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Rhetoric and Roman Political Culture

Catherine Steel

Abstract

Public speech was an important element in the political processes of the Roman Republic, and the ability to speak effectively a valuable skill for members of the elite to possess. This chapter surveys the various opportunities for oratory that existed at public meetings, in the Senate and in the law-courts, as well as other locations such as funerals and in domestic councils. It surveys the role of rhetorical instruction in the educational formation of those in public life and explores the intersection between individual career and public speech.

Keywords

Oratory; rhetoric; political careers; Cicero

1. Public Speaking and Public Life

In the speech which he gave at the funeral of his father Lucius Metellus, who had been consul twice, dictator, master of horse and land-commissioner, who was the first to lead elephants, from the first Punic war, in a triumph, Quintus Metellus left in writing that he (i.e. his father) had achieved the ten greatest and best objectives in the pursuit of which wise men spend their lives: for he had wanted to be a first-class warrior, the best orator, the bravest commander, to handle the most important matters under his own auspices, to hold the greatest offices, to be supremely wise, to be regarded an outstanding senator, to obtain great wealth in an honourable way, to leave behind many children and to be the most distinguished in the state; and that he had accomplished these things and no-one else since Rome's foundation. (Plin. *NH* 7.139-140.)

This identification of oratory as one of the areas in which a Roman politician could excel reflects the importance of public speech in Republican politics. (Lintott 1999; Morstein-Marx 2004; Steel and van der Blom 2010; van der Blom, Gray, and Steel 2018). Decision-making

followed deliberation, in which the advantages of different courses of action were articulated orally. Laws were passed by the casting of citizen votes; the vote was usually preceded by public meetings (*contiones*) in which the law's proposer would put forward, or invite others to put forward, the rationale for the measure (cf. ch. 16 Cornell). Those opposed to a law could also hold *contiones* and attempt to dissuade its passage. Decisions in the Senate were preceded by debate among senators. In addition to these formal and relatively structured occasions of speech, the face-to-face nature of Roman political life, conducted in a small area in the centre of the city and, with the exception of Senate meetings, in the open, led to frequent encounters between politicians and other citizens in which what was said could be overheard, remembered and potentially influence the standing and success of participants. A further location for oratory was the courts: many of the offences which occupied the standing courts of the late Republic, including electoral bribery, extortion, and treason, were closely connected to the activity of magistrates. David's chapter in this volume (cf. ch. 31 David) deals specifically with law and the courts; forensic oratory will be considered in this chapter.

Contiones were a familiar and frequent part of political life at Rome (Pina Polo 1996) (cf. ch. 1 Hölkeskamp; ch. 16 Cornell). They were meetings with no formal function (they were distinct from voting assemblies, though they could be held in close temporal proximity) but they could only be summoned by a magistrate, and only those whom the holder of the *contio* invited could address the meeting. When legislation was being proposed, more than one *contio* might take place, over a period of days, and opponents of a law could hold *contiones* as well as its proposer. In addition, *contiones* were held to disseminate information; thus, the magistrate who had presided over a Senate meeting might make a brief report of its activities to those waiting outside at the close of a session. Although *contiones* could be the location of violence, as rival groups sought to control public space and intimidate their opponents, and of displays of hostility towards unpopular politicians, they were not invariably disturbed: our sources over-report violence, and most *contiones* passed off peacefully (cf. ch. 29 Duplá). The format of *contiones* was not fixed, and thus the opportunities for contional oratory varied. Some involved cross-examination: so, for example, tribunes in 52 brought before the people a man whom Milo was accused of having kidnapped and imprisoned because they had witnessed Clodius' death, and elicited his story through questioning (*Asc. Mil. 37 C*). Such encounters could involve friendly witnesses, but they could be hostile: the holder of a *contio* might invite onto the speaker's platform opponents of the measure he proposed. One of the minor puzzles of Roman procedure is why such invitations were accepted (there does not seem to have been any compulsion); Morstein-

Marx (2004: 164-72) suggests refusal was difficult because failure to appear would be interpreted as a sign of the weakness of the case the man summoned was supporting, as well as of his own personal failings.

The *contio* was also a location for uninterrupted speech, and the Ciceronian *corpus* provides a number of examples. Cicero addressed *contiones* gathered to consider legislative proposals, such as when he supported the *lex Manilia* in 66 (his *De imperio Cn. Pompei*) and opposed Rullus' agrarian law in 63 (two of the three *De lege agraria* speeches, which survive only in part). He also addressed *contiones* during the Catilinarian crisis in 63 (the second and third speeches), after his return from exile in 57 (*Post reditum ad populum*) and during the campaign against Antonius in 44-43 (the fourth and sixth *Philippics*). Other contional speeches are known, but survive only in fragments or were never disseminated in written form. Attempts to discern a distinctive style in Cicero's contional oratory, in comparison with his other deliberative oratory, have not succeeded in establishing clear lines of demarcation, but it tends to possess certain characteristics: lucid exposition, clear structures, and unremitting emphasis on the majesty and power of the Roman people, the privileged relationship of Rome with the gods, and the unswerving dedication and loyalty of Cicero himself to the people (cf. ch. 28 Morstein-Marx; ch. 33 Marco Simón). Interestingly, these characteristics can be paralleled in fragments of contional oratory by other speakers. Gaius Gracchus in the late 120s offered a transparent summary of diplomatic bribery before claiming that the reward he sought, in contrast to that pursued by other speakers, was the favour of the Roman people (Gellius preserves a long quotation from the speech at *NA* 11.10.1-6). Lucius Crassus appealed the Roman people in 106 not to allow the Senate to be slaves of anyone apart from the people themselves, 'whom we ought and can serve' (Cicero quotes from Crassus' speech at *De Orat.* 1.225). Morstein-Marx suggested that all speakers addressing the people had to acknowledge the importance of the people, and that this uniformity between speakers contributed to what he identified as 'ideological monotony' with Roman political discourse (Morstein-Marx 2004: 204-40 and ch. 28 in this volume).

Cicero's contional oratory also suggests that there was tolerance among contional audiences for long speeches. *De imperio* is around 8,500 words long, which suggests a delivery time of rather more than an hour and a half. Even the shorter 'information' *contiones* – the *Catilinarians* and *Philippics* – would each take the best part of an hour to deliver. We cannot rule out the possibility that some amplification took place in the preparation of a text for dissemination, but it seems plausible to imagine *contiones* lasting well over an hour, even if the Romans prided themselves on their rapid decision-making in comparison with Greeks,

who sat in their assemblies (Cic. *Flacc.* 16). And contional audiences were under no obligation to stay until a speaker finished. Cicero notes that the elder Curio was *a contione universa relictus* ('abandoned by the whole *contio*', *Brut.* 305; Rosillo-López 2010: 294). Under such circumstances, an orator had to be able to speak in a way that held his audience's attention, or face public humiliation.

The challenges of senatorial oratory were rather different. Senators were supposed to speak if called on by the magistrate presiding over the meeting (Cic. *Pis.* 26; Liv. 28.45.1-7) but, unless called first in a debate, could always confine themselves to agreeing with an earlier speaker. A fixed order of calling speakers may only have emerged as a point of procedure after Sulla's dictatorship, but even before that point it seems highly likely that seniority largely dictated the order of speakers, so men would be able to predict when he, or someone else, was likely to speak (cf. ch. 15 Coudry). The amount of time available for discussion was limited, and thus filibustering was a viable tactic; what the toleration was around length in contributions which were not intended to talk a debate out is not clear. Cicero's *Second Philippic* was never delivered; but the texts of the *First Philippic* and *De Provinciis Consularibus* would both require an hour, at least, for their delivery. But these two speeches were both occasions on which Cicero combined a major intervention in policy with a significant change in his own position: in such circumstances it is not unreasonable to imagine that the Senate was prepared to listen for a considerable period, even if the written text which then circulated was an amplification. On such occasions, too, a degree of preparation and planning can be expected, with the result that the Senate gathered expecting to hear Cicero – or whoever else it might be – speak at length. Other contributions might be much more spontaneous. Cicero described in a letter to Atticus (Cic. *Att.* 1.14.3 = 14.3 SB) a speech which Marcus Crassus gave in the Senate in 61. His letter suggests that Crassus was not expected, or perhaps even expecting, to give a speech on this occasion, and did so because he thought that the Senate's reaction to what Pompeius had said gave him an opportunity to capitalise on approval of Cicero's actions as consul. Cicero then says of Crassus' speech: 'That whole theme which I tend to decorate in various ways in my speeches, for which you are my Aristarchus – fire, the sword (you know my palette) he covered with great seriousness.' The existence of a series of tropes about what was, by early 61, a much discussed political episode made it relatively straightforward for an experienced orator such as Crassus to deliver an effective impromptu contribution to a senatorial debate. And although his speech was impromptu, it was not thereby inevitably lacking in rhetorical elaboration.

Senators contributed to the debate in an order reflecting their rank but, as Ryan has demonstrated (Ryan 1998), that did not mean that more junior senators had no opportunity to contribute to and affect senatorial debate, and the decisions subsequently reached. Cato (a tribune-elect) and Caesar (a praetor-elect) made notable speeches during the debate on the Catilinarian conspirators on 5 December 63 (cf. ch. 10 Rosenblitt). That occasion was unusual in the number of men attending the meeting and the gravity of the decision which the Senate was to make: it had not previously debated the execution of its own members. The nature of oratory at less well-attended meetings of the Senate is difficult to grasp, since our sources naturally focus on the important occasions which senators felt obliged to attend. Low senate attendance was sometimes regarded as a problem; it seems likely that some debates attracted small numbers, permitting contributions by any who wished. Whether such debates also attracted elaborate and emotional rhetoric of the kind attested by Cicero, Sallust and some of the fragments at more significant meetings is less clear, since oratorical contributions to such debates tend not to be preserved; though comparison with oratory in modern political assemblies would tend to support the hypothesis that they did not.

Since, as noted above, the actions of politicians could end up under scrutiny in the courts, speeches in the courts could be highly significant in political terms. Electoral bribery – *ambitus* – was subject to increasingly severe penalties towards the end of the Republic; magistrates who had been entrusted with a *prouincia* could face extortion proceedings (*res repetundae*); and their actions could also be challenged under *maiestas* legislation (Lintott 1981; Riggsby 1999). Violence (*vis*) could also have a political inflection, and was broad in its scope: Caelius was charged under the *lex Plautia de ui* in 56 BC for a series of alleged crimes, including involvement in the murder of diplomats from Alexandria, and Pompeius' law on violence was used – as intended by its proposer – to prosecute Milo in 52 for Clodius' murder (cf. ch. 29 Duplá). Prosecutions were always brought by private individuals, making legal proceedings a route to pursue personal hostilities, as well as permitting men to bring prosecutions in whose outcome they had a personal stake: nothing, for example, prevented defeated candidates from prosecuting their successful rivals for electoral bribery, and if successful triggering a supplementary election at which they could stand again. This, for example, was the route which Torquatus and Cotta successfully followed in 66 to secure elections as the consuls for 65, and which Sulpicius Rufus tried and failed to do in 63 when he prosecuted the successful consular candidate Murena.

As a result, anyone active in the public sphere might face prosecution, with penalties on conviction which could effectively end a political career. (By the end of the Republic, *vis*,

repetundae, and *maiestas* were capital offences, and those convicted had no choice but to leave for exile; *ambitus* also carried a penalty of exile, though its duration was limited). But defendants in the Roman *iudicia publica* were not compelled to speak in their own defence, though they could choose to do so (cf. ch. 31 David). Forensic advocacy was a highly specialised area of oratory, demanding not simply highly developed rhetorical skills but also a detailed knowledge and understanding of Roman law and competence in witness cross-examination. Its challenges are evident from surviving rhetorical handbooks, which concentrate very heavily on forensic oratory in comparison with deliberative and epideictic oratory, and the difficulties modern scholars have in drawing meaningful distinctions in a Roman context between forensic orators and lawyers. Some forensic orators were members of the Senate, or aspired to that position, but many were not.

There is also a distinction to be drawn between prosecution and defence. To bring a prosecution was potentially to end someone's career, if successful, and if unsuccessful to create or entrench personal enmity with the accused. In *De Officiis*, Cicero describes the act of prosecuting as something 'not to be undertaken often, and never unless on behalf of the *res publica*' (Cic. *Off.* 2.50). His discussion reveals deep unease at the act; elsewhere he discusses the opprobrium his peers felt towards the Marcus Brutus, active around the turn of the 2nd and 1st centuries BC, who became known as the *accusator* (Cic. *Brut.* 130). Prosecution as a recurrent activity was not acceptable behaviour by a member of the senatorial elite. However, a pattern does emerge towards the end of the Republic whereby men of senatorial families undertook a criminal prosecution around the age of twenty (Steel 2016). Lucius Crassus may have been the first with his prosecution of Carbo for *repetundae* in 119; other examples include of orators who began their careers in this way include Hortensius, Caesar, Caelius and Asinius Pollio. For these men, prosecution allowed them to make an impact in the public sphere years before they could stand for elected office that would lead to senatorial membership; it was almost the only means by which they could speak in public, other venues being largely confined to magistrates, senators, or forensic advocates who had developed enough of a reputation to be asked to undertake a defence, or to present one side in a civil case. The attraction of this course of action for those with rhetorical talent seem to have outweighed the potential damage that could arise from the enmity of the defendant (if acquitted) or his friends and family (if not). However, it is striking that almost all such 'early-career' prosecutions involve men with considerable capital in terms of their immediate families, and we may suspect that in many cases they also received considerable assistance from more experienced speakers in the preparation of their cases.

Cicero's prosecution of Verres in 70, when Cicero was thirty-six, cannot be aligned with this pattern, and it is notable that Cicero presented his actions in this case as the defence and protection of his Sicilian clients (cf. ch. 9 Nicgorski).

The *contio*, the Senate, and the courts were the major locations of public speech in the late Republic, but there were some other venues. Funerals were one. The quotation with which I began this chapter is ostensibly from a funeral speech, and a speech of praise was one of the forms of memorialisation which occurred during public funerals of distinguished men and, to an increasing extent towards the end of their Republic, their female relatives (cf. ch. 33 Marco Simón). Funeral oratory was highly stylised in its treatment of the dead person's family, followed by his or her achievements. As the expectation was that the speech would be delivered by the eldest surviving son, if there was one, it was also a kind of oratory delivered by men who might not have much experience of, or expertise in, public speech (particularly as the minimum age for delivering a funeral elegy was low: the future emperor Augustus was twelve when he gave the funeral speech in 51 for his grandmother Julia, and Tiberius was just nine when he gave the oration at his father's funeral). Another was meetings of a man's *consilium* – the group of friends and family whom he would consult before taking major decisions. Cicero's description of his attendance at a *consilium* in 44 (Cic. *Att.* 15.11.1-2 = 389.1-2 SB), summoned to discuss the course of action that Brutus and Cassius should take, shows the role that oratory might play in this context; Cicero prepared material in advance and had the opportunity to speak at some length (sufficiently so that he needed to begin again when Cassius arrived late) as well as address interjections, at least until Brutus' mother interrupted him (Flower 2018).

2. Oratory, Education, and Careers

Oratory played an important part in Republican political culture, but individual politicians had a high degree of control of the extent to which they themselves spoke. Rhetoric was largely a matter of choice. In this regard, it is interesting to note a significant absence from the list of kinds of oratory in the first section. Elections did not involve oratory by the candidates: there was nothing equivalent to candidate hustings, and indeed candidates faced a number of obstacles in accessing an audience (Tatum 2013). Tatum suggests that this lack of electoral oratory indicates a desire among the senatorial elite to level the electoral playing field and prevent skilled orators from seizing an advantage over their rivals. But the absence also confirms the idea that oratory was, for a Roman politician, an elective skill: one

that could be useful, but was certainly not essential to political success. Thinking about the ways that politicians engaged with rhetoric also demands that we think about the nature of political careers in the Roman Republic (cf. ch. 25 H. Beck).

A basic organisational principle of the Roman Republic was the lack of differentiation among its elite in terms of the functions they might be expected to perform during their careers. As Beard and Crawford observe, 'Roman magistrates [...] were traditionally all-rounders in the most general sense' (Beard and Crawford 1985: 56). But these expectations still left scope for considerable specialisation by individuals, including choices which involved developing skills in rhetoric (van der Blom 2016). One distinctive route involved the tribunate of the plebs (see ch. 19 Russell). The possibility of using this office to promote the interests of the people in opposition to those of the Senate predates the tribunate of Tiberius Gracchus in 133, but his tenure of that office, and its aftermath, developed a clear profile for such *popularis* activity (see ch. 38 Beness and Hillard): legislation creating benefits to be shared by citizens (particularly involving land) and disregard for conventions around senatorial prerogatives. To these could also be added the tribune's violent death (Wiseman 2009: 177-210). Oratory delivered to the people was an integral part of what *popularis* tribunes did; both the Gracchi were notable orators, and Gaius Gracchus disseminated many of speeches in written form. Saturninus, tribune in 103 and 100, who was killed in the Senate House after his legislative programme collapsed into violence, was acknowledged even by those opposed to his politics as very eloquent (e.g. Cic. *Brut.* 224). P. Sulpicius, who died as a direct result of his opposition to Sulla, is identified by Cicero (who made him a character in his *De Oratore*) as one of the most promising of his generation as both a deliberative and a forensic orator. But not all *popularis* tribunes ended violently. A tribunate apparently dedicated to the interests of the people was a useful stage in a career aiming at the consulship. The elder Drusus demonstrated the potential of the method in his attempt to weaken Gaius Gracchus' profile as a uniquely committed defender of the people. Among the others to adopt this method, perhaps less cynically, were Lucius Crassus, the younger Drusus, and Marius (though it is not clear how far he depended on oratory to pursue his aims).

A second distinctive approach to shaping a political career involved forensic oratory. The threat posed to politicians by prosecutions, combined with the existence within Roman legal practice of advocacy, meant that competent defence advocates could bestow important services on their peers. To a lesser extent, advocacy in civil cases may also have contributed: as he was establishing his forensic career, Cicero was involved in a number of cases

involving property and he continued to speak in civil cases where he had a close connection with one of the parties, even as a consular. These favours could be cashed in at elections. In the *commentariolum petitionis*, which purports to be by Cicero's brother Quintus as an aid to Marcus' electoral campaign for the consulship, the writer notes among the advantages which Cicero possesses as a candidate, 'many men, of every order, who had been defended by you' (*Comment. Pet.* 3) and later describes (20) his campaign as one 'particularly supported by friendships of the kind which you have acquired through forensic defences'. And although advocates were banned from receiving payment, the favours might take more tangible form: thus Cicero was widely believed to have been incentivised to undertake the defence of Publius Sulla in 62 on charges of *vis* relating to his alleged role in the Catilinarian conspiracy by Sulla's offer of a very substantial loan, with which Cicero bought his house on the Palatine.

As discussed above, there were barriers to senators undertaking prosecution as a regular activity. But outside the senatorial order, and aspirants to join it, prosecution could be an activity undertaken regularly. In his speech *Pro Roscio Amerino*, Cicero's attack on the prosecutor Erucius implies he was a familiar figure in the courts, and other similar figures can be identified (David 1992; Burnand 2004). What is much less well-attested is the way that these men operated. The technical complexity of Roman law combined with the existence of advocacy suggests, though this cannot be proved, that a high proportion of forensic activity was carried out by advocates acting for the claimants in civil cases or defendants in the *iudicia publica*, not all of whom were senators. In addition, there is some evidence that non-senatorial speakers were involved, often as subsidiary speakers, in politically significant prosecutions (Alexander 2002). Although advocates were not supposed to receive financial recompense for their activity it seems likely that this was often circumvented, and there were rewards for successful prosecutions. We can therefore envisage a group of men who were actively engaged in forensic oratory and benefitted materially from so doing, only a small proportion of whom were politically active, and who may have undertaken prosecutions at the behest of others.

Unlike forensic oratory, speaking in the Senate could not entirely be avoided by senators, though contributions could be minimal if the senator so chose. Influence in the Senate is often regarded as a matter of connections and alliances, with Plutarch's description of Cethegus in his *Lucullus* (5-6) a notable example (cf. ch. 7 Yakobson, and Introduction to Part One). But oratory too had a role to play, particularly in the case of foreign affairs. As the Senate developed the scope of its foreign policy decision-making during the second century

BC, it became the object of entreaty by embassies (cf. ch. 24 Eberle). These groups sought sponsorship and assistance from individual senators, whose duties will have included support for their proteges in the Senate. These relationships could give rise to allegations of bribery; so, for example, Sallust foregrounds senatorial bribe-taking in his description of how Rome became embroiled in war in north Africa in the late second century (Sall. *Iug.* 13-16), with Jugurtha himself motivated by his belief that ‘everything at Rome was for sale’ (*Iug.* 20). In 67 BC the tribune Cornelius successfully proposed a law to increase the quorum for senatorial debates to 200, on which Asconius comments (58C), ‘This was carried without disturbance: no-one could deny that this law was in accordance with the Senate’s authority, but it was nonetheless carried against the wishes of the *optimates*, who were accustomed to do favours for their friends at badly-attended meetings’ (cf. ch. 15 Coudry). The proposal which Cornelius had earlier put forward and withdrawn in favour of this measure explicitly concerned foreign policy, so it seems reasonable to think that poorly attended senatorial debates on specific issues raised by foreign delegations could be productive for individual senators who were prepared to participate, even if they did not require highly elaborate oratory.

