II CHANNELS OF COMMUNICATION

The oral dimension to classical literature as a whole has, rightly, become an object of increasing interest to interpreters.[1] The process of composition of any text usually involved a spoken element;[2] public or private readings could be a medium by which a text was disseminated; and individual reading could involve audible speech, or having another person read aloud.[3] All Roman literature involves some oral dimension. Within this broad framework, however, oratory occupies a distinctive space. A speech is prepared for a specific time and place, to be directed at a specific audience and, in the case of forensic and deliberative oratory, with the aim of securing a specific outcome. Moreover, this first performance is, logically, oral and does not imply the existence of a written text; indeed, there was a strong convention within ancient rhetoric that speeches were delivered from memory, and even though written texts might well feature in preparation, orators would often find themselves in situations where improvisation was necessary.[4] The sense of being created for a particular time and place is a characteristic which oratory shares with drama but, unlike drama, subsequent performances in a similar manner are difficult to envisage. Plays in both Greece and Rome were revived after the festival for which they had been initially composed; but the circumstances in front of the Roman people, in the Senate, or in a court which demanded a speech would never be repeated.[5]

A written version of a forensic or deliberative speech, therefore, institutes a new interaction between orator and audience, and the purposes for which a written version of a speech is disseminated can be very different from those which motivated its original delivery. The difference from the occasion of original delivery does not necessarily reside in a transition from heard to read: as we have seen, a written text may be absorbed aurally, and a Roman might well experience the

[1] Fantham (1996: 2–11); Watson (2001).
[2] Small (1997: 177–188).
[3] Kenney (1982); Small (1997: 19–25).
[4] See above, Chapter 1.
[5] Cicero's corpus provides examples of speeches being given to different audiences on the same topic and close to one another in time: *To the Citizens after his Recall from Exile* and *To the Senate after his Recall from Exile*,*Philippics* 3 and 4, *Philippics* 5 and 6. Exact repetition of material is not found (Mack 1937); the different audiences required different handling, and on these occasions communication with both was important.

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written version of speech produced subsequently to its original delivery by hearing it read aloud to him or her. It depends instead on the responsibilities and capacities of the subsequent reading audience, which, crucially, does not have the opportunity to intervene directly in the debate or trial for which the speech was originally composed. A written speech is not seeking directly to win the approval of its audience, though it may appear to do so if demonstrating the speaker's oratorical skill is a reason why it has been preserved in written form. And a reading audience are also in a position, unlike the original audience, to know the outcome of the trial or debate. Whatever excitement or interest written oratory held for a Roman audience it did not mimic our experience of court-room drama; readers would either know the outcome or, if they did not, the speech itself would not provide it.[6] Verdicts, indeed, are one piece of information which Asconius thinks it worth including in his notes on some of Cicero's speeches.[7]

Our text-based perception of Roman oratory can obscure the fact that written versions of speeches are rather peculiar things which occupy an inescapably secondary position, deriving their origins and much of their meaning from an event of which they are now the only, partial, record. The nature of the record which a written speech provides is also unclear. To what extent is it, or can it be, a verbatim record of what was actually said on the day? Naturally most of the discussion has centred on Cicero.[8] Humbert argued that the nature of Roman court proceedings mean that Cicero's forensic speeches cannot be a verbatim record, as his exposition would be broken up by witness statements and other forms of evidence.[9]

The response to Humbert has often been one of alarm, as though by accepting that a speech is not a script we are utterly cut off from Roman oratory. Yet the implications of Humbert's argument are not so radical. His basic observation about court procedure is undoubtedly correct, and hence Cicero's written version of his forensic speeches must involve an element of tidying-up in order to

[6] Quintilian recommends that the aspiring orator should read the speeches on both sides of a forensic case, when these are available (*Education of the Orator* 10.1.22–23); but he has in mind the benefits of knowing a case thoroughly when studying oratory, rather than any cheap dramatic thrills. The fact that Quintilian specifies a few cases where speeches on both side were available might suggest that this was a relatively unusual situation where guidance would be welcome.

[7] Asconius 28C, 53C, 81C.

[8] On the publication of Cicero's speeches specifically, see now the excellent discussion in Powell and Paterson (2004: 52–57).

[9] Humbert (1925: 23–97).

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provide a smooth and uninterrupted text.[10] But this text may still reflect reasonably accurately what Cicero said when he was speaking at length.

Humbert identified one reason why this problem exists at all: court procedure would not accommodate unbroken speeches in exactly the form in which Cicero disseminated them. A second reason lies in what we know of orators' writing practices, or rather, lack of them: orators did not use scripts. Indeed, memory was one of the five basic skills of the orator, and it was so crucial precisely because an orator had to have his material memorised ready for use as the situation in court or debate demanded. Quintilian records that Cicero wrote out his perorations and exordia which he then memorised for delivery;[11] these parts of a speech were relatively immune from sudden and unexpected developments. But otherwise, with very rare exceptions, he had only notes. However, the lack of a script does not mean that a speech could not be reconstructed subsequently. A well-prepared orator would not necessarily be making things up as he went along: he would have reflected on the evidence and arguments he would use, the structure of his speech, and the appropriate style; and, one must imagine, have made notes as part of his preparations. All these would be to hand if he decided, after he had delivered his speech, that he wished to put a written version of what he had said into circulation. With a combination of preparation and trained memory, a reasonably accurate record of what was said could be put into written form if the orator so desired.

There are further considerations which suggest that orators might want their written versions to resemble what they said. Stroh put forward a pedagogical argument in his defence of the veracity of Cicero's written versions: Cicero expected his speeches to be read by those aspiring to be orators.[12] We should expect his versions to be useful for such students, and they can only be useful if they offer a reasonable guide to what an orator might actually want to say. Moreover, one does not have to accept that the pedagogical motive was in fact dominant in Cicero's decision to disseminate his speeches to acknowledge its force in relation to accuracy: if he hoped that young men might read his works because they wanted to emulate his skills as an orator then there must be some level at which his written works

[10] The texts of some of Cicero's forensic speeches indicate where material from the pleading was left out e.g. *On Behalf of Murena* 57.

[11] Quintilian, *Education of the Orator* 10.7.30.

[12] Stroh (1975: 7–54).

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reflect what he did say. More generally, one can argue that by writing down his speeches Cicero is providing a show-case for his brilliance as an orator and ensuring for it a wider and more lasting audience, whether or not part of that audience is going to use the texts as teaching tools. Again, this supports a belief that his written speeches offer a credible guide to what he said.

Some valuable evidence about the relationship between spoken and written speeches occurs in Quintilian.[13] His discussion is prompted by a query from a hypothetical reader as to whether it is appropriate to use epigrams in speeches which are written down, as well as in spoken delivery. Quintilian argues that it is: 'speaking well and writing well are, in my view, one and the same thing'.[14] He presents his opinion as somewhat unorthodox: many critics have argued that the two activities do have different criteria of excellence. And this discussion is concerned primarily with the critical evaluation of written speeches and the reasons why it may be permissible to speak in a different way from how one writes, and not with the very possibility of accurate written record of speeches. Nonetheless, Quintilian writes as though this is a possibility, even if some critics regard verbatim records as a less satisfactory kind of written oratory than one which makes use of different criteria of excellence from those applicable to speaking. He continues the opinion, quoted above, by saying 'and a written speech is nothing other than the record of a spoken case'.[15] Quintilian is not, of course, in a position to comment on the relationship between speech and writing in Cicero's case; indeed, he says of both Cicero and Demosthenes, 'Do we have access to these outstanding speakers in any way other than through their writings?'[16] But it would be strange for Quintilian to have approached the issue in the way that he does if he knew that written speeches in his own day simply did not bear a close relationship to what had been said in court.

It seems, therefore, that Roman critics did not see any impossibility in the idea that a written speech might be an accurate representation of what an orator had said. However, the practicalities of forensic practice mean that the texts we have must involve some degree of tidying up; and it is clear from Quintilian that there were some orators

[13] Quintilian, *Education of the Orator* 12.10.49–57.

[14] Quintilian, *Education of the Orator* 12.10.51, *mihi unum atque idem uidetur bene dicere ac bene scribere.*

[15] Quintilian, *Education of the Orator* 12.10.51, *neque aliud esse oratio scripta quam monumentum actionis habitae*.

[16] Quintilian *Education of the Orator* 12.10.54, *aut eos praestantissimos oratores alia re quam scriptis cognoscimus?*

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and critics who believed that a written speech needed to be different from what was said if it were to attain excellence. Moreover, the dissemination of a written version of a speech is not an automatic sequel to the delivery of a speech. A consideration of the development of writing practices in relation to oratory will clarify some of the factors which affect this form.

Cato the Elder appears to have been the first Roman politician to commit his forensic and deliberative speeches to written form.[17] He included texts of some of his speeches in his history, *Origines*; it is not clear whether his speeches circulated independently as well. Cato's innovation was to revisit the occasion of the delivery of a speech and produce a text which purported to be what he said on that occasion. And a striking quotation from one of his speeches from one of Fronto's letters shows him taking the preservation of accurate records very seriously.[18] In it he shows himself going through an earlier speech, listening to passages which are read out to him from it, and deciding that they need not be included in the new speech he is composing.

Cato produced written versions of both deliberative and forensic speeches and, though most of his forensic activity was either prosecution or self-defence, he seems sometimes to have acted as an advocate for another.[19] In relation to forensic oratory, it is worth considering here a familiar distinction between Athenian and Roman legal systems. In Athens, plaintiffs and defendants spoke on their own behalf; at Rome, advocates spoke for defendants, and sometimes also for plaintiffs.[20] Athenian orators wrote speeches for others to deliver as well as delivering speeches themselves and being a *logographos*, a writer of speeches, could be a profitable occupation. Within this environment written texts of speeches are, almost inevitably, brought into existence.[21] But at Rome the job of the *patronus* was not to provide

[17] Q. Fabius Maximus Cunctator is supposed to have had a written version of the funeral speech he delivered for his son disseminated (Cicero, *Cato the Elder* 12). But funeral speeches (*laudationes*) are a distinct category of oratory, intimately connected with wider funeral rites: Kierdorf (1980); Flower (1996: 128–158) and see Chapter 1 above. There are strong grounds for scepticism about the historicity of other surviving quotations from orators before Cato, and even if such texts were to date back to a member of the audience who recorded what he heard, they would still not be the product of the speaker's own decision to produce a written record of what he had said.

