Greece & Rome, 60.2 246–261 © The Classical Association (2013)
doi:10.1017/S0017383513000077

CICERO'S PALINODE: INCONSISTENCY IN THE LATE REPUBLIC*

We know so much more about Cicero than we do about anyone else from antiquity, and because of the nature of our knowledge, especially the 'personal' viewpoint which his letters offer,[1] it is easy to think we know more about him than we actually do, or to consider him unique, attributing to him alone as personality characteristics things which may in fact be features common to others of his class and time.[2] So, for instance, he is regularly accused of inconsistency in public life by both ancients and moderns, but I believe here we are led astray by the evidence, and that he was only marginally more changeable than his contemporaries. This is a position impossible to argue, because it would require information that we do not have about the vagaries of political alliances in the 60s, 50s, and 40s BC, and about how many times various people changed their minds about different things.

* I am extremely grateful to Trevor Luke, Laura Samponaro, and W. Jeffrey Tatum for reading earlier versions of this article, and for saving me from a number of errors of fact and interpretation. Their *amicitia*, in different ways, has been exemplary. All translations in the article are mine.

[1] This seems to be a feature of older scholarship, although where it lies unexamined, it is still dangerous. G. O. Hutchinson, *Cicero's Correspondence. A Literary Study* (Oxford, 1998), J. Hall, *Politeness and Politics in Cicero's Letters* (Oxford, 2009), and P. White, *Cicero in Letters. Epistolary Relations of the Late Republic* (Oxford, 2010), the three most recent books to focus on the letters, each offer an interpretation of the letters as literary artefacts, rather than as 'sincere' outpourings, and K. Tempest, *Cicero. Politics and Persuasion in Ancient Rome* (London, 2011), articulates the difficulties caused by the letters. See too J. Dugan, *Making a New Man. Ciceronian Self-fashioning in the Rhetorical Works* (Oxford 2005), 334, who notes that even where Cicero draws attention to his insincerity in other places we need not believe that he is revealing his authentic self. For the case that the coherent self is an anachronistic concept to apply to antiquity, see C. Gill, *Personality in Greek Epic, Tragedy, and Philosophy. The Self in Dialogue* (Oxford, 1996) and C. Gill, *The Structured Self in Hellenistic and Roman Thought* (Oxford, 2006).

[2] Numerous modern biographies partake in the pathologizing of Cicero, referring to his unique sensitivity to slights, bouts of depression, and painful indecision (see C. Habicht, *Cicero the Politician* [Baltimore, MD, 1990], 4–5 for a brief history of Cicero reception). Such a psychological approach is currently out of favour, but it has cast a long shadow. For two studies conducted along similar lines to those I take here – that Cicero was not uniquely vain or prone to self-praise, and that his reflections on his exile offer different philosophical perspectives – see W. Allen, 'Cicero's Conceit', *TAPhA* 85 (1954), 121–44, and E. Narducci, 'Perceptions of Exile in Cicero: The Philosophical Interpretation of a Real Experience', *AJPh* 118 (1997), 55–73.

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Even the limited material we do have, however, suggests that the successful late Republican politician held very few alliances to be unbreakable.[3] This article explores the possibility that Cicero was particularly susceptible to the charge of inconsistency precisely because he was not one of the *nobiles*, and so could not lay claim to this aristocratic virtue without being challenged. It also suggests that he may in reality have had to change his mind more regularly than his contemporaries, again owing to the vulnerabilities inherent in his status. Finally, it raises the possibility that *inconstantia* and *levitas* in Latin may mean something different from what inconsistency usually means in English, at least to some speakers of the language. After brief discussion of the nuances of *constantia* and its opposite, I explore the charge of *levitas* as wielded by Cicero's enemies against him in the trials of 54 BC, his own defences against the charge, and then his use of it against others in the 50s and 40s. I should perhaps make clear that this is not an attempt to rehabilitate Cicero, except insofar as the ancient evidence misleads us into misjudging him; I hope merely to suggest that *inconstantia* is in the eye of the beholder, and that most of the leading figures of the Senate were more prone to see it in men like Cicero than in men like themselves.

Inconsistency is, of course, a label: one man's culpable fickleness is another's smart adjustment to changing reality (so too, its opposite: *constantia* can, in people such as Cato, look suspiciously like pig-headedness). But, aside from the fact that different people will interpret events differently, it is not clear whether one whopping inconsistency would normally get you labelled as *levis*, or whether it required a series of changes: those who attack Cicero seem to focus on single events, but Cicero himself is more generalizing.[4] This is perhaps not surprising, but it points to my final claim: that *constantia*, at least in Cicero's reckoning, need not require slavish devotion to any one specific act – and that his understanding may differ from that of his contemporaries in just this particular. Given the nature of our evidence, and the negative evaluation implicit in the word's meaning, we are usually unable to do more than take our best guess about whether a given charge would seem 'true' or not. If someone changes to my

[3] For the claim that Cicero was 'over his long career reasonably faithful to certain basic tenets', see W. J. Tatum, *The Patrician Tribune. Publius Clodius Pulcher* (Chapel Hill, NC, 1999), 8.

[4] We might phrase this differently, saying that speakers of Latin recognize both occurrent and constative states: one can be inconsistent right now, in this discussion, by changing one's mind or adducing mutually incompatible positions; or one can normally be inconsistent, such that it is a character trait (and others might therefore expect it right now, in this discussion).

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side on a particular issue, I am liable to think him or her sober and reasonable, and if he or she changes from it, I will be likelier to think him or her shamefully capricious and treacherous. Accusations of *levitas* were bandied about fairly freely in the late Republic, so we think of it as one of the standard invective *topoi*, seemingly requiring only a modicum of plausibility to be vocalized.[5] Moreover, the rapidly shifting terrain of political life in the late Republic meant both that people did change their minds and also that they were sometimes blamed for it. Among others, Curio, Dolabella, Clodius, Caelius (Cic. *Fam.* 8.14.3, 8.17.1), Pompey (Cic. *Att.* 2.16.2, 2.21.3–4, 2.23.2), Caesar, Antony, Lepidus (Cic. *Ad Brut.* 2.2.1), and Octavian all made drastic changes in their policies, and were criticized for those changes precisely on the grounds of inconsistency.[6] In a civil war, flexibility can be a survival skill.

