

[Q. CICERONIS] COMMENTARIOLUM PETITIONIS

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COMMENTARIOLUM PETITIONIS
A COMMENTARY WITH A DISCUSSION OF AUTHENTICITY

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SCOPE AND CONTENTS: In the Introduction it is shown that, although the Commentariolum purports to have been written in early 64 B.C. by Quintus Cicero, it is more likely that the author was a writer of historical character writing (prosopopoeia) from the first century A.D..

This is not a critical edition: the text used is departed from only in sections nine and twenty eight, and then not radically.

The Commentary is intended to make reference to the Commentariolum as simple as possible: it tells the reader what the text probably means, if necessary, and if its evidence is supported or contradicted.

The only radical departure from conventional interpretation is in part of chapter ten.

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DIAGRAMS

STEMMA CODICUM AD COMMENTARIOLUM PERTINENTIUM

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INTRODUCTION

1. The Character of the Commentariolum

The Commentariolum represents itself to be a handbook of electioneering (CP 58) written by Q. Cicero to his brother Marcus.¹ The date at which the work purports to have been composed is early 64 B.C.; if it becomes plain that this is in all probability incorrect, the work may then be described as not authentic.² There is nothing in the Commentariolum that proves beyond dispute that it is not authentic; indeed, all the arguments against authenticity have their refuters -- or would-be refuters. The case against authenticity is made up of a large number of individually almost insignificantly suspicious passages or omissions, with one or two exceptions. Yet even these have been claimed to have no validity.

Does it really matter if the Commentariolum is not authentic? This does matter; for if the Commentariolum is not the product of Q. Cicero in early 64, one must then seek to answer the question of who really wrote the work, when and why. As will be seen, if the Commentariolum was not written when it purports to have been written, it was probably written between eighty and a hundred and sixty years after it purports to have been written. The value of the Commentariolum as a historical source will then depend on

the value to be assigned to a secondary work written at that distance in time from the event which is being described; what we would in that case have is a historical account of the election for consul of 64 B.C. dressed up to look as if it came from 64 B.C., when in truth it does not.

If it appears that the author of this secondary account was better acquainted with the period with which his work was concerned than are modern scholars, his work will have to be treated seriously; if, however, frequent instances are found where the Commentariolum contradicts what other good sources tell us about the Ciceronian Age, then as a historical source the Commentariolum will be of dubious value in comparison with for example the Letters of M. Cicero.

2. Ancient References; MSS Ascription and Tradition

There are no ancient references to the Commentariolum,³ nor to any manual on this election at all. The idea of one man writing a manual of a fairly elementary sort (a commentariolum was the sort of thing that school-boys wrote [Quint. 1.5.7; Cic. de Or. 1.5]) was not unknown at Rome: thus Varro wrote a libellus isagogicus in 70 which gave Pompey instructions on how to hold a meeting of the Senate as consul.¹

The text of the Commentariolum here used is that of W.S. Watt in the Oxford Classical Texts series (OCT).²

The remarks here presented about the MSS of the Commentariolum are not derived from the MSS directly, but from the introduction to the OCT edition: the present writer is not competent to examine the MSS, or to criticise from a textual point of view, so that any comments on the text in this Commentary arise from the present writer's interpretation of what the sense requires.

The text of the Commentariolum derives from those MSS which are the bases for texts of the latter half of the Ad Familiares collection of Cicero's Letters (the "latter half" in this context being books nine to sixteen inclusive) with this exception, that the oldest and best MS authority for that latter half of the Ad Familiares, the Mediceus 49.9 [M], does not contain the text of the Commentariolum; ³ in the other MSS of the latter half of the Ad Familiares the Commentariolum is to be found immediately ⁴ after the Epistula ad Octavianum.

The two oldest MSS of this second class -- that is of all the MSS except the Mediceus, which is the oldest of all -- are the Harleianus 2682 [H], ⁵ which dates from the eleventh century, and the Berolinensis Latinus 252 [F], ⁶ which dates from the twelfth century.

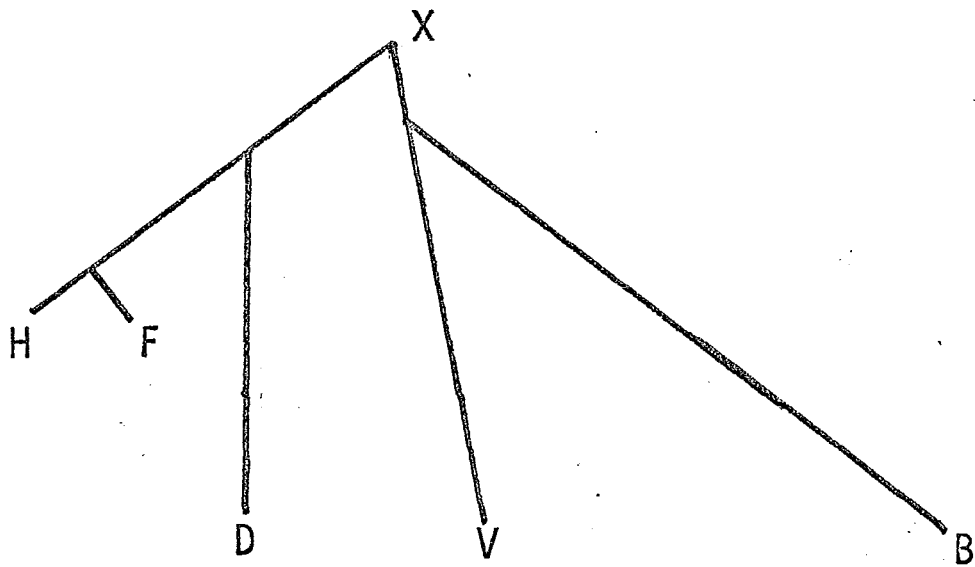
Nineteenth century editors seem to have relied somewhat excessively on these two last-named MSS as the ⁷ basis for their texts. Although H and F are certainly the oldest and best MS authority for the text of the Comment-

ariolum, there are nonetheless other MSS whose readings should not be ignored, as they are derived not from H or F directly, but from a related MS of some value. The first to be mentioned in this class of semi-independent MSS is Palatinus Latinus 598 [D],⁸ whose usefulness for a text of the latter part of the Ad Familiares has long been recognised by scholars. Constans⁹ was the first to use D in the constitution of a text of the Commentariolum, although some few of D's readings had long before been published,¹⁰ with the result that some readings from D had in a rather haphazard way found their way into editions of the Commentariolum.

In addition there are MSS which some have considered to be contaminated¹¹ -- a charge which others have denied¹² -- of which Constans thought Parisinus Latinus 14761 [V] the best; the editor of the text upon which the present Commentary is based, in order to have a firmer foundation for his reportings of the readings of the codices deteriores, also made use of Canonicianus Classicus Latinus 210 [B],¹³ which Constans had rejected as shot through with errors¹⁴ and interpolations.

There are thus DVB as well as HF as the basis for the text of the Commentariolum. The relationship which Watt considers most plausible is indicated in his stemma, which is reproduced below: in it the common fons of all the extant MSS is represented by X.¹⁵

STEMMA CODICUM AD COMMENTARIOLUM PERTINENTIIUM



3. Stylistic Comparisons: Their Limitations

As undisputed products of Q. Cicero's hand we have four short letters, all of which are preserved in the Ad Familiares collection of M. Cicero's Letters -- namely, Fam. 16.8;16;26;27. Thus any attempt to show that the Commentariolum is not in agreement with Q. Cicero's style is a waste of the reader's time. Similarly with attempts to show that the Commentariolum is "unCiceronian": this usually comes down to showing that the Commentariolum was not written by Marcus Cicero on the basis of the styles of the two writers. This is a contention that few would seriously support, in any case: it must be admitted that some of those who use the term "unCiceronian" so carelessly may not be aware that they are showing that Marcus did or did not write the Commentariolum. The crime in short is not always deliberate.

4. Prosopographical Problems

Is it credible that Marcus Cicero should have received advice in electioneering from his younger brother who was politically less experienced? Despite the fulminations of Tyrrell, ¹ this seems a tenable objection to Q. Cicero's authorship of the Commentariolum; even if at times Marcus did feel the need to admit -- he claims sine ulla me hercule ironia -- Quintus' pre-eminence in some literary

genres, in this case poetry (Cic. QF 3.4.4), it does not follow that Quintus' advice on matters political would be worth anything. In fact, Quintus' lack of political experience is theoretically not at issue here, as he -- or whoever wrote the Commentariolum -- explicitly disavows such an aim (CP 1:58). However, is it not naive to expect one's readers to believe that a manual is not designed to instruct?

5. Misuse of Technical Terms

At CP 8 we learn that both Antonius and Catiline had nefarious pasts, of Antonius specifically this: eorum alterius [sc. Antoni] bona proscripta vidimus, . . . ex senatu electum scimus. By the time of the election of the year 64, our author is saying, Antonius had suffered bonorum proscriptio and had been ejected from the Senate. From Asconius we learn the reason for the expulsion, which took place in 70¹: hunc [sc. Antonium] . . . censores . . . senatu moverunt titulosque subscripserunt, quod socios diripuerit, quod iudicium recusarit, quod propter aeris alieni magnitudinem praedia manciparit bonaque sua in potestate non habeat (Asc. 84.20-25C [the OCT reads titulosque, but this is merely Clark's emendation; another reading is causasque adopted by Orelli]). In other words, Antonius was expelled from the Senate partly because he could no longer meet the property qualifications required for Senatorial status.² Thus bona proscripta of CP 8 should refer to the

praedia mancipata of Asconius, unless it is believed that
 Antonius suffered two expulsions from the Senate by the
 consular elections of 64, for which there is no evidence.
 On this interpretation bona proscripta in accordance with
 the original meaning of proscribere³ may be translated
 "that his property was advertised for sale [and thus sold]"
 Mrs. Henderson, however, denies that in 64 anyone would
 have used bona proscripta if there was not implied in the
 phrase either death or exile, in view of the recent Sullan
 proscriptions in which not merely forcible seizure of
 property but also capital punishment was involved. Death is
 impossible, and Mrs. Henderson thinks it untenable for one to
 believe that in addition to his proscription in 59 Antonius
 was also proscribed in the Sullan sense again before 64,
 as Antonius was a candidate for the consulate of 63 -- and
 successful (Asc. 94.4-6C).⁴ The use of bona proscripta in
 CP 8, then, according to Mrs. Henderson is an anachronism.
 That is denied by Balsdon,⁵ who adduces Cic. Quinct. 56:
 "non dubitavi", inquit [sc. Quinctius's opponent], "cum
vadimonium desertum esset, bona proscribere." In a speech
 which can be dated to 81, when the meaning of proscribere
 under the Sullan régime was only too well known, Cicero
 used this very phrase, to which Mrs. Henderson objects.
 The present writer finds this adequate disproof of Mrs.
 Henderson's position, although it must be admitted that the
 choice of bona proscripta was unfortunate insofar as it

can be misinterpreted. Proscribere is quite frequently used by M. Cicero in works written after the purported date of composition of the Commentariolum to mean "advertise for sale", but is not joined with bona in these instances (Cic. 1 Leg. Agr. 4; Flacc. 74; Att. 6.1.23 [Shackleton-Bailey supports this interpretation ad loc.]; ⁶ QF 2.4.5 [2.5.3 on Watt's numeration]; [sc. Racilius tr. pl.] ⁷ tabulam proscripsit se familiam Catonianam venditurum). From the point of view of authenticity, then, bona proscripta of CP 8 proves nothing except infelicity of style in the author of the Commentariolum, whoever that may be.

nam hoc biennio quattuor sodalitates hominum ad ambitionem gratiosissimorum tibi obligasti, C. Fundani, Q. Galli, C. Corneli, C. Orchivi; horum in causis ad te deferendis quid tibi eorum sodales receperint et confirmarint scio; nam interfui (CP 19). This appears to say that in the period of the two years immediately before the year in which the Commentariolum purports to have been written -- either 66-64, if biennium means "two full years", or 65-64, if biennium is used inclusively -- M. Cicero took on the cases of four men, in return for promises given by their associates. What is at issue is first, are the sodalitates -- the associations -- for corrupt purposes, i.e. for carrying out electoral activities which were illegal in the first half of 64, and second, is the term sodalitas an anachronism, in other words, were groups formed for

electoral purposes called sodalitates in 64? Mrs. Henderson⁸ thinks that sodalitas was an anachronism in 64. (It may be objected that there is no proof that the sodalitates were formed specifically for electoral purposes; this is true, but their formation for electoral purposes is quite plausible, and in any case their character is electoral as far as the author of the Commentariolum is concerned, as ad ambitionem gratiosissimorum shows.) Her argument may be expressed thus: in 64 there was passed a senatusconsultum under which collegia were abolished, collegia that is which were involved in corrupt electoral practices, almost certainly (the date comes from Cic. Mur. 71, the content from Cic. Pis. 9 and Asc. ad loc. [8.23C]). The associations were called collegia, not sodalitates; this distinction is important. In 58 Clodius passed a law by which these collegia were made legal, and other even worse associations were permitted to spring up -- ex omni faece urbis, in Cicero's phrase (Cic. Pis. 9; the ancient evidence comes from the same places for this law as for the senatusconsultum of 64). In 56 another senatusconsultum was passed with this wording: ut sodalitates decuriatique discederent lexque de iis ferretur, ut qui non discessissent ea poena quae est de vi tenerentur (Cic. QF 2.3.5 [dated to 11 February, 56 from section 5]). Unless Clodius' law of 58 alluded to above had introduced the term sodalitas as applying to electoral associations, the old senatusconsultum of 64, which was

concerned with suppressing collegia, not sodalitates, would have sufficed. In addition, the author of the Commentariolum may well be confusing the aristocratic -- often religious -- associations which were properly called sodalitates with ones which only received that title out of a greater concern for politeness than for truth (Cic. Planc. 37 [note that this instance where an electoral association -- in this case a corrupt one -- is called a sodalitas comes from 54, ten years after the purported date of the Commentariolum]). To use sodalitas to describe an electoral association was a change of usage brought about by Clodius' law of 58. Therefore, sodalitates in CP 19 is anachronistic, as the Commentariolum purports to come from the first half of 64. Balsdon has written in rebuttal of Mrs. Henderson's views on sodalitas:¹⁰ he claims that the Senate had no more difficulty in dealing with sodalitates by passing a senatusconsultum in 56 than they had had in 64 with the collegia. In the present writer's view Balsdon has missed the point. A senatusconsultum does not as a general rule make law in the Republican period, it interprets already existing laws in the light of the combined legal opinion and political wisdom of the Senators: this opinion may have great weight, but it does not have the force of law. So in 64 when it passed the senatusconsultum on the collegia which was designed to ban them it probably based itself upon an already existing law. At least, Clodius thought it worth-

while to pass a law in 58 to make collegia legal (Cic. Pis. 9). The Lex Calpurnia de Ambitu suggests itself as a suitable candidate: it gave rise to a senatusconsultum which interpreted it as banning the hiring of adsectatores.¹¹ At any rate whatever the law under which the Senate thought collegia were illegal --- or even if there was no specific law as the basis for the senatusconsultum --- the collegia almost certainly were effectively suppressed, in view of Clodius' law. That the situation with regard to sodalitates was quite probably different is shown by the fact that in the fragment of the senatusconsultum of 56 which we possess there is the resolution that a law should be passed, ut qui non discessissent ea poena quae est de vi tenerentur (Cic. QF 2.3.5). The deduction is obvious; there was no law in existence in 56 which covered sodalitates acting as electoral associations. To sum up so far, in 64 under some already existing law a senatusconsultum was passed which effectively banned collegia; in 58 Clodius passed a law legalising collegia, and bringing it about that worse things still came out into the open; in 56 the Senate considered that sodalitates should be disbanded, but recognised that there was no law banning them in existence then; there is no reason to believe that this situation arose from Clodius' legislation, although it might well have done so. We do not know what precisely apart from collegia Clodius' law made legal.

If Clodius' law specifically legalised sodalitates as legal electoral associations, and the term had not been previously applied thus, then Mrs. Henderson's claim of anachronism is justified; it is equally possible that the change to sodalitates as the word to describe an at least supposedly legal electoral association came after the senatusconsultum of 64. The present writer favours the second alternative: just because the first evidence we have for sodalitas meaning an electoral association is at the earliest 58, and at the very latest 56, we are not justified in assuming, as has Mrs. Henderson apparently, that the change in terminology did not take place until that piece of direct evidence which we happen to have.

We do not know at what time in 64 the senatusconsultum was passed. If it was passed early in 64, i.e. before the consular elections of that year, the use of sodalitas will probably be entirely historical; even if the senatusconsultum was passed after the purported date of composition of the Commentariolum, i.e. after the consular elections of 64, this need not prove that the use of sodalitas is anachronistic: Q. Cicero could have used a euphemism in anticipation of such a Senatorial interpretation as the senatusconsultum in fact contained.

Mrs. Henderson assumes that the electoral help which the sodalitates are offering is illegal; this does not follow from the text of CP 19. Some electoral help was

perfectly proper; what was forbidden was hiring men to distribute money and such similar things. (See the Commentary on chapter thirty four.)

6. Historical Anachronisms

nam hoc biennio quattuor sodalitates hominum ad ambitionem gratiosissimorum tibi obligasti, C. Fundani, Q. Galli, C. Corneli, C. Orchivi; horum in causis ad te deferendis quid tibi eorum sodales receperint et confirmarint scio; nam interfui (CP 19). In other words, M. Cicero took on the cases of four men during the period 66-64, if hoc biennio is meant as "two full years", or 65-64, if the two years are counted inclusively. In either case "64" runs until the time of the consular elections of that year,¹ probably July. What is at issue here is this: Asconius states that M. Cicero defended Q. Gallius postea in his commentary on the In Toga Candida, which is dated to a few days before the consular elections of 64 (Asconius' remark on Gallius: 88.5C; the date of the In Toga Candida: 83.10-12C). Is Asconius' dating of Gallius' defence by Cicero in contradiction with the passage in the Commentariolum? Mrs.² Henderson believes that it is; she points out that when Asconius uses postea he is using it with the speech on which he is commenting as the understood reference point. In this she is undoubtedly correct, as there is another instance where Asconius uses a temporal phrase absolutely with the

date of the speech on which he is commenting as the understood reference point, namely that of the Lex Roscia Theatralis of 67, which was passed by the tribune Roscius (in 78.29-79.20, although the text is corrupt, it is clear that Asconius is dating the Lex Theatralis as biennio ante [sc. Cornelianam habitam], i.e. two years before 65, in which the Pro Cornelio was delivered [Asc. 57.2-3C]). Mrs. Henderson claims that this usage of Asconius shows that the pro Gallio which CP 19 attests was not delivered hoc biennio and that it is more likely from the other evidence that such a speech dates from the late fifties. There are two fallacies in Mrs. Henderson's case, in the present writer's view: first, the text of the Commentariolum does not state, as Mrs. Henderson assumes, that Cicero defended Gallius hoc biennio, but merely that he took on the defence, i.e. agreed to defend Gallius, so that the actual defence could have taken place at any time after the agreement, either later in 64 as Balsdon believes likely, or quite some time later; secondly, there is no reason to believe that Gallius' defence took place in the fifties except for the description by Cicero of M. Calidius, who was Gallius' prosecutor on the charge of ambitus (Cic. Brut. 274-279), as summus orator. Mrs. Henderson has apparently deduced from this passage and from the fact that Calidius was not praetor until 57 that he cannot have been summus orator in the Gallius case in the sixties; in rebuttal it is sufficient to quote from

Balsdon: "As the whole passage of the Brutus (274-9) is an assessment of Calidius' talent as an orator, there is no reason why, in describing a case even in the earlier part of his career, he should not be called 'a consummate orator'--- 'summus orator'. Anyone writing of Cicero's oratory after his death and illustrating a weakness of his from his defence of Roscius Amerinus (fourteen years earlier than his praetorship) could well have used the same expression." (The gist of the passage above cited from the Brutus is Calidius in his prosecution destroyed the effect of his material, which could have been made dramatic and effective, by his tedious presentation.) Mrs. Henderson's case on the Gallius part of CP 19, then, will not stand, so that one would be unjustified in deducing the spuriousness of the Commentariolum from it.

In chapter nine of the Commentariolum in his description of the disreputable pasts of both Catiline and Antonius, the two most serious rivals of Cicero for the consulate of 63 (Asc. 82.4-83.9C), the author says about Catiline: natus in patris egestate, educatus in sororiis stupris Mrs. Henderson thinks that both these claims, that Catiline's youth was poverty-stricken, and that he grew up in sororiis stupris [the MSS read either sororis or sororum; Watt's emendation is here adopted] are anachronistic contaminations from the early history of Clodius and from his well-known incest with his sister. First, it is

necessary to determine what *educatus in sororis/sororum/sororis stupris* actually means. *Sororis/sororum* and *sororis* can be taken as either subjective or objective genitive -- or in the case of *sororis*, the adjectival equivalent of such a genitive; in other words, in *vacuo* the phrase could mean (1) "reared amongst the depraved activities of his sister/sisters [*sc.* with others]" (2) "reared in amongst depraved activities with his sister/sisters [i.e. incest]". The charge contained in the first alternative is of little value as a handle against Catiline personally: he could not choose who his sister/sisters had to be, nor could he have controlled them, as *educatus* makes it clear that he was not significantly older than they. The sense which best fits the context is the second, under which the charge against Catiline is incest with however many sisters he had.

Mrs. Henderson claims that this charge against Catiline is crudely and irrelevantly adapted from other passages in Marcus Cicero's writings where he mentions Clodius' incest with his sister Clodia. Such passages are these: [*sc.* Clodius] *qui post patris mortem . . . germanitatis stupris volutatus . . .* (Cic. *Har. Resp.* 42) and: [*sc.* Clodius] *qui . . . in eiusmodi vita nervi esse poterunt hominis fraternis flagitiis, sororis stupris, omni inaudita libidine exsanguis?* (Cic. *Sest.* 17 [that *sororis stupris* in the *Pro Sestio* does refer to incest with Clodia

is shown by this passage from the Pro Caelio: quod quidem
[sc. the refutation of the charges against Caelius] facere
vehementius, nisi intercederent mihi inimicitiae cum istius
viro -- "fratre" volui dicere -- semper hic erro (Cael.
32)]).

There is a further problem with this story in the Commentariolum about Catiline's incest: apart from CP 19, there is no evidence that Catiline had a sister at all, let alone more than one, as sororum necessitates. Naturally, in view of the absence of corroboration of Catiline's sister or sisters, there is nothing on his incest with her or them. If Catiline really had a sister or sisters, would not Sallust or Cicero himself have alluded to her or them? It must be admitted that the only evidence against Catiline's sister or sisters is ex silentio, so that the very strong evidence of spuriousness that proof of the absence of sisters would provide is missing.

It is known that Clodius' father died in poverty (Varro RR 3.16.2); there is no direct evidence that Catiline had similar circumstances; yet Mrs. Henderson claims that there is direct evidence from Sallust against this belief, but the passage she uses is not relevant: nam qui-
cumque impudicus adulter . . . bona patria laceraverat . . .
ii Catilinae proximi familiaresque erant (Sall. Cat. 14.2-4)
does not refer to Catiline but to a whole class of young
5 desperadoes. On the other hand, the Sergii, of whom Catil-

ine was one, had not been prominent in Roman politics for many years, so far as our evidence shows; they had not had a consul for hundreds of years.⁶ This might be a reason for the claimed egestas of Catiline's father. As far as the authenticity of the Commentariolum is concerned, the confusion of Catiline and Clódius which Mrs. Henderson finds is probably there pace Balsdon,⁷ but only in the incest case. Here we have a probable piece of evidence against the theory that Q. Cicero wrote the Commentariolum in early 64.

deinde habes tecum ex iuventute optimum quemque et studiosissimum humanitatis (CP 33). "Secondly, you have at your side the best of the young men, who are greatly attracted to your learning and culture" (this translation is controversial, and the precise sense disputed; see the Commentary ad loc.). Mrs. Henderson claims that in 64 it was anachronistic to talk of Cicero's humanitas as a great attraction "The special association of . . . humanitas with Cicero, surely, could no more precede the philosophy in which he developed its meaning than the special association of celeritas with Caesar could have preceded the Gallic campaigns."⁸ This, if the expression be allowed, is near the bottom of the barrel. Balsdon annihilates it succinctly: "Cicero did not suddenly become a philosopher when he published his first book on the subject." In any case, Cicero did possess humanitas before the publication of his first work on the subject of philosophy -- the De Republica was

published in 51 -- as Cic. Fam. 5.2.9 shows, even if the humanitas there referred to was not quite what would be called in English "learning" or "culture". Anyway, humanitas is a broad term. Mrs. Henderson's case on humanitas, then, is quite invalid.

In the entire Commentariolum there is no mention of any conspiracy by Catiline, although in the In Toga Candida which was delivered a few days before the consular elections of 64, i.e. close to the terminus ante quem of the Commentariolum, there is such a mention: "praetereo nefarium illum conatum tuum [i.e. Catilinae] et paene acerbum et luctuosum reipublicae diem, cum Cn. Pisone socio, ne quem alium nominem, caedem optimatum facere voluisti" (ap. Asc. 92.11-14C). What the aims of this conspiracy were, what connection, if any, it had with Catiline is quite unclear, nor is this the place to attempt to clarify the matter. (A cautious and judicious account of the "First Catilinarian Conspiracy" is to be found in Asc. 92.15-25C [for the correct reading of line 15 see Brunt]⁹; other accounts are to be found in Sall. Cat. 18 and Suet. DJ 9.) The significant point is that it was tenable just before the consular elections of 64 to claim that Catiline had been involved in some attempt which planned the death of ¹⁰ optimates. In the section of the Commentariolum which deals with the vices of Antonius and Catiline -- CP 8-10 -- there was surely some place where this charge, true or not,

would have been included by Q. Cicero, as it was one of the worst charges that could be laid against Catiline; a general account of the vices of Catiline's youth is given by Sallust (Cat. 15).

Both Mrs. Henderson¹¹ and Balsdon¹² discuss the absence of the Catilinarian Conspiracy, and both, in the present writer's view, miss the point. Mrs. Henderson seems to believe that an authorised version of Roman history of this period --- 65-64 --- had sprung up by the time of composition of the Commentariolum, which she places between about 14 and 98 A.D., and that the reason for the non-appearance of the Conspiracy is that the writer of the Commentariolum followed the conventional line on the history of this period; this is far-fetched. For why should the author have kept to the conventional account? Also the author must have read the In Toga Candida according to Mrs. Henderson,¹³ so how could he have missed Asc. 92.11-14C? Cicero himself mentioned in a fragment preserved in that passage of Asconius that Catiline had wanted to kill the optimates in 65, so the authorised version of the period 65-64 is irrelevant; this is Balsdon's quite valid point.¹⁴ Balsdon then immediately goes on to what the present writer can only regard as a perverse interpretation of the evidence: "Mrs. Henderson's argument here [on the absence of any Conspiracy in the Commentariolum] is vitiated by her failure to take into proper account the fact that the 'first Catilinarian conspiracy' is an indict-

ment brought against Catiline by Cicero in In Toga Candida [Asc. 92.11-14C], which on her theory the 'author' of the Commentariolum must have read. [Here is the claimed perverse argument:] That is why [it has been] rightly claimed that the absence of any mention of the conspiracy is very strong evidence in favour of the Commentariolum's genuineness." Balsdon appears to be saying that unless Q. Cicero had read the In Toga Candida, and there is no evidence that he had before it was delivered, i.e. before the terminus ante quem of the purported date of the Commentariolum, he could have had no knowledge of the Conspiracy or of the rumour of its existence. This is obviously absurd: who was in a better position to know what lines of argument Marcus Cicero was intending to use in the In Toga Candida before that speech was delivered than his younger brother Quintus?

Whether it is credible that a writer of later date than the purported date of the Commentariolum would have omitted the charge is another matter; the present writer finds it quite possible: there was dispute about the true nature of the First Conspiracy even in antiquity, as the three accounts of it already referred to show, and rather than have to justify the existence of a "First Catilinarian Conspiracy" to his teacher the author may have thought it best to leave out the material he had collected from the In Toga Candida -- which may have been much more than we happen to have from Asconius. (That the author was probably

an advanced student of rhetorike is argued in section nine of this Introduction.)

Non potest qui dignus habetur patronus consularium indignus consulatu putari (CP 2): "a man who is accounted as a worthy advocate for men who have held the consulate cannot but be thought worthy of the consulate." (That patronus here means "advocate", not "patron" in the Roman sense of that term, i.e. a distinguished Roman who took under his protection individuals of lower social standing (dignitas), is clear because at the time at which the Commentariolum purports to have been written Cicero had not held the consulate, and hence had less dignitas than consulars, i.e. men who had held the consulate, who were in ¹⁵ altissimo gradu dignitatis [Cic. 1 Phil. 14].) As Nisbet says, at the purported date of the Commentariolum so far as we know no consular had been defended by Cicero. "Consular trials were memorable scenes, likely even in the sixties to leave a trace on the sources. In his earlier career Cicero would have found it politically unattractive to defend optimate magnates The possibility must be considered that the author of the commentariolum [sic] has been guilty ¹⁶ of an anachronism." The Latin will certainly bear the interpretation that Cicero was worthy to defend a consular, but had in fact not done so by the purported date of the Commentariolum, but, if that is what the author intended, the

expression is rhetorically frigid. There is a loophole: Cicero could have taken on the defence by the elections of 64, i.e. before the terminus ante quem of the Commentariolum, but not have by that time conducted the defence. There was a consular whom Cicero did defend in 63 at some point, C. Piso (cos. 67), as Cicero in the Pro Flacco shows (section 98). "Yet", says Nisbet -- surely reasonably, especially in view of the attempts to counter Mrs. Henderson's case on the trial of Gallius in just this way, "this explanation is somewhat forced."¹⁷ The present writer finds this loophole less reasonable here than in the case of Gallius, where the text does not state directly that Cicero defended Gallius ¹⁸ hoc biennio, but only that the case was brought to him.

7. Borrowings from Purportedly Later Works

That there are obvious parallels between the Commentariolum and the In Toga Candida is undisputed, but the validity of other claimed parallels is doubtful: each reader will have his own opinion. Hence the claimed parallel passages are put side by side, with the justifications advanced for regarding them as parallel, so that the reader can form his own opinion.

Even Tyrrell and Purser, staunch supporters though they are of the authenticity of the Commentariolum admit¹ that there are "remarkable coincidences" between the Commentariolum and the In Toga Candida, even if these are

confined to CP 8-12, where the author is attacking M. Cicero's rivals for the consulate. That the Commentariolum purports to have been written before the elections of 64² has been shown above; thus it is just possible that Q. Cicero could have borrowed from the In Toga Candida, as this was delivered a few days before the elections (Asc. 83. 11-12C). Also Quintus could have borrowed from the content of In Toga Candida in its undelivered form, i.e. while Marcus was still composing it. This, however, is close to special pleading. Here are the passages at issue:

(a) Antonius and the Greek:

. . . vocem denique audivimus iurantis se iudicio aequo cum homine Graeco certare non posse.

(CP 8)

. . . in sua civitate cum peregrino negavit se iudicio aequo cum homine Graeco certare posse.

(Tog. Cand. ap. Asc. 84.1-3C)

(b) The Death of Marius Gratidianus:

quid ego nunc dicam petere eum tecum consulatum, qui hominem carissimum populo Romano M. Marium, inspectante populo Romano . . . ceciderit, . . . collum . . . secuerit?

(CP 10)

populum vero, cum inspectante populo collum secuit³ hominis maxime popularis, quanti faceret⁴ ostendit.

(Tog. Cand. ap. Asc. 87.16-18C)

(c) The Death of Marius Gratidianus:

. . . vivi stanti⁵ collum gladio sua dextera secuerit . . ., caput sua manu secuerit.

(CP 10)

quod caput etiam tum plenum animae et spiritus . . . manibus ipse suis detulit.

(Tog. Cand. ap. Asc. 90.3-5C)

(d) The Fabia Affair:

qui nullum in locum tam
sanctum et tam religi-
osum accesserit, in quo
non etiam si in aliis⁶
culpa non esset, tamen ex
sua nequitia dedecoris
suspicionem relinqueret.

(CP 10)

cum ita vixisti⁷ ut non
esset locus tam sanctus
quo non adventus tuus,
etiam cum culpa nulla
subesset, crimen ad-
ferret.

(Tog. Cand. ap. Asc.

91.16-18C)

(e) The "Daggers" Passage:

quis enim reperiri potest
tam improbus civis qui
velit uno suffragio duas
in rem publicam sicas de-
stringere?

(CP 12)

qui posteaquam illo quo
conati erant Hispaniensi
pugiunculo⁸ nervos in-
cidere civium Roman-
orum non poterant, duas
uno tempore conantur in
rem publicam sicas de-
stringere.

(Tog. Cand. ap. Asc.

93.11-14C)

9

As Hendrickson pointed out, the adaptation in (e), if it was from the In Toga Candida to the Commentariolum and not vice versa, is singularly unhappy: the expression in the Commentariolum is less effective than that in the In Toga Candida, as instead of the forceful double antithesis of unus and duo and pugiunculum and sica, there is the weak antithesis of unum suffragium and duae sicae -- unless there is an allusion to the fact that, if the votes in the consular elections did not go to Cicero, they would go to Catiline and Antonius. If the In Toga Candida preceded the Commentariolum, the inferiority of the passage in the latter could be explained as a rather puerile attempt at adaptation, an adaptation which caught the outward form of

the original, but not its spirit or force. If, on the other hand, the Commentariolum precedes, it seems odd that Marcus should have felt the need to resort to a work so frigid in its comparisons and metaphors. It is perhaps possible that Marcus might have made use of an unsatisfactory original by Quintus to please him or avoid hurting his feelings, which were apparently easily damaged (Cic. QF 1.1.37).

The other passage from the Commentariolum which is noticeably different from the In Toga Candida version is (d): this is longer than the parallel version in the In Toga Candida and perhaps slightly more explicit, but it is impossible to tell which is the original -- this assumes with Hendrickson that there is some validity in drawing deductions about priority from the relative suitability and effectiveness of the various versions -- so that there is no case here against authenticity. If the Commentariolum was written by Q. Cicero, the change can be explained as Asconius explains it; Asconius' point is that because the Vestal Virgin Fabia, who had been accused of sacrilegious intercourse -- incestum -- with Catiline but was acquitted, was Cicero's sister-in-law, in the In Toga Candida Cicero used cum (cum nulla culpa subesset) when discussing how Catiline could pollute any place, even if others -- i.e. Fabia -- were quite free of guilt, since cum ruled out the possibility of Fabia's guilt; the etiam si and imperfect

subjunctive of the Commentariolum version does not exclude the possibility of Fabia's guilt (Asc. 91.19-22C). In other words, the etiam si of Quintus is understandable in one who was not quite so closely related to Fabia as was Marcus.

Apart from the ineffective antithesis of the Commentariolum's version of (e), there is in the present writer's view little difference in literary merit between the Commentariolum's versions and those of the In Toga Candida. So we cannot tell which was written first from the literary merit of either set of versions. Next, one must answer this question: which would have more motive in borrowing material from M. Cicero, if it be granted that the Commentariolum was written after the actual composition of the In Toga Candida, Quintus or some later writer? The later writer would be first and foremost concerned with historical accuracy, and this would be very well served by incorporating as much contemporary material as possible into his writing, and nothing was more contemporary so far as we know than the In Toga Candida: there was then a very strong motive for a later writer to adapt from the In Toga Candida, and the amount of adaptation which is in fact found is remarkable considering that all we have of the In Toga Candida is what Asconius thought needed elucidation. Yet Quintus, too, had a motive for adapting from the substance of the In Toga Candida, that of flattering his brother. In short, both Quintus and a later writer had motives for

using the material in the In Toga Candida. Neither the examination of motive nor that of effectiveness of the two sets of versions can prove whether the Commentariolum is or is not authentic.¹⁰

There are also claimed parallel passages from the Pro Murena, which, if it can be shown that the Pro Murena versions are the originals, must show that the Commentariolum is not authentic, since it is certain that the Pro Murena was delivered after the terminus ante quem of the Commentariolum, in fact in 63. The passages are these:

(a) On deductio, adsectatio and salutatio:

magnam adfert opinionem,
magnam dignitatem cottid-
iana in deducendo frequ-
entia. (CP 36)

in salutatoribus, qui
magis vulgares sunt et
hac consuetudine quae
nunc est {ad}¹¹ pluris
veniunt (CP 35)
nam ex ea ipsa copia [sc.
adsectatorum] coniectura
fieri poterit quantum sis
in ipso campo virium ac
facultatis habiturus.

(CP 34)

12

(b) On adsiduitas:

iam adsiduitatis nullum est praeceptum, verbum ipsum
docet quae res sit; prodest QUIDEM [my capitals] veh-
ementer nusquam discedere, sed tamen hic fructus est
adsiduitatis, non solum esse Romae atque in foro SED
ADSIDUE PETERE [my capitals], saepe eosdem appellare,
non committere ut quisquam possit dicere, quod eius
consequi possis, se abs te non {sit}¹³ rogatum et valde
et diligenter rogatum.

(CP 43)

adsiduitatis . . . putat [sc. Servius] esse consulatum.
 . . . primum ista nostra adsiduitas [nostra means "of
 us candidates"; Servius, Cicero's opponent, had been
 claiming that Murena should have spent more of his
 campaign at Rome], Servi, nescis quantum interdum ad-
 ferat hominibus fastidi, quantum satietatis. mihi
 quidem vehementer expedit positam in oculis gratiam;
 sed tamen ego mei satietatem magno meo labore superavi
 . . .; verum tamen utrique nostrum desiderium nihil
 obfuisset.

(Mur. 21)

(c) The Inadvisability of Prosecuting One's Rivals:

fac ut se abs te custod-
 iri atque observari
 sciant [sc. competit-
 ores tui]. (CP 55)
 atque haec ita te nolo
 proponere ut videare
 accusationem iam medit-
 ari, sed ut hoc terrore
 facilius hoc ipsum quod
 agis consequare.

(CP 56)

nescio quo pacto semper
 hoc fit -- neque in uno
 aut altero animadversum
 est sed iam in pluribus
 -- simul atque candid-
 atus accusationem med-
 itari visus est, ut
 honorem desperasse vid-
 eatur. (Mur. 43)
 "scis tu [an imagin-
 ary 'common man' is
 speaking to a friend]
 illum accusationem cog-
 itare, inquirere in
 competitoribus, testis
 quaerere? alium fac iam,
 quoniam sibi hic ipse
 desperat."

(Mur. 45)

(d) The Use of Non to Mean "No":

alter vero, di boni! quo
 splendore est! primum nob-
 ilitate eadem qua Catil-
 ina!..num maiore? non sed
 virtute. quam ob rem?
 quod Antonius umbram suam
 metuit, hic ne leges qui-
 dem . . .

(CP 9)

quid enim? senatus num
 obviam prodire crimen
 putat [sc. candid-
 atori]? "non, sed merc-
 ede." convince; num
 sectari multos? "non,
 sed conductos." doce;
 num locum ad spectandum
 dare aut (ad) prandium
 invitare? "minime, sed
 volgo, passim." quid
 est "volgo"? "univer-
 sos." 14

(Mur. 73)

In (a) the present writer believes there are two significant pointers to priority, first, the use of salutator by the author of the Commentariolum, and, second, the use by both authors of coniectura with facio or its passive equivalent fit. Salutator is listed as having been used by no author earlier than Q. Cicero by Lewis and Short, who assume that the Commentariolum is by Q. Cicero; the next usages are those of such Silver Age writers as Statius or Martial or Columella -- these parallels are confined to cases where salutator is used in the same sense as it is in the Commentariolum.¹⁵ The expression coniecturam facio/coniectura fit is not by any means inevitable; ratio cinor,¹⁶ which is good Ciceronian Latin, would have served equally well. The present writer cannot but conclude that coniectura and the use of salutator together show that the Pro Murena passage is the original, even if in this instance there is little to choose in the literary quality of either version.

In (b) it is the present writer's contention that, although it is not absolutely necessary to have read the Pro Murena passage in order to gain an understanding of the version in the Commentariolum, the force of quidem and sed in sed adsidue petere are only to be understood completely by one who has the Pro Murena passage in mind. In the Pro Murena passage Cicero makes it clear that although adsiduitas -- being continuously on the job -- had its advantages, one had to avoid either boring the populus (satietas and fastid-

ium) or failing to make use of one's presence to canvass sufficiently to overcome the danger of fastidium (sed tamen ego mei satietatem magno meo labore superavi). This course between the Scylla of creating satietas in the populus by one's adsiduitas [= nusquam discedere in the CP version] and the Charybdis of not canvassing sufficiently (sed tamen hic fructus est adsiduitatis . . . non committere ut quisquam possit dicere, se abs te non {sit} rogatum et valde et diligenter rogatum [cf. mihi quidem vehementer . . . in oculis gratiam]) is what both passages are about, but the contrast is not very well brought out in the Commentariolum; it is as if the author had compressed the Pro Murena version and realising that the contrast had not been properly brought out had attempted with the use of quidem and sed to rectify the situation. In one sense he did, but there is no explanation in the Commentariolum of the contrast: it is as if the author had assumed the reader could be expected to keep the Pro Murena passage in mind.

In (c) the situation is much the same as in (b): it is possible to understand the Commentariolum version, but there is no reason given for the advice, while the Pro Murena supplies that reason. It is as if the author assumed that the reader would have the Pro Murena in front of him, an assumption which Q. Cicero cannot have made in early 64. ¹⁸

In (d) there are two points of note, first, the use of non to mean "no", which is apparently not common, ¹⁹ and the

pointless ~~ῥητορικῶς~~ num maiore?. Before investigating what evidence these supply, it is best to try to establish the true text or at least the meaning required. ²⁰ Catilina is nonsense, as Catiline is the person who is being discussed; the only suitable person to form the object of comparison is Antonius who with Catiline is the only person discussed in this immediate context. So we must read or understand; eadem nobilitate qua Antonius. But this cannot be a statement, as Antonius' father had held the consulate and so far as we know the nobility of the Sergii, of whom Catiline was one, was more anciently based and not recently reinforced. It must be a question, therefore, and in view of the immediately following question num maiore? a negative must be supplied or understood. Minime would be more conventional than non, but in view of the Pro Murena passage with its two nons immediately adjacent non would be in place. We read, therefore, primum nobilitate eadem qua Antonius? non. num maiore? non, sed virtute. In the Pro Murena the ~~ῥητορικῶς~~ advances Cicero's argument, as each imaginary objection is demolished. In the Commentariolum num maiore? is not a true question that one could envisage a real person with any sense, especially one who knew anything about Catiline and his background, employing, so that it is really nothing more than a lead into the discussion of Catiline's virtus. Would anyone but a later writer, who hoped that some of the Ciceronian glitter would rub off onto him

if he used enough from the master however ineptly, have chosen this pointless figure in this context?

There are also other claimed parallels from Marcus' first letter to his brother, which is to be dated to late 60 or early 59, such as the passages on wickedness at Rome (CP 54; QF 1.1.22), but the present writer does not think these a firm foundation upon which to base an attack on the authenticity of the Commentariolum: it is safer to believe that the similarity of thought is to be ascribed to the common observation of an obvious phenomenon, or to the apparently timeless passion for decrying the present as immoral. There are also claimed parallels with authors much later than either Quintus or Marcus, namely Horace and Publius Syrus, but these claims are quite unconvincing. 21

8. The Arguments against Authenticity: Summary

Before proceeding to a discussion of the probable authorship of the Commentariolum, the reader's convenience will be served by a summary of what results have come from the arguments propounded against the traditional view that Q. Cicero wrote the Commentariolum. To the absence of ancient references little weight should be attached: argumenta ex silentio, though by no means always invalid, should be used with caution. Similarly attempts at stylistic comparisons with the surviving corpus of Q. Cicero

are futile; we do not have enough of Q. Cicero's writings to permit any meaningful comparisons. The present writer believes that the argument that Quintus was in no position to write advice for Marcus is valid; if, however, one accepts the disclaimer of any didactic purpose in CP 1 and 58, as the present writer does not, one is free to disregard this argument.

Of the two types of historical arguments, that of misuse of technical terms and that of other anachronisms, the instances claimed under the first type are to the present writer quite unconvincing; both have a specious plausibility, but on closer examination neither holds up; of the latter type some of the arguments are convincing, others not.

The probable anachronisms in the latter type are the confusion of Catiline with Clodius but only in the case of the claimed incest; if this charge were true, there should be mention of it by either Sallust or Cicero, both of whom could have made excellent use of it, but there is no confusion in the case of patris egestas, since poverty is more common and less noteworthy than notorious incest; the absence of any mention of a "First Catilinarian Conspiracy": it is irrelevant whether or not such a conspiracy existed, as it was a tenable charge just before the elections of 64; the implication that Cicero had been an advocate for one or more consulars by mid-64; the present writer finds it

highly improbable that such a dramatic affair as the defence of a consular by a mere novus homo, which is what Cicero was, would have left no trace on the sources, and more particularly on the writings of M. Cicero himself.

The other arguments of the second type the present writer finds unsound; the case of the claimed anachronism of the Pro Gallio of 66-64 will only stand, if one assumes that because Cicero had taken on the case in the two year period referred to he must have conducted the actual defence at that same period, and refuses to admit the possible existence of two speeches on Gallius' behalf; the claim that humanitas is anachronistic as a description of a notable quality of M. Cicero in 64 is quite groundless.

Of the arguments from literary parallels that from the indisputable similarities of passages in the Commentariolum with passages in the In Toga Candida is only sound if one can show that the In Toga Candida was not composed or significantly prepared until very shortly before its delivery. The instances of parallel passages from the Pro Murena are to the present writer's mind sufficiently certain to militate most strongly against the authenticity of the Commentariolum. The other claimed parallels are not provable, or even likely, as far as the present writer can appreciate.

The balance of probability, then, lies against the authenticity of the Commentariolum. If, however, Q. Cicero

did not write the Commentariolum, who did?

9. The True Author and his Date; Some Suggestions

The present writer believes that the work we have under the title of Commentariolum Petitionis was probably written by an advanced student of rhetoric as a final exercise in technique before he "passed out" of the "school" where he was studying. This conclusion is reached by a process of elimination of alternatives.¹

Mrs. Henderson does not rule out the possibility of the Commentariolum's being intended as a true forgery, i.e. of its being intended to pass as a genuine work of Q. Cicero, for which suggestion she produces no real evidence, indeed little more than a denunciation of E.H. Clift's views on the subject.² The present writer prefers to follow Mrs. Clift, as she argues her case on the question of forgery thoroughly, even if her views on the authenticity of the Commentariolum are not very solidly based.³ According to the information⁴ amassed by Mrs. Clift there was no period within the dates in which there was really vigorous and informed interest in M. or Q. Cicero, namely from their deaths -- 43 -- to the end of the reign of Trajan (that this is the right period is argued below), when a forger could have passed off as by Q. Cicero a work recently composed. As an instance of the knowledge available to scholars and bibliophiles during this period this will serve: Pliny the Elder (ob. 79 A.D.) notes

that he had personally seen many times the actual autograph manuscripts of M. Cicero, Augustus and Vergil (Pliny NH 13.83). In any case what motive could a forger have had? There was no law of copyright in antiquity,⁵ so that there was no financial reward to be gained from publication of a "newly discovered" work of Q. Cicero. In view of the notable tedium of the Commentariolum's style, surely little literary kudos either; it would be preferable to "find" an interesting work on the election of 64, if possible well written. So pace Mrs. Henderson the Commentariolum was not intended, so far as the evidence goes, as a true forgery; if not, as what?

The Commentariolum is not a suasoria; it has too long a section devoted to scene-setting -- 65 lines in the OCT out of a total of about 500 (CP 7-12) -- if we may accept Quintilian's description of a suasoria (Quint. 3.8.10: he says that a narratio is not required in suasoriae about private matters). Equally the Commentariolum is no polemic, which was still being written about matters Ciceronian by the Emperor Claudius (Suet. Claud. 41.3).⁶ Certainly controversy over Cicero's political behaviour was still alive under Augustus (Plut. Cic. 49.3). The Commentariolum, then, will have as its terminus post quem of actual composition most probably the end of the reign of Augustus, that is 14 A.D.. A second reason for supporting this view of a terminus post quem is that by 14 A.D. most protagonists

in the Ciceronian Age were dead, or of such age as to be of no importance. Apparently there would be little interest in writing rhetorical pieces about the Ciceronian Age much later than the end of the reign of Trajan in 117, and the last piece of positive evidence that school exercises were still being written about matters relating to the Ciceronian Age comes from Quintilian's Institutio Oratoria, which was probably published about 95 A.D.: the terminus ante quem⁷ may then be rather nearer 98 than 117. At the risk of being too cautious, one may say that the Commentariolum, if it is not by Q. Cicero, was probably written between 114 and 98 A.D..

The genre into which the Commentariolum fits best is that of prosopopoiia, "historical character-writing". This was a variety of suasoria, in that advice was given, but it differed insofar as the style was supposed to be in accordance with that of the prosopon in whose shoes, if the expression be allowed, the writer was to picture himself, as well as in its structure, in such matters as the length of scene-setting (narratio), as has already been mentioned (Quint. 3.8.58 with 52 on the style).

Prosopopoiia was difficillima (Quint. 3.8.49), so probably only an advanced student on the verge of or in the process of "passing out" of his "school" would attempt one. There is also reason to believe that the author was not confident of his ability to carry out his task: thus

he calls his production a commentariolum (CP 58), and he inserts what in a modern work would be a footnote to the reader -- or should one say "examiner"? -- in chapter forty nine. For a commentariolum seems to be a rude and unpolished affair in M. Cicero's eyes (Cic. De Or. 1.5); the word is used by Quintilian to describe an elementary textbook (1.5.7). The footnote to the reader is this: ac ne videar aberrasse a distributione mea [distributione here means "lay-out" or "structural plan" or something similar: it is a rhetorical term], qui haec in populari parte petitionis disputem, hoc sequor, haec omnia non tam ad amicorum studia quam ad popularem famam pertinere: etsi inest aliquid⁸
ex illo genere, benigne respondere There is also a less directly stated footnote to the reader -- less direct, as it is addressed nominally to the purported subject of the Commentariolum, M. Cicero -- in the last chapter, fifty eight: . . . tamen tu, si quid mutandum esse videbitur aut omnino tollendum, aut si quid erit praeteritum, velim hoc mihi dicas; volo enim hoc commentariolum petitionis haberi omni ratione perfectum.

10. The True Nature of the Commentariolum, Summary

Despite appearances the work which has come down to us as the Commentariolum of Q. Cicero written in early 64, that is shortly before the consular elections as a result of which Quintus' brother, M. Cicero, became consul for 63, was

not written by Q. Cicero either then or at any other time, but so far as our evidence goes by an advanced student of rhetoric sometime between 14 and 98 A.D. These are the most probable conclusions to be drawn about the Commentariolum.

11. The Commentariolum as a Historical Source

It is hard to know just what in the Commentariolum is useful extra evidence, what is fanciful invention, and what is merely the indication of crass incompetence. There seems to be no doubt that a writer in the Early Principate had at his disposal, if he took the trouble to obtain access to it and to make use of it, far more accurate information about the Ciceronian Age than is available to us today. The crucial question which any reader of the Commentariolum who wishes to use it as a historical source must answer is this: how competent and knowledgeable was the author? In the present writer's view this question is very difficult to answer, precisely because we have less information than the author might have had. Unless one knows for certain that the errors that have been imputed to the author are justly imputed, and that the error does not lie with modern scholars with an excess of certainty and a lack of right information as well as humility, one would be most unwise to dismiss anything the Commentariolum says which is uncorroborated as untrue; equally it is unjustifiable to regard the Commentariolum

as an infallible revelation of the truth about Republican elections. In this connection Mrs. Henderson's warning should be borne in mind; "No great harm was done while historians used it with caution, as something not completely explained. Recently [the article appeared in 1950], however, a less scrupulous attitude has prevailed. It has been taken as a revelation of the truth about Cicero's candidature or about Republican political life -- as if a document, once we suppose it authentic, may be used as we please without further inquiry into its purport."¹

A good example of the sort of problem of policy which the Commentariolum presents its modern readers is that of M. Cicero's defence -- or rather agreement to defend -- in the case of C. Orchivius (CP 19). Is the reader to accept such an agreement, and the probably resulting defence, as historical fact which by chance is nowhere else mentioned in extant evidence, or is he to reject this piece of information as possibly false in view of the possible misdating of the defence of Gallius? The present writer would accept the implied Pro Orchivio, of which there is no corroboration, as provisionally sound, but as something on which one should not base very much. For there is no question of deliberate intention to mislead in the Commentariolum; at the worst we have the incompetence of a student; at the best we have true information produced from evidence now lost to us.

The best policy, in short, is cautious acceptance of otherwise unconfirmed information that the Commentariolum supplies: either rejection on principle or acceptance on principle is unjustifiable.

NOTES TO SECTION ONE OF INTRODUCTION

1

So almost all the MSS; cf. R.Y. Tyrrell, "The Letters of Quintus Cicero", Hermathena 5 (1877), 40.

2

R.Y. Tyrrell and L.C. Purser, The Correspondence of M. Tullius Cicero (3rd. ed.; Dublin: Hodges, Figgis, 1904), in "Dublin University Press" series, put the terminus ante quem as June, 64; "When the author of the Commentariolum speaks of Catiline as Cicero's most formidable opponent, surely the natural inference is that the tract was written in the beginning of . . . B.C. 64, when Catiline's prospects actually did look bright, or at least before the month of June, when his excesses had begun to swell the ranks of Antonius' supporters." (l.117-118) That only Catiline, Cicero and Antonius were seriously in the running at least by the time of the delivery of the In Toga Candida, i.e. a few days before the consular elections (the dating is given by Asc. 83.10-12C), is shown by Asconius (82.16-17C, and the rest of the section down to paucos at 83.12C); the evidence for Tyrrell-Purser's other statement is, to say the least, more dubious, especially as they do not give any supporting evidence themselves: the only evidence of which the present writer is aware that will account for the theory that Antonius was gaining over Catiline in June, 64 is Asc. 94.4-6C, which shows that Antonius was elected consul for 63, but that only a few centuries were needed for Catiline to have won --- and here Asconius specifically states that the reason was that Antonius' father was more highly regarded than was Catiline's (on the ancestry of Antonius and Catiline see the Commentary on chapters eight and following) combined with Sall. Cat. 22-23, which gives examples of Catiline's excesses dated apparently to just before the elections of 64, but it is specifically stated by Sallust that the result of the revelation of the conspiracy -- if there was such a thing (on which see below) -- was to favour not Antonius, but Cicero (Sall. Cat. 23.5-6); also a few days before the elections of 64 Cicero delivered his speech In Toga Candida against both Catiline and Antonius (tum Cicero surrexit atque in coitionem Catilinae et Antoni invectus est ante dies comitiorum paucos [Asc. 83.10-12C]). In the present writer's view the terminus ante quem is the election, not June, in 64. (The present writer does not believe in the conspiracy of June, 64, or at least not in such a fully worked out one as Sallust portrays in Cat. 21ff.; if there had been such a conspiracy, why did

Catiline wait a year, especially as according to Sallust (Cat. 21ff.) the conspiracy was disclosed, a disclosure which forced the nobiles to support Cicero? This rejection of the conspiracy of 64 is more or less that of E.G. Hardy, "The Catilinarian Conspiracy in its Context: A Re-Study of the Evidence", section three "Crassus, Caesar and Catiline to the Elections of 64", JRS 7 (1917), 166-172.

NOTES TO SECTION TWO OF INTRODUCTION

1

A. Gellius NA 14.7.

2

M. Tulli Ciceronis Epistulae Vol. 3, ed. W.S. Watt
(Oxford: Clarendon Press, 1958).

3

The present writer is not competent to draw any conclusions from this omission about the authenticity or otherwise of the Commentariolum.

4

Which Watt considers definitely spurious. Again the present writer is competent to discuss neither the authenticity of the Epistula ad Octavianum nor the positioning of the Commentariolum vis-à-vis the Epistula ad Octavianum and its relevance, if any, to the authenticity of the Commentariolum.

5

Now in the British Museum.

6

Previously called the Erfurtensis. Once kept in the State Museum in Berlin, during the Second World War it was moved to the Tübingen University Library where it was to be found when Watt wrote his Praefatio to the Commentariolum.

7

See Watt, "Praefatio ad Commentariolum Petitionis", p. 180.

8

In the Vatican Library in Rome (fifteenth century).

9

In 1934.

10

By Gruter in 1618.

11

Including Mendelssohn.

12

The contamination was disproved to Watt's satisfaction by Constans (see Praefatio p. 181).

13

In the Bodleian Library in Oxford (fifteenth century).

14

Watt does not deny the truth of this charge at all.

15

Further discussion of the MSS and of the reasoning behind the stemma is to be found in Watt's Praefatio (pp.181-184).

NOTES TO SECTION FOUR OF INTRODUCTION

1

In *Hermathena* 5 (1877), 46-48; see also the almost identical arguments in Tyrrell-Purser's third edition (pp. 120-122).

NOTES TO SECTION FIVE OF INTRODUCTION

1

The censors in question were Cn. Cornelius Lentulus and L. Gellius Poplicola; they were very thoroughgoing in their purging of the Senate; Cn. Lentulus et L. Gellius asperam censuram egerunt, quattuor et sexaginta senatu motis (Liv. Epit. 98).

2

Matthias Gelzer, The Roman Nobility, trans. Robin Seager (Oxford: Basil Blackwell, 1969), pp. 12ff. shows that there was a financial requirement for Senatorial status. If Antonius had fallen below the minimum, he would no longer be eligible to be called a Senator, or to hold a seat in the Senate. The censors decided that Antonius had not this minimum, in all probability, and this was the main reason for Antonius' dismissal from the Senate as a consequence.

3

Lewis and Short s.v. proscribo give the basic meaning as to "write before" or "in front of". They apparently think that proscribo in the sense of "advertise" is closer to the original meaning than is the sense of to "publish" a person "as having forfeited his property" (I.C) or to "proscribe, outlaw" one (I.D).

4

M.I. Henderson, "De Commentariolo Petitionis", JRS 40 (1950), 10-11.

5

J.P.V.D. Balsdon, "The Commentariolum Petitionis", CQ N.S. 13 (1963), 247.

6

The text is uncertain, but proscribere probably means "advertise for sale". This is the view of D.R. Shackleton Bailey, Cicero's Letters to Atticus (Cambridge, England: The University Press, 1968) Vol. 3 ad loc., and in his translation opposite the text.

7

QF 2.5.3 [Watt's numeration] is dated by Watt to the end of March, 56.

8

Mrs. Henderson. p. 12.

9

That *sodalitas* is frequently religious is the view of J. Hellegouarc'h [sic], *Le Vocabulaire latin des relations et des partis politiques sous la République*, "Publications de la Faculté des Lettres et des Sciences Humaines de l'Université de Lille, no. 11" (Paris: Société d'Édition "Les Belles Lettres", 1963), pp. 109-110 s.v. *Collegium-Sodalitas-Sodalitium*.

10

Balsdon p. 247.

11

Discussed by G.W. Botsford, *The Roman Assemblies* (New York: Macmillan, 1909), p. 431; cf. p. 445 on the *senatusconsultum* of 64.

NOTES TO SECTION SIX OF INTRODUCTION

1

That July was the normal time for the consular elections in the Late Republic is the view of L.R. Taylor, Roman Voting Assemblies (Ann Arbor: The University of Michigan Press, 1966), p. 104. [This work will hereafter be cited as "L.R. Taylor, RVA" with the relevant page reference.] It should here be emphasised that not all consular elections in the Late Republic were normal; the country voter had to take into account when he was planning his year to enable him to come into Rome to vote at the consular elections not only the possibility that the elections would be postponed, as in fact occurred in for example 54 and 53, but also the possibility that duly elected consuls would be convicted before they took office of bribery in the campaign, as in fact occurred in for example 66. In the case of the conviction of consules designati new elections had to be held. (See T.R.S. Broughton, The Magistrates of the Roman Republic, "Philological Monographs published by the American Philological Association, number 15", ed. P.H. de Lacy [New York: The American Philological Association, 1952], Vol. 2 on the years in question. There is also a Supplement to "The Magistrates of the Roman Republic" to be found at the end of the 1960 printing of The Magistrates of the Roman Republic, Vol. 2. [T.R.S. Broughton, Supplement to "The Magistrates of the Roman Republic" ([New York:] The American Philological Association, 1960). The Magistrates of the Roman Republic, Vol. 2 will hereafter be cited as "Broughton, MRR"; the Supplement to "The Magistrates of the Roman Republic" will be cited as "Broughton, Supplement".) In addition, the pontiffs could apparently intercalate according to their whim, and this was used for political purposes (see L.R. Taylor, Party Politics in the Age of Caesar, "Sather Classical Lectures, Vol. 22 [1949]" [Berkeley: University of California Press, 1949], chapter four, "Manipulating the State Religion". This work will hereafter be cited as "L.R. Taylor, PP".)

2

Mrs. Henderson p. 11.

3

Balsdon p. 249.

4

Mrs. Henderson p. 10.

- 5
As Balsdon has pointed out (p. 246).
- 6
See Broughton, MRR Index s.v. Sergius.
- 7
Balsdon pp. 246-247.
- 8
Balsdon p. 247.
- 9
P.A. Brunt, "Three Passages from Asconius", CR N.S. 7 (1957), 193-194 discusses the passage; his conclusion is that the insertion of <non>, which appears in the OCT, is unnecessary. The present writer believes that Brunt has proved his point.
- 10
The meaning of optimates is discussed by Hellegouarc'h (pp. 500-505).
- 11
Mrs. Henderson pp. 13-14.
- 12
Balsdon p. 247.
- 13
Mrs. Henderson p. 9.
- 14
Balsdon p. 247.
- 15
On patronus see Gelzer p. 63; on the consulate's being in altissimo gradu dignitatis see Gelzer p. 34 + n. 277.
- 16
R.G.M. Nisbet, "The Commentariolum Petitionis: Some Arguments against Authenticity", JRS 51 (1961), 85.
- 17
Nisbet p. 85.
- 18
See p. ix. It might be added here that Nisbet also finds (pp. 84-85) a resemblance between non potest qui dignus habetur patronus consularium indignus consulatu putari

(CP 2) and a passage from the In Toga Candida (ap. Asc. 86.3-11C): te tamen, Q. Muci, tam male de populo Romano existimare moleste fero qui hesterno die me esse dignum consulatu negabas. quid? p. R. minus diligenter sibi constitueret defensorem quam tu tibi? cum tecum furti L. Calenus ageret, me potissimum fortunarum tuarum patronum esse voluisti. cuius tute consilium in tua turpissima causa delegisti, hunc honestissimarum rerum defensorem p. R. auctore te repudiare potest? There is some resemblance here, to be sure; nonetheless, the present writer does not find it as striking and closely parallel in structure as in the other parallel passages from the In Toga Candida (for a discussion of these see pp. xxxii-xxxvii). This claimed parallel has not been discussed in the main body of the Introduction, as the present writer does not consider it by any means indisputable that there is a direct interrelationship between the two passages, in contrast to the situation of those parallels which are discussed at length.

On this claimed parallel see Balldon p. 250.

NOTES TO SECTION SEVEN OF INTRODUCTION

- 1
Tyrrell-Purser 1.124*.
- 2
See n. 2 to section one of the Introduction.
- 3
Tyrrell-Purser read secuerit.
- 4
Tyrrell-Purser read fecerit.
- 5
Tyrrell-Purser read spiranti, but this is nothing more than an emendation.
- 6
Tyrrell-Purser read alia for in aliis, but this nothing more than an emendation.
- 7
Tyrrell-Purser read vixisset. (Where Tyrrell-Purser are cited as reading differently from the editions used by the present writer, the divergences are taken from 1.124*-125*.)
- 8
The dagger is human; the Piso who was sent to Spain by the Senate, although he was supposed to have been in the "First Catilinarian Conspiracy" (Asc. 93.15C), is the dagger.
- 9
G.L. Hendrickson, "The Commentariolum Petitionis Attributed to Quintus Cicero", "Decennial Publications of the University of Chicago, first series, vol. 6, no. 6 (1904)" [hereafter referred to as "Hendrickson, U.Chic."], p. 5.
- 10
Tyrrell-Purser (1.130*) argue the latter of the two points here against Hendrickson (U.Chic. p. 5).
- 11
The textual problems are discussed in the Commentary ad loc.

12

This, the longest of the parallel sets of passages, is laid out rather differently precisely because of its length; it was felt that the present arrangement was clearer.

13

The OCT deletes {sit}: it is surely redundant. The brackets { . . . } have been used instead of [. . .], which are normally used in texts to indicate that the editor wishes to exclude whatever is in the bracket, because the square brackets have another necessary function in this Commentary, that of inserting the commentator's explanation or expansion where a passage is not quoted entire. { . . . } are used thus in epigraphical texts.

14

The punctuation has been altered from that of the OCT to make the ~~Συγκριτικὸν~~ clearer. Other parallels have been claimed between the Commentariolum and the Pro Murena, of which the two with the most similar content are that of the nature of mutual obligations (Mur. 70 and CP 19;31) and that of the type of people who are adsidui [on the meaning of which see the Commentary on chapter thirty-seven] (Mur. 70 and CP 37). Both these parallels derive from Adam Eussner, Commentariolum Petitionis Examinatum atque Emendatum, "[A Memorial Presentation to Ludwig-Maximilian from the Gymnasium at Würzburg]", (Würzburg: Thein Verlag, 1872), pp. 15-16. Eussner was the first to attack the authenticity of the Commentariolum; the arguments discussed under sections three, four and seven of this Introduction largely derive from him, as does that of Gallius (section six). His treatise is exceedingly rare, so that constant reference to his work would be of no use to most readers of the Commentariolum. His arguments, however, have been fairly represented by the various scholars who are concerned with the Commentariolum, so that most readers will find his rarity of little consequence. The Bodleian Library in Oxford has a copy of Eussner's treatise, and will supply a copy to scholars. The other parallels claimed by Eussner are listed and discussed by Tyrrell (Hermathena 5 [1877], 53-57); cf. Tyrrell-Purser 1.125*-126*. The representation of Eussner is quite fair and accurate.

G.L. Hendrickson, "On the Authenticity of the Commentariolum Petitionis of Quintus Cicero", AJPh 13 (1892), 206 claims other parallels with the Pro Murena but the present writer finds them unconvincing -- or at the least disputable. The same writer elsewhere (U.Chic. pp. 6-7) claims CP 52 and Mur. 43 as parallel, but the parallel depends on the retention of the MSS' ne in CP 52,

but the OCT reads <ratio>ne, in the present writer's rightly (for the textual arguments see the Commentary ad loc.).

15

See Lewis and Short s.v. salutator II. It might be noted that Lewis and Short give no instance earlier than the Commentariolum (which they believe to be by Q. Cicero, and presumably therefore to be dated to early 64 B.C.); the next usage is by Columella, apparently.

16

See Lewis and Short s.v. ratiocinor.

17

Hendrickson, U. Chic. pp. 7-8 discusses these passages.

18

Hendrickson, U. Chic. p. 6 discusses these passages.

19

See Lewis and Short s.v. non (6). The argument is that of Nisbet (pp. 85-86).

20

See also the Commentary to chapter nine.

21

On the claimed parallels between QF 1.1 and the Commentariolum see Tyrrell, Hermathena 5 (1877), 55-57. On the claimed parallels between Horace and Publilius Syrus see Hendrickson, AJPh 13 (1892), 210-211 and U. Chic. pp. 6-7 the present writer believes that the resemblance with Horace is nothing more than general, while that with Publilius Syrus is merely the result of a quite possibly chance preference on the part of both authors for belle which is then used in conjunction with a part of negare. This may be striking, but does it prove that there is a direct interrelationship? The present writer thinks not.

NOTES TO SECTION NINE OF INTRODUCTION

1

Mrs. Henderson (pp. 16-21) discusses the probable true nature of the Commentariolum; the present writer is in agreement with the majority of what she says.

2

E.H. Clift, Latin Pseudepigrapha (Baltimore: [Johns Hopkins University Press], 1945), pp. 102-107 discusses the Commentariolum, and concludes that it is authentic. She thinks that the linguistic arguments, the stylistic arguments and the historical arguments are unsound. However, as she wrote before the appearance of either Mrs. Henderson's or Nisbet's articles, her conclusion may be disregarded, unless one believes that none of the arguments in those two articles is valid. Her first chapter, "Libraries and Literary Interests in the Roman World", has not been outdated, as have her conclusions on the Commentariolum's authenticity, so far as the present writer is aware. Mrs. Clift's view that it would be very difficult to foist off a forgery onto Q. Cicero between 14 and 98 A.D. (this is a legitimate deduction from her pp. 22-30) is considered false by Mrs. Henderson (p. 21).

3

Cf. n. 2.

4

Mrs. Clift in her first chapter.

5

J.A. Crook, Law and Life of Rome, in the series "Aspects of Greek and Roman Life" ([London]: Thames and Hudson, 1967), p. 207 (+ n. 5 to chapter seven [p. 322]) believes this to be the case, but as with all argumenta ex silentio the belief may be unsecurely based.

6

There is no indication in Suetonius at what point in his life Claudius wrote the Ciceronis Defensio adversus Asini Galli libros; this is in accordance with Suetonius' practice in writing his Lives, as he wrote by subject-headings, not chronologically (per species [Aug. 9]). Thus all one can say safely is that, as Claudius was born in 10 B.C., he would presumably not have written the Defensio

until after the turn of the era -- an assumption that :
Suetonius' satis eruditam which he applies to the Defensio
(Claud. 41.3) makes reasonable.

7

The end of the reign of Trajan is Mrs. Henderson's
terminus ante quem (p. 21).

8

The Commentariolum is divided up by its author into three
main headings, namely "novus sum" (CP 2-12), "consulatum
peto" (CP 13-53) and "Roma est" (CP 54-57). The division
is given at CP 2. "Consulatum peto" is sub-divided into
de amicitiiis constituendis (CP 16-40) and popularis voluntas
and how to get it (CP 41-53). This lay-out is the distrib-
utio from which the author is so unwilling to depart.

NOTES TO SECTION ELEVEN OF INTRODUCTION

¹

Mrs. Henderson p. 8.

CHAPTER ONE

non ut aliquid . . . sub uno aspectu ponerentur:

that the purpose of the Commentariolum is not to inform M. Cicero of anything he did not know already is confirmed by chapter fifty eight: haec sunt . . . ad te perscripta mittere.

Is it probable that Q. Cicero wrote the Commentariolum; is it likely that Q. Cicero would have written a commentariolum petitionis in early 64 at all; if not, who wrote the work we have under the title of Commentariolum Petitionis, and when? In the present writer's view, the Commentariolum was not written by Q. Cicero either in early 64 or at any other time, but by a writer of historical character writing (prosopopoeia) sometime between 14 and 98 A.D. (see the Introduction, sections one, three, four, eight, nine and ten especially).

ea quae in re dispersa atque infinita viderentur:

dispersa and infinita are both neuter plural. Translate: "what in the actual campaign [in re] seem unconnected and hard to define".

quamquam plurimum natura . . . naturam vincere:

"although being oneself has much to recommend it, nonetheless it appears that in a business [i.e. the election campaign], which only lasts a few months, a synthetic image

has the edge over being oneself." Simulatio means "pretending that something is which in reality is not".

CHAPTER TWO

In this chapter the author sets the tone of the Comm-entariolum in two ways: first, he shows the first sign of his love of divisio; secondly, he shows that Cicero's main enemy will be his novitas, which together with the height of his goal will make the campaign a hard one, in view of the fact that this is a Roman election. This is the reasoning behind the choice of novitas, consulatus and Roma as main divisions within the treatise, and explains the order in which the points are discussed.

"novus sum": a novus homo was one who was the first of his family to hold office in the State, and thus gain a seat in the Senate: examples of novi homines are L. Quinctius (tr. pl. 74), T. Fadius (tr. pl. 57) and Cn. Plancius (aed. 54).¹ Novus and nobilis are often contrasted, but they are not true opposites: a man could gain a seat in the Senate without being a nobilis. Gelzer believes that the only nobiles were those whose families had already supplied the State with at least one consul:² thus, while Cicero himself would never be nobilis, even after he himself attained the consulate, his children and remoter descendants would be nobiles.

The reason for the placing of consulatus second is

that, although many novi reached the lower offices, even as far as the praetorship, few ever reached the consulate.³

The comitia centuriata, in which consuls as well as praetors were elected, was cautious in its choices. The comitia centuriata was weighted in favour of the wealthier members of society, so that, even if the common man objected to the usual kind of consul and praetor, who were almost always nobiles, and from a limited number of families, there was little he could do to put in new men. The order of voting in the comitia centuriata was fixed, with the wealthier members of society voting first -- this was the first class -- and the next wealthiest group voting next -- this was the second class. The vote only had to go down to the second class to secure a majority. The vast bulk of the citizenry were not in the first or second class, and even the second and third classes had less say in the election than the first class, if the wealthiest members of society were agreed in their choices. The fact may also be noted that the voting stopped when enough voting units -- centuries -- had voted to produce the number of office-holders corresponding to the number of offices to be filled. It is also probable that there were less men to a century in the first class than in the other classes, which increased, if true, the weighting in favour of the wealthiest members of society. The proletarii were put into one century -- that is the lowest class were put into one voting unit.⁴

Divisio is one of the author's favourite devices,⁵ and will be noted throughout the Commentary as relevant.

dicendi gloria: according to Cicero there were three things needed for success as a politician at Rome, eloquence, military experience and knowledge of the law (Cic. Mur. 24; Planc. 15). The relative influence of the three qualities is referred to in Cic. Mur. 22 and 24;

. . . qui potes dubitare quin ad consulatum adipiscendum multo plus adferat dignitatis rei militaris quam iuris civilis gloria?

summa dignitas est in iis qui militari laude antecellunt; omnia enim quae sunt in imperio et in statu civitatis ab his defendi et firmari putantur; summa etiam utilitas, si quidem eorum consilio et periculo cum re publica tum etiam nostris rebus perfrui possumus. gravis ETIAM illa est et plena dignitatis DICENDI FACULTAS [my capitals] quae saepe valuit in consule deligendo, posse consilio atque oratione et senatus et populi et eorum qui res iudicant mentes permovere

Military life, thus, seems to be best, then eloquence, and last knowledge of the law.

If one lacked militaris gloria, as did Cicero in 64, how could eloquentia, which Cicero possessed in full measure, make up for it? In Gelzer's view, the patronage produced by an advocate's life and help to various people produced much
6
clientela.

patronus consularium: the apparent falsity of the necessary implication that M. Cicero had by early 64 defended at least one consular is one of the strongest arguments against the authenticity of the Commentariolum (see sections six and eight of the Introduction).

NOTES TO CHAPTER TWO

1

Gelzer p. 34.

2

Gelzer pp. 27-34, especially p. 31.

3

Gelzer (p. 50) lists all the novi homines known to have reached the consulate; over a period of three hundred years out of a total of about six hundred consuls only fifteen novi are known to have reached the consulate. Between 100 and 64 B.C. only two certain novi homines consulares are known, T. Didius in 98 and C. Coelius Caldus (frequently spelled Caelius" e.g. in Broughton, MRR) in 94 -- L. Gellius Poplicola cannot be admitted as a certain novus homo according to Gelzer (p. 50 n. 447). Cic. Planc. 60 shows that many novi reached the aedileship. A list of some novi homines praetorii may be found for the period 100 to 64 B.C. in Appendix Three, where the meaning of the term novus homo praetorius is also explained.

4

See Appendix Two.

5

See Appendix One.

6

Gelzer p. 83, with the references there adduced, Cic. Att. 2.22.3; QF 3.1.16. For the alienation caused by forensic activity see under CP 40.

CHAPTER THREE

saepe quae <de> Demosthenis studio et exercitatione scripsit Demetrius recordare; Demetrius is Demetrius of Phalerum, who was born about 350 B.C., and was of importance in politics as well as in letters. The story of Demosthenes' exercitatio is widespread; the nearest to the original passage of Demetrius that can be reached now is Plut. Dem. 11, where Plutarch quotes Demetrius as authority for the nature of the exercises which Demosthenes used against his complaint, which was indistinctness of diction and inability to pronounce RHO (cf. Plut. Alc. 1.4). The exercise which Demosthenes used to combat indistinctness of diction was to orate while running, or while going up steep inclines, and to recite whole verses at a single breath. Cicero's affliction was similar, namely lack of breath control and of voice control (Cic. Brut. 313-314). These defects belong to the period before Cicero's journey to Greece (79), where he spent two years (Cic. Brut. 314).

Demetrius' remark occurs amongst other places in Cicero himself; ut Demetrius scribit Phalereus, cum RHO dicere nequiret, exercitationem fecisse ut planissime diceret (Cic. Div. 2.96). From the text of the Commentariolum there is no means of knowing if the author was aware that Cicero's trouble was not lisping, but lack of control over

breath or voice. Accordingly, the author may have misunderstood what was the matter with Cicero, and have taken his remark unadapted from the De Divinatione, a work written long after the affliction from which Cicero suffered had been cured, or he may not have had the De Divinatione passage in mind at all and have known quite well the true nature of Cicero's defect. If the author was Q. Cicero, the knowledge was firsthand and accurate.

There is no means of knowing from what particular work of Demetrius the remark here referred to came.¹

omnis publicanos: their value was in their wealth. They were equestrians, as was Cicero. Habes here must mean "you have on your side". The nobiles came over to Cicero's side shortly before the election of 64, according to Sallust (Cat. 23.5-6). Both the equestrians and the nobiles were men of wealth (the definition of nobilis was given under CP 2; that of equestrian follows immediately).

totum fere equestrem ordinem: who were the equites? That they had to possess a minimum property qualification, probably of HS 400 000, is agreed, but whether this property qualification was the sole requirement for the attaining of equestrian rank is not certain.² Some claim that the public horse was required before a man could properly call himself an eques, which would limit the total number in the ordo to at the most 2400. Others, in claiming that the HS 400 000 was the only qualification, may not be implying that

there were far more than 2400 equites, but this is highly controversial. At least, it is not likely that proportionately there were as many equites at Rome and elsewhere in the Roman world -- assuming that the property qualification was the only requirement for equestrian status -- as there are today members of the "middle class". Thus the application of that term, "middle class", to the equites is unwise, without many reservations.

multa propria municipia: this must not be taken to imply that the entire population of many municipia came into Rome to vote for Cicero; only the richer citizens could afford the time, and only the richer would have a significant effect on the outcome (cf. CP 50 and the Commentary thereon). The author is simply saying that the men from the municipia who mattered, men like Cicero's father, solid equites and other comparatively wealthy men, were behind Cicero.³

multos abs te defensos homines: examples of men whom Cicero had defended by 64 are given under chapter thirty eight from speeches which happen to survive; the four men from chapter nineteen may be added, although Gallius is doubtful (see section six of the Introduction) and there is no other evidence for the Pro Orchivio -- but against it there is none either. Cicero's defence of Manilius may also be mentioned (see CP 51). If one defended a man in a court of law, this was a beneficium to that man; the beneficium produced in the person helped an officium --

a "duty" --- to return that beneficium, by means of an equivalent service, either in money or in some such way as electoral help (on the relationship between and possible meanings of beneficium and officium see under CP 16).⁴

Although advocates were forbidden to receive money payments for their advocacy under the Lex Cincia of 204 they still managed to be paid in money, by disguising the payment as a "loan" or via⁵ bequests. The less scrupulous did not trouble with finding a speciously legal method of receiving money or presents.⁶ Repayment for a beneficium might be in electoral services. That this was what M. Cicero hoped to collect in the campaign of 64 is claimed frequently in the Commentariolum, and is noted ad loc.. The author claims that Cicero had not been paid (nulla impensa) for his defences (CP 38); first, this is highly questionable;⁷ secondly, if true, the absence of payment was only real at the time of the service: Cicero expected some favours or election help (CP 38).

aliquot collegia; there is no reason to believe that these collegia would be the collegia so-called, which were formed out of bands of thugs, and against which the senatusconsultum de sodaliciis of 64 was aimed (on these collegia see section five of the Introduction, where the sodalitates of CP 19 are discussed). The collegia here referred to are most likely to be what we would call "trade guilds".

⁸
Collegium is a wide-ranging term, but the meaning of "trade guild" is probably preferable to that, for example,

of "college of pontiffs". Admittedly, it is not impossible that the author had more than one kind of collegium in mind here.

NOTES TO CHAPTER THREE

1

So Felix Jacoby, Die Fragmente der griechischen Historiker (Berlin: Weidmann, 1929), 2B.228 (Demetrios v. Phaleron). F[rag]. 17A, under "Fragmente ohne Buchtitel".

2

See Appendix Four.

3

See Appendix Two. L.R. Taylor, PP pp. 60-62 discusses the differences between the comitia centuriata and tributa with reference to Cicero's exile and recall; she notes that in the case of Cicero's recall the comitia centuriata was used, which is the only known use of this body for legislative purposes from 70 to 49 B.C. (L.R. Taylor, RVA p. 103), so that there could be time for the Senate to send messengers to all the municipia asking men to come in and vote for Cicero's recall; they came in throngs (Cic. Red in Sen. 24-25; 27; 29; 31; Dom. 90).

4

See also Hellegouarc'h pp. 152-169.

5

The date is fixed by Cic. Senect. 4.10; for the content Tac. Ann. 11.5.3: [sc. lex Cincia] qua cavetur antiquitus ne quis ob causam orandam pecuniam donumve accipiat. On the methods used to evade it by the more conscience-stricken see H.C. Boren, "The Sources of Cicero's Income: Some Suggestions", CJ 57 (1961), 19 and passim on the real methods of income.

6

Hortensius, Cicero's famous rival at the Roman Bar, seems to have accepted a costly gift from Verres, at the least: "cum Sphingem domi habeas [sc. Hortensi]" (Cic. ap. Quint. 6.3.98).

7

Cf. n. 5.

8

See Ch[arles] Daremberg and Edm[ond] Saglio, Dictionnaire des antiquités grecques et romaines (Paris: Hachette, 1877),

s.v. collegium.

CHAPTER FOUR

hominum nobilium voluntas: according to Sallust, Cicero had the support of the nobiles as a whole from June, 64, that is, from just before the election of 64 (Sall. Cat. 23.5-6 [the dating of the switch of support by the nobiles which Sallust gives may be correct, even though the dating of the event -- the revelation of the "Second Catilinarian Conspiracy" by Fulvia -- which Sallust makes the cause of the nobiles' switch of support is surely wrong¹]).

Even before this switch -- if there really was such a thing -- a few nobiles may well have been on Cicero's side, of whom these are examples:

Q. Caecilius Metellus Pius (cos. 80), who helped prosecute Catiline for extortion in 65 (Asc. 87.3C; Cic. Att. 1.1.1);

Q. Hortensius (cos. 69), who opposed Cicero in the Verres case of 70, but supported him in the defence of Murena in 63;

L. Valerius Flaccus (pr. 63), who assisted in the arrest of the Allobrogian envoys, who were involved in the Catilinarian conspiracy of 63 (Cic. 3 Cat., 5);

L. Domitius Ahenobarbus (cos. 54), on whom Cicero says his ambitio depends (Cic. Att. 1.1.4 [this letter dates from July, 65]).²

Pompey is also in this category, if we may believe Cicero's statement in a speech delivered after the election, in 63 to be precise: quam [sc. dignitatem] ego, etsi libente

illo [i.e. Pompeio], tamen absente illo . . . consecutus
sum (Cic. 2 Leg. Agr. 49).

Much the same sort of people were in the class of consulars: thus Pompey, Metellus and Ahenobarbus would qualify in 64, as would Hortensius. Consulars, that is those who themselves had held the consulate, had the highest dignitas³ of all.

NOTES TO CHAPTER FOUR

1

Gelzer pp. 28-31 gives a list of all those whom Cicero calls nobilis. On the dating of the "First Catilinarian Conspiracy" see E.G. Hardy, JRS 7 (1917), 166-172. The "First Catilinarian Conspiracy" is discussed in n.2 to section one of the Introduction.

2

All these possible supporters of Cicero in 64 appear in Gelzer's list of those called nobiles by Cicero (cf. n. 1).

3

See Gelzer p. 34.

CHAPTER FIVE

cum optimatibus . . . sensisse; for the truth of the statement see under chapter fifty three.

Wirszubski's discussion of optimates and populares¹ is here used: "when their power and the title to it were challenged, the ruling oligarchy, perhaps with complacent self-praise, or in an attempt to give their social and political supremacy an air of moral superiority, were pleased to call themselves Optimates."

"The Populares were even less cohesive and less possessed of a common political programme than their opponents the Optimates. The name of Populares was given in antiquity to all manner of people with different, and sometimes divergent, aims and motives: reformers² and adventurers, upstarts and aristocrats, moderates and extremists. What they all had in common was their tactics, namely, to seek the support of the Populus, hence their name. . . . But unlike the Gracchi who were, to some extent, genuine -- even if misguided -- democrats, the Populares on the whole³ thought of the People as a means, and not an end."

"It would rather seem that with very few exceptions -- Ti. Gracchus, Cato and Cicero -- each side strove for power, and for power alone, while constitutional principles and institutions were means and not ends. Sallust's verdict

was right:

quicumque rem publicam agitavere, honestis nominibus alii sicuti populi iura defenderent, pars quo senatus auctoritas maxuma foret, bonum publicum simulantes pro sua quisque potentia certabant.

(Sall. Cat. 38.3)"⁴

minime popularis: had Cicero really been minime popularis? He had been opposed to the violence of Sulla's time and to its lawlessness,⁵ but he had also been opposed to some who called themselves populares, as is shown by the epithets which Cicero uses with popularis in the Pro Cluentio, popularis homo et turbulentus and iniqua falsa turbulenta popularia seditiosa (sections 94 and 113 respectively). Yet Cicero had associated himself with some of Pompey's popularis actions: in I Verr. 44-46 he explains why he supported the restoration of many of the tribunes' powers, which Pompey had proposed in 71 (App. BC. 1.121), and had carried out as consul in 70.⁶

si quid locuti . . . non adversarium: Pompey and Cicero were born in the same year -- 106 -- and came from much the same background, except that Pompey's father, Cn. Pompeius Strabo, had won the consulate (89). At seventeen, in 89, Cicero served in Pompey's father's camp in the Social War.⁷

Pompey in 79 backed M. Aemilius Lepidus for the consulate of 78 (Plut. Sulla 34),⁸ thus was popularis in 79. He had, however, changed back to the optimate side in 77 (he received a military command against Lepidus' supporter, M.

Brutus, in Gaul, where he killed Brutus [Plut. Pomp. 16; Liv. Epit. 90]). It would be untenable to suggest that Cicero faithfully mirrored the changes of "party" which Pompey underwent during this period, so that to call Cicero a Pompeian would be an exaggeration at this time. Cicero's first open support of Pompey was the approval of the return of some of the tribunes' rights in 70 (Cic. I Verr. 44-46)⁹. Cicero's Pro Lege Manilia of 66 indubitably shows that he was pro-Pompey at that time. By the time of his consulate, Cicero was no longer afraid of the term popularis being applied to himself, provided that it was defined in the way that he thought right; he rejected the term as commonly used (Cic. 2 Leg. Agr. 7); he defines popularis as one who is in favour of pax libertas otium imperium dignitas (Cic. 2 Leg. Agr. 9). So much for Cicero's usage of popularis.

To sum up, Cicero did not follow every twist of Pompey's changing policies, but naturally enough did to some extent follow the most powerful man in Rome, which was what Pompey was in the period just before the consular election of 64, as well as for some time after, even if he was absent in the East until after Cicero's consulate was over.

What would Cicero gain from a close association with Pompey, such as the author is recommending that he seek? It is likely that Pompey had supported Cicero's candidature, as he appears to have approved of his election (Cic. 2 Leg.

Agr. 49). There were parallels: we know of quite a number of persons who benefited from Pompey's friendship in various ways, of which commands as Pompey's legates in the war against the pirates or Mithridates, and assistance in scholarly activities are examples. Both Marcus and Quintus Cicero received posts as legates under Pompey's control of the grain supply in 57 (Cic. Att. 4.1.7; cf. QF 2.3.7), a post which Marcus, who had just returned from exile, regarded as purely voluntary, while Quintus spent nearly two years in Sicily carrying out Pompey's orders. Overseas posts were probably of little interest to Marcus (although he may have been a legate of C. Piso in Cisalpine Gaul in the latter half of 65 [Cic. Att. 1.1.2]); he refused a proconsular post as a provincial governor until 51, and did not go out even then with any willingness.

Pompey had attracted round him some scholars, including Varro, Luceius, Theophanes, and Scribonius Libo. These scholars had various opportunities open to them as a result of Pompey's friendship (see A. Gellius NA 14.7; Pliny NH 23.149; 15.127; 25.62-63 [on Cn. Pompeius Lenaeus, a freedman-botanist of Pompey's]). Cicero might have become a second Luceius.

There may be a contradiction between nos semper cum optimatibus sensisse and id nos eo consilio fecisse ut nobis Cn. Pompeium adiungeremus; by his support of Pompey over the Eastern command in the Pro Lege Manilia Cicero alienated

the extreme optimates, examples being Catulus and Hortensius
(Cic. Leg. Man. 51).

NOTES TO CHAPTER FIVE

1

Ch[aim] Wirszubski, Libertas as a Political Ideal at Rome during the Late Republic and Early Principate (Cambridge, England: Cambridge University Press, 1950), in "Cambridge Classical Studies" series, p. 39.

2

"Although the difference between them and the other Populares since Marius is only too obvious, the Gracchi cannot, for that reason, be excluded from among the Populares, as they are by H. Last, C.A.H. IX, pp. 96, 114, 137, because in antiquity the Gracchi were regarded as model Populares; Cic. De Dom. 24: C. Gracchus qui unus maxime popularis; Pro Sest. 105: Gracchos aut Saturninum [tr. pl. 103 and 100 B.C.: he was concerned with granting land to Marius' veterans, and founded a quaestio perpetua de maiestate, inter alia] aut quemquam illorum veterum qui populares habebantur. It is noteworthy that Cicero, Pro Sest. 103, begins his account of the Populares with L. Cassius, the initiator of the Lex Cassia Tabellaria (137 B.C. [this law introduced the secret ballot in jurisdictional matters except for cases of treason]). Likewise, Sallust places the Gracchi at the beginning of the "mos partium et factionum", Jug. 41-2." (This note is n.5 on p. 39 of Wirszubski's book.)

3

Wirszubski pp. 39-40.

4

Wirszubski p. 65.

5

See the Commentary to CP 53, and W.K. Lacey, "Boni atque Improbi", G&R N.S. 17 (1970), 7-8.

6

See for example Cic. I Verr. 44-46, where Cicero explains his support for the restoration of many of the tribunes' powers and rights, which Pompey carried out as consul later in the same year as consul, and see W.S. Anderson, Pompey, His Friends, and the Literature of the First Century B.C., "University of California Publications in Classical Philology, number 19:1" (Berkeley: University of California Press, 1951), pp. 48-49, from which the data

on Cicero's early life also come, as do those on when Cicero was popularis.

7

Anderson (pp. 48-49) deduces that Pompey and Cicero served together from Cic. 12 Phil. 27, which tells us that Cicero as a tiro served under Cn. Pompeius Strabo, Pompey's father, and from Cic. Leg. Man. 28, which tells us that Pompey campaigned with his father. The present writer finds this hypothesis quite attractive, but on closer examination implausible, if it is to be taken to imply that there was any degree of real intimacy between the young M. Cicero and the young Pompey; there is no direct reference to such an intimacy anywhere in the extant Ciceronian corpus; the present writer finds it impossible to believe that, had such an intimacy existed, it would have made no impact on either M. Cicero's extant corpus or any other ancient author. If, therefore, Cicero and Pompey served together under Pompey's father, it is not likely that they became significantly intimate.

8

Lacey p. 5.

9

Pace L.R. Taylor, PP p. 104, who disbelieves that Cicero really supported Pompey in 70.

10

Examples are Metellus Nepos, the brother of Metellus Celer, who enjoyed Pompey's favour as his legate and quaestor; he served Pompey well in 62 as tribune (Anderson p. 6). Anderson (pp. 13-27) collects some examples which he considers representative, of which a few may be given here, T. Labienus, L. Afranius, A. Gabinus, M. Petreius, the fifteen legates in the war against the pirates (of a possible total of twenty four [App. Mithr. 94]), who are named by Appian (see Broughton, MRR pp. 148-149, with n. 14 on p. 150). So much for military legates.

11

Anderson pp. 19-20.

12

So Broughton, Supplement s.v. "M. Tullius M. f. M. n. Cicero".

13

Anderson pp. 28-48.

14

Anderson pp. 48-54.

CHAPTER SIX

adulescentes nobilis; these would be the sons of nobiles, who were not yet themselves in the mainstream of public life. They may be the same as the adulescentuli of chapter thirty three (see the Commentary to that chapter and Appendix Four). Some of these adulescentes nobiles can be identified, namely, L. Ahenobarbus, L. Natta, C. Curio, D. Brutus.¹ These young sons of Senators voted in the centuriae equitum; Natta's power is specifically stated to lie there by Cicero (Mur. 73).

plurimos habes; what proportion of the equitum centuriae the nobiles adulescentes made up the present writer does not know. There is no direct evidence either for or against the author's claim here. On the fifth of December of 63, if not before, Cicero most certainly had the support of quite a few equites; these made up Cicero's bodyguard during the Catilinarian debate in the Senate on that day. Their number was substantial (nonnulli [Sall. Cat. 49.4]; cf. on this bodyguard Cic. Att. 2.1.7 [Atticus was in command] and Sest. 28 [delivered in 56]).

NOTES TO CHAPTER SIX

¹

The identifications are owed to T.P. Wiseman, "The Definition of Eques Romanus", Historia 19 (1970), 74 with n. 44 (Ahenobarbus: Cic. II.1 Verr. 139; Att. 1.1.3; Natta: Cic. Mur. 73; Curio: Cic. Vat. 24; Fam. 2.6.3ff.; Brut. 11.16.3).

CHAPTER SEVEN

From this point until the end of chapter twelve the Commentariolum is full both of facts and of passages which bear on the question of authenticity (that the quantity of facts and their collection here shows that the Commentariolum was not intended to be a suasoria is shown in section nine of the Introduction; authenticity is discussed in all sections of the Introduction except section eleven). Some passages which may be discussed at reasonable length in a running commentary are here discussed. If the Commentariolum is derived, the length of the historical scene-setting may well indicate that the author had spent a great deal of time in researching the period, and was thus not willing to "waste" any of his material.

nobilitatem . . . virtutem; the difference between nobilitas and virtus for this context is that virtus is a quality that one has oneself through what one has oneself done, while nobilitas is inherited (for a definition of nobilitas see the Commentary to chapter two); a novus homo has nothing to rely on except his own abilities -- virtus -- while a nobilis has his family reputation, his imagines maiorum (on which see Cic. II.5 Verr. 180),¹ on which he may depend.

P. Galbam; the circumstances of the consular elect-

ion of 64 are clearly set out by Asconius (82.3-83.12C); the whole of what survives from the In Toga Candida and Asconius' comments on it are also relevant. P. Sulpicius Galba was a patrician (Asc. 82.4-5C), who had probably held the aedileship in 69,² and must have held the praetorship no later than 66, as he was a candidate for the consulate of 63 (Cic. Att. 1.1.1); for him to have held the praetorship later than 66 would have been illegal.³ Galba was an early campaigner: already in mid-65 he was soliciting votes (Cic. Att. 1.1, section one of which is the evidence for his early campaigning, is dated to shortly before 17 July, 65), but in M. Cicero's view he was getting nowhere: sine fuco et fallaciis more maiorum negatur (Cic. Att. 1.1.1). This Galba may be the same as the one whom Verres rejected as a juror (Cic. II.1 Verr. 30), especially in view of Asconius' description of him as sobrius and sanctus (Asc. 82.12-13C).

After the election, Cicero crowed over his erstwhile opponent: superavi dignitate Catilinam, gratia Galbam (Cic. Mur. 17).

L. Cassium: L. Cassius Longinus was a praetor who acted as a quaesitor de maiestate in 66. Asconius describes him -- but with the praenomen P. -- as nobilis (Asc. 82.6-7C). Asconius' description continues: Cassius quamvis stolidus tum magis quam improbus videretur post paucos menses in coniuratione Catilinae esse eum apparuit ac cruentissimarum sententiarum esse auctorem (Asc. 82.13-16C).

Cassius and Galba are described as being of little importance in the election (iacebant [Asc. 82.16-17C]). Cassius was mixed up in the suspicious case of the dropping of charges against Cornelius for maiestas, which were brought by some brothers named Cominii (see Asc. 59-60C for details: Cassius had avoided appearing as the presiding praetor in the trial of Cornelius for maiestas, although he himself had fixed the date for the trial in advance. It is Asconius' suggestion that Cassius' failure to appear was deliberate and aimed at pleasing the defendant, Cornelius). After this scarcely savoury action as praetor, Cassius advanced to bigger things: he was a member of the Catilinarian conspiracy of 63, and had been put in charge of the fire-raising (incendiis prae-positus [Cic. 3 Cat. 14; Sull. 53]; cf. "coniuravere nobilissumi cives patriam incendere" [part of Cato's speech, ap. Sall. Cat. 52.24]). Cassius was also probably guilty of treasonable intrigue with a Gallic tribe, the Allobroges: "[sc. nobilissumi cives] Gallorum gentem infestissimam nomi- ni Romano ad bellum arcessunt (Sall. Cat. 52.24, part of Cato's speech). The charge is also made by Cicero (3 Cat. 9).

NOTES TO CHAPTER SEVEN

1

L.R. Taylor, PP p. 106; Hellegouarc'h pp. 242-243.

2

Broughton, MRR ad 69 B.C., and n. 4 thereon.

3

There is no ancient text which unambiguously states that such was the law at this period, but the hypothesis that there was such a legal provision at this period does fit in with the evidence available to us; Broughton, in MRR, assumes the minimum interval between the end of the tenure of the praetorship and the beginning of tenure of the consulate to be a full two years. See for example Broughton, MRR ad 69 B.C., and n. 4 thereon.

CHAPTER EIGHT

at Antonius et Catilina molesti sunt; compare this passage from Asconius' argumentum to the In Toga Candida, which was delivered ante dies comitiorum [of 64] paucos (Asc. 83.11-12C): Catilina autem et Antonius, quamquam omnium maxime infamis eorum vita esset, tamen multum poterant. coierant enim ambo ut Ciceronem consulatu deicerent . . . (Asc. 82.17-83.3C). For the significance of this passage for the purported date of composition of the Commentariolum see note two to section one of the Introduction.

Antonius: C. Antonius was the son of the orator M. Antonius (Asc. 82.6C), and uncle of the triumvir Mark Antony. He had the soubriquet Hybrida (see Pliny NH 8.213, where the original meaning of the term is explained). Antonius was a supporter of the dictator Sulla, from whose proscriptions he had profited; he was expelled from the Senate in 70 for rapacity and insolvency (Asc. 84.12-25C). He mounted the ladder of the cursus honorum, holding the praetorship with Cicero in 66. He was later governor of Macedonia; that he had this post rather than the governorship of a poorer province was the result of a bargain which Cicero made with him to ensure his support would not lie with Catiline (Sall. Cat. 26.4); Cicero had drawn by lot the province of Macedonia, but not wishing to govern abroad gave it to Antonius,

who misgoverned it -- or at least was prosecuted for misgovernment (on the giving of the province to Antonius Cic. Pis. 5; Sall. Cat. 26.4; Plut. Cic. 12.4) in 59, probably in March.¹ Cicero defended him (Cic. Dom. 41; Vat. 27; Att. 2. 12.1-2). The trial and alleged misconduct of Antonius are described by Dio (38.10).

Catilina: L. Sergius L. f. Catilina came of a depressed, if patrician family (patrician: Asc. 82.4-5C). He was praetor in 68. He had been forbidden to stand for the consulate in the elections of 66 by the consul Volcatius Tullus, as he was under threat of prosecution for extortion in his province of Africa; he was in fact acquitted, when the case finally came up (65), although he was probably guilty (so Cicero thought [Cic. Att. 1.1.1]²)).

It is noteworthy that Catiline was no young man, by any definition; if he could legally be consul in 65 --- he stood in 66, and was only barred for reasons other than his age --- he must have been not less than forty three in 65, hence not less than forty four in 64, when the Commentariolum was purportedly written (M. Cicero was born in 106, on the third of January [A. Gellius NA 15.28.3: Q. Caepione et Q. serrano . . . consulibus ante diem tertium Nonas Ianuar. M. Cicero natus est]; he held the consulate at the earliest possible time [Cic. 2 Leg. Agr. 2: meo anno]; thus forty three was the minimum age to be consul). In short, to think of Catiline as a young revolutionary is

wrong. Catiline's early career of butchery in the times of Sulla is discussed under Marius Gratidianus (CP 10).

gratioso apud eos qui res iudicant: at first sight this may seem unCiceronian, and nothing more than a perverse variation for gratioso apud iudices. In fact, the expression is perfectly Ciceronian: cf. eorum qui res iudicant (Cic. Mur. 24). The author is here referring to M. Cicero's success in the courts in such cases as the prosecution of Verres in 70. The composition of the jury in quaestiones perpetuae had been changed in late 70 (Verres' trial was before an all-Senatorial jury; it took place in August, 70) from that established by the dictator Sulla, who had set up all-Senatorial juries; the system after late 70 was to divide the juries between the Senators, the equites and the tribuni aerarii³ (L. Aurelius Cotta, as praetor in 70, passed the law distributing the juries between the three abovementioned classes [Asc. 67.11-12C]).

competitores ambo a pueritia sicarii: except for this phrase from Asconius, is [i.e. Antonius] multos in Achaia spoliaverat nactus de exercitu Sullano equitum turmas (Asc. 12-14C), which tends to imply that Antonius used force -- one does not go around with a troop of horse to be decorative, there is no evidence that Antonius was a sicarius, "an assassin", from boyhood. The trial, pace Maurenbrecher, who prefers 77, may have taken place in the year before.⁴

Catiline, too, had had a bloodstained start: the lurid description in chapters nine and ten assembles most of the known charges against Catiline, although there is, for instance, no mention of a "First Catilinarian Conspiracy" there or indeed elsewhere in the Commentariolum (for the significance of this see sections six and eight of the Introduction). The killing of Marius Gratidianus is discussed under chapter ten, where there is an account of Gratidianus.

Ambo libidinosi is later amplified for Catiline in chapter nine where educatus in sororiis stupris is used of him: that this must mean "reared amongst sisterly incest", and hence that Catiline had committed incest with however many sisters -- if any -- he had is shown in section six of the Introduction, where the textual problem is also discussed. Whether or not Catiline did commit incest with his sister or sisters, there is general confirmation of his stupra: iam primum adulescens Catilina multa nefanda stupra fecerat, cum virgine nobili [whose identity remains unknown], cum sacerdote Vestae [this was M. Cicero's sister-in-law, Fabia; see section seven of the Introduction, passage (d) of the In Toga Candida parallels and the discussion thereon], alia huiusce modi contra ius fasque (Sall. Cat. 15.1). It should, however, be noted that Sallust explicitly refuses credence to a story that Catiline had engaged in homosexual relations with his supporters (Sall. Cat. 14.7).

ambo egentes: in the case of Antonius this refers

to his having nothing to sell, when candidate for the praetorship, which is referred to later in this chapter (cum ad tabulam [the Bude' edition inserts iam after cum] quos poneret non haberet; "when he did not have slaves left to sell").⁵ In the case of Catiline, the accusation of poverty is amplified in chapter nine: natus in patria egestate (for the significance and truth or otherwise of this see section six of the Introduction) is applied to Catiline. Admittedly, Catiline was normally reckless in his expenditure (Sall. Cat. 16). Also, the year before the purported date of the Commentariolum, that is in 65, Catiline was prosecuted for extortion in Africa, but was acquitted, though probably guilty, through the collusion of the prosecutor, Clodius (for the details see n. 2 to the present chapter). In chapter ten the charge that Catiline was egens is elaborated with the implication that this was due to the price of Clodius' collusion.

alterius bona proscripta vidimus: "we have seen the property of one [i.e. Antonius] advertised for sale [and hence sold]." There is no reference here to proscription in the Sullan sense, as this involved either death or exile: death is impossible, and there is no evidence for exile at this time. Equally there is no real evidence that the phrase is anachronistic, and hence an indication against authenticity (see section five of the Introduction, where the meaning and relevance to authenticity are discussed). Asconius

makes it likely that the importance of bona proscripta is that it made Antonius worth less than the minimum for Senatorial status: hunc [i.e. Antonium] . . . censores [of 70] senatu moverunt . . . , quod . . . propter aeris alieni magnitudinem praedia manciparit [?= bona proscripterit] bonaque sua in potestate non habeat (Asc. 84.20-25C).⁶

vocem denique . . . non posse: this refers to the prosecution of 76⁷ brought by the inhabitants of Achaia against Antonius for repetundae as a result of his extortions (see Asc. 84.12-25C). The passage of the In Toga Candida preserved at Asc. 84.1-3C is very similar to the present passage of the Commentariolum; on the significance of this for authenticity see the Introduction (passage [a] of the In Toga Candida passages in section seven).

optimorum censorum: Cn. Cornelius Lentulus and L. Gellius Poplicola were the censors in question: their censura was harsh (Cn. Lentulus et L. Gellius asperam censuram egerunt, quattuor et sexaginta senatu motis [Liv. Epit. 98]). There had been no intervening censorship from as far back as 86, although there was supposed to be a censorship every five years. The censors of 70 may have been motivated to their harshness by anti-Sullan sentiments (Antonius, whom they expelled, had been a Sullan [see Asc. 84.12-14]).

in praetura . . . Panthera: M. Cicero and Antonius were both praetors in 66, so that the competition for the office refers to the summer before. Competitor cannot mean

that Antonius and Cicero were ruthless rivals, as Cicero himself says referring to Antonius: nescis me praetorem primum esse factum, te concessione competitorum et collatione centuriarum et meo maxime beneficio ex postremo in tertium locum esse subiectum? (ap. Asc. 85.21-24C)

Sabidio: no definite identification seems possible. There was a M'. Sabidius M'. f., who was a legate in Sicily, in the Late Republic according to Broughton, and who was honoured in an inscription (CIL 1².2.836) by cives Romani/ in Sicilia Panhormi qui/ negotiantur.

Panthera: nothing whatever apparently is known of him.

On both Sabidius and Panthera the tone of the author is disdainful, and Panthera is a Greek name, so that these two may be persons of low social status. Equally, the tone of disdain may have some other origin.

cum ad tabulam quos poneret non haberet: in the present writer's view, the meaning is this: "since he had no more slaves left to auction off". This meaning is that of the Budé editor, who renders: «alors qu'il n'avait plus un esclave à faire vendre», even though the Budé editor inserts iam after cum (in fact he prints quom). Tyrrell-Purser have another reading: quom alios ad tabulam quos poneret non habebat. They render ad tabulam as "at the scrutiny of votes". Sabidius and Panthera would thus be custodes for Antonius, i.e. men whom Antonius had appointed

to ensure that the receiving and counting of votes for him from each century was fairly carried out; custodes also tried to influence the voters sometimes. ⁹ If Wesenberg's insertion of <alios> is accepted, and it is nothing more than a modern suggestion, Tyrrell-Purser's interpretation is tenable. The significance they derive from the clause is that "Antonius had no more respectable friends than these obscure foreigners to whom to assign this important duty." If <alios> be accepted, there is with Tyrrell-Purser's interpretation the necessary contrast between Antonius' ability to buy a paelex while in office, and his poverty before (bona proscripta). Some contrast is necessitated by tamen. If, however, the MSS are followed -- the best policy, if any sense can be extracted -- Tyrrell-Purser's interpretation becomes improbable. Tabula can mean inter alia a "plank" or a "list"; hence ponere ad tabulam could mean "put on a plank" or "put on" or "near a list". If tabula means a "plank", the plank will be the sort of scaffolding-type construction that machinae refers to immediately below in this chapter. The second interpretation is the more likely here, as there is an almost perfect parallel from M. Cicero himself (Caec. 16), where adest ad tabulam must mean "he is present at the auction" (literally, "he is present near the list of goods to be auctioned"). Cf. Cic. Att. 12.40.4; 13.33a.1 [Shackleton Bailey's numeration] and Shackleton Bailey's translation.

Ponere ad tabulam can, then, perfectly well mean

"position near the list of goods to be sold". (It should not mean "put on the list of goods to be sold", as this would surely be ponere IN tabulam.)

amicam . . . de machinis emit; the technical term for a kept woman is paelex, which the author has avoided. There are two probable reasons for this: the euphemism amica may be intended sarcastically; there may be a word-play intended with amico above, even an intention to cast aspersions on the morality of Sabidius and Panthera.

de machinis; although the present writer has been unable to find a precise parallel, machinae here seem to be raised structures at an auction on which the goods -- here slave-girls -- could be displayed to as many potential buyers as possible. The nearest parallel for such a contrivance is in the Digest (13.6.5), where machina seems to mean a scaffolding or hoisted platform.
10

caupones; the text is perhaps not certain. On the variant reading Caupodoces Watt has this to say: "I assume that the author of this reading Caupodoces had Cappadoces in mind. . . . Or is it possible that it originated from a variant parochos written above caupones?"
11

per turpissimam legationem; most probably a libera legatio. Liberae legationes were a development from the system of sending ambassadors from Rome on official business: thus the Senatorial advisers of Pompey, when he went to re-organise Asia, were on an official legatio. It

also seems probable that Senators needed permission to leave Italy; this rule may have been extended by Caesar to cover Senators' sons (Suet. DJ 42.1). Thus, if a libera legatio were granted Antonius, legality as well as comfort were assured him. Those on liberae legationes seem to have been entitled to free hospitality from the communities through which they passed, and where they settled to do whatever had been their aim in leaving Italy. The completely private nature of these legationes is shown by Ulpian: Ulpianus libro septuagensimo quarto ad edictum praetoris: "qui libera legatione abest, non videtur reipublicae causa abesse; hic enim non publici commodi causa sed sui abest." (Digest 50.7.15) Sometimes even quite trivial journeys were classed as legationes liberae, such as one for claiming an inheritance (Cic. Leg. 3.18).¹² There were scandalous abuses of this privilege, which caused an attempt to end the granting of the rights which those on legationes liberae enjoyed, but this attempt was not successful; there were still legationes liberae under the Principate and later (abuses: Cic. Leg. 3.18; attempt to stop legationes liberae: Cic. Flacc. 86; Leg. 3.18; persistence: Suet. Tib. 31; Digest 40.7.15). The nearest to suppression came when a time-limit was set to the period during which a Senator on a libera legatio could avail himself of the power of demanding hospitality and such like from provincials (Lex Tullia: Cic. Leg. 3.18; Lex Julia: Cic. Att. 15.11.4).

supplicare; a much stronger term than e.g. rogare.

Supplex is applied to one who throws himself at the knees of
someone else to beg something of him. ¹³

NOTES TO CHAPTER EIGHT

1

So dated by W.C. McDermott, "Vettius ille, ille noster index", TAPhA 80 (1949), 357.

2

The chronology is somewhat complex, but can be explained thus; moves were made in 66 to have Catiline indicted, but he had not yet been the subject of a formal nominis delatio (pace Sall. Cat. 18.3): [sc. Catilina] quaerebatur repetundarum (Asc. 89.12C) refers to 66; cf. Asc. 85.10-12C, which is concerned with 65. Volcatius Tullus as consul in 66 felt it necessary to hold a consilium of the leading men in the State before deciding to bar Catiline from standing for the consulate of 65, which he would not have bothered to consult, if Catiline had already been formally subjected to nominis delatio (it should be added that the consuls could bar anyone they liked from standing for the consulate of the next year: Volcatius Tullus was acting quite within his rights). See Asc. 89.6-12C for Catiline's being barred from standing for 65. The actual trial for repetundae took place in 65, at least partially in July (Cic. Att. 1.1 is dated by editors to then; on the trial see section one of that letter). Cicero thought of defending Catiline (Cic. Att. 1.2.1), but pace Fenstella (ap. Asc. 85.13C) probably did not do so (for the arguments against believing that Cicero did defend Catiline see Asc. 85.14Cff.). To Cicero Catiline's guilt was as clear as the noonday sun (Cic. Att. 1.1.1), but despite this the prosecutor, P. Clodius, the later enemy of Cicero, apparently acted in collusion, and Catiline was acquitted (Asc. 87.13-15C; cf. CP 10: . . . quod primum ex eo iudicio . . . fuerunt).

3

It is by no means clear who the tribuni aerarii were. This is no place to discuss this; see T. Rice Holmes, The Roman Republic and the Founder of the Empire (Oxford: Clarendon Press, 1923), 1.391ff.. The present writer agrees with H.H. Scullard, From the Gracchi to Nero: a History of Rome from 133 B.C. to A.D. 68 (2nd. ed.; London: Methuen, 1963), p. 406 that their census may have been just under that of the equestrians, perhaps HS 300 000. Also, their interests may have lain rather with the equites than with the Senators.

4

C. Sallusti Crispi Historiarum Reliquiae, ed. Bertold Maurenbrecher (Leipzig: Teubner, 1891), Prolegomena (Fasc. 1), p. 77. Broughton (MRR ad 76) prefers 76.

5

This translation is justified below.

6

On the Senatorial property qualification see n. 2 to section five of the Introduction.

7

For the date, see n. 4; for the case, see above under competitores ambo a pueritia sicarii.

8

Broughton, MRR p. 483.

9

L.R. Taylor, RVA pp. 95ff..

10

The passage from the Digest (13.6.5) is here quoted entire: nam si servum tibi tectorem commodavero [the context is a discussion of the law of commodatum] et de machina ceciderit, periculum meum esse Namusa ait; sed ego [i.e. Ulpianus libro vicensimo octavo ad edictum] ita hoc verum puto, si tibi commodavi ut et in machina operaretur; ceterum si ut de plano opus faceret, tu eum imposuisti in machina, aut si machinae culpa factum minus diligenter non ab ipso ligatae vel funium perticarumque vetustate, dico periculum, quod culpa contigit rogantis commodatum, ipsum praestare debere; nam et Mela scripsit, si servus lapidario commodatus sub machina perierit, teneri fabrum commodati ["the lapidarius should be liable for the equipment supplied, i.e. the slave"], qui negligentius machinam colligavit.

The machina here is attached and tied with ropes; it has poles (perticae); one can fall from it; a lapidarius' assistant can die under it; the machina must be in this passage a working-platform, which is lowered and raised by rope, such as still is in use in for example Singapore. This is not to say that the machinae of CP 8 are identical, but some similar contrivance to that in the Digest would serve well enough to display slaves to the maximum number of potential buyers.

11

W.S. Watt, "Notes on the Text of the Commentariolum Petitionis", CQ N.S. 8 (1958), 34 n. 6.

12

The discussion of legationes liberae is derived from Daremberg-Saglio s.v legatio.

13

Hellegouarc'h p. 213.

CHAPTER NINE

alter vero . . . quam ob rem? This passage is an example of *διαλεκτικόν*, and a rather frigid one. See the discussion of passage (d) in section seven of the Introduction.

primum nobilitate eadem qua Catilina: Catiline is the subject to be understood with this sentence, so Catilina is wrong. The meaning required is given by: primum nobilitate eadem qua *⟨Antonius⟩?* *⟨non.⟩* num maiore? Thenceforward as in the OCT, whose editor quite rightly obelizes. See the discussion of passage (d) in section seven of the Introduction, where the textual problem and the relevance of this piece of *διαλεκτικόν* for authenticity are dealt with. Note also that the intrusion of the probable gloss Catilina from alter, on which it is a gloss, is over a short distance of text.

num maiore? Although the Sergii, of whom Catiline was one, were in certain branches patrician (thus Catiline himself was patrician [Asc. 82.5C]), and therefore might be expected to outrank Antonius in nobilitas, they had produced no consuls for a very long time, so far as the evidence goes; according to Broughton (MRR Index) there is not a single consul from the Sergii later than 437 down to 64. Antonius, on the other hand, while no patrician, was a

noble; his father was consul in 99. Hence the difficulty of assessing the relative nobility of Antonius and Catiline; they were not eadem nobilitate, but each might lay claim to the greater amount of nobilitas.

quod Antonius umbram suam metuit; an improbable remark to make in view of his violent misconduct in Achaia (Asc. 84.12-25C).

hic . . . occidendis fuit; such crimes as the murder of Catiline's own son (Sall. Cat. 15) to pander to his future wife's sensitivities were probably in the author's mind when he wrote ne leges quidem [sc. metuit].

educatus . . . caede civium; this triad is typical of the author. The claim that Catiline was brought up in surroundings of poverty may be true; the charge that he committed incest with either one or more sisters is improbable; it is likely that the charge of incest is a contamination from the incest of Clodius and Clodia (for the reasons for this belief see section six of the Introduction, where it is also explained why sororia stupra must refer to ¹stupra WITH one or more sisters.

culius primus . . . in occidendis fuit; this will have been in the proscriptions of 82, in which Catiline was a legate of Sulla (Sall. Hist. 1.46M); he may have been the legate who carried the heads of the Marian leaders to Praeneste (Appian BC 1.93; Orosius 5.21.8).

Gallis; perhaps a contingent of the Corneli, the slaves of his victims whom Sulla freed and used as a body-guard to the number of more than ten thousand (App. BC 1. 100).

Titiniorum . . . Nanneiorum . . . Tanusiorum; presumably used in the sense of "men like Titinius, Nanneius and Tanusius". There seems no positive identification of Titinius, but he may be the Titinius, who is mentioned by Cicero as being one of the equites who opposed Livius Drusus' attempt to set up a court to try (equestrian) jurors who were suspected of having been corrupted (Cic. Cluent. 153), or he may be some relative, for example a son.

Nanneiorum; the word Nanneianis occurs in Cic. Att. 1.16.5. The context is obscure, but in the opinion of Shackleton Bailey ² ad loc. there may be a reference in that passage to the present passage; Nanneiana may be goods sold at the sale of the property of Nanneius in the proscriptions.

Tanusiorum; the only positive identification most probably is that in Asc. 84.6C in a comment on a sentence of Cicero's In Toga Candida (ap. Asc. 83.26-84.1C). There Cicero says referring to Catiline; quem enim amicum habere potest is qui tot civis trucidavit? Upon which Asconius comments: <dicitur> Catilina, cum in Sullanis partibus fuisset, crudeliter fecisse, nominatim etiam postea Cicero dicit quos occiderit, Q. Caecilium, M. Volumnium, L. Tanusium. Unfortunately the MSS do not read Tanusium, but

Tantasium, which according to the OCT's apparatus criticus was "corrected" by Manutius from CP 9 [the OCT prints as if the parallel were CP 6, but this is probably a misprint, and no representation of the editor's intentions]. Almost inevitably, it has been proposed to read Tantasiorum in CP 9. The identification, then, cannot be regarded as being beyond dispute.

The nomen Tanusius is elsewhere not unknown: there was a Tanusius Geminus, a historian, who may conceivably be related to the Tanusius of CP 9; unless the identification with Asconius' Tantasius/Tanusius be rejected, he cannot be himself the Tanusius of CP 9. Tanusius Geminus is mentioned as a source on Caesar by Suetonius (DJ 9.2).

Q. Caecilium: according to Asconius, Cicero in the In Toga Candida charged Catiline with various murders, which he spelled out nominatim later in the same speech: {dicitur} Catilina, cum in Sullanis partibus fuisset, crudeliter fecisse. nominatim etiam postea Cicero dicit quos occiderit.
Q. Caecilium, M. Volumnium . . . (Asc. 84.4-6C). There is no other evidence for Caecilius' being related to Catiline from either Asconius or elsewhere -- and Asconius is particularly careful in investigating people: he confesses that he has been unable to discover the name of the woman whose daughter -- the offspring of Catiline -- Catiline married (Asc. 91.24-92.3C).

Plutarch gives similar stories of both the murder

and the incest, but the crimes are less extreme in one case and refer to someone else in the other; there is no marriage with the daughter, just unformalised incest; the murder victim is Catiline's brother, not brother-in-law, and ingeniously his name was added to the list of the proscribed after his death (Plut. Sulla 32; Cic. 10).

Further suspicion is aroused against the description of Caecilius as Catiline's brother-in-law by the fact that a Q. Caecilius Metellus Celer was the husband of Clodia, hence the brother-in-law of Clodius (Cic. Att. 2.1.5), that Clodius from whom, as was shown in section six of the Introduction, the author "borrowed" the charge that Catiline, like Clodius, had committed sisterly incest. Is this sufficient to make the description of Q. Caecilius as Catiline's brother-in-law unreliable? Mrs. Henderson believes that it is; ³ Balsdon believes that it does not: "As for Asconius' giving the name of Q. Caecilius as an early victim of Catiline without saying (as [CP] 9 says) that he was Catiline's brother-in-law, what Asconius . . . writes is: [Balsdon then quotes the passage to be found on the previous page]. Asconius assumed a reader who [unlike modern readers] had In Toga Candida in front of him. There was no need for him to write, "Q. Caecilium, sororis suae virum", if Cicero in fact so described him in his speech. Therefore Asconius' silence about any relationship between Catiline and Caecilius is no evidence that such a relationship was an invention of the

4

'author' of the Commentariolum." While it is possible that the true version of the matter is to be found in Plutarch, and hence in whatever contemporary account his version ultimately used, the fact that the number of Q. Caecili of whom present scholars know is significantly smaller than the total number of such Q. Caecili available to be married to either Catiline's sister or Clodius, even if there is no corroboration of the existence of either one or more sisters of Catiline,⁵ makes the suspicion aroused by this matter nothing more than just that -- a mere suspicion.

nullarum partium: "apolitical", specifically neither a Marian or a Cinnan, in this context. The reason for mentioning Caecilius' politics -- or rather lack of them -- is that there was not even the most specious justification for killing Caecilius: no one could say that he had been on the "wrong" side.

In conclusion on Caecilius, it should be pointed out that there is no possibility of the Caecilius of CP 9 being the Q. Caecilius Metellus Celer who was married to Clodia, as that Caecilius was still alive long after the Sullan proscriptions (Cic. Att. 2.1.5).

NOTES TO CHAPTER NINE

- 1
Although, if Catiline could be shown to have had no sisters, this would be strong evidence against the authenticity of the Commentariolum.
- 2
Shackleton Bailey l.316-317.
- 3
Mrs. Henderson p. 10.
- 4
Balsdon pp. 246-247.
- 5
See section six of the Introduction on Catiline's sisters, if any.

CHAPTER TEN

quid ego . . . sanguinis fluerent: the murder of M. Marius Gratidianus was described by M. Cicero in very similar language in the In Toga Candida (ap. Asc. 87.16-18C; 90.3-5C). It is almost certain that there is a direct interrelationship between the two versions, but it is not apposite to discuss the relationship here (see the Introduction, section seven, on passages [b] and [c]).

Before going on to discuss who Marius Gratidianus was, and what he did, it must be noted that in his summary of Catiline's crimes Sallust makes no mention of any murder of¹ Marius Gratidianus.

M. Marius Gratidianus was a nephew of C. Marius, and² first cousin of Cicero's father. Gratidianus seems to have been tribune of the plebs in 87, and praetor in 85 and in³ 84. He was extremely popular with the common people, hence⁴ his double praetorship (Asc. 84.7C). What he did in one of these praetorships was to set up by means of an edict before the other praetors had agreed, but with the support of the tribunes of the plebs, an office in which coins could be assayed and those debased coins which had been issued under a law of Livius Drusus (Pliny NH 33.46) separated out and withdrawn from circulation. From this establishment Gratidianus gained much popularity and honour (Cic. Off. 3.80-81;

Pliny NH 33.132; 34.27; cf. Cic. Brut. 223; Leg. 3.36; Seneca Ira 3.18.1). As Cicero says (Off. 3.80), the problem at the period when Gratidianus was setting up his office was that no one knew what the sestertius was worth.⁵

Gratidianus' death was most dramatic, as the account in the Commentariolum shows: other accounts are abundant in number, but the differences in detail are not great. Thus there is some variation in the precise portions of the anatomy which were removed or damaged, and some ascribe the murder to Sulla, but probably only on the ground that it was Sulla's proscription, not Catiline's. All authorities are agreed on the cruelty and savagery of the killing, but aside from the version in the Commentariolum there is no mention of the rivers of blood flowing through Catiline's fingers, or of the severing and holding of Gratidianus' head by Catiline (cf. Sall. Hist. 1.44M; Liv. Epit. 88; Val. Max. 9.2.1; Seneca Ira 3.18.2; Plut. Sulla 34.2 [where Catiline's being allowed to add his brother (who in Plutarch takes the place of Caecilius as Catiline's victim) to the proscription lists after murdering him is linked with Catiline's murder of Gratidianus, which won for him Sulla's connivance over his (Catiline's) brother]; Florus 2.9.26; Orosius 5.21.7).

ad bustum; whose? As Gratidianus was murdered at the bustum Lutatorium, the bustum referred to here must be the bustum Lutatorium. Nisbet thinks that to expect a reader

to know that the bustum in question was not that of either Gratidianus' original family, the Gratidii, or of the family into which he was adopted, the Marii, and hence that the bustum was not that into which Gratidianus expected his remains in due course to be placed, but that of the Lutatii, in revenge for the compelled suicide of Q. Lutatius Catulus, an aristocrat who had failed to prevent the entry of the Cimbri into Italy in 102 during his consulate, and who was forced to kill himself during the Marian terror of 87 (Cic. De Or. 3.9; App. BC 1.74), is indicative not of that easy familiarity a writer of 64 B.C. could assume in his readers with the events of the eighties, but of the ignorance of a later writer. Nisbet admits that the facts of Gratidianus' death were not forgotten after 64, but he still is suspicious.⁶

Balsdon objects that the modern reader is not competent to judge whether bustum used absolutely in this fashion would have been intelligible in 64 B.C..⁷ The present writer finds this caution entirely salutary: Nisbet has not proved anything about the authenticity of the Commentariolum from this argument.

qui postea . . . adiutores haberet: although for the year 63 at least Cicero (2 Cat. 46) confirms Catiline's use of gladiators, Sallust (Cat. 14-16) and Cicero himself (2 Cat. 18-20) give the impression that a significant proportion of Catiline's followers were of a rather higher

social class. Gladiators were in the Republican period usually slaves (for "gladiator" as a term of reproach see e.g. Cic. 1 Cat. 29; 2 Cat. 7), nor were actors normally free men either.

qui nullum in locum . . . dedecoris suspicionem relinqueret; this refers to the trial of the Vestal Virgin Fabia in 73 (dated by Orosius 6.3.1), in which Fabia was accused of sacrilegious intercourse --- incestum --- with Catiline and was acquitted. The incident was described by M. Cicero in the In Toga Candida (ap. Asc. 91.16-18C) with a choice of phrase that exculpated Fabia more completely than does that used in the Commentariolum (on this and its relevance to the question of authenticity see the discussion of passage [d] in section seven of the Introduction).

ex curia Curios . . . Vettios; this passage presents some of the most difficult problems in the whole Commentariolum, as many of the people cannot be identified with any certainty, and most troublesome of all the intention behind the positioning of ab atriis . . . (as well as its meaning) is highly problematical. The basic problem is this: why is this group ab atriis placed between the Senate and equester ordo, when so far as is known there was no group in Roman society whose rank or social position (dignitas) came between that of the Senators and that of the equites? The extraordinary ranking must have some reason: the present writer finds four possible: (1) a wish to surprise the

reader by bringing in the ab atriis group ~~per meo~~
 (2) a determination to get a tricolon crescendo at any cost
 (3) a decision to rank not by dignitas, i.e. by social
 position, but by wealth (4) a decision to rank by actual
 power (potentia), not by dignitas. The detailed arguments
 are set out in the Commentary at the appropriate point.

ex curia Curios: an easily avoidable traductio,⁹
 hence deliberate; in any case e Senatu would be less
 metaphorical. However, this sort of wordplay is quite
 common in M. Cicero's writings, so whoever the author was¹⁰
 he kept here quite close to his model.

Q. Curius is the most likely Curius for this passage
 if the Curius in question here can be identified at all.

Q. Curius was one of the Catilinarian conspirators, and had
 been expelled from the Senate in 70 in the severe purge
 undertaken by Gellius and Poplicola (Sall. Cat. 23; Liv.
Epit. 98). Sallust describes him as attending a meeting of¹¹
 conspirators (Sall. Cat. 17.3); after being betrayed by
 his mistress Fulvia, Curius told the Senate at the sugges-
 tion of Cicero what he knew of the conspiracy, for which
 he received a reward; Caesar later had this reward taken
 away from him on the grounds that it was he, Caesar, who
 had really revealed the conspiracy (Suet. DJ 17).

Q. Curius may be the same as the Curius mentioned
 by Asconius (93.17-23C): the text is there corrupt, and so

no firm deductions can be made, but it does seem that a Q. Curius was mentioned in Cicero's In Toga Candida. Perhaps then this Curius was in some way connected with either Antonius or Catiline, the subjects of the speech. Asconius explains: Curius hic notissimus fuit aleator, damnatusque postea [i.e. after the date of the In Toga Candida] est. in hunc est hendecasyllabus Calvi elegans:

12

et talis Curius pereruditus (Asc. 93.21-23C)

As Asconius says nothing about Curius' complicity in the conspiracy, the identification is not certain: Asconius does not say for what Curius was condemned, but it will not have been for complicity in the conspiracy, as he had turned, so to speak, Crown's witness. Perhaps the conviction was for gaming which was illegal at Rome in this period, except in
13
special circumstances.

Annios: this probably refers to Q. Annius, if the Annius of the Commentariolum can be identified at all. Sallust lists a Q. Annius under the heading of those who were senatorii ordinis and who attended a meeting of the conspirators (Sall. Cat. 17.3). Sallust also gives this information: tum D. Iunius Silanus primus sententiam rogatus, quod eo tempore consul designatus erat, de iis, qui in custodiis tenebantur, et praeterea de [sc. aliis et] Q. Annio, si deprehensi forent, supplicium sumundum decreverat (Sall. Cat. 50.4). There is no evidence against Annius' character before his complicity in the conspiracy: perhaps

this tends to indicate that the author was later than Q. Cicero, as he may have read back a slur on Annius' character in 64 from his known later involvement with the conspiracy, but this is speculative.

ab atriis Sapalas et Carvilius: this must be the most perplexing passage in the Commentariolum. Certain solutions are not possible, but the various possibilities may be spelled out, with the necessary pre-conditions for their acceptance. The problems may be expressed thus:

- (1) What are the atria?
- (2) Who are Sapala and Carvilius?
- (3) Does the position of the men ab atriis indicate that they outrank equites by some criterion?
- (4) If the men ab atriis do outrank the equites in some quality, what is that quality?

The conventional view is that the atria in question are atria auctionaria, an expression which appears in full in Cicero (1 Leg. Agr. 7); a similarly intended phrase is atria Licinia which also appears in Cicero (Quinct. 12; 25). The simple expression atria is taken to mean "auction-halls"
¹⁴
 in Juvenal 7.7. The present writer does not find this interpretation likely in this passage of the Commentariolum.

"Sapalas nomen ignotum", says Watt in the OCT app-
¹⁵
aratus criticus. Nisbet finds Puteanus' conjecture Scapulas "plausible", with particular reference to the Scapulae of Cic. Quinct. 17-20, whom the context requires to be some

16

sort of lenders of money. Apart from the harshness -- or claimed harshness -- of terms demanded by these Scapulae, there is nothing significant in the Pro Quinctio passage to corroborate the disreputable character that the context of the Commentariolum passage requires. The present writer has been unable to find any trace of any notable Scapulae until the Principate, with Ostorius Scapula, who was apparently of equestrian origin, and governed Britain under Claudius. In any case Scapulas in the Commentariolum is a mere conjecture.

Carvilios: there was a Carvilius Pollio, who was noted for having introduced luxuries into Rome in Sullan times (Pliny NH 9.39: 33.144), who might be the Carvilius in question or connected with him. Also there was a Sp.

17

Carvilius L. f., who was a Senator in 129: it is not impossible that the Carvilius of the Commentariolum was connected with him, either by descent or by being the freed-
man of either this Carvilius or of a relative.

18

If the identification of Carvilios with Carvilius Pollio is correct -- and there is no certainty that it is -- the quality in which the men ab atriis might outrank the equester ordo cannot be social ranking, as Carvilius Pollio was himself an eques (Pliny NH 33.144): if the identification is accepted, there is no necessity to believe that there is here any real ranking in any quality. The insertion of the men ab atriis could then be simply aimed at surprising

the reader; equally the whole relative clause could have been designed with no other aim in mind than that of obtaining what is called a "tricolon crescendo", that is a sentence -- or in this case a clause -- in which the first part is shorter than the second, and the second is shorter than the third and last part. At any rate, the author was probably aiming at a tricolon crescendo *ex magister* as he says ex equestri ordine, not ex equitibus. He is also led to ex equestri ordine for ex equitibus by the fact that his expressions for the other two groups from amongst whom Catiline got his disreputable friends are both abstract: he says ex curia and ab atriis. The fact that the author has produced a tricolon crescendo, in conjunction with the certain correctness of ex equestri ordine, guarantees that the order of the three parts -- ex curia, ab atriis, ex equestri ordine -- as the MSS have it, and as the OCT prints it, is correct; the strange positioning of the men ab atriis cannot be swept away by transposing.

Even if Carvilius refers to Carvilius Pollio, there could nonetheless be ranking by some quality other than traditional social ranking in the State, such as by actual power (potentia), or by extraordinary wealth. Thus Carvilius and Sulpia could be equites, but both equites of more than usual wealth or power, or both. If the ranking is by wealth, then the emendation Scapulas may have added

attraction, if the Scapulae who were money-lenders can thus be fitted in here (see above in this chapter).

Again, if the distinguishing feature of Scapula/Sapala and Carvilius -- here for the sake of argument assumed to be Carvilius Pollio -- was their wealth, the fact that Carvilius was an eques is more or less incidental. In short, if Carvilius does refer to Carvilius Pollio, a plausible means of distinguishing from his fellow-equestrians who were not ab atriis will be wealth or power, or both.

If the identification of Carvilius with Carvilius Pollio be rejected, there is no longer any benefit to be extracted from the emendation Scapulas, as there is to the present writer's knowledge but one moderately plausible Scapula to whom to attach Sapalas of the MSS. If Carvilius Pollio be rejected, the Carvilius of CP 10 will refer to a person now unknown.

Interpretation now has to centre round the meaning of ab atriis. There is a common use of ab in which it means "in charge of" or "entrusted with" -- e.g. a cubiculo -- which, if it were the use of ab here, would mean that the phrase ab atriis meant not "from the atria", but "in charge of the atria".²⁰ A possible meaning of ab atriis in this sense would be "in charge of the halls [sc. in the houses of the great]". For it is known that as early as the time

of C. Gracchus (tr. pl. 123, 122) and M. Livius Drusus (tr. pl. 122; cos. 112) morning callers were segregated into classes, and only the most important were allowed through for a private audience: apud nos primi omnium [sc. C.] Gracchus et mox Livius Drusus instituerunt segregare turbam suam et alios in secretum recipere, alios cum pluribus, alios universos (Seneca Ben. 6.34.2). In other words, there was some means for sifting those who mattered from those who did not; probably a slave or freedman would serve this purpose (see Juv. 1.95-110). Although it is not the present writer's contention that the men ab atriis were certainly those who decided which client received which treatment, such an interpretation seems quite tenable. At any rate the nomen Carvilius does not exclude libertine status. Certainly on this interpretation Sapala and Carvilius would have power with the great, which might be sufficient to explain their being placed between Senators and equites: they might well have had more actual power than many an eques.

Another possibility is that ab here means "origin-
 21
 ating in", "being based in". This would mean that Sapala and Carvilius were based in the atria of the great or of one great man. Pompey had freedmen confidants, and Sapala and Carvilius may have the same relationship to some other
 22
 grandee.

Although it is true that apparently in the Republic salutatores were usually of the same social category as those

on whom they called (Cic. Fam. 7.28.2; 9.20.3; Att. 13.9.1; 14.20.5 [Pilia was Atticus' wife]; Sall. Cat. 28.1), it is surely likely that even amongst these there was a need to separate the wheat from the chaff.

Thus, whether ab means "in charge of", and hence "controlling who was admitted in secretum", or "based in", Sapala and Carvilius, even if freedmen, may have had more real power than many an eques, so that their positioning may be justifiable if μετὰ προσδοκίαν. However, in this case the identification of the Carvilius with Carvilius Pollio is highly improbable.

Pompilius: no identification has proved possible, except the very tentative one with the suspect passage in Cicero's De Officiis (1.36), where most editors read Popilius.

Vettios: it seems best to identify this Vettius with the informer Vettius. Recidit [sc. Caesar] rursus in discrimen aliud inter socios Catilinae nominatus . . . et apud Novium Nigrum quaesitorem [not quaestorem: see Butler-Carey ad loc.]²³ a L. Vettio indice . . . Vettius etiam chirographum eius [i.e. Caesaris] Catilinae datum pollicebatur. So Suetonius described (DJ 17.1) Vettius' accusation made in 63. Dio confirms the story in general terms; he does not mention Caesar, but does add this, however: . . . μηνύσει Λοοκίου Ούβεττίου ἁνδρὸς Ἰταλικοῦ συνηγορούντος μὲν εἰς τῆς συνωμοσίας, τότε δὲ ἐπὶ ἁδελφῶν ["on cond-"]

ition of immunity"] αὐτοῦ ἐκφαίνοντος . . . (Dio 37. 41.2).

Vettius was probably of Paelignian stock (Orosius 6.6.7); he served as one of Pompeius Strabo's officers at Asculum in 89 (CIL 1².2.709 line 26 probably refers to the same man), and may be identified with the Vettius Picens who grew rich on Sulla's proscriptions (Sall. Hist. 1.55. 17M). Vettius in 59 was involved in a complex affair, which apparently consisted of a plot by the younger Curio to kill Pompey, and, if Appian (BC 2.12) may be credited, Caesar as well. It seems that Vettius was at least technically in the plot, but escaped by giving evidence against his "fellow-conspirators", one of whom, Vettius claimed after his initial story to the Senate, was Lucullus. This is no place²⁴ to investigate the details of this affair, but it may be added in conclusion that Vettius met a mysterious end in custody (μετ' ὀλίγας ἡμέρας ἐφθόντος ἐκ τῆς εἰρκτῆς νεκροῦ [sc. τοῦ οὐετιίου], λεγόμενος μὲν αὐτομάτως τέθνηκε, σφραγίσας δ' ἀρχόντης καὶ πλεῖστον ἔχοντος [Plut. Luc. 42.8; cf. App. BC 2.12]).

ut prope in parentum gremiis praetextatos liberos constuprarit; similar lurid charges are made by M. Cicero (1 Cat. 13):

quae libido ab oculis, quod facinus a manibus unquam tuis, quod flagitium a toto corpore afuit? cui tu adulescentulo quem corruptelarum inlecebris inretisses non aut ad audaciam ferrum aut ad libidinem facem

praetulistis?

Other parallel passages are Cic. 2 Cat. 7-8; 23-24. A more cautious account was, however, possible:

scio fuisse nonnullos, qui ita existumarent iuventutem, quae domum Catilinae frequentabat, parum honeste pudicitiam habuisse; sed ex aliis rebus magis, quam quod quoiquam id conpertum foret, haec fama valebat.

(Sall. Cat. 14.7)

Is there any reason to believe that the author, if he is a later writer of prosopopoeia, is here guilty of reading back from later charges an unjustified charge -- a charge, that is, which was unjustified until after the elections of 64? This is not impossible, but even in the fragments of the In Toga Candida which we happen to have, there is a similar, if more general, charge: stupris se omnibus ac flagitiis contaminavit [sc. Catilina] (ap. Asc. 86.23C).

quid ego . . . dictis scribam? This refers to the trial for repetundae which has already received discussion in the outline of Catiline's life given in this Commentary. In addition to the reference (ap. Asc. 85.8-10C) to the scandalous nature of Catiline's acquittal, there is a very precise parallel elsewhere in the In Toga Candida:

quid ego ut violaveris provinciam praedicem? nam ut te illic gesseris non audeo dicere, quoniam absolutus es. mentitos esse equites Romanos, falsas fuisse tabellas honestissimae civitatis existimo, mentitum Q. Metellum Pium, mentitam Africam; vidisse puto nescioquid illos iudices qui te innocentem iudicarunt. o miser qui non sentias illo iudicio te non absolutum verum ad aliquod severius iudicium ac maius supplicium reservatum!

(ap. Asc. 86.26-87.8c)

egens: ita quidem iudicio absolutus est Catilina ut Clodius [Catiline's prosecutor] infamis fuerit praevaricatus esse; nam et relectio iudicum ad arbitrium rei videbatur esse facta (Asc. 87.13-15c; for Catiline's guilt see Cic. Att. 1.1.1). It would be naive to believe that Catiline's collusive prosecution (praevaricatio) was obtained gratis. If the author is correct in his charge, and Asconius' account be accepted, Catiline would have been even poorer after the trial than were some of the jurors before.

ut aliud . . . cottidie flagitetur: cf. o miser . . . supplicium reservatum (Cic. Tog. Cand. ap. Asc. 87.5-8c).

NOTES TO CHAPTER TEN

- 1
Ronald Syme, Sallust (Berkeley: University of California Press, 1964), pp. 85-86.
- 2
Syme, Sallust p. 85, and n. 13 ad loc.; cf. Asc. 84.10-11C.
- 3
There is some controversy over the precise dating of Gratidianus' posts, for which see Broughton, MRR on the various years involved. The year 83 is the last possible date for his second praetorship, as he was ex-praetor in 82, when he died.
- 4
That popularis can mean nothing more than "liked by the people" is believed by Hellegouarc'h (p. 519).
- 5
This is not a case of inflation in the modern sense. In the ancient world a coin's value was related to the value of the precious metal in it; in the modern world money is inherently worthless, except by virtue of its State guaranteed value as a unit of the national wealth, a symbol of possession of potential goods and services.
- 6
Nisbet pp. 86-87.
- 7
Balsdon p. 250.
- 8
As the exception that proves the rule, one of the most famous actors of the Republic was Q. Roscius Gallus (Cic. Arch. 17), who was a free man (Cic. Quinct. 77). Cicero defended him in a speech which happens to survive, the Pro Roscio Comoedo. His death was called nuper in 62 (Cic. Arch. 17).
- 9
That this is the correct term is shown by [Cic.] Ad Her. 4.14.20.
- 10
Cf. ius Verrinum (Cic. II.1 Verr. 121); for the pun see Lewis and Short s.v. 1. jus and 2. jus.

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11

This meeting is dated by Sallust to about 1 June, 64; this dating is rejected by E.G. Hardy, *JRS* 7 (1917), 166-172. He believes Sallust to have confused the events of June, 64 with those of 63. The present writer accepts Hardy's arguments. Whatever be the truth on the date of this meeting, Curius could perfectly well have been regarded as disreputable or seditious even before there was definite evidence against him (this was provided by his mistress, Fulvia, who (Sall. Cat. 23.3-4) told the authorities -- including Cicero (cf. Sall. Cat. 28.2: as Cicero was not consul in 64, this passage -- note consuli -- makes it likely that Sallust has confused the events of 64 and 63) apparently. The laying of this information is, according to Sallust (Cat. 26.3), one of the main reasons why the nobility withdrew its hostility to the novus homo Cicero just before the election of 64: the advantages for Sallust in dating the meeting to June, 64 are obvious, as Cicero's surprising election as one of the consuls for 63 is thus convincingly explained.

12

The OCT reads talos, Mueller's emendation, which is syntactically perfectly acceptable. If, however, talis is read, Asconius' use of elegans becomes easier to understand; talis would then be a wordplay, both nom. masc. sing. of talis, and abl. plur. of talus. Talis has here accordingly been preferred.

13

From the Republic onwards games of chance were prohibited (Plaut. *Mil.* 164-165), except in the case of betting on athletes exhibiting virtus (Digest 5.2.1) and during the Saturnalia (Martial 14.1.3-4). The general prohibition on games of chance is referred to or implied in e.g. Cic. 2 Phil. 56; Hor. *Od.* 3.24.59-60; Martial 5.84.3-5 (this note is owed to Däremberg-Saglio s.v. alea).

14

That atria in CP 10 means atria auctionaria is believed by e.g. Tyrrell-Purser ad loc., Nisbet p. 87 and by the Oxford Latin Dictionary (Oxford: Clarendon Press, 1968), Fasc. 1 s.v. atrium 3.a. Without Juv. 7.7, where atria is not left to be self-explanatory, as in the present writer's view it is at CP 10, surely no one would have imagined that atria pure and simple could mean atria auctionaria. The only thing the present writer can find to say for this meaning is that it supplies a respectable criterion -- wealth -- to justify the positioning of the men ab atriis (see below). In short, the present writer's objection to

interpreting the men ab atris as auctioneers is not against the idea of auctioneers preceding equites, but against understanding atria as atria auctionaria.

15

Nisbet p. 87.

16

The details are not clear.

17

So T.R.S. Broughton ([with] M.L. Patterson), The Magistrates of the Roman Republic (New York: The American Philological Association, 1951), Vol. 1 (509 B.C.-100 B.C.) of number 15 in the "Philological Monographs [of] the American Philological Association" series, pp. 496-497.

18

The nomen Carvilius does not rule out libertine status.

19

This figure is described by Eduard Fraenkel, Horace (Oxford: Clarendon Press, 1957), p. 351 n. 1. The present writer is indebted to Prof. W.S. Watt, of The University of Aberdeen, for this reference and for his most generous help, both particularly on CP 10, and on the Commentariolum in general.

20

Oxford Latin Dictionary s.v. ab B.24.c.

21

Oxford Latin Dictionary s.v. ab B.10 + B.17.

22

On Pompey's confidants see Anderson pp. 28-57.

23

C. Suetoni Tranquilli Divus Iulius, ed. H.E. Butler and M. Cary (Oxford: Clarendon Press, 1927).

24

Shackleton Bailey on Cic. Att. 2.24.2ff. gives information on the Vettius affair, and lists other discussions. The main ancient texts on the Vettius affair are: CIL 1².709; Orosius 6.6.7; Sall. Hist. 1.55.17M; Suet. DJ 17; 20; Cic. Att. 2.24; Sest. 132; Vat. 24; 26; Dio 37.41; 38.9; App. BC 2.12; Plut. Luc. 42.7-9.

CHAPTER ELEVEN

nuper: thirty one years previously, if the Comm-
entariolum's dramatic date be taken as reference point --
and there can hardly be any other. Coelius was consul in
94, hence campaigned no later than 95.

C. Coelio; C. Coelius [sometimes spelt Caelius]
C. f. C. n. Calvus was tribune of the plebs in 107, praetor
in about 99 (although he never held the quaestorship [Cic.
Planc. 52]), and was proconsul in Spain, probably Hispania
Citerior (see Broughton)¹ in 98, before reaching the cons-
ulate in 94.

In his tribunate Coelius accused Popilius Laenas,
a Roman commander in the war in Gaul, of maiestas: Popilius
had surrendered his forces to the Gauls (apparently the
Tigurini), thereby saving their lives ([Cic.] Her. 1.25);
Coelius also introduced the ballot into trials of this
sort -- an act which according to Cicero Coelius later
regretted (Cic. Leg. 3.36).

Coelius' fight to reach the consulate was hard, like
that of another novus homo, Marius; modo . . . C. Marium, C.
Caelium vidimus non mediocribus inimicitiiis ac laboribus
contendere ut ad istos honores pervenirent ad quos vos [the
Senatorial jurors] per ludum et per negligentiam pervenistis

(Cic. II.5 Verr. 181 [note that this remark about ludus ac negligentia was made before Cicero had advanced any further than the quaestorship]).

Coelius' eloquence does not seem to have been outstanding (Cic. Brut. 165; De Or. 1.117); one subsidium novitatis was, therefore, not available to him.

ille cum duobus . . . superavit; the successful noble candidate was L. Domitius Cn. f. Cn. n. Ahenobarbus; the identity of the other noble candidate is unclear; it may have been Sulla, if Badian's suggestion of 97 for the date of his praetorship is right,³ or it may have been C. Valerius Flaccus, who was consul in 93, and like Sulla a patrician.

Ahenobarbus joined with the optimates in 100 against Saturninus and Glaucia (Cic. Rab. Perd. 21); he was a friend of Q. Metellus Numidicus (A. Gellius NA 15.13.6; 17.2.7); he served as governor in Sicily, and was according to Cicero (II.5 Verr. 7) extremely cruel. (Cf. Val. Max. 6.3.5 and Quint. 4.2.17, which both seem to derive from Cicero.) He died in the siege of Praeneste of 82 (Vell. Pat. 2.26.2; App. BC 1.88).

nulla re paene: as was mentioned above, Coelius was no outstanding orator.

There seems to be no justification in the ancient evidence for the glowing eulogy of Ahenobarbus, although this should not be taken as any argument against the auth-

enticity of the Commentariolum.

NOTES TO CHAPTER ELEVEN

1

Broughton, MRR p. 3 n. 2.

2

Modo is here used somewhat loosely: Marius first attained the consulate in 107; Coelius was consul in 94. Hence modo is used to represent respectively "thirty seven" and "twenty four years ago".

3

Ernst Badian, "Sulla's Cilician Command", Athenaeum N.S. 37 (1959), 279-284 suggests -- "perhaps rightly" (Broughton, Supplement s.v. L. Cornelius L. f. P. n. Sulla Felix) -- that Sulla was praetor in 97, hence eligible for the consulate of 94.

CHAPTER TWELVE

cum . . . competitoribus qui nequaquam sunt tam genere insignes quam vitiis nobiles: Catiline was a patrician and Antonius a nobilis (Asc. 82.4-6). There is a wordplay on insignes/nobiles if Gelzer is right in his view¹ that nobilis is derived from noscere; in other words, the author is punning on the original meaning of nobilis which is the same as that of insignis in Classical Latin.

quis enim . . . destringere? There is a close parallel in M. Cicero's In Toga Candida (ap. Asc. 93.11-14C), the significance of which has been discussed in the Introduction (section seven, passage [e]). The duae sicae are Antonius and Catiline.

NOTES TO CHAPTER TWELVE

¹

Gelzer p. 27.

CHAPTER THIRTEEN

quoniam quae . . . dicendum videtur: the first part of the subject matter of the Commentariolum has now been discussed, that which the author (CP 2) calls "novus sum". With that love of distributio so typical of him he now proceeds to explain what the next topic will be, namely "consulatum peto"; this topic will occupy the majority of the Commentariolum, in fact until tertium restat of chapter fifty four.

quo honore . . . dignum arbitretur: somewhat of an exaggeration, apparently. Certainly Sallust did not view the state of opinion in the same way: ea res [Fulvia's revelation of the conspirators' meeting which Sallust dates -- probably wrongly -- to June 64¹] in primis studia hominum adcendit ad consulatum mandandum M. Tullio Ciceroni. namque antea pleraque nobilitas invidia aestuabat, et quasi pollui consulatum credebant, si eum quamvis egregius homo novos adeptus foret (Sall. Cat. 23.5-6).

homo ex equestri loco: Cicero was the son of an eques, whose own father was concerned more with the affairs of his local town -- Arpinum -- than with a political career in Rome itself. (Cic. Leg. 3.36). Indeed, there is before the orator Cicero not one single Senator known in the family.

dignitatis: as in the case of nobilis, the common meaning of this word is not the sole possible meaning. The early meaning of dignitas was according to some philologists related to dico-are ("I point out"),² so that to see undertones of "fame", "notoriety" -- self-evidently in a good sense -- is here quite probably justified. Perhaps the best rendering of dignitas in the present passage is "prestige", as the concept of prestige encompasses both the idea of fame and that of being worthy to occupy a position of influence.

consularibus familiis; i.e. the nobiles. Such families as the Scauri, Metelli, Claudii, Catuli, Scaevolae and Crassi are meant.³

novos homines praetorios; this is probably true in the Ciceronian period. There were far more novi homines who reached the praetorship than reached the consulate between 100 and 64 (see Appendix Three for a partial list of such novi homines praetorii). Thus envy on the part of novi who reached the praetorship but not the consulate against the very rare novus homo who did reach the consulate is easy enough to understand. Novi homines praetorii refers to men whose ancestors had not held public office, and hence had not held a seat in the Senate, but who themselves had held such offices, and had advanced as far as the praetorship, but no further. This is Gelzer's definition, which⁴ the present writer accepts.

honore; this word, as well as meaning "honour" can also mean "political office" (since political office often gave honour). It seems likely that honore here contains both senses.

NOTES TO CHAPTER THIRTEEN

1

See E.G. Hardy, JRS 7 (1917), 166-172.

2

See Hellegouarc'h pp. 389ff.

3

Gelzer p. 43.

4

Gelzer (p. 34) defines novus homo. Novi homines had in fact to be equites (which for Gelzer [p. 11] does not necessarily mean "holders of the public horse"), so that it is a mistake to imagine that, for example, a proletarius could call himself a novus homo. Gelzer discusses this necessity for anyone entering public life to be an eques on p. 18, and passim in his section on the Equites and on the Senatorial Order.

CHAPTER FOURTEEN

iam in populo . . . certe scio; the people may perhaps have been hostile because some novi homines had won a reputation for cruelty. Thus Marius' butcheries of 87 may have caused such alienation as is here described; it must, however, be admitted that Caesar does not seem to have been harmed by his Marian connections (his aunt Julia was Marius' widow [Suet. DJ 6.1 with Plut. Mar. 6.3]); Caesar did not become unpopular despite his restoration of the trophies won by Marius over the Teutons, Cimbri and over Jugurtha, trophies which Sulla had removed (on this restoration see Suet. DJ 11; the date is perhaps 65 [so apparently Butler-Carey ad loc.])).

consuetudine horum annorum; there had been only two men who are known novi homines and who reached the consulate between 100 and 64 (see Appendix Two).

esse non nullos . . . necesse est; it was inadvisable to prosecute unless necessary, as such a prosecution could bring lifelong enmity. Indeed Cicero only undertook in his whole career two prosecutions, one near the beginning of his political life and his forensic pre-eminence, that against Verres in 70, and one against a creature of his arch-enemy Clodius, that against T. Munatius Plancus Bursa (Cic. Fam. 7.2.2-3),¹ at the other end of his career -- in 52.

quod ad Cn. Pompei . . . te dedisti: Cicero had apparently supported the Lex Gabinia in 67 to give Pompey overall control of the campaign against the pirates, and as praetor in 66 had spoken for the Lex Manilia to give Pompey supreme command against the king of Pontus, Mithridates (Lex Gabinia: Cic. Leg. Man. 52ff.; Lex Manilia: Cic. Leg. Man. passim). Cicero also supported Pompey after his election as consul in 63: mea summa erga te [sc. Pompeium] studia (Cic. Fam. 5.7.2 [June, 62]).

NOTES TO CHAPTER FOURTEEN

¹

P.A. Brunt, "Amicitia in the Late Roman Republic", PCPhS
191/N.S. 11 (1965), 14.

CHAPTER SIXTEEN

et petitio . . . duarum rationum diligentias; the author's love of distributio shows up once more, although the division is into two, not the customary triad. Perhaps even the author could not think of three divisions of diligentia. The sub-division of "consulatum peto" which starts here runs until the end of chapter forty.

amicorum studiis; amicitia need not entail affection, and there was a great gulf between the philosopher's ideal amicitia and the political reality.¹

populari voluntate; Hellegouarc'h defines voluntas in the political sense as «une disposition d'esprit d'où doit résulter une action» and as indicating «la notion d'opinion politique».² Populari here must mean nothing more than populi: one may render quarum altera . . . ponenda est as "of which the first must be concerned with [lit. "placed in"] ensuring the devotion of one's friends, the second with gaining the political approval of the electorate as a whole." As the wealthier members of society had a larger influence than did the common man on the elections of consuls populari, if seriously meant, cannot be interpreted very widely.

beneficiis et officiis; beneficium means "a service

done for one"; officium can mean either "obligation to do a service", i.e. "obligation to do a beneficium", or "service", i.e. beneficium. The relationship can be best explained thus: if A does a beneficium for B, B then has an officium towards A to perform for A a beneficium [which confusingly can be called an officium also].³

The first meaning of officium is here clearly that which the author intended, that is "obligation to do a service".

sed hoc nomen . . . in cetera vita; amicus in other words is almost a synonym for cliens, used so as to spare the feelings of men who are really clients, although they do not like to admit as much.⁴

qui domum ventitet; cf. Cic. Att. 6.2.5 [written at the beginning of May, 50]: ante lucem inambulabam domi ut olim candidatus. grata haec et magna mihique nondum laboriosa ex illa vetere militia [militia is here used metaphorically for the exertions of campaigning, most probably with special reference to the campaign for the consulate which forms the subject of the Commentariolum].

sed tamen . . . alicuius necessitatis; ex causa iustiore is expanded by cognationis, affinitatis, sodalitatis and necessitudinis. Ex causa iustiore may be rendered as "for sounder reasons"; cognatio is blood-relationship, affinitas is relationship by marriage, sodalitas here comradeship,⁵

i.e. the abstract noun corresponding to sodalis, and not concretely (as it is meant in CP 19), i.e. a group or association, and necessitudo a close tie however produced.

Usage in the classical period tends towards this meaning for necessitudo; necessitas is preferred to express "necessity".

NOTES TO CHAPTER SIXTEEN

1

See Hellegouarc'h pp. 41-62.

2

Hellegouarc'h p. 183; on voluntas see Hellegouarc'h pp. 183-185.

3

On beneficium, Hellegouarc'h pp. 163-169; on officium, Hellegouarc'h pp. 152-163.

4

Amicus as a virtual synonym for cliens, Hellegouarc'h pp. 48-52.

5

On the group collegium -- sodalitas -- sodalitium see Hellegouarc'h pp. 109-110.

CHAPTER SEVENTEEN

maxime domesticus: "part of your family-circle".

tribules; although the consular elections were not held in the comitia tributa, fellow-tribesmen would still be relevant to consular canvassing, as tribal organisation was used for the distribution of douceurs illegal as well as legal to the voters.¹ There was apparently also some relationship between the tribes and centuries, but what this was overall is unknown. It is known that the centuria praerogativa in the comitia centuriata in which consuls were elected was formed out of the junior members of one of the tribes (so Aniensis iuniorum [Livy 24.7.12]).

The importance of the tribes even in centuriate elections is shown by this passage from CP 30: postea totam Italiam fac ut in animo ac memoria TRIBUTIM [my capitals] discriptam comprehensamque habeas.

The tribes seem to have had headquarters at Rome, although there no direct evidence on this. (In view of the geographical separation of the various regions from which fellow-tribesmen came² it is in any case reasonable to suppose that there would be tribal headquarters in Rome.) There are indirect indications:³ . . . [sc. Caesar] edebat per libellos circum tribum missos scriptura brevi; "Caesar dictator illi tribui: commendo vobis illum et illum, ut vestro suf-

fragio suam dignitatem teneant" (Suet. DJ 41.2); "at spectacula sunt tributim data et ad prandium vulgo vocati" [Cicero is giving an imaginary phrase of the prosecutor of Murena] (Cic. Mur. 72). Tribal banquets imply some sort of organisation, and there may have been permanent centres in Rome devoted to this purpose.

vicini: in what sense? As men of even Cicero's not astounding wealth had villae in the country as well as deversoria scattered over a large part of Italy, this use of vicini need not imply that Cicero's neighbours on the Palatine (A. Gellius NA 12.12) were the object of concern alone.⁴ The term might be loosely used to refer as well to people who came from Cicero's birthplace, Arpinum.

liberti: Cicero's treatment of Tiro shows that the more humane ex-masters (patroni in the non-forensic sense) took notice of their freedmen: in any event, unless a master thought highly of a slave, he would not free him.

forensem famam: "reputation in the forum", not "fame as an orator". Slaves and freedmen came into contact with the common people, when they were on errands for their masters or patroni: Cicero himself would probably not buy those necessities of life that had to be bought out in person.

NOTES TO CHAPTER SEVENTEEN

1

L.R. Taylor, The Voting Districts of the Roman Republic ([Rome]: American Academy in Rome, 1960), pp. 121-122. (This work will hereafter be cited as "L.R. Taylor, VD") The precise relationship between the tribes and the centuries remains unknown, but there must have been some sort of relationship in the first class, since the centuria praerogativa could be described tribally: thus Aniensis iuniorum (Livy 24.7.12 [derived from L.R. Taylor, RVA p. 93]). As the first class was most important in consular elections (see Appendix Two), even if a close relationship existed only in the first class, this would still be significant. It is possible that tribules is here being used loosely of fellow-members of centuries from the same region of Italy. Thus men in the same century who lived in e.g. Arpinum, in the Cornelia tribe, might refer to their fellow members of whatever century they were in as tribules.

2

On the wide scattering of tribal areas see L.R. Taylor, RVA p. 66; there are maps ad fin. in L.R. Taylor, VD, which show Italia tributim discripta. See also CP 30, and the Commentary thereon.

3

L.R. Taylor, PP p. 208 n. 73.

4

On Cicero's houses, etc. see Jérôme Carcopino, Cicero: The Secrets of his Correspondence, trans. E.O. Lorimer (London: Routledge, Kegan Paul, 1951), 1.43-55.

CHAPTER EIGHTEEN

homines inlustres honore ac nomine; the most in-
lustres honore ac nomine would be consulars, of whom Pompey
might be considered the most inlustris. The meaning of honos
"political office" is here visible.

ad ius obtinendum . . . homines excellenti gratia;
the sense is dependent on the punctuation adopted. If the
Bude punctuation be adopted, the tribuni pl. will be descr-
ibed as being excellenti gratia ad conficiendas centurias,
especially influential in winning over the centuries. Apart
from their power of veto over the actions of other tribunes
and of higher magistrates, the present writer cannot under-
stand how the tribunes are excellenti gratia for the purpose
of winning election as consul to any greater extent than
the consuls, or praetors, especially as the centuriate
elections were largely decided by the richer members of the
populus Romanus.

If the OCT punctuation is adopted, the logic behind
the passage becomes clearer: then the tribunes are especially
valuable ad ius obtinendum. The ius in question is probably
the ius petendi, not one's legal rights in a general sense;
as happened in the case of Catiline (Asc. 89.6-12C) in 65,
the consuls were entitled to refuse to accept anyone's
candidature. The tribunes would be able to intercede against

the consular decision.

ad conficiendas centurias homines excellenti gratia:
to court one's fellow-tribesmen was perfectly proper, but to court men from other tribes in an organised fashion, if the men of the other tribe were arranged in groups (decuriatio) was illegal (Cic. Planc. 45). In consequence the upright candidate used "friends" to win over the centuries, via the tribal organisation of the tribes of the "friends". In at least one case what would today be called a "political boss" is known to have existed at Rome, P. Cornelius Cethegus, a freedman of Sulla, who in the seventies, in the tribes certainly, though not indisputably in the centuries, acquired such power that no measure could be carried without his approval.¹

qui abs te tribum aut centuriam . . . sperent: this probably refers to the fact that there had not been a censorship from 86 to 70, so that the normal process of enrolment of men onto municipal or colonial lists of citizens did not work properly during that period. Cicero may have helped such new citizens become enrolled between censuses.² The same practice may be involved in the granting of centuries, to which CP 18 refers, or the granting of a century may refer to Cicero's help in ensuring that in the censorship of 70 the person involved was put in the eighteen centuriae equitum.

per hos annos homines ambitiosi . . . peterent imp-
etrare; ambitiosus here does not mean "one who practices
ambitus", but "one who practices ambitio", or more simply
 "ambitious".³ The present writer is unable to discover who
 precisely these homines ambitiosi were, but presumably
 they are either men of power seeking to obtain unusual
 favours from the comitia, an example of which is Pompey
 with his extraordinary commands under first the Lex Gabinia
 and then the Lex Manilia, or up-and-coming less powerful pol-
 iticians such as Gabinius and Manilius, who by working on
 behalf of the great Pompey intended to consolidate their
 own power.

hos annos; in the recent past, but precisely when
 cannot be determined in the absence of definite identificat-
 ions of the homines ambitiosi.

NOTES TO CHAPTER EIGHTEEN

1

L.R. Taylor, VD p. 121.

2

L.R. Taylor, VD p. 120, with n. 9.

3

See Hellegouarc'h pp. 210-211.

CHAPTER NINETEEN

hoc biennio: this could mean "two full years" in the sense of 66-64, or it could be meant as 65-64, in view of the Roman tendency to count inclusively, as for example in dates.

sodalitates: "associations". See section five of the Introduction on the possible anachronism of this word in early 64.

1

C. Fundani: Mrs. Henderson thinks it reasonable to date the Pro Fundanio to hoc biennio, as it apparently had in it a joke against noble pedigrees, which would fit in with Cicero's early, pre-consular period (Arcades --- se pro-selenos esse asserunt, id est, ante lunam natos, quod et Cicero in Fundaniana commemorat [Servius ad Verg. Georg. 2.342]); Tyrrell-Purser (ad loc.) date the Pro Fundanio to 66, but give no supporting evidence.

2

C. Fundanius C. f. was probably tribune of the plebs in 68. He may be the Fundanius of Cic. QF 1.2.10, who is a recipient of money.

Q. Galli: the relevance to authenticity and the terminus ante quem of any Pro Gallio has been discussed in section six of the Introduction. The conclusion may be here recapitulated; there is no reason to believe from this passage that the author is anachronistic in his dating of a Pro Gallio, for the simple reason that he does not state that

Cicero ever defended Gallius.

Q. Gallius was aedile of the plebs in 67, and praetor in 65. As praetor Gallius was in charge of the quaestio de maiestate where Cornelius was tried (Asc. 62.5C). When Gallius was a candidate for the praetorship of 65 he gave a gladiatorial show, which was nominally his father's, so as to avoid the laws on ambitus; also, as aedile, when to give games would have been legal, he had not given any games (Asc. 88.5-9C).

Gallius was prosecuted by a M. Calidius for poisoning, and defended by Cicero, but the date of the trial is unknown (pace Mrs. Henderson: see section six of the Introduction), nor is it known if the prosecution was that which Gallius underwent for ambitus sometime after the delivery of the In Toga Candida (Asc. 88.5C; see also section six of the Introduction), in which Cicero defended Gallius against an unknown prosecutor. All Cicero says is this: . . . in accusatione sua Q. Gallio crimini [sc. Calidius] . . . [sc. dedit] sibi eum venenum paravisse . . . (Cic. Brut. 277). We do not know if the poisoning charge was a subsidiary accusation in the ambitus case, or if it was unconnected.

C. Corneli: C. Cornelius was quaestor by 71, serving under Pompey, probably in Spain.³ Cornelius was tribune of the plebs in 67 (Asc. 57.4-5C; 75.24-25C). In his tribunate Cornelius was extremely active: he proposed a bill to forbid loans to the legati of foreign states, but this met with no

success. The second proposal of Cornelius, to make the people the sole source of privilegia -- exemptions for individuals from the provisions of a law -- as had originally been the case, was vetoed amidst disorders, but a compromise proposal was carried, under which a quorum of two hundred was required in the Senate for valid grants of exemption from laws. Thirdly -- and this is scarcely credible -- Cornelius carried a law by which praetors were bound to follow their own edicta perpetua. Cornelius' attempts to carry a stricter law on bribery failed, but the milder proposal of the consul C. Calpurnius Piso was successful (proposal to forbid loans to legati of foreign states: Asc. 57.8-16C; the people to be the sole source of privilegia: Asc. 58.3-59.7C; praetors to keep to their own edicta perpetua: Asc. 59.7-11C; Cornelius' general activity in his tribunate: Asc. 59.11-14C).

C. Orchivi: filiation unknown. Orchivius was a praetor in 66 and was in charge of a quaestio de peculatu (Cic. Cluent. 94; 147). There is no evidence apart from in this passage of the Commentariolum for any Pro Orchivio, but the present writer does not think this very significant for the question of authenticity.

If Orchivius really was tried and defended by Cicero hoc biennio, the trial will have been after his immunity as praetor had lapsed, i.e. after 66, and may have arisen from some irregularity in his conduct of the quaestio de peculatu.

sodales: this term means basically "people who join together for a particular end", especially a religious end.⁴ It is not quite impossible pace Mrs. Henderson that sodales here are not illegal electoral helpers (see section five of the Introduction).

nam interfui: as evidence for or against authenticity worthless, despite any subconscious effect it may have.

nullum se umquam . . . referendae gratiae: it is probable that the returning of thanks is thought of as concrete assistance, either in electoral help or in some other tangible way. If electoral help is the form in which the thanks were being returned, this was the last opportunity as there was no office higher than the consulate: honorum populi finis est consulatus (Cic. Planc. 60).

recentibus beneficiis: such beneficia as undertaking defences in court are meant.

NOTES TO CHAPTER NINETEEN

- 1
Mrs. Henderson p. 11.
- 2
Broughton, MRR p. 141 n. 8.
- 3
Broughton, MRR p. 122.
- 4
Hellegouarc'h pp. 109-110.

CHAPTER TWENTY

eo genere amicitiarum . . . adeptus es: the amic-
itiae are not of the highest and most altruistic kind: the
different types of friendship are well discussed by Helleg-
ouarc'h;¹ Gelzer has a section on political friendship,²
also. The words of the author of the Commentariolum himself
should here be borne in mind:

potes honeste [sc. in petitione], quod in cetera vita
non queas, quoscumque velis adiungere ad amicitiam,
quibuscum si alio tempore agas ut te utantur, absurde
facere videare; in petitione autem nisi id agas et cum
multis et diligenter, nullus petitor esse videare.

(CP 25)

Defending one's amici or gaining amicitia by defence was
according to P.A. Brunt³ considerably more common than the
unending prosecutions that one is tempted to visualise from
the Verrines or from the vigour of the Pro Caelio.

devinctos: sc. officio. Officium is discussed under
chapter sixteen.

NOTES TO CHAPTER TWENTY

¹

Hellegouarc'h pp. 63-90.

²

Gelzer p. 105, with nn. 348-350.

³

P.A. Brunt, PCPhS 191/N.S. 11 (1965), 13-15.

CHAPTER TWENTY ONE

This chapter gives insight into the workings of the author's mind, especially in its opening sentence, which repays close examination; the author has a fondness for transitional quoniam, but the significance of the selection of a word not much used by M. Cicero could be brushed aside as insignificant, and not indicative of the rhetorical character of the author, were it not for the author's use once more of the triad. Also, the triad is not very well constructed: beneficio, spe, adiunctione animi ac voluntate is no model. There is not even the remotest attempt to make a proper tricolon crescendo, as is done in chapter ten. As for adiunctione animi ac voluntate: Should one be polite, charitable and blind to a forced and ineffectual inconcin-
nitas? Tyrrell-Purser call the figure a hendiadys (ad loc.), no doubt out of consideration for Q. Cicero.

The meaning of beneficium is clear, "a service
¹
received"; the acceptance of a kindness will then lead to spes, the hope of more such favours, and thus to support -- or at least absence of disagreement with the candidate
²
(voluntas).

minimis beneficiis . . . unquam fore; the bluntness of this is evidence for those who believe that the Commentar-

iolum is by Q. Cicero that it was not intended for at least immediate publication.

nedum: this will be the first recorded use of nedum without a preceding negative, if the Commentariolum was written in 64.³ Admittedly minimis is a virtual negative, but nonetheless it is not a true negative. In the present writer's opinion this occurrence of nedum so used is of no significance for authenticity, as the total corpus of undisputed works by Q. Cicero is too small to permit stylistic comparisons (see section three of the Introduction).

saluti: by saving them from conviction in the courts in all probability (cf. Cic. Arch. 1: quodsi haec [i.e. mea] vox nonnullis aliquando saluti fuit, . . .).

tamen rogandi sunt . . . posse videamur: this apparently cynical use of videamur probably shows that, if the Commentariolum is authentic, it was not intended for at least immediate publication.

NOTES TO CHAPTER TWENTY ONE

¹
Cf. under CP 16.

²
Cf. under CP 16.

³
Hendrickson, AJPh 13 (1892), 203.

CHAPTER TWENTY TWO

The author had divided the various methods of leading men ad benevolentiam atque . . . suffragandi studia into his well-loved triad, even though in the event one group, those led on by spes, receive little worthwhile discussion.

officiosius; the meaning of officiosus which the context requires is "providing concrete help", "devoted" or some such.¹

iis fac ut , . . esse videatur; unless caused by force of habit in the quest for a Ciceronian clausula, videatur will mean "is seen to be", not "seems to be"; unless Marcus' auxilium were actually delivered as promised, it would have no drawing power, after the first few renegations became notorious.

officiorum; officium is here used as a synonym of beneficium (see the Commentary to chapter sixteen).

NOTES TO CHAPTER TWENTY TWO

¹

Hellegouarc'h renders officiosus as «obligeant», «dévoué»
(p. 156).

CHAPTER TWENTY THREE

The shallowness of the suffragatoriae amicitiae is made abundantly clear in this chapter: the contrast of amicitia with even the hope of familiaritas, a hope which the present writer believes Quintus (if he wrote the Commentariolum) was not necessarily expecting Marcus to fulfil, makes this plain. A later writer of prosopopoiia may have had hollow Imperial friendships in mind as he wrote this chapter, or the lengths to which greedy men, especially legacy-hunters, were willing to go:

vocantur

ergo in consilium procures, quos oderat ille,¹
in quorum facie miserae magnaeque sedebat
pallor amicitiae.

(Juv. 4.72-75)

si magna Asturici cecidit domus,
.
ardet adhuc, et iam accurrit qui marmora donet,
conferat impensas; hic nuda et candida signa,
hic aliquid praedarum,² Euphranoris et Polycliti
{aera},³ Asianorum vetera ornamenta decorum;
hic libros dabit et forulos mediamque Minervam,
hic modium argenti. meliora ac plura reponit
Persicus, orbis lautissimus et merito iam
suspectus tamquam ipse suas incenderit aedes.

(Juv. 3.212; 215-222)

adducenda amicitia in spem familiaritatis: familiar-
itas cannot occur very often, and is more of a rarity than
4
amicitia.

NOTES TO CHAPTER TWENTY THREE

1

I.e. Domitian.

2

Coniec. Housman.

3

Coniec. Housman.

4

Hellegouarc'h pp. 68-71, and references there: examples are Cic. Fin. 1.69 and Amic. 76 (a sapientium familiaritatibus ad vulgares amicitias oratio nostra delabitur). The term amicus had become broader in application quite early in the Republican period: apud nos primi omnium Gracchus et mox Livius Drusus instituerunt segregare turbam suam et alios in secretum recipere, alios cum pluribus, alios universos (Seneca, Ben. 6.34.2 [this last part of this note is derived from Gelzer p. 104]).

CHAPTER TWENTY FOUR

vicinitatibus; vicinitas is not really a technical term, but probably means nothing more than the territorium attributed to or administered by the nearest urban centre, whether municipium or civitas or colonia.

municipiis: in Italy south of the Po all municipia were civium Romanorum by virtue of the laws of 90-89 B.C. which granted citizenship after the Social War. In origin a municipium was not a new settlement, but was the result of the incorporation of a conquered town into the Roman state. The functions of the local magistrates and the powers granted them depended on the charter granted the municipium in question: some of these charters survive from the Late Republic as well as from the Early Principate. ¹ Unlike the coloniae (for a definition of this term see under CP 30-31), the municipia to some extent had their own juridical procedures; the coloniae followed Roman law.

copiosi: "men of great resource", probably financial (so Tyrrell-Purser ad loc.).

tribulibus: this may seem odd in an election campaign whose outcome was determined by the comitia centuriata, but it is not anachronistic. The organisation --- whether corrupt or not --- was done through the tribes, even in a centuriate campaign (see under CP 17).

The stress that is here placed and renewed in chapters thirty and thirty one on getting to know agents in all levels of society throughout the country is partly caused by the wide geographical scattering of the areas belonging to any tribe.

NOTES TO CHAPTER TWENTY FOUR

1

The definitions of municipium and of vicinitas are owed to F.F. Abbott and A.C. Johnson, Municipal Administration in the Roman Empire (Princeton: Princeton University Press, 1926), chapters one and two. Examples of charters surviving are, from the Late Republic, the Lex Municipi Tarentini (Dessau ILS 6086; Abbott-Johnson no. 20), which Abbott-Johnson date tentatively to between 88 and 62 B.C., and, from the Early Principate, the charter of the municipium of Salpensa (Dessau ILS 6088; Abbott-Johnson no. 64) and the charter of the municipium of Malaca (Dessau ILS 6089; Abbott-Johnson no. 65). Both these municipia are in Spain; both the charters are dated by Abbott-Johnson to between 81 and 84 A.D..

CHAPTER TWENTY FIVE

There are some grammatical points of interest in this chapter, whose significance for authenticity will be discussed after the points have been noted. The passage in question is this:

potes honeste, quod in cetera vita non queAs [my capitals here and throughout the passage], quoscumque VELIS adiungere ad amicitiam, quibuscum si alio tempore agAs ut te utantur, absurde facere videARE;¹ in petitione autem nisi id agAs et cum multis et diligenter, nullus petitor esse videARE.²

The subjunctive queas is used apparently by retention of the generalising or "idealising" subjunctive, which according to Woodcock³ is also found quite regularly in second person singular generalising conditions.⁴

Velis is not so striking, although the subjunctive in general or frequentative clauses where normal Ciceronian usage would prescribe the relevant tenses of the indicative becomes more common in the Silver Age.⁵

The communis opinio on the use of the present subjunctive in conditional clauses is that it is used to indicate a condition in future time which is improbable, but not impossible; also in the case of the second person singular only⁶ it is used in present generalising conditions, those conditional clauses, where (if the expression be allowed) there is no specific temporal reference, that is the clauses

are extra-temporal.⁷ Yet the meaning in the two instances of agas and videare which the context requires does not conform with these standard uses of the present subjunctive. The present writer's translation of the passage is this:

"It is possible with honour -- in contrast with the situation in the remainder of your life -- for you to link anyone you like to you in friendship, even if to make efforts to become that person's friend at any other time makes you look absurd; indeed, if you did [or perhaps "should"] not make such efforts with energy and in connection with many people, you would seem a candidate of straw."

The present writer's interpretation of these usages is that there is a mixture here of a second person singular generalising condition and an archaic -- or perhaps semi-archaic -- impossible or unreal present condition.⁸ M. Cicero still occasionally used the present subjunctive to represent present impossible conditions.⁹

In the present writer's view, there is no deduction possible about authenticity from this apparently Ciceronian semi-archaism; while Q. Cicero would be quite likely to have caught this quirk of his brother, a later writer of prosopopoeia would be fully immersed in the style both of Quintus and of Marcus.

NOTES TO CHAPTER TWENTY FIVE

1

The OCT prints a comma for my semi-colon.

2

The form in -re is apparently more common as the second person singular in the passive subjunctives in M. Cicero.

3

E.C. Woodcock, A New Latin Syntax (London: Methuen, 1959). The treatment of conditionals here is derived largely from this excellent syntax analysis.

4

Woodcock section 195.

5

See as an example Woodcock section 217 n. 1 under "Temporal Clauses". In the case of temporal clauses Livy appears to be the first to have used this subjunctive.

6

In Classical times at least.

7

Woodcock section 195: "although the indicative is occasionally found, this second singular subjunctive is the rule [in second person generalising conditions] from Plautus to Tacitus."

8

Woodcock (sections 197 and 198) makes it clear that the use of the primary subjunctives to express an unreal or impossible condition was the original usage, but that in general by Cicero's time the historic tenses of the subjunctive were more usual, when the conditional clause referred to an impossible or unreal condition.

9

Although by his time the historic tenses of the subjunctive were more usual than the primary for expressing an unreal or impossible condition (cf. n. 8). M. Cicero was more or less the last extant author known to have used the primary subjunctives for unreal or impossible conditions (Woodcock sections 197 and 198).

CHAPTER TWENTY SIX

The content of this chapter is not exceptional, but these points may be noted: the contrast between amicitia at election time and at other times is strongly drawn, which re-emphasises the unreality of election-time relationships. This subject was discussed in CP 23. The subject material of the chapter under discussion is the "floating voter".

modo ut; the meaning --"provided that" -- is not in doubt, but the form modo ut as opposed to dum or dummodo with the subjunctive is not very common. The three parallels of which the present writer is aware are impeccably classical, even if all occur in informal conversation (Ter. Phorm. 773; Cic. II.4 Verr. 10; Fam. 14.141 [the passage in the Verrines is in a hypothetical remark after the introduction: "Someone may say: ' . . . '"])). There is neither evidence for nor evidence against authenticity in this use of modo ut.

bene se ponere: a metaphor from finance, "he is¹ making a good investment of himself."

NOTES TO CHAPTER TWENTY SIX

¹

This information is owed to Tyrrell-Purser ad loc..

CHAPTER TWENTY SEVEN

This chapter suggests that Cicero's strength lay in the weakness of his rivals -- correctly (Asc. 82.4-83.2C: of the total of seven candidates for the consulate of 63, quattuor prope iacebant [Asc. 82.17C] with the result that only Catiline, Antonius and Cicero were really in the running). The support of the nobles went to Cicero as the lesser of the two evils as a result of the crisis of mid-64 (Sall. Cat. 23.5-6).

The structure of the chapter is rather typical of the author; although clear, he does not hesitate to use more than one word where one would have sufficed. The whole chapter is in the form of one long sentence. The author, whoever he may have been, has caught one Ciceronian usage: he says "mihi crede", not "crede mihi", which is not used nearly as much by Cicero.¹

It is noticeable that this is the last of a series of chapters from sixteen onwards which have contained little in the way of hard facts, in sharp contrast with chapters eight to ten especially. This distribution would fit in with the hypothesis that a considerably later writer of prosopopoeia wrote the Commentariolum, and not Q. Cicero: such a writer would have acquired all his information about the period surrounding the consular elections of 64 by historical

research, so that the number of facts that were at his disposal to include in the various sections of the Commentariolum would be limited; the fact-starved chapters from sixteen to twenty seven may owe their tumid state to the writer's having no access to suitable factual material.

NOTES TO CHAPTER TWENTY SEVEN

¹

See TLL s.v. credo (Vol. 4 Fasc. 5 column 1137 lines 65ff.)
on mihi crede.

CHAPTER TWENTY EIGHT

qui; this is the old adverbial ablative of the relative qui. M. Cicero is the last author to make extensive use of qui in the sense of "how?"¹ As evidence for or against the authenticity of the Commentariolum this use of qui is in the present writer's view worthless.

The concentration on Antonius is perhaps strange, as Catiline had shown himself more vigorous in campaigning than Antonius; and yet it was Antonius who won election, not Catiline, so the point is disputable.

There is no other evidence that Antonius made no effort to call men by name; equally there is no evidence against it. It seems best to accept the information provisionally.

suo nomine; either alternative meaning is in the context unsatisfactory. In vacuo suo nomine could mean "by his own name [i.e. the correct name of whoever was being addressed by Antonius]" or it could mean "on his [Antonius'] own account". The first alternative is extremely ungrammatical, and shows highly incompetent composition in referring to two different people by an adjacent se and suus; the second, while grammatically unobjectionable, is to the present writer's mind tautological to an intolerable degree, as per se suo nomine would then mean "by himself on his own

account". The first alternative at least has the merit of supplying acceptable sense.

No certain solution is possible with the text as it stands. If, however, per se is removed as a gloss on suo nomine, the problem is resolved to this extent, that there is no longer any need to reconcile per se with suo nomine, so that the problem of translating se in per se as referring to a different person from the se implied in suo nomine is eliminated. With this problem gone, it becomes plain that "by his [i.e. that of the person being addressed by Antonius] own name" is the preferable meaning. For is it credible that any Latin author would use suo nomine to mean "on his own account" in the same sentence as appellare, with which nomen meaning "name" is an obvious adjunct? Also it is agreed that suus can refer to other than the subject of the sentence,² so that this is no longer a valid objection to the proposed translation of suo nomine.

sine officio: "who has never done anything for anyone" is the most probable translation.

cum infamia: Antonius had been expelled from the Senate in 70 by Gellius and Poplicola for inter alia direptio sociorum (Asc. 84.20-22C).

nullis amicis: this is an exaggeration. If Antonius had no amici, how was he elected consul? Lack of amici was a «déchéance sociale» according to Hellegouarc'h.³

NOTES TO CHAPTER TWENTY EIGHT

1

Lewis and Short s.v 2.qui. One use in a direct question by Livy is recorded, but none later; there is a use by Suetonius (Claud. 4.6), but this is in an indirect question.

2

See Allen and Greenough's New Latin Grammar, ed. J. B. Greenough and others (Boston: Ginn, 1931), section 301.c.

3

Hellegouarc'h p. 48; cf. from Plautus:
velut hæc meretrix meum erum miserum sua blanditia
paene intulit in pauperiem,
privavit bonis luce honore atque amicis
(Truc. 572-574)
(this reference from Plautus is owed to Hellegouarc'h p. 48).

CHAPTER TWENTY NINE

omnis centurias: the majority in each century decided¹ how that century voted. The precise overall relationship between the tribes and centuries is unknown, but there does seem to have been some sort of relationship (cf. the Commentary to chapter seventeen). L.R. Taylor states: "Where the consular elections are spoken of, tribus and centuria² are used almost indiscriminately."

ceterorum hominum omnium, which appears to be what the archetype read, does not make much sense. The emendation of the text is satisfied as far as sense is concerned by the insertion of <ordinum> as is done in the OCT. In the comitia centuriata there was probably weighting of votes within the various centuries according to the wealth of those in any given century. The ceteri ordines had less influence on the election of consuls than those in the first class, who would be such wealthy men as Senators and -- if the eighteen centuries of equites equo publico are counted in the first class -- all the equites: the reason for this was the voting cut-off in the comitia centuriata, which occurred as soon as³ all the vacant magistracies were filled.

urbani: in the Bude edition Constans renders this as <oisifs>. Even if many men who lived in Rome were not actively employed, and this is indisputable, this is not

what the Latin says, which is "living in the city [i.e. in Rome]". Constans, in short, is commenting, not translating here.

libertini; whatever be the true meaning of libertinus in the time of Appius Claudius Caecus the Censor (cens. 312), about which there is dispute,⁴ by the time at which the Commentariolum purports to have been written, i.e. 64 B.C., libertinus almost certainly meant the same as libertus, "a freedman", that is "a man who himself had been a slave but had been freed" (the two terms are used apparently interchangeably by Cicero [II.1 Verr. 123-124]; cf. Plaut. Mil. 961-962).

How were the libertini in foro gratiosi? There is only one known "political boss" from the Late Republic,⁵ although another of Sulla's freedmen, Chrysogonus, was extremely powerful during Sullanum regnum, but in 64 the present writer knows of no suitable freedman "political boss", so that it is more likely that the gratia involved was of the sort that Tiro had with his patronus, M. Cicero. Freedmen could probably not vote in the comitia centuriata, so the gratia would not be in the act of voting for Cicero or in seeing that other liberti did so.⁶

Although there is no proof that liberti were not significantly gratiosi in the forum, the absence of known freedmen "political bosses" and the absence of such an autocrat in 64 as Sulla makes the present writer suspicious

of the authenticity of the Commentariolum even more than before. For a writer of prosopopoiia under the Early Principate would have had only too much experience of libertini gratiosi and of the power they could wield with autocrats. The sentiment is entirely reasonable and credible in a man who had lived through or had heard from others of Claudius' freedmen's power.

per communis amicos: it was illegal to give gifts of entertainment or similar beneficia to people outside one's own tribe. One's friends did this for one.⁷

adlegato: "send intermediaries", although this may be too formal a rendering.

NOTES TO CHAPTER TWENTY NINE

- 1
See Botsford p. 211, and Dion. Hal. RA 4.21.1.
- 2
L.R. Taylor, PP p. 208 n. 82.
- 3
See Appendix Two.
- 4
See Lewis and Short s.v. libertinus, and Suet. Claud. 24.1.
- 5
L. Cornelius Cethegus, a freedman of Sulla (L.R. Taylor, VD p. 121.
- 6
So L.R. Taylor, RVA p. 155 n. 38.
- 7
See L.R. Taylor, PP p. 83 with nn. 80 and 81 (p. 208). The ancient texts are, in addition to CP 44, Cic. Mur. 72; Planc. 48.

CHAPTERS THIRTY AND THIRTY ONE¹

urbis: the city of Rome proper is meant here.

conlegiorum: for the meaning see under CP 3; see also section five of the Introduction on nam hoc biennio quattuor sodalitates . . . (CP 19).

pagorum: a pagus was a rural administrative unit in contrast to an oppidum or a civitas. The Romans found these rural sub-divisions in their conquest of Italy and of other parts of the Western world. They were frequently preserved intact, although they often received a Roman name. The inhabitants of a pagus or "canton" might live dispersed or in hamlets (vici). They formed an administrative unit for such purposes as the celebrations of festivals and the repairing of roads. They often had magistri and issued decrees. The number of people in such rural communities who were important for the consular elections in 64 B.C. cannot have been large, so that the advice here will only have applied to the principes, any comparatively wealthy cives Romani there may have been in any pagus.

vicinitatum: for the meaning see under CP 24.

totam Italian . . . tributim discriptam: an awe-inspiring achievement, if accomplished: even a glance at a map of Italy so broken down will show the enormity of the undertaking, because the tribes were geographically very

2
scattered.

tributum: although this was a centuriate election campaign, this tributum is not incorrect, as the organising was done through the tribes (see under CP 17).

municipium: defined under CP 24.

coloniam: after 89 B.C. all coloniae in Italy south of the Po were coloniae civium Romanorum. There were still Latin colonies in the provinces, and all Latin colonies in Italy south of the Po were transformed into municipia civium Romanorum. The basic difference between a municipium and a colonia was that a colonia was a new settlement, with commissioners, who were appointed under the lex of the popular assembly which had decreed the founding of the colonia (some of the dictators and dynasts of the first century B.C. did not trouble with this law: Urso was called a colonia iussu C. Caesaris dictatoris deducta [Dessau ILS 6087 chap. 106]). Also, unlike municipia which to some extent kept their own legal system, the coloniae were under Roman law.

praefectura: a praefectura may be thought of as a generic term applicable to any community which lacked the full rights of self-government. In this sense praefectura comprehends forum, vicus, conciliabulum and castellum.³

The title praefectus was given to an official to whom some higher authority had delegated the power to perform certain functions. This higher authority might either be the central government at Rome, who sent out praefecti

iuri dicundo as agents of the praetor urbanus, or it might be the nearest civitas to which the smaller communities were attached for administrative purposes. In Italy in the Ciceronian period the praefecturae administered from Rome either had become municipia or had kept the name "praefectura", but differed from municipia only in their lack of IIviri or IIIIviri. The praefecturae administered from neighbouring civitates kept on being so administered until after the period here relevant. The area attached administratively to a civitas was called territorium, so that vici or conciliabula could be described as being in the territorium of a civitas.

locum; more technically this refers to settlements in the territorium of some civitas or other, such as fora, vici, conciliabula or castella.

municipales ac rustici; this grouping together of rustics and municipales as rather naive is not uncommon in Latin literature (cf. Juv. 3.164-179).

NOTES TO CHAPTERS THIRTY AND THIRTY ONE

1

All the definitions of administrative technical terms in this pair of chapters, which are treated together as there is no syntactical break between them, come from Abbott-Johnson chaps. one and two.

2

See L.R. Taylor, VD ad fin., where there are maps of Italy so broken up.

3

CIL 1.205 (11.1146) chap. 21 lines 2ff.: the text reads f.v.c.c. The intention is presumably to give an exhaustive list of all possible types of administrative units. The list has not been quoted in its entirety.

CHAPTER THIRTY TWO

The men who form the subject of this chapter are presumably the principes who are mentioned in chapter thirty. The details of vicarious canvassing are further elaborated upon by an explanation of the methods of motivating Cicero's tools.

propter municipi . . . rationem; either "because of the set-up in the municipium" or "because of their connection with the municipium".

On the chapter as a whole it may be noted that there is no real attempt to add colour or variation in this expansion of part of chapter thirty, but then a concern for his reader's interest does not seem to feature high on the author's list of priorities.

CHAPTER THIRTY THREE

This chapter presents some of the most intransigent problems in the whole Commentariolum: the present writer's interpretation of the chapter depends on his view of four key points in the chapter. This view is given below:

(1) The task of the adulescentuli in the centuriae equitum is not to win over any as yet uncommitted members of their own group, but to win over the centuriae equitum as a whole: suffragando, obeundo and nuntiando cannot refer to the persuasion by private discussion which canvassing would involve amongst the adulescentuli in the centuriae equitum; these terms must refer to large scale canvassing, which is what would be involved in winning over a group consisting of 2400 -- this is the maximum number of equites equo publico in ¹64 -- minus whatever number be assigned to the committedly pro-Cicero adulescentuli in the centuriae equitum.

(2) Equester ordo is not identical with centuriae equitum as far as the author of the Commentariolum is concerned: there is no point in trying to win over the centuriae equitum, if equester ordo, i.e. centuriae equitum, is Cicero's already. Whether or not the author's

implied definition of equites is correct for the Ciceronian period, and more specifically for 64, is a separate question.²

(3) The iuventus in deinde habes . . . studiosissimum humanitatis are not specifically the adulescentuli who are referred to elsewhere in the chapter, but the term need not exclude all adulescentuli in the centuriae equitum; the sentence deinde habes . . . studiosissimum is the first of a pair of mechanisms whereby adulescentuli are to be won over to Cicero's side. This is shown by tum autem, which undoubtedly introduces a sentence which describes a mechanism whereby adulescentuli are to be won over to Cicero's side (sequentur illi . . . shows this [on illi see point four]).

(4) Hendrickson has proposed³ to read alii for illi in sequentur illi auctoritatem ordinis. There is no MS authority for this, nor is the change helpful, as illi can be quite well explained, if it be admitted that the author visualises the equester ordo as not the same as the centuriae equitum, which Hendrickson does not seem to admit.⁴

So much for the present writer's views on these four key points, but others have different interpretations. T.P. Wiseman, amplifying Claude Nicolet⁵ and expanding his discussion of CP 33⁶ and its apparent differentiation between the centuriae equitum and the equester ordo, claims that the difference is not between the

equester ordo in the sense of all those with the necessary census and the centuriae equitum, but between the adulescentuli and the rest of the equester ordo in the sense of the members of the centuriae equitum. In other words, the adulescentuli are the members of the centuriae equitum, that is, of the equester ordo, who count, but they are not the only members of the centuriae equitum; such is Nicolet's view, as expanded by Wiseman. The present writer finds this view unconvincing, because the author quite clearly says that Cicero has to win over the centuriae equitum, and, on this interpretation, this had already been done (equester ordo tuus est). Unless the author is guilty of a rather pointless exaggeration, and not all the equester ordo was on Cicero's side, the author must be taken to imply that the centuriae equitum did not constitute the whole equester ordo. The reason for this somewhat contorted interpretation of the chapter by Nicolet is apparently because he refuses to discard the evidence of CP 33, although he has doubts about its authenticity, and presumably realises that a later writer would not have been so incompetent and ignorant as to make a mistake in something so basic to his work as the meaning of equites in 64 B.C..⁷

Now that the central problem of the chapter has been discussed, it is proper to discuss the individual points of difficulty in the chapter.

primum cognosci equites . . .: so many MSS, unsatisfactorily. Some imperative has to be included, either by changing cognosci to cognoscendi, as e.g. Tyrrell-Purser, or by adding a modal verb, as has Watt with <oportet>. From the point of view of the sense, either will serve well enough. The equites are the equites equo publico as a whole (cf. my point one), that is the equites of the centuriae equitum.

deinde appeti: the same equites are to be understood here as are the subject of cognosci above. Thus pauci above is distinguishing the equites equo publico from the other equites who were outside the centuriae equitum. (If the reader believes with Nicolet that the text of this chapter does not exclude the idea of the author's believing that the only equites in 64 were equites equo publico, the epithet will be merely descriptive: there are not very many equites.)

multo enim facilius . . .: in view of the last sentence of the chapter, the present writer believes that this enim clause is not logically derived from primum <oportet> cognosci equites, deinde appeti, as it ought to be, if the author were impeccably logical. In other words, the author is not implying that the equites in the centuriae equitum were adulescentuli: this interpretation has been chosen, because there is reason to bel-

ieve that not all the members of the centuriae equitum were adulescentuli. So at least Wiseman believes.⁹ In other words, this sentence does not really explain the nature of the problem of getting to know the equites in the centuriae equitum (cf. point one); rather, it explains how the centuriae are to be won over.

deinde habes tecum . . .: the present writer believes that this refers to the custom of as it were "apprenticing" young men to notable orators and statesmen at Rome. In such a way Cicero himself "apprenticed" to Q. Mucius Q. f. Q. n. Scaevola the Augur (cos. 117), and after his death to Q. Mucius P. f. P. n. Scaevola the Pontifex (cos. 95). Cicero acquired access to Antonius the famous orator and consul of 99, the father of that Antonius who appears in the Commentariolum, via his --- Cicero's --- uncle. Thus from the first, Cicero moved in consular
10 circles entirely. Young men attached themselves to Cicero just as he had done with men of a previous generation; unfortunately, the only examples known to the present writer are of men who quite possibly had not started to associate with Cicero in this way by 64, men
11 such as Caelius Rufus and M. Terentius Varro. There is, however, no reason whatever to believe that the author here is being anachronistic, if his meaning has been correctly interpreted, as Cicero's success against Verres had placed

him in the first rank of the Roman Bar (Cic. Brut. 317-324), and this was well before 64. If the present interpretation of habes tecum is correct, first, optimum quemque is not political in meaning primarily, but merely expresses the author's approval in the guise of Quintus of the fine men (bonus meaning sound, in the superlative form) whom Cicero's humanitas, his culture or wisdom, has attracted.¹² If the young men who had originally come to learn rhethorike from Cicero happened to support him politically, what is surprising in that? The force of this sentence then is not that the adulescentuli of the centuriae equitum are on Cicero's side, and will win over the other members of the centuriae to Cicero, but that the eager young hopefuls training with Cicero will set an example of wholesome youth's believing in Cicero, which -- hopefully -- will inspire the adulescentuli to support Cicero, and hence canvass for him in the centuriae equitum as a whole. (If this explanation of optimus be rejected, some such meaning for optimus will have to be accepted as "politically sound" or even "aristocratic", i.e. optimus here will mean much the same as optimas when it equals¹³ belonging to the optimi.)

The meaning and force of tum autem and quod equester ordo tuus est have already been discussed under points two and three.

Illi has already been discussed under point four.

ordinis . . . voluntate; the equester ordo was on Cicero's side, as has already been mentioned.

singulorum amicitii; that is by friendships with individual adulescentuli, who are to act as the canvassers on Cicero's behalf.

suffragando: «une forme particulière de la commendatio est la suffragatio. Celle-ci consiste à s'entre-mettre pour soutenir la candidature de quelqu'un en lui procurant des suffrages»¹⁴

obeundo: "by visiting" or "by wandering through".¹⁵
One might say today, "by going the rounds".

nuntiando: "by taking messages to", or "by announcing" or "by declaring".¹⁶ The sense is probably that the adulescentuli took the party line, if so one may call Cicero's reasons for supporting Cicero, to the uncommitted.

adsectando: for the meaning of this term see chapter thirty four to the end of thirty eight and the Commentary thereon.

NOTES TO CHAPTER THIRTY THREE

1

There is dispute over the number of equites equo publico at the time at which the Commentariolum purports to have been written. Some claim that the eighteen centuries continued to contain a hundred men each, as the word centuria itself would prima facie lead one to believe, with a total for the equites equo publico of 1800; so e.g. L.R. Taylor, RVA p. 86. Others put the number at 2400; so Claude Nicolet, L'Ordre équestre à l'époque républicaine (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, Fascicule 207, 1966), 1.113-114. Only volume one of this has yet appeared; chapter six of section one of this first volume discusses the problem generally. The dispute seems to revolve around a corrupt passage of Livy (1.36.7). This is no place to enter into this controversy, as the effect of the centuriae equitum on the outcome of any consular election depended how each voting unit -- each century -- voted, not on the number of individual men who voted for any particular candidate. The centuriae equitum, so long as they numbered eighteen, had eighteen votes in the consular elections, whether there were 1800 or 18 000 000 men in them.

2

See Appendix Four.

3

Hendrickson, U. Chic. p. 23.

4

Hendrickson, U. Chic. p. 23.

5

Nicolet p. 77 and pp. 78-79.

6

T.P. Wiseman, Historia 19 (1970), 67-83. Wiseman discusses CP 33 on pp. 74-75.

7

Nicolet p. 77 n. 25. Nicolet does not state explicitly that this is his reasoning, but the present writer thinks a justifiable assumption.

- 8
Cf. n. 1.
- 9
Wiseman pp. 74-75.
- 10
This discussion of young men so to speak "apprenticing" themselves to older orators and statesmen is derived from Gelzer pp. 109-110.
- 11
Gelzer pp. 109-110.
- 12
The meaning of bonus is discussed by W.K. Lacey, G&R N. S. 17 (1970), 3-16. That a reference to Marcus Cicero's humanitas in 64 need not be anachronistic is shown in section six of the Introduction; that optimus can be political is shown by Hellegouarc'h pp. 495-500.
- 13
That optimates can mean "belonging to the optimi" is shown by Hellegouarc'h p. 500.
- 14
Hellegouarc'h p. 158.
- 15
Lewis and Short s.v. obeo II.B.1. Note the fact that apart from Vergil Cicero in his Letters is the only recorded user of this word in this sense.
- 16
Lewis and Short s.v. nuntio I.A.1 (+I.A.4).

CHAPTER THIRTY FOUR

This chapter is the introduction to the analysis of adsectatio used in its wider sense; in this context adsectatio is the abstract noun which indicates the state of the object of qui adsectantur. Adsectatio in this context is difficult to render into English without using a clