

Estratto da **ATHENAEUM** - Studi di Letteratura e Storia dell'Antichità
pubblicati sotto gli auspici dell'Università di Pavia

Vol. XCVII

Fascicolo II - 2009



AMMINISTRAZIONE DI ATHENAEUM
UNIVERSITÀ - PAVIA

COMO - EDIZIONI NEW PRESS - 2009

THE *COMMENTARIOLUM PETITIONIS*
AS AN ATTACK ON ELECTION CAMPAIGNS

II Part*

V. *Negative Traditions*

Provided with these clues that the *Commentariolum Petitionis* was not a serious treatise on how to campaign, its readers encountered two themes in the work to which they may well have responded negatively: elections and Marcus Cicero. About each of these a strong negative tradition existed, along with more positive associations.

A. *Elections*

In addressing their effusive thanks to the emperors who appointed them to office, successful 'candidates' made no attempt to mask the appointive nature of the office, but, as the commonplace against the *nomenclatores* shows, gloried in it. Elections are pictured as a humiliating ordeal of the past for which no respect or even nostalgia is due. The electoral failures of Cato the Younger damned Republican elections in the eyes of later centuries. The commonplace that Cato failed to be elected consul for 51 B.C. because he refused to truckle to the People (Plu. *Cat. Mi.* 49.4; D.C. 40.58.3) and showed indifference to his failure (Sen. *Epist.* 104.33; *Dial.* 12.13.5; Plu. *Cat. Mi.* 50; D.C. 40.58.4) became emblematic of the moral miasma that Republican elections created for candidates. Clearly, a negative tradition had grown up on the subject of elections. Seneca writes of the relief felt by someone who pays no attention to praetorian or consular elections (*praetoria aut consularia comitia*) or to any other trappings of power, and concludes with an evocation of the happy man, who seeks nothing (*nihil solum petere*) and is able to spurn Fortune; Seneca attacks a system that rebuffs a Cato and supports a Vatinius (Sen. *Epist.* 118.4; see also 120.19).

Election campaigns caused embarrassment during the Republic, as we see in Marcus Cicero's light-hearted treatment of the subject in the *De Oratore* (1.112, above, Section IV.A). Crassus tells his friends that he asks his father-in-law Q. Mucius Scaevola (the Augur) not to watch him campaign, as it would make him feel

* Continued from «Ath» 97 (2009), pp. 31-58.

¹ One of the words used by Plutarch to express what Cato refused to do is *therapeuein*, which is very close to *inservire*, a word used frequently, five times in fact, in the *Commentariolum Petitionis* (21, 23, 24, 40, and 49; cf. *rumore serviendum*, 50). Dio (46.22.3) uses the same word to express the fact that Cicero courts (*therapeuet*) those who have not helped him and hates those who have. Although both words in origin refer to attendance by a slave on a master or mistress, *inservire* can be used in the less demeaning sense of «cultivate» or «court». However, it can convey an implication of fawning, such as in *Off.* 1.49, where Cicero writes that people put themselves at the service of (*inserviunt*) those who need help the least. See also *Att.* 9.5.3, where Cicero says he not only does not trust the optimates but does not even seek their support (*inservio*).

foolish for such a respected person to see him on the campaign trail (see also Val. Max. 4.5.4). On the other hand, Cicero never expressed the kind of scorn with which elections were remembered in later centuries.

The negative associations attached to elections and election campaigns were undoubtedly based on abuses that were thought to be characteristic of Republican elections, and these abuses resulted in attempts to remove them by legislation and decrees. Thirteen such laws and decrees are known to us, starting in 358 B.C. and extending down to 52 B.C. (a plebiscite in 358 B.C. attributed to C. Poetelius, the Lex Orchia of 182, the lex *de ambitu* in 181, a *lex annalis* in 180, the Lex Fannia of 161, the Lex Gabinia of 139 that introduced the secret ballot for elections, the Lex Cornelia *de ambitu* of 81, the Lex Calpurnia *de ambitu* of 67, the Lex Fabia about the same time, a *senatus consultum* of 64 regarding campaigning, the Lex Tullia of 63, the Lex Licinia *de sodaliciis* of 55, and the Lex Pompeia of 52)². The amount of election-related legislation suggests that none of these reforms was entirely successful.

It is easy to assume that electoral politics were no longer an issue in the Empire: *tum primum* (A.D. 14) *e campo comitia ad patres translata sunt* (Tac. *Ann.* 1.15.1: «Then for the first time the elections were moved from the Campus [Martius] to the senators»). But the memory of campaigns remained alive, at least as a negative theme. Velleius Paterculus, a contemporary and admirer of Tiberius, paints a picture of rational calm after a storm of competition (2.126)³:

Revocata in forum fides, submota e foro seditio, ambitio campo⁴, discordia curia, sepultaeque ac situ obsitae iustitia, aequitas, industria civitati redditae... superatur aequitate gratia, ambitio virtute...

Good faith has been restored to the forum, unrest has been removed from the forum, campaigning from the Campus (Martius), discord from the Senate House, and justice, equity, and industry buried and covered up in disuse, have been returned to the state... favor is overcome by equity, campaigning by merit...

Humor relating to elections can be found at the popular level as well. Election notices found at Pompeii, and thus dating to A.D. 79 or just before, poke fun either at specific candidates, or at elections in general, or both, with ironic recommendations: *furunculi* («little thieves») support Vatia for aedile, and *seribibi* («late drinkers») support Marcus Cerrinius Vatia for aedile⁵. Modestinus reports that in his time (the

² This list is based on A. Lintott, *Electoral Bribery in the Roman Republic*, «J.R.S.» 80 (1990), pp. 3-10. See also Linderski, *Buying the Vote* cit., pp. 90-92.

³ K. Christ, *Velleius und Tiberius*, «Historia» 50 (2001), p. 190.

⁴ The Forum refers to elections in the *comitia tributa*, the Campus to elections in the *comitia centuriata*. Linderski, *Buying the Vote* cit., p. 89.

⁵ Respectively, *CIL* 4.576 and 4.581. See A.E. Cooley - M.G.L. Cooley, *Pompeii: A Sourcebook*, London 2004, p. 115.

first half of the third century A.D.) *ambitus* laws were no longer needed, since the emperor rather than the People chose magistrates (*Dig.* 48.14.1 pr., see also Ulp. *Dig.* 42.1.57). But we should not conclude that, with the accession of Augustus, elections and election practices ceased to be an issue, for in fact through the first century A.D. the government continued to confront problems associated with them.

The long rule of Augustus was marked by occasional but serious public disturbances or charges of bribery connected with elections, in 22, 21, 19, and 8 B.C., and A.D. 7⁶. Augustus took various legal measures to control problems related to elections. He passed a law against *ambitus* (Suet. *Aug.* 40.2: *multiplīci poena coercito ambitu*, «with electoral bribery checked by various penalties»; see also D.C. 53.21.7). The other major piece of Augustan legislation relating to elections was the Lex Valeria Cornelia of 5 A.D., which established the institution of *destinatio*, whereby ten voting centuries composed of senators and *equites* cast a preliminary and presumably influential vote for praetors and consuls. It is very likely that this measure was introduced in order to reduce electoral bribery and violence, while still leaving final power with the *comitia*⁷. We know about this law from its successor, the Lex Valeria Aurelia of A.D. 19, which increased the number of such centuries to fifteen (twenty in A.D. 23), by which time (after A.D. 14) their role may have been more ceremonial⁸.

Election procedure remained a subject of some interest and experimentation. Emperors endorsed some candidates through *commendatio*, controlling elections in this way to a greater or lesser extent (e.g., Tac. *Ann.* 14.28.1 for A.D. 60)⁹. Pliny the Younger describes reform of voting in the Senate to avoid undignified campaigning — ... *procurrebant omnes cum suis candidatis* (*Epist.* 3.20.4: «everyone rushed forward with his candidates») — saying that the disorder exceeded that of *contiones* (before the People). Electoral bribery remained an issue, and Trajan was forced to use the *ambitus* law to suppress dinners, gifts, and bribes in election campaigns (Plin. *Epist.* 6.19)¹⁰.

B. Marcus Cicero

A negative tradition also existed and endured regarding Cicero¹¹. This tradition can be discerned in many sections of the *Commentariolum Petitionis*.

⁶ A.J. Holladay, *The Election of Magistrates in the Early Principate*, «Latomus» 37 (1978), pp. 883-885.

⁷ Holladay, *Election of Magistrates* cit., p. 886.

⁸ Our knowledge of *destinatio* rests on the law of A.D. 19, preserved in the Tabula Hebana and the Tabula Siarensis, M.H. Crawford, *Roman Statutes* (BICS. Supplement) I, London 1996, pp. 507-547.

⁹ M.T. Griffin, *Seneca, a Philosopher in Politics*, Oxford 1976, p. 116.

¹⁰ Holladay, *Election of Magistrates* cit., p. 892.

¹¹ On the «Cicerokarikatur im Altertum» see T. Zielinski, *Cicero im Wandel der Jahrhunderte*, Leipzig 1912³, pp. 12 f. and 280-288.

The *locus classicus* for the anti-Ciceronian tradition is a speech that Dio (46.1-28) puts in the mouth of Q. Fufius Calenus (*cos.* 47, a friend of Mark Antony), as a response to a speech (45.18-47) of January 1, 43 given by Dio to Cicero and based on the first eight Philippics, especially the Second, Third, and Fifth¹². Gabba has employed this speech to highlight an anti-Ciceronian literary tradition that appears in other works as well, by demonstrating close parallels in content between the Calenus speech as reported by Dio and these works: the pseudo-Sallustian *Invectiva in Ciceronem*, Cicero's *Philippics*, and Appian, *Bellum Civile*, Book Three (although Appian puts the speech in the mouth of L. Calpurnius Piso [*cos.* 58 B.C.] rather than Calenus)¹³. Gabba connects this tradition to the works of Asinius Pollio, particularly a published version of his oration *pro Lamia*. In this speech, delivered during the triumviral period, Pollio accepted the notion that Cicero was willing to renounce his anti-Antonian invective and deliver pro-Antonian speeches. Seneca the Elder says that Pollio added to this charge of inconsistency *sordidiora* («more shabby charges», *Sen. Suas.* 6.14-15). Gabba believes that these latter accusations related to Cicero's personal life¹⁴. Seneca writes that Pollio was not willing to include these scandalous items in his *Histories*, and even omitted them from the delivered version of the *pro Lamia* because the triumvirs knew the truth of the matter¹⁵, but added them to the written version. As Gabba notes, we know that these personal attacks survived in a work written by Pollio's son, Asinius Gallus, comparing Cicero and Pollio, because Pliny the Younger was moved by that work to write verses that refer to a love affair between Cicero and his freedman Tiro (*Plin. Epist.* 7.4.3-6)¹⁶. M. Antony's «Replies to the Philippics», cited by Plutarch (*Cic.* 41.4), may also have supplied material for the anti-Ciceronian tradition that we see in these works of Dio, pseudo-Sallust, and Appian¹⁷. I propose that we add to these works the *Commentariolum Petitionis*, as another related exemplar of the same anti-Ciceronian tradition, because, just as Gab-

¹² F. Millar, *A Study of Cassius Dio*, Oxford 1964, p. 54. On the treatment of Cicero in Dio and Appian, see A.M. Gowing, *The Triumviral Narratives of Appian and Cassius Dio* (Michigan Monographs in Classical Antiquity), Ann Arbor 1992, pp. 143-161.

¹³ E. Gabba, *Nota sulla polemica anticiceroniana di Asinio Pollione*, «R.S.I.» 69 (1957), respectively, pp. 320 f., 322, 333 f. See K.W. Gransden (ed.): *Virgil, Aeneid, Book XI*, Cambridge 1991, pp. 14-15 on the idea, which he discounts, that Cicero is the model for Drances, a character in Book XI of Virgil's *Aeneid*.

¹⁴ Gabba, *Polemica anticiceroniana* cit., p. 324. For this idea, see Zielinski, *Cicero im Wandel* cit., p. 11.

¹⁵ ... *nec enim mentiri sub triumvirorum conscientia sustinebat...* («for he could not endure telling lies given the triumvirs' knowledge of the facts»). J. André, *La vie et l'oeuvre d'Asinius Pollio* (Études et Commentaires 8), Paris 1949, p. 69, and J.T. Ramsey, *Mark Antony's Judiciary Reform and its Revival under the Triumvirs*, «J.R.S.» 95 (2005), p. 37. Ramsey dates the trial to ca. 42 B.C.

¹⁶ Gabba, *Polemica anticiceroniana* cit., pp. 324 f. See also Zielinski, *Cicero im Wandel* cit., pp. 11 f. The Asinii father and son also attacked Cicero's oratory (*Quint. Inst.* 12.1.22).

¹⁷ B.X. De Wet, *Contemporary Sources in Plutarch's Life of Antony*, «Hermes» 118 (1990), pp. 83-87. See also Gabba, *Polemica anticiceroniana* cit., pp. 323 f.

ba was able to demonstrate striking parallels between the speech of Calenus in Dio and the other works that he analyzes, so also many parallels can be seen between the speech of Calenus and the *Commentariolum Petitionis*.

Dio has Calenus open by saying that he will both refute Cicero's allegations against Antony and launch a counter-attack against Cicero (46.1.3). The most significant common themes are *novitas* and Cicero's abuse of his influence in the courts.

In this speech, Calenus says that since Cicero comes from a humble background (his father was a fuller), he is ready to direct rude abuse at his superiors out of envy (46.4.2-46.5.3; 46.8.3). This theme is central to the *Commentariolum Petitionis*. The first of the three main precepts that Auctor tells Marcus to ponder is that he is a new man (2). This theme of newness is echoed in the first part of the work (4, 7, 11, 13, 14). He is an *equus* by origin (13), and the *equites* support him (33, 50). Moreover, the charge of foreign origin (cf. *Romule Arpinas*, Ps. Sal. in *Tull.* 4) is echoed in the recommendation that Marcus make a special effort to learn the names of all the *homines municipales ac rusticani* («men of the small towns and of the country»), something Marcus can accomplish that his competitors cannot (31). Auctor is probably referring here to his municipal origin (of course, it is somewhat illogical to suggest that Marcus can know people from Umbria, Etruria, and Picenum, just because he hails from southern Latium), as well as to his reputation as someone with an excellent memory for names of individuals and facts pertinent to them (*Plu. Cic.* 7.2). Something akin to abuse of his superiors is implied by the envy toward him felt by members of consular families who themselves have not achieved the consulate (14).

Novitas, the status of being a «new man», in the two senses of being a senator with no senatorial ancestors and a consul with no consular ancestors¹⁸, was the dominant fact in the career of Marcus Cicero before his election to the consulate of 63, and throughout the career of his brother Quintus. Badian has shown, though, that, for the period 179 to 49 B.C., «Analysis of actual lists of consuls fully confirms the overriding control of the highest office, at practically all times, by men of consular background (as he [Gelzer]¹⁹ defined it)»²⁰. His chart showing the status of men gaining their first consulship reveals just how rare a consul of non-senatorial background like Marcus Cicero was²¹. Cicero might assert a meritocratic principle to exalt himself in relation to the noble L. Calpurnius Piso Caesoninus (*cos.* 58) and his *fumosae imagines* (*Pis.* 1: «smoky family busts»), and claim to be proud that he achieved his success as an individual (*homo*) and by his character

¹⁸ Wiseman, *New Men* cit., p. 1.

¹⁹ My addition.

²⁰ E. Badian, *The Consuls, 179-49 BC*, «Chiron» 20 (1990), p. 412.

²¹ Badian, *Consuls* cit., p. 410.

(*mores*) and merit (*virtus*), not by his family (*genus*), ancestors (*maiores*), and nobility (*nobilitas*) (*Pis.* 2). But as a newcomer to the Roman political scene he faced enormous obstacles, and that he was able to assert what Wiseman has termed an «ideology of *novitas*» is more a testament to his rhetorical daring and virtuosity than to conventional Roman morality²². When Catiline and Antonius responded to Marcus Cicero's *In Toga Candida* with abuse (*contumeliose*), they fastened on the only major point of attack, his *novitas*: *Huic orationi Ciceronis et Catilina et Antonius contumeliose responderunt, quod solum poterant, invecti in novitatem eius* («To this speech of Cicero both Catiline and Antonius responded with abuse, inveighing against his newcomer status, which was all they could do», *Ascon.* 93-94C). Moreover, the *novitas* theme is one reason Quintus could not have wished to publish the *Commentariolum Petitionis* until he had satisfied all his political ambitions, since the mention of his brother's *novitas* would necessarily call attention to his own.

The second of the two main themes in Calenus's attack, as reported by Dio, is Cicero's exploitation of his influence in the courts. Calenus claims that Cicero is on the lookout for legal cases that he can support in court, for his own benefit, meretriciously befriending anyone as his own transitory advantage dictates (46.6.2-7.1). The *Commentariolum Petitionis* advises that Marcus should pressure his former legal clients to support his election (19), not just because he has helped them but because he might help them again in the future (51, see below). Monetary advantage is here turned into political advantage.

The acquisition of political support through legal advocacy may seem to be an obvious and integral part of Roman political life: the advocate helped people out when they were in trouble; they helped him out when he stood for office. As a statement of how things actually worked, this may contain some truth, although it is hard to imagine that enough individuals could be defended to create a voting bloc that was significant in itself, and it is no longer generally accepted that many Romans controlled the kind of vertical hierarchies that would have enabled them to marshal enough votes to make a difference. Rather, it is the image of the defense advocate as a protector of the weak or imperiled that was of political advantage in attracting voters to his cause (*Off.* 2.51):

Maxime autem et gloria paritur et gratia defensionibus, eoque maior si quando accidit ut ei subveniatur qui potentis alicuius opibus circumveniri urgerique videatur...

But however glory and popularity is gained by defenses, all the greater if it ever happens that help is given to someone who seems to be assailed and attacked by the resources of some powerful person [e.g., Cicero defending Roscius of Ameria against the power of Sulla's henchman].

²² Wiseman, *New Men* cit.: «The New Man's Electoral Disadvantages», pp. 100-107; «The Ideology of *Novitas*», pp. 107-116.

A similar sentiment appears in the *De Oratore* (1.32):

Quid tam porro regium, tam liberale, tam munificum, quam opem ferre supplicibus, excitare adflictos, dare salutem, liberare periculis, retinere homines in civitate?

What is indeed so regal, so generous, so grand, as to bring aid to suppliants, to revive the ruined, to provide salvation, to free from dangers, to keep people as citizens in the state?²³

Moreover, while it is true that a former defendant might be expected to give his vote to the *patronus* who had preserved him from disaster, for a *patronus* to demand such a *quid pro quo* in the blunt way suggested by the *Commentariolum Petitionis* would have been considered quite vulgar.

Some of the other charges made against Cicero in the speech of Calenus and their echoes, some stronger than others, in the *Commentariolum Petitionis* are:

1) Dio: He creates constant discord in politics rather than harmony (46.2.1; 46.3.2; cf. 46.28.3).

2) Dio: He is always shifting course; thus, he is called a «turn-coat» (*automolos*, 46.3.4).

Commentariolum Petitionis (echoing 1 and 2): his attempt to please disparate groups makes him a force for instability. He tries to please all groups with inconsistent stances, e.g., appealing to the People so as to ally himself with Pompey, while telling the nobles that he has always sided with the optimates (5, 14, 51). The senators, the *equites*, and the masses should all be persuaded that Marcus is their special friend and supporter (53).

3) Dio: He profits from harming others, including by prosecuting the innocent (46.4.1; 46.10.1).