Instead of offering definitions of *constantia*, *levitas*, and *inconstantia*, I provide summaries, gleaned mostly from Ciceronian usage.[7] *Constantia*, constancy, is assuredly a virtue, and an aristocratic one at that, associated with *fides*, *integritas*, *gravitas*, friendship, and the just exercise of power.[8] *Constantia* is linked with nobility, precisely because of the stability it implies. And, like many aristocratic virtues, it is often assumed that *nobiles* possess it until and unless the contrary is shown. Further, given the presumption – at least in courtroom oratory, but probably in Roman life as well – of a stable *ethos* (character, more or less), deviations of any sort become inherently noteworthy, and usually problematic.[9] Ciceronian invocations of *constantia* deem it superior to

[5] A. M. Riggsby, 'Did the Romans Believe in Their Verdicts?', *Rhetorica* 15 (1997), 235–51; A. M. Riggsby, *Crime and Community in Ciceronian Rome* (Austin, TX, 1999); C. Craig, 'Audience Expectations, Invective, and Proof', in J. G. F. Powell, and J. Paterson (eds.), *Cicero the Advocate* (Oxford, 2004), 195–6; and J. G. F. Powell, 'Invective and the Orator: Ciceronian Theory and Practice', in J. Booth (ed.), *Cicero on the Attack. Invective and Subversion in the Orations and Beyond* (Swansea, 2007), 17–18.

[6] There are many other figures not regularly called inconsistent by contemporaries (at least, as far as our limited evidence suggests), but some of them certainly could be: see, for instance, Cicero's blanket accusation of the *nobiles* for their inconstancy in the *Philippics* (*Phil.* 2.89, 5.3, 7.4, 7.9, 7.14, 8.1, 11.17, 14.17; cf. too Cic. *Fam.* 1.7.10, among other examples).

[7] For a recent discussion of the differing nuances of *constantia* in Seneca, see C. Starr, 'Commanding *Constantia* in Senecan Tragedy', *TAPhA* 136 (2006), 207–44.

[8] Cic. *Fin.* 3.1; *Tusc.* 1.2, 4.57, 4. 60, 5.12–13; *Off.* 1.23, 1.72, 1.112; *Sen.* 33; *Par. St.* 16; *Acad.* 2.53; *Nat. D.* 1.1; *Sest.* 88; *Sull.* 82–3; *Flac.* 36; *Clu.* 196; *Top.* 78 (a more or less random sample of Ciceronian uses, omitting letters and *Philippics*). See Hellegouarc'h, s.v. *constans/constantia*, whose main treatment of the quality is under the elements of *nobilitas* (283–5, with further citations).

[9] On the use made of *ethos* in trials, see A. Corbeill, *Controlling Laughter. Political Humor in the Late Roman Republic* (Princeton, NJ, 1996); J. M. May, *Trials of Character. The Eloquence of Ciceronian Ethos* (Chapel Hill, NC, 1988); Riggsby 1999 (n. 5).

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pleasure, a component of wisdom, dignified, necessary for a happy life, central to justice and good leadership, and the key virtue of great Romans such as Scipio, Laelius, Marcus Regulus, and the Catos. *Inconstantia*, by contrast, or the more common *levitas*, is just as self-evidently despicable, and most of Cicero's enemies are accused of it at one point or another.[10]

Cicero was a provincial 'new man',[11] which meant that he did not have the resources of the nobility at his disposal.[12] He instead relied on his (substantial) oratorical gifts, and through them was elected to the highest offices at Rome. Mitchell has shown that Cicero considered the traditional aristocracy his natural allies,[13] but they seem never to have given him their full approval or support. After his return from

[10] From hundreds of Ciceronian examples where *levis/levitas* is clearly pejorative, see e.g. *Q Rosc.* 49; *Verr.* 2.2.30, 2.2.94, 2.3.84; *Arch.* 9; *Pis.* fr. 11a; *Flac.* 6 and 46; *Sest.* 22; *Clu.* 71; *In Vat.* 3 (all applied to individuals and all taken from speeches, but the letters show a similar pattern). See Hellegouarc'h, 518, 538, and 558 on *levitas* (*inconstantia* is not treated); it is above all the characteristic of the people, and so, by extension, of those demagogues who seek their approval (see Z. Yavetz, '*Levitas Popularis*', *A&R* 10 [1965], 97–110). W. Kroll, *Die Kultur der Ciceronischen Zeit. I. Politik und Wirtschaft* (Leipzig, 1933), 27–8, notes that *levitas* is also characteristic, at least in Roman eyes, of the Greeks. By contrast, Sallust also uses the word, but usually without the negative implications: *Iug.* 54.1, 80.6, 87.1, 91.2, 94.1; *Hist.* 1.99 3.37, 4.72, etc. So too Caesar, e.g. *B Civ.* 2.34.3, 3.26.4; but see *B Gall.* 2.1.3 on the *levitas* of the Gauls, 7.43.4 on the *levitas* of the multitude, and 5.28.3 on the fickleness of allowing enemies to determine one's plans. On the seriousness of the charge of *inconstantia*, see Hall (n. 1), 121, along with Cic. *Phil.* 2.7–9, in which Cicero deplores Antony's decision to make public an ostensibly private letter in an attempt to show Cicero as *inconstans*.

[11] The phenomenon of the *novus homo* has been well studied, despite disagreements about exactly what it connotes. See T. P. Wiseman, *New Men in the Roman Senate 139B.C.–14A.D.* (Oxford, 1971), esp. 100–7 on electoral disadvantages and difficulties; Habicht (n. 2), 6, for those facing Cicero in particular; and D. F. Epstein, *Personal Enmity in Roman Politics 218–43 BC* (London, 1987), 55, for the claim that new men easily made enemies because they were outsiders (so less was at stake in hating them). H. Van der Blom, *Cicero's Role Models. The Political Strategy of a Newcomer* (Oxford, 2010), esp. 35–59, sees Cicero's need to overcome his *novitas* as a basis for much of his political strategy.

