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Some Speeches in Cassius Dio

By Fergus Millar, Oxford

The Roman History of Cassius Dio offers considerable difficulties of interpretation; his record, often fragmentary or excerpted, of nearly a thousand years of the Roman state baffles analysis by its sheer length, the correct, colourless monotony of its style, the complexity and varying reliability of its sources[1]. Nevertheless the Bithynian Greek, born into a senatorial family and himself twice consul[2], is a historian who repays attention. "Er ist ein wirklicher Historiker, der inmitten des politischen Lebens seiner Zeit steht und daher auch von der Vergangenheit ein lebendiges, der Wirklichkeit und den in ihr wirksamen Kräften entsprechendes Bild zu gewinnen strebt", wrote Eduard Meyer[3]. We may find reason to question the judgement, certainly to distrust the assumption that experience of politics will produce wisdom applicable to the past. But a writer who stands at the end of the two great traditions of antiquity, who wrote a history of Rome modelling his style on Thucydides and other Attic writers[4], cannot be without interest, or importance.

If we are to examine his qualities as a historian we must isolate some features of his work which will reveal him most clearly and for this purpose I propose to survey his speeches[5], a subject which has suffered a certain neglect in this century, as indeed has his work in general[6]. More particularly I wish to look at his three Ciceronian speeches, or rather episodes in which Cicero speaks, his dialogue with Philiskos (XXXVIII 18–29)[7], his speech on the Amnesty (XLIV 23–33) and the debate with Calenus (XLV 18–47 and XLVI 1–28). Dio's speeches vary considerably in character, so that the Ciceronian episodes cannot be represented as typical;

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[1] The article of Schwartz, RE III s.v. Cassius (40), now reprinted in *Griechische Geschichtschreiber* (1957) 394–450, remains the only full study. Vrind, Mnemosyne 54 (1926) 324–7 gives a good brief analysis of Dio's method of composition.

[2] PIR² II 492.

[3] *Caesars Monarchie und der Principat des Pompejus*³ (Stuttgart/Berlin 1922) 610.

[4] Photios *Bibl.* ed. Bekker 71 *ἐν δέ γε ταῖς δημηγορίαις καὶ μιμητὴς ἄριστος Θουκυδίδου· πλὴν εἰ πρὸς τὸ σαφέστερον ἀφορᾷ· σχεδὸν δὲ κἀν τοῖς ἄλλοις Θουκυδίδης ἐστὶν αὐτῷ ὁ κανών.* Verbal resemblances are studied in the theses of E. Litsch, *De Cassio Dione imitatore Thucydidis* (Diss. Freiburg 1893) and E. Kyhnitsch, *De contionibus, quas Cassius Dio historiae suae intexuit, cum Thucydideis comparatis* (Diss. Leipzig 1894). Some resemblances to Thucydides and others are listed in the edition of Reimarus (Hamburg 1750–52), Vol. II 1539–40.

[5] Listed by Schwartz, cols. 1718–19. He omitted two, Antonius' funeral oration for Caesar, XLIV 36–49, and, if it should be counted, a speech of Hadrian, LXIX 20, 2–5.

[6] By contrast see the literature reviewed by H. Haupt in Philologus 39, 40, 41, 43, and 44 (1880–1885).

[7] All references are to the edition of Boissevain.

but they are illuminating in that they show Dio's powers, and limitations, in dealing with a central and controversial figure in history.

First, however, I shall survey briefly some of the other speeches. Most fall in the Republican[8] period and the Principate of Augustus; the six speeches[9] which are later than Tiberius' funeral oration[10] (all except that of Hadrian, incidentally, addresses to troops) are distinguished not only by their rarity but by their brevity, vigour and appositeness. The reason may not be only his greater abilities as an Imperial historian; he had perhaps outgrown the rhetorical training of his youth[11] —or, more probably, these events had not had the benefit of rhetorical elaboration by earlier writers. In the earlier speeches his tendency is to return to a limited number of political themes (the result, one may consider, of the force of his views or the poverty of his invention); this tendency is not unimportant, for commentators on the more significant orations, for example those of Caesar at Vesontio (XXXVIII 30–40) and of Maecenas (LII 14–40) have not always considered the background of related themes in speeches from the early fragments[12]. Such a theme is that of government, more particularly the character of monarchy. Frag. 12[13] gives some sentences from a debate at the establishment of the Republic (comparable to Dion. Hal. IV 72–75)[14]. The moral requirements of kingship are discussed[15], while by contrast Frag. 40, 14–16 argues the friendlessness and suspiciousness of a tyrant and his consequent weakness[16]. The theme of tyranny reappears in Frag. 40, 33–39[17], the dialogue between Fabricius and Pyrrhus[18], with the contrast between the restless acquisitive greed of Pyrrhus (40, 36) and the self-sufficient modesty of Fabricius; once again the point is made that the position of tyrant is as dangerous to himself as to others.

The speech of Julius Caesar in the Senate (XLIII 15–18) brings us to a puzzle which has sometimes been overlooked. It was once assumed to be a mere fiction[19]; more recently it has been cited without comment as evidence that Caesar

[8] See the remarks of Schwartz col. 1718f.

[9] LXII 3–5 (Boiss. III 44–46) (Boudicca), and 9–11 (Suetonius Paulinus); LXIII 22, 3–6 (Vindex); LXIV 13, 2–5 (Otho); LXIX 20, 2–5 (Hadrian) and LXXI 24–26 (Boiss. III 265–267) (Marcus Aurelius).

[10] On which see the discussion of R. Syme, *Tacitus* (Oxford 1958) 272–274.

[11] LXXIV 12, 2–3 (Boiss. III 316) shows at least that Dio had practised in the courts.

[12] E. Gabba, Riv. Stor. It. 47 (1955) 301–311 on the speech of Caesar; P. Meyer, *De Maecenatis oratione a Cassio Dione ficta* (Berlin 1891) 73–74 and 85–87 touches briefly on the interrelationships of Dio's speeches.

[13] Boiss. I 35–37.

[14] With some parallels e.g. on the danger of *μεταβολαί* (12, 3a – IV 73, 1).

[15] Boiss. I 36, 11, 6–11.

[16] Boiss. I 122 'desumpta fortasse ex oratione a Laevino ad milites habita quam memorat Zon. 8, 3, 6' (280 B.C. in the war against Pyrrhus). The argument recalls Herodotus III 80, 4–5 and, more important, Dio LV 15, 4–5 (an argument used by Augustus).

[17] Boiss. I 129–131.

[18] The occasion of Pyrrhus' offer and Fabricius' refusal became a common subject for rhetorical elaboration, see RE VI 1934–35 (*Fabricius* 9). In some versions the offer of money was made by the Samnites.

[19] Wilmans, *De Cassii Dionis fontibus et auctoritate* (Berlin 1836) 32 and Heimbach, *Quaeritur quid et quantum in historia conscribenda inde a L. XL usque ad L. XLVII e Livio desumpserit* (Diss. Bonn 1878) 29.

spoke, even for what he said[20]. Briefly, Caesar says that he will be milder after gaining power than before, that he will be not a despot or tyrant, but a champion and leader, there will be no executions, he will act as a father, the soldiers will be kept for the protection of the Senate not against it, his money will be spent on public needs, he will not attack the rich or introduce *τέλη τινὰ καινά*. The overwhelming impression is that, whatever Dio may have intended, the speech has little to do with Caesar[21], but, perhaps more clearly than that of Maecenas, relates to Dio's own times. It might well be regarded as a stage between the rhetorical moralisings of the early books and the specific proposals of Maecenas, whether these are intended as historical interpretations or a political tract. Some relation might be established between these orations and the *Epistulae ad Caesarem Senem* of Pseudo-Sallust[22], whose dramatic date is B.C. 50/49 and 46 respectively and which in part[23] advocate clemency and in part[24] make proposals in the manner of Maecenas; two of these appear to coincide[25]. Were such pamphlets in the fashion? It has been suggested[26] that the second Epistle is an Antonine product. The point cannot be developed here, nor can I discuss further the intriguing speech of Maecenas. At least it can be emphasised that further study of it must look to comparable products, not only outside Dio's work[27].

Exhortations to troops abound[28] in his work. His claim to be a disciplinarian (LXXX 4, 2; III 476) is well known but one need not assume[29] that his addresses to mutinous armies—Frag. 57, 47 (49)[30], XXXVIII 36–46[31] and XLI 27–35[32]—are dominated by his own experiences in Pannonia (for one thing they were probably written before he went there). "His loyalty ... to the *Septimian* (?) tradition

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[20] P. Stein, *Die Senatssitzungen der ciceronischen Zeit* (Diss. Münster 1930) 69 and Klotz, RE X 244 (*Julius* 131).

[21] Caesar's clemency is of course recorded e.g. in Cic. *Ad fam.* VI 13, 2–3 and IV 4, 3–5, and his *Pro Marcello*.

[22] Whose spuriousness seems demonstrated by Latte JRS 27 (1937) 300–301, and Fraenkel JRS 41 (1951) 192–194, followed by R. Syme, *Pseudo-Sallust*, Mus. Helv. 15 (1958) 46–55 (on which A. Rostagni, Riv. fil. N.S. 36 [1958] 102–103).

[23] I 1, 7–10, 3; II 4, 1, 13.

[24] II 5, 8, 11.

[25] The raising of all to the citizenship (Dio LII 19, 6–II 5, 7 ?) and secret voting in the Senate (LII 33, 4–II 11, 5).

[26] Syme, op. cit. 54.

[27] One such study is the comparison by Gabba op. cit. 331–333 with Philostratus, *Apollonius of Tyana* V 32–36.

[28] Frag. 40, 14–16 ? (see note 16). Frag. 57, 5; 57, 6 a–b ?; 57, 47 (49) ?; 107, 2–3; XXXVIII 36–46; XLI 27–35; L 16–22; 24–30 and all the later speeches (note 9) except that of Hadrian.

[29] As does H. R. W. Smith, *Problems Historical and Numismatic in the Reign of Augustus*, Univ. California Public. in Class. Archeol. 2, 4 (1951) 188–191 (on the speech of Julius Caesar). He assumes (191, note 39) that "the whole trilogy of pamphleteering fantasias" (XXXVIII 36–46; LII 2–40; LV 14, 4–8; 16, 2–21, 4) was written after Dio's retirement to Bithynia. I can see no evidence for this and their connection with Dio's recurrent themes is an argument against such an assumption. Gabba, op. cit. 307, note 3, also questions this assumption, but agrees with Smith that "qui Dione esponga le sue idee sulla difesa esterna dell'impero". See my note 40.

[30] Scipio in 207 B.C. Compare Polyb. XI 28–29; Livy XXVIII 27–29, 8.

[31] Julius Caesar at Vesontio. Compare *Bell. Gall.* I 40.

[32] Caesar at Placentia. Compare Lucan V 319f.

of energy and hard discipline"[33] may have been a fact, but the theme of discipline is never developed in the speeches as we have them and is never introduced without justification in his sources[34].

He is more interested in war and peace, in containment and military expansion. The theme comes up first in the debate between Fabius and Lentulus in the Senate in 218 B.C.[35] The advantages of peace are contrasted with the gains of war, and, a Thucydidean note, the natural urge of the strong to dominate the weak[36]. Gabba [37] who discusses the theme in Caesar's speech at Vesontio, does not mention this debate[38], but it is important as an illustration of the way in which Dio's oratorical themes develop early in his work. I shall not recapitulate Gabba's discussion of this Thucydidean theme in the speech of Caesar but must mention his conclusion that Dio is advocating aggression as the best means of defence—remembering, he suggests, the invasion of the Marcomanni and Quadi in A.D. 167. Two considerations cast doubt on this view. Firstly, no such advocacy appears in the speech of Maecenas. Secondly, although Dio clearly regards his own time as one of deterioration[39], he does not complain about lack of aggression by contemporary emperors. On the contrary, he makes several sharp criticisms of the waste of men and money by Severus in the East[40] and shows no enthusiasm about the British campaign[41].

Care is needed before concluding that opinions expressed in Dio are being advocated by him. One may, however, believe with more confidence that his emphasis on clemency[42] arises from the relationship of Emperor and Senate. The main expression of this theme, the conversation of Augustus and Livia, is an elaboration of Seneca's *De Clementia* I 9[43] and uses some arguments derived from the rest of that work.

Before turning to the Ciceronian episodes it is worth summing up the conclusion of this initial survey[44]. Essentially, Dio's preoccupations in inserting speeches are

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[33] Smith op. cit. 190. [34] See notes 30–32.

[35] Frag. 55, 1–8 (Boiss. I 194–198). Polyb. III 20 denies that any such debate took place. Walbank, *Commentary on Polybius*, vol. I (Oxford 1957) regards it as genuine. Compare Livy XXI 6; Zon. VIII 22, 1–2.

[36] *ὅτι πέφυκε πᾶν τὸ ἀνθρώπειον δεσπόζειν τε ἐπιθυμεῖν τῶν ὑπεικόντων καὶ τῇ παρὰ τῆς τύχης ῥοπῇ κατὰ τῶν ἐθελοδουλούντων χρῆσθαι.* (p. 195, 11, 1–3 developed in 11, 4–14). Compare Thuc. V 105, 2, etc.

[37] Op. cit. 301–311.

[38] Instead he cites the speech of Scipio Nasica on the dangers of destroying Carthage. Zonaras IX 30, 7–8 (Boiss. I 317, 10f.) (compare Vell. Pat. II 1), which is considerably less relevant, indeed strictly a different theme.

[39] LXXI 36, 4 (III 279) *ἀπὸ χρυσῆς τε βασιλείας ἐς σιδηρᾶν καὶ κατιωμένην τῶν τε πραγμάτων τοῖς τότε Ῥωμαίοις καὶ ἡμῖν νῦν καταπεσούσης τῆς ἱστορίας.*

[40] Principally LXX 3, 3 (III 340). Severus' capture of Nisibis was expensive and only involved Rome in further wars; see also LXXVI 11, 1–2 (III 348–349) on the capture of Hatra; LXXVI 7, 1–2 (III 344) the losses at Lugdunum. It is worth noting his verdict on Trajan's Parthian campaign LXVIII 33, 1–2.

[41] LXXVII 13 (III 368).

[42] Frag. 36, 1–5; 36, 11–14 (XLIII 15–18; XLIV 23–33); LV 14–21.

[43] Smith op. cit. 183–193.

[44] I hope to publish eventually a full study of Dio, including a more extended consideration of the speeches.

not historical, that is to say it is his normal rule[45] to write one only where the sources justify it, and to use the opportunity, not to illuminate the situation, but to write a rhetoricale laboration, often in the form of a debate, of the moral issues involved in it. In other cases[46] he may illustrate the historical situation more fully but not with the effect of illuminating either the attitude of the speaker or the character of the situation[47].

The character and career of Cicero should tax a historian to the full. Dio nowhere gives a judgement on his career, but only gives comments, markedly unfavourable[48], on his political activities and ambitions. Cicero is mentioned first in 66 B.C. (XXXVI 43, 2–44, 2); he supported the *Lex Manilia* not in the public interest or to please Pompey but to advance himself and demonstrate to both sides that he could help them if he chose. The charges of ambition and disloyalty were a commonplace[49]. Later Dio goes into more detail (XXXVIII 12, 5–7)—Cicero won more hatred from those he harmed than gratitude from those he helped, he had no restraint of speech and was more eager to be thought brilliant and a good orator than a good citizen; hence his arrogance, insufferable even to those he assisted. The sentiments can be found in Plutarch's Life[50]. He returns to the attack at the conclusion of the speech of Calenus (XLVI 29, 1); Cicero was more ready to say hard things of others than to hear them of himself. He records the death of Cicero with no more than a wry comment[51].

His explicit attitude to Cicero is consistent, but neither profound nor original. Will the three Ciceronian episodes help us any further? I shall discuss them in order. Firstly, then, his dialogue with Philiskos, set in Athens, during his flight, or exile, from Rome. This in itself should set us on our guard, for Cicero records that he could not go to Athens for fear of an enemy[52]. Philiskos meets Cicero and in a long conversation counsels and fortifies him. Cicero's despair and thoughts of

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[45] Schwartz 1718–19.

[46] For instance the debate of Pompey, Gabinius and Lentulus (XXXVI 25–35) or the speeches of Octavian and Antonius before Actium (L. 16–22, 24–30).

[47] On the functions of speeches in ancient historians see the interesting article of Dibelius, *Studies in the Acts of the Apostles* (London 1956) Ch. IX *The Speeches in Acts and Ancient Historiography*, translated from Sitzb. Heidelb., Phil.-hist. Kl. 1949, 1.

[48] Conyers Middleton, *The History of the Life of M. Tullius Cicero*[3] I (London 1742) Praef. XXIV–XXVI deals eloquently with Dio's prejudice against Cicero. "Dio Cassius ... is observed to have conceived a particular prejudice against Cicero; whom he treats on all occasions with the utmost malignity. The most obvious cause of it seems to be his envy to a man, who for arts and eloquence was thought to eclipse the fame of Greece; and by explaining the parts of philosophy to the Romans in their own language, had superseded in some measure the use of Greek learning and lectures at Rome, to which the hungry wits of that nation owed both their credit and their bread."

[49] Ps.-Sallust., *Invectiva in Ciceronem* 5, 7; Sen. *Contr.* VII 3, 9; II 4, 4 (*in Catone deerat moderatio, in Cicerone constantia, in Sulla clementia*). Plut. *Cic.* 5, 2–3; 6, 4–5.

[50] Plut. *Cic.* 5, 6; 24; 27, 1; one phrase may be transferred directly: XXXVIII 12, 7 *καὶ ἰσοδίαιτος οὐδενὶ ἠξίου εἶναι, φορτικός τε καὶ ἐπαχθὴς ἦν* ~ Plut. *Cic.* 24, 3 *καὶ τὸν λόγον* (his own achievements) ... *ἐπαχθῆ καὶ φορτικὸν ἐποίησε τοῖς ἀκροωμένοις*. Dio cites Plutarch twice, in Frag. 40,5 and 107, 1.

[51] XLVII 8, 3 and 11, 1–2. *ἀρετῆς μὲν δὴ καὶ εὐσεβείας τοσαῦτα τότε ἐπιφανῆ ἔργα ἐγένετο.*

[52] *Ad Att.* III 7, 1.

suicide are known from his letters[53]. Plutarch[54] makes his lack of fortitude a reproach—it was not be to expected of a man of his education. He adds that many frequented Cicero during his exile but mentions no Philiskos or any specific consolation, in which negative evidence he is joined by the letters. Philiskos appears to be an invention. Is he an invention of Dio? One interesting possibility emerges—a Philiskos held the chair of rhetoric at Athens in Dio's time[55]; more than that, he travelled to pursue a lawsuit before Caracalla and attached himself closely to the circle of Julia Domna before falling into disfavour. The year must be A.D. 212 or near it, Dio was in Rome and at least aware of the Empress' circle and its interests[56]. The history of Rome to the death of Severus took Dio ten years for reading and twelve to write down. If this period of twenty-two years was, as seems reasonable, A.D. 196–218[57], then in 212 he should have been halfway through writing the 76/7 books required, perhaps a little further if his later travels with Caracalla made him go more slowly. It is a suggestion, naturally no more than that, that the dialogue was written (as a compliment and a display of the author's literary taste?) while Philiskos was in favour in Rome.

What of its content? The Philiskos[58] of Dio speaks the language of popular philosophic tracts, influenced by the later Cynicism. Various *Consolationes* or tracts *Περὶ φυγῆς*[59] are known but no specific source can be indicated (least of all, disappointingly, the Oration XIII of Dio's ancestor, Chrysostom, which bears no relation to it). Some parallels and resemblances can be listed (even with Cicero's own writings) but none goes to prove a close relationship[60]. In brief, Philiskos reproves Cicero for his weakness in spite of education and his failure to prepare himself, points out that he has physical health and needs nothing more, that his soul is unaffected; that his exile was destined, that many people live abroad anyway, including famous men who left to avoid dishonour, and some who were later successful again. Cicero has had honour enough, he can afford to retire to an

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[53] e.g. *Ad Att.* III 3; III 8, 2. 4; 10; 12; 15.

[54] *Cicero* 32, 5. See Ed. Meyer op. cit. 120, note 1, comparing Appian B.C. II 15, 55f. on Cicero's cowardly behaviour before Clodius' attack.

[55] Philostratos *V. Soph.* II 30; RE XIX 2387–88 (Philiskos 10) and a Delphian inscription published in BCH 73 (1949) 473–475; *AE* 1951, 58.

[56] LXXV 15, 7; III 355 (200 A.D.) and LXXVI 18, 4; III 397 on Caracalla's interest in Apollonius of Tyana.

[57] Gabba, Riv. Stor. It. LXVII (1955) 295–301, esp. 298.

[58] RE XIX 2384 (*Philiskos* 8). Haupt, Philol. XLIII 693 suggested that it derived from a first century rhetor.

[59] Studied by A. Giesecke, *De philosophorum veterum quae ad exilium spectant sententiis* (Leipzig 1891) on Teles, Plutarch, Musonius, Seneca, Cicero *Tusc.* V 37. 106–109 and Ariston.

[60] XXXVI 18.—Plut. *Cic.* 32; 23, 2f.—Teles (Stobaeus III ed. Hense p. 738) (on the soul and the body); 23, 3—Cic. *Disp. Tusc.* V 107—Teles 739, 2f.—Musonius 755, 15ff.—Plut. *Mor.* 599c (exile is a disgrace only by convention); 24, 1–3—Cic. *Disp. Tusc.* V 106—Sen. *Ad Helv.* VI—Plut. *Mor.* 601 (residence abroad is nothing in itself); 26, 1—Teles 742, 5ff.—Musonius 753, 4ff. (cases where exile is more honourable); 26, 3—Plut. *Mor.* 605 E—Teles 739, 6ff.—Musonius 753, 12ff. (famous men gaining by exile); 28, 2—Musonius 749, 18ff. (profit from leisure of exile). None of these parallels are strikingly close. I illustrate some only to show the conventional nature of the consolation given to Cicero.

estate by the coast, to farm and write history, like Thucydides and Xenophon—a personal touch this, surely Dio was thinking of his own Campanian estate, and his use of it[61]? He ends with an unashamed *vaticinium post eventum*—death might await Cicero on his return, for those who seek power will betray even their dearest friends.

So we have in Dio's *Consolatio* an unhistorical literary essay, to be explained, if my suggestion is correct, as a trifle to amuse a court. Dio's error is now comprehensible—ch. 18, 1 *ἐντυχὼν δ' αὐτῷ Φιλίσκος τις ἀνὴρ ἔν τε ταῖς Ἀθήναις συγγεγονώς* is a personal allusion. The dialogue is not to be compared with the only other extended private conversation in the work, that of Augustus and Livia (LV 14–21) which, as we saw above, has a historical starting-point and concerns a favourite theme, clemency. Earlier *Consolationes ad Ciceronem*, if they existed, have left no trace. I prefer to see here a rare, perhaps unique, moment of initiative by Dio.

The case of Cicero's speech supporting the Amnesty, at the senatorial meeting of 17 March 44 B.C. (XLIV 23–33) is very different, for it is amply attested, first of all by Cicero himself in Philippics I 1 ... *ieci fundamenta pacis Atheniensiumque renovavi vetus exemplum; Graecum etiam verbum usurpavi, quo tum in sedandis discordiis usa erat civitas illa* ...[62]. Cicero made the speech, but was it, or a paraphrase known to Dio? Various opinions have been put forward, though the last serious investigation of the speech as it stands seems to have been that of J. W. Fischer in 1870[63]. It has been described as 'in all probability wholly fictitious'[64], while others make appeal to the excerpts of Cicero made by the freedman Tiro (Quintilian Inst. X 30–31)[65]. The presence of some Ciceronian mannerisms[66]—ch. 26 *τῆς ἀρίστης καὶ ἀρχαιοτάτης πόλεως*—is no clear indication. Dio could know and imitate such a mannerism; and the speech as it stands is his own composition[67]. Another possibility is suggested by Sihler[68]. "Whenever Dio deals generously with Cicero it is probably not Dio whom we read. In the present case probably Livy." We may ignore the reasoning and consider the suggestion; unfortunately the question of Dio's dependence on Livy in this period must await the completion of the work suggsted by Schwartz[69], the restoration of the Livian account. Consider-

[61] LXXVII 2, 1–2; III 358.

[62] Repeated in substance by Vell. Pat. II 58, 4 and Plut. *Cic.* 42, 3. The Amnesty is recorded without mention of Cicero by Nicol. Dam. FGrH 90 F. 130 *Caes.* 110, Appian *B. C.* II 563; III 43; IV 554. Plut. *Caes.* 67, 8 and Livy *Periochae* CXVI. Florus II 17, 4 *igitur Ciceronis consiliis abolitione decreta.*

[63] *De fontibus et auctoritate Cassii Dionis in enarrandis a Cicerone post Caesaris mortem a. d. XVI Kal. April. de pace et Kal. Jan. anni a Ch. 43 habitis orationibus* (Leipzig 1870). Known to me only from the survey by Haupt l. cit.

[64] A. Gudeman, *Literary Frauds among the Romans*, TAPhA 1894, 147, note 3.

[65] Giambelli, *De fontibus orationis Q. Fufii Caleni apud Dionem Cassium* (Torino 1881), also from Haupt (Philol. 43 [1884] 689–690).

[66] Fischer-Haupt op. cit. 692.

[67] Kyhnitzsch op. cit. 26ff. can produce five clear Thucydidean echoes: 25, 4—Thuc. II 43, 1; 27, 2—IV 62, 3–4; 30, 5—III 66,2; 32,1—III 44, 4; 32,4—III 46, 4—and others less certain.

[68] *Cicero of Arpinum*[2] (New York 1933) 396. [69] Col. 1707.

able dependence is undeniable[70], but neither the Periochae nor Florus give reason to think that Livy here included a speech by Cicero. An Augustan, or later, rhetor might well have set himself or his pupils the task of writing a 'Cicero proposes the Amnesty' and the text have passed into history, to perplex scholars. Dio could have used such a thing, as we shall see. But I suspect that, like Plutarch and Velleius, it seems, he had only the evidence, from direct acquaintance or otherwise, of the opening paragraph of the First Philippic. The task would be easy enough—the well-attested reference to the Amnesty at Athens[71], some obvious examples from Republican history[72] and some general references[73] to the current position were all that was required, and provided.

This problem remains in effect unresolved, through lack of material for speculation. The next, the debate of Cicero and Q. Fufius Calenus, set in January 43 B.C., provides us with not a scarcity but an embarassment of material, richer nonetheless in suggestiveness than in firm conclusions.

To begin, then: Cicero's speech (XLV 18–47) is not a transcript or paraphrase of an original speech by Cicero. Like that of his opponent (XLVI 1–28) it is compiled at least in part from material from the Philippics, without proper regard to sense or context[74]. The occasion is that of a historical meeting of the Senate covering the first three, or four, days of January 43 B.C.[75] Q. Fufius Calenus[76] is attested as a leading supporter of Antony and opponent in debate of Cicero in Phil. VIII 11–19, X 2–6 and XI 15. Further, XII 3f. couples Calenus with L. Calpurnius Piso ... *cur a Pisone et Caleno potissimum ... pacis est facta mentio.* This is important, for Appian, B.C. III 222–248 (after an oration by Cicero 213–220) gives Piso a speech against Cicero at this same meeting, equally unhistorical, for Piso there takes up a position which he actually did only in February-March 43 B.C.[77]. The inference is plain—both historians have used the occasion for presenting contemporary political arguments. Dio ranges more widely, and loosely, for his Ciceronian material is taken from all the first eight Philippics, especially II, III and V[78]. A further indication is afforded by a self-contradiction from the speech of Calenus; XLVI 8, 1 mentions the letters of Cicero to his friends—*ἐφ' οἷς οὕτω σαυτῷ ἀδικοῦντι σύνοισθα, ὥστε μηδὲ δημοσιεύειν αὐτὰ τολμᾶν.* The charge is, in the context, sufficiently absurd in itself, but it goes further than that, for 18, 4 refers to his correspondence with Caerellia[79], a blameless elderly lady interested in

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[70] Schwartz 1699–1705 [71] Ch. 26, 2f.
[72] 25. 28. 30, 4–5. [73] 31–33. [74] Haupt, Philol. LXIII (1884) 687–692.
[75] P. Stein op. cit. (note 20) 80–82. 106–109 (giving some errors of Dio).
[76] RE VII 204–207 (*Fufius* 10).
[77] Especially important for Appians concentration, or anticipation, of events is paragr. 253 mentioning the deaths of Trebonius and Dolabella (late February 43 B.C.). On these points see pp. 328–331 of Gabba, *Note sulla polemica anticiceroniana di Asinio Pollio*, Riv. Stor. It. 49 (1957) 317f.
[78] Fischer op. cit. (Haupt 688).
[79] *Ad Att.* XII 51, 3; XIII 21, 5; 22, 3; XIV 19, 4; XV 1, 4; 26, 4; *Ad Fam.* XIII 72. The correspondence was known to Quintilian, *Inst.* VI 3, 112, and Ausonius, *Cent. nupt.* 4, 9; RE III 1284 (*Caerellia* 10).

philosophy, and makes an otherwise unrecorded allegation of immorality with her, with aspersions on the character of his letters[80]. Nothing could prove more neatly that not all the material in the speeches derives from contemporary sources.

One such source, direct or indirect, can be seen. The same ch. 18 of Calenus' speech criticises Cicero's divorce and remarriage; the charge was first published in the anti-Philippics of Antonius[81]. It has been shown that Antonius' criticisms of Cicero in his speech of 19th September 44 B.C. can be partly reconstructed from Philippics II; a considerable number reappear in the speech of Calenus[82]. This in itself, however, could not prove direct use of Antonius' *ἀντιγραφαί*, for, as we shall see, the material of anti-Ciceronian invective was a common possession of rhetoricians[83]. The same conditions must of course apply to any consideration of Dio's relation to the Invective of Ps.-Sallust[84]. After the recent discussions by Jachmann[85] and Syme[86] we need not believe that it was written by Sallust, or in 54 B.C., or indeed under the Republic at all[87], or that it was published about 33 B.C. as propaganda by the party of Octavian[88]. It is the work of a rhetor, of the first century of the Empire, perhaps no more than a literary exercise composed without intent to deceive[89].

The literary genus is fully attested and can be briefly sketched here. The first, and most serious, practitioner was Asinius Pollio who alone gave an ill account of Cicero's death[90] and in his *Pro Lamia* produced various sordid charges so clearly false that even he did not dare to include them in his history[91]. His son, Asinius Gallus, wrote a book comparing his father and Cicero[92]; this may, however, have been more concerned with criticism of Cicero's oratory, a common exercise[93]. L. Cestius Pius, an orator from Smyrna, who admired no intellect but his own and hated Cicero, was thrashed by the orders of M. Tullius, the son of Cicero; a slave

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[80] *πρὸς ἣν καὶ αὐτὴν τοιαύτας ἐπιστολὰς γράφεις οἵας ἂν γράψειεν ἀνὴρ σκωπτόλης ἀθυρόγλωσσος πρὸς γυναῖκα ἑβδομηκοντοῦτιν πληκτιζόμενος.*

[81] Plut. *Cic.* 41.

[82] Gabba op. cit. 321–322.

[83] T. Zielinski, *Die Cicerokarikatur im Altertum*, Festschrift des Philosophischen Vereins in München 1905, reprinted as pp. 280–288 of *Cicero im Wandel der Jahrhunderte*[3] (Leipzig/Berlin 1912).

[84] Common material listed by Gabba 320–321. I can see no similarity of language such as might indicate a direct connection; even XLVI 5, 1 *εἰ τοιοῦτος αὐτὸς ὤν* and Ps.-Sallust 5 *atque cum eiusmodi sit* do not have the same reference.

[85] *Die Invektive gegen Cicero.* Misc. Acad. Berol. II 1 (1950) 235–275.

[86] Op. cit. (note 22).

[87] Jachmann 257f.

[88] The theory of Seel. Klio Beiheft 47 (1943), *Die Invektive gegen Cicero.*

[89] Though it is quoted by Quintilian *Inst.* IV 1, 68 and IX 3, 89, who apparently regarded it as the work of Sallust. Jachmann 271 is more credible—"(ein) wirklichkeitsfremdes Phantom aus der Welt wortzufriedener Wesenlosigkeit".

[90] Seneca *Suas.* VI 24, see also VI 14–16 and 27.

[91] VI 15. Hence the theory of Gabba op. cit. 336ff., that the relatively factual speech of Piso in Appian *B. C.* III 222–248 (compared with the abusive speech of Calenus in Dio) derives from the history of Asinius Pollio. I doubt if it is as simple as that.

[92] Pliny, *Ep.* VII 4, 3ff.; Quintilian XII 1, 22; Aulus Gellius XVII 1.

[93] Quintilian XII 10, 12; Tacitus, *Dial.* 12, 18, 22. Aulus Gellius XVII 1 mentions also the *Ciceromastix* of Largius Licinius.

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had reported *hic est Cestius qui patrem tuum negabat litteras scisse*[94]. Seneca, Suasoriae VI and VII show the interest in Cicero as a rhetorical theme[95]. To praise or attack a famous name was a common exercise of the schools[96] and such orations might be given a historical setting, of varying credibility[97]. Some gained credence—Quintilian quotes as genuine the Invective of Ps.-Sallust[98]. Asconius records the existence of spurious speeches supposedly delivered by Catiline and C. Antonius at the elections of 64 B.C.[99]. Pseudepigrapha were in common circulation[100] and Galen records the troubles of an author over false attributions even in his own lifetime[101]. This is not to say that the true speeches and letters of Cicero ceased to be available—the correspondence of M. Cornelius Fronto is ample evidence that they were[102]. To show the existence of this literary genus of rhetorical exercises is not, of course, to prove that Dio used anything of the king, only that it was a commonplace and could have affected, or deceived, a historian.

Nor, if we turn to Dio, can we trace an immediate source. One clue may take us a little closer, at least for the oration of Calenus. In the valuable ch. 18 Calenus addresses Cicero ... *ὦ Κικέρων ἢ Κικέρκουλε* (*Κικέρουλε* Bekk.) *ἢ Κικεράκιε ἢ Κικέριθε ἢ Γραίκουλε* ...; the last expression can be compared with Plutarch, Cicero 5 *Γραικὸς καὶ σχολαστικὸς ἀκούων*. The other expressions are more intriguing; as seen by Zielinski[103], '*Κικεράκιε*' and '*Κικέριθε*' are derived from *ῥάκη* (rags) and *ἔριθος* (weaver, or woolworker); the play on words is an allusion to the slur that Cicero's father was a *κναφεύς*[104]. What is important here is Zielinski's conclusion— "Die Karikatur ist durch die Hände eines griechischen Rhetors gegangen".

Unless one believes Dio capable of a play on words, the conclusion must be correct. Who then was the rhetor? We need not go far to find one possible candi-

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[94] Sen. *Suas.* VII 12–13.

[95] See also Seneca, *Contr.* II 4, 4; VII 2, 3, 9; Quintilian XI 1, 17–24; XII 1, 14–22; 10, 12–13; VI 3, 5 where he laments that Tiro did not choose his excerpts more wisely—less material might have been afforded to calumniators; and the vigorous defence by Velleius Paterculus II 34, 3–4.

[96] Suet. *De rhet.* 5.

[97] One may quote here Fortunatianus *Ars Rhetorica* I 4 (ed. Halm, *Rhetores Latini Minores 84*) *quae est παρ' ἱστορίαν? Quando id in controversia invenimus, quod sit citra historiae fidem, ut "reus est Q. Hortensius, quod in consulatu suo supplicium de indemnatis civibus sumserit", cum sciamus non Hortensium fuisse sed Tullium. Hic modus in persona tantum invenitur? immo in omnibus circumstantiis, et in re et in tempore et in loco et in causa et in materia, si aliquid ex his falsum ponatur et aliter quam in historiis invenimus.*

[98] See note 89.

[99] 84. In 76 he records, and argues against, Fenestella's belief that Cicero had defended Catiline in 65 B.C.; this could indicate the existence of a spurious oration, but the error might have arisen directly from Cicero *Ad Att.* I 2, 1.

[100] Seneca, *Contr.* X *praef.* 12; *Suas.* I 7, Philostr. *V. Soph.* 26–28. 94, 102 (Loeb) and the papyri cited by Jachmann op. cit. 266–267.

[101] XIX K., p. 8ff. 17.

[102] For example II 156–158 (Loeb) and I 300.

[103] Op. cit. 284.

[104] Dio XLVI 5, 2; 7, 3f. (Calenus) and Plut. *Cic.* 1 (Zielinski compares the hostile portrait of the orator Drances in *Aeneid* XI 340 and explains, "Vergil sah die zeitgenössische Geschichte naturgemäß durch die Brille seines Beschützers Asinius Pollio an").

date. The Suda[105] can produce an Asinius Pollio from Tralles, a sophist in Rome in the age of Pompey who wrote on the civil wars of Caesar and Pompey. The name indicates a freedman of Pollio. The attribution of the history could be a confusion with the patron. Plutarch, Caesar 46[106] offers another possibility, that the freedman produced a Greek translation, or version, of the history. We may have found a Greek able and on the spot to translate the sordid charges of Pollio for the benefit of a Greek audience.

The point cannot be pressed, nor need it be. Greek rhetors were plentiful in Rome in the first century of the Empire[107] and after. Indeed it might well be said that oratory was the point at which the two cultures intermingled most closely[108]. L. Cestius Pius himself was a native of Smyrna; in spite of his Roman name Greek was his native language; his Latin vocabulary was poor and his attempt to use a description from Vergil a failure[109]. Yet Seneca[110] records that his pupils would have put him above Cicero—*nisi lapides timerent* (?); *huius enim declamationes ediscunt, illius non legunt nisi eas quibus Cestius rescripsit*; he goes on to relate an incident when he entered Cestius' school to find him reciting his In Milonem! This bilingual world should be the source of the abusive expressions in Dio. For, if Boissevain's reading is correct, there is a Latin pun ('*Κικέρκουλε*') as well as the Greek ones.

As might be expected, discussion and criticism of Cicero soon became literary rather than political[111]. Further, our knowledge of rhetoric at Rome after Quintilian is scanty until we reach Philostratos who shows that Greek rhetors could still attract an audience in the capital[112] in the second and early third centuries; but there is no indication that any of them concerned themselves with themes from Republican history. Antipater from Hierapolis recorded the deeds of Severus[113] and Ailianos wrote a *κατηγορία τοῦ Γύννιδος* (Elagabal)[114]. Antiochus of Aegae wrote a history on an unrecorded subject, as demonstration of his learning and literary skill[115]. No trace of Cicero or the Republic here. For possible Greek

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[105] Suidas s.v. *Πωλίων ὁ Ἀσίνιος χρηματίσας· Τραλλιανός ... ἔγραψεν ... περὶ τοῦ ἐμφυλίου τῆς Ῥώμης πολέμου ὃν ἐπολέμησαν Καῖσαρ τε καὶ Πομπήιος.* Jacoby FGrHist 193 and commentary.

[106] *ταῦτά φησι Πολλίων Ἀσίννιος τὰ ῥήματα, Ῥωμαιστὶ μὲν ἀναφθέγξασθαι τὸν Καίσαρα παρὰ τὸν τότε καιρόν, Ἑλληνιστὶ δὲ ὑφ' αὐτοῦ γεγράφθαι.*

[107] See the convenient list of declaimers, Greek and Latin, on pp. XL–XLIV of W. H. Edward's ed. of the *Suasoriae* of Seneca (Cambridge 1928).

[108] Seneca *Contr.* IX 3, 13–14 Clodius Sabinus declaimed in Greek and Latin on the same day; II 6, 12; IX 1, 12–14; X 5, 22 (Timagenes—*ex captivo cocus, ex coco lecticarius, ex lecticario usque in amicitiam Caesaris enixus*); *Suas.* VII 12; not everybody approved—*Contr.* X 4, 21 M. Porcius Latro *Graecos enim et contemnebat et ignorabat* (on the rivalry of Latin and Greek *Suas.* VII 10; *Contr.* 1. praef. 6–7).

[109] Seneca *Contr.* VII 1, 27 *verborum inopia ⟨ut⟩ hominem Graecum laborasse, sensibus abundasse.*

[110] *Contr.* III praef. 15–16.

[111] See note 93.

[112] Philostr. *V. Soph.* p. 207. 221–2. 256. 258–60. 267–8. 212–4 Kayser; p. 273 is worth noting—Ailianos had never been out of Italy.

[113] Ibid. p. 265.

[114] Ibid. p. 273. [115] Ibid. p. 246.

historical sources we should have to go back to historians of the early Empire, Socrates of Rhodes or Boethus of Tarsos for example[116]. Nor should we forget that a learned Roman might write a history in Greek[117].

Such speculations would be profitless if they did not help to indicate that any rhetorical source of Dio's for the debate with Calenus should date from the early Empire. Interest in Cicero as a political figure did not survive long; he was never a political hero. Even Titinius Capito, who wrote of the deaths of famous men[118], had in his home the images of Brutus, Cassius and Cato, not Cicero[119]. Dio's reading was not confined to historical works. The conversation of Augustus and Livia seems to show that he knew Seneca's De Clementia; he knew other works of his also (LXI 10). Moreover an important passage, LV 12, 4–5, refers, as is clear if it is read as a whole, not to his Attic models, Thucydides and Demosthenes, but to Atticists; *χρυσοῦν γὰρ δὴ καὶ ἐγὼ τὸ νόμισμα τὸ τὰς πέντε καὶ εἴκοσι δραχμὰς δυνάμενον κατὰ τὸ ἐπιχώριον ὀνομάζω· καὶ τῶν Ἑλλήνων δέ τινες, ὧν τὰ βιβλία ἐπὶ τῷ ἀττικίζειν ἀναγινώσκομεν, οὕτως αὐτὸ ἐκάλεσαν.* Vrind[120] points out that ten years' reading should have allowed him to cover far more than the existing narrative histories of Rome. It is worth suggesting that he read and used Greek orators of the early Empire.

An examination of Dio's three Ciceronian episodes, as indeed of his other speeches, cannot lead to a high opinion of him as a historian. In sum, he produces a conventional *Consolatio*, with some personal touches and no recognisable historical aim, for which his sources afforded an occasion but no specific citation, a speech for which probably no original or model existed in his sources, but certainly descriptions sufficient to account for what he actually wrote and finally a *ἅμιλλα λόγων* using historical material almost certainly through the medium of early Imperial rhetorical elaborations. The combined effect is not impressive: they do not serve to deepen our understanding either of Cicero or of his time. Dio is a considerable historian, whose account increases in authority as he draws nearer to his own time and experience, but he was unable to follow Thucydides in making speeches a dynamic feature of history. Cicero could not be understood or appreciated without consideration both of his education and culture (Plutarch's interest is not to be explained purely by the conventions of biography) and of his political aims. The destruction by the Triumvirs of the man armed with all the arts of peace was a vital clue to the times. To discuss this, Dio might have spared us Philiskos.

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[116] Jacoby, *FGrHist* 192 and 194.

[117] Suet. *Claudius* 42 *denique et Graecas scripsit historias, Tyrhenicon viginti, Carchedoniacon octo.*

[118] Pliny *Ep.* VII 12, 4–5.

[119] I 17, 3.

[120] *Mnemosyne* 54 (1926) 321–322. He opposes (p. 322 note 2) the suggestion of Schwartz col. 1709 that this period covered also the reading of Thucydides and other classical writers.