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A DOUBLE *SERMOCINATIO* AND A RESOLVED DILEMMA IN CICERO'S *PRO PLANCIO*

In the litigious world of ancient Rome *patroni* were often torn between conflicting bonds of loyalty, and this is the dilemma that Cicero laments in the *exordium* of the *Pro Plancio* (5). Both the prosecutor, Laterensis, and the accused, Plancius, were personal friends, and Cicero bemoans the quandary: either upsetting Laterensis by comparing him unfavourably with Plancius, or letting down his client. A second problem for Cicero was that the prosecution also took the opportunity to impugn him as the creature of Pompey and Caesar, so that Cicero had to defend himself as much as his client. Two examples of *sermocinatio* (an imaginary dialogue with a personified entity)[1] helped him to face these challenges: these *sermocinationes* are Cicero's main strategy for getting out of the conundrum but, in spite of their relevance to his line of argument, they have received very little attention. In this article, after a brief historical contextualization, I analyse each *sermocinatio*, arguing that Cicero cunningly sets aside the dilemma of comparing two friends by constructing an alternative comparison between Laterensis and himself, and that such a comparison, which is highly selective, re-establishes his own positive public image. The two *sermocinationes*, moreover, also display some meaningful textual references which have remained unnoticed: in the final part of this paper I set them against the backdrop of Plato's *Crito* and of Cicero's letter to Lentulus (*Fam*. 1.9), arguing that the reference to the *Crito* supports Cicero's strategy of contrasting himself with Laterensis and that comparison with *Fam*. 1.9 illuminates the connection between the *Pro Plancio* and Cicero's broader *post reditum* self-defence.

OPTIMVS OMNIVM PATRONVS

In September 57 B.C.,[2] about a month after returning from exile, Cicero wrote to Atticus that he had regained his 'prestige in the courts, authority with the senate and influence with the *boni* beyond all hopes' (*splendorem nostrum illum forensem et in senatu auctoritatem et apud viros bonos gratiam, magis quam optaramus, consecuti sumus*, *Att*. 4.1.3). But more trouble was in store, and soon Cicero would realize that, in fact, he so lacked any influence with the *boni* that he needed the support of Pompey; and

[1] Throughout this paper I treat *sermocinatio* as the Latin equivalent of *prosopopoeia*, following Quintilian, who calls them both by the same name (*ego iam recepto more utrumque eodem modo appellavi*, *Inst*. 9.2.31–2; cf. H. Lausberg, *Handbook of Literary Rhetoric* [Amsterdam, 1997], §§820–5). In the *Rhetorica ad Herennium*, however, *sermocinatio* refers only to imaginary dialogues between present people (4.55 and 4.65–6), while personification of absent people (such as Cicero does with Appius Claudius in *Cael*. 33–4) or of mute entities (as in *Planc*.) is called *conformatio* (4.66).

[2] Throughout this paper all dates are B.C.

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Pompey would bring him closer and closer to Caesar and Crassus. After opposing Caesar more or less directly, Cicero recanted (*Att*. 4.5.1, written between April and June 56) and defended his reappointment in Gaul (*Prov. cons*. 18–47, end of June or beginning of July 56), but this was just the beginning, as the so-called *triumviri* also needed help in the courts. In 54 their demands became particularly embarrassing: in August Cicero defended Vatinius, a protégé of Caesar, whom he had previously attacked fiercely (with the *In Vatinium*, February/March 56);[3] between July and September he defended Scaurus (who was close to Pompey) adducing obligations of long-standing friendship to justify his support,[4] while at the same time (end of August, beginning of September) and with the same justification he defended Plancius (who was close to Crassus);[5] lastly, in October Pompey pressed him to defend even Gabinius, an arch-enemy, whom Cicero held responsible for his exile.[6] Friends like Lentulus asked for an explanation (*Fam*. 1.9.4), and about three years after the hopeful letter to Atticus, in an outburst of bitterness, Cicero would confess to his brother Quintus that 'I am distressed that we no longer have a commonwealth, nor justice in the courts … I have refrained from attacking some of my enemies, some others I have even defended, and I am not free to have my own opinions and hatreds' (*angor nullam esse rem publicam, nulla iudicia … inimicos a me partim non oppugnatos, partim etiam esse defensos, meum non modo animum sed ne odium quidem esse liberum*, *QFr*. 3.5.4, November 54).

Thus Cicero took up the case of Plancius right after the trials of Vatinius, when his *volte-face* had caused a sensation, which certainly weakened his public prestige and which perhaps caused Catullus to call him the 'best defender of anybody' (*optimus omnium patronus*, 49.7).[7] Plancius was tried for bribery during the campaign for curule

[3] Vatinius had been tribune of the plebs in 59, when Caesar was consul, and as tribune he proposed the law granting Caesar command over Cisalpine Gaul and Illyricum for five years (*MRR* 2.190).

[4] M. Aemilius Scaurus (*RE* 141) was a stepson of Sulla and related by marriage to Pompey. On Pompey's (and Caesar's) support of Scaurus in the 50s, see Klebs, *RE* 1.588–90 and E.S. Gruen, *The Last Generation of the Roman Republic* (Berkeley, 1974), 148–9. The *postulatio* for Scaurus took place on July 6th 54 (Asc. *Scaur*. 18.18–19.5) and the trial ended on September 2nd (Asc. *Scaur*. 18.3; *TLRR* 143–4.295 and N. Marinone, *Cronologia ciceroniana* (Bologna, 2004), 132. B8). In a letter to Atticus (4.15.9, dating to July 54), Cicero mentioned his defence of Scaurus, ironically commenting that glorious titles for his speeches were in store (*parantur orationibus indices gloriosi*).