Commentariolum Petitionis: Marcus is urged to hold the threat of prosecution for bribery over his competitors, and their *divisores* and *sequestres* (57). In general, his competitors should be afraid of prosecution because of his power as an orator and his support from the *equites*, who form a large section of the juries (56, 57). (Compare the scorn that Marcus Cicero pours on Ser. Sulpicius Rufus for thinking such threats will help him win election to the consulate of 62 B.C., whereas in fact they were perceived, claims Cicero, as a sign of desperation [*Mur.* 43-45].) Although of course Auctor does not urge him to prosecute innocent men, the advice conjures up the negative image of prosecutors (Cic. *S. Rosc.* 55-57 and *Off.*

²³ A counter-example to this argument that it was not seen as appropriate to demand votes from former forensic clients and their supporters might be seen in Cic. *Mur.* 29, where Cicero refers to the *summa gratia* that is to be gained from advocacy, which he contrasts with the lesser influence to be gained from the practice of jurisprudence. But this refers at least in part to the benefit to Cicero's overall image as a protector of those in danger, and the celebrity that he obtained from this very public activity, and not to the practice of trading advocacy for votes. In any case, Cicero's point that *patroni* could secure more public good will than jurisconsults could was plausible, and appropriate to his argument in defense of this client.

2.50); in the second passage, Cicero prescribes that prosecution should be undertaken for the sake of the state, revenge (the example given is a son avenging his father)²⁴, or protection, and then only once or rarely more than once. According to this moral standard, threatening prosecution of those who thwart one's career ambitions is at best questionable, and possibly even shameful. Perhaps a subtle threat of prosecution is implied by the statement that those whom Marcus has saved should understand that no one will ever approve of them (*se probatos nemini*) if they do not repay him for his support (21).

4) Dio: He is a coward in court, losing his voice and publishing fictitious speeches afterwards (46.7.2-4).

5) Dio: He prepared prosecutors against Gabinius and then spoke in his behalf so poorly that he was found guilty (46.8.1).

6) Dio: He incites young men against their elders (46.8.4).

Commentariolum Petitionis: This charge may help us understand the somewhat puzzling and obtrusive emphasis on Cicero's appeal to the young (6, 33, 50)²⁵.

7) Dio: He has no record of military service (46.9.1).

Commentariolum Petitionis: The only possible reflection of this theme is indirect: since the two main paths to renown led through the battlefield and the forum, the stress on Cicero's oratorical prowess might have reminded readers of his lack of military experience (2-4).

8) Dio: He takes credit for success, and denies any responsibility for failure (46.9.3).

Commentariolum Petitionis: This is reflected in the strained logic ascribed to Cotta that promises can be made lightly because, with luck, they will never have to be fulfilled (47).

9) Dio: His charges against Antony are false (46.10-17,19).

10) Dio: He is wicked; for example, he married a second time for money, prostituted his wife, and had sexual relations with his daughter (46.18.3-6).

11) Dio: He accomplished nothing as consul, and in fact brought slaves into the Forum (46.20.1).

Commentariolum Petitionis: Marcus is advised to make use of anyone to gain votes, including not only the members of his tribes, his neighbors, clients, and freedmen, but even slaves, because one's reputation in the forum spreads almost

²⁴ A.R. Dyck, *A Commentary on Cicero, De Officiis*, Ann Arbor 1996, pp. 433 f.

²⁵ T. Mommsen, *Römisches Staatsrecht III*, Leipzig 1887³, p. 484 nt. 3, questions the historical accuracy of juxtaposing the *equitum centuriae* and the *iuventus* (33). (For his reference to the *Commentariolum Petitionis*'s authenticity, see vol. 3, p. 497 nt. 3). Barnhill, *Authenticity* cit., pp. 144 f., attempts to disengage these two groups by arguing that Mommsen was wrong to emend *deinde* (*Deinde habes tecum ex iuventute...*) to *et inde*. However, *adulescentuli* are mentioned in conjunction with *equites* just before this disputed reading.

entirely from what people in someone's household say about him (17)²⁶. In both Dio and the *Commentariolum Petitionis* we read of the influence of household slaves in the Forum, in the former in a semi-military capacity, in the latter as spreading information favorable to their masters. Romans must have found both images distasteful, one because it portrays slaves as asserting physical power over free men, and the other because it portrays masters as obliged, in order to achieve a good public image, to ingratiate themselves with their own slaves. Although Marcus' record as consul is not attacked, since that would be an anachronism, his achievement in reaching the consulate is downgraded by the section in which Auctor argues that Marcus is lucky to be facing a very weak opposition (7-12). This political analysis echoes what we know of the *In Toga Candida*, but although this analysis enhanced Cicero's reputation in the context of the election campaign, when the *In Toga Candida* was written, it lessened the glory of his successful campaign and the subsequent consulship after the campaign had ended, and thus if the *Commentariolum Petitionis* was written after the campaign, and was understood by its readers as being a post-campaign composition, its negative appraisal of Cicero's competitors undermined his achievement in winning the consulate.

12) Dio: Although he talks about law all the time, he killed Lentulus and his supporters without a trial (46.20.2-5).

13) Dio: He is so impudent that he wrote a history of his disgraceful consulate (46.21.3).

14) Dio: He is ungrateful (46.22.3), hating those who have helped him, and courting those who have not.

Commentariolum Petitionis: The advice to twist the word *amicus* («friend») to a new and flexible usage, meaning temporary ally, connects with the theme of ingratitude, although it is not the same (16). For if your *amici* are not real friends, then there is no shame in deserting them when convenient. (Compare Ps. Sall. *Tull.* 7 and 12, which refer to his support for his enemy Vatinius and hostility to his supporter Sestius).

15) Dio: He is responsible for plotting the assassination of Caesar through others' agency (46.22.3).

In the remainder of the speech, Calenus goes on to deal with the issues of the day.

Many of these points relate specifically to events that occurred after 64 B.C.,

²⁶ *Deinde ut quisque est intimus ac maxime domesticus, ut is amet <et> quam amplissimum esse te cupiat valde elaborandum est, tum ut tribules, ut vicini, ut clientes, ut denique liberti, postremo etiam servi tui; nam fere omnis sermo ad forensem famam a domesticis amanat auctoribus.* «Next, a strong effort should be made to make sure that all those who are close and especially part of your household like you and want you to be as successful as possible, such as members of your tribe, neighbors, clients, then your freedmen, and finally even your slaves; for almost all gossip spreads to the talk of the forum from household sources».

such as suppression of the Catilinarian conspiracy, the defense of Gabinius, the trial of Milo, and the civil wars (in the list above, nrr. 5, 9, 10, 12, 13, 15). Point nr. 4 may refer to his defense of Milo in 52 B.C. and the never-delivered *Second Philippic* in 44 B.C. So of course, the *Commentariolum Petitionis*, whether it was written in 64 or merely dramatically set in that year, does not mention those later events. Another charge, the sexual sins (nr. 10), would have been inappropriate for the ostensible author Quintus Cicero to mention, even for the purpose of refutation. But all the other charges, and particularly the general accusations against Marcus Cicero's character, are reflected in the *Commentariolum Petitionis*. Given that any material referring to events after 64 and material that is directly defamatory of Marcus Cicero cannot find a place in the *Commentariolum Petitionis*, whether because the work was really written by Quintus in 64, or because it was written by someone else posing as Quintus in 64, the level of similarity between the two works is noteworthy.

Gabba's discussion of the anti-Ciceronian tradition has shown that the works analyzed by him share a common source. This source seems to have also been shared by the *Commentariolum Petitionis*. The parallels are strong enough to suggest that Auctor had this source (or one of its descendants) in front of him as he wrote the *Commentariolum Petitionis*, and that he incorporated virtually all the points from this source that he plausibly could into the *Commentariolum Petitionis*. The reverse hypothesis, that this source could have been based on the *Commentariolum Petitionis* itself, while it cannot be excluded, is less attractive. It seems much more likely that Auctor adapted and toned down an existing tradition, as he would need to do if the ostensible author was to be Quintus Cicero, than that the anti-Ciceronian source used by Dio and the others intensified the faults in Marcus Cicero implied by the *Commentariolum Petitionis*. Also, it is more likely that Auctor found in his source references to the victory of Gabinius and the defeats of Cato the Younger, but chose not to make use of them since they occurred after the dramatic date of the *Commentariolum Petitionis*, than that a source that was copying the *Commentariolum Petitionis* inserted these examples. Moreover, it is probably no coincidence that both Auctor and Sallust mention C. Aurelius Cotta, his *ambitio*, and his dubious way of mixing the personal and the political. The pseudo-Sallustian *Invective against Cicero* clearly falls into the same tradition as the *Commentariolum Petitionis*. Quintilian accepted it as a genuine work of Sallust, although scholars today do not (Quint. *Inst.* 4.1.68; 9.3.89)²⁷. Therefore, it is plausible that Auctor was familiar with both the *Histories* of Sallust and the pseudo-Sallustian invective, if

²⁷ It is now generally judged not to have been written by Sallust: R. Syme, *Pseudo-Sallust*, «MH» 15 (1958), p. 55, (= R. Syme, *Roman Papers* VI, edd. E. Badian and A. R. Birley, Oxford 1991, p. 64), and Syme, *Sallust* cit., pp. 314-316. On this work see now G. Massa, *Sallustio contro Cicerone? I falsi d'autore e la polemica anticiceroniana di Asinio Pollione*, «Athenaeum» 94 (2006), pp. 415-466.

both works already existed when Auctor wrote the *Commentariolum Petitionis*, or that his source was familiar with at least some parts of the Sallustian corpus.

