety did not, at least prior to the fifties BC, open the door to talented outsiders, but rather offered the elite another forum for internal competition that did not seriously undermine their overall dominance of the system. Indeed, the senatorial class was probably an important element within the audience who evaluated these initial performances. Whilst the acquisition of elected office required candidates to develop a public profile among the Roman citizen body as a whole, other opportunities could follow from impressing members of the Senate, the body to which this group of young prosecutors, we can assume, aspired to join as soon as possible. Forensic activity was also a method by which young men could demonstrate how promising they were as potential members of the governing elite.

4. EARLY-CAREER PROSECUTION AND FORENSIC CAREERS

Despite these recurrent features there is one respect in which these cases are not uniform. Some of these prosecutors continued to be active in the courts; others did not. Prosecution was not the inevitable precursor to a forensic career.

If we look in more detail at the prosecutors, it is evident that many, though by no means all, of the most distinguished orators of the late Republic began their careers with a prosecution. In addition to Crassus' exemplary prosecution, such a list would include Caesar Strabo, Sulpicius, Hortensius, Julius Caesar, Clodius, Calvus and Pollio. On the other hand, it does not include Aemilius Scaurus (cos. 115), M. Antonius, Gaius Cotta, Q. Calpidius, M. Crassus, M. Marcellus or Cicero himself. A forensic career could be built without this initial step; but for the young man whose training indicated that he possessed the necessary talent it does seem to have been an

attractive route. However, it was also a route followed by men who did not continue to be forensically active: of our twenty-five orators, thirteen are not known to have spoken in the courts subsequently, whether in prosecution or defence. It seems likely, as noted above, that this proportion is inflated by under-reporting of cases; for example, both Furius and Sulpicius are spoken of in *De Oratore* as though they were active in the courts, though in fact no other forensic case in which either was involved is securely known. The violence of the period plays a part, too: Censorinus was killed during the civil war of 84–82 and the orators who made their débuts in the late 50s had little time to take their careers forward before the hiatus in legal activity of the Civil War, during which Dolabella and Triarius died. Nonetheless, there are still examples of men whose public careers are known to have continued with great success, yet who apparently did not exercise their forensic skills after this first foray: L. Licinius Lucullus, his brother M. Lucullus Varro, Metellus Nepos, Metellus Celer and Appius Claudius, all of whom reached the consulship.⁶⁷ There are at least two possible lines of interpretation of this phenomenon. One is that a single prosecution was enough: it announced the young man's identity and commitment to public service, whether successful or not, and once completed he could turn his attention to the other tasks that should occupy the aspirant politician. There was no need for him to continue with the time-consuming business of defending men in court in order to demonstrate his skill or cement his reputation. Another possibility is that actual experience of the courts revealed aptitude and ability in ways that training had not done; that is, those who did not continue with forensic activity made that decision at least in part because they found the work uncongenial or realised that they were not effective. This latter observation is much more speculative: there is no direct evidence for it (though Cicero's emphasis on the sheer hard work involved in successful forensic pleading may suggest that he thought his contemporaries underestimated what was involved), but we may note that Censorinus abandoned his prosecution of Sulla and the Metelli theirs of Lepidus, examples where a decision by a young man or men to prosecute was not even carried through to the trial itself.

The practical inexperience of these prosecutors combined with the significance of the cases they undertook should also prompt us to reflect further on the ways in which they prepared for their first cases. As discussed above, these young men were in general well connected to the political elite. Their education hitherto involved not only theoretical training in rhetoric but also exposure to what happened in the Forum in the company of senior and

⁶⁷ At *Brut.* 247, describing the Metelli, most manuscripts read *non nihil in causis versati*, but L's reading of *nihil* is attractive. It may imply more than this initial prosecution of Servilius. Nonetheless, there is nothing to suggest that they were significant figures on the forensic scene.

experienced participants, whose oratorical performances they could witness – as any citizen could – but in addition discuss and study from the inside.⁶⁸ They could also participate in the meetings in private space, which preceded and underpinned forensic proceedings.⁶⁹ Their introduction to public life took place within an intimate network that involved competition – elite young Romans were surely alert from a very young age to their contemporaries, who would be their electoral rivals in the future – but also collaboration, as established men sought to ensure the success of their protégés, whether they were sons, nephews or other connections. In this context, it strains credulity that early-career prosecutors were acting on their own in any substantial sense. Rather, we should assume that the decisions to undertake a prosecution and the choice of target were reached through debate and discussion, and that the legal tactics to be adopted were also the object of collective consideration. The support available may even have involved some degree of speech writing. Speechwriters are attested in the late Republic; whilst the available evidence clusters around the trials that took place under the *lex Varia* and funeral speeches, it is at least possible that the help that inexperienced prosecutors received extended in some cases as far as detailed drafting.