[18] Fronto, p. 90 l. 15ff (van den Hout).

[19] Malcovati, frs. 206, 210.

[20] Crook (1995); Powell and Paterson (2004: 10–19).

[21] It is at least conceivable that a *logographos* could instruct his client orally; but there is no evidence to suggest this happened, and one might expect that a client wanted a tangible artefact in return for the (often considerable) sum he would have spent.

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the text of a speech for someone else to deliver but to deliver a speech himself.[22] A written text of part or all of the speech may have been part of the advocate's compositional process, but he was under no obligation to provide that text to his client, and his job was purely oral: to deliver a speech in court on a specific day and in relation to a specific case. The transition from spoken to written was thus not an essential part of the legal process at Rome in the way that it had been in Athens, and a Roman orator was always faced with a *choice* of whether or not to produce a written version which could then be disseminated.

There seems to have been an eager market for written forensic oratory at Athens. It is less clear who sought to obtain copies of Cato's speeches and those of his successors who chose also to disseminate written versions, but it is at least possible to hypothesise some important differences in the profile and aims of the Roman reading audience. Any male Athenian citizen could find himself needing to speak on his own behalf in court; the capacity to speak well was potentially of direct and urgent concern, and written speeches could thus offer didactic gains as well as aesthetic pleasure. Ordinary Romans were much less likely to face such demands, since the existence of the patron–client relationship meant, in theory at least, the existence of legal support and advice to which they could turn; and, as discussed in the previous chapter, there were no opportunities to address the citizen body which were open to all citizens. This does not mean that we should assume Romans in general were not interested in oratory: there is plenty of evidence for the presence of crowds of bystanders at big trials, and the exercise of voting rights as a citizen would often involve listening to speeches. But a citizen, unless he had political ambitions or was seeking to make his living from forensic oratory, would not find himself called upon, or even have the opportunity, to speak in public himself. The number of those interested in written oratory at Rome as a source of instruction was likely, therefore, to be much smaller than at Athens.

The existence of advocacy also has a profound effect on the figure of the orator himself within the forensic speeches that he delivered. The character of the advocate becomes a third element in the situation in addition to the characters of plaintiff and defendant. Cicero's forensic speeches demonstrate very clearly the range of persuasive

[22] The patron–client relationship could, however, involve ghost-writers: one example is the *eques* L. Aelius Stilo, who wrote speeches for others and thereby acquired his *cognomen*: Suetonius, *On Grammarians and Rhetors* 3.

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effects which the deployment of his *persona* could create.[23] The orator's presence within his speeches also contributes to their impact on a reading audience. In an Athenian forensic speech the identity of the author is not immediately obvious, though traits of style may be revealing; and the ascription of surviving forensic speeches is in fact often doubtful. No such obscurity affects Roman forensic oratory, where the identity of the orator is clear, and usually crucial to the strategy of the speech.[24] And, in turn, a speech is not necessarily just a free-standing object, relevant only to a particular trial: if its author has been involved in other trials it can contribute to an evolving public *persona* articulated over a number of speeches.

The existence of advocacy within the Roman legal system has therefore important implications for the relationship between speeches and their written versions: on the one hand it removes the compulsion – in comparison with Athens – to produce a written text, but on the other it offers a clear unity, in the person of the orator, to those speeches which are written down. The importance of the advocate also establishes a link between forensic and deliberative oratory: many politicians were also lawyers, as discussed in the previous chapter, and in such cases might choose to provide written versions of both kinds of oratory.

Cato the elder was one who did so choose, but the writing practices of orators after him are varied, and indicate that dissemination was far from being an uncomplicated activity. The main ancient source for Roman oratory before Cicero is Cicero's own *Brutus*: the structure and overall argument of this history of orators is dominated by Cicero's preoccupations with his own lasting reputation, but there is no good reason to suspect the accuracy of the wealth of detail which he includes.[25] He refers to the existence of written texts of speeches by very many of the orators whom he mentions as active in the period after Cato. However, not all orators appear to have disseminated written versions of their speeches.

In many cases an argument from silence cannot be pressed too far, since written versions disseminated by a minor orator might simply be ignored by subsequent generations. But in some cases we have an explicit reference to the lack of written versions. One such case is that of M. Antonius (consul in 99 B.C. and grandfather of the triumvir).

[23] Paterson (2004); May (1988).

[24] This does not preclude forgery. Cicero clearly thought ascription of authorship was sufficiently fragile for its being worth his while to try to deny that he had written an attack on Clodius and Curio when political priorities changed (Cicero, *Letters to Atticus* 3.12.2).