[5] Plancius had a long-standing link with Crassus, since their fathers were both *publicani* and had shared interests. Moreover, Cassius Dio (39.32.2–3) states that in 55 (when Plancius stood for aedileship) Pompey and Crassus influenced the elections of the aediles. On the relation between the elder Plancius and the elder Crassus, see L.R. Taylor, 'Magistrates of 55 in Cicero's *Pro Plancio* and Catullus 52', *Athenaeum* 42 (1964), 12–28, at 22 n. 28. In September 54 Cicero wrote to his brother Quintus that he had completed his speeches for Scaurus and for Plancius (*QFr*. 3.1.11), but the precise date of the trials is unknown (*TLRR* 142–3.293 and Marinone [n. 4], 132.B9).

[6] The *divinatio* for this trial was held on October 12th 54 (*TLRR* 148.303). Aulus Gabinius was consul in 58 (*MRR* 2.193–4): Cicero had some right to hold him co-responsible for his exile, since on the same day Clodius proposed a law granting Cilicia (later exchanged for Syria) to Gabinius and a law sanctioning Cicero's exile (cf. *Red. sen*. 17–18; *Sest*. 24–5 and 44; *Pis*. 21). Cicero's fierce invective against Gabinius pervades his *post reditum* speeches (e.g. *Red. sen*. 10–12; *Dom*. 60; *Sest*. 18; *Prov. cons*. 9–12; *Pis*. 25); but in September 54 he wrote to his brother Quintus that 'Pompey is urging me to reconcile with Gabinius; so far he's achieved nothing, and nothing will he achieve so long as I retain a glimmer of independence' (*Pompeius a me valde contendit de reditu in gratiam, sed adhuc nihil profecit, nec, si ullam partem libertatis tenebo, proficiet*, *QFr*. 3.1.15).

[7] Throughout this article I use the OCT edited by Clark (Oxford, 1960[3]) and provide my own translations. Like many other Ciceronian orations, *Pro Plancio* is dramatically in want of a new commentary: the last commentary in English is G. Long, *M. Tulli Ciceronis Orationes, with a Commentary by G. Long*, vol. 4 (London, 1858); Halm does not include *Pro Plancio* in his *Ausgewählte Reden*, so that the most recent commentary in German is still E. Köpke, *Ciceros Rede für Cn. Plancius* (Leipzig,

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aedileship, under the *lex Licinia de sodaliciis*, and the prosecutor, Laterensis, had run in vain for the same office.[8] One problem for Cicero was that he had ties of friendship both with the defender and with the prosecutor: Plancius had welcomed him in the first difficult months of his exile, and Laterensis had provided assistance toward his recall.[9] A second problem was that Laterensis could (and did) boast of his political independence and consistent record of opposition to Caesar, in contrast with Cicero's recent enslavement (*Planc*. 91).[10] Thus Cicero complains that he had to repel personal charges, since the prosecution had focussed almost more on himself than on his client (*non solum pro Cn. Plancio dicendum est … sed etiam pro me ipso, de quo accusatores plura paene quam de re reoque dixerunt*, *Planc*. 3);[11] and so, less than a month after the end of the trials, Cicero, who of course did not circulate all the speeches he gave, published the *Pro Plancio* (*QFr*. 3.1.11).[12] This speech, which continues to receive little attention from

1873); P. Grimal, *Cicéron, Discours pour Cn. Plancius, pour M. Aemilius Scaurus* (Paris, 1976), has the Latin text with French translation and minimal notes, as does G. Bellardi, *Le orazioni di M. Tullio Cicerone*, vol. 3 (Turin, 1975), for Italian.

[8] Plancius stood for aedileship in 55, but the elections were cancelled because of violent riots (something Cicero omits to mention); then the people voted again and elected Plancius and Plotius (*Planc*. 49 and 53–4), but it is not clear whether these second elections were held in 54, as suggested by G.V. Sumner, 'The *lex annalis* under Caesar', *Phoenix* 25 (1971), 246–71, at 249 n. 12, or in 55, as the majority of scholars believe. Cf. J. Linderski, 'Three trials in 54: Sufenas, Cato, Procilius, and Cicero *Ad Atticum* 4.15.4', in *Studi in onore di Edoardo Volterra II* (Milan, 1971), 281–302, at 286 = J. Linderski, *Roman Questions I* (Stuttgart, 1995), 115–36, at 120; *MRR* 3.158; and M. Alexander, 'Locating the trial of Plancius between rules and persuasion', in B. Santalucia (ed.), *La repressione criminale nella Roma repubblicana fra norma e persuasione* (Pavia, 2009), 339–55. Other contributions on *Pro Plancio* include: W. Kroll, 'Ciceros Rede für Plancius', *RhM* n.f. 86 (1937), 127–39; E. Olechowska, *Pro Plancio et Pro Rabirio Postumo. La transmission des textes* (Warsaw, 1984); C. Venturini, 'L'orazione *pro Cn. Plancio* e *la lex Licinia de sodaliciis*', in *Studi in onore di Cesare Sanfilippo*, vol. 5 (Milan, 1984), 787–804; J. Adamietz, 'Ciceros Verfahren in den Ambitus-Prozessen gegen Murena und Plancius', *Gymnasium* 93 (1986), 102–17; J. May, *Trials of Character* (Chapel Hill, 1988), 116–26; C. Craig, 'Cicero's strategy of embarrassment in the speech for Plancius', *AJPh* 111 (1990), 75–81 and C. Craig, *Form as Argument in Cicero's Speeches: A Study on Dilemma* (Atlanta, 1993), 123–45; A. Riggsby, *Crime and Community in Ciceronian Rome* (Austin, TX, 1999), 20–49; M. Alexander, *The Case for the Prosecution in the Ciceronian Era* (Ann Arbor, 2002), 128–44; K. Lomas, 'A Volscian Mafia? Cicero and his Italian clients in the forensic speeches', in J. Powell and J. Paterson (edd.), *Cicero the Advocate* (Oxford, 2004), 96–116; H. Pinkster, '*Enim tamen* in Cicero *pro Plancio* 12', *Mnemosyne* 57 (2004), 359–60; L. Fascione, 'L'*ambitus* e la *Pro Plancio*', in Santalucia (this note), 357–82; C. Steel, 'Cicero's oratory of praise and blame', in C. Smith and R. Corvino (edd.), *Praise and Blame in Roman Republican Rhetoric* (Swansea, 2011), 42–5.