Different orators will have used these kinds of support in different ways. Nor did every début prosecution necessarily have the unanimous support of all the speaker's circle. Cicero makes it clear that he did not approve of Caelius' prosecution of Antonius in 59, and he was clearly appalled by Dolabella's move against Appius Claudius in 50.⁷⁰ The key point to emerge is that early-career prosecutions were not a phenomenon confined to the oratorically and forensically brilliant. The support networks existed to enable the less talented still to make a credible appearance in the role of prosecutor. Forensic procedure, and the conventions of elite society, combined to create a space in Rome, which could be put to a variety of different uses. Early-career prosecution was a tactic that could enable the young and brilliant to make their mark on public life at an advantageously early stage. But it was also a means by which the elite could police itself whilst using the licence extended to young men as prosecutors to prevent the escalation of internal conflicts. And in many cases it will have served both ends. But it did not involve a commitment, or even an expectation, that the prosecutor himself would remain forensically active.

Consideration of this aspect of Republican forensic practice also throws important light on Cicero's early career. It becomes strikingly obvious that

⁶⁸ On rhetorical education in the Republic, see Bonner 1977; Bloomer 2015.

⁶⁹ The *locus classicus* for this aspect of elite training in the Republic is the opening of Cicero's *De Amicitia* 1–3, which describes young men, including Cicero and Atticus, attending consultations held by Mucius Scaevola the augur.

⁷⁰ Cic. *Cael.* 74; *Fam.* 3.10.5.

Cicero's prosecution of Verres becomes even more distinctive, and in need of explanation, when viewed alongside these examples. Verres himself was a target who shared many characteristics with those prosecuted in the cases considered so far. He had held the praetorship and was planning his consular campaign. The charges against him were *repetundae* in the province, which he had governed after his praetorship. And his behaviour in Sicily had already faced unfavourable scrutiny in the senate, a fact that might reassure a prosecutor about the support he could expect and the grounds on which he could justify the prosecution. But Cicero could not claim the protection of early-career prosecution. He himself was a member of the senate, an aedile-elect, and a man with a decade's worth of forensic practice and experience. The contrasts between his position and those of the other prosecutors discussed in this chapter support the view that his prosecution of Verres was not only unusual but also risky, and thus perhaps, in a career whose early stages are in general marked by caution and restraint, an indication that Cicero's forensic career was not proceeding as smoothly as his later presentations of it would suggest.⁷¹

Early-career prosecution existed as a distinct tactic within the forensic sphere, though with defined conditions. The prosecutor needed to have the support and advice of established figures. The less integrated he was with the elite through birth, the more likely it is that he possessed considerable oratorical talent, and that this talent was a key motivator in choosing this route towards a political career. The target was a senior figure, someone who had been elected to an *imperium*-holding office, and the charge was one of concern to the *res publica* such as *repetundae* or *maiestas*. And the existence of the convention of prosecution by the very young helped the prosecutor in such cases evade the social disapprobation that generally attended the act of prosecuting, though did not entirely dispel it. However, there is no clear link between undertaking a prosecution of this kind and subsequent forensic distinction: it was neither a necessary nor a sufficient condition. And since it was not an essential part of forensic career development, each case should be analysed as the result of a significant choice on the part both of the prosecutor and his circle. Finally, these prosecutions imply the existence of technically skilled support networks available to these young men as they planned their prosecutions. In this case, as in others, the Republican elite supported its 'myth of universal aristocratic competence' through effective teams as much as through native ability and individual training.⁷²

⁷¹ Steel 2013.

⁷² Rosenstein 1990: 172.

Table 12.1 A list of early-career prosecutions

<i>Prosecutor</i>	<i>Defendant</i>	<i>Date</i>	<i>Consular ancestry?</i>	<i>Subsequent forensic career</i>	<i>No. in Alexander</i>
L. Licinius Crassus (cos. 95)	C. Papirius Carbo (cos. 120)	119	Yes	Yes	30
T. Albucius (pr. c. 105)	Q. Mucius Scaevola (cos. 117)	119	No	No	32
C. Claudius Pulcher (cos. 92)	Calpurnius Piso	?second half of the 110s	Yes	No	48
C. Caesar Strabo	T. Albucius	c.103	Yes	Yes	67
Luculli (cos 74, 73)	Servilius	?90s	Yes	No	71
C. Scribonius Curio (cos. 76)	Q. Caecilius Metellus Nepos (cos. 98)	?soon after 98	No (praetorian)	Yes	82
L. Fufius (tr. pl. 91 or 90)	M. Aquilius	first half of the 90s	No	?Yes	84
P. Sulpicius (tr. pl. 88)	C. Norbanus (cos. 83)	96–91	?No	?Yes	86
Q. Hortensius (cos. 69)	?Q. Marcus Philippus (cos. 91)	95	Yes	Yes	90
C. Marcus Censorinus (leg. 82)	L. Cornelius Sulla (cos. 88)	second half of the 90s	Yes	No	92
Metelli Celer and Nepos (coss 60, 57)	L. Aemilius Lepidus (cos. 78)	79	Yes	No	131
M. Aemilius Scaurus (pr. 56)	Cn. Cornelius Dolabella (pr. 81)	78	Yes	Yes	135
C. Iulius Caesar (cos. 59)	Cn. Cornelius Dolabella (cos. 81)	77	Yes	Yes	140
App. Claudius Pulcher (cos. 54)	Terentius Varro	74	Yes	No	158
P. Clodius Pulcher (aed. 56)	L. Sergius Catilina (pr. 68)	65	Yes	Yes	212