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According to Cicero in his defence of Cluentius, Antonius would say 'he had never written down a speech so that he could deny having said something if it was later unhelpful for him to have said it'.[26] His contemporary Crassus, who did have written versions of some of his deliberative speeches disseminated, faced a variation on this problem in a forensic case, when his opponent read out contradictory parts of two of Crassus' speeches, in one of which he defended the position of the Senate and in the other sought to diminish its authority.[27] When Cicero discusses the question in *Brutus* he offers a number of other explanations for the failure of some orators to write down their speeches:

> We observe that other orators have written nothing through laziness, so as not to add work at home to their efforts in court – and most speeches are written down having already been delivered, not so they can be delivered; and that others don't work hard in order to improve – for nothing so benefits speaking as composition: but they don't want to leave a record of their skill for posterity, as they think they have already acquired enough glory from speaking and that it will seem all the greater if their writings are not subjected to the judgement of critics; and others don't because they think they can speak better than they can write – which does happen often in the case of highly intelligent people who aren't particularly educated . . .[28]

It is clear from this passage that producing written versions of speeches was a separate activity from delivering a speech and not just an extension of the same process: it required considerable extra effort and, to a certain extent, a different set of skills – as the passage of Quintilian discussed above also suggests. And even those orators who did choose to create and disseminate a written version did not necessarily do so for every speech which they delivered. Three speeches only of Ser. Sulpicius Galba, whom Cicero identifies as one of the leading orators of the mid-second century B.C., survived as far as Livy knew; but he gives a detailed account of a further occasion when Galba spoke against L. Aemilius Paullus' being awarded a triumph; and Cicero describes how he defended some *publicani* against a charge

[25] Gowing (2000); Steel (2003).

[26] Cicero, *On Behalf of Aulus Cluentius* 140, *idcirco se nullam umquam orationem scripsisse ut, si quid aliquando non opus esset ab se esse dictum, posset negare dixisse*.

[27] Cicero, *On Behalf of Aulus Cluentius* 140–141; *On the Orator* 2.223–5.

[28] Cicero, *Brutus* 91–92, *nam uidemus alios oratores inertia nihil scripsisse, ne domesticus etiam labor accederet ad forensem – pleraeque enim scribuntur orationes habitae iam, non ut habeantur –; alios non laborare, ut meliores fiant – nulla enim res tantum ad dicendum proficit quantum scriptio –: memoriam autem in posterum ingeni sui non desiderant, cum se putant satis magnam adeptos esse dicendi gloriam eamque etiam maiorem uisum iri, si in existimantium arbitrium sua scripta non uenerint; alios, quod melius putent dicere se posse quam scribere, quod peringeniosis hominibus neque satis doctis plerumque contingit.*

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that their slaves had committed murder.[29] Crassus published only a few of his speeches, and none of his forensic ones, despite his pre-eminence among orators of his generation.[30]

So when Cicero delivered his first speech in public, in 81 B.C., he was immediately faced with the issue of whether or not to have a written version disseminated: the writing practices of earlier orators had firmly established the possibility of doing so, though it was in no way an automatic sequel to having delivered a speech.[31] His first speech was not perhaps an obvious candidate for such treatment: it was a civil law speech, concerning a dispute over the ownership of property in Gaul.[32] The litigants were obscure and the case itself not particularly interesting. On the other hand, the advocate for the opposing side was Hortensius, already one of the leading advocates of the period despite his relative youth: the civil wars of the 80s had led to the deaths of many of the oratorical talents of the previous generation. His presence gave the case added interest. This would be particularly true if Cicero's client Quinctius had won the case; but there is no evidence on this point. But the most compelling argument for dissemination is Cicero's desire for an audience. He had already written part of a textbook on rhetoric, *On Invention*, which shows ambition beyond its scale in its reflections on the role of oratory in civilised society.[33] Now finally he had made his debut as an orator; and he could not at this stage know how soon the next commission would arrive.

His subsequent dissemination practices show that simple advertisement was an important, though not overwhelming, consideration early in his career when he published a relatively high proportion of the speeches which he delivered: given that he was not getting a very great deal of business, he seems to have been eager to produce written versions wherever possible.[34] But in the sixties, as he held high public office, he started to have the opportunity to deliver deliberative

[29] Livy 45.35.8; Cicero, *Brutus* 85–7.
[30] Cicero, *On the Orator* 132.
[31] Cicero's dissemination practices are considered in detail by J. Crawford (1984, 1994).
[32] For details of the case, see Kinsey (1971).
[33] Steel (2005: 34–40); see further below, Chapter 4.
[34] Eight forensic speeches delivered in Rome can be identified and definitely placed during the first decade of Cicero's career as an orator: i.e. slightly fewer than one a year. He had written versions of four disseminated (*On Behalf of Publius Quinctius, On Behalf of Sextus Roscius, On Behalf of Varenus* and *On Behalf of Tullius*). Of the other four, one defence was unsuccessful (that of Scamander) which probably explains why no version of this speech was written up; reasons for his silence in the other cases (a defence of a woman from Arretium and on behalf of Titinia and of Mustius) are unclear.