[9] In 58 Plancius was proquaestor in Macedonia and welcomed Cicero, who remained with him in Thessalonica between May and November (cf. *Att*. 3.14.2, 3.22.4; *Fam*. 14.1.3; *Red. sen*. 35; *Planc*. 74, 78 and 99). Cicero also acknowledges his friendship with Plancius' father (*Planc*. 25, 31 and 72). As for Laterensis, Cicero declares that he was indebted to him because he had supported him and his family during the exile (*Planc*. 2, 5 and 73).

[10] Cicero energetically rejects the accusation (*in eo neque te neque quemquam diutius patiar errare*, *Planc*. 91), but some contemporary letters demonstrate that Laterensis' charges were not unfounded: already in April 55 Cicero asked Atticus 'what can be more shameful than the life we – and I especially – lead?' (*nam quid foedius nostra vita, praecipue mea? Att*. 4.6.1); and, as seen above, in November 54, after yielding to Pompey's request to defend Gabinius, he gave way to his bitterness (*QFr*. 3.5.4).

[11] This complaint returns later in the speech: e.g. *quid de me dicam, qui mihi in huius periculo reus esse videor?*, 29; and *respondebo ad ea quae dixisti, quae pleraque de ipso me fuerunt*, 58 (cf. also 72).

[12] *Orationes efflagitatas Pro Scauro et Pro Plancio absolvi*, *QFr*. 3.1.11 (written in September 54). On the *Pro Plancio* as an apology for Cicero, see Taylor (n. 5), 26–8, while Alexander (n. 8 [2009]), 340–7 stresses the political dimension of the trial; but these two aspects are not mutually exclusive nor they are in contradiction. On Cicero's ability to blend his personal apologia with the defence of

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scholars,[13] must be seen also as an attempt at self-defence, and this attempt can be productively read against the self-justifying letter that Cicero wrote to Lentulus in the same months (*Fam*. 1.9, dating to December 54).[14] I turn now to analyse the double *sermocinatio* and argue that these two figures play a central role in the oration.

CICERO'S DILEMMA AND THE FIRST *SERMOCINATIO*

In the *exordium* Cicero declares that he was facing a dilemma, being torn between clashing bonds of loyalty and being invited to make a comparison between two friends:

> Mihi autem non id est in hac re molestissimum, contra illum dicere, sed multo illud magis quod in ea causa contra dicendum est in qua quaedam hominum ipsorum videtur facienda esse contentio.
>
> (*Planc*. 5)

> To me the most unpleasant part of this trial, however, is not to speak against the prosecutor but, much more, to be forced to speak against him in a cause in which clearly one must make a comparison between these two men.

In a seminal article, Christopher Craig has demonstrated that this cunning 'strategy of embarrassment' distracts the audience from an even more embarrassing theme – that of Cicero's being beholden to the *triumviri*.[15] It remains to illustrate the role of *sermocinatio* in addressing both the explicit dilemma of comparing two friends and the implicit but embarrassing theme of Cicero's lack of political independence.

The first *sermocinatio* directly responds to the dilemma of the *exordium*: Cicero delays the *contentio dignitatis* between Plancius and Laterensis, affirming that people do not always make the best judgment but give their vote to whoever most effectively begs for it. To strengthen this point Cicero imagines that the people themselves speak to Laterensis:

> ego tibi, Laterensis, Plancium non anteposui sed, cum essetis aeque boni viri, meum beneficium ad eum potius detuli qui a me contenderat quam ad eum qui mihi non nimis submisse supplicarat.
>
> (*Planc*. 12)

Plancius, see S. Kurczyk, *Cicero und die Inszenierung der eigenen Vergangenheit: autobiographisches Schreiben in der späten Römischen Republik* (Cologne, 2006), 255–62 and Kroll (n. 8), 136–7; at 137–8, Kroll also points out that a very small part of the speech (36–57) deals with the actual charge of bribery; cf. also Adamietz (n. 8), 102–3.

[13] As recently pointed out also by Steel (n. 8), 42.

[14] Taylor (n. 5), 27 n. 46 rightly notes that 'most of the letter deals with the reasons for Cicero's compromises, referred to in *Planc*. 91–4'. In 54 Lentulus was proconsul in Cilicia, so that we must allot some time for the news of Cicero's defence of Vatinius to reach him and for his letter of enquiry to reach Cicero back in Rome: 'twelve weeks may be allowed for the news to reach Cilicia and for Lentulus' letter to reach Cicero, who did not reply at once', Shackleton Bailey on *Fam*. 1.9 (p. 307).

[15] According to Craig (n. 8 [1990]), 75–81, Cicero magnifies his gratitude (*gratia*) toward his friends, casting himself as a positive model of loyalty for the jury, and thus hiding the embarrassment of being a turncoat and a 'vassal of the triumvirs'. In fact Cicero hid behind his personal debt to Plancius, who welcomed and protected him during the first months of his exile in 58; but Plancius' closeness to the triumvirs (especially to Crassus, cf. n. 5) was no secret. Cf. also Craig (n. 8 [1993]), 123–45 and, on Cicero's portrayal of Plancius' gratitude, see Riggsby (n. 8), 45–6, who spells out the terms of the 'economy of *gratia* and *beneficium*', showing how Cicero strives to weave Plancius into this narrative.

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I did not place Plancius above you, Laterensis, but since you are equally gentlemen, I conceded my favour to the one who earnestly demanded it from me, rather than to one who did not beg too humbly for it.

