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'A FADED REFLECTION OF THE GRACCHI':[1] ETHICS, ELOQUENCE AND THE PROBLEM OF SULPICIUS IN CICERO'S *DE ORATORE*

I. A PESSIMISTIC READING OF *DE ORATORE*

This paper is as much about a particular depiction of the tribune P. Sulpicius Rufus as it is about Cicero's *De Oratore*, a dialogue regularly called upon by historians to give evidence on the 90s B.C. and the characters who take part in the conversation it depicts. My main focus is literary: I will argue that, given what we know about the historical Sulpicius, Cicero's choice of Sulpicius for a prominent minor role in *De Oratore* drives the tragic historical framework that undercuts the optimism expressed within the dialogue by the main protagonist L. Licinius Crassus for the civic value of oratory. The *Rhetorica ad Herennium* illustrates a certain type of allegory with the statement 'as if one should call Drusus a "faded reflection of the Gracchi"'.[2] In *De Oratore*, Drusus' friend and successor Sulpicius functions as a reflection of the Gracchi and his eloquence reinforces the problem posed by such orators as the notoriously eloquent Gaius Gracchus for any such grand claims about the civic value of oratory. By examining Cicero's use of relatively recent history, we therefore discover that *De Oratore* is significantly more pessimistic than it may at first seem. This pessimism, however, has important implications for historians, since expanding our understanding of *De Oratore* as a literary construct should encourage historians to be significantly more cautious about using the text as a historical source. As Görler points out with regard to Crassus' swansong at *De or.* 3.4–5, although 'a naive reader of *Oratorum Romanorum Fragmenta* could be left with the impression that some sentences are quite well attested', most of the fragments of Crassus' speech can actually be traced back to *De Oratore*.[3] Likewise, a significant proportion of the standard elements in Sulpicius' backstory go back to *De Oratore* and become a great deal less convincing once we accept *De Oratore* as a sustained fictional account featuring people who were neither as politically 'safe' nor as intellectually united as Cicero would have them be. My secondary focus in this paper is therefore on the broader lessons to be drawn from Sulpicius' role in *De Oratore*. I will begin by outlining the historical context of the dialogue, which was written in the mid 50s but is set in 91, a few weeks before the natural death of Crassus, one of its two protagonists. Next, I will discuss the dialogue's literary context, specifically the Platonic allusions Cicero embeds within the text. These

[1] *Rhet. Her.* 4.46. Except where otherwise indicated, the translations cited are those of the Loeb editions, slightly amended. I would like to express my deep gratitude to Ingo Gildenhard, Catherine Steel, Bruce Gibson and all of my anonymous readers for their invaluable comments.

[2] *Rhet. Her.* 4.46, *ut si quis Drusum Graccum nitorem obsoletum dicat*. J. von Ungern-Sternberg, 'Die popularen Beispiele in der Schrift des Auctors ad Herennium', *Chiron* 3 (1973), 143–62, at 157 points out the ambiguity of this remark: the insult might lie either in likening Drusus to the Gracchi or in accusing Drusus of not being enough like the Gracchi.

[3] W. Görler, 'From Athens to Tusculum: gleaning the background of Cicero's *De Oratore*', *Rhetorica* 6 (1988), 215–35, at 232–3.

allusions encourage us to treat *De Oratore*'s historical framework carefully, if not sceptically, and I will outline the 'off notes' struck by references to the Gracchi and by the presentation of Crassus and Antonius before examining the problem Sulpicius poses for a straightforwardly optimistic reading of *De Oratore*. I will conclude by considering first the literary implications for *De Oratore* of accepting that Sulpicius is a deliberately problematic character and then the historical implications of taking a sceptical approach towards *De Oratore* as an historical source for our picture of Sulpicius.

II. THE HISTORICAL CONTEXT

It is worth starting with a brief survey of the 90s and of Sulpicius' tribunate in 88, because setting *De Oratore* against the historical period it depicts highlights both that *De Oratore* is a fictional construct[4] and that Sulpicius is a jarring fit with the group depicted in the dialogue. Unfortunately the 90s are an obscure and poorly documented period, but what we know about the decade indicates that it was marked by civil discord and cultural clashes. It opened with the violent deaths of L. Appuleius Saturninus (*tr. pl.*) and C. Servilius Glaucia (*pr.*) in 100 on the authority of a *senatus consultum ultimum* issued to the sixth-time consul and former ally of Saturninus, C. Marius. In 95 the *lex Licinia Mucia* established a *quaestio* to investigate false claims to citizenship on the part of Latins and Italian allies. Two related *maiestas*-trials took place in the same year: (1) that of the younger Q. Caepio, defended by the orator and consul L. Licinius Crassus, for his violent opposition to Saturninus during the latter's first tribunate in 103, an opposition probably connected to Saturninus' involvement in that year with the *maiestas*-prosecution of Caepio's proconsular father, defeated by the Cimbri at Arausio in 105; (2) that of C. Norbanus, tribunician colleague of Saturninus in 103 and likewise involved in Q. Caepio the Elder's prosecution, who was prosecuted for rough behaviour at the trial by P. Sulpicius Rufus and defended by M. Antonius.[5] Then in 92 the censors Cn. Domitius Ahenobarbus (*cos*. 96) and L. Licinius Crassus (*cos*. 95) issued an edict against the schools of the Latin rhetors, who seem to have attracted aspiring politicians and were accused of practising instruction at variance from the *mos maiorum.* Around the same time, P. Rutilius Rufus was condemned for *repetundae* and went ostentatiously into exile in the very province he had supposedly plundered.[6] Finally the tribunate of Rutilius' wife's nephew Livius Drusus (91) ended in Drusus' murder and the Social (or Italian or Marsic) War of 91–88,[7] which was followed by the Sullan/Marian civil wars that dominated the following decade.

[4] See A.D. Leeman, H. Pinkster and J. Wisse, *M. Tullius Cicero. De Oratore Libri III. Kommentar 4. Band: Buch II, 291—367; Buch III, 1—95* (Heidelberg, 1996), 304–6; J. Dugan, *Making a New Man* (Oxford, 2005), 97.

[5] See E. Badian, 'Caepio and Norbanus', in id., *Studies in Greek and Roman History* (Oxford, 1964), 34–70, at 34–6; and E.S. Gruen, 'Political prosecutions in the 90s B.C.', *Historia* 15 (1966), 32–64, at 43–7 for contrasting views on these two trials. The date of Norbanus' trial is less certain than the date of Caepio the Younger's trial, but Badian argues convincingly that it too took place in 95.

[6] Gruen (n. 5), 53; C.S. Mackay, *The Breakdown of the Roman Republic* (Cambridge, 2009), 119–20; however, see R. Kallet-Marx, 'The trial of Rutilius Rufus', *Phoenix* 44 (1990), 122–39, who argues for the likelihood of a date as early as 94 and proposes a reconsideration of the political (in)significance of Rutilius' trial.

[7] See Mackay (n. 6), 106–33 for a succinct summary of the events between Saturninus' first tribunate (103) and the end of the Social War (89).

Publius Sulpicius was one of the plebeian tribunes of 88 and his contribution to that sequel was both critical and somewhat murky. On the standard account, Sulpicius was a respectable junior optimate up till his tribunate, at which point he opposed C. Julius Caesar Strabo's illegal attempt to stand for the consulship, broke violently with his old friends and backed Marius, transferring the command against Mithridates from L. Cornelius Sulla to Marius in exchange for support with an enfranchisement bill that wrapped up Social War issues, in the process making use of street violence that gave the consuls (Sulla and Sulpicius' former friend Q. Pompeius, whose son had been killed during the rioting) a reason to bring the army in.[8] Practically all aspects of Sulpicius' tribunate have been debated at length, especially the issue of when and why Sulpicius left the optimate harbour, to use Lintott's nautical reading of Cicero's *ab optima causa* (*Har. resp.* 43).[9] Did Sulpicius change his politics in the course of opposing Caesar Strabo, using *popularis* methods that carried him further than he meant to go?[10] Or out of disappointment that his optimate friends failed to back him on the enfranchisement bill after he had stood against Caesar Strabo's illegal and violent candidature on their behalf?[11] Or did he *lose* the case against Strabo and fly off in a huff?[12] Was he in fact acting on behalf of the rising power Sulla, until Sulla failed to support his enfranchisement bill?[13] Sulpicius is criticized for captiousness by the author of the *ad Herennium* for first vetoing and then proposing a bill to recall unspecified *exules*;[14] it is uncertain who these *exules* were or what Sulpicius thought he was doing here.[15] Did the consul Q. Pompeius Rufus propose this bill and did they fall out over Sulpicius' attempt to hijack it (especially after Pompeius' son was killed in

[8] The main ancient evidence for this account is: (1) Sulpicius' political background: his characterization in *De Oratore* generally; Cic. *Har. resp*. 43, 'And it was the breeze of popularity which carried Sulpicius further than he intended, after he had set out in a good cause, and had resisted Gaius Julius when seeking to obtain the consulship contrary to the laws' (*Sulpicium* ***ab optima causa*** *profectum Gaioque Iulio consulatum contra leges petenti resistentem longius quam uoluit popularis aura prouexit*)—*ab optima causa* has frequently been read as 'in the optimate cause', e.g. E. Badian, 'Quaestiones variae', *Historia* 18 (1969), 447–91, at 481–2; Cic. *Off.* 2.49 (prosecution of Norbanus); (2) the break with old friends: Cic. *De or.* 3.11 (unnamed former friends, implying but not explicitly indicating the other speakers in the dialogue); Cic. *Amic.* 2 (specific reference to Q. Pompeius Rufus, consul of 88, who does not appear in the dialogue); (3) Sulpicius' turbulent tribunate: App. *B Civ.* 1.55-60; Plut. *Sull*. 8–10, *Mar.* 34–5; Vell. Pat. 2.18.5; Diod. Sic. 37.2.12; Cic. *Brut.* 226; Asc. *In Scaurianam* 22, p. 25 C.

[9] A.W. Lintott, 'The tribunate of P. Sulpicius Rufus', *CQ* 21 (1971), 442–53, at 447.

[10] Lintott (n. 9), 447–8; J.G.F. Powell, 'The tribune Sulpicius', *Historia* 39 (1990), 446–60, at 460.

[11] Badian (n. 8), 485–6.

[12] T.N. Mitchell, 'The volte-face of P. Sulpicius Rufus in 88 B.C.', *CPh* 70 (1975), 197–204.

[13] A. Keaveney, 'Sulla, Sulpicius and Caesar Strabo', *Latomus* 38 (1979), 451–60.

[14] *Rhet. Her.* 2.45. The *Rhetorica ad Herennium* is a rhetorical handbook of uncertain provenance written by an unknown author and addressed to the otherwise unknown Gaius Herennius, generally (but not always) dated to somewhere between 86 and 82 B.C. See F. Marx (ed.), *Incerti Auctoris De Ratione Dicendi ad C. Herennium Libri IV* (Hildesheim, 1966 [1894]), 69–73, 152; M.L. Clarke, *Rhetoric at Rome* (London, 1953), 14; G. Kennedy, *The Art of Rhetoric in the Roman World* (Princeton, 1972), 192; A. Corbeill, 'Rhetorical education in Cicero's youth', in J.M. May (ed.), *Brill's Companion to Cicero. Oratory and Rhetoric* (Leiden, 2002), 23–48, at 33; E. Fantham, *The Roman World of Cicero's* De Oratore (Oxford, 2004), 92; however, A.E. Douglas, 'Clausulae in the *Rhetorica ad Herennium* as evidence of its date', *CQ* 10 (1960), 65–78 argues for the viability of a much later *terminus ante quem.* See also L. Winkel, 'Some remarks on the date of the "Rhetorica ad Herennium"', *Mnemosyne* 32 (1979), 327–32, at 332.

[15] For a range of opinions on what this bill was and who these *exules* were, cf. E.S. Gruen, 'The Lex Varia', *JRS* 55 (1965), 59–73, at 72–3; Badian (n. 8), 487–90; Lintott (n. 9), 453; Keaveney (n. 13), 455–7; Powell (n. 10), 456–7; R.G. Lewis, 'P. Sulpicius' law to recall exiles, 88 B.C.', *CQ* 48 (1998), 195–9.

the rioting)?[16] When did Sulpicius align himself with Marius? Did he make common cause with Marius in opposition to Strabo?[17] Or later in his tribunate over the enfranchisement bill?[18] Should we accept Powell's criticism of attempts to impose clear-cut political categories like 'optimate' and '*popularis*' and 'Marian' on individual politicians, avoid reading Cicero's *ab optima causa* so dogmatically (that is, as 'from a very good cause' rather than 'from the optimate cause') and suppose that Sulpicius was actually working with Marius all along?[19]

It is not the purpose of this paper to provide answers to any of these questions (although my conclusions support Powell's well-placed criticisms of historical dogmatism), but if the events of Sulpicius' tribunate are debated, there is general agreement that the historiographical tradition is hostile towards Sulpicius, having been contaminated by Sulla's memoirs.[20] We do, however, have one witness to an alternative tradition. Sulpicius' death earned him a place in the tragic roster of slaughtered *popularis* politicians, as is shown by an example of paronomasia included in the *Rhetorica ad Herennium*, which bewails the *indigna nex* that removed Tiberius Gracchus from the *res publica* and goes on to speak pathetically of the similar fate that befell Gaius Gracchus (a man who loved the *res publica* most dearly), Saturninus (victim of his faith in wicked men), Drusus (whose blood bespattered the walls of his home and his parents' face) and finally Sulpicius (who was prohibited not only from living but even from being buried).[21] This tradition is largely submerged in our existing evidence for the usual reason that little real *popularis* rhetoric survives, but the *ad Herennium* does testify to the fact that Sulpicius was incorporated into a particularly fiery brand of late Republican political discourse. Additionally, Cicero elsewhere testifies to the existence of speeches attributed to Sulpicius, if not actually by him (*Brut.* 205); this suggests that the alleged writer, P. Canutius, thought Sulpicius' activities provided good material for rhetorical exercises, and others may well have felt the same. Given that Sulpicius was a politically divisive figure from within living memory, it should therefore raise eyebrows that Cicero chooses to feature him at all in this dialogue on the ideal orator, let alone that he goes to the trouble of foregrounding Sulpicius at the start of the first book as the friend, pupil and future hope of the two protagonists, Lucius Licinius Crassus and Marcus Antonius (*De or.* 1.25). Certainly Sulpicius here appears in conjunction with C. Aurelius Cotta, who receives his share of praise in *De Oratore* (2.98, 3.31), but it is Sulpicius whose natural aptitude for oratory is characterized as practically divine (1.132). Indeed, in her discussion of imitation as a learning method in *De Oratore*, Fantham highlights Sulpicius as Cicero's prime *exemplum*, successful because he imitated the right man (Crassus) for his particular oratorical method.[22]

[16] Lewis (n. 15), 199.
[17] Badian (n. 8), 482–5; B.E. Katz, 'Caesar Strabo's struggle for the consulship – and more', *RhM* 120 (1977), 45–63, at 60.
[18] T.J. Luce, 'Marius and the Mithridatic command', *Historia* 19 (1970), 161–94, at 192–4; Lintott (n. 9), 451.
[19] Powell (n. 10), 457–8.
[20] Lintott (n. 9), 452–4; Katz (n. 17), 55 n. 50; Powell (n. 10), 454–5.
[21] *Rhet. Her.* 4.31; see von Ungern-Sternberg (n. 2), 152–7.
[22] E. Fantham, 'Imitation and evolution: the discussion of rhetorical imitation in Cicero, *De Oratore* 2. 87–97 and some related problems of Ciceronian theory', *CPh* 73 (1978), 1–16, at 4.

III. THE DRAMATIC SETTING

We could resolve this puzzle the easy way—by reading naively and assuming that Cicero is painstakingly recreating a historical friendship-circle in *De Oratore*, like the so-called 'Scipionic Circle' featured in *De Republica* and *De Amicitia*—and, although there is a tempting reason to do so (Cicero's personal familiarity with some if not all of the people who appear in *De Oratore*, including Sulpicius himself,[23] as well as a disinclination to believe that Cicero would invent details that could be easily checked by his contemporaries), this would be a mistake, as most modern historians have now concluded with regard to that 'Scipionic Circle'.[24] Görler, discussing Cicero's account of Crassus' final speech at *De or.* 3.4–5, makes the comparison directly: 'the case of Crassus' swansong speech is analogous to the case of the Scipionic circle; all our evidence save for the basic biographical fact is directly or indirectly Ciceronian. It cannot be proved strictly that the legendary framework is an invention, but there are good reasons to believe that it is',[25] including the fact that the park described in *De Oratore* is probably Cicero's estate at Tusculum.[26]

The best-known historical fiction in *De Oratore* is the degree of (Greek) learning Cicero attributes to Crassus and Antonius.[27] Jones, discussing Cicero's characterization across a range of dialogues, compares *De Oratore* with the more historical *Brutus* and concludes that, although Cicero does avoid anachronism, he feels no particular need to be true to historical characters.[28] We too can check *De Oratore* against *Brutus* (albeit with care, as urged by Badian, who points out how misleadingly idealized Cicero's self-presentation is in *Brutus*):[29] there, Sulpicius and Cotta, the two junior orators of *De Oratore*, are described as the two best orators of their day. Cotta was the more technical and Sulpicius the more tragic orator; consequently Cotta wished to imitate Antonius, Sulpicius to imitate Crassus (although Cicero does not claim that Crassus and Antonius taught Sulpicius and Cotta); and while Cotta lacked the force *(uis)* of Antonius, Sulpicius lacked the charm (*lepos*) of Crassus. The supposed speeches of Sulpicius are not actually his, because (and Cicero heard him say this) he never wrote anything down, while Cotta's speech *pro se lege Varia* was actually written by

[23] Cic. *De or.* 2.2–3, *Brut.* 205.

[24] H. Strasburger, 'Poseidonios on problems of the Roman Empire,' *JRS* 55 (1965), 40–53, at 41, and 'Der Scipionenkreis,' *Hermes* 94 (1966), 60–72; A.E. Astin, *Scipio Aemilianus* (Oxford, 1967), 294–306; J.E.G. Zetzel, 'Cicero and the Scipionic Circle', *HSPh* 76 (1972), 173–9; W.J. Raschke, '"Arma pro amico": Lucilian satire at the crisis of the Roman Republic', *Hermes* 115 (1987), 299–318, at 302–7; G. Forsythe, 'A philological note on the Scipionic Circle', *AJPh* 112 (1991), 363–4. Although J.P. Wilson, '*Grex Scipionis* in *De Amicitia*. A reply to Gary Forsythe', *AJPh* 115 (1994), 269–71 has made a strictly philological argument in favour of reading a particular phrase in Cicero's *De Amicitia* as referring to a 'Scipionic Circle', and Michael Sommer has defended Aemilianus' philhellenism in 'Scipio Aemilianus, Polybius, and the quest for friendship in second-century Rome', in B. Gibson and T. Harrison (edd.), *Polybius and his World: Essays in Memory of F.W. Walbank* (Oxford, 2013), 307–18, no one has yet attempted to rehabilitate the cultural and political powerhouse that was the nineteenth century 'Scipionic Circle'.

[25] Görler (n. 3), 233.

[26] Görler (n. 3), 222–3.

[27] Cf. R.E. Jones, 'Cicero's accuracy of characterization in his dialogues', *AJPh* 60 (1939), 307–25, at 317–20; J. Hall, 'Persuasive design in Cicero's "De Oratore"', *Phoenix* 48 (1994), 210–25, at 211–16; J. Richards, 'Assumed simplicity and the critique of nobility: or, how Castiglione read Cicero', *RenQ* 54 (2001), 460–86; W. Stull, '*Deus ille noster*: Platonic precedent and the construction of the interlocutors in Cicero's "De Oratore"', *TAPhA* 141 (2011), 247–63, at 254–5.

[28] Jones (n. 27), 317–20.

[29] Badian (n. 8), 454–5.

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a very well-educated equestrian, L. Aelius, formerly one of Cicero's instructors (*Brut.* 201–7). As Cicero's interlocutor Brutus remarks at *Brut.* 204, both orators were therefore flawed as orators, but there were certainly good historical reasons for Cicero to include Sulpicius in a dialogue on oratory set in 91 and featuring Crassus and Antonius. Indeed, there is arguably an element of circularity here: Sulpicius is more prominent than Cotta in *De Oratore* because his model Crassus has more to say (and is considerably more Socratic) than Cotta's model Antonius.

That said, whereas the *Brutus* presents Sulpicius simply as a speaker, without any reference to his political career, at the start of *De Oratore* 3 it is revealed that things went horribly wrong for the friendship-circle established in *De Oratore*, and that the talented Sulpicius in particular betrayed his friends and burned out in a blaze of *temeritas* (3.11). Sulpicius' turbulent future reflects ironically on some of the most contentious claims made in the dialogue, which opens with Crassus' declaration that he thinks there is nothing better (*praestabilius*) than 'the power, by means of oratory, to get a hold on assemblies of men, win their goodwill, direct their inclinations wherever the speaker wishes, or divert them from whatever he wishes' (1.31): not only is oratory of great instrumental value, but 'the wise control of the complete orator is that which chiefly upholds not only his own *dignitas* but also the safety (*salus*) of countless private individuals and of the whole *res publica*' (1.34).[30] We need only invert this to reveal the dark side of the story, and Cicero's submerged preoccupation: the dangers of unbridled eloquence directed towards dubious political ends. Including the historically difficult Sulpicius in the narrative therefore suggests an invitation to read between the lines of *De Oratore*, an invitation reinforced by the explicit allusions to Plato's *Phaedrus*, and the subtler allusions to Plato both in *De Oratore* and in Cicero's other dialogues.[31]

Plato is often read dramatically; a full consideration not just of the opinions expressed by his characters but also of what we know of their historical counterparts introduces (often black) ironies and complications into the texts.[32] Such 'dramatic readings' are becoming increasingly common as a way to read Cicero's dialogues too, thanks in part to the modern reaction against a notorious historic tendency to underrate Cicero as a thinker while quarrying his theoretical works for the thought of 'proper' philosophers. Görler, concluding his comparison of the scenery, staging and

[30] *sic enim statuo, perfecti oratoris moderatione et sapientia non solum ipsius dignitatem, sed et priuatorum plurimorum, et uniuersae reipublicae salutem maxime contineri.*

[31] For a convenient summary of the literature on Platonic features, see Görler (n. 3), 215 n. 2 (and e.g. E. Schütrumpf, 'Platonic elements in the structure of Cicero, *De Oratore* Book 1', *Rhetorica* 6 [1988], 237–58; Fantham [n. 14], 49 ff.; Stull [n. 27]). Cf. also F. Solmsen, 'Aristotle and Cicero on the orator's playing upon the feelings', *CPh* 33 (1938), 390–404, at 396–402; W.W. Fortenbaugh, '*Beneuolentiam conciliare* and *animos permouere*: some remarks on Cicero's *De Oratore* 2.178–216', *Rhetorica* 6 (1988), 259–73; E. Schütrumpf, 'Cicero, *De Oratore* 1 and Greek philosophical tradition', *RhM* 133 (1990), 310–21, at 318–21 for Aristotelian/Peripatetic correspondences (mostly to do with the rhetorical theory of manipulating emotions).

[32] See, for example, K.J. Dover, 'Aristophanes' speech in Plato's *Symposium*', *JHS* 86 (1966), 41–50; M.D. Goggin and E. Long, **'**A tincture of philosophy, a tincture of hope: the portrayal of Isocrates in Plato's *Phaedrus*', *RhetR* 11 (1993), 301–24; K.A. Morgan, 'Socrates and Gorgias at Delphi and Olympia: *Phaedrus* 235d6–236b4', *CQ* 44 (1994), 375–86; J.C. Adams, 'The rhetorical significance of the conversion of the lover's soul in Plato's "Phaedrus"', *RSQ* 26 (1996), 7–16; J.A. Corlett, 'Interpreting Plato's dialogues', *CQ* 47 (1997), 423–37; K.A. Morgan, 'Designer history: Plato's Atlantis story and fourth-century ideology', *JHS* 118 (1998), 101–18; B. McAdon, 'Plato's denunciation of rhetoric in the "Phaedrus"', *RhetR* 23 (2004), 21–39; M.P. Nichols, 'Socrates' contest with the poets in Plato's *Symposium*', *Political Theory* 32 (2004), 186–206; M.P. Nichols, 'Philosophy and empire: on Socrates and Alcibiades in Plato's "Symposium"', *Polity* 39 (2007), 502–21.

dramatic interactions in *De Oratore* with a range of Platonic texts, remarks that 'every detail touched upon … suggests something "between the lines"'.[33] There is more to these details than a slavish echo of Platonic precedents. Dugan has explored the role in *De Oratore* of Julius Caesar Strabo, embodiment of aesthetics and theatricality;[34] Görler and more recently Stull have discussed Crassus as a Roman Socrates;[35] moreover, the argument for Cicero as a far-from-straightforward writer has been made forcefully by Matthew Fox, who reads Cicero as a radical sceptic whose 'representation of the past is complex, ironic, and sometimes deliberately ambiguous',[36] and who uses his dialogues to convey the message 'Do philosophy!' rather than as platforms for specific philosophical theories.[37] My interest here is not philosophical underpinnings, however, but rather political subversion. The tragic historical framework of *De Oratore* plays into a largely implicit (and highly Platonic) secondary argument for the dangers of oratory that undercuts Crassus' expressed optimism and reinforces remarks made early on by the elderly jurist Q. Mucius Scaevola the Augur (*cos*. 117), who has a few sceptical things to say and then retires gracefully from the conversation. For all Cicero's allusions to Greek philosophy, *De Oratore* describes a profoundly Roman world,[38] and when we scratch at the problem posed by Sulpicius for purely positive readings of *De Oratore*, it is Cicero the political theorist reflecting on Roman history with the aid of philosophical principles who emerges from the text.

IV. CRASSUS, ANTONIUS AND THE GRACCHI

I am going to spend a substantial amount of this paper expanding on this point, because it is worth dissecting the interplay between the historical framework and the dialogue in detail. As Hall has rightly pointed out, *De Oratore* needs to be read as a whole, not in pieces; he highlights in particular the interplay between the prologues and the dramatic action, pointing out that the magnification of Crassus in the prologue to Book 3 enhances Crassus' dialogue in that book.[39] Likewise, Cicero's interest in *De Oratore* in the ethics of eloquence—that is, the uses and abuses of oratory in politics—is one of the things that makes the dialogue stand out as a highly artistic construct against its *actual* historical background,[40] and its perspective on the 90s reflects Cicero's preoccupations during the much later period of its actual composition. There are comparisons to be drawn not just with the *Brutus* but also with Cicero's earlier rhetorical handbook, *De Inventione*, which was written at the end of the 90s and which presents its material straightforwardly as a tool for aspiring orators. On Kastely's reading, Cicero in *De Inventione* 'grants that those who read him have sufficient wisdom, and what he has

[33] Görler (n. 3), 235.
[34] Dugan (n. 4), 81–103.
[35] Görler (n. 3), 228–35; Stull (n. 27).
[36] M. Fox, *Cicero's Philosophy of History* (Oxford, 2007), 2.
[37] Fox (n. 36), 26.
[38] On this, cf. J. Hall, 'Social evasion and aristocratic manners in Cicero's "de Oratore"', *AJPh* 117 (1996), 95–120; M. Zerba, 'Love, envy, and pantomimic morality in Cicero's "De Oratore"', *CPh* 97 (2002), 299–321.
[39] Hall (n. 27), 216–21.
[40] See Leeman, Pinkster and Wisse (n. 4), 304–6; Dugan (n. 4), 97.

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to offer is a technical account of the art'.[41] *De Oratore* is different; it narrates a dialogue on the topic of the ideal orator,[42] a project which embraces establishing oratory as a commendable activity through joining it to a civic ethics grounded in philosophy. In other words, the assumption underpinning *De Inventione* is inverted: rather than assuming the integrity of its audience in order to talk about the technical aspects of rhetoric, *De Oratore* assumes the technical competence of its audience (or at least its audience's ability to acquire the technicalities elsewhere), and focusses on the knowledge and ethical qualities its audience should possess. Indeed, Kastely characterizes *De Oratore* as a 'complex response to issues that were raised in *De Inventione*'.[43]

Cicero engages with this particular issue most explicitly through the problem of Tiberius Gracchus and especially of Gaius Gracchus, the best-known orators of recent history. Given the dramatic date of the dialogue, it would have been hard for Cicero to avoid talking about the Gracchi, who in fact receive star billing: whereas in *De Inventione* Cicero had referenced them only in passing as the pupils of Cato, Laelius and Aemilianus (*Inv. rhet.* 1.5), at *De or.* 1.38 they are described by Scaevola as more eloquent than anyone else he has heard except for Crassus and Antonius, the main speakers of the dialogue. However, this technical assessment (that the Gracchi were good orators) is qualified by reference to their political stance: they are said to have used their eloquence to wreck the *res publica*, in pointed contrast to their father, no speaker but an excellent citizen who had often come to its aid.[44] The eloquence of the Gracchi is a problem for Crassus' claim that the *salus* of the whole *res publica* rests upon the *moderatio* of the *perfectus orator* (1.34), as Scaevola points out in his challenge to the paean to oratory with which Crassus begins the dialogue.[45] From this point of view, Rome's best orators had also been among its worst citizens.

Furthermore, there are hints within the dialogue that Cicero's chosen oratorical experts, Crassus and Antonius, are not always as 'sound' as they should be, politically speaking. In Book 1, Crassus is cited and criticized by Antonius on philosophical grounds for vivid rhetoric in which he had called the Senate a slave to the People (Cic. *De or.* 1.225):

quod si ea probarentur in populis atque in ciuitatibus, quis tibi, Crasse, concessisset, clarissimo uiro et amplissimo et principi ciuitatis, ut illa diceres in maxima contione tuorum ciuium, quae dixisti? 'eripite nos ex miseriis, eripite ex faucibus eorum, quorum crudelitas nostro sanguine non potest expleri; nolite sinere nos cuiquam seruire, nisi uobis uniuersis, quibus et possumus et debemus.'

But if [Plato's] ideas were approved in real peoples and civic communities, who would have allowed you, Crassus, for all your high reputation, and all your splendour as a political leader, to express yourself as you did before a densely crowded *contio* of your fellow-citizens? 'Deliver us out of our woes, deliver us out of the jaws of those whose ferocity cannot get its fill of our

[41] J.L. Kastely, 'The recalcitrance of aggression: an aporetic moment in Cicero's *De inventione*', *Rhetorica* 20 (2002), 235–62, at 254.

[42] J. Wisse, '*De oratore*: rhetoric, philosophy and the making of the ideal orator', in J.M. May (ed.), *Brill's Companion to Cicero. Oratory and Rhetoric* (Leiden, 2002), 375–400, at 378; Dugan (n. 4), 75.

[43] Kastely (n. 41), 236.

[44] See also Cic. *Brut.* 103–4, 125–6.

[45] Cic. *De or.* 1.30–4; see also Schütrumpf (n. 31 [1988]), 246–7 (who is tempted to see a 'structural analogy' in the way Crassus' 'oratorical show-piece' provokes a response from non-rhetoricians, forcing Crassus to clarify his position); Leeman, Pinkster and Wisse (n. 4), 200–1; Fantham (n. 14), 62–3.

blood; suffer us not to be in bondage to any, save to yourselves as a nation, whose slaves we can and ought to be.'

Antonius is willing to pass over the woes and the jaws, but objects to the claim that Crassus and the Senate not only are but ought to be slaves to the *populus* (Cic. *De or.* 1.226):

quis hoc philosophus tam mollis, tam languidus, tam eneruatus, tam omnia ad uoluptatem corporis doloremque referens probare posset, senatum seruire populo, cui populus ipse moderandi et regendi sui potestatem quasi quasdam habenas tradidisset.

Could any philosopher be so unmanly, spiritless and weak, so resolved to make physical pleasure and pain the standard of everything as to approve of this suggestion that the Senate is in bondage to the People, when it is to the Senate that the People itself has committed the power of controlling and guiding it, as some driver might hand over his reins?

Crassus' rhetoric was inspired (*haec cum a te diuinitus ego dicta arbitrarer*), says Antonius, but it was not philosophical.[46]

Antonius' approval of this unphilosophical diatribe in the first book of *De Oratore* is echoed in his own defence of Gaius Norbanus in 95, discussed by Crassus in the second book. Norbanus is characterized as a seditious and frenzied man by Crassus at 2.124, where it transpires that Antonius in defending him resorted to glorifying seditions and demonstrating that the *impetus populi* was often justified. Notably the specific details are from far in the past: the expulsion of the kings and the establishment of the tribunes of the plebs,[47] something that remains the case when Antonius himself resumes the topic at 2.197–201. Antonius reports here that the youthful Sulpicius had been approved and that the past censor Antonius had been criticized for taking on, respectively, Norbanus' prosecution and defence (2.198), despite Antonius' attempt to excuse himself by pointing out that his client was his old quaestor; Antonius, it is implied, should have known better than to defend a *ciuis seditiosus* who had previously exhibited *crudelitas* to a distressed consul, Caepio the Elder. In order to get out of this hole, Antonius drew on contemporary vicissitudes to classify all the types of civil discord and conclude that sometimes they could be justifiable. He then discussed the expulsion of the kings, the establishment of the plebeian tribunes, the restriction of consular power by popular legislation and the right of *prouocatio*, before digressing into a denunciation of the defeated proconsul, to win the hearts and minds of his equestrian audience (2.199).[48] Having succeeded in this aim, he softened his impetuous and violent oratory, and embarked on an appeal to pity (2.200–1).[49]

[46] Cic. *De or.* 1.227, where Antonius also relates the severe criticisms of the self-consciously Stoic P. Rutilius Rufus. See also Fantham (n. 14), 220; Dugan (n. 4), 144.

[47] Other citations apparently from Antonius' speech on the same occasion: 2.164, 'If sovereignty be the grandeur and glory of the civic community, it was violated by the man who delivered up to the enemy an army of the Roman people, not by him who delivered the man that did it into the power of the Roman people' and 2.167, 'If the magistracies ought to be under the control of the Roman people, why impeach Norbanus, whose conduct as tribune was subservient to the will of the community?' See A.D. Leeman, H. Pinkster and E. Rabbie, *M. Tullius Cicero. De Oratore Libri III. Kommentar 3. Band: Buch II, 99—290* (Heidelberg, 1989), 106–8.

[48] Compare Cicero's similar account of Roman history at *Rep.* 2.46, 2.52-63.

[49] See Leeman, Pinkster and Rabbie (n. 47), 130–2 for a discussion of this section as an exemplary case-study in the use of pathos in oratory, and Zerba (n. 38), 308–9, and 'The frauds of humanism: Cicero, Machiavelli, and the rhetoric of imposture', *Rhetorica* 22 (2004), 215–40, at 230–2, for Antonius' strategies for ameliorating possible *inuidia* in his audience.

While Cicero in *De Oratore* presents both Crassus and Antonius as resorting to politically contentious rhetoric, therefore, Crassus' *popularis* rhetoric is pointedly criticized as philosophically unsound (by Antonius) and Antonius' *popularis* rhetoric (as reported by both Crassus and Antonius) is vague or deals safely with the archaic past. Furthermore, Crassus asks at 2.125: 'Could this line of argument, so hazardous, startling, treacherous and unfamiliar, be handled otherwise than by oratorical power and readiness truly marvellous (*quadam incredibili ui ac facultate dicendi*)?' That is, only a highly skilled orator is capable of negotiating such material. For all these qualifications, this looks like the problem of the Gracchi manifesting itself again in a slightly modified form: not only had the best historic Roman orators been bad citizens, but even the dialogue's oratorical heroes were on record as using philosophically unsound rhetoric.[50] Any attempt to force historical reality into philosophical coherence was bound to stumble over the awkward fact that (as the even-handed approach of the *Rhetorica ad Herennium* shows) the ability to speak well had never correlated with a particular political attitude, and individual orators had always adapted their material to suit their audiences in a far-from-philosophical but very effective way.

V. THE STUDENT SULPICIUS

This brings us to Crassus' imitator, Sulpicius, whose inclusion in *De Oratore* poses a particular problem for any reading that sees the dialogue as aiming solely (if perhaps not very successfully) at producing a philosophically coherent 'logical or ethical vindication of public eloquence'.[51] Such a reading has its appeal if the importance of Plato's *Gorgias* for Cicero's project is foregrounded; as Fantham points out, Cicero retains Socrates' criticism that Gorgias has supplied his pupils with the power of rhetoric without considering how they might use it.[52] The criticisms of contemporary (Greek) political practice disappear in transmission, however. Fantham puts this down to (a) the implausibility of suggesting that Roman political practitioners should devote themselves to philosophy (which in any case is not a Ciceronian ideal) and (b) the supposed superiority of Roman political practice to Greek democracies, which means that 'the more intellectual issue of the dispute between philosophy and rhetoric over the different realms of discourse is allowed to thrust the political realities of democratic or demagogic oratory into the background'.[53] I would suggest that this is a little unfair: if *De Oratore* is more successful as a presentation of Roman *humanitas* than as 'a logical or ethical vindication of public eloquence',[54] this is at least partly to do with deliberate dramatic choices on Cicero's part that undercut any such attempted vindication.

The problem posed by the Gracchi and by any political slips on Crassus and Antonius' part is historical: in 91, when the dialogue is set, the Gracchi have already lived and orated and died their traumatic deaths, and Crassus and Antonius have already ascended the *cursus honorum*, given their great speeches and carved out their political

[50] Perhaps unsurprising: as Catherine Steel has put it (informally), 'the most challenging—because morally questionable—political positions demand outstanding rhetoric—i.e. why would you devote yourself so intensively to rhetoric if you weren't trying to pull a fast one?'

[51] Fantham (n. 14), 71.

[52] Fantham (n. 14), 56–7.

[53] Fantham (n. 14), 63; see generally Fantham (n. 14), 62–3; Schütrumpf (n. 31 [1988]).

[54] Fantham (n. 14), 71.

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personae for posterity. Moreover, Cicero (or a speaker on his behalf) might have (but in fact did not, at least in *De Oratore*) responded to this aspect of Scaevola's criticism of Crassus' paean to oratory by appealing to aspects of the upbringing of the Gracchi or their early political careers: they *could* have become good citizens and statesmen as great as their father had they possessed the right teachers, or had Tiberius not suffered *dolor* over the Senate's renunciation of the Numantine treaty (Cic. *Har. resp.* 43) and his brother not been more loyal to his brother's memory than to the *res publica* (Cic. *Brut.* 125–6). If, however, the conversation 'reported' in *De Oratore* succeeds in its apparent aims (to outline the ideal orator; to raise up oratory as a civic good), surely future generations of orators, and in particular those benefitting directly from Crassus and Antonius' teachings, will indeed approach the ideal?

Now, the dialogue does drop hints about two orators to whom this promise of future greatness probably does apply: first, Q. Hortensius, who is not present for the dialogue but is mentioned as someone of great promise at the end of the dialogue, a remark with implications for the orator generally admitted to have beaten Hortensius in turn: Cicero himself. As Fantham argues, the comments on Hortensius may be an ironic echo of the end of Plato's *Phaedrus* with its two-edged prophecy for Isocrates (that if he continues in his kind of writing he will surpass everyone who came before him, but will do even better if he turns to philosophy).[55] But, more immediately and more subtly, Cicero's inclusion in the dialogue of the future tribune P. Sulpicius, cast as Crassus' protégé, tells against the idea that amid the political turbulence of the 50s Cicero revisited the far-from-idyllic period of *De Inventione* solely to replace his earlier work with an idealized account of 'what the perfect speaker could and should be'.[56] If this were the case, Sulpicius' presence would be even more troubling than the prominence granted to the Gracchi by Scaevola in the opening scenes of Book 1. Here is a man with a practically divine natural aptitude for oratory (*De or.* 1.132), whose bright prospects are repeatedly mentioned over the course of the dialogue (*De or.* 2.88–9, 3.31) and who has excellent mentors in Crassus and Antonius; yet, three years later, Sulpicius' oratory and (from Cicero's perspective) unethical policies will help to precipitate a new civil war. Sulpicius therefore poses a future problem for *De Oratore*, and one that could have been avoided by his omission or that could have been elided (as at *Brut.* 201–7) by passing entirely over the more problematic aspects of his career.

Sulpicius' fate is no secret in *De Oratore*, although an explicit account of what the future holds for the dialogue's participants is postponed until the beginning of Book 3. At 1.25, Sulpicius and the would-be tribune Cotta are introduced together as great friends of the tribune Drusus (whose year in office, 'undertaken in support of the power of the Senate, had begun to show symptoms of shock and weakness'[57]) and of young gentlemen, 'in whom the older generation at that time reposed high hopes of their maintaining the traditions of their order' (*in quibus magnam tum spem maiores natu dignitatis suae conlocarant*). Although the suggestion of political instability is already ominous, this promotion of Sulpicius might seem just a tragic but appropriately historical detail intended to flesh out the dialogue's dramatic setting. The 'elegiac mode' is characteristic of Cicero's historical dialogues: much of the power of Scipio's Dream in Book 6 of the *De Re Publica* derives from the imminence of the historical Scipio's

[55] Fantham (n. 14), 70.

[56] Kennedy (n. 14), 205, 210; see also A.D. Leeman and H. Pinkster, *M.T. Cicero. De Oratore Libri III. Kommentar 1. Band: Buch I, 1–165* (Heidelberg, 1981), 81.