The *Commentariolum Petitionis* is not an invective against Cicero; ancient invective was much more caustic than this work. The work draws upon a negative tradition about Marcus that the ancient reader would have recognized (*novitas*, the abuse of his forensic powers, the political mutability, and so on), and one that the modern reader can also recognize from extant traces of it, and, using Cicero as the prime exemplar of a candidate for office, builds on that portrayal to show how fundamentally wrong and corrupting the business of campaigning was. To be sure, it avoids some of the personal attacks that we find in other works associated with the tradition, such as an alleged sexual relationship with M. Pupius Piso Frugi (*cos.* 61) or incest with his daughter, Tullia (Ps. Sall. *in Tull.* 2; D.C. 46.18.6), but it does so because the nature of the work dictates that such items of vituperation be omitted, first because many of them would be anachronistic, relating to the period after the consular elections for 63 B.C., and second because it would be out of character for Quintus to hurl them at his own brother. If Auctor was Quintus, then of the two possible subjects, election campaigns and Marcus Cicero, the former is presumably the focus of his interest, rather than the disparagement of his own brother. But if he was not Quintus, Auctor chose the subject and dramatic author of the letter, and in so doing he would have known that the choice made by him dictated the omission of such personal items. If he is not Quintus, he does a good job of adapting the anti-Ciceronian tradition to his overall object, which is not to vilify Marcus Cicero but to poke fun at elections. In this work he (that is, an Auctor who is not Quintus) shows Marcus as he really was, or rather as the hostile tradition believed that he really was. Auctor transmogrifies the arguments against Cicero so that they are consistent with the pen of a dramatic author who is not only the brother of the tradition's subject, but also his strong supporter. He omits all events after the dramatic date of the work, with the possible exception of the implication that Cicero has already defended at least two consulars (2) when as far as we know he had at this point defended none. Finally, he maintains a deadpan, dry tone, which contributes to the low-key humor of his essay, although it gives rise to the charges of clumsiness and aridity often directed against the work by modern readers who have not understood its ironic purpose. From a literary point of view, the way of reading the work presented here puts it in a much better light than the traditional way; instead of a pedestrian and clumsy effort, as both believers and nonbelievers in its authenticity have conceded it to be, we can see it as a mock-didactic work of some subtlety, achieved through clever adaptation of the negative tradition about Cicero. Nevertheless, in spite of the subtlety that the work displays, the references to *nomenclatores*, the recommendations given contrary to Roman morality, and the citation of Cotta as an authority on political ethics would have signaled to readers that the work before them was not an actual memorandum meant to guide a real election campaign, either in 64 B.C. or later.

Auctor, if he was not Quintus Cicero, casts Roman Republican elections in a bad light without ever explicitly condemning them, since such a statement would be quite out of character for Quintus, a politician in his own right. Auctor does not vilify Marcus, first because it would be out of character for Quintus to do so, and second because, if the emphasis were on the wickedness of Marcus, supporters of the Republic and its elections could argue that Marcus was just a particularly wicked person running a bad campaign. Marcus, as depicted by Auctor, does not engage in electoral bribery and is at least in control enough to serve as his own *nomenclator*. Rather, he is presented by the *Commentariolum Petitionis* as an example of the moral degradation that the electoral campaigns of the Late Republic caused in a candidate, as he courted the People in order to gain their votes. So what is made to seem especially wrong is the system, rather than this particular participant in it.

VI. *Specific Historical Information*

David and his collaborators have made the argument that the *Commentariolum Petitionis* presents a wealth of detailed historical information regarding specific individuals and campaign practices, and that this information definitely shows that Q. Cicero must have been the author²⁸. There is a danger here of a circular argument, since any information presented by the *Commentariolum Petitionis* that cannot be found elsewhere can only be as reliable as its source, whose reliability is what is in question. However, this methodological issue need not concern us very much, because in fact there is very little information to be found in the *Commentariolum Petitionis* that cannot also be found in other sources, still extant today, that the author, if he was not Quintus, could have employed.

These scholars identify twenty-six proper names mentioned by the *Commentariolum Petitionis*. Leaving aside nine well-known individuals, they find two individuals and three family groups who are described as victims of Catiline during the Sullan proscription, two friends of M. Antonius (*cos.* 63), six family groups that were very friendly to Catiline, and four very influential men who are indebted to Cicero because he has defended them (or was to going to defend them) in a criminal trial. Here are the names, followed by 1) contemporary evidence relating to them, and/or 2) later evidence that shows that later writers knew of them.

²⁸ J.-M. David - S. Demougin - E. Deniaux - D. Ferey - J.-M. Flambard - C. Nicolet, *Le 'Commentariolum Petitionis' de Quintus Cicéron. Etat de la question et étude prosopographique*, in *A.N.R.W.* 1/3 (1973), p. 277. R. Till, *Ciceros Bewerbung ums Konsulat (ein Beitrag zum Commentariolum Petitionis)*, «Historia» 11 (1962), p. 317, also makes the argument that the author's familiarity with details of the time shows that he must have been a contemporary: «Die Schrift verrät vielmehr, vor allem in ihrem aktuell-politischen Teil, eine so intime Kenntnis der Situation im Jahre 64 sowie der Einzelereignisse und beteiligten Personen aus den vorhergehenden Jahren, daß sie nur von einem miterlebenden Zeitgenossen geschrieben sein kann».

A. *Victims of Catiline in 81 B.C.*

(9) Titinius. Although the *Commentariolum Petitionis* uses a plural form, the parallels with Asconius 84C show that only one such person is meant²⁹. The name is frequently attested, but it is difficult to know which Titinius is indicated.

(9) Nanneius. 1) Possibly Cic. *Att.* 1.16.5³⁰.

(9) L. Tantasius. 1) Ascon. *Tog. Cand.* 84C: *nominatim etiam postea Cicero dicit quos occiderit* («Cicero also afterwards names those whom he killed»); 2) Ascon. 84C («L. Tanusius»).

(9) Q. Caucilius³¹ or Q. Caecilius. 1) Ascon. *Tog. Cand.* 84C: *nominatim etiam postea Cicero dicit quos occiderit* («Cicero also afterwards names those whom he killed»); 2) Ascon. 84C.

(9) M. Marius (pr. ?85, II 82)³². 1) M. Marius Gratidianus: Cic. *Brut.* 223; 2) Sall. *Hist.* 1.44M; Ascon. 84, 87, 90C; Lucan. 2.174-193³³.

B. *Friends of Antonius*

(8) Sabidius. The *nomen* is attested, but we do not know the identity of this individual.

(8) Panthera. 2) Possibly the Cn. Aufidius (tr. pl.) mentioned by Pliny the Elder (Plin. *Nat.* 8.64) who imported panthers into Italy, or his descendant.

C. *Friends of Catiline*

(10) Curius, a senator. 1) Q. Curius: Cic. *Tog. Cand.* *apud* Ascon. 93C, *hominem quaestorium*; 2) Sall. *Catil.* 17.2; Ascon. 93C; App. *BC* 2.3.

(10) Annii, a senator. 1) Q. Annii Chilo: Cic. *Cat.* 3.14; 2) Sall. *Catil.* 17.3.

²⁹ F. Münzer, s.v. *Titinius* (2), in *RE* VIIA (1937), cc. 1546 f. For this generalizing construction, including examples in which it has a negative connotation, see R. Kühner - C. Stegmann, *Ausführliche Grammatik der lateinischen Sprache*, rev. A. Thierfelder, zweiter Teil, Satzlehre I, Darmstadt 1971⁴, § 20.1.3, p. 72.

³⁰ See D.R. Shackleton Bailey (ed.): *Cicero's Letters to Atticus* I, Cambridge 1965, p. 317.

³¹ Shackleton Bailey in his Teubner text (D.R. Shackleton Bailey [ed.]: *M. Tulli Ciceronis, Epistulae ad Quintum Fratrem, Epistulae ad M. Brutum Accedunt Commentariolum Petitionis, Fragmenta Epistularum*, Stuttgart 1988), has *Q. Caucilius*. In his Loeb translation, Shackleton Bailey, *Letters to Quintus and Brutus* cit., p. 411 nt. 8, argues that the name has been 'banalized' from Asconius onwards.

³² For the dates of his two praetorships, see G.V. Sumner, *The Orators in Cicero's Brutus: Prosopography and Chronology* (Phoenix Supplementary 11), Toronto 1973, p. 119, and Brennan, *Praetorship* cit., p. 384.

³³ Because of the relatively copious information on M. Marius, particularly his death, I have not cited all sources.

(10) Sapalas. 1) Possibly the same as P. Scapula of Cic. *Quinct.* 17, or a Celtic name³⁴.

(10) Carvilius. 2) Possibly Carvilius Pollio, Plin. *Nat.* 9.39; 33.144.

(10) Pompilius (*eques*). A known *nomen*, but unknown individual.

(10) Vettius (*eques*). 1) L. Vettius (Cic. *Att.* 2.24.2); 2) Suet. *Iul.* 17; D.C. 37.41.2.

D. *Influential Men Defended by Cicero*

(19) C. Fundanius. 1) C. Fundanius tr. pl. (68?)³⁵; 2) Quint. *Inst.* 1.4.14 (Cicero, *pro Fundanio*).

(19) Q. Gallius. pr. 65. 1) Cic. *Brut.* 277-278; 2) Val. Max. 8.10.3; Ascon. 88C; Quint. *Inst.* 8.3.66; 11.3.155,165 (Cicero, *pro Gallio*).

(19) C. Cornelius (tr. pl. 67). 1) Cic. *Corn. apud* Ascon. 57-81C; Cic. *Brut.* 271; *Orat.* 225; 2) Val. Max. 8.5.4; Quint. *Inst.* 4.3.13; 4.4.8; 5.11.25; 5.13.18,26; 6.5.10; 7.3.35; 8.3.3; 9.2.55; 9.4.14,122-123; 10.5.13; 11.3.164; Plin. *Epist.* 1.20.8 (Cicero, *pro Cornelio*).

(19) C. Orchivius (pr. 66). 1) Cic. *Cluent.* 94, 147.

This list fails to support the argument that only a contemporary could have known of the individuals mentioned in the *Commentariolum Petitionis*. We can identify either a contemporary source to which later writers had access, or a reference to that individual in a later writer, for ten of these seventeen names. For four others (Nanneius, Panthera, Sapalas, and Carvilius) we may be able to identify the individual. Furthermore, the remaining three (Titinius, Sabidius, and Pompilius) are all associated with Marcus Cicero's competitors for the consulate of 63, so we can reasonably surmise that Auctor, if he is not Quintus, found them in Marcus' speech *In Toga Candida*. For, given the strong parallels between passages in this speech and the *Commentariolum Petitionis*, we can say with certitude that, if Auctor wrote the *Commentariolum Petitionis* after 64, he must have had access to the speech.³⁶ So nothing about the names that occur in the *Commentariolum Petitionis*

³⁴ See D.R. Shackleton Bailey, *Two Studies in Roman Nomenclature* (American Classical Studies 3), Atlanta 1991², at pp. 39 f., and P. Harvey, review of the first (1976) edition of this work, «A.J.Ph.» 101 (1980), p. 116.