It is therefore not a matter of deciding whether Plancius or Laterensis excels in *dignitas*: rather, one should acknowledge that people like to be asked, so that this, and nothing else, granted victory to Plancius over other comers. This straightforward logic is followed by a subtler manoeuvre: Laterensis 'responds' that since he trusted in his own distinction, he did not engage in campaigning energetically (*Respondebis, credo, te splendore et vetustate familiae fretum non valde ambiendum putasse*, *Planc*. 12), and when the people resume speaking, they indict Laterensis:

'Desiderarunt te', inquit, 'oculi mei, cum tu esses Cyrenis; me enim quam socios tua frui virtute malebam, et quo plus intererat, eo plus aberat a me, cum te non videbam. Deinde sitientem me virtutis tuae deseruisti ac reliquisti. Coeperas enim petere tribunatum pl. temporibus eis quae istam eloquentiam et virtutem requirebant.'

(*Planc*. 13)

My eyes missed you – it says – when you were in Cyrene; I had rather that I, instead of our allies, should enjoy your *virtus*, and the more I desired it the more it was far from me when I could not see you. Then when I was craving for your *virtus* you left and abandoned me. You set out to stand for the plebeian tribunate at a time that demanded that eloquence and *virtus* of yours.

Cicero's vicious strategy, which must have been infuriating to Laterensis, functions at different levels. The insistent repetition of *virtus* allows Cicero to maintain a seemingly complimentary tone, while its broad meaning, ranging from statesmanlike integrity to military might, allows for multiple insinuations; specifically, by alluding to the pro-quaestorship at Cyrene, which occurred in 63 or in 62,[16] Cicero stresses Laterensis' absence from Rome, and by recalling the withdrawal from the elections for the plebeian tribunate, which occurred in 59, he transforms Laterensis' courageous refusal to support Caesar's agrarian law into an act of cowardice, as if Laterensis alone feared to stand up to opponents. This characterization is highly falsifying, and in fact a letter to Atticus reveals that at the time Cicero appreciated his gesture (*Att*. 2.18.2);[17] in 54, however, according to his distorting and egocentric logic, Cicero subtly suggests that by withdrawing Laterensis gave free rein to Clodius, who caused his destruction – that is, the destruction of the state itself (cf. *Sest*. 24; *Pis*. 21).

Moreover, Cicero delays the comparison between Plancius and Laterensis by implicitly comparing Laterensis with himself; and the choice of focussing on the years 63–62 and 59–58, passing over his more recent (and less glorious) deeds of 56–54, radically transforms the outcome of a potentially frightening *contentio*. It transpires that while Cicero was saving Rome from Catiline, Laterensis was gone, and while he suffered exile for the sake of his country, Laterensis withdrew from the fight. The odds are turned upside down, and Cicero strikes the prosecutor with the same accusation – of not acting in the best interest of the state – by which he was dangerously charged. Through a

[16] *MRR* 2.175 and 3.33.

[17] Cicero alludes to the withdrawal of 59: when Caesar as consul forced all the tribunes to swear that they would not veto his bills on the *ager Campanus* (*Att*. 2.18.2, June 59), Laterensis (and no one else) withdrew his candidacy. Caesar demanded support also from Cicero, who refused, believing that resistance was the most laudable course (*aut fortiter resistendum est legi agrariae, in quo est quaedam dimicatio, sed plena laudis, aut …*, *Att*. 2.3.3, January 59).

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cunning strategy, which Quintilian would call *mutua accusatio*,[18] Cicero simultaneously shields his client and defends himself, refurbishing old glories without responding to Laterensis' allegations about his current dependence on the *triumviri*.[19]

Equally, Cicero 'solves' his dilemma by posing a dilemma to his adversary. The *sermocinatio* continues:

quam petitionem cum reliquisses, si hoc indicasti, tanta in tempestate te gubernare non posse, de virtute tua dubitavi, si nolle, de voluntate.

(*Planc.* 13)

And once you had abandoned your candidature, if you meant thereby that in such great turmoil you were not able to hold the helm, then I doubted your courage; and if you just did not want to, then I doubted your will.

Cicero does not press this dilemma, but offers a way out to Laterensis, concluding the *sermocinatio* with some encouraging words:

'sin, quod magis intellego, temporibus te aliis reservasti, ego quoque', inquiet populus Romanus, 'ad ea te tempora revocavi ad quae tu te ipse servaras. pete igitur eum magistratum in quo mihi magnae utilitati esse possis; aediles quicumque erunt, idem mihi sunt ludi parati; tribuni pl. permagni interest qui sint. qua re aut redde mihi quod ostenderas, aut si, quod mea minus interest, id te magis forte delectat, reddam tibi istam aedilitatem etiam neglegenter petenti, sed amplissimos honores ut pro dignitate tua consequare, condiscas censeo mihi paulo diligentius supplicare',

(*Planc.* 13)

But if, as seems to me to be the case, you spared yourself for different times, so too I – the Roman people will say – called you to those times for which you reserved yourself. Seek then that office by which you can be of great use to me; the games given for me are always the same, whoever the aediles will be; but it makes a big difference who is tribune. Therefore either give me back what you have promised or, if perhaps you care more for what pleases me less, I will give you this aedileship, even if you seek it without due care; but I believe that you can learn to beg me a bit more carefully to achieve the great honours which match your standing.

This light conclusion restores the tone of friendly respect with which the *sermocinatio* had opened, but it must have also appealed to C. Alfius Flavus, who was presiding over the court and who in 56 had run in vain for praetor.[20] Moreover, by offering a third and more honourable alternative to Laterensis, Cicero showcases his promised moderation in dealing with him.[21] Such moderation, however, is nevertheless devastating, since doubts

[18] *Litigatores idem crimen invicem intentant*, Quint. *Inst.* 3.10.4 (cf. 3.6.75, 7.2.9 and 7.2.23); cf. Lausberg (n. 1), §§153 and 197.

[19] Although Cicero dedicates only one fifth of his speech to the real charge (cf. n. 12 and Kroll [n. 8], 136–7 and Adamietz [n. 8], 102–3) and although the prosecution must call him to stick to the case (*Planc.* 4), he in fact accuses them of digressing (*facile patior id te agere multis verbis quod ad iudicium non pertineat*, 63) and wonders if he will be finally able to bring Laterensis to the actual cause, *possumne … te ad causam crimenque aliquando deducere?*, 17.