[57] Cic. *De or.* 1.24, *pro senatus auctoritate suspectus, infringi iam debilitarique uideretur.*

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death, for example, and the *Cato Maior de Senectute* is also set towards the end of its protagonist's life. That said, however, other comments from Book 1 of *De Oratore* look less innocent, particularly Crassus' suggestion at 1.66 that, if Sulpicius should need to talk about war (*de re militari*), he would ask Gaius Marius. The irony is palpable: in 88 Sulpicius' efforts to transfer the war against Mithridates from the consul L. Cornelius Sulla to the then *priuatus* C. Marius would result in Sulla's first march on Rome. Then, as Book 3 opens, we learn that Crassus perished in a blaze of oratory a week after the dialogue (3.1–6), that Cotta was expelled *per inuidiam* from the tribunate shortly after Crassus' death and went into exile (3.11)[58] and that the rest of the cast met undeserved fates during this troubled period. Sulpicius stands alone at the end of this tragic list: although he had been caught up in the same *inuidiae flamma* as Cotta, during his tribunate in 88 he 'set about robbing of every honourable office the very persons with whom, before he rose to office, he had associated on the closest terms of intimacy (*quibuscum priuatus coniunctissime uixerat, hos in tribunatu spoliare instituit omni dignitate*)', a line that deliberately inverts the optimism of 1.24 through the repetition of *dignitas*. Just when reaching the pinnacle of eloquence, Sulpicius was killed, thereby paying the penalty for his rashness, 'not without great evil to the *res publica*' (3.11).

This judgement on the supremely eloquent Sulpicius has an interesting echo towards the end of Book 3, where Crassus relates at some length an anecdote connected to Gaius Gracchus, who had a slave with a pitch-pipe (*fistula*) stand nearby when he was giving a speech in order to blow notes to warn him when he was getting overwrought or not excited enough. Catulus not only is aware of Gaius' habit but also adds his admiration for Gaius' diligence, learning and knowledge,[59] to which Crassus concurs: he himself admires Gaius Gracchus and regrets the political error into which Gaius and his brother Tiberius fell. His appreciation of the Gracchi is contrasted to his deep pessimism for the modern era, however. For Crassus, the current state of political conduct and the model being set for future generations is so bad that he and his companions can only wish for 'citizens resembling the ones our fathers would not tolerate'.[60] Book 3 is therefore bookended by supremely eloquent (or at least fluent)[61] men of great ability whose ethical deficiencies none the less cast the *res publica* into turmoil. Certainly the good qualities of the Gracchi provide an ominous contrast to the current crop of bad citizens and introduce the theme of a decline in civic morals,[62] but the precedent is more precise and more immediate: in *De Oratore*, Sulpicius is a reflection, faded or otherwise, of Gaius Gracchus.

Throughout the dialogue, Cicero highlights the importance of good character and of forcing an ethical education on people with a natural aptitude for oratory; so at 2.85–8, during a discussion of the importance of natural capacity and what he looks for in a budding orator, Antonius notes that, when he comes across a young man who has the

[58] *Per inuidiam* refers to the activities of the Varian commission at the start of the Social War. See Gruen (n. 15), 64; Badian (n. 8); Leeman, Pinkster and Wisse (n. 4), 120; Fantham (n. 14), 92.

[59] Cic. *De or.* 3.225, *saepe sum admiratus hominis cum diligentiam tum etiam doctrinam et scientiam*; see J. Wisse, M. Winterbottom and E. Fantham, *M. Tullius Cicero. De Oratore Libri III. A Commentary on Book III, 96–230. Volume 5* (Heidelberg, 2008), 372 for the strength of *diligentia* used here as a term of praise.

[60] Cic. *De or.* 3.226, *ut eorum ciuium, quos nostri patres non tulerunt, iam similis habere cupiamus*.

[61] See Fantham (n. 14), 248.

[62] Fantham (n. 14), 307.

potential to become a truly outstanding orator, he will not only encourage that man to develop his natural talent but will even implore him to do so, '*provided* that he also seems to me a good man (*si uir quoque bonus mihi uidebitur esse*)—so much glory to the whole community do I see in an outstanding orator who is also a good man (*uir bonus*)' (2.85). This point is reiterated almost at once; Antonius will leave a mediocre speaker to his own devices, and discourage a truly bad one, but it is imperative that someone who can reach the heights of oratory (and who thereby partakes in a certain kind of *diuinitas*, in contrast to the *humanitas* of the mediocre or the appalling-but-silent speaker) should not be deterred or left without encouragement (2.86). Sulpicius, in fact, is Antonius' example of this budding orator of the highest capacity who must not be (and was not) left to his own devices. Having perceived Sulpicius' quality, Antonius had leapt at the opportunity to encourage him to take the law-courts as his schools of instruction and Crassus as his mentor. Sulpicius had agreed, adding politely that Antonius would also be his teacher; and a year later, when the young orator prosecuted Antonius' former quaestor Norbanus, the difference was incredible: clearly 'nature herself was leading him into the grand and glorious style of Crassus', but nature alone would not have sufficed had Sulpicius not dedicated himself to the careful and wholehearted imitation of Crassus (2.89).[63] Since the education of the youthful Sulpicius proved such a success, Antonius concludes firstly that students should be shown 'whom to copy, and to copy in such a way as to strive with all possible care to attain the most excellent qualities of his model' (2.90). Secondly, students should practise as well—and do so in such a way that they reproduce the pattern of their choice, rather than just producing imitations (or caricatures) of him. This is reinforced at 2.92, where Antonius stresses the importance of (a) choosing the right model and (b) copying that model's virtues rather than his flaws. It is not enough just to have a good teacher; the student must also be careful about what he learns from his mentor.

In this context, Sulpicius' comments on Antonius' defence of Norbanus are ominous. At 2.202–4, Sulpicius testifies to the fact that Antonius achieved his victory through rhetorical sleight-of-hand, rather than by appealing to the facts of the matter. The choice of Sulpicius as cheerleader for Antonius' unscrupulous methods reflects ironically on his earlier promise to add Antonius to his list of teachers, especially since Sulpicius retains his dramatic role as a pupil learning from his more experienced opponent, first in the law-court and now through this autopsy of a worthy defeat.[64] Not only had Sulpicius been blown away by Antonius in court, but the elder orator's account of the case had now removed any desire for maxims (*praecepta*), for 'that actual reproduction, in your own words, of your methods of defence is to my mind the most instructive of teaching' (2.204). Tellingly, Antonius is less hasty and in fact provides quite a long list of *praecepta* for stirring the minds of men (*animi hominum mouerentur*), acquired through experience over a lengthy and distinguished career (2.204–16). Sulpicius' hastiness in Book 2 foreshadows his failure (unlike the rest of those present) to be converted by Crassus' advocacy of Greek philosophy in Book 3; Crassus, says Sulpicius, is welcome to assume either that he cannot or that he does not want to learn about Aristotle or Carneades or any other philosopher (the latter possibility is in fact the case), but, at any rate, he makes it explicitly clear that he wishes to hear

[63] See Fantham (n. 22), on *imitatio* in *De Oratore*; she points out that Sulpicius is 'an illustration of well-directed imitation' (3).

[64] See Leeman and Pinkster (n. 56), 89–90 on the exaggerated youthfulness of Sulpicius and Cotta in *De Oratore*.

from Crassus about oratory and its constituent parts, not about philosophy (3.147). This position, as Hall points out, leaves Sulpicius looking dangerously isolated within the dialogue.[65] Sulpicius not only has learned a dangerous lesson from his secondary mentor Antonius' legal victory but also is unwilling to correct it by accepting the Greek philosophy advocated by his primary mentor Crassus.

Sulpicius had already been criticized for learning the wrong lessons with regard to his copying of Cotta's broad pronunciation (3.46); there Crassus had informed his audience that, since they had nagged him into speaking, they were going to hear something about their own faults. All the same, Crassus says, he cannot criticize Sulpicius too much, because Antonius had said at 2.89 that Crassus and Sulpicius were very much alike, so he would be running a risk on his own account. Sulpicius rejects this: Antonius had advised them to copy each other's better qualities, 'which makes me afraid I have copied nothing of yours except the stamp of the foot and a few turns of language, and possibly some gestures' (3.47). Given the ultimate trajectory of Sulpicius' career path, the implication that the resemblance between Sulpicius and his idealized mentor might be superficial should be taken seriously, even though Crassus says reassuringly that his pupil has picked up more tricks than that; if the occasion arises, he will certainly mention the qualities that are Sulpicius' own or that he has acquired from other people. This promise is not fulfilled in what remains of the dialogue, however; nor can Crassus fulfil it once the dialogue is over, because, as we have been explicitly told, he died a week later.

Overall, therefore, Sulpicius is shown to have learned bad lessons as well as good from his mentors generally, to have learned oratory but not civic ethics or appropriate culture from Crassus in particular, and to have been left without anyone to correct his errors in the wake of Crassus' death, quite apart from his unwillingness to sample Greek culture. If we consider the dialogue's Sulpicius in the light of his historical counterpart (a reading made easier by Cicero's hints to do so in the opening of Book 3), the main reason to include Sulpicius in the dialogue at all seems to be to illustrate how excellent orators become unethical citizens, with the concomitant conclusion that this must be prevented to keep weapons from being put into the hands of madmen.[66] The issue resonates throughout the dialogue. Sulpicius' future downfall highlights the criticism raised by Scaevola in the opening exchange of the dialogue, that eloquent citizens had historically done the *res publica* more harm than good, and undercuts the optimism expressed by Crassus and Antonius: even the golden boy of *De Oratore* can and will become another Gaius Gracchus, despite their best efforts. The tension between dialogue and history gives rise to irony; although 1.25, the passage that introduces Sulpicius and Cicero's informant Cotta, concludes with Cotta's report that Crassus, Antonius and Scaevola had foreseen all the evils that would afterwards befall the state, Cicero goes on to show that his eminent protagonists are actually blind to the problems facing Rome.

[65] Hall (n. 27), 219–20; see also Leeman, Pinkster and Wisse (n. 4), 87; J.M. May and J. Wisse (trans. intro. notes, appen. gloss.), *Cicero. On the Ideal Orator* (Oxford, 2001), 15; Wisse, Winterbottom and Fantham (n. 59), 165, 170–1.

[66] Cic. *De or.* 3.55; see Fantham (n. 14), 248.

VI. LITERARY IMPLICATIONS

This raises a further question: since *De Oratore* seems to offer an educational model based on shadowing and mentoring, what does it say to include a character for whom such methods seem to fail entirely? The answer lies with Cicero's project in *De Oratore* of giving oratory a moral dimension. Above, I cited Cicero's *De Inventione* as a rhetorical handbook without obvious concerns for the morals of its users, but an even clearer-cut example of the genre is the *Rhetorica ad Herennium*, which (unlike *De Inventione*) includes exemples of oratory from across the political spectrum without any moralizing at all.[67] The *ad Herennium*'s account of Tiberius Gracchus' death is particularly memorable: Tiberius features as a martyred hero, while his killer, Scipio Nasica, is filled 'with wicked and criminal designs' (*scelere et malis cogitationibus*) and appears on the scene 'in a sweat, with eyes blazing, hair bristling, toga awry' (*sudans, oculis ardentibus, erecto capillo, contorta toga*) … 'frothing crime from his mouth, breathing forth cruelty from the depth of his lungs' (*spumans ex ore scelus, anhelans ex infimo pectore crudelitatem, contorquet bracchium*) (4.68). This characterization is unique; there is nothing like it in Cicero, and the *auctor ad Herennium* (or his source) is markedly more sympathetic to Tiberius than Plutarch and Appian, our fullest sources for this episode, are.[68] It is also memorably placed: *demonstratio* is the last rhetorical figure to be treated by the *ad Herennium*. The only conclusion, however, is that 'through this kind of narrative, Ocular Demonstration (*demonstratio*) is very useful in amplifying a matter and basing on it an appeal to pity, for it sets forth the whole incident and virtually brings it before our eyes' (4.69).

Compared to the neutral approach of the *Rhetorica ad Herennium*, Cicero's ethical (that is to say, political) interpretation of his material in *De Oratore* is marked. Antonius' emphasis at 2.92 on choosing models wisely and imitating them selectively points to something significant about the Roman oratorical tradition: the commanding position held by Gaius Gracchus, whose speeches were read and taught as examples of oratory well into the Imperial period. Crassus himself, according to Cicero, had used Gaius Gracchus' speeches for rhetorical exercises until he realized it was counterproductive to declaim on Gracchan themes because Gaius himself had invariably used the best words for the topic already *(De or*. 1.154), and in the *Brutus* Cicero recommends in his own persona that budding orators should continue to study Gaius' speeches *(Brut.* 125–6). The enduring influence of the Gracchi as orators provides an important context for Cicero's caveats about learning through imitation (if aspiring orators uncritically imitate politically dangerous oratory, even simply to improve their technical skills, what else may they learn?), while the inclusion of Sulpicius as a speaker sharpens the point that Cicero's ideal orator is concerned with civic ethics as well as the ability to speak well. The fear Crassus expresses for future generations at 3.226, given the awful example currently being set for them, suggests a model of progressive degeneration: whereas the Gracchi were excellent men but politically misled, each new generation of bad citizens copies worse models and will therefore be even more dangerous than their teachers. Like the other major figures of the political tradition to which he belongs, Sulpicius learned how to speak well but not how to be a good citizen: this is a double failure, as it affects not just Sulpicius and his peers but also (tying back

[67] E.g. *Rhet. Her*. 4.22, 4.38, 4.42, 4.67.
[68] Plut. *Ti. Gracch.* 19; App. *B Civ.* 1.16.

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into the theme of learning by imitation) those who may learn from Sulpicius' bad example.

Although set in the past, *De Oratore* therefore stakes out a particular political position on contemporary issues; this position is admittedly utterly predictable, given Cicero's standard nexus of interests and concerns, but it matters because it informs the apparent disjunction between the dialogue's frame and content. Implicitly, Cicero establishes two streams of oratory in *De Oratore*: the morally informed (good) stream which flows from Crassus and Antonius through Hortensius to Cicero himself, and the amoral (potentially dangerous) stream stemming from the Gracchi which may be turned to any political end, and which will result in political discord and civil war thanks to Sulpicius' misuse of it. Whereas on the one hand it is implied that Hortensius will surpass his predecessors before being surpassed in turn by Cicero, thereby raising the morally informed oratorical stream to dizzying heights, on the other hand Crassus' prediction implies that the other, amoral oratorical stream will sink to dangerous lows, presumably personified by the *populares* of Cicero's day, like Cicero's worst enemy, P. Clodius Pulcher. It is Sulpicius, even more than Hortensius, who supplies the link in *De Oratore* between Rome's contentious past and difficult future.

VII. HISTORICAL IMPLICATIONS

I want to end this article with a few words on another problem posed by the appearance of Sulpicius in *De Oratore*. I began by outlining the historical background of *De Oratore* and what we know about the real Publius Sulpicius. Against this background, it becomes clear that despite its tragic historical framework *De Oratore* is a fundamentally literary construct informed by Greek philosophy, with a particular interest in the (very Platonic) concern that oratory may be used irresponsibly as well as for the greater civic good. Cicero addresses this concern through the interplay between the tragic historical framework and the dialogue proper, particularly through references to the Gracchi, the careful treatment of Crassus and Antonius' more *popularis* political rhetoric, and finally the characterization of the historically problematic Sulpicius himself. The impossibility of removing prominent *popularis* orators such as the Gracchi from the Roman oratorical tradition sets Sulpicius up as the link between past unethical orators and the unethical orators of Cicero's own day. It remains, therefore, to address a serious problem that the dialogue poses *for* Sulpicius: the difficulty of dealing in historical fact without being led astray by the story told by Cicero in *De Oratore*.

The delicate treatment of Crassus and Antonius in *De Oratore* provides a valuable glimpse of Cicero sanding the more awkward edges off his protagonists. Antonius' activities during the 90s are particularly interesting in this respect, since it has been argued that Antonius was associated with Marius throughout the 90s, that the prosecution of Norbanus was a political attack on Marius[69] and that Antonius' defence of Norbanus had a lot more to do with obliging Marius than it did with any relationship Antonius had with his former quaestor.[70] Furthermore, the notorious prosecution of

[69] Badian (n. 5), 50; Luce (n. 18), 176–7.