³⁵ Lex Antonia de Termessibus, line 3. Crawford, *Roman Statutes* cit., nr. 19.

³⁶ Thus, the answer of L. Waibel, *Das Commentariolum Petitionis Untersuchung zur Frage der Echtheit*, unpublished Ph.D. dissertation, Ludwig-Maximilians-Universität zu München (1969), p. 94, to Till's question, *Ciceros Bewerbung* cit., p. 324 (from where could a forger have the names of Sabidius and Panthera?) is, from the *In Toga Candida*, citing Henderson, *De commentariolo petitionis* cit., p. 14. For verbal parallels between the *In Toga Candida* and the *Commentariolum Petitionis*, see Barnhill, *Authenticity* cit., pp. 240 f., where eight parallel sets are listed. Waibel's dissertation, like Barnhill's, is an invaluable aid to the study of the *Commentariolum Petitionis*. D. Nardo, *Il 'Commentariolum Petitionis': La propaganda elettorale nella*

excludes the possibility that the *Commentariolum Petitionis* is a later work, not written by Quintus or any other contemporary, although the possibility that Quintus is the author, writing on the basis of personal knowledge, cannot be ruled out at this point in the argument. On the other hand, those who believe in the work's authenticity have to concede that Quintus as author took no pains to provide his readers with full names for the people he mentioned, often contenting himself with, for example, just a vague plural of the *nomen*.

But, putting aside names, what about the knowledge of Roman politics that Auctor demonstrates? Could only a contemporary have known these details? In fact, these details can be found in works that Auctor, whether he lived during or after the sixties B.C., could have easily read. There are two passages in which Auctor talks about specific categories. In the first, he discusses categories of voters: Cicero's *tribules*, *vicini*, *clientes*, *liberti*, and *servi* (17: «fellow tribesmen, neighbors, clients, freedmen, and slaves»). Three of these can be found in Marcus Cicero's *pro Murena*, which verbal parallels show that Auctor must have consulted if he wrote after 64 B.C.: the *clientes*, *vicinos*, and *tribulis* of Lucullus (69). Likewise, we find *amicos* («friends»), *clientes*, and *libertos* in a letter from Marcus to Quintus (Cic. *ad Q. fr.* 1.2.16), which Auctor probably read if he wrote after 64, since it is likely under that condition that Marcus' letter of advice to his brother on provincial government (Cic. *ad Q. fr.* 1.1) suggested to Auctor the concept of a letter of advice from Quintus to Marcus. Writing to Crassus, Marcus mentions his addressee's *amicorum*, *hospitum* («guests»), and *clientium* (Cic. *Fam.* 1.25.5). If Auctor was familiar with the letters to Atticus, he might have remembered the list of people who might have helped him secure the books of Ser. Claudius: *amicos*, *clientes*, *hospites*, *libertos*, and *servos* of L. Papirius Paetus (Cic. *Att.* 1.20.7).

The second passage discusses the three kinds of people who attend the candidate: *salutatores*, *deductores*, and *adsectatores* (34).³⁷ Tacitus, in fact, uses similar language (Tac. *Dial.* 9.1) with verbs rather than nouns:

³⁷ *'ars' di Quinto Cicerone*, Padova 1970, p. 130 argues that the fact that the *Commentariolum Petitionis* includes «gli oscurissimi nomi» («the very obscure names») of Titinius and Nanneius, whereas the *In Toga Candida*, to judge by Asconius 84C, does not, shows that the *Commentariolum Petitionis* must have been written by a contemporary rather than a forger (see also pp. 42 f. n. 51). However, Auctor could have found the name Titinius in Cic. *Cluent.* 153 (Cn. Titinius), tentatively identified as the Titinius of the *Commentariolum Petitionis* (nr. 344 and 342, respectively) by C. Nicolet, *L'ordre équestre à l'époque républicaine (312-43 av. J.C.)* II, Paris 1974, pp. 1037-1039, or could have found the name Titinius seven times in Cicero's *Letters to Atticus* (especially Q. Titinius, nr. 345 in Nicolet, *op. cit.*, pp. 1039 f.), and could have reconstructed the name Nanneius from Cic. *Att.* 1.16.5, which, it has been argued, could refer to a victim of Catiline (see Shackleton Bailey, *Letters to Atticus* cit. I, p. 317). Note that Asconius probably did not have access to Cicero's letters to Atticus (see below, nt. 126).

³⁷ On *deductores* and *adsectatores*, see E. Maróti, *Deducere-Deductores*, «Oikumene» 5 (1986), pp. 237-242.

Quis Saleium nostrum, egregium poetam vel, si hoc honorificentius est, praeclarissimum vatem, deducit aut salutatur aut prosequitur?

Who escorts, or greets, or follows around Saleius, an outstanding poet or, if this is more complimentary, a most illustrious bard?

To be sure, *Commentariolum Petitionis* uses *adsectator* rather than *prosecutor*, perhaps because the latter term is used for a magistrate's attendant. Something like the triad found in both the *Commentariolum Petitionis* and the *Dialogus* may have typically been invoked to describe the throng that surrounded an illustrious personage. Again, the Tacitus passage in no way proves that Auctor wrote the *Commentariolum Petitionis* after the election campaign of 64 B.C., but it helps disprove the contention that a later writer could *not* have written it.

VII. Parallels

Can any parallels in classical literature be found to a work such as the *Commentariolum Petitionis* as this article has described it? Although three characteristics — namely, pseudepigraphy (if in fact the work was not written by Quintus in 64 B.C.; see below, Section IX), a pseudo-didactic function, and subtle irony — may not be present all together in any other known classical work, they can be found singly in several.

If Hornblower's interpretation of the *Old Oligarch* is correct, then that work presents a close parallel with the *Commentariolum Petitionis*. Hornblower argues that the *Old Oligarch* is not, as has been generally accepted, a work from the fifth century that disparages democracy, but rather could be the work of «a very clever democrat choosing to adopt a grumpy oligarchic persona as an amusing and unorthodox way of praising democracy»³⁸. Hornblower argues that the *Old Oligarch* was composed in the fourth century based on fifth-century sources, especially Thucydides³⁹, just as I have argued that Auctor could have found much of his information in the works of Cicero, and he suggests that the work may belong to the sympotic genre⁴⁰. However, because his view is likely to be met with skepticism, as we can see in Osborne's discussion of it, the *Old Oligarch* cannot supply us with a secure parallel⁴¹. Osborne objects that the *Old Oligarch*, if it is, a spoof, is not a very

³⁸ S. Hornblower, *The Old Oligarch (Pseudo-Xenophon's Athenaion Politeia) and Thucydides. A Fourth-Century Date for the Old Oligarch*, in P. Flensted-Jensen - T.H. Nielsen - L. Rubinstein (edd.), *Polis & Politics: Studies in Ancient Greek History Presented to Mogens Herman Hansen on his Sixtieth Birthday, August 20, 2000*, Copenhagen 2000, p. 364.

³⁹ Hornblower, *Old Oligarch* cit., pp. 366-369; Hornblower, in *OCD*³, s.v. *Old Oligarch*, p. 1064.

⁴⁰ Hornblower, *Old Oligarch* cit., pp. 376-378; Hornblower, in *OCD*³, s.v. *Old Oligarch*, p. 1064.

⁴¹ R. Osborne (ed.), *The Old Oligarch: Pseudo-Xenophon's Constitution of the Athenians* (Lactor 2), London 2004², pp. 3 f.

clever or amusing spoof. It should be noted, however, that Hornblower is actually arguing for a three-level reading of the *Old Oligarch*: 1) on the surface, praise of democracy, but insincere praise by the standard view; 2) a series of criticisms by a fifth-century oligarch against democracy and Athenian imperialism; and 3) the real, pro-democratic meaning⁴². So even if level nr. 3 has been wrongly imagined by Hornblower, level nr. 2 is already ironic.

If a parallel with the *Old Oligarch* is excluded as based on too speculative an interpretation of it, then one has to examine whether various works can be found that separately offer parallels to each of the different aspects of the *Commentariolum Petitionis*: a pseudepigraphic letter, a pseudo-didactic purpose, and what Booth calls «stable irony», that is, adherence to a consistently ironic premise⁴³. It is generally accepted that the two letters *Ad Caesarem senem de republica* attributed to Sallust were written by someone else and later. If so, these provide a parallel not only for a pseudepigraphic letter, but for one composed later than its ostensible date⁴⁴. Ovid's *Ars Amatoria* provides an example of a pseudo-didactic work, that is, a work whose purpose was not to teach and which does not offer serious advice⁴⁵.

It was not really intended as a practical guide to ensnaring the opposite sex, any more than Virgil really intended his *Georgics* to be a practical handbook of farming which would supplant Varro's prose treatise. The work's didactic form was something of a façade...

Even if we reserve judgment about Ovid's self-interested claim, as he writes from exile, that he had not been an *obsceni doctor adulterii* (Ov. *Trist.* 2.212: «a teacher of lewd adultery»), and about the other exculpatory defenses offered by him in Book II of the *Tristia*, it is clear that the *Ars Amatoria* was not a practical how-to manual. Although it was didactic in form, it was not meant to be taken as literal advice.

As well, both Seneca's *Apocolocyntosis* and Petronius' *Cena Trimalchionis* provide examples of works of stable irony, ostensibly describing what they in fact denigrate. But, it may be objected, these two works are far more transparent in their purpose than the *Commentariolum Petitionis*, and to read the *Commentariolum Petitionis*

⁴² Hornblower, *Old Oligarch* cit., p. 364.

⁴³ Booth, *Rhetoric of Irony* cit., pp. 5 f., especially (6): «... once a reconstruction of meaning has been made, the reader is not then invited to undermine it with further demolitions and reconstructions».