[20] For Alfius' unsuccessful attempt to become praetor in 56, see T.R. Broughton, 'Candidates defeated in Roman elections: some ancient Roman "also-rans"', *TAPhS* 81.4 (1991), 1–64, at 35. It is very likely that Alfius was praetor in 54, but the fact that Cicero addresses him as *quaesitor* (at 43; on the second and last address he simply calls him *C. Flave*, 104) led T. Mommsen, *Römisches Strafrecht* (Leipzig, 1899), 2.201 n. 4, to suggest that he was only *quaesitor*. Broughton believes that he was also praetor (*MRR* 2.222 and 2.227 n. 3 with references and some bibliography); cf. *TLRR* 142–3.293 n. 3.

[21] A point rightly made by Kroll (n. 8), 135–6.

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linger in the audience's mind about Laterensis' ability or intention to serve the people and about his refusal to accept their choice. Cicero's insinuations condemn Laterensis' past and present deeds, also suggesting that Laterensis, for all his *virtus*, should reserve his services for untroubled times. Cicero, however, does not dwell on this criticism but offers his opponent a means of redemption for the future. This art of raising suspicions without pressing or proving a point is highly effective, as the *Rhetorica ad Herennium* notes: *atrocior tacita suspicio quam diserta explanatio* (4.41, cf. Demetr. *Eloc*. 253). The form of the *sermocinatio*, by which Cicero attributes the charge to the people, and its seemingly light conclusion allow Cicero to insinuate accusations for which he refuses to be accountable.

Structure and content of this first *sermocinatio* present some similarities to a hymn of prayer. As the standard form of hymns demands, the invocation of the addressee, *Laterensis*, in the vocative is followed by a confession of preference (*Plancium non anteposui*); then an aretalogy, or brief exposition of previous deeds, as usual stressing the relation linking suppliant and addressee, is followed by the request, introduced by imperatives and formulaic language, *pete* and *redde*; and lastly, the suppliant promises that, if the request is met with favour, Laterensis will be rewarded with what he desires – by being elected.[22]

This hymn, however, presents a pattern of ironic inversions. The people, in spite of having the power of granting election to Laterensis, act as suppliants, and both halves of the prayer end by suggesting that the proper order be restored, so that the people become the object rather than the subject of supplication: first they justify their preference for Plancius over Laterensis, *qui mihi non nimis summisse supplicarat*, and then explicitly suggest that Laterensis also supplicates, *condiscas censeo mihi paulo diligentius supplicare*. Similarly, instead of reminding the addressee of a special relationship and previous favours, the people remind Laterensis of the lack thereof, pathetically recalling his withdrawal, which jeopardized their faith in his power and/or will to provide the needed help (*dubitavi* …). Lastly, by having the people supplicate Laterensis, Cicero plays up his distance from them, treating him as a (powerless) god and insinuating that his noble birth, which has prevented him from begging the people, worked against him.[23] But Laterensis is treated especially as a haughty politician, who withdrew from a challenge precisely when his moral and rhetorical qualities were much needed. This reference to 'that eloquence and courage of yours' is filled with further irony, for in two lines the people cast a doubt on Laterensis' claim to *virtus* (*de tua virtute dubitavi*) and, as I argue below, Cicero later impugns his scanty eloquence. In short, the very form of the address supports Cicero's argument that godlike remoteness, and nothing else, must account for Laterensis' defeat (24–6). And in turn this argument tempers the

[22] Cicero ironically uses a hymnic form also in the *sermocinatio* of *Cat*. 1.18 (cf. Dyck ad loc. [pp. 99–100]), as noted by C. Ratkowitsch, 'Ein "Hymnus" in Ciceros erster Catilinaria', *WS* 15 (1981), 157–67: at 165 Ratkowitsch rightly notes that through ironic inversions in the *First Catilinarian* 'a hymn of praise is transformed into a curse'; the same may be applied to the hymn/*sermocinatio* of *Planc*., even if this does not figure among the many parallels Ratkowitsch draws. On Cicero's use of hymnic forms, see especially G. La Bua, 'Elementi innici nelle orazioni ciceroniane', *RPL* 21 (1998), 134–54, at 144–5, who shows that Cicero often employs specific devices typical of hymns but rarely employs the hymnic form.

[23] As May (n. 8), 126 points out: 'Laterensis' insistence on *contentio dignitatis* allows Cicero to turn back upon the prosecutor several of his own points … Laterensis' *nobilitas* … is craftily converted by Cicero into a cause for his defeat.'

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importance of the *contentio dignitatis* with Plancius, thus helping Cicero to solve the dilemma of the *exordium* (cf. *Planc*. 5 and 17).

As commentators have noted, Cicero's choice of having the people of Rome talk through *sermocinatio* establishes a link with the *sermocinatio* of the *First Catilinarian*, where first the state invites Catiline to leave Rome (*Cat*. 1.18) and then the state speaks to Cicero himself (*Cat*. 1.27).[24] This link provides one more way to take the audience back to 63, passing over the embarrassing compromises which followed Cicero's return from exile; and moreover in *Pro Plancio*, just as in the *First Catilinarian*, the first *sermocinatio* also looks forward to a second one, where Cicero 'reports' the state's addresses to himself in *oratio obliqua*.[25]

THE SECOND *SERMOCINATIO* AND CICERO'S SELF-CHARACTERIZATION

Res vero ipsa publica, si loqui posset, ageret mecum ut, quoniam sibi servissem semper, numquam mihi, fructus autem ex sese non, ut oportuisset, laetos et uberes, sed magna acerbitate permixtos tulissem, ut iam mihi servirem, consulerem meis; se non modo satis habere a me sed etiam vereri ne parum mihi pro eo quantum a me haberet reddidisset.