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speeches, and many of these are disseminated in written form; there is a particular concern for the speeches from his year as consul. In the 50s he was extremely busy in the courts, but wrote up a much smaller proportion of these forensic cases, and in particular did not preserve those occasions where he defended people at the pressing behest of Pompeius or Caesar.[35] The three Caesarian speeches from the period of Caesar's dictatorship mark an attempt to formulate an oratory which could be effective in an autocracy; and by the time he delivers the *Philippics* written dissemination is as important as oral delivery, given that power is now fragmented across Rome's territorial empire.

The sheer quantity of Cicero's surviving speeches, and the paucity of those from other orators, make him the central case study in looking at the writing practices of Roman orators during the Republican period. In the rest of this chapter I shall look at two sets of material from the imperial period which demonstrate further manifestations of the relationship between oratory and writing: one relates to the younger Pliny and the other to the circumstances of speaking to and listening to the emperor.

The younger Pliny (c. A.D. 61– c. A.D. 112) was one of the leading orators of his generation with a busy legal practice; and he disseminated versions of many of his speeches. Only one of them survives: the *Panegyricus*, his speech in praise of Trajan from A.D. 100. But since this is one of only two surviving complete examples of Roman speeches which are not by Cicero, Pliny is an important figure.[36] Moreover, his profile as an orator can be traced in some detail in the first nine books of his *Letters*. Indeed, Mayer has recently argued that the references to oratory in the letters are 'both a carefully planned campaign of advertisement and an insurance policy': Pliny uses his letters to increase the chances that his written speeches will secure for him lasting *gloria*.[37]

Mayer's observations on the effect that the letters may have been intended to have on the speeches can be supplemented in turn by a consideration of the role that references to oratory play in Pliny's letters. References to oratory – whether Pliny's or that of other people – occur extremely frequently. His letters allow us to flesh out the variety of occasions on which a successful public servant might find himself required to speak in public. But Pliny's interest is not limited to recording his own performances. He is very interested in the

[35] Steel (2005: 21–28).
[36] The other is Apuleius' *Apologia*.
[37] Mayer (2003: 232).

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transition from spoken to written for oratorical performances in general, and he is also keen to demonstrate his critical awareness of the works of others. To take the second book of letters as an example: there are twenty letters, and oratory is mentioned in some guise in six of them.[38] Two relate to Pliny's writing up of his own speeches, two to his forensic practice, and two to the oratory of others.

Letter 2.5 purports to accompany a copy of a speech Pliny made at the opening of a library in his home town of Comum, which he is sending to Lupercus in partial draft for editing suggestions; 2.19 is a discussion of whether Pliny should give a reading of a speech he delivered in court. These two are examples of the parallel narratives, of letter and of speech, which Mayer discusses: in both cases, the letter tells the reader about the speech, thereby advertising its presence and providing a substitute in case the letter-reader does not want also to read the written version of the speech. But these letters also assume an interested audience. Both demand some prior knowledge from the reader if s/he is to identify which speech Pliny is referring to, since his descriptions are oblique: in 2.5 it is 'the speech which you have frequently asked for and I often promised';[39] in 2.19 it is described in the first sentence simply as 'the speech', and only halfway through does Pliny offer further description: 'the speech which I'm talking about is aggressive, almost quarrelsome'.[40] These letters operate as a supplement to Pliny's published oratory only in very general terms: they indicate his forensic activity and they give a flavour of his performance. This lack of detail does not, of course, preclude readers who will know exactly what Pliny is referring to. Pliny's efforts at memorialisation at this point are thus to do with the act of being a busy forensic speaker and not with the details of his practice. This approach avoids excessive detail about cases which might in themselves not be particularly interesting as well as creating the impression that everyone does, in fact, follow his performances with such attention that they can understand the sketchy references without difficulty.

Letter 2.14 is also very general: it deals with the behaviour of advocates and audiences in the centumviral court, where much of Pliny's forensic practice was located. Moreover, it is an extended complaint:

[38] Pliny, *Letters* 2.1, 2.3, 2.5, 2.11, 2.14, 2.19.

[39] Pliny, *Letters* 2.5.1, *Actionem et a te frequenter efflagitatam, et a me saepe promissam.*

[40] Pliny, *Letters* 2.19.5, *Accedit his quod oratio de qua loquor pugnax et quasi contentiosa est.* Modern readers do not possess such knowledge, at least not to the extent of certainty: see Sherwin-White (1966: 150–151, 202).

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about the triviality of the cases, the poor quality of the advocates and of their oratory; and the raucous behaviour of hired claqueurs. Pliny presents his own appearances there as a matter of duty towards his friends and his own public image. One way of interpreting this letter is as an exculpation of limited public approbation of his performances at the centumviral court. If he himself was not normally greeted by enthusiasm from the crowd, then an explanation that such enthusiasm was generated by cash rather than outstanding performances could explain away apparent failure. But this may be too literal an interpretation. Pliny's letter is setting up two different forms of appreciation for oratory. One is the audience he describes, who 'don't understand and don't even listen' and whose applause is purchased at established rates.[41] The second consists initially of Maximus, the letter's addressee, and then its subsequent readers who, like Pliny, deplore the debasement of popular judgement and can appreciate Pliny's historically informed analysis of the current situation. It is a letter about the judgement of oratory which establishes an implicit hierarchy of critical responses; but it is also a letter about spoken oratory rather than about a written text.