[12] R. Syme, *The Roman Revolution* (Oxford, 1939), 12 and 16. The precise definition of *nobilis* is problematic (see L. A. Burckhardt, 'The Political Elite of the Roman Republic: Comments on Recent Discussion of the Concepts *Nobilitas* and *Homo Novus*', *Historia* 39 [1990], 77–99, on the history of the question); for my purposes, the details are less significant than noting that there are very clear differences between Cicero and the traditional senatorial class – see now Van der Blom (n. 11), 35–59 for a thorough discussion. On the relative ease for nobles in securing office see (among other sources) Cic. *Pis.* 2. The terms *optimate* and especially *popularis* are also problematic: see M. A. Robb, *Beyond* Populares *and* Optimates. *Political Language in the Late Republic* (Stuttgart, 2010), 15–33, for discussion of the shortcomings of various modern attempts at definition. As Robb notes (32) the *optimates* are (somewhat) easier to identify, but the words are still not nearly precise enough. So too, he shows (111) that Ciceronian usage differs from that of his contemporaries, which suggests, at the very least, that the words did not have a stable definition but instead changed meanings as useful. With some hesitation (for it, too, is imprecise), I mostly use the word 'aristocrat' to signify the Senate's traditional power base.

[13] T. N. Mitchell, *Cicero. The Senior Statesman* (New Haven, CT, 1991), 1–8; see also Habicht (n. 2) 6.

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exile,[14] which had shaken his understanding of whom he could trust, Cicero seems to have sought allies elsewhere, notably, if hesitantly, in the triumvirate.[15] This is all well known, but one important aspect of it has perhaps been underemphasized in this context: Cicero may, in fact, have been more susceptible than other senators to having to make new alliances and renegotiate old ones.[16] While Cicero certainly had substantial support from the *equites* and municipals in and around Arpinum, he did not have a hereditary base of power, comprised of aristocrats tied to him by marriage and large numbers of *clientes*.

There is also a more subtle point, relating to the nature of Roman nomenclature: given that Cicero's family had come to public attention only fairly recently, and despite strenuous efforts on his part to create an unmistakable identity for himself, to most people it simply could not be wholly obvious what he stood for. Comments about the arrogance of the Claudii, and even Cicero's own joke about *Appietas* and *Lentulitas* (*Fam.* 3.7.5) show a belief that character is not merely stable but cross-generational: Romans knew what the Scipiones were like from being exposed to many of them,[17] but how, even with

[14] The ostensible reason for Cicero's exile was his putting to death of Roman citizens without a trial during his consulship in 63, but the accusation was brought about primarily because he had unwittingly made an enemy of Clodius, and because the issue provided Clodius with the opportunity to attack the Senate's authority. On Clodius and many of the related issues, see Tatum (n. 3) 114–93, especially his discussion of Pompey's abandonment of Cicero (which enabled the exile to occur) at 152–3.

[15] He was apparently even invited to join in the alliance between Pompey, Caesar, and Crassus at its inception, but refused (Cic. *Att.* 2.3.3–4, *Prov. cons.* 41; see also P. A. Brunt, 'Cicero's *Officium* in the Civil War', *JRS* 76 [1986], 16, and A. W. Lintott, *Cicero as Evidence. A Historian's Companion* [Oxford, 2008], 165). (It is anachronistic but convenient to refer to this alliance as the 'first triumvirate'.) On Cicero's relations with Pompey and Caesar after 63, see Mitchell (n. 13), 92–3, and Lintott (this note), 152–66. As Tatum (n. 3), 187, notes, Pompey's role in Cicero's return from exile meant that he was, both in his own mind and in that of others, linked with Pompey (see Plut. *Vit. Cic.* 33.2 with J. L. Moles, *Plutarch. Lives. Cicero* [Warminster, 1988] *ad loc.*, and *Vit. Pomp.* 43.4 and 49.1, for a later view), so in some ways his decision to throw in his lot with the triumvirate was an obvious one. See Mitchell (n. 13), 97, 162, on Cicero's isolation from the *boni* and move toward the triumvirs. Lintott (this note), 182–5, 201–11, offers a useful discussion of Cicero's post-exilic policy alterations; among other things, he discusses (208) Cic. *Att.* 4.5 and *Fam.* 1.2 to Lentulus Spinther, which offer Cicero's explanations.

[16] See especially C. E. W. Steel, *Cicero, Rhetoric, and Empire* (Oxford, 2001), 20 and 277, who discusses the ways in which Cicero's reliance on (only) oratory and not, say, military success (or the wealth and connections that were unavailable to him) limited him in various ways.

[17] May discusses the Roman belief 'that in most cases character remains constant from generation to generation of the same family' (n. 9), 6. Although his model has sometimes been criticized (in part, for failing to take into account the context of Cicero's speeches, i.e., the fact that it would have been much easier, and more useful, to 'sell' this simplistic view of character in an agonistic setting (J. G. F. Powell, 'Character Presentation in Cicero's Oratory', *CR* 39 [1989], 225; D. H. Berry, 'Review of *Trials of Character*', *JRS* 80 [1990], 204), I believe it does genuinely reflect an important strand of ancient thought. See too Cicero's claim that it would be silly to think of

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a sincere attempt, could their knowledge about the Cicerones be as secure?[18]

Although there are a number of incidents in Cicero's life in which he was seen by contemporaries and later authors as culpably changing his mind,[19] I focus here only on one series of incidents, that relating to his defence of personal enemies in the year 54 BC.[20] After his return from exile, Cicero seems to have behaved as usual in defending his long-time allies (e.g. *Pro Sestio*, *Pro Caelio*, both in 56). He also attacked those who either worked to get him exiled or who offered no support when he was (*In Vatinium*, *In Pisonem* in 56 and 55), and delivered a speech on land distribution to veterans which seems to have been designed to show that he was not subject to Caesar; he seems to have believed (mistakenly, in the event) that such an attack on Caesar would have Pompey's support.[21] His misjudgement on this issue may have (re-)solidified the alliance between the triumvirate, although it is impossible to know for certain.[22] Once the three men had made clear that they were still

him as a relative of the Tullius who was consul in 500; presumably this is because they are in fact not related (*Brut.* 62, and see P. A. Brunt, '*Nobilitas* and *Novitas*', *JRS* 72 [1982], 3–4, on unconnected families with the same *nomen*). And, as an attempt to counteract this presumption, see *Verr.* 2.4.81, where Cicero claims that he too, like all patriotic Romans, has access to the glory of the Scipiones, with extended discussion in Van der Blom (n. 11), 152–8, of the notion that great Romans are available as role models for all of their successors, even (perhaps especially) those who do not have famed ancestors of their own.