(*Planc*. 92)

And if the state could speak, she would give me this advice: since I always gave my devotion to her and never to myself, and without reaping pleasant and abundant fruits, as should have been the case, but rather fruits filled with great bitterness, now finally I should think of myself and take care of my own; not only has she had enough from me, but she even fears that she has repaid me inadequately for what she had from me.

The language is charged: the alliteration *sibi servissem semper* has the state itself acknowledging that Cicero always devoted himself to it, and this acknowledgment parries Laterensis' accusation that he was serving someone else's interest. It is precisely the accusation that Cicero lacks political freedom which precedes and triggers this second *sermocinatio*.[26] Moreover, this characterization of Cicero is clearly a foil to the characterization of Laterensis offered by the first *sermocinatio*. The people and the state address the same question – what have you done for me? – but to the people's insinuation that Laterensis has not done enough corresponds the state's affirmation that Cicero had gone out of his way, suffering unjustly and being poorly repaid for his services.[27] This implicit comparison between Cicero and Laterensis runs throughout the speech and functions on various levels. For instance, Cicero addressed the people on behalf of Plancius, begging them tribe by tribe (*appellavi populum tributim, summisi me et supplicavi*, *Planc*. 25), and the recurrence of *supplicare* (which occurs twice in the *sermocinatio*) reminds the audience that this is precisely what Laterensis refused to do. Cicero

[24] Köpke (n. 7), ad loc. has a reference to *Cat*. 1.27, among others; Bellardi (n. 7), ad loc. has a reference to *Cat*. 1.25 [*sic*!] and to *Cael*. 33; Long (n. 7), ad loc. has a vague reference to Cicero's use of oratorical tricks: 'sometimes he makes the state speak'. The role played by *sermocinatio* for the rhetoric of the *First Catilinarian* has been elucidated by W. Batstone, 'Cicero's construction of consular *ethos* in the *First Catilinarian*', *TAPhA* 124 (1994), 211–66, at 248–50 and 254–6.

[25] On the use of *oratio obliqua* in *sermocinatio*, see Quint. *Inst*. 9.2.37. In the *First Catilinarian*, however, the state addresses Cicero in *oratio recta* (*Cat*. 1.27–9).

[26] *Nam quod te esse in re publica liberum es gloriatus, id ego et fateor et laetor et tibi etiam in hoc gratulor; quod me autem negasti, in eo neque te neque quemquam diutius patiar errare*, *Planc*. 91.

[27] On Cicero's self-characterization as 'the wise politician and the true patriot', see May (n. 8), 123–4.

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declares with some pride that he (like Plancius) was a *novus homo* (*ego huc a me ortus et per me nixus ascendi*, 67), a concept which must have appealed to the panel of judges of whom two thirds were non-senators;[28] Laterensis instead descended from a consular family (19 and 67). Cicero came from Arpinum, where people support co-citizens' candidatures (22), but Laterensis came from Tusculum, where people do not care for their own (19);[29] and Laterensis' quaestorship in Cyrene is juxtaposed to Cicero's in Sicily (63–6), with the difference that Cicero has learned from overestimating its impact, but Laterensis has not.[30] The ongoing *contentio* also implicitly includes rhetorical skills: Cicero suggests that he understands how popular assemblies work, showing off through a learned quotation from Demosthenes;[31] Laterensis instead is portrayed as a poor speaker, who screams (*clamitas, Laterensis*, 75)[32] and who seems to have been educated not in Rhodes, like Cicero, but among barbarian Vaccaei (84).[33] Cicero's audience must have appreciated the joke: the Vaccaei, identified with uncivilized barbarians, may have been in their minds because in 55, once again, they had rebelled against Rome (Cass. Dio 39.54). This statement, however, also responds to the people's complimentary words about Laterensis' 'renowned oratorical skill' (*ista eloquentia*, 13), proving that such appreciation was ironic. This irony is more subtle, and by affirming that Laterensis was 'equally eloquent and noble', the Bobian scholiast demonstrates that he has missed it (*nec minore facundia quam generis nobilitate praedito*, *argumentum Planc.*).[34]

[28] Cf. also *Planc.* 59. On the panel of judges for the trial of Plancius, see Alexander (n. 8 [2009]), 347–55. Cicero transforms Laterensis' noble birth into a disadvantage, *sed vide ne haec ipsa quae despicis huic suffragata sunt*, *Planc.* 18 (cf. also 30, 60 and 67, and n. 23 above).

[29] On Cicero's portrayal of people from Arpinum and especially from Atina (Plancius' home town) and on his deployment of his Italian connections in forensic speeches, see Lomas (n. 8), 102–4 and 112–16. Other statements help Cicero to secure the good will of the *equites* who were part of the jury: see especially 32–3. Cicero also appeals to the senators by reminding them that he belongs to that order, called *noster ordo* at 45.

[30] On Cicero's strategy in admitting that he overestimated the impact of his own quaestorship, see Kurczyk (n. 12), 258, who rightly calls attention to Cicero's studied pose of self-deprecation: 'die selbskritische Distanzierung von dem früheren Ich dient der Argumentation für Plancius und ist letzlich nicht mehr und nicht weniger als eine bewußt und zielgerichtet eingenommene Pose'.

[31] Cicero asks Laterensis if he believes that we should expect to find some balance, wisdom and sensibility in the unpredictable decisions of popular assemblies: *Sin hoc persaepe accidit ut et factos aliquos et non factos esse miremur, si campus atque illae undae comitiorum, ut mare profundum et immensum, sic effervescunt quodam quasi aestu ut ad alios accedant, ab aliis autem recedant, tamen nos <in> impetu studiorum et motu temeritatis modum aliquem et consilium et rationem requiremus?* (*Planc.* 15). This metaphor comparing a popular assembly to the waves of an unsteady sea is taken from Demosthenes: ὡς ὁ μὲν δῆμός ἐστιν ἀσταθμητότατον πρᾶγμα τῶν πάντων καὶ ἀσυνθετώτατον, ὥσπερ ἐν θαλάττῃ κῦμ' ἀκατάστατον, ὡς ἂν τύχῃ κινούμενον. ὁ μὲν ἦλθεν, ὁ δ' ἀπῆλθεν· μέλει δ' οὐδενὶ τῶν κοινῶν, οὐδὲ μέμνηται ('that the assembly is the most unstable and faithless thing of all; it's like an unsteady wave at sea, it moves however it chances to; one man comes, another departs, and no one cares for the public interest or keeps it in mind', Dem. 19.136, trans. adapted from D.M. MacDowell, *On the False Embassy (Oration 19)* [Oxford, 2000]). This metaphor also recalls the *sermocinatio*, where the people wonder if Laterensis can steer the ship of state in a tempest: *tanta in tempestate te gubernare non posse*, 13.