Letter 2.11 is more specific, and more weighty. It provides a long description of the prosecution in the Senate of a former governor of Africa, in which Pliny and Tacitus were the prosecutors. The climax was a three-day session in the Senate, in the presence of the emperor Trajan, during which Pliny and Tacitus spoke as prosecutors, three defenders responded, and, on the third day, the Senate debated the appropriate penalty and at least two consulars spoke at length. Pliny characterises and commends the oratory of Tacitus and of two of the defenders and also describes his own apprehension before speaking and the kindly response of the emperor to his efforts. It is a very good example of Pliny's use of letters to secure oratorical *gloria* and it also gives an indication of what Pliny thought was important to record for posterity in relation to his speaking. One point is that he is not overly concerned with technical details. It is not immediately clear from the letter that the whole judicial process is spread over the best part of eighteen months; nor does Pliny refer in this letter to his appeal to the emperor Trajan as to whether he should pay attention to the Senate's request of him that he be included in the ballot for advocates for this case, despite the fact that he had decided not to be active in the courts at this time while he held the post of prefect of the Treasury of

[41] Pliny, *Letters* 2.14.7, *non intellegentes, ne audientes quidem*.

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Saturn.[42] Pliny constructs 2.11 rather to focus on the occasion of his performance: in a crowded Senate, prosecuting a distinguished man, and in front of the emperor. The relative importance of the speakers can be gauged from the amount of time Pliny devotes to each: a lengthy paragraph on his own performance is in contrast to the single – though polite – sentences devoted to the other advocates. A final point to be made about this letter is that we do not know with certainty that Pliny ever wrote up a version of his prosecution of Marius Priscus. If he did not, then the record in the letter is not an alternative to the speech itself, but a substitute for it.

So far, Pliny has been reflecting upon his own oratory. Twice in the second book of letters he engages in sustained criticism of another's speaking. Letter 2.3 is a straightforward account of the declamation of the sophist Isaeus, showing Pliny's critical acumen and acting as a peg for some further literary anecdotes.[43] Isaeus' job, though, is to create pleasure: what he does is a direct contrast to 'those of us who wear ourselves out in the forum with real cases'.[44] In 2.1, however, Pliny critiques a rival. The letter as a whole is a response to the recent death of Verginius Rufus, and includes a description of the funeral and of the speech delivered there by Tacitus. But Pliny has silently upstaged Tacitus by surrounding the note of Tacitus' performance with his own quasi-funeral oration for Verginius. The opening section of the letter gives a summary of Verginius' life; then, after recording Tacitus as the giver of the funeral speech, Pliny then immediately moves to more emotional reflections upon the loss: 'we must be conscious of the loss of a model of the previous generation, and I above all miss him', and then goes on to explain why his earlier relations with Verginius heighten his grief now.[45] The impression is clear: Tacitus may have delivered the actual speech, because he was consul, but Pliny was the one truly qualified to do so in terms of his relationship with the dead man.[46] In this letter Pliny uses the occasion of *another's* speech to attempt to establish his own pre-eminence as an orator.

One of the things which oratory seems to do in the letters is to bind together different aspects of Pliny's character. Talking about oratory allows him to demonstrate his critical acumen and his mastery of a

[42] Pliny, *Letters* 10.3a.

[43] Isaeus was a sophist from Syria (Philostratus, *Lives of the Sophists* 74); Juvenal uses him as an example of a contemporary Greek sophist (3.74).

[44] Pliny, *Letters* 2.3.4, *nos enim, qui in foro uerisque litibus terimur.*

[45] Pliny, *Letters* 2.1.7, *nobis tamen quaerendus ac desiderandus est ut exemplar aeui prioris, mihi uero praecipue.*

[46] Note in particular 2.1.9, where Pliny claims a quasi-filial position in relation to Verginius.

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range of literary and historical anecdote: it thus provides a link to his other literary and cultural interests. But it is also a skill which he regularly uses in the performance of his public duties. We have seen in Chapter 1 how the locations for oratory remained remarkably unchanged from Republic to Empire. And oratory retained immense cultural prestige. But it had lost its importance as a catalyst for great events, at least in the opinion of some commentators. We could see in Pliny's letters a new solution to the problem of recording oratory which reflects a changing set of needs to be fulfilled by the dissemination of written versions. If oratory is no longer the means by which matters of profound public concern are articulated, and is instead devoted to legal and administrative matters of limited interest to those not immediately involved, then the texts of such speeches may not secure posterity's lasting interest. Nor does Pliny necessarily need posterity to know the details of his activities as orator for his reputation as a speaker to be secured. A brief, lively summary will test a reader's patience less, while keeping Pliny's status as an orator firmly in our attention. And so, in addition to letters which refer to written speeches, there are those letters which describe the environment and Pliny's own performance in cases where a written text was perhaps not ever produced. Some letters act as parallels to speeches and advertisements for them; others take the place of the written version, which has remained unwritten; and yet more offer us Pliny as the critic of others' speeches.