M. Caelius Rufus (pr. 48)	C. Antonius (cos. 63)	59	No	Yes	241
D. Laelius (tr. pl. 54)	L. Valerius Flaccus (pr. 63)	59	No	No	247
C. Licinius Calvus	P. Vatinius (cos. 47)	58	Yes	Yes	255; cf. 274, 292
L. Sempronius Atratinus (cos. suff. 34)	M. Caelius Rufus	56	No	274	
C. Asinius Pollio	C. Porcius Carus (tr. pl. 56)	54	No	Yes	283, 286
P. Valerius Triarius	M. Aemilius Scaurus (pr. 56)	54	No (praetorian)	No	295
Q. Pompeius Rufus (tr. pl. 52)	M. Valerius Messalla Rufus (cos. 53)	54	Yes	No	299
Claudii Pulchri (cos. 38 and cousin)	T. Annii Milo	52	Yes	No	309
P. Cornelius Dolabella (cos. suff. 44)	App. Claudius Pulcher (cos. 54)	50	Yes	No	344, 345

BIBLIOGRAPHY

- Alexander, M. (1990), *Trials in the Late Roman Republic 149 to 50 BC*. Toronto.
- Alexander, M. (2002), *The Case for the Prosecution in the Ciceronian Era*. Ann Arbor.
- Beard, M. and Crawford, M. (1985), *Rome in the Late Republic: Problems and interpretations*. London.
- Bloomer, W.M., ed. (2015), *A Companion to Roman Education*. Hoboken.
- Bonner, S. (1977), *Education in Ancient Rome: From the elder Cato to the younger Pliny*. London.
- Crawford, J. (1984), *Cicero: The lost and unpublished orations*. Göttingen.
- Crook, J. (1995), *Legal Advocacy in the Roman World*. London.
- David, J-P. (1992), *Le Patronat Judiciaire au dernier siècle de la République romaine*. Rome.
- Douglas, A.E. (1966), *M. Tulli Ciceronis Brutus*. Oxford.
- Fantham, E. (1997), 'The contexts and occasions of Roman public rhetoric', in W. Dominik, ed., *Roman Eloquence: Rhetoric in society and literature*. London. 111–28.
- Fantham, E. (2004), *The Roman World of Cicero's De Oratore*. Oxford.
- Flaig, E. (2003), *Ritualisierte Politik: Zeichen, Gesten und Herrschaft im Alten Rom*. Göttingen.
- Gruen, E.S. (1964). 'Politics and the courts in 104 BC', *Transactions of the American Philological Association* 95: 99–110.
- Gruen, E.S. (1966). 'The Dolabellae and Sulla', *American Journal of Philology* 97: 385–99.
- Gruen, E.S. (1967). 'Cicero and Licinius Calvus', *Harvard Studies in Classical Philology* 71: 215–33.
- Gruen, E.S. (1968), *Roman Politics and the Criminal Courts 149–78 BC*. Cambridge.
- Gruen, E.S. (1992), *Culture and National Identity in Republican Rome*. Cornell.
- Hall, J. (2014), *Cicero's use of Judicial Theatre*. Ann Arbor.
- Hammerstaedt, J., Habermehl, P., Lamberti, F., Ritter, A. and Schenk, P. (2002), *Apuleius: De Magia*. Darmstadt.
- Hiebel, D. (2009), *Rôles institutionnel et politique de la contio sous la République romaine: 287–49 av. J.-C.* Paris.
- Pina Polo, F. (1996), *Contra arma uerbis: der Redner vor dem Volk in der späten römischen Republik*. Stuttgart.
- Powell, J. (1990). 'The tribune Sulpicius', *Historia* 39: 446–60.
- Riggsby, A. (1999), *Crime and Community in Republican Rome*. Austin.
- Rosenstein, N. (1990), *Imperatores victi: Military defeat and aristocratic competition in the middle and late Republic*. Berkeley.
- Rosillo Lopez, C. (2013), 'The common (mediocris) orator of the late republic: the Scribonii Curiones', in C. Steel and H. van der Blom, eds., *Community and Communication: Oratory and politics in republican Rome*. Oxford. 287–98.
- Steel, C. (2001), *Cicero, Rhetoric, and Empire*. Oxford.
- Steel, C. (2013), 'Cicero's autobiography: narratives of success in the pre-consular orations', *Cahiers du centre Gustave-Glotz* 23: 251–66.

- Sumner, G. (1973), *The Orators in Cicero's Brutus: Prosopography and chronology*. Toronto.
- Tatum, W. J. (1999), *The Patrician Tribune: Publius Clodius Pulcher*. Chapel Hill.
- Thompson, L.A. (1969). 'Pompeius Strabo and the trial of Albucius', *Latomus* 28: 1036–9.
- Van der Blom, H. (forthcoming) *Oratory and Political Career in the Late Roman Republic*. Cambridge.