To speak, and in some circumstances to speak well, thus created opportunities for individual politicians, even though oratory was not an essential skill for a political career. As a result, the acquisition of rhetorical skill was a matter of considerable interest to the elite. When Cicero attempted to recreate the history of oratory at Rome in his *Brutus*, he openly articulated his assumptions about rhetoric in the early Republic (*Brut.* 52-7): the leading political figures of early Rome must have been competent orators given what they managed to achieve in the civic sphere, even though Cicero had no direct evidence for their speaking. By the beginning of the first century BC, the oratory of the elite was underpinned by formal rhetorical instruction, of the kind which the surviving rhetorical handbooks from the period offer (including Cicero’s own *De Inventione*). This was what the sons of senators learnt at school, and it was a system of instruction which developed through active engagement with Greek technical knowledge. In the history of this process – which we may expect was in reality more gradual – an embassy that arrived in Rome in 155 took a pivotal position. The ambassadors were the heads of the philosophical schools at Athens, and in addition to presenting Athens’ case in a border dispute with its neighbour Oropus to the Senate, they also delivered public lectures. Carneades’ lectures, in which he argued for and against the thesis that justice was a good, were the most notorious, and in the historiography of philosophy at Rome take a foundational place (Gruen 1992: 64-7). But the rhetoric of his colleagues

Diogenes and Critolaus also made a powerful impression on their audiences. Gellius (6.14) analysed the episode in terms not of philosophy but of the theory of three styles of oratory. When Cato the elder urged the Senate to decide the case promptly so that the Athenians could leave Rome, his objections appear to have been both philosophical and rhetorical: they should do this ‘so that they should go back to their schools and teach the children of the Greeks and so that the young Romans should listen to the law and to the magistrates as before’ (Plut. *Cat. mai.* 22.5-7).

Another revealing episode in the history of rhetorical education occurred in 92, when the censors issued a decree noting their displeasure with what they described as ‘a new kind of teaching’ offered by ‘Latin rhetors’ (Suet. *Gramm.* 25). What exactly the censors objected to is a matter of considerable debate. The reference to ‘Latin rhetors’ has been taken to imply a contrast between rhetorical education conducted in Greek (which had, two generations after Cato, become naturalised) and newer forms of instruction in Latin. That, at least, is what Cicero thought, when he has the character Crassus – one of the censors involved – declare in *De oratore*, set in the subsequent year, that these men offered ‘a school for impudence (Cic. *De or.* 3.93-95). Alternatively, the contrast might have political significance in an environment in which Italians who were not Roman citizens were becoming increasingly dissatisfied with the political status quo (cf. ch. 23 Bispham). However, the evidence for either position is not overwhelming, and further difficulty is created by the hostility between the censors of 92. This edict appears to have been the only initiative on which the two men co-operated during their censorship, which concluded early because of their failure to co-operate, and involved very public disagreement, most notably in a speech which Crassus delivered at a *contio* attacking his colleague Domitius (Cic. *De or.* 2.45) (cf. ch. 14 Clemente). What is nonetheless clear is that rhetorical education had become a significant element in political culture.

Cicero’s rhetorical dialogues present a world in which formal rhetorical instruction, in something approximating to a school setting, was of rather less importance in the creation of the orator than what was learnt through informal contacts between the young and more senior figures, and from practice. The opening chapters of his *De Amicitia* offer a charming snapshot of his intellectual formation at the house of Scaevola Augur, to which he had been introduced by his father – relying on family connections, though Cicero does not spell this out. How far this kind of training was available outside the political elite, though, is less clear. Another issue where direct evidence is limited is the level of assistance that the young – or simply the less experienced – orator might expect from his associates and mentors. We

have already seen that the phenomena of the early-career prosecutions and of funeral speeches suggest that young orators could receive a great deal of help and guidance, which might nonetheless fall short of actual speech-writing – though speech-writing, too, is attested in this period. We should also imagine that more established men were accustomed to consult their *consilia* before delivering significant speeches, and that such consultation could involve a considerable level of detail.

3. The Power of Rhetoric

Did oratory make a difference in the Roman Republic? That is, were decisions affected by what those voting heard before they made up their minds, and if so, was rhetorical skill one of the ways to wield this influence? The questions go to the heart of how we should understand political power to function in Rome.

The capacity of the Roman people to effect change and to act as arbiters on issues when the elite was divided was central to Millar's argument that the Republic cannot simply be understood as an oligarchy (Millar 1984; 1986; cf. ch. 7 Yakobson). If those decisions cannot be explained by the exercise of influence along private and personal routes, then public speech becomes potentially decisive in explaining why votes went the way that they did. There were certainly occasions in which oratory changed minds: the failure of Rullus' agrarian law in 63, with what would seem to be a highly attractive offer to Roman citizens, must surely be connected to Cicero's oratorical campaign against the legislation (the three *De Lege Agraria* speeches). The argument around the execution of Catilina's supporters in 63 shows minds changing during the debate. The issue is rather how unusual these occasions were.

A distinction needs to be drawn between cases where there was inevitably a decision to be made after speeches had been delivered, and those where a consensus had already emerged and any speech merely articulated this pre-existing consensus, albeit in potentially important, symbolic ways. Morstein-Marx argued that legislative *contiones* very often functioned in the latter way, since the process of developing legislation prior to proposal involved considerable feedback: legislation unlikely to command assent was unlikely to be proposed (Morstein-Marx 2004). Similarly, Hölkeskamp sees public speech as part of a 'consensus-ritual' in which the Roman people can demonstrate their agreement with the course of action the elite presents to them for approval (Hölkeskamp 2004; cf. ch. 1 in this volume). These interpretations undeniably identify an important phenomenon, and the

corresponding tranquillity of some political debate. But the model does not work in all cases. Forensic oratory invariably involved a decision between competing versions of reality. Riggsby has argued that jurors' decisions were driven by their understanding of the legal issues on which they were deliberating, rather than more narrowly political considerations, such as their attitudes towards the defendant (Riggsby 1999). This conclusion strengthens the importance of the advocate. Cicero certainly indicates that there were competent and less competent forensic advocates; what is less clear is the extent to which technical ability across the five elements of oratory mapped onto successful outcomes (Wisse 2013). Caesar was known to his contemporaries as a brilliant speaker, but he lost his known forensic cases. Marcus Crassus, on the other hand, was not thought to be exceptional, but his record is rather better. The difference may be partly explained by a contrast between defence and prosecution, but the discrepancy is worth noting, and the orator's *auctoritas* is another factor to consider. The situation is no clearer for deliberative oratory in cases where there were genuinely two courses of action in play. The debate of 5 December 63 involved some public changes of mind, but it was exceptional (cf. ch. 10 Rosenblitt); whether senators were in general likely to make up their minds on the basis of what they heard, rather than what or whom they already thought they knew, is very difficult to ascertain. It may be that we need to think in terms of a minimum level of oratorical competence: provided an orator met that threshold, his capacity to participate in the debate would be accepted by his audience, who would then reach a decision on the basis of a range of factors, among which the persuasive articulation of an argument could play a part but was not, or not necessarily, decisive. This model would certainly fit the picture we find in Cicero's *Brutus*, whose comprehensive approach to identifying orators would then not simply be a nostalgic response to the loss of the *res publica* but also a fair assessment of its operation.

The conclusion, for rhetoric just as much as for the other skills and activities which make up the political culture of the Roman Republic, is that no single factor can adequately explain its working. In this highly individualised and intensely competitive world, the ability to speak persuasively was a valuable asset, and rhetoric therefore a skill of persistent interest to the elite. But different men chose to deploy this skill in very different ways and with outcomes that were not always easy to predict.

Further Reading

Morstein-Marx 2004 is an excellent starting point on the intersection of oratory and politics in general in the period. Van der Blom 2016 considers the importance of oratory for individual politicians. Riggsby 1999 remains the best starting-place to consider Cicero's forensic oratory as a political and legal phenomenon. Cicero inevitably dominates the discussion; recent attempts to widen the debate are Steel and van der Blom 2013, and van der Blom, Gray, and Steel 2018.

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