[18] See too *Leg. agr.* 2.3, where Cicero notes that he cannot draw upon his ancestors to persuade the audience, because the audience has never heard of them, with Van der Blom (n. 11) on the historical exempla that Cicero does draw upon.

[19] The most notable is at the end of his life, when he claims that a lifetime of advocating peace entitles him to decide when war is necessary, and argues that this is a position of *constantia* (see esp. Cic. *Phil.* 1.38, 5.30, 7.7–9, 7.14, 8.30, 12.5, 12. 17, 13.1–4, 13.9–10, 14.10, all with J. Ramsey, *Cicero. Philippics. I–II* [Cambridge, 2003] and G. Manuwald, *Cicero. Philippics 3–9. Text and Commentary*, 2 vols. [Berlin, 2007], *ad loc.*, and, for an excellent overview of the speeches as a whole, H. Frisch, *Cicero's Fight for the Republic. The Historical Background of Cicero's Philippics* [Copenhagen, 1946]). I discuss Cicero's position very briefly below, on pp. 260–1. Cicero is also regularly criticized by modern writers for indecision in the civil war – but this is rather a different issue. In the generations following his death, Cicero was often found guilty of this charge: to take but one early example, Sen. *Controv.* 2.4.4 explicitly says that he was lacking in *constantia*.

[20] I follow the traditional dating for the trials of Gabinius; see A. W. Lintott, 'Cicero and Milo', *JRS* 64 (1974), 67–8, for arguments that place them later.

[21] For his later comments on this speech, see Cic. *Att.* 4.5, 4.6; *Fam.* 1.7.10 1.9.8–10; and *Q Fr.* 2.5.1, 2.6.2. For discussion of some of the effects of the speech, see D. Stockton, 'Cicero and the *Ager Campanus*', *TAPhA* 93 (1962), 471–89.

[22] Plut. *Vit. Pomp.* 51.4, *Vit. Caes.* 21.5; Suet. *Iul.* 24.1; App. *B Civ.* 2.17.62. The cause for their meeting at Luca is uncertain; it may have been in direct reaction to Cicero's speech, as he claims (see too Habicht [n. 2], 50–1), but it may have come at the instigation of Caesar and Crassus (so Stockton [n. 21], 480–1) or Pompey (so E. S. Gruen, *The Last Generation of the Roman Republic* [Berkeley, CA, 1974], 311) or for some other reason.

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working together, and had solicited his brother's help to rein him in, Cicero delivered a speech, the *De provinciis consularibus*, which advocated continuing Caesar in his Gallic command and continued the attack on his own enemies.[23] A number of those enemies, however, he soon came to defend at the urging of Pompey and Caesar.[24]

The standard story suggests that Cicero in some cases found these defences merely inconvenient, and in others deeply humiliating – and there is support for this in certain of Cicero's letters, discussed below. Beyond this, however, his behaviour is in fact one of the charges against Cicero mentioned by the *In M. Tullium Ciceronem Oratio*, a document which comes to us among the works of Sallust. This pithy text, which is not likely to have been written by Sallust (Quint. 4.1.68 and 9.3.89 notwithstanding), is nonetheless usually considered to be nearly contemporary; it probably dates to the Augustan period (so somewhere from about ten to sixty years after the events it discusses).[25] It purports to be written as a response to an attack by Cicero himself ([Sall] *In Cic.* 1); we cannot profitably speculate against whom, and it fits well into the category of faux-historical *prosopopoeiae* beloved of the Julio-Claudian period.

Most of its accusations (sexual degeneracy, corrupt financial practices, aberrant female relatives, provincial background, etc.) are

[23] This speech draws a sharp distinction between Cicero's personal feelings and the good of the state, and also claims that reconciliations between enemies are sometimes necessary for the greater good (18–24). But shifting alliances are, of course, a standard feature of Republican politics (which is why Cicero is able to adduce so many examples). This speech is often seen as Cicero's attempt to negotiate his relationship with the consuls (there is a good discussion in Steel [n. 16], 181–9).

[24] Gruen (n. 22), *passim*, makes it clear that the politics of this period were not as clear-cut as might seem in retrospect. For a mostly favourable opinion of Cicero's behaviour, see M. C. Mittelstadt, 'Cicero's Political *Velificatio Mutata*: 54 B.C.–51 B.C. Compromise or Capitulation?', *PP* 40 (1985), 17. Cicero delivered numerous defence speeches in this period (*Q Fr.* 2.16.1; *Fam.* 7.1.4), but I focus on two, those of Vatinius and Gabinius, because in some cases (e.g. Plancus and possibly Balbus) Cicero may have done so primarily out of gratitude, and in others we do not have sufficient information to posit a previously existing enmity (e.g. Caninius Gallus, *Fam.* 7.1.4). Lintott (n. 20), 65–8, suggests that the defences of Gabinius and Rabirius Postumus were actually undertaken by Cicero's own choice, and in the hope of securing Pompey's help in the consular election for Milo for 53 (which they failed to do).

[25] Its internal date falls between August 54 and June 53 (E. Pasoli, *Caius Sallustius Crispus. Invectiva in M. Tullium Ciceronem* [Bologna, 1965], 6–8 and n. 1; K. Vretska, ed. and trans., *C. Sallustius Crispus. Invektive und Episteln* [Heidelberg, 1961], i.15–20); whoever wrote it knew enough about contemporary politics to avoid some but not all anachronisms. The fact that it does not mention Gabinius may offer some support for the thesis of Lintott (n. 20), or it may serve to date the speech to before December 54. On the relationship of the text to Asinius Pollio, see E. Gabba, 'Note sulla polemica anticiceroniana di Asinio Pollione', *RSI* 69 (1957), 317–39.