The letter form is thus much more flexible than the written speech, as it had developed at Rome. Letters can give verdicts, audience responses, and what the other advocates did, all of which are inevitably absent from a speech text. And letters about speaking can be placed next to letters on a whole range of subjects, so establishing oratory as one of a whole range of activities in which Pliny, as an exemplar of a Roman senator, is engaged.[47] As elements in his planned campaign of self-glorification, the letters work alongside his speeches as mutually reinforcing narratives. But perhaps, as a letter-writer, Pliny was more prescient than he knew. The speeches, with the exception of the *Panegyricus*, have perished; the letters have survived.

The second area I explore in this chapter relates to methods of communication with the emperor. The effects of the transformation of Rome's political system from oligarchy to monarchy on the role of

[47] See now the collection of essays in *Arethusa* 36(2) (2003).

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oratory in politics are discussed in Chapter 1. This change is usually seen as deleterious to the quality of oratory, a view articulated with compelling force in Tacitus' *Dialogus*.[48] Nonetheless, the change did create a new category of speech and of its written record: how to speak to the emperor and how, in turn, the emperor might speak to his subjects. Speech is however only one element within these patterns of interaction. The distinction between formal oratory and other forms of oral communication become blurred in the written records, as emperors and others attempt to create effective ways of speaking to one another and to posterity.

Formal oratorical addresses to the emperor come under the heading of panegyric. Most of the surviving prose panegyrics date from the third and fourth centuries and are beyond the scope of this book: only Pliny's *Panegyricus* from A.D. 100 offers an earlier example. But the roots of the panegyric style go back well into the Republican period.[49] As I discussed in the previous chapter, the dead were praised in funeral speeches, part of the elaborate rituals of commemoration surrounding aristocratic burials that also fed into the competitive culture among the living. Aristocratic competition made invective rather than panegyric the more familiar mode amongst the living but Cicero's corpus includes examples of panegyric writing which are markers of the changing political methods that created the need for extravagant praise of the living.[50]

Praise of the emperor became a familiar aspect of senatorial debate in the imperial period and on some occasions was a formal duty, as Pliny makes clear in describing the circumstances of his delivery of his *Panegyricus*.[51] But a speech was not the only means by which a Roman might seek to address his emperor. A whole range of kinds of literature was dedicated to the emperor.[52] In most cases this merely expressed the writer's hope for or repayment of patronage, but some works seem to have attempted more specific communication, such as Seneca's *On Mercy* where the message on mercy is very clearly directed at the new emperor Nero. The nature of imperial power meant that talking to the emperor did not necessarily require a public

[48] Gowing (2005: 109–120).

[49] Braund (1998).

[50] *On Behalf of Marcellus* is discussed in Chapter 1; and *On Behalf of Ligarius* and *On Behalf of King Deiotarius* are also composed to take account of Caesar's autocratic power (Gotoff 1993: xxix–lx; Gotoff 2002; Johnson 2004).

[51] Pliny, *Letters* 3.18.1.

[52] For example, the elder Pliny's *Natural History* is dedicated to Titus, and Martial turns to Domitian for patronage.

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forum and a formal oration – though the opportunity to give such a speech might be read as one of the benefits of Trajan's reign, in contrast to that of Domitian. Pliny's concern for the written memorials of his oratory, both in the *Panegyricus* itself and in his correspondence, demonstrates the continuing importance of oratory as a marker of status among the elite; and it remained not unusual for orators to arrange for the dissemination of written versions of their speeches, though Pliny's is the only one which survives other than in fragments. A new element, however, is the written record of what emperors themselves said.

Emperors varied considerably in the importance which they placed on oratory, both in terms of their own skills and in the amount of time which they devoted to hearing and delivering oratory. Suetonius includes a mention of oratory in most of his biographies of the first twelve emperors and in some cases his remarks are quite detailed, discussing both composition and offering quotations from speeches.[53] There is also evidence that imperial oratory survived in inscriptional form: a famous example is the emperor Claudius' speech to the Senate on the senatorial ambitions of the inhabitants of Gallia Comata.[54] Tacitus includes a version of the same speech in the *Annals* (11.23–4) and comparison of the two has provoked much interest. But the existence of a Tacitean rewriting can distract from the interest of Claudius' own speech. The inscription survives only in part; if we had the whole thing, the emperor Claudius could enter that very narrow canon of post-Ciceronian orators for whom a speech survives entire.

The speech combines two separate lines of argument. One is an explicit claim that the Roman state has always innovated where necessary: 'please rather consider the number of innovations in our community and the range of forms and structures which our state has adopted from the very foundation of the city'.[55] Claudius backs this claim up with a survey of Roman history which takes in the kings, the transition to Republic, and a range of constitutional innovations during the Republic, including the dictatorship, the tribunate of the people, the decemvirate and the extension of office-holding to the plebeians. Hence there should be no difficulty in making the further

[53] Suetonius, *Life of Julius Caesar* 6, 55; *Life of Augustus* 84, 86; *Life of Tiberius*, 8, 70; *Life of Caligula* 53; *Life of Nero* 7; *Life of Titus* 4.

[54] ILS 212; Smallwood (1967) no. 369.

[55] 4–7, *illa potius cogitetis, quam multa in hac ciuitate nouata sint, et quidem statim ab origine urbis nostrae in quot formas statusque res p. nostra diducta sit.*

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constitutional innovation of allowing men from Gallia Comata to seek senatorial office in Rome. The second line of argument that Claudius implies is that there is no danger to Rome in so doing: the inhabitants of Gallia Comata can safely be given this honour. They will make good senators, just as men from Narbonese Gaul have done for many years; and their province has been peaceful for 100 years, since its conquest by Julius Caesar, and remained so even during the campaigns of Claudius' father Drusus against the Germans. Furthermore, Claudius' account of early Roman history records the allegedly non-Roman origins of many of the kings: 'Kings once controlled this city, but it was not the case that they handed it down to homegrown successors'.[56] Numa was a Sabine; Tarquinus Priscus came to Rome because his talents were denied at Tarquinii; and Servius Tullius was either the son of a slave or – according to the Etruscans – an Etruscan warlord originally known as Mastarna.

There are aspects of Claudius' speech that one could criticise. There are digressions which don't appear to aid the overall argument, such as the reference to the (unnamed) Valerius Asiaticus: this allusion actually undermines Claudius' case, because he is – as far at least as Claudius is concerned – an example of an unworthy senator from Narbonese Gaul, at the point in the speech where he is trying to establish an argument by analogy, that Narbonese Gaul has produced good senators and so Gallia Comata will too. The exhortation to himself, to hurry up, has been criticised as inept; it is always very difficult to determine how humour on the page might go down with a particular audience, though Suetonius records that Claudius' humour didn't always work.[57] But, overall, this is an effective as well as a revealing piece. And Claudius seems to have spoken fairly briefly. This speech is one belonging to an emperor who is comfortable to be participating in a debate in the Senate and who demonstrates his respect to the Senate and its nominal freedom of debate and decision.

The circumstances of its preservation, inscribed on a tablet at Lyon, are also significant. This town was the location of the annual meeting of the *concilium Gallorum* and the impetus to make a permanent record of the speech is more likely to have come from the Gauls than from the emperor himself, though one imagines his permission might have been sought before the inscription was set up. A community is here commemorating an occasion on which local affairs were a

[56] ILS 212, ll. 8–9, *quondam reges hanc tenuere urbem, nec tamen domesticis successoribus eam tradere contigit*.

[57] Suetonius, *Life of Claudius* 21.5. Griffin (1982: 406) refers to 'clumsy imperial jokes'.

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matter of discussion in Rome and when the outcome was favourable to them. The emperor had spoken to the Senate in Rome, but his words were subsequently communicated, through an inscription, to a further audience for whom his speech had a serious personal interest.

So far, so straightforward; the Lyon tablet is another example of the capacity of a written speech to transcend the limits not simply of time but also of space imposed on the original delivery. But there are important respects in which this written version is not the same as those I have considered so far in this chapter. Acquiring a copy of a speech of Cicero is a personal matter by an individual reader. It may involve expense or incur an obligation; and it is reasonable to assume that it represents some desire on the part of the person who acquires it to read it. The Lyon tablet, by contrast, is public; it is available to all who happen to be by it without cost, and its public location may in fact work against its content being read. Its importance for those who put it up resides, we might argue, primarily in the fact of its delivery and in the results which followed from its delivery, namely the extension of the opportunity to join the Senate to the inhabitants of long-haired Gaul. The circumstances of its display thus introduce a new element of communication which goes alongside the communication through its words. In spoken oratory, a whole range of extra-textual communication takes place: location, appearance, gesture, audience response all combine with the words to create a total impression. These extra-textual cues are lost when the speech is confined to written form; but if the transition is to inscriptional written form, then another rhetoric is invoked: the placing of the inscription, its relation to other inscriptions or images, the quality of its materials and lettering, and so on.

These extra-textual cues depend on the inscribed form and not on the words' original status as a speech. To that extent, therefore, the Lyon tablet is parallel not to other written speeches, but other inscriptions recording the emperor's voice as pronounced in the form of an edict or letter.[58] The unifying factors are the public display of the text and the authority of the first-person. The epitome of this form of communication could be considered to be Augustus' *Res Gestae*: neither edict, letter, nor speech, it transcends generic categories and the constraints of time and space as it is replicated throughout the Empire, enabling the emperor to speak to all his subjects.[59] The

[58] Benner (1975).
[59] Ramage (1987); Bosworth (1999).

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nature of the emperor's position thus liberates his words from the constraints of form: they do not need the authority bestowed by the occasion of oratorical performance to make them worth heeding.

During the Republican period, the orator was faced with a choice when he had delivered a speech, but it was a straightforward choice: should he or should he not create a written version of what he had said and allow it to circulate. The impulse to memorialise oratory persisted into the imperial period; but the changing impact of oratory, and above all the distorting presence of the emperor, made other forms of recording oratory attractive.

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