[32] As noted by Köpke (n. 7), ad loc., who points out that in *De or.* 2.86 Cicero opposes *orator* and *clamator* (cf. *Or.* 182). Cf. *TLL* 3.1249.43 (Hoppe).

[33] The Vaccaei were a tribe of Hispania Terraconensis, who consistently opposed Roman conquest.

[34] Later another slandering remark targets Laterensis' eloquence, when Cicero responds to his prosecution and begs the judges 'not to put innocent people at risk on the basis of invented rumours and of an unfocussed and scattered speech' (*illud unum vos magnopere oro atque obsecro, iudices … ne fictis auditionibus, ne disseminato dispersoque sermoni fortunas innocentium subiciendas putetis*, 56); on Cicero's criticism of Laterensis' prosecution strategy, see *Planc.* 84 with Fascione (n. 8), 381–2.

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Each *sermocinatio* characterizes Laterensis and Cicero, respectively, according to the main qualities that the rest of the speech allots to them. For instance, throughout the oration Laterensis is portrayed as haughty (33, 45–6), distant from the people (30, 50) and impatient of their judgment (45); and Cicero repeats both that withdrawing from the elections of 59 Laterensis made a mistake (52) and that greater honours await him in the future (51–2). The rest of the oration also develops Cicero's self-fashioning as consistently and selflessly dedicated to the state (for example 84, 87, 90) and to his friends (for example 1–6 and 75–82).[35] This usage seems to conform to Crassus' words in *De oratore*, where *sermocinatio* is famously called a particularly weighty means of amplification (*personarum ficta inductio, vel gravissimum lumen augendi*, *De or*. 3.205).

In short, an ongoing comparison juxtaposes Cicero and Laterensis: the first *sermocinatio*, toward the beginning of the speech, lays out the main terms of the characterization of Laterensis, and the second, toward its end, recapitulates Cicero's main self-characterization, while also crowning their *contentio*. As mentioned above, this *contentio* serves both to delay and to smoothen the *contentio* between Plancius and Laterensis and to re-establish Cicero's authority after the prosecution's devastating charge of enslavement to the dynasts.

TEXTUAL REFERENCES

To appreciate the play of oppositions which re-establish Cicero's authority over Laterensis, we must take into account two other textual references, which unveil the mechanics of Cicero's argument. The first *sermocinatio* is introduced after a short (and of course imagined) exchange between Cicero and Laterensis, in which the latter complains that by not electing him 'the people made a poor judgment'; Cicero replies that they have the power to make whatever judgment they wish, but Laterensis is unwilling to take it: *'male iudicavit populus;' at iudicavit; 'non debuit;' at potuit; 'non fero'* (*Planc*. 11). Then, as seen above, through the *sermocinatio* Cicero suggests that previously Laterensis did not supplicate the people enough (*tibi istam aedilitatem etiam neglegenter petenti* and *condiscas censeo mihi paulo diligentius supplicare*, 13) and that he lacked either the ability or the will to lead them (*gubernare*, 13). In short, according to Cicero, in the past Laterensis refused to engage with the people, then he tried but was not elected, and by prosecuting Plancius he proves that he is currently averse to accepting their verdict. This alleged attitude is the exact opposite to that displayed by Socrates in Plato's *Crito*, where the laws of the state famously speak through *sermocinatio*. The laws argue that their verdict must be accepted even when it seems unfair, and Plato summarizes the moral of their intervention as follows:

σέβεσθαι δεῖ καὶ μᾶλλον ὑπείκειν καὶ θωπεύειν πατρίδα χαλεπαίνουσαν ἢ πατέρα, καὶ ἢ πείθειν ἢ ποιεῖν ἃ ἂν κελεύῃ, καὶ πάσχειν ἐάν τι προστάττῃ παθεῖν ἡσυχίαν ἄγοντα.
(*Crit*. 51b)

You should honour and defer to and fawn on your fatherland more than your own father, even when she is hard on you, and you must either convince her by persuasion or do what she commands, and suffer, if she commands you to suffer, keeping quiet.[36]

[35] On Cicero emphasizing his support for the best citizens and for the state, see Kurczyk (n. 12), 259.

[36] One may notice other parallels between *Planc*. and *Crito*, as both Cicero and Plato develop their

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This is exactly what Laterensis fails to do, first by being unwilling to persuade the people and then by being unable to accept their judgment (*'non fero'*). According to the *Pro Plancio*, however, when Cicero faced the same dilemma he acted like Socrates and unlike Laterensis; specifically, the second *sermocinatio* demonstrates that first he engaged with state matters, and then, even if treated unjustly, he accepted the harsh verdict of the laws, which commanded exile. We cannot suppose that everyone caught the allusion (just as we cannot suppose that everyone caught Cicero's quotation from Demosthenes),[37] but an explicit reference from an almost contemporary letter corroborates the link between Cicero's line of self-justification and Plato's *Crito*.

After the scandal caused by Cicero's defense of Vatinius, P. Lentulus Spinther wrote a letter to Cicero (December 54), asking him to explain his behaviour. To justify his conduct and to explain why, after returning from exile, he yielded to Pompey's pressure and reconciled with Caesar, Cicero imagines having a conversation with the state:

collegi ipse me et cum ipsa quasi re publica collocutus sum, ut mihi tam multa pro se perpesso atque perfuncto concederet ut officium meum memoremque in bene meritos animum fidemque fratris mei praestarem, eumque quem bonum civem semper habuisset bonum virum esse pateretur.