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standard topics of attack.[26] But one at least is more specific: in contrast to his public persona, which suggests that he is a tireless defender of the truth and the Republic, Pseudo-Sallust accuses Cicero of being, both as a man and as a senator, *levissimus*, extremely unstable. He fawns upon his enemies and attacks his friends, and is of varying alliance, faithful to nobody (*homo levissimus, supplex inimicis, amicis contumeliosus, modo harum, modo illarum partium, fidus nemini, levissimus senator*, [Sall] *In Cic.* 5). At the end of the speech he is accused on similar grounds, of not knowing who his friends are, or at least of not making it clear to others:

quem amicum, quem inimicum habes? cui in civitate insidias fecisti, <ei> ancillaris. quo iure, cum <cuius auxilio> de exsilio tuo Dyrrhachio redisti, eum insequeris. quos tyrannos appellabas, eorum potentiae faves. qui tibi ante optimates videbantur, eosdem dementes ac furiosos vocas. Vatini causam agis, de Sestio male existimas. Bibulum petulantissimis verbis laedis, laudas Caesarem. quem maxime odisti, ei maxime obsequeris. aliud stans, aliud sedens sentis de re publica. his male dicis, illos odisti, levissime transfuga, neque in hac neque in illa parte fidem habens. ([Sall] *In Cic.* 7).[27]

Whom do you regard as friend, whom enemy? You are the servant of him for whom you lay traps in the state. You follow him by whose authority and with whose help you came back from your exile at Dyrrachium. You toady to the power of those you used to call tyrants! Those very men who before seemed to you the best, you now call insane and raging! You defend Vatinius; you think poorly of Sestius. You attack Bibulus with the most childish words; you praise Caesar. Him whom you hate most, you are the most subservient to. You think one thing about the Republic when you are standing and another when sitting. You speak badly about some but hate others, most fickle of deserters, and you show no loyalty to one side or the other.

Interestingly, the charge against Cicero boils down to what he might have expressed, in different words, as his own frustration: he did not know whom he could really trust among those he considered his equals, and was forced to find out, repeatedly and painfully, that his instincts were wrong. There is much in this passage that deserves attention, but I focus on the charge that we can tie most specifically to a single event, the defence of Vatinius. I also discuss Cicero's defence of Gabinius, though it is not mentioned in the text, because most modern

[26] See Vretska (n. 25), i.9–12, and T. Zielinski, *Cicero im Wandel der Jahrhunderte*, (Leipzig, 1897), 347–57; for invective topics more generally, see Corbeill (n. 9).
[27] Text from Vretska (n. 25).

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scholarship links the two (and, in fact, we have more information on the trials of Gabinius).[28]

We begin with Vatinius, who became Cicero's enemy in the course of his exile. In 56, Cicero had cross-examined Vatinius on the occasion of the trial of Sestius; we have this speech (*In Vat.*) and it makes clear that there is longstanding hostility between the two men.[29] In May 54, he defended his erstwhile enemy.[30] The case of Gabinius is more problematic at first blush because the enmity appears to go deeper: not only had Cicero spoken against him publicly, even after supporting many of the other adherents of the triumvirate,[31] but he goes on record as being strongly tempted to conduct the prosecution despite pressure from Pompey.[32] In the event, he merely spoke as a witness for the prosecution in the trial. As Cicero presents matters to his brother, he behaved appropriately in the matter, showing his independence but also looking out for his own interests: *tenui me, ut puto, egregie, tantum ut facerem, quantum <faciendum> omnes viderent* ('I have conducted myself, I think, brilliantly, such that I did only so much as all could see had to be done'; *Q Fr.* 3.6.5; see also *Q Fr.* 3.9.1).[33] Gabinius was found not guilty in that trial (see *Att.* 4.18.2; *Q Fr.* 3.4.1, 3.7.1, for Cicero's disgust), and was so pleased with Cicero's reticence that he made overtures of friendship (see perhaps *Att.* 4.18.1). Cicero eventually defended him, in a second trial, at which he was found guilty. Both Pompey's and Cicero's reputations seem to have suffered as a

[28] For an overview of the trials of this period and discussion of the sources, see Gruen (n. 22), 311–50, with Vatinius treated at 317 and Gabinius at 322–8. E. Rawson, *Cicero. A Portrait* (London, 1975), 136, discusses them briefly, and Tempest (n. 1), 134–7 gives a good summary, including mention of the *In Ciceronem*.

[29] See too Cic. *Att.* 2.9.2; *Q Fr.* 2.4.1, 3.9.5; *Fam.* 5.9.1, 1.9.7 (the last discussed below). On the *In Vatinium*, see U. Albini, 'L'Orazione Contro Vatinio', *PP* 66 (1959), 172–84; Mitchell (n. 13), 175–6; Corbeill (n. 9), 49–55; Powell (n. 5), 11–12; and, for line-by-line discussion, L. G. Pocock, *A Commentary on Cicero 'In Vatinium'* (London, 1926; reprinted Amsterdam, 1967). For what we know about Vatinius and the trials against him, see E. S. Gruen, 'Cicero and Licinius Calvus', *HSPh* 71 (1967), 217–22.

[30] There is some suggestion (Val. Max. 4.2.4) that Cicero defended Vatinius twice, but this is probably an error; see Gruen (n. 29), 229, n. 33.

[31] Cic. *Att.* 4.18.1–2; *Q Fr.* 3.1.24, 3.2.1–2, 3.3.3, 3.4.1–3, 3.5.5, 3.7.1; *Red. sen.* 16; *Dom.* 60; *Sest.* 18, 20, 26, 28–9, 93; *Prov. cons.* 2, 9–12, 14–16; *Pis.* 48–50; *Planc.* 86–7, the last delivered very shortly before the defence of Gabinius.

[32] Cic. *Q Fr.* 3.1.15 (notably with the caveat that Pompey will not be able to reconcile the two men *si ullam partem libertatis tenebo*, 'if I retain any part of my freedom'), 3.2.2, 3.4.2–3, 3.6.5. See E. Fantham, 'The Trials of Gabinius in 54 B.C.', *Historia* 24 (1975), 426, n. 1, on Cicero's hesitation. On Gabinius' career in general, see Steel (n. 16), 231.

[33] See D. R. Shackleton Bailey, *Cicero. Letters to Quintus and Brutus* (Cambridge, MA, 2002), for the text.

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result of the Gabinius trials, the one for showing himself unscrupulous in browbeating equals, the other for allowing himself to be bought off.[34] We do not have the speeches for Vatinius and Gabinius,[35] but others give a taste of the strategies Cicero might have used.[36] It is not clear whether having those speeches would increase or decrease our sympathy for his situation.

But it is with Gabinius' offer of friendship that matters become interesting because, in both cases, Cicero makes clear that a formal reconciliation took place between himself and his enemy. He tells Lepidus that Pompey reconciled him with Vatinius (*Fam* 1.9.19), and makes even more public his reconciliation with Gabinius (again at the hands of Pompey, *Rab. Post.* 19, 33, where he claims to have defended Gabinius *summo studio*, 'with the utmost zeal'). Modern scholarship normally views this either as Cicero's subsequent invention to explain away the strong-arm tactics that forced him to undertake the defences of both men, or as a hastily arranged sham that allowed Cicero to save face.[37] Yet this is to misunderstand the nature of Roman friendship. Of course, some *amicitiae* were as sincere as anyone could desire;[38] but many – perhaps most – others were along the lines of business relationships. And, in the interests of business, ties could be made and dissolved.[39] Cicero's objection to both men in the first place was

[34] Gruen (n. 22), 328. General outrage at Cicero for this is attested later too, in Cass. Dio 39.63.5, who calls him *automolos* ('a turncoat'). But, as many have noted, Dio is extremely hostile to Cicero (A. W. Lintott, 'Cassius Dio and the History of the Late Roman Republic', *ANRW* 2.34.3 [Berlin, 1997], 2514–7; F. Millar, *A Study of Cassius Dio* [Oxford, 1964], 46–55).

[35] See J. W. Crawford, 'The Lost and Fragmentary Orations', in J. M. May (ed.) *Brill's Companion to Cicero. Oratory and Rhetoric* (Leiden, 2002), 306–7, on Cicero's publication – and non-publication – strategies; given the negative attention they aroused, he is not likely to have made these two speeches public.

[36] Fantham (n. 32), 441.

[37] For discussion, see Lintott (n. 15), 242–9 and notes.

[38] There is much to be said about *amicitia*. For an influential view which holds it to be not really, or not solely, political, see P. A. Brunt, '*Amicitia* in the Late Roman Republic', *PCPhS* 11 (1965), 1–20, and, for more recent work, D. Konstan, *Friendship in the Classical World* (Cambridge, 1997), 122–48. *Amicitia* is both more and less than what we mean by friendship: more, because it can imply a close political partnership, and less, because it cannot always allow for differences of opinion. It is noteworthy that many of the major conflicts of this period are framed in terms of violations of *amicitia*, but also of its requirements; so, for instance, Cicero would have had less difficulty in the impending civil war if he had not had ties of *amicitia* with both Caesar and Pompey (I owe this point, and its phrasing, to Jeff Tatum). On Cicero's friendship with Caesar, see Mitchell (n. 13), 189, 244. For an exemplary study of the *amicitia* between Cicero and Milo, see Lintott (n. 20).

[39] On the pragmatism involved in most reconciliations, see Epstein (n. 11), 5. He also notes (5–6) that a third party is usually involved, so that neither enemy need lose face by making the first move. Compare the statement made by Plutarch that Cicero defended Crassus one day

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that they had acted against his interests. If former enemies were willing to apologize, or to make amends, and even to ask for his help, Cicero's reputation might well have been enhanced; he was able to defend Gabinius because Gabinius had to some degree undone his previous offensive behaviour. As it happens, Vatinius seems to have been genuinely grateful for Cicero's help, and the two men continued in some sort of *amicitia* for many years (see, e.g., Cic. *Att.* 11.5.4, 11.9.2; *Fam.* 5.9.1, 5.10).[40] Gabinius, again, is more problematic, as Cicero was less comfortable in this reconciliation (which we might expect, given that Gabinius had done him more active harm).[41] However, the fact that Cicero mentions the reconciliations suggests that he sees them as answering his critics, in at least some measure. He might well have said nothing at all, but he seems rather to draw attention to the fact that he is not an implacable enemy; in *Rab. Post.* 32 he claims to have no reason to regret that his friendships were more lasting than his hatreds (*neque me vero paenitet mortalis inimicitias, sempiternas amicitias habere*).[42] He implicitly makes the claim that it is reputable to be reconciled with a worthy person, so he must then claim that Vatinius and Gabinius are good men.

Cicero discusses his decisions in a number of other places. The first is in a letter to his brother, where his tone is studiedly casual: *Ego eodem die post meridiem Vatinium eram defensurus. Ea res facilis est* ('this very afternoon, I will defend Vatinius. It is an easy thing'; *Q Fr.* 2.16.3). Given that it was partly at Quintus' urging that he had committed himself to the triumvirate and so taken the defence upon himself, in this context we should expect Cicero to understate any unhappiness he felt. This letter shows the unanimity of the brothers, and asserts Cicero's satisfaction with their political alliances.

The letter to Lentulus (*Fam.* 1.9) demands a different interpretation, one which falls in between justification and the claim that there is

and attacked him the next (*Vit. Cic.* 25.2), and the patent insincerity of Cicero's 'reconciliation' with Crassus (e.g. Mittelstadt [n. 24], 17–18).

[40] White (n. 1), 69, notes that, in later correspondence, Vatinius used familiar forms with Cicero, which suggests that he, at least, felt that the relationship was intimate. Rawson (n. 28), 203–4, offers brief discussion.

[41] See e.g. Cic. *Att.* 10.8.3 and, for a final, scornful mention of Gabinius, see *Phil.* 14.24.

[42] This statement was, of course, capable of being criticized, but presumably Cicero would not have made it unless he thought that it would seem plausible to some. See Epstein (n. 11), 8, on the 'considerable price in lost prestige' paid by Cicero because he sometimes backed down; contra, Brunt (n. 38), 16, on the temporary nature of enmities, with citation of Livy 40.46.12.

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nothing to justify. It offers a lengthy defence of Cicero's actions in this period, sometimes hinting that Cicero has bowed to necessity, but also suggesting that, if Lentulus were in possession of all the facts, he would agree with Cicero's decision.[43] He says that he was surprised to find after his return from exile that the *nobiles* became lukewarm to him, but that he continued to consider himself their ally (1.9.5–6). Cicero here implies that has remained the same, even when others change. So, in keeping with his traditional policy, he delivered the speech on land distribution which was a thinly veiled attack on the triumvirs, particularly Caesar. The conference at Luca followed shortly thereafter: the three men re-established their alliance and determined that Cicero should not be allowed to speak his mind any longer; Pompey sent a messenger to Cicero and even spoke to his brother Quintus to ensure compliance (1.9.8–9). Cicero realized that, if he chose to fight them, he would have little support from the (culpably fickle) nobles, who continued to favour his enemy Clodius. Further, considering his obligations to Caesar, and especially to Pompey and his own brother (1.9.12), Cicero determined to support the triumvirate insofar as was consistent with his conscience. In this he did not think that there was anything inconstant (*non putavi famam inconstantiae mihi pertimescendam*; 1.9.10–11), given that the aristocracy had *already* abandoned the better cause for the worse (1.9.18, where the striking claim is made *et sententia et voluntas mutata esse debet*, 'both opinion and will must be altered'). He therefore urges Lentulus and all good citizens to support Pompey and Caesar, since they, at least for the moment, are in the right (1.9.18, 21). Thus, in this letter, Cicero claims consistency for himself, and turns the charge about onto his enemies (this is a standard oratorical trick, but no less effective for its commonplace nature).[44]

In this letter, Cicero suggests that he is behaving in no more fickle a manner than the nobles who now support Clodius (*Fam.* 1.9.19).[45] We need not, of course, believe everything Cicero says in this letter,

[43] Lentulus is in Cilicia, and almost certainly receiving a wide variety of correspondence. So Cicero is making sure his side of the story is heard: presumably if Lentulus finds it persuasive, he will share it with others. This letter, like many others in the corpus, is ostensibly private but clearly designed to be comprehensible and persuasive to a wider audience than its addressee. For useful discussion of the letter, see L. Canfora, 'Inimicus amicorum suorum (Cic. *Fam.* 1,9,2)', *Ciceroniana* 3–6 (1961–4), 163–6; Mitchell (n. 13), 172–3; White (n. 1), 108–9.

[44] See too Cic. *Planc.* 91–4, where he speaks of his political freedom as uncurtailed despite having been reconciled with former enemies.

[45] See Gruen (n. 29), 219.

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particularly where he suggests that he would have freely chosen the side of the triumvirs (1.9.21–22), but his claims are not wholly ridiculous.[46] Both the letter to Quintus and that to Lentulus support the image of Cicero as politically savvy, as making good choices in spite of the troubling behaviour of others.

A couple of years earlier,[47] Cicero wrote a letter to Atticus (*Att.* 4.5) which may be useful to us in understanding the strategies of these letters. Here Cicero is not referring to particular incidents but to his gradual alignment with the triumvirate, and he adopts a different, but related, series of arguments which are designed to show the pressure he is under and suggest that he has capitulated to a necessary evil. The letter refers to Cicero's 'palinode' (literally, 're-cantation').[48] Cicero's tone in the letter does not seem to be one of hostility or resignation; he claims that he freely wrote the palinode in order to bind himself firmly to Pompey and Caesar (*mihi necessitatem volui imponere*, 4.5.2). Cicero was, of course, perfectly capable of offering his own interpretation of events, and referring to this document, whatever it was, as a palinode is an elegant way of so doing. For by mentioning a palinode, he refers obliquely to the story of the Greek poet Stesichorus, who says that he wrote a poem about the adultery of Helen of Troy, but was then punished with blindness. Stesichorus (he says) realized that he had spoken ill of Helen, so wrote a retraction, a palinode asserting that Helen had in fact been faithful to her husband.[49]

The implicit comparison between the situations first suggests that Cicero, like the poet, gives in to a divine and unconquerable force.

[46] See too Cic. *Fam.* 1.8.2, also written to Lentulus to explain his decision to cast his lot in with Pompey.

[47] D. R. Shackleton Bailey, *Cicero* (London, 1971), dates the letter to June or July 56.

[48] *<iam> dudum enim circumrodo quod devorandum est) subturpicula mihi videbatur esse παλινῳδία. sed valeant recta, vera, honesta consilia* ('Well, I have been nibbling at what must be swallowed: my "palinode" has seemed to me just the tiniest bit shameful. But farewell proper, genuine honourable plans'; *Att.* 4.5.1). This palinode is plausibly taken to refer to the speech *De provinciis consularibus*, but it may be some other document (D. R. Shackleton Bailey, *Cicero. Letters to Atticus* [Cambridge, MA, 1999], i.25; see too J. P. V. D. Balsdon, 'Roman History, 65–60 B.C.: Five Problems', *JRS* 51 [1962], 137–9). H. C. Gotoff, *Cicero's Caesarian Speeches. A Stylistic Commentary* (Chapel Hill, NC, 1993), xxi–xxii, thinks the palinode more likely to be a letter, probably written to Pompey, and some posit an official retraction of his Campanian land proposal.

[49] Stes. Fr. 192, from Pl. *Phdr.* 243a (with some, but not much, context). On Stesichorus' palinode, see K. Bassi, 'Helen and the Discourse of Denial in Stesichorus' Palinode', *Arethusa* 26 (1993), 51–75. *Kakagoria*, the word Stesichorus uses, is clearly meant to convey the impression that Stesichorus was in error, but is not as precise as it might be; all it really says is that he said something accusatory.

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This oblique way of denoting their power may be seen as either flattering to the triumvirate, or exculpatory of Cicero, or both. He, like Stesichorus, was punished, and so took the necessary steps to rectify his situation.[50] Second, the story told about Stesichorus, if taken one way, confirms Helen's chastity (and the triumvirate's good intentions, which Cicero had simply misunderstood); but understood in another way it merely asserts that the powerful have control over the stories told about them, for Stesichorus may have been punished for speaking the truth but then wisely decided to change his story and falsify that truth. By referring to this story, Cicero provides himself with a distinguished pedigree for his actions in this difficult period, and allows Atticus to draw his own conclusions about the triumvirate; like many other ancient uses of *exempla*, this one does not insist upon a particular understanding.[51]

Rather than seeing Cicero as mortified and manipulated with respect to the two trials, we might instead view him as sophisticated and forward-thinking. Two later witnesses do just this. The Tiberian author Valerius Maximus praises Cicero for defending his two former enemies, claiming that he was *not* accused of fickleness for it (*sine ullo crimine levitatis*) and that he himself finds it *speciosius* ('more seemly') to win out against injuries through one's own kindness (Val Max. 4.2.4). Scholars usually suggest that Valerius Maximus has got it all wrong, that he cannot have known of Cicero's own letters or of the contemporary accusations against him. We do not know whether Valerius read Cicero's letters, but he provides valuable evidence that Cicero's policy could be positively viewed – could, in fact, be viewed exactly as Cicero wished to portray it, as a magnanimous willingness to let bygones be bygones, and as in itself a display of power. And Quintilian offers support for this notion, for he too finds nothing problematic about the two defence speeches, discussing them in a section which offers strategies on clients who are *aut alioqui turpium aut nobis invisorum* ('either disgraceful in some way or hateful to us'; Quint. 11.1.73). The seasoned Roman politician is always willing to accept apologies from his enemies, and perhaps even to make them into friends, and neither Valerius nor

[50] The reader for this journal suggested to me that, in fact, Cicero may be presenting himself as more savvy than Stesichorus: whereas the poet was 'blinded', Cicero has always known what his colleagues were capable of.

[51] Cic. *Att.* 4.6.2 and 4.19 convey a different mood, but also make clear that Cicero is not fooled by his own public pronouncements.

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Quintilian are fools for being able to value Cicero's ability to do just that. They are also much closer to Cicero's own time and context than the modern scholars who find Cicero's behaviour objectionable.

Cicero's careful portrait of these events is in keeping with his strategies elsewhere: what his enemies and detractors labelled as vacillation, Cicero continued to present as thoughtful patriotism, and as fidelity to the right in confusing circumstances. Indeed, moving forward several years, Cicero may have taken longer to choose a side in the civil war than most men, but this can only reflect well upon his integrity, whatever contemporary partisans may have insinuated.[52] As one of the most senior statesmen who had not yet committed himself, he strove to remain neutral, hoping that he could help to negotiate a settlement and considering himself a mediator acceptable to each side.[53] That this is not merely self-aggrandizement we can see from Caesar's courting of Cicero.[54]

I end with some brief thoughts on what the *Philippics* might contribute to this picture: scholars often admire the quality of Cicero's last speeches, but find themselves less in sympathy with their aims, or even hostile to Cicero because of his war-mongering. It is of course possible that Cicero's final months were so marred by irrational hatred that he lost sight of what he had been striving for his whole life; this is the standard story, and it makes the final chapter of most Cicero biographies depressing reading. He may indeed have lost his grip on reality, or

[52] Brunt (n. 15) is the classic study of these letters. Mitchell (n. 13), 252–60, provides a sympathetic and persuasive account of the complexities of Cicero's decision. See too A. Everitt, *Cicero. A Turbulent Life* (London, 2001), 200, on Cicero's increasing realization that one side was much the same as the other. It is also worth noting in this context that Roman education focused on the rhetorical exploration of alternate scenarios (R. Lanham, *The Motives of Eloquence. Literary Rhetoric in the Renaissance* [New Haven, CT, 1976], 4), which is just what Cicero's 'vacillating' letters do, and that, unlike modern education, its ancient counterpart did not attempt to inculcate a specific set of values (Lanham, 5).

[53] See Cic. *Att.* 7.26.2, 9.11, 9.11a; *Att.* 9.7a, from Balbus and Oppius, confirms this. See too Syme (n. 12), 137: 'Cicero came close to being a neutral in the Civil War. Returning from his province of Cilicia, he made what efforts he could to avert hostilities. He showed both judgement and impartiality. It was too late'.

[54] See Cic. *Att.* 9.7b from Balbus; *Att.* 9.18.1 on Cicero's meeting with Caesar; *Att.* 10.8a from Antony; *Att.* 10.8b from Caesar; and *Att.* 10.9a from Caelius urging Cicero to stay, with Caesar's threat that he will consider it *amicitiae graviorem iniuriam* ('a rather serious insult to friendship') if Cicero joins the Pompeian cause now. *Att.* 10.10 contains word from Antony that he is under orders from Caesar to prevent Cicero from leaving, which determines Cicero to plan an escape, and *Att.* 10.12.1 has Antony's assertion that Cicero is not permitted to leave. See too the consideration, advanced at *Att.* 7.26.2 and 10.8.5, that Cicero's neutrality could only help with a peace. In the latter passage, Cicero suggests that he was naïve to envision such an outcome. He had been burned before by choosing one man over the other, so his hesitation makes sense on the political level as well as the moral.

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even have been simply a hypocrite seeking to manipulate others. But it remains the case that he did so in terms of *constantia*. Seemingly, this was the strategy he thought most effective: to assert, in fact, that his own *constantia* required him to advocate a policy precisely opposed to that of the rest of his life. Perhaps this is simply delusion, or perhaps, given that his life had required certain alterations (but retained a fixed core), his own understanding of *constantia* was simply broader than that of his contemporaries. *Nobiles* and generals with armies need not explain their actions; Cicero felt that he did. That he did so in terms seemingly so ill-suited to his purpose (why not jettison the awkward *constantia* altogether, and focus on *libertas*, for example?) reflects the value he placed upon it. It seems that, whatever others thought, for Cicero the quality of *constantia* implied a fidelity to ideological issues, rather than sticking to one specific policy.

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