[70] Badian (n. 5), 50; Luce (n. 18), 176 n. 47. Luce follows L.A. Thompson, 'The relationship between provincial quaestors and their commanders-in-chief', *Historia* 11 (1962), 339–55, at 348, who argues convincingly that the relationship between quaestors and their commanders-in-chief was one of political etiquette rather than religious piety. Gruen (n. 15), 67–8 argues that the

the saintly Rutilius Rufus may indicate that Rutilius went to Asia on behalf of Marius' opponents and consequently came under attack from Marius' friends on his return.[71] His superior, Q. Mucius Scaevola the Pontifex (Crassus' colleague as consul in 95), was not prosecuted; we may put this down to Scaevola having spent significantly less time in his province than Rutilius[72]—or, as Luce suggests, it may have something to do with the betrothal of his colleague and *adfinis* Crassus' daughter to Marius' son in the mid 90s.[73] This is admittedly tenuous, but so are most arguments concerning the events of the 90s, and it does at least provide an interestingly textured backdrop against which to read Cicero's idealized protagonists, who emerge as more controversial figures than Cicero would have them be. This is true for Crassus as much as for Antonius: Crassus' idealization in *De Oratore* as a Socratic figure and a local Cicero-stand-in is well known,[74] but, in addition to the marriage of Licinia and the younger Marius, Kallet-Marx points out that Scaevola the Pontifex's vetoing of a triumph for Crassus in 95 suggests friction in the family, even though the pair are taken to be friends on the evidence of *De or.* 1.180 and their joint holding of all magistracies save the tribunate and the censorship.[75] Moreover, Rutilius' criticism of Crassus' oratory implies a strong disapproval of Crassus' populist tendencies.[76] Kallet-Marx suggests that Rutilius may have declined to seek help from Crassus and Antonius not, as Cicero (relying on Rutilius' side of the story, through Rutilius' memoirs and conversations with Rutilius in Smyrna in 78) would have it, out of Stoic principle but rather because both men were associated with Marius at the time of the trial and therefore were not to be relied upon in a case where Marius stood on the other side.[77]

What goes for Crassus and Antonius holds true also for Sulpicius. One result of foregrounding the fictional nature of *De Oratore* is to strengthen Powell's arguments against the idea that at some point during his tribunate Sulpicius broke politically with his former 'optimate' friends when he threw his weight behind Marius. As Powell points out, this account is dependent on *De Oratore* and on a misreading of *Har. resp.* 43;[78] once *De Oratore* is removed from the equation it becomes much easier to suppose that Sulpicius' tribunate involved no particularly abrupt political turns, especially if both Crassus and Antonius really were associated with Marius well into the 90s. If Cicero's

indignation aroused by Antonius' defence of Norbanus tells against the idea that Antonius was a recognized associate of Marius in 95, but his reading of the trial depends on taking Antonius' excuse seriously as a reason to defend Norbanus. The usual reason to take on the defence of politically dubious characters is *amicitia*; the fact that it was not accepted as an excuse in this case (and in fact does not seem to have been put forward; if Cicero is to be believed, Antonius resorted to the much weaker explanation of his duty to his former quaestor) suggests that Antonius' decision upset people because he had no particular ties of *amicitia* with Norbanus and his claim to duty was obviously just an excuse. If so, we may presume that something else was going on, and the most likely thing is that Antonius was indeed doing Marius a favour.

[71] Luce (n. 18), 170–2.

[72] Kallet-Marx (n. 6), 137.

[73] Luce (n. 18), 172, following Badian (n. 5), 43–4. Luce, however, seems to have confused Q. Mucius Scaevola the Pontifex (*cos*. 95, colleague of Crassus and governor of Asia) with Q. Mucius Scaevola the Augur (*cos*. 117, speaker in *De Oratore* and father of Crassus' wife), which weakens his case somewhat; cf. Gruen (n. 5), 43 n. 67 on the date of the betrothal.

[74] Cf. Görler (n. 3), 228–35; Leeman, Pinkster and Wisse (n. 4), 304–6; Dugan (n. 4), 97; Stull (n. 27), 257–8.

[75] Kallett-Marx (n. 6), 132.

[76] Kallett-Marx (n. 6), 136.

[77] Kallet-Marx (n. 6), 135–7.

[78] Powell (n. 10), 449.

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superlative optimates were willing to work with Marius during the earlier stages of their careers, why should the up-and-coming tribune Sulpicius not have been also? Moreover, it is worth considering closely the issue of just which old friend(s) Sulpicius broke up with in his tribunate. In context at *De or.* 3.11 Cicero seems to refer to the other speakers of the dialogue as Sulpicius' victims, perhaps particularly Caesar Strabo (because Sulpicius opposed his candidacy for the consulship), but where it is in Cicero's interests to be specific in *De Amicitia*, the only old friend he actually specifies (using very similar language: 'with whom he [Sulpicius] had lived on the most intimate and affectionate terms' *quocum coniunctissime et amantissime uixerat*) is the consul Q. Pompeius Rufus—not one of the speakers of *De Oratore* at all (*Amic*. 2). Cicero's vagueness in *De Oratore* therefore looks like sleight-of-hand intended to heighten the tragic framework of the dialogue but which confuses the historical record considerably; from this derives the standard story of the political circle gone wrong, although Powell's argument that the *amicitia* concerned is the *actual* friendship (rather than political alliance) of Sulpicius and Q. Pompeius is compelling.[79]

It is in no way novel to make the case against trusting Cicero's dialogues as historical sources. In 1969, for example, the great Ernst Badian remarked that 'scholars too often naively accept every word in the dialogues as true history',[80] and the now discredited 'Scipionic Circle' still stands in the secondary literature of the twentieth century as a warning to historians, if perhaps not philosophers. That said, it is hard enough to find secondary literature on Sulpicius and the events and personnel of the 90s that does not at some point rely on *De Oratore* that it is worth emphasizing how artfully constructed *De Oratore* is and how much due diligence needs to be done before we can accept Cicero's depiction of his characters or their relationship to each other. Since the alternative to using *De Oratore* is to admit that we have practically no reliable evidence for the political characters and alliances of the 90s, and since Cicero has a good claim in principle to know something about the decade, besides a reputation for taking considerable care over the details of his historical fiction, it is understandable that historians should resort to *De Oratore* to construct their own versions of what was going on. One particularly egregious example comes from Mitchell, whose summary of the 'consistent and uncontested evidence' for Sulpicius' pre-tribunate life and politics is supported by this footnote: '*De or*. 1.25, 3.11. For Sulpicius' friendship with Antonius, cf. *De or*. 1.97, 1.99, 2.88–89. With Crassus, cf. *De or.* 1.97, 1.136, 2.89, 3.11, 3.47; *Brut*. 203. With Pompeius, cf. *Amic*. 2. For his prosecution of Norbanus and the reaction of the *boni*, cf. *Off.* 2.49; *De or.* 2.89, 2.197–198, 2.202–203; F. Munzer, s.v. "Sulpicius (92)", *RE* VIIA (1931), 844; W. Shur, *Das Zeitalter des Marius und Sulla* (Leipzig, 1942), p. 127.'[81] With all due respect to Mitchell, it would be startling if this evidence were either inconsistent or contested. Historians are generally capable of recognizing that the historiographical tradition on Sulpicius has been badly affected by Sulla's memoirs, but they seem less interested in questioning what Cicero tells us in *De Oratore*, despite ample evidence that *De Oratore* offers not history but a tragic story about a group of politically sound philosophically-minded

[79] Powell (n. 10), 447.

[80] Badian (n. 8), 454; this did not, however, prevent him from describing in the same article (467) 'the part played by L. Crassus in shaping the ideas of the circle of young aristocrats attested as his most eminent pupils—M. Drusus, C. Cotta, P. Sulpicius Rufus' (evidence: *De Or.* 1.22, 1.25 ff.).

[81] Mitchell (n. 12), 198 n. 1. See similarly Keaveney (n. 13), 454, on Caesar Strabo and the 'Drusan group'; Gruen (n. 15), 67–8 on Antonius' defence of Norbanus.

aristocratic Romans, united by *amicitia* and an interest in oratory, who are eventually betrayed by P. Sulpicius, the least philosophically-minded of their number. It is true that Cicero elsewhere implies that Sulpicius genuinely was not culturally inclined—he neither wanted nor could write down any of his speeches (*Brut.* 205)—but it is also true that Cicero exaggerates the gulf between Sulpicius and the other characters of *De Oratore* by bestowing on Crassus and Antonius an erudition that neither of them seems, historically, to have possessed. Similarly any political shenanigans either Crassus or Antonius may have got up to in the 90s are compressed into elliptical comments on their occasional lapses into populist rhetoric. What remains in the narrative of *De Oratore* is therefore both idealized and highly artificial, and I would suggest that, like the supposed 'Scipionic Circle' of *De Republica* and *De Amicitia*, the political groupings historians have derived from *De Oratore* are suspect. The problems of the fictional Sulpicius in *De Oratore* and of *De Oratore* for the historical Sulpicius are linked: on the one hand, we see revealed an underlying pessimistic streak within *De Oratore*, and on the other hand we (hopefully) learn to be significantly more pessimistic about the historical value of the story Cicero tells.

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