(*Fam.* 1.9.10)

I got hold of myself and had a sort of conversation with the state: she allowed me, after I had suffered and done so much for her sake, to fulfil my duty, displaying loyalty to my supporters and honouring my brother's promise; she accepted that her always good citizen should be also a man of honour.

This letter and *Pro Plancio* are clearly part of the same conversation:[38] in particular, situation and line of argument establish a close connection between the quoted passage and the second *sermocinatio* of *Pro Plancio*. Moreover, later in the same letter Cicero sets out to justify his post-exile rapprochement with Caesar, and says:

id enim iubet idem ille Plato, quo ego vehementer auctore moveor, tantum contendere in re publica quantum probare tuis civibus possis.

(*Fam.* 1.9.18)

For Plato, whom I hold as a great authority, affirms that one should argue with the state only as far as one is able to win his co-citizens' approval.

argument by attributing the same objective and unchangeable force to the laws. For instance, the laws ask Socrates: ἢ δοκεῖ σοι οἷόν τε ἔτι ἐκείνην τὴν πόλιν εἶναι καὶ μὴ ἀνατετράφθαι, ἐν ᾗ ἂν αἱ γενόμεναι δίκαι μηδὲν ἰσχύωσιν ἀλλὰ ὑπὸ ἰδιωτῶν ἄκυροί τε γίγνωνται καὶ διαφθείρωνται; ('or do you think that the state can exist and not be overturned, if its judgments have no force but are annulled and destroyed by private citizens?', *Crit.* 50b). Cicero similarly argues against what he has termed Laterensis' refusal to accept the decision of the assembly: *'Non fero'. At multi clarissimi et sapientissimi cives tulerunt. Est enim haec condicio liberorum populorum praecipueque huius principis populi et omnium gentium domini atque victoris, posse suffragiis vel dare vel detrahere quod velit cuique; nostrum est autem, nostrum qui in hac tempestate populi iactemur et fluctibus ferre modice populi voluntates, adlicere alienas, retinere partas, placare turbatas*, *Planc.* 11. Noticeably, *in hac tempestate populi iactemur et fluctibus* picks up ἀνατετράφθαι and the metaphor of the ship of state, and later Cicero asks Laterensis 'why do you pretend that what is not decided in the assembly is decided in the court? (*cur tu id in iudicio ut fiat exprimis quod non fit in campo?*, 16).

[37] See n. 31.

[38] For a comparison between *Planc.* and *Fam.* 1.9, see J.-E. Bernard, 'Du discours à l'épistolaire: les échos du *Pro Plancio* dans la lettre de Cicéron à Lentulus Spinther (*Fam.* I, 9),' *Rhetorica* 25.3 (2007), 223–42. Bernard identifies some intertextual links but does not dwell on the *sermocinationes*.

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The explicit reference to Plato's *Crito*, and specifically to the *sermocinatio* where the laws address Socrates, has multiple implications for *Pro Plancio*. For one thing, it demonstrates that the *Crito* lies in the background of Cicero's line of self-defence; such a line of self-defence and its relation to the *Crito*, however, work differently in the letter and the speech. In the letter to Lentulus, written after *Pro Plancio*, Cicero suggests that when confronted with laws, no matter how unjust, both Socrates and he accepted their destiny, implying death and exile respectively. But after the exile, Cicero argues, his situation did not conform any more to the one envisioned by Plato (*mea ratio fuit alia*, *Fam*. 1.9.18), for he found a course which was both expedient for himself and just (*et mihi utilia et cuivis bono recta*, *Fam*. 1.9.18), while Plato had to withdraw from public life. In *Pro Plancio*, however, the correlation linking the first *sermocinatio* and the *Crito* brings in the example of Socrates: specifically, Cicero places the *contentio* between himself and Laterensis against the background of Socrates' dilemma. Socrates, Cicero and Laterensis find themselves at the same fork, having to decide whether to accept or to refuse a sentence they deem unjust: the same decision joins Cicero and Socrates, but it also sets them apart from Laterensis.

Manuals of rhetoric connected *sermocinatio* and *evidentia* (or *demonstratio*):[39] by setting on stage another person or entity to whom words are attributed (cf. *sermocinatio est cum alicui personae sermo attribuitur et is exponitur cum ratione dignitatis*, *Rhet. Her*. 4.52.65), a skilled orator could create the illusion that a dialogue was taking place (*demonstratio est cum ita verbis res exprimitur ut geri negotium et res ante oculos esse videatur*, *Rhet. Her*. 4.55.68). Thus, while producing a pleasant literary effect (for example *suavis autem narratio est quae habet … colloquia personarum*, Cic. *Part. or*. 9.32; cf. *mire cum variant orationes tum excitant*, Quint. *Inst*. 9.2.29), *sermocinatio* could impress a desired image in the mind the audience. Accordingly, the double use of *sermocinatio* in *Pro Plancio* certainly animates the speech; but the particular effect of these figures is to construct vivid images, which lie at the core of Cicero's strategy. The first *sermocinatio* sets the main lines of the characterization of Laterensis, just as the second one recapitulates the main traits of Cicero's self-fashioning; the connection between the two establishes an implicit comparison, which helps Cicero to temper the *contentio* between Laterensis and Plancius, to restore his own persona and to debase his adversary; and in turn the connection with Plato's *Crito* validates Cicero's reassessment of his own deeds.[40]

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[39] See Lausberg (n. 1), §§810 and 820.

[40] Shorter and preliminary versions of this paper were given at Georg-August-Universität Göttingen and at the University of Minnesota, Minneapolis. I thank these audiences for their feedback, the editor and the referee for *CQ*, and especially Katerina Tsolakidou for help.

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