⁴⁴ See above, I Part, nt. 5. The final two letters in the collection of Cicero's letters to Brutus, 25 and 26 (ostensibly Brutus to Cicero and Brutus to Atticus, respectively), were probably written after 43 B.C. (Shackleton Bailey [ed.]: Cicero, *Epistulae ad Quintum Fratrem et M. Brutum* cit., pp. 10-14, and P.B. Harvey, Cicero, *Epistulae ad Quintum Fratrem et ad Brutum: Content and Comment*, «Athenaeum» 79 [1991], pp. 22-29).

⁴⁵ A.S. Hollis, *The Ars Amatoria and Remedia Amoris*, in J.W. Binns (ed.), *Ovid* (Greek and Latin Studies, Classical Literature and its Influence), London 1973, pp. 84-115, esp. 85, and R.K. Gibson (ed.): *Ovid, Ars Amatoria Book 3*, Cambridge 2003, p. 8: «its characteristically playful tone».

as an example of stable irony requires an analysis so much more subtle as to be implausible. Partly, this reaction may arise from the difficulty of reading a familiar work in a totally new light. When that work was produced by a literary culture two millennia in the past, misinterpretation is a strong possibility. Moreover, it came from a culture that reveled in subtlety; its own literature was dominated by allusions to the literature of another language. After all, someone new to Latin literature might find implausible the premises that Virgil's *Aeneid* needs to be read against the background of Homeric epic, and that Virgil's readers were capable of performing this feat.

In fact, subtlety is hardly a reason for rejecting a particular reading of a Latin work. Ahl has shown not only that the ancients used «figured speech» to express themselves ambiguously, but also that they believed that these figures rendered the expression more *deinos* («formidable») ⁴⁶. Dio Chrysostom's *Trojan Oration*, in which he overturns Homer's account of the Trojan War, is so subtle that scholars cannot agree on how it should be read, whether as a rhetorical showpiece, as Cynic moralizing, as a caricature of Homeric scholarship, or as Roman propaganda, to name some suggestions ⁴⁷. In rhetoric one of the forms of «figured speech» was to say the opposite of what one meant, and the listener or reader could be expected to understand the true meaning ⁴⁸. Such subtlety justifies modern classicists' attempts to see beneath the surface of ancient texts. For example, Champlin has argued that Phaedrus was a «prince in disguise», not of humble background but a lawyer and gentleman in his native Rome who transformed a minor Greek genre into a Latin *tour de force* ⁴⁹. Nor would it be surprising if the *Commentariolum Petitionis*, supposing that it dates from the latter part of the first century A.D., displays characteristics of the Second Sophistic, thus striving for cleverness and erudition more than clarity. Since a pseudepigraphic, or pseudo-historical, letter was a genre typical of the Second Sophistic, the *Commentariolum Petitionis* as interpreted here would be entirely consistent with the literature of that literary movement ⁵⁰. Given that

⁴⁶ F. Ahl, *The Art of Safe Criticism in Greece and Rome*, «A.J.Ph.» 105 (1984), pp. 174-208.

⁴⁷ S. Saïd, *Dio's Use of Mythology*, in S. Swain (ed.): *Dio Chrysostom, Politics, Letters, and Philosophy*, Oxford 2000, pp. 176-180.

⁴⁸ Pseudo-Dionysius VIII A2 (281-82) and IX B2 (323). See F. Desbordes, *Le texte caché: problèmes figurés dans la déclamation latine*, «R.E.L.» 71 (1993), p. 79, and B. Breij, *Pseudo-Quintilian's Major Declamations 18 and 19: two controversiae figuratae*, «Rhetorica» 24 (2006), p. 84. Admittedly, Romans were more suspicious of the device of saying the opposite of what one meant than were the Greeks. Quint. *Inst.* 9.2.87-89 counsels against the use of this variety of figured speech, but admits that some orators did employ versions of it.

⁴⁹ E. Champlin, *Phaedrus the Fabulous*, «J.R.S.» 95 (2005), pp. 98, 115. He suggests that the work, or at least the first book, was in circulation by about A.D. 70 – a possible date for the composition of the *Commentariolum Petitionis* (p. 102; see below, pp. 390-393).

⁵⁰ For an overview of the Second Sophistic, see T. Whitmarsh, *The Second Sophistic* (Greece & Rome. New Surveys in the Classics 35), Oxford 2005. For the pseudepigraphic letter in the Second Sophistic, see P.

no straightforward reading of the *Commentariolum Petitionis* has achieved general acceptance, a more indirect approach should not be excluded simply because it implies subtlety and indirection.

VIII. *General Nature of the Commentariolum Petitionis*

This article has presented various arguments in support of the following thesis: the *Commentariolum Petitionis* was written with the ostensible purpose of providing information to Marcus about election strategy and tactics, but its real purpose was to poke fun at elections and at what candidates did to win them. According to it, elections make the candidates debase themselves before the voters, as we see in the case of Cicero, who cheapened himself in the process of running for office. By way of contrast, we are told in other works that Cato the Younger (not mentioned in the *Commentariolum Petitionis*, since in 64 he was of no significance, having just held the quaestorship the year before or holding it during that year)⁵¹ avoided this humiliation by his detached attitude toward victory and defeat. Since the *Commentariolum Petitionis* does not attempt to provide a serious description of Roman campaigning, its prescriptions should not be taken as serious advice for candidates. Modern historians who thought that they were drawing their own conclusion, from data presented in the *Commentariolum Petitionis*, that careerism ruled at Rome in the absence of political principle have in fact been repeating the work's central conclusion. It is not the purpose of this article to dispute that conclusion, or any other conclusion, about the true nature of Roman politics, but rather to argue that the *Commentariolum Petitionis* does not provide good evidence to support such conclusions. Moreover, the *Commentariolum Petitionis* presents such unprincipled careerism not as acceptable, but as reprehensible. I believe that the arguments presented render this thesis plausible, and in fact more plausible than its two competitors, namely that Quintus Cicero really did write this work to provide advice to his brother during his campaign for the consulate of 63 B.C., or that someone else composed it as an analysis of Roman elections in the guise of Quintus Cicero writing to his brother in 64 B.C.

But, one might argue, just as Ovid's *Ars Amatoria* might have contained a kernel of truth about Roman sexual *mores* that creates the basis for the poem's wit, so the *Commentariolum Petitionis* must contain a kernel of truth about Roman election campaigns. If none of the amorous activities described by Ovid ever happened at

Rosenmeyer, *Ancient Epistolary Fictions: The Letter in Greek literature*, Cambridge 2001, p. 194 and P. Rosenmeyer, *Ancient Greek Literary Letters: Selections in Translation*, London 2006, pp. 97-103, especially p. 97: «Pseudonymous letters, also called pseudo-historical or pseudepigraphic, are unique to the period of the Second Sophistic».

⁵¹ T.R.S. Broughton, *The Magistrates of the Roman Republic* III, Supplement, Atlanta 1986, p. 171.

Rome, the work would fail to amuse. But what is needed for wit to succeed is not necessarily reality but a perception of reality. At least some Romans perceived that election campaigns were degrading, and they perceived serious faults in Cicero's conduct, and these perceptions formed the basis for the work's humor.

But is it necessarily the case that these perceptions are untrue? The use of certain generally accepted stereotypes for a humorous or other literary effect does not show that they are untrue. *Quamquam ridentem dicere verum quid vetat?* (Hor. *Sat.* 1.1.24-25: «Although what forbids saying the truth while laughing?»). Indeed, for satire to be effective, must it not, in some sense, tell the truth? But, on the other hand, a work whose purpose is to persuade readers of the truth of these stereotypes needs to be viewed with suspicion as a historical source. For example, the fact that Seneca's *Apocolocyntosis* makes use of the stereotype that Claudius was a doddering old fool for humorous effect does not prove that he was not one, but historians do not accept the testimony of this work in a literal way when they portray the historical Claudius. Given the satirical purpose of the work, any attacks on the character of Claudius that are intrinsic to the message of the *Apocolocyntosis* need to be viewed with skepticism, and these attacks require confirmation from other sources before they can be accepted as historically justified.

For the same reason, the testimony of the *Commentariolum Petitionis* about the nature of Roman campaigning needs to be used with great caution. Moreover, the *Commentariolum Petitionis* is based in part on a negative tradition about Cicero that historians do not consider to be reliable. Thus, for example, they do not accept the contention that Cicero maintained an incestuous relationship with his daughter (above, Section V.B), rather than the appropriately paternal relationship to which his own works testify⁵². The *Commentariolum Petitionis*'s core contention can suggest questions to be settled on the basis of other sources, but the work should not be adduced as reliable evidence to solve these questions. It does, however, constitute additional evidence for a tradition that was critical not just of Marcus Cicero but of a central institution of the Late Roman Republic, election campaigning, a tradition that must have been strong during the Empire, although it is not as extensively represented in most of our extant sources from the period as is a pro-Republican tradition.

Ancient historians generally accept the tenet of cultural relativism that we should avoid condemning the practices of another culture that strike us as unnatural or repugnant; after all, Herodotus showed that people from one culture recoil against funeral customs viewed as natural within another culture (3.38). But we also need to be careful not to make the reverse mistake, to assume that what we find praiseworthy in another culture is so viewed by people from that culture. The ve-

⁵² T. Carp, *Two Matrons of the Late Republic*, «Women's Studies» 8 (1981), p. 197, and J. Hallert, *Fathers and Daughters in Roman Society: Women and the Elite Family*, Princeton 1984, pp. 134 f. nt. 72.

neration of upward social mobility is widespread, certainly in the United States of the twenty-first century. But the Romans did not welcome this phenomenon. Marcus Cicero's rise from respectability in Arpinum to the leadership of Rome was not necessarily viewed by the Romans as a noble and stirring example, and in fact it could be used to condemn the political system in which he performed this feat.

IX. *The Authenticity Question*

No conclusion about the *Commentariolum Petitionis* so far has been predicated on an argument as to whether Quintus wrote this work, or when it was written. In some instances I have considered arguments that imply a date later than 64 B.C., but these arguments have been scrutinized not to argue that it *was* written later, but only to rebut the argument that it *could not* have been written later and *must* be contemporaneous with the events it describes. Nevertheless, the thesis of this article does lead to further conclusions about who wrote the work, and when — but only as a by-product stemming from this new reading of the *Commentariolum Petitionis*, not as its main conclusion that it does not constitute a reliable historical source for the practice of politics in the Republic.

It is very unlikely that Quintus was the author. We know from Marcus Cicero's correspondence with him, and also from his comments in letters to Atticus about him, that the two brothers had for most of their life a close relationship, not an open or even sublimated hostility. Marcus speaks of Quintus as not just a brother but also a son and parent (*ad Q. fr.* 1.3.3; *P. Red. in sen.* 37). The exception was a period in the aftermath of Pompey's defeat at Pharsalus in 48 B.C. when the brothers feuded, each claiming that the other was traducing him before Caesar (*Cic. Att.* 9.8.2, and ff.). However, it seems unlikely that this quarrel went so deep that it would have led Quintus to write a work premised on a negative view of his brother, especially since Auctor's mockery of Marcus' *novitas* (as I interpret it) applied equally to Quintus. Furthermore, it is highly unlikely that Quintus held the negative view of elections espoused by this work. He was an active politician, moving smoothly along the *cursus honorum* up to his praetorship in 62, possibly *suo anno*, in the first year when he was eligible for each office. Then his brother's troubles put his political aspirations in abeyance, but his service under Pompey (57-56) and Caesar (54-52), along with Marcus' efforts to placate the ruling faction (efforts that, as we have seen, led to his reputation for political inconstancy), must have renewed Quintus' hope for a consulate. He hoped to stand in 53 for the consulate of 52, but Pompey served as sole consul for most of that year, and further events precluded a campaign for the consulate⁵³.

⁵³ T.P. Wiseman, *The Ambitions of Quintus Cicero*, «J.R.S.» 56 (1966), pp. 108-115.

What about the question of date? The less likely it is that the author is not really the person the work claims he is, the less likely it is that it was written at the time that the work claims. But before we turn to the date of *composition*, something can be said about the date of *publication*. If Quintus, Marcus, or anyone sympathetic to the two brothers was responsible for the publication of the *Commentariolum Petitionis*, publication must have occurred after it was clear to them that their political careers were over, which would probably be 49 B.C. at the earliest. As Mommsen observed, Quintus Cicero would have never written so frankly in public («... der Bruder selbst würde schwerlich sich so offenherzig öffentlich geäußert haben») ⁵⁴. We can presume that it would have been politically disastrous if members of the populace (that is, the people to whom *popularis* appeals were directed) read that they had been duped so that Marcus might gain Pompey's favor (5), contrary, as Bruhn points out, to his explicit statement in the *pro lege Manilia* (70) that he was not supporting a command for Pompey to ingratiate himself with Pompey ⁵⁵; that he made promises that he was prepared to disregard (45); that in general Marcus had tailored contradictory appeals to specific groups (53); or that the city that Marcus wanted to lead was a den of vice and deception (54) — not to mention the more subtle violations of Roman aristocratic morality that are recommended in the work. Although logically Marcus might have tried to argue that these were only recommendations made to him by someone else, and that he bore no responsibility for them, and never followed them, opprobrium would have inevitably attached to both of them. So whatever the date of composition, the date of publication could only have been in the last years of their lives, or after their deaths in 43.

Furthermore, only if the *Commentariolum Petitionis* constitutes real advice rendered during the election campaign of 64 can we readily understand why a large interval would have occurred between composition and publication. If Quintus sent it to Marcus in 64, we can understand why it would not have been published, and Marcus would have presumably kept it under lock and key for many years. But it is hard to see why someone else would have written it as a treatise on Roman election campaigns at a later date, divorced from any specific ongoing campaign, if it was not intended for some kind of distribution. Therefore, unless the author wished to harm the Cicero brothers, or at least was willing for his essay to do so, its earliest date of composition, if it was a general treatise, would be in the forties.

Moreover, Cicero's reputation as a turn-coat, to which the document alludes

⁵⁴ T. Mommsen, *Römische Geschichte*, Leipzig 1904², p. 175 nt. 4. F. Leo, *Die Publication von Ciceros Briefen an Atticus*, «Nachrichten von der Königlichen Gesellschaft der Wissenschaften zu Göttingen», Phil.-hist. Kl. (1895), p. 448, and E. Bruhn, *Q. Ciceros Handbüchlein für Wahlbewerber*, «Neue Jahrbücher für das klassische Altertum, Geschichte, und deutsche Literatur» 21 (1908), pp. 260-262, argue that the work could never have been published during the lifetimes of the Ciceros.

⁵⁵ Bruhn, *Q. Ciceros Handbüchlein* cit., pp. 258 f.

(above, Section V.B), emerged primarily because of his defenses of Vatinius and Gabinius in 54 (D.C. 39.63.5)⁵⁶, although Dio also claims that the epithet had been applied to him previously, at the end of 66 B.C., when he first opposed and then promised to support Manilius (36.44.2)⁵⁷. The trials of 54 establish that year as a probable *terminus post quem* for the composition of the work. So the date of composition cannot be close to the election campaign to which the work purports to relate. If Gabba is right in positing a published version of Asinius Pollio's *Pro Lamia* as the source on which the anti-Ciceronian literary tradition is based, then the *terminus post quem* must be some time in the late forties B.C. It is not possible to establish a firm *terminus ante quem*. While it contains similarities with a work of A.D. 362, the date of Claudius Mamertinus' speech of thanks to Julian, these do not establish A.D. 362 as a *terminus ante quem*, because the *Commentariolum Petitionis* could conceivably have been written after that date, drawing upon the same work as, or upon a work in the same tradition as, Claudius Mamertinus had drawn upon⁵⁸.

Pseudepigrapha, some of high quality, abounded in the first century A.D.; Syme argues that publicly sponsored libraries encouraged, rather than discouraged, them⁵⁹. Asconius, writing around A.D. 55, relates that in his day there circulated speeches attributed to, but not written by, Cicero's two main competitors for the consulate, M. Antonius and L. Sergius Catilina, as responses to the *In Toga Candida*; they were in fact written by *Ciceronis obtrectatores* («disparagers of Cicero»). Asconius considers these orations to be unworthy of consideration.

Huic orationi Ciceronis et Catilina et Antonius contumeliose responderunt, quod solum poterant, inveci in novitatem eius. Feruntur quoque orationes nomine illorum editae, non ab ipsis scriptae sed ab Ciceronis obtrectatoribus: quas nescio an satius sit ignorare (Ascon. *Tog. Cand.* 93-94C).

Both Catiline and Antonius responded with abuse to this speech of Cicero, attacking his undistinguished birth, which was all they could do. Also, speeches are put forth as publi-

⁵⁶ Alexander, *Trials* cit., nr. 292 and 303.

⁵⁷ J.T. Ramsey, *The Prosecution of C. Manilius in 66 B.C. and Cicero's pro Manilio*, «Phoenix» 34 (1980), pp. 331-336, argues that Marcus Cicero was in reality fairly successful in maintaining to the People that, in a speech *de Manilio*, he was following a consistently fair policy toward Manilius. See also Plu. *Cic.* 9.4-6.

⁵⁸ Nixon-Rodgers, *Praise* cit., p. 417 nt. 106, rightly note the similarities between § 16 of this speech and the *Commentariolum Petitionis*. However, it is probably the case that Mamertinus is borrowing themes not from the *Commentariolum Petitionis* itself, but from a source also used by the *Commentariolum Petitionis*, because in § 19 Mamertinus ridicules Republican voters for electing Gabinius and rejecting Cato the Younger. If § 16 and § 19 are both based on the same source, it is very likely that this source included events of the fifties, such as the election of Gabinius and the defeats of Cato. Auctor would have omitted these events as occurring after the dramatic date of the *Commentariolum Petitionis*. However, if Mamertinus used two different sources for § 16 and § 19, then it would be possible that the *Commentariolum Petitionis* was the source for § 16.

⁵⁹ Syme, *Pseudo-Sallust* cit., p. 48.

shed under their names, written not by them but rather by detractors of Cicero: I am inclined to think that these should be disregarded.

A pseudepigraphic treatise attributed to Quintus Cicero in which Marcus Cicero's reputation was sullied would fit well into this milieu.

The latter part of the first century A.D. was an era much interested in the writings of Marcus Cicero, as Asconius' commentary on some of his speeches and Quintilian's *Institutes*, with his reliance on Cicero's speeches for examples of rhetorical techniques, attest, and as a result a remarkable level of erudition was current regarding Cicero and his age. Moreover, a few years after the commentaries of Asconius, Cicero's *Letters to Atticus* were published, which must have afforded new material for the *obtretractores Ciceronis*, as well as for anyone with an interest in him⁶⁰. Finally, the latter part of the first century A.D. saw considerable ferment with regard to political doctrine, particularly with regard to the merits of the old Republic and the reasons for its fall⁶¹. MacMullen describes the sentimental attachment to what was remembered by some as the *libertas* of the Republic as «dreamy Republicanism», devoid of an agenda for political change⁶²:

Not revolutionary, not necessarily political at all, they [these ideas] were rather moral in some extremely wide sense, though entangled also in political protest, social ambition, pride of history, and philosophy.

Tacitus has Marcellus Eprius claim that Helvidius Priscus emulated the *Ca-tones* and *Bruti* (Tac. *Hist.* 4.8). Dio (66.12.2), as epitomized by Xiphilinus, records the tradition that this Stoic denounced *basileia* (kingship) and praised *democratia* (the old republic), and thus alienated Vespasian⁶³. Whether or not this was true

⁶⁰ Publication is generally thought to have occurred between ca. A.D. 55 and 63. The primary reason for believing that the *Letters to Atticus* were published after Asconius wrote his commentaries on Cicero's speeches (between A.D. 54 and 57, according to B.A. Marshall, *A Historical Commentary on Asconius*, Columbia, MO 1985, pp. 27-30) is that he fails to exploit them on points where scholars believe he would have done so if he had had access to them (a view challenged by Marshall, *op. cit.*, pp. 48 f.). The most notable example cited occurs in his commentary on the *In Toga Candida*, where he discusses the question of whether Cicero ever defended Catiline but fails to cite Cic. *Att.* 1.2.1, in which Cicero says that he is thinking of defending Catiline (Ascon. 85C). Yet Seneca writing a few years later (ca. A.D. 63) cites Cic. *Att.* 1.16.5 (Sen. *Epist.* 97.5), with a reference to the first book of the *Letters to Atticus*. See Shackleton Bailey, *Letters to Atticus* cit. I, pp. 59-73.

⁶¹ Griffin, *Seneca, a Philosopher* cit., pp. 182-201. Harvey, *Epistulae ad Quintum Fratrem et ad Brutum* cit., p. 28 describes the Neronian-Flavian age as one «when the political personalities of the final decades of the republican era (Cato especially, but also Cicero and Brutus) were the object of literary evaluation, castigation, and laudation».

⁶² R. MacMullen, *Enemies of the Roman Order: Treason, Unrest, and Alienation in the Empire*, Cambridge, MA 1966, p. 69; see also p. 63. See also A.M. Gowing, *Empire and Memory: The Representation of the Roman Republic in Imperial Culture*, Cambridge 2005, p. 104.

⁶³ P.A. Brunt, *Stoicism and the Principate*, «P.B.S.R.» 43 (1975), p. 29, and M. Griffin, *The Flavians*,

of Helvidius Priscus, or just a slander against him, it opens the possibility that the issue of Republican institutions was in the air at the time, at least to the extent that some argued against reinstating them⁶⁴. It is possible to speculate (and this can be nothing more than speculation) that an erudite writer of the late first century A.D. was motivated to attack real or imputed pro-Republican nostalgia by writing a pseudo-didactic satire that revealed the follies of campaigning among the People, taking as his cautionary example the most famous figure from the Republic, Marcus Tullius Cicero. To make that point, a pamphlet in which Cicero's brother offered advice of dubious morality on how newcomers like the brothers Cicero could get elected to the consulate could have served as an appropriate and witty vehicle.

Addendum

After this article had been submitted for publication to, and accepted by, «Athenaeum», an article by Jeffrey Tatum appeared analyzing the concepts expressed in the *Commentariolum Petitionis*⁶⁵. Tatum's article constitutes an important advance in the study of this work because it goes beyond the authenticity question and focuses on the ideas expressed in the work. Tatum masterfully depicts the tensions that existed between the aristocratic ethos and the necessities imposed by an election campaign. «... aristocratic sensibilities did in fact recoil from the idea of *campaigning* for office... the aristocrat... had to *beg* for his glory, from people who, in the proper order of things, were obliged to beg favors from him»⁶⁶. In particular, Tatum describes the stress that the Roman aristocrat must

in *C.A.H.*² 11 (2000), p. 43. On the biography of Cato, written by Thræsea Paetus, the father-in-law of Helvidius Priscus, and on its remnants surviving in Plutarch's Life, see J. Geiger, *Munatius Rufus and Thræsea Paetus on Cato the Younger*, «Athenaeum» 57 (1979), pp. 48-72.

⁶⁴ On Helvidius Priscus' views on Roman government, see C. Wirszubski, *Libertas as a Political Idea at Rome during the Late Republic and Early Principate*, Cambridge 1950, pp. 147-150, and MacMullen, *Enemies* cit., p. 63. Other works that can be dated to the early imperial period, and perhaps specifically to Vespasian's reign, reflect controversy about the merits of the pre-Caesarian Republic and the regime that replaced it. Josephus in Book 19 of his *Jewish Antiquities* used a Roman source in which this controversy appears in the context of the overthrow of Gaius and the accession of Claudius. See D. Timpe, *Römische Geschichte bei Flavius Josephus*, «Historia» 9 (1960), pp. 474-502, assigning the probable date of composition to Vespasian's reign (p. 490), and E. Noè, *Storiografia imperiale pretacitiana. Linee di svolgimento* (Pubblicazioni della Facoltà di Lettere e Filosofia dell'Università di Pavia 34), Florence 1984, pp. 105-120. The history of Alexander written by Curtius Rufus contains a defense of the rule of a *princeps* (Curt. 10.9.1-6), and this work is dated by some to the reign of Vespasian (R. Porod, in *New Pauly* 3 [2003], p. 1026), though other suggestions are a Claudian or a Trajanic date (see R.A. Kaster [ed.]: C. Suetonius Tranquillus, *De Grammaticis et Rhetoribus*, edited, with a translation, introduction, and commentary, Oxford 1995, pp. 336 f.).

⁶⁵ W. Jeffrey Tatum, *Alterum est tamen boni viri, alterum boni petitoris: The Good Man Canvasses*, «Phoenix» 61 (2007), pp. 109-135.

⁶⁶ P. 111.

have felt when he was obliged to display *blanditia* («an ingratiating manner», *Comm. Pet.* 42) and *benignitas* («generosity», *Comm. Pet.* 44), in ways that the *Commentariolum Petitionis* admits will make the aristocrat uncomfortable⁶⁷. On the existence of these tensions, he and I are in complete agreement.

But Tatum argues that the work genuinely accepts the proposition that the exigencies of a political campaign justify the departure from typical aristocratic behavior, whereas I maintain that those tensions indicate that the *Commentariolum Petitionis*'s advice is not to be taken seriously: «In the end, however, it is the special circumstance of a political campaign that necessitates and thereby legitimates the expansion of friendship, benign flattery, and the honorable over-extension of promises to members of the lower orders»⁶⁸. Tatum relies on two arguments to support his view that the *Commentariolum Petitionis* grants a dispensation from normal ethical rules to politicians running for office. First, he points to an «accommodation of circumstantial necessity» that is accepted by both rhetorical and philosophical works, especially those of Marcus Cicero⁶⁹. But while Cicero and some other ancient rhetorical and philosophical writers did accept a certain degree of moral flexibility, arguments in the *Commentariolum Petitionis* do not clearly draw upon these traditions. For example, a concession that the advocate may defend what is plausible rather than what is true, does not obviously apply to the conduct of a candidate⁷⁰. Second, Tatum argues that the fact that *Commentariolum Petitionis* condemns bribery shows that it does not countenance just *any* breach of aristocratic morality⁷¹. However, its discussion of electoral bribery (55-57) does not emphasize the evils of this practice, but rather the ability of Marcus Cicero to harass his opponents with threats of prosecution – an activity that, as I have tried to show, draws on a negative tradition about the prosecutor. Moreover, if the *Commentariolum Petitionis* were to advise Marcus to commit the worst possible evils, then its point (in my view) that election campaigns are intrinsically bad would be weakened. Everyone can agree that a campaign run by a totally evil candidate who would do anything to get elected is immoral, but such immorality will be attributed to the individual candidate rather than the electoral system. But if this work, as I believe, aims to demonstrate the inherent corrupting effect of an electoral campaign, it is more effective that the recipient of the fictional advice be not a complete scoundrel, but a flawed candidate like Marcus Cicero.

Tatum devotes some attention to C. Aurelius Cotta as an *exemplum*, one that he finds more positive than I do: «He is an interlocutor in *De Oratore*, his speeches

⁶⁷ Pp. 122-129.

⁶⁸ P. 129.

⁶⁹ P. 130.

⁷⁰ P. 131.

⁷¹ P. 131.

are admired in the *Brutus* (Cic. *Brut.* 305, 317), and, in *De Natura Deorum*, it is Cotta who represents the philosophical perspective of the Academy⁷². While I agree that a positive tradition about Cotta existed in antiquity, for the reasons that I have given I find that the *Commentariolum Petitionis* draws upon a negative tradition. It is incorrect to deduce Cicero's high opinion of an individual from the fact that he makes that person an interlocutor in one of his dialogues. To be sure, it is hardly conceivable that Cicero would have made one of his deadly enemies, such as Catiline or Clodius, an interlocutor, since it is hard to imagine a social situation in which Cicero would have engaged in extended conversation with one of them. But P. Sulpicius Rufus (*tr. pl.* 88), an interlocutor in *De Oratore* (paired, in fact, with Cotta), although possessed of commendable qualities, is condemned by Cicero in that work (3.11), as well as in *De Legibus* (3.20), where Quintus attacks him as one of a number of dangerous tribunes, to the agreement of Marcus Cicero on the specifics, if not on the general conclusion (3.23). While it is true that in *De Natura Deorum* Cicero makes Cotta represent the Academic viewpoint, one to which Cicero was sympathetic, and locates the dialogue at the house of Cotta, described by Cicero as *familiaris meus* (1.15), Cicero also ends the dialogue by distancing himself from Cotta's remarks (3.95; cf. *div.* 1.8-9). The fact that Cotta was associated with Academic philosophy (Cic. *de orat.* 3.145; see also Cic. *Att.* 13.19.3, where we read that Atticus had suggested to Cicero that Cotta represent Academic philosophy in the *Academica*), and had been a pupil of the Academic Philo of Larisa (*nat. deor.* 1.17), may explain Cicero's decision to have him represent that point of view in *De Natura Deorum*. Indeed, this dialogue generally provides philosophical credentials for the interlocutors as spokesmen for the philosophical schools represented by each of them⁷³, and Cicero may have chosen these individuals to appear in the dialogue because of their actual philosophical affiliations, whether or not he held them in high regard as individuals. Moreover, Cotta's own admission as an interlocutor that he can recognize and express what is false more easily than what is true (*nat. deor.* 1.57; 2.2) is consistent with the reputation of the historical Cotta as someone who lacked conviction. For these reasons, I do not believe that Cotta's appearance in Ciceronian dialogues undermines my contention that the *Commentariolum Petitionis* presents him as a negative *exemplum*.

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⁷² P. 127.

⁷³ Dyck (ed.): *De Natura Deorum* cit., pp. 5-6.