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CICERO'S *LIBERATORES*: A REASSESSMENT

One of the simplest methods used by Cicero for depicting a personality or characteristic of an individual within his correspondence was to use a nickname.[1] When describing groups, the natural progression was to use collective nouns that helped to define some essential quality of this collective. The enormity of Caesar's assassination provided an opportunity to use a plethora of terms for the conspirators, most conspicuously seen in Cicero's treatment of Cassius and Brutus following the death of Caesar. The act itself had a polarizing effect. On one side were the invective terms for assassins, murderers and parricides (*sicarii*, *homicidae*, *interfectores*, *parricidae*). On the other side were the favourable terms, such as liberators (*liberatores*), heroes (*heroes*) and tyrannicides (*tyrannoctoni*). Cicero also included in his correspondence Greek words, as well as their transliterations into Latin. Each word would seem to have its own subtle characteristics, focussing on different aspects and interpretations of the conspirators and their act of tyrannicide or political murder. The collective nouns themselves and the context in which they are used not only will provide the first indication of how Cicero felt about the conspirators but may also give an insight into Cicero's perception of the general feeling about the political situation in Rome at this time.[2]

Studies of this period have generally accepted, without considerable discernment, the use of such collective nouns to describe the conspirators. There is rarely a statement made about these terms in commentaries, and then only to elucidate their reference to Brutus and Cassius.[3] Some commentaries even provide misleading insinuations concerning their frequency of use.[4] In general, modern historians and commentators, often without ample consideration of its suitability to the ideology and its intent in Cicero, have accepted *liberator* as the preferred term. For instance, Elizabeth Rawson, commenting on the two opposing ancient traditions concerning the conspirators, writes that one side saw them as 'tyrannicides, "liberators", *as Cicero loved to call them* who placed their sacred duty to their country before ties, demi-gods or even gods'.[5] To be

[1] Examples of this type of personal nickname are the use of the term Caluenna or φαλάκρωμα ('baldy') for Matius (*Att.* 14.2.3, 14.5.1, 14.9.3, 16.11.1), Caluentius Marius for L. Piso Caesonius (*QFr.* 3.1.11), and the more enigmatic Πεντέλοιπος ('last of five') for Hirtius (*Att.* 14.21.4, 15.2.4).

[2] For a recent study on the reshaping of political factions and politics itself following Caesar's assassination, see K. Welch, *Magnus Pius: Sextus Pompeius and the Transformation of the Roman Republic* (Swansea, 2012), 121–62.

[3] Examples of this include J.D. Denniston (ed.), *M. Tulli Ciceronis in M. Antonium Orationes Philippicae Prima et Secunda* (Oxford, 1926), 71; J.T. Ramsey (ed.), *Philippics I–II* (Cambridge, 2003), 95.

[4] Denniston (n. 3), 71–2 states that 'the terms *liberatores* and *heroes* are frequently applied to them in the letters, as the two leading spirits in the conspiracy'. It may be instructive to realize that the term *heroes* is used only four times in the letters, and there is only one verifiable use of *liberatores*.

[5] E. Rawson, 'The aftermath of the Ides', in J.A. Crook, A.W. Lintott and E. Rawson (edd.), *Cambridge Ancient History*, vol. 9 (Cambridge, 1992), 468–90, at 469 (emphasis added). See also

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fair, the evidence for Rawson's approach is mixed. Sometimes she refers to an 'anti-liberator' tradition and then, without qualification, uses the term 'liberator' throughout the text.[6] Other times a more cautious approach is applied by placing the term in inverted commas.[7] For those in search of a catchphrase, this collective noun has provided a maxim to sum up what is believed to be the political undercurrent at that time. However, without careful examination of this term, and its use in Cicero, its suitability remains questionable. Convenience does not make it appropriate. For example, the use of the term tyrannicide assumes that Caesar was actually a tyrant. Whereas this may have been the belief of some, it certainly was not universally accepted. Evidence suggests that Cicero and his contemporaries did think carefully about these terms. They were not overarching expressions that could be used synonymously, but rather carried with them very specific meanings. Therefore, a contextual study of a collective term such as *liberatores* and how it is used to describe the conspirators may help to reveal its subtleties in Cicero, which in turn could provide a better insight into Cicero's depictions of the conspirators, such as Cassius and Brutus, and outline his impression of the political situation following the assassination.

Despite the prevalence of the collective noun *liberatores* to describe those men who assassinated Caesar in the *Curia Pompeia*, the fact remains that Syme's 'new party of the Liberators', whether homogeneous or not, never existed.[8] Even putting aside theories on the level of factionalization in Roman Republican politics, what exactly had these liberators liberated? Caesar may be dead, but his *acta* had been ratified in the compromise. His appointed magistracies and governorships still stood, and any opportunity to re-establish a stable 'Republican' model had all but passed. In Cicero's words to Atticus (*Att.* 14.9.2):

o di boni! uiuit tyrannis, tyrannus occidit!

Good gods! The tyranny lives on, the tyrant is dead!

Liberatores, on the basis of the outcome alone, was as untenable then as it is now,[9] and it seems extraordinary that it has become the default description of the assassins in modern texts.[10]

E. Rawson, 'Cassius and Brutus: the memory of the liberators', in I.S. Moxon, J.D. Smart and A.J. Woodman (edd.), *Past Perspectives: Studies in Greek and Roman Historical Writing: Papers Presented at a Conference in Leeds, 6–8 April 1983* (Cambridge, 1986), 101–19.

[6] Rawson (n. 5 [1986]), 103 (and throughout).

[7] Rawson (n. 5 [1992]), 469. Other authors, such as S.E. Smethurst, 'Cicero and the Senate', *CJ* 54 (1958), 73–8, do likewise.

[8] The phrase 'new party of the Liberators' was used by R. Syme, *The Roman Revolution* (Oxford, 1939), 59, in his introductory description of those men who assassinated Caesar.

[9] Even taking into account differing opinions of liberation and the varying degrees of achievement, to an ancient Roman the political situation in Rome following (and immediately before) Caesar's assassination would not have been considered 'free'. The connection between the *res publica* and *libertas* will be discussed in the following pages.

[10] An indicator of its acceptance as the default description for the assassins of Caesar is the absence of qualification or limitation being applied, such as placing it in quotation marks. Examples include R.E. Smith, *Cicero the Statesman* (Cambridge, 1966), 235–43; H.H. Scullard, *From the Gracchi to Nero: A History of Rome 133 B.C. to A.D. 68* (London, 1982), 155 and 160; M. Schneider, *Cicero 'Haruspex': Political Prognostication and the Viscera of a Deceased Body Politic* (Piscataway, NJ, 2004), 173; J. Harries, *Cicero and the Jurists: From Citizens' Law to the Lawful State* (London, 2006), 225–6; P. White, *Cicero in Letters: Epistolary Relations of the Late Republic* (New York, 2010), 144 and 160–1; K. Tempest, *Cicero: Politics and Persuasion in Ancient Rome* (London,

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Cicero had noticed the decline of the Republican system for some time before the Ides of March.[11] In the fragments of his *De republica*, written almost a decade earlier, he stated (*Rep.* 5.2):

nostra uero aetas, cum rem publicam sicut picturam accepisset egregiam sed iam euanescentem uetustate, non modo eam coloribus eisdem quibus fuerat renouare neglexit, sed ne id quidem curauit ut formam saltem eius et extrema tamquam lineamenta seruaret.

In truth, our generation, although it inherited the Republic as a painting, but one already fading with age, not only neglected to restore it with the same colours which it had before, but did not even see to it that it preserved at least its shape and, as it were, its general outline.

Restoration and conservation are the key issues here for Cicero,[12] but in the political climate following Caesar's assassination, the State would first have to be freed from the tyranny, and not just a single tyrant.[13] Freedom from the threat of arbitrary interference in politics was required, and this goal had not been achieved by the assassination alone. It seems logical that Cicero would have wanted to call these men 'liberators' in the true sense. Just as he looked upon himself as having liberated Rome from the anticipated tyranny of Catiline, so too had these men put country before self to rid Rome of a more obvious dictator. This is demonstrated by Cicero's response to Antonius' accusation of involvement in the assassination brought about by Brutus' cry of 'Cicero'.[14] Ideally, they should have been liberators, but the fact of the matter was very different. Almost powerless and forced from the political sphere in Rome, living seemingly as fugitives and traitors, the glory of their act had not achieved the desired outcome. The State was not liberated. It would seem that the representation of the assassination as a benefit to Rome had failed and was not being fully recognized by others. As such, Cicero needed

2011), 185–6, 189, 201; J. Zarecki, *Cicero's Ideal Statesman in Theory and Practice* (London, 2014), 14, 141 and 158. G. Manuwald (ed.), *Cicero, Philippics 3–9* (New York, 2007), 353 places the term in inverted commas only once, but otherwise employs the term without such qualification at 10, 12, 72, 98, 362. At other times, authors indicate that either Cicero called the conspirators this or that the conspirators themselves preferred the term 'liberator' without further evidence; e.g. P. Allott, *The Health of Nations: Society and Law beyond the State* (Oxford, 2002), 208 n. 50; Tempest (this note), 183.

[11] H.I. Flower, *Roman Republics* (Princeton, 2010) states that the Republican system had ended in 60 B.C., having moved through six different Republics, and not one continuous form of government from the Regal period (for an outline of these stages, see Flower [this note], 18–34). If this is correct, Cicero was writing this in a time which had no semblance of the Republican system, with no political system or legislation in place to allow a return to anything resembling one. Despite this, the constant mentioning of the state of politics in Rome and the possibility of restoring the Republic indicates that Cicero still held hope, however slim, for its survival.

[12] The comparison of the State to a painting has its origins in Plato (Pl. *Leg.* 796a–b; *Resp.* 5.472d–e, 6.500c–501c; *Ti.* 19b–c); cf. E. Asmis, 'A new kind of model: Cicero's Roman constitution in "De republica"', *AJPh* 126 (2005), 377–416, at 387; S.A. Gurd, *Work in Progress: Literary Revision as Social Performance in Ancient Rome* (New York, 2012), 56–7; I. Gildenhard, 'Of Cicero's Plato: fictions, forms, foundations', in M. Schofield (ed.), *Aristotle, Plato and Pythagoreanism in the First Century B.C.: New Directions of Philosophy* (Cambridge, 2013), 225–75, at 244–5. A similar Platonic comparison is made between a painting, which needs constant repair and touching up, and the laws (Pl. *Leg.* 769a–c). Cicero regularly wrote comments on the state of the Republic, and his opinion is often influenced by the surrounding events. A parallel sentiment of pessimism regarding the lost Republic can also be seen following Gabinius' acquittal in 54 B.C. (*QFr.* 3.4.1; *Att.* 4.18.2).

[13] This motif was a standard for Cicero in this discussion of politics at this time.

[14] Cic. *Phil.* 2.28. Although denying any knowledge of the assassination, Cicero never questioned the historicity of this event. His defence of Brutus' impassioned cry of 'Cicero' was to suggest a comparison with his own equally bloody act over the Catilinarian conspirators and the primary intention of freeing Rome from the tyranny, whether perceived or real, of an individual.

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either to give up on this rhetoric or to try a different approach. It is this antithesis between the idealism and the realism of the situation that seems crucial in understanding Cicero's use of *liberator*.

Investigation of Cicero's fundamental connection between *res publica* and *libertas* will help to contextualize his use of *liberator*.[15] These terms have been intrinsically linked in the writings of Late Republican and Imperial authors.[16] The creation of what was called the Roman Republic was itself based on the liberation of Rome from the autocratic rulers of the Regal period. Wirszubski succinctly sums up this relationship by the rhetorical questions 'is not the *res publica* the political expression of *libertas* and, conversely, is not *libertas* the essence of *res publica*?'.[17] So, with this in mind, Cicero's understanding of what the *res publica* was may have a direct bearing on our consideration of what he means when he refers to the conspirators as *liberatores*. Cicero's *De republica* provides this insight with a deceptively simple formula (1.39):

'est igitur', inquit Africanus, 'res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus.'

Africanus said, 'Therefore, the Republic is the *res* of the people, but when I say people it is not every union of mankind herded together in any way, but rather the union of a multitude, united by the agreement of law and a shared benefit.'

In his commentary on the *De republica,* Zetzel identified *res publica res populi* as an etymological definition.[18] In fact, the term *res populi* is used throughout the *De republica*.[19] Despite this definition linking *res publica* to the people, this is not an argument for popular sovereignty. As Wirszubski stated:[20]

… the notion of *res publica* postulates for every citizen a fair share in the common weal; it postulates the participation of the people in State affairs; it postulates that the government should be for the people; but it does not necessarily imply the principle of government by the people.

[15] I am primarily interested in how these terms relate to Cicero and not the general principles, institutions, philosophies and theories behind the Republic. Some recent studies on the Roman Republic outline these principles and the chronology of scholarship behind it, including H.I. Flower (ed.), *The Cambridge Companion to the Roman Republic* (Cambridge, 2004); Flower (n. 11); N. Rosenstein and R. Morstein-Marx (edd.), *A Companion to the Roman Republic* (Hoboken, 2006); K.J. Hölkeskamp and H. Heitmann-Gordon (edd.), *Reconstructing the Roman Republic: An Ancient Political Culture and Modern Research* (Princeton, 2010). Similarly, for *libertas*, a recent study by V. Arena, *Libertas and the Practice of Politics in the Late Roman Republic* (Cambridge, 2013), looks at appeals to *libertas*, whilst Wirszubski, Stylow and Brunt still remain seminal works (C. Wirszubski, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate* [Cambridge, 1950]; A.U. Stylow, *Libertas und Liberalitas: Untersuchungen zur innenpolitischen Propoganda der Römer* [Munich, 1972]; P.A. Brunt, *The Fall of the Roman Republic and Related Essays* [Oxford, 1988], 281–350). For *libertas* in Cicero, see A. Dermience, 'La notion de *libertas* dans les œuvres de Cicéron', *LEC* 25 (1957), 157–67; J. Bleicken, 'Der Begriff der Freiheit in der letzten Phase der römischen Republik', *Historische Zeitschrift* 195 (1962), 1–20; C. Dognini, 'Cicero, Cesare e Sallustio: tre diversi modelli di *libertas* nella tarda repubblica', *Invigilata lucernis* 20 (1998), 85–101; E. Cowan, '*Libertas* in the *Philippics*', in T. Stevenson and M. Wilson (edd.), *Cicero's* Philippics*: History, Rhetoric and Ideology* (Auckland, 2007), 140–52.

[16] A sample of writers through this period will suffice to illustrate the connection between *res publica* and *libertas* in Roman minds (e.g. *Rhet. Her.* 4.66; Cic. *Flac.* 25; Sall. *Cat.* 7.2–3; Livy 1.60.3, 2.1.1–2; Tac. *Ann.* 1.1.1).

[17] Wirszubski (n. 15), 82.

[18] J.E.G. Zetzel (ed.), *De Re Publica: Selections* (Cambridge, 1995), 127.

[19] *Rep.* 1.41.3, 1.43.2, 1.48, 3.43, 3.44, 3.45, 3.46.

[20] Wirszubski (n. 15), 14.

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A *prima facie* similarity does exist with Aristotle's κοινωνία πολιτῶν (for example *Pol.* 3.1276b), but, as Eder points out, whereas Aristotle looked to the individual (πολίτης), Cicero looked to the whole (*populus*). That is to say, the individual was the important element in the Greek viewpoint. In the Roman system the individual was not politically effective by himself but only indirectly in the role he played within the various institutions and orders.[21]

It is crucial not to misinterpret Cicero's definition of *res publica*.[22] Obviously, the term 'Republic' is inadequate as it insinuates a constitutional element. On the other hand, 'public affairs' fails to indicate the underlining institutional elements of the system. 'Commonwealth' seems a better choice, as long as the *weal* element is more welfare than wealth. Other descriptions, such as 'the traditional political order' or 'organization', are ambiguous enough, but fail to incorporate the crux of the meaning. Heinze's 'alle Interessen der völkischen Gemeinschaft umfassend' is certainly close but unwieldy.[23]

In the quoted passage from the *Republic*, Cicero's understanding of *res publica* rests on a dual definition of *populus*. These classifications are distinct, yet linked. It is not a territorial or ethnic linkage, but one based on unity within the law and society. However, before he describes what *populus* is, he first defines what it is not. *quoquo modo congregatus* is the key to this negative definition. By this phrase Cicero rules out the corrupted form of the democratic government, the 'mob rule', as a 'true' republic.[24] Cicero has used *congregatus* for these types of random gatherings, a word which is used equally to describe the gatherings of animals or humans.[25] Similarly, the use of the indefinite *quoquo modo* removes any sense of reason or rationale from these possible 'herdings'. This seems to stand in juxtaposition to the participle *sociatus* used in the affirmative statement of what *populus* is. Thus he assents to the significance of the people in the *res publica*, but only as judged by the politically constructive role they play within society.

The dual definition of the affirmative statement on what the *res publica* is has been thoroughly investigated.[26] One particular controversy is how to interpret *consensus iuris*

[21] W. Eder, 'Der Bürger und sein Staat – der Staat und seine Bürger', in W. Eder and C. Ampolo (edd.), *Staat und Staatlichkeit in der frühen römischen Republik: Akten eines Symposiums, 12.–15. Juli 1988, Freie Universität Berlin* (Stuttgart, 1990), 12–32, at 19. Of course, Eder does not take into account fully the emphasis on both plurality and communality in *Plt.* 3.1276b.

[22] H. Drexler, 'Res publica', *Maia* 9 (1957), 247–81 and 10 (1958), 3–37 still provides one of the most comprehensive examinations of the definition of *res publica*.

[23] R. Heinze and E. Burck, *Vom Geist des Römertums: ausgewählte Aufsätze* (Darmstadt, 1960), 13. For further discussions, see R. Stark, 'Ciceros Staatsdefinition', in R. Klein (ed.), *Das Staatsdenken der Römer* (Darmstaft, 1966), 332–47; M. Schofield, 'Cicero's definition of *res publica*', in J.G.F. Powell (ed.), *Cicero the Philosopher: Twelve Papers* (Oxford, 1995), 63–83; N. Rudd and J.G.F. Powell (edd.), *The Republic and the Laws* (Oxford, 1998), xxxv.

[24] An overtly dramatized and emphatic statement that not every gathering equates to the 'State' is presented in the *Paradoxes of the Stoics* 27.

[25] *OLD* s.v. *congrego*; *TLL* 4.290.22–3, 290.59: § 1 *animantia*: a) *bestias*; b) *homines*.

[26] See e.g. F. Cancelli, '*Iuris consensu* nella definizione ciceroniana di *res publica*', *RCCM* 14 (1972), 247–67; P.L. Schmidt, 'Cicero *"De re publica"*: Die Forschung der letzten fünf Dezennien', *ANRW* 1 (1973), 262–333, at 318–19; R. Werner, 'Über Herkunft und Bedeutung von Ciceros Staatsdefinition', *Chiron* 3 (1973), 163–78; H. Kohns, '*Consensus iuris – communio utilitatis*', *Gymnasium* 81 (1974), 485–98; W. Suerbaum, *Vom antiken zum frühmittelalterlichen Staatsbegriff: über Verwendung u. Bedeutung von res publica, regnum, imperium u. status von Cicero bis Jordanis* (Münster, 1977), 1–37; W. Suerbaum, 'Studienbibliographie zu Ciceros *De republica*', *Gymnasium* 85 (1978), 59–88, at 74–5; N. Wood, *Cicero's Social and Political Thought* (Berkeley, 1988), 125–8; Zetzel (n. 18), 127–9.

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and whether this relates to a formal or an idealized notion of *iustitia*.[27] Zetzel noted the ambiguity and gives Poyser's 'common idea of what is right' as a suitable compromise.[28] As the dialogue continues, it becomes clearer that the *consensus iuris* is a decisive characteristic of a *res publica* (3.45), and also plays a crucial role in the definition of *ciuitates* (6.13.2).[29] This repetition of *consensus iuris* has led many to conclude that not only is it distinct from *utilitatis communio*, 'a shared advantage', but that it is also the more important of the two definitions.[30] Others argue for a definite and close linking between the two concepts.[31] The fact remains that not only an agreement on law and shared advantage is Aristotelian in nature,[32] but also Cicero indicates this connection in *De legibus* (*Leg.* 1.12.33). The importance of *utilitatis communio* is clear elsewhere in Cicero, where it is described as a bond for a stable society (*Fin.* 3.64). In the *Pro Sestio*, Cicero makes this common benefit the pivotal moment for the formation of a *res publica* (*Sest.* 91).

So Cicero seems to indicate that a *res publica* is a 'social' principle which functions above governmental systems. As such, this bilateral description of a *res publica* is not necessarily tied to a particular governmental form or institution. It seems that a *res publica* can exist under any form of government, be it democracy, oligarchy or even monarchy (*Rep.* 3.47; *Sest.* 91). Initially, it could even be argued to exist in the tainted forms if laws were agreed upon and some shared benefit existed. However, once justice is inserted into the definition, it becomes clear that a republic cannot coexist with corrupted governmental types (*Rep*. 3.43–6), and this includes tyranny (*Rep.* 3.43):

ergo ubi tyrannus est, ibi non uitiosam, ut heri dicebam, sed, ut nunc ratio cogit, dicendum est plane nullam esse rem publicam.

Therefore, where there is a tyrant, there is not just a corrupted form, as I was saying yesterday, but, as now logic compels, it must be stated clearly that there is no *res publica*.

Thus we can begin to see the connection between *res publica* and *libertas*. *Libertas* is, on the most basic level, the polar opposite of slavery.[33] To the individual this meant

[27] Cancelli (n. 26), 254 sees this more as a harmony of rights and interests (*armonia o consonanza di diritti*), whereas K. Büchner, 'Die beste Verfassung. Eine philologische Untersuchung zu den ersten drei Büchern von Ciceros Staat', *SIFC* 26 (1952), 37–140, at 98; K. Büchner, *Cicero: Bestand und Wandel seiner geistigen Welt* (Heidelberg, 1964), 217–18; Suerbaum (n. 26 [1977]); and Schofield (n. 23), 70–1 link this to the identification of idealized justice. Kohns (n. 26) takes a middle ground, seeing a correlation between law and justice, but rejecting a clear identification to *iustitia*; cf. A.A. Long, 'Cicero's politics in *De Officiis*', in A. Laks and M. Schofield (edd.), *Justice and Generosity: Studies in Hellenistic Social and Political Philosophy: Proceedings of the Sixth Symposium Hellenisticum* (Cambridge, 1995), 213–40.

[28] G.H. Poyser, *Selections from Cicero De Re Publica* (Cambridge, 1948); Zetzel (n. 18), 128.

[29] *nihil est enim … acceptius quam concilia coetusque hominum iure sociati, quae 'ciuitates' appellantur*, 'for nothing is more agreeable than gatherings and unions of men united under law which they call "States"'.

[30] K. Büchner, *Cicero* (Wiesbaden, 1962), 78–9; K. Büchner, *M. Tullius Cicero: Kommentar* (Heidelberg, 1984), 124 refers to them as 'polar' aspects and regards *utilitas* as less important. Suerbaum (n. 26 [1977]), 25 also saw a clear separation. R. Dodaro, *Christ and the Just Society in the Thought of Augustine* (Cambridge, 2004), 13 stated that the two definitions were 'held in tension'. Schofield (n. 23), 70–1 relates *consensus iuris* to justice, whilst indicating that *utilitas* has no connection to this crucial element of *iustitia*.

[31] Stark (n. 23), 338–9; T. Mayer-Maly, 'Gemeinwohl und Naturrecht bei Cicero', in K. Büchner (ed.), *Das neue Cicerobild* (Darmstadt, 1971), 371–87, at 382; Kohns (n. 26), 494.

[32] Zetzel (n. 18), 128.

[33] The *Digest* of Justinian, writing succinctly, records that all are either free or slaves: *omnes homines aut liberi sunt aut serui* (1.5.3).

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simply that one was not a slave, but to a nation or government this meant sovereignty: a free nation. *Libertas* was a complex notion to the Romans, and contained within the word was a tension between its direct meaning and its manifestation politically, socially and ideologically.[34] For instance, the term was linked not only to a republic but also to the law. Cicero writes (*Clu.* 53):

legum denique idcirco omnes serui sumus ut liberi esse possimus.

Finally for that reason, we are all slaves to the laws so that we can be free.[35]

The notion that servitude to law was compatible with freedom is seemingly a contradiction,[36] but only to modern ideas of freedom.[37] In many ways, the ancient Romans consider *libertas* in relation to control and power: the freedom to control one's affairs and to participate in politics and other public matters.[38] This 'political liberty', the freedom to hold office and to participate in legislation and public affairs, must be understood as a relationship between not only the individual citizen, but also the various political bodies and orders, and the power of the State.[39] This is *libertas* as an obligation, a duty more than a right, which goes beyond the autonomy of the individual will or its actual freedom from constraint.[40] *Libertas* in Cicero's republic meant not only the freedom to participate in politics but also that this participation should be for the welfare of the people and based on an agreement of law.[41] This is the exact definition of his *res publica* (*Rep*. 1.39, 1.43, 3.43–7; *Att.* 8.11.1–2).

The next issue relates to governmental systems, since, depending on one's preferred governmental type, *libertas* could mean many things. For instance, to the democrat, it

[34] R. Reichardt, *Aufklärung und historische Semantik: interdisziplinäre Beiträge zur westeuropäischen Kulturgeschichte* (Berlin, 1998), 24; Hölkeskamp (n. 15), 47. Hölkeskamp also refers to *libertas* as a linguistic code or cipher for habitualized ideas.

[35] A similar sentiment can be found in Livy (35.32.11) and Sallust (*Hist.* 1.55.4 M).

[36] Brunt (n. 15), 283 states that the term is full of self-contradictions since the idea of freedom is different for everyone.

[37] Q. Skinner, 'The idea of negative liberty: philosophical and historical perspectives', in R. Rorty, J.B. Schneewind and Q. Skinner (edd.), *Philosophy in History: Essays in the Historiography of Philosophy* (Cambridge, 1984), 193–221; Q. Skinner, 'A third concept of liberty', *Proceedings of the British Academy* 117 (2002), 237–68; Q. Skinner, *Hobbes and Republican Liberty* (Cambridge, 2008).

[38] N. Rosenstein, 'Aristocratic values', in N. Rosenstein and R. Morstein-Marx (edd.), *A Companion to the Roman Republic* (Hoboken, 2006), 365–82, at 378–80.

[39] Both Rosenstein (n. 38), 378 and Arena (n. 15) limit their scope to the citizens themselves. Cicero's notion of *populus*, however, related to its role within the various vehicles of government.

[40] Arena (n. 15), 47 described *libertas* as the 'non-subjection to the arbitrary will of another person or group', while P. Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford, 1997), 57 suggests that the degree in which interference is considered arbitrary relates to the level of public good. In other words, interference could be perceived as beneficial or undesirable depending on intent; see e.g. D. J. Kapust, *Republicanism, Rhetoric, and Roman Political Thought: Sallust, Livy, and Tacitus* (New York, 2011), 10. M.M. Sage, 'Tacitus' historical works: a survey and appraisal', *ANRW* 2 (1990), 851–1030, at 939 saw it as the 'freedom to think and speak as one wishes', to pursue one's ends; cf. Q. Skinner, 'The Republican ideal of political liberty', in G. Bock, Q. Skinner and M. Viroli (edd.), *Machiavelli and Republicanism* (Cambridge, 1990), 293–309, at 302. These descriptions miss the distinction between modern and ancient Roman conceptions of freedom. Brunt (n. 15), 305, 309–10, in his attempt to refute Schulz and others, seems at times to be more fixated on the notion of something or someone being free (*liber*) than on the intangible quality of freedom (*libertas*) and its political nature. Cicero's idea of *libertas*, which is what is important to this study, is directed towards the latter. As Wirszubski (n. 15), 8 correctly notes, the Romans conceived *libertas* in terms of duty and social relations.

[41] A direct parallel can be seen in Cic. *Off.* 1.85.

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might mean political equality,[42] but Cicero was not a supporter of democratic systems. The writings above, concerning the republic, demonstrate an agreement on or an acceptance of law, though this in no way implies radical equity, merely an equitable distribution of rights and duties.[43] Cicero believed that the *auctoritas* and the *dignitas* of the Senate led to social stability. It was the duty and obligation of pre-eminent individuals to direct policy and morals within society.[44] This was fine, as long as these individuals not only considered the freedom of others but also worked within the bounds of *consensus iuris* and *utilitatis communio.* It was when individuals began seeking power and control for the sake of their own *dignitas*, and began to conduct matters according to their own views and policies, that a threat to *libertas* and the Republic was perceived.[45] This tension between the ruling personalities and the Senate itself may be thought of as a separate division of freedom: *libertas senatoria.*[46] The abolition of tyranny required, in Cicero's beliefs, the appreciation of senatorial authority, and thus the terms *libertas populi Romani* and *auctoritas senatus* are frequently combined in the *Philippics.*[47] In order to free the Republic, and therefore re-establish the *libertas populi Romani*, more was needed than the removal of another's *dominatio.*[48] Drastic reformation of institutions could not save it either. What was needed was a complete reappraisal of how the individual interacted in the areas of government, morality and civic responsibility.[49] This obligation to the State should therefore be an essential element when assessing the behaviours of those who declared that they were attempting to liberate.

It stands to reason, therefore, that if *res publica* and *libertas* were intrinsically linked, and that if there could be no *res publica* in a tyranny (*Rep.* 3.43), then *libertas* could not be achieved until the tyranny was removed. Therefore, as long as a state of tyranny existed, including following the death of Caesar as Cicero stated on numerous occasions, there could be no *libertas* as the *res publica* was not free. Of course, one could argue that the conspirators had liberated Rome from Caesar, but this is not at the heart of Cicero's fundamental goals. There could be no *res publica* and no *libertas*, while individuals were not able to participate freely in State business, whilst Caesar's *acta* remained in force,[50]

[42] Zetzel (n. 18), 127.

[43] Zetzel (n. 18), 129.

[44] W.W. How, 'Cicero's ideal in his *De republica*', *JRS* 20 (1930), 24–42; Wood (n. 26), 90–142; T.N. Mitchell, *Cicero, the Senior Statesman* (New Haven, 1991), 9–62. Brunt (n. 15), 283 describes the deference to a superior authority within the notion of *libertas* as perverse.

[45] Arena (n. 15) looks at appeals to *libertas* in speeches and she identifies three principal cases in which it is used: i) opposing extraordinary commands; ii) supporting the *senatus consultum ultimum*; iii) opposing land reforms. As can be seen, all of these relate to the individuals or groups seeking control or power either outside the bounds of law or precedence, or over other sectors of politics, or infringing on others' *libertas*; cf. Bleicken (n. 15), 38; Wirszubski (n. 15), 80.

[46] J. Connolly, *The State of Speech: Rhetoric and Political Thought in Ancient Rome* (Princeton, 2007), 63–5 sees the *libertas* of the people in direct conflict with the *auctoritas* of the Senate, but, as mentioned above, it would seem that the key was not placing one's own individual liberty over that of the community (Kapust [n. 40], 12).

[47] C. Monteleone (ed.), *La "Terza Filippica" di Cicerone: retorica e regolamento del Senato, legalità e rapporti di forza* (Fasano, 2003), 67; Manuwald (n. 10), 97, 306.

[48] Wirszubski (n. 15), 5 provides the example from Tacitus of the Armenian removal of their king resulting in the absence of a ruler for a while but without the enjoyment of freedom (*Ann.* 2.4.3). Removal of autocratic rule in itself could initially create anarchy, and eventually, as was the case in Armenia and following Caesar's death, result in the replacement of the autocrat with another.

[49] Zetzel (n. 18), 29.

[50] While Cicero objected chiefly to the additional measures that Antonius attempted to push through as part of Caesar's *acta*, the Senate's ratification of the *acta* was never to Cicero's liking. In the *First Philippic* he states that he did not approve of the *acta* themselves, but supported them

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and as long as decisions were being made that were counter to the benefit of all (*utilitatis communio*) and counter to the agreement of law (*consensus iuris*). However, this did not mean that it could not happen, and it is clear that Cicero felt passionately about the possibility of 'restoring the Republic'.

The Republic was never really dead for Cicero,[51] but could be re-established by a restoration of morality and traditional political values.[52] Crises in the system were largely the fault of degenerate leaders. In the current situation, the wickedness of Caesar had been replaced by that of Antonius. Doubts about the moral character of Antonius were nothing new to Cicero,[53] as the former had shown disregard for law and sought personal gain rather than community benefit.[54] On these grounds he was a tyrant and thus an obstruction to the return to the Republic.[55] Despite polite fictions to the contrary,[56] the relationship between Cicero and Antonius had not been overly cordial.[57] It is no coincidence that Cicero was writing the *De officiis* at a time when he saw that the turmoil in the State was directly related to the dereliction of one's duty to the State that occurred when people of power sought personal advantage.[58]

Since the failure was not in the system but was due to people, the restoration of the Republic could also be brought about through individuals.[59] First, one had to place justice before personal glory, reaffirm Roman civil values and align personal interests with the interest of the community.[60] For Cicero, this was his *optimus ciuis*,[61] and he

in order to bring about 'peace and tranquillity' (*Phil.* 1.16). Other references to this goal of peace being the primary reason for his support include *Att.* 16.16b.2, 16.16c.3; *Phil.* 1.23, 2.100.

[51] For references to an unrestored Republic in the correspondence following Caesar's death, see *Att.* 14.4, 14.9.2, 14.3.6, 14.20.3; *Fam.* 12.1.

[52] Zetzel (n. 18), 91–7; H. van der Blom, *'Officium* and *res publica*: Cicero's political role after the Ides of March', *C&M* 54 (2003), 287–319, at 289.

[53] An early example of his moral degeneration was his infamous affair with the actress Cytheris: *Att.* 10.10.5, 10.16.5 (both from May 49), 15.22. The most aggressive of Cicero's invectives against Antonius on moral grounds appears in the *Philippics*, and the *Second Philippic*, despite never being delivered publicly, contains many of his thoughts on Antonius as an immoral character (e.g. 2.1–2, 2.6–10, 2.58).

[54] Examples of acts seen by Cicero as unlawful or contravening existing law include the use of Caesar's notebooks as part of his *acta*, the proconsular and provincial rearrangement, and the appointment of Antonius' brother to the land commission.

[55] Direct references to Antonius as a tyrant include *Att.* 14.14.4, 14.21.3, 15.21.1; *Fam.* 11.5.3, 12.3.2; *Ad Brut.* 1.4a.3.

[56] One overt example of this polite expression of *amicitia* is to Tiro in May 44: *ego tamen Antoni inueteratam sine ulla offensione amicitiam retinere sane uolo scribamque ad eum, sed non ante quam te uidero*, 'however, I truly want to keep up my friendship with Antonius, which has lasted a long time without a quarrel, and I shall write to him, but not before I shall see you' (*Fam.* 16.23.2); cf. J. Hall, *Politeness and Politics in Cicero's Letters* (Oxford, 2009), 87–99.

[57] On the relationship between Antonius and Cicero, see E.G. Huzar, *Mark Antony. A Biography* (Minneapolis, 1978), 20, 26, 37, 55–6; van der Blom (n. 52), 295–9; Hall (n. 56), 87–99.

[58] Long (n. 27); M.T. Griffin, 'When is thought political?', *Aperion* 29 (1996), 269–82, at 278–80; van der Blom (n. 52), 303; M. Schofield, 'Republican virtues', in R.K. Balot (ed.), *A Companion to Greek and Roman Political Thought* (Chichester, 2009), 199–213, at 207–10.

[59] Notwithstanding that Cicero essentially agreed with Greek political theory in assigning monarchy as the best of the simple forms of government, as long as it was ruled by the wisest and most just, see Brunt (n. 15), 506–7. I cannot agree that this necessarily means that he accepted the notion of 'single rule'; cf. J.P. Zarecki, 'Cicero's ideal statesman in theory and practice' (Diss., University of Gainesville, Florida, 2005), especially 30–5.

[60] Zarecki (n. 59), 35 n. 47 sums up the *De officiis* referring to these principles.

[61] Recent works that provide succinct summaries of Cicero's ideal statesman are van der Blom (n. 52), 310–14; Zarecki (n. 59), 35–47; Zarecki (n. 10). Other works include P. Krarup, *Rector rei publicae: bidrag til fortolkningen af Ciceros De re publica* (Copenhagen, 1956), 121–55; Brunt (n. 15), 507–8; J.G.F. Powell, 'The *rector rei publicae* of Cicero's *De re publica*', *SCI* 13 (1994),

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used many words to denote this ideal statesman: *rector (rei publicae)*, *consilii publici auctor*, *gubernator*, *conseruator*, *tutor* and *procurator*.

These statesmen were not necessarily elected officials; in fact, they needed no constitutional position. They were *ciues* who guided and protected the State and fellow citizens because of their exemplary personal qualities (*Rep.* 2.46, 2.51; *Tusc.* 4.51). They were committed to a life of virtue and duty to the State (*Rep.* 1.8, 6.16),[62] which inspired others to imitate them (*Rep.* 1.52, 2.69; *Leg.* 3.30, 3.32; *Att.* 8.11.1). For them, the continuation of the State and the safety and happiness of its people were paramount (*Rep.* 1.52–3, 5.8 = *Att.* 8.11.1; *Leg.* 3.8).

They were familiar with justice and the law (*Rep.* 2.2; 5.5; *Leg.* 1.57), and were studied and practised in the functions of the State (*Rep.* 1.33, 1.35, 3.5; *Leg.* 1.58–62). Praised above many things was their *prudentia*,[63] which gave them the foresight by which they could recognize, anticipate and control circumstances, allowing them to steer through political upheavals (*Rep.* 1.45, 2.45, 2.67, 6.1; *Off.* 1.72). A special honour was given to them in the heavens, from where they came and to where they would return (*Rep.* 6.13). It has been suggested that the 'Dream of Scipio' from Cicero's *Republic*, with its celestial analogy, represents the true extent of the role this statesman played in the ideal political order (*Rep.* 6.17).[64] The *rector rei publicae* is like the sun who is the ruler (*dux*), leader (*princeps*) and guide (*moderator*) to all the other lights. So, if Cicero believed that the Republic could be restored through the abolition of tyranny and the moral exemplar of a *rector rei publicae*, then, given the current state of politics in Rome, this must start with a *liberator*.

Words such as *liberare*, *libertas* and, of course, *liberator*, all derive from *liber*, which at its essence means 'free' in so far as not subject to something or someone else, i.e. the state of not being a slave.[65] Despite objections by some scholars,[66] a link to the Greek ἐλευθερία is plausible. What this meant to the individual seems clear, but in reference to 'free States' the picture is more complex. One possibility is that the 'freedom' of the community related more to the citizens within this organization rather than to the individuals themselves.[67] This would seem to match Cicero's

19–23; J.-L. Ferrary, 'The statesman and the law in the political philosophy of Cicero', in A. Laks and M. Schofield (edd.), *Justice and Generosity: Studies in Hellenistic Social and Political Philosophy: Proceedings of the Sixth Symposium Hellenisticum* (Cambridge, 1995), 48–73, at 51–3.

[62] Skinner (n. 40), 304.

[63] Akin to φρόνησις: Aristotle's highest intellectual virtue (*Eth. Nic.* 1140a24–b12).

[64] Zetzel (n. 18), 237–8; J.W. Atkins, *Cicero on Politics and the Limits of Reason: The Republic and Laws* (Cambridge, 2013), 66–9.

[65] *OLD* s.v. *liber*; *TLL* 7.2.1280.13–1289.17. For etymologies of Latin *liber* and Greek ἐλευθερία, see J. Pokorny, *Indogermanisches etymologisches Wörterbuch* (Bern, 1959), 684–5; H. Frisk, *Griechisches etymologisches Wörterbuch* (Heidelberg, 1960), 490–1; P. Chantraine, *Dictionnaire etymologique de la langue grecque: histoire des mots* (Paris, 1968), 336–7; R.S.P. Beekes and L.V. Beek (edd.), *Etymological Dictionary of Greek* (Leiden, 2010). *Liber* seems to derive from the Venetic **(e)leudheros*, with its Indo-European root **leudh-* relating to 'a breed' or 'a growth group', though, as Brunt (n. 15), 284 notes, this is a frequent but not universally accepted view. H.F. Pitkin, 'Are freedom and liberty twins?', *Political Theory* 16 (1988), 523–52, at 529–31 provides a summary of the various etymological theories.

[66] See e.g. M. Pohlenz, *Freedom in Greek Life and Thought: The History of an Ideal* (Dordrecht, 1966), 181 n. 4; A. Ernout and A. Meillet (edd.), *Dictionnaire étymologique de la langue latine: histoire des mots* (Paris, 2001), 355.

[67] Wirszubski (n. 15), 7–8; K. Raaflaub, 'Zum Freiheitsbegriffe der Griechen: Materialen und Untersuchungen zur Bedeutungsentwicklung von ἐλεύθεροϛ/ἐλευθερία in der archaischen und klassischen Zeit', in E.C. Welskopf (ed.), *Soziale Typenbegriffe im alten Griechenland und ihr Fortleben in den Sprachen der Welt* (Berlin, 1981), 180–405, at 186–8, 191–2; K.A. Raaflaub,

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established notion of political *libertas*, evident in his identification of the *dominus populi* with the Greek *tyrannus* (*Rep.* 2.47).[68] A tyrant, and therefore a political state of tyranny, perceived or in actuality, acted as the master over the people, placing the community necessarily in a state of servitude. This is evident in Cicero's depiction first of Caesar (*Att.* 11.20.1) and then of Antonius (*Att.* 14.14.4) as behaving as masters over their slaves.[69]

It is now possible to look directly at the Latin word *liberator*. The word means 'one who sets free', 'a deliverer', 'a releaser'. The *TLL* note three main uses, with the second usage, 'from servitude/tyranny, the attack of enemies, and similar things', being pertinent to this study. The *OLD* splits this usage into two categories: 'in war' and 'politically'.[70] What is immediately striking is the lack of use before Cicero, as well as its sparse use even after Cicero.[71] Before Cicero there is only one extant example from the literary tradition,[72] provided by Plautus in his *Persa*, where, in a particularly vitriolic exchange, the character Dordalus refers to Toxilus as a *scortorum liberator*, 'a freer of prostitutes' (*Persa* 419). *Liberator* in Cicero is solely for political purposes, predominantly for those men who assassinated Caesar.[73] This is a very narrow usage, and could indicate an adoption of a colloquial word for this particular purpose, thus accounting for its use in comedy and infrequency in literary Latin.[74]

It appears, however, that Cicero was not the first to use *liberator* in a political sense, as there is a contemporary example which may have contributed to Cicero adopting this word for the conspirators. Dio Cassius mentions that following the Battle of Munda in 45 B.C. the Senate awarded Caesar the title *liberator* (Dio Cass. 43.44.1).[75] Weinstock comments that no man or god before had received this title: Jupiter had the title *Liber* or *Libertas* but not *Liberator*.[76] This honorary title given to Caesar for deliverance from the horrors of civil war, awarded by the Senate, provides a socio-political use which may have influenced Cicero.[77] Further still, Dio states that in 45 B.C. Caesar was honoured

'Democracy, oligarchy, and the concept of the "free citizen" in late fifth-century Athens', *Political Theory* 11 (1983), 517–44, at 521; K.A. Raaflaub and M. Mignucci, *Die Entdeckung der Freiheit: zur historischen Semantik und Gesellschaftsgeschichte eines politischen Grundbegriffes der Griechen* (München, 1985), 29–70, 160–88.

[68] *hic est enim dominus populi, quem Graeci tyrannum uocant* (*Rep.* 2.47).

[69] An interesting example comes from Cicero's letter to Decimus Brutus in December 44, when he shifts the position of *dominus* from Caesar onto 'the slave' Antonius: *dominum ferre non potuimus, conseruo seruimus* (*Fam.* 12.3.2).

[70] *OLD* s.v. *liberator*; *TLL* 7.2.1300.43–1301.22.

[71] S. Weinstock, *Divus Julius* (Oxford, 1971), 142–4 notes the rarity of this term in Latin literature, though he downplays Livy's uses.

[72] The *EDCS* list forty-six examples of *liberator* being used in inscriptions; none dates from before Cicero, with the majority from the period after the reign of Diocletian.

[73] One reference to *liberatores* is also used following the Battle of Forum Gallorum, when Cicero uses it to describe Hirtius, Pansa and Octavian (*Phil.* 14.12).

[74] However, one use before Cicero in Plautus does not constitute proof of regular use in comedy.

[75] Dio used the Greek term ἐλευθερωτής, but it can be assumed that the Roman Senate actually used the Latin term *Liberator*. It is true that others were said to have freed Rome, for example Cato's statements about Pompey the Great to his son Cn. Pompeius (*BAfr.* 22.2), but this study relates to the use of the word *liberator* specifically.

[76] Weinstock (n. 71), 142–3.

[77] K. Raaflaub, 'Caesar the liberator? Faction politics, civil war and ideology', in F. Cairns and E. Fantham (edd.), *Caesar Against Liberty? Perspectives on His Autocracy* (Cambridge, 2003), 35–67, at 36–7 has argued that Caesar had used *libertas* in his sloganizing in 49, but the honours he received here were different. He states that Caesar did not emphasize *libertas* in his propaganda except for a short time before and after the Civil War. The title *liberator* is unusual and, if it had never been given before, one can hypothesize overzealous advocates pushing for this title. The

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with a statue amongst those of the kings of Rome, and that it was installed next to the statue of L. Iunius Brutus, the traditional founder of the republic (Dio Cass. 43.45.3–4; Plut. *Brut.* 1.1).[78] The significance of the placement of this statue is enhanced if L. Iunius Brutus was also known as the *Liberator*, as Livy may have preserved in his writings. In reference to Brutus or his descendants there are four uses of *liberator*, either as *liberator urbis* (1.56, 1.60) or as *liberator patriae* (2.7, 4.15).[79] There is a possibility that Livy has actually preserved a known title of Brutus, and one which would predate our extant reference. If this is so, then the placement of Caesar's statue, as well as the epithet *Liberator*, may have been influential for Cicero in choosing the term *liberatores* for the assassins of Caesar. In doing so, he could diminish the honours of Caesar by transferring this honour to those men who had assassinated him.

Cicero's use of the term *liberator* for Cassius and/or Brutus is limited to seven references in the *Philippics* and only one credible appearance in the correspondence to Atticus (*Att.* 14.12.2). It is not present in either the *De republica* or the *De officiis*, which may suggest that it did not belong to Cicero's initial rhetoric concerning the ideal Roman statesman. Similarly, the terms that define the ideal statesman are infrequent in the depictions of Cassius and Brutus.[80] Nor does Cicero use or even give reference to the title that the conspirators had given themselves: *libertatis auctores*.[81] The absence of this phrase seems to be a deliberate choice, though the reason for this will remain unknown. The possibility remains that *liberator* could merely be a contracted form, though there is no reference to this phrase by which this connection could be made. It remains to seek other possible reasons for Cicero's preference for *liberator*, which may also explain its predominance in the *Philippics*.

The *Philippics* not only represent Cicero's invective against M. Antonius but also offer a justification for and a defence of the extraordinary and often extra-constitutional events that were needed to counter Antonius' growing power and control over the political situation in Rome. As such, as an affected form of communication, these speeches are representative of how Cicero wanted others to see not only the affairs as they unfolded but also how he wanted men like Cassius and Brutus to appear: not as

propaganda for Caesar to be seen as a 'deliverer' from the horror of civil war is just as important as Cicero's need to use it to justify the assassination.

[78] Dio also uses this as the principal reason for M. Brutus devising the plot against Caesar (Dio Cass. 43.45.4). Ironically this statue to Caesar was mentioned in Cicero's defence of King Deiotarus, where he argues that the statue cannot be used to prove that Caesar was a tyrant (*Deiot.* 33–4).

[79] In addition to this, P. Horatius receives this title (1.26), as does P. Valerius Publicola (3.61). See also Livy 7.32 and 24.25.

[80] For instance, there is only one reference to the conspirators as *conseruatores* in the *Philippics* (2.31). Interesting though is Cicero's use of a shipwreck analogy to describe the condition of Cassius' and Brutus' plans following the Ides, which could definitely be linked to terms for the ideal statesman, such as *gubernator* (*Att.* 15.11.3).

[81] This self-appointed title/slogan is preserved in the letter from Matius to Cicero dated to September or October 44, in which he indicated that the assassins were calling themselves the 'authors of liberty', *ut quidem isti dicitant 'libertatis auctores'* (*Fam.* 11.28.3). This also appears in two later sources: i) Suetonius refers to C. Albucius Silus, who narrowly escaped punishment for calling M. Brutus, while gesturing to his statue, *legum ac libertatis auctorem et uindicem* (Suet. *Gram. et rhet.* 30.6.6); and ii) pseudo-Quintilian's *Declamationes Minores* indicates that the conspirators were promoting themselves as tyrannicides and linking this to the defence of the Republic and the creation of liberty: *perdidimus tyrannicidam et uindicem rei publicae et libertatis auctorem* (329.16.2). The similarities in these passages seem to support a deliberate choice by Cicero to use *liberator* over *libertatis auctor*. Other references to the phrase *libertatis auctor* can be found in Livy (24.14.8, 30.45.6, 39.25.11) and Tacitus (*Hist.* 4.17.3).

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assassins but as liberators in service of their country. So why not use *libertatis auctores* if this was the term used by the conspirators in the months following the assassination? It is possible that he may have called them this if political liberty had been restored, but since there was no freedom, a declaration of *libertas* would have seemed premature. At best, they were tyrannicides, at worst, murderers of a patron.[82] Therefore, Cicero may have sought a term which connected them to the 'liberation' from the tyrannical rule of Caesar, but without the acceptance of *libertas*.

If this is correct, the term *liberator* becomes an abstract depiction which fixed the conspirators in the purity of their act of assassinating Caesar. Their goal was liberation, and this was arguably achieved. By using *liberator*, Cicero may have also been attempting to neutralize some of Caesar's legacy and transfer the title from Caesar to the conspirators.[83] The plausibility of this increases if Livy has indeed preserved correctly this title for L. Iunius Brutus, as this would again recall the exiling of the kings from Rome. This 'rebranding' of *liberator* also seems evident from its use in the *Philippics*. Cicero's first use succinctly sets up the parameters of its meaning (*Phil.* 1.6):

… patriae liberatores urbe carebant ea, cuius a ceruicibus iugum seruile deiecerant …

… the liberators of their homeland were exiles from this city, from whose neck they had shed the yoke of servitude …

There was one difficulty which was inherent in Cicero's defence of the conspirators. A persona had to be formulated for individuals who were no longer at hand or politically active. Slanders from detractors and the image of fugitives on the run because of their heinous deeds were difficult to counteract. Therefore, references to the liberators predominately mention directly, or at least allude to, their absence from Rome as being unjustified or against their will. In doing so, he redirects any accusation from a sign of guilt to a declaration of injustice. The focus on absence delays the use of the term *liberator* until following the departure of Cassius and Brutus from Rome, and this perhaps further indicates a contrived depiction and not a contracted form of the self-entitled *libertatis auctores* of the conspirators.

In addition to a reference to their absence, the term *liberator* is always linked directly to their very act of liberation, the assassination of Caesar (*Phil.* 2.89). In the above example he defines their role in the traditional terms of the slave and master relationship, describing it as the removal of the yoke of servitude.[84] The comparison to the freeing of the Roman people from the tyranny of Caesar is undeniable and draws on significant connections to *libertas* as charted above.

However, it should also be noted that Cicero uses the term *patriae liberatores*, the plural version of the same phrase which Livy would use for L. Brutus. Is this further evidence that Cicero was reclaiming this term for the conspirators and, if so, particularly

[82] Thus Dante places them in the personal company of Satan along with Judas Iscariot (*Inf.* 34).

[83] Weinstock (n. 71), 143 correctly notes that Cicero worked hard to transfer this term to Brutus and Cassius.

[84] The Romans frequently used this as a metaphor for submission in a military context (e.g. Cic. *Off.* 3.30.109; Caes. *BGall.* 1.7, 1.12; Quint. *Inst.* 3.8.3; Livy 1.26.13, 2.34.9, 3.23.5, 3.28.10, 3.67.5) and even in a marital or intimate context (Plaut. *Curc.* 50; Hor. *Carm.* 2.5.1, 3.9.18); cf. *coniunx*. Its use as a metaphor for being subject to slavery goes back to Greek models (e.g. Hdt. 7.8γ; Aesch. *Ag.* 953; *Sept.* 75; Soph. *Aj.* 944; *Ant.* 291; Xen. *Cyr.* 3.1.27).

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for the namesake M. Brutus?[85] The next example, despite being less explicit in its description of the act of liberation, may contain further evidence that a connection to L. Brutus is a plausible interpretation of Cicero's intention (*Phil.* 2.114):

quodsi se ipsos illi nostri liberatores e conspectu nostro abstulerunt, at exemplum facti reliquerunt. illi, quod nemo fecerat, fecerunt. Tarquinium Brutus bello est persecutus, qui tum rex fuit, cum esse Romae regem licebat; Sp. Cassius, Sp. Maelius, M. Manlius propter suspicionem regni appetendi sunt necati; hi primum cum gladiis non in regnum appetentem, sed in regnantem impetum fecerunt.

But although those liberators of ours have withdrawn themselves from sight, they have left an example of their action. They have done what no one had done. Brutus waged war against Tarquinius, who was then king when to be a king was allowed in Rome; Sp. Cassius, Sp. Maelius, M. Manlius were killed because of the suspicion that they were aiming towards kingship; these men [conspirators] were the first to make an attack with swords on one ruling as a king, not 'aiming' at kingship.

The magnitude of their deed is put into historical perspective through what follows. Cicero's use of the forms of *facere* moves the focus from the action of the conspirators, seen in the polyptoton of *exemplum facti* and perfect indicative *fecerunt*, to the more remote past with the pluperfect (*fecerat*). The deed of the conspirators surpasses all others, because the sanctioned political slayings were either preventative, aiming at those who sought to be kings (Sp. Cassius, Sp. Maelius, M. Manlius), or from a time when kings were permissible in Rome. Three things surface from this: i) there is no doubting Cicero's position that Caesar was an autocrat; ii) an immediate connection is made with L. Iunius Brutus; and iii) the focus is solely on the act of removing the autocrat and not on the liberation of the State. There are clear connections here to the ideology of Republican liberty and the freedom from the arbitrary will of a single ruler.

Although Lucius did not kill Tarquinius, he did secure his exile which ended his autocratic rule in Rome. Working off the conjecture again that Lucius was given the title *Liberator*, and knowing that his statue stood on the Capitol among those of the kings of Rome, near to which the statue of Caesar was later placed, the connection between Lucius' action and the action of the conspirators raises the possibility that Cicero was rebranding *liberator* away from Caesar and towards the conspirators. Not only did they both dispose of 'kings', one legal and one unlawful, but there are obvious links between Marcus and his supposed illustrious ancestor.[86] The possibility must be considered that this reference was an attempt to rewrite the unjust positioning, and accompanying appellation, of Caesar's depiction within a statue collection which celebrated the move from monarchy to the Republic. Caesar had not liberated Rome from civil war; the conspirators depicted as in exile, even despite the amnesty contained within the compromise with Antonius, proved this. In the case of the conspirators, even though their contribution to political freedom may have been fleeting, they had liberated Rome from this false liberator and autocrat, and thus they were *liberatores.*

[85] For the importance of using family *exempla* to exert political force, particularly in regard to Lucius Brutus and Marcus Brutus, including references to sources and previous scholarship, see H. van der Blom, *Cicero's Role Models: The Political Strategy of a Newcomer* (Oxford, 2010), 97–8.

[86] However, even in ancient times there were doubts over whether M. Iunius Brutus was related to the legendary figure and founder of the Republic (Plut. *Brut.* 1.6).

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One absence that Cicero needed to defend was Brutus' absence from the Apollinarian Games.[87] As urban praetor, Brutus was responsible for their organization and his attendance was expected. Fortunately the Games were a success and Cicero uses the praise received as a testimony of the affection toward Brutus as the liberator *in absentia* in order to counter the attacks from Antonius (*Phil.* 1.36). In another example, Cicero draws a powerful contrast between the physical absence of the *liberator* and the lasting presence of a memory of *libertas* that sums up his intentions of linking the absent Cassius and Brutus to the ideal and hope of freedom from tyranny, which was contained in the physical act of assassination (*Phil.* 10.8):

corpus aberat liberatoris, libertatis memoria aderat

The body of the liberator was absent, but the memory of liberty was present.

The emphatic nature contained in this concise statement, complete with the inverted parallelism of the chiasmic phrasing, is undeniable. The deliberate parallelism explicitly connects *liberator* to *libertas*. This creates a strong link between the two components of the statement, which mirrors all the previous links of the term *liberator* with both the absence of the conspirators and the glory of the deed of assassination.

One final example appears within Cicero's attempts to counteract the slanderous terminology used against the liberators, such as assassins, murderers and parricides.[88] His use of a reversal argument is masterful (*Phil.* 2.31):

ego, qui sum illorum, ut ipse fateor, familiaris, ut a te arguor, socius, nego quicquam esse medium; confiteor eos, nisi liberatores populi Romani conseruatoresque rei publicae sint, plus quam sicarios, plus quam homicidas, plus etiam quam parricidas esse, si quidem est atrocius patriae parentem quam suum occidere.

I, who am, as I myself confess, the friend and, as you argue, the ally of those men, deny there is a middle course; I confess that, if they are not the liberators of the Roman people and the preservers of the State, they are worse than assassins, worse than murderers, even worse than parricides, if indeed it is more heinous to kill the father of the country than one's own.

The reference to *socius* relates to Antonius' accusation that Cicero himself was an accomplice to the assassination (*Phil.* 2.30). Cicero seems to be setting up a false dichotomy in an attempt to reduce the anti-conspirator invective to a *reductio ad absurdum*. After a series of proofs based on the extraordinary allowances which Antonius himself has bestowed upon them,[89] Cicero concludes (*Phil.* 2.31):

non igitur homicidas. sequitur, ut liberatores tuo iudicio, quando quidem tertium nihil potest esse.

Therefore, [they are] not murderers. It follows then, in accordance with your judgement, that they are liberators, since indeed there can be no third term [middle ground].

[87] For a comprehensive study of the political wrangling surrounding the Apollinarian Games of Brutus in 44 B.C., see G.S. Sumi, *Ceremony and Power: Performing Politics in Rome between Republic and Empire* (Ann Arbor, 2005), 142–8.

[88] Clear examples of Cicero engaging with these terms to counter the slander include *Phil.* 1.35, 2.31, 13.22.

[89] These included: i) the respect he addresses them with; ii) Brutus' exemption from the law which permitted the absence of the urban praetor for no more than ten days; iii) praise and rejoicing at the Apollinarian Games; iv) provincial appointments; v) increase in number of quaestors and legates appointed to them.

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The reference to *liberatores* here seems somewhat of an anomaly as it forms part of Cicero's dichotomy and refutation of slander. However, examining Cicero's premise for this argument reveals a turn of phrase which bears a striking similarity to the examples already discussed (*Phil.* 2.30):

numquamne intelleges statuendum tibi esse utrum illi, qui istam rem gesserunt, homicidaene sint an uindices libertatis?

Will you never understand that you must decide whether those men, who carried out that deed, are murderers or defenders of liberty?

In this plea to Antonius the connection to the deed of assassination is again mentioned (*istam rem gesserunt*), and its generic phrasing seems to suspend this action in neutrality awaiting the outcome of the examination of the dichotomy. The choice is between *homicidae* and *uindices libertatis.*[90] It should be noted that when this comparison reappears the term *homicidae* remains constant, while *uindices libertatis* of 2.30 changes to *liberatores* in 2.31. In the earlier passages the conspirators are characterized as 'defenders of liberty' but still not the *auctores*, as they are in their own self-styled description. It is worth noting that both Suetonius and Quintilian in using the expression *libertatis auctores* combine it with the term *uindex* as part of the political sloganizing.[91] Cicero's choice not to use *auctores* seems deliberate. Was Cicero commenting on their contribution to *libertas*? They were certainly liberators in the sense that they removed Caesar, and in this regard they could be seen as the defenders of this liberty. However, since political freedom had not been obtained, and the freedom from tyranny itself was incredibly short-lived, he may not, in good conscience, have been able to use the term *auctores* since no liberty had been created.[92]

The only certainly genuine letter that contains the term *liberatores* comes from a letter to Atticus dated to 22 April 44.[93] This date places it some four months before the *Philippics*, making it the first appearance of the word in Cicero. Contextually the letter refers to the news of Octavian's journey to Rome and the threats from his entourage.[94] Despite the contextual and chronological difference, the formula remains the same (*Att.* 14.12.2):

[90] This is the first–attested use of *homicida* (*TLL* 6.3.2866.14–16).

[91] Suetonius describes them as defenders of liberty (*legum ac libertatis auctorem et uindicem*, *Gram. et rhet.* 30.6.6), and pseudo-Quintilian has them as defenders of the Republic: *perdidimus tyrannicidam et uindicem rei publicae et libertatis auctorem* (*Decl. Min.* 329.16.2).

[92] Of course, this does not discount the idea of an abbreviation of the slogan to a more manageable and single-word catchphrase *liberatores.* Another possibility is that *auctor* was actually being used more as 'a supporter' than 'a creator' (*OLD* s.v. 5; *TLL* 2.1196.44, 2.1198.38). If this is so, the omission of *auctor* becomes considerably less critical.

[93] A possibly spurious letter from Brutus to Cicero also contains the term *liberatores* within a criticism of Cicero's support of Octavian (*Ad Brut.* 1.16.2). In it the liberator of the country (*liberator patriae*) or of the city (*liberator urbis*) has been expanded into the hyperbolic *liberator orbis terrarum*. If genuine, this may be quoting and deriding Cicero's rhetoric, a reminder to Cicero that he needed to be consistent in both words and deeds. If this is correct, it would suggest that *liberator* was part of Cicero's rhetoric and not Brutus'. Alternatively, the hyperbole could indicate Brutus' hubris and an unflattering belief in his own self-importance. However, the doubtful nature of this letter makes it wise not to draw conclusions about Cicero's or Brutus' rhetoric from it. For the doubtful authenticity of *Ad Brut.* 1.16 and 1.17, see D.R. Shackleton Bailey (ed.), *Cicero: Epistulae ad Quintum fratrem et M. Brutum* (Cambridge, 1980), 10–15; cf. E. Rawson, 'D.R. Shackleton Bailey: *Cicero: Select Letters*', *CR* 31 (1981), 119–20.

[94] Cicero famously makes the reference here that on account of his interfering associates he cannot be a good citizen (*quem nego posse <esse> bonum ciuem*).

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quid censes cum Romam puer uenerit, ubi nostri liberatores tuti esse non possunt? <qui> quidem semper erunt clari, conscientia uero facti sui etiam beati; sed nos, nisi me fallit, iacebimus.

What do you think [they will do] when the boy will come to Rome, where our liberators cannot be safe? They will certainly always be renowned and truly blessed also in the consciousness of their deed; but we, unless I am mistaken, will lie in ruins.

Just like in the *Philippics*, the conspirators are absent, but their deed lives on. The act of assassination again remains generic (*factum suum*), though it is worthy of praise and remembrance. The phrase *conscientia uero facti sui* is similar to *memores libertatis*, which appears in the *Tenth Philippic* (*Phil.* 10.8).[95] However, this letter is unique in exploring Cicero's perspective of Rome post-assassination.

As was mentioned previously, the use of *liberator* seems to isolate the conspirators in the purity of their intention to assassinate Caesar. This passage, however, extends past that point and looks to the actual situation in Rome, and in Cicero's perception this is one of ruin. The absence of this pessimistic opinion from the *Philippics* is expected, given the image of heroic liberation Cicero needed in that context to counter Antonius. However, to Atticus he is usually more candid. The opening sets up the premise of this letter (*Att.* 14.12.1):

o mi Attice, uereor ne nobis Idus Martiae nihil dederint praeter laetitiam et odi poenam ac doloris. quae mihi istim adferuntur! quae hic uideo! ὦ πράξεως καλῆς μέν, ἀτελοῦς δέ.

O my Atticus, I fear that the Ides of March has given us nothing except gladness and satisfaction of our hatred and pain.[96] What things are reported to me from where you are [Rome]! What things I see here! 'Oh what a fine doing, but incomplete.'

Out of the twenty-one letters where Atticus is addressed by the vocative, this is the only time the interjection *o* is used to give the impression of emotion.[97] The Greek phrase, not found in extant Greek literature,[98] seems to summarize Cicero's opinion of the situation expressed in his opening remarks. The liberation of Rome was unfinished.[99]

What the evidence in the *Philippics* and in this letter suggests is that the term *liberator* related to that ephemeral freedom from the rule of Caesar. It had few

[95] Note also that Velleius Paterculus uses the same expression when referring to Cassius' and Brutus' pretext for not wanting to start a civil war, namely that there was ample honour in the consciousness of their act, *plurimum sibi honoris esse in conscientia facti sui* (2.62.3).

[96] I am following D.R. Shackleton Bailey (ed.), *Cicero's Letters to Atticus* (Cambridge, 1967), 25 and 224, W.W. How (ed.), *Cicero: Select Letters* (Oxford, 1926), 484, and R.Y. Tyrrell and L.C. Purser (edd.), *The Correspondence of M. Tullius Cicero* (Dublin, 1915), 269 here in translating *poena* as satisfaction for an injury (*OLD* s.v. 2; *TLL* 10.1.2497.61).

[97] B.L. Gildersleeve and G. Lodge, *Gildersleeve's Latin Grammar* (Boston, 1895), 141 §201; C.E. Bennett, *A Latin Grammar* (Boston, 1895), 108 §145; J.H. Allen, J.B. Greenough, G.L. Kittredge, A.A. Howard and B.L. D'Ooge (edd.), *Allen and Greenough's New Latin Grammar for Schools and Colleges* (Boston, 1903), 139 §225; J.B. Hoffman and A. Szantyr, *Lateinische Syntax und Stilistik* (Munich, 1965), 26 §37e.

[98] Often this is attributed to some lost play: see e.g. How (n. 96), 484; Shackleton Bailey (n. 96), 224. Tyrrell and Purser (n. 96), 269, on the other hand, doubt this attribution to some lost tragedy, thinking it more likely to be Cicero's view of the situation put into Greek. It is in fact unlikely to be from a play owing to its difficult scansion. In short, however, if these are Cicero's words, then this may be a case of 'graceful distancing', which is used when wanting to soften a criticism; see J.N. Adams, *Bilingualism and the Latin Language* (Cambridge, 2003), 329–35.

[99] This does not necessarily have to do with the rumoured plan to kill Antonius on the Ides.

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connections to the higher goals of political *libertas.* This synchronizes well with Cicero's frequent motif of freedom from the tyrant but not from the tyranny. As such, the term *liberatores* seems to have had a very narrow focus and it is unlikely to have been the all-encompassing catchphrase of political liberty that modern historians seem to represent it as. This narrow definition may help to explain the apparent avoidance of the conspirators' phrase of self-address: *libertatis auctores.* For Cicero, the conspirators should be congratulated for their removal of the tyrant, but no matter how heroic that action had been, *libertas* had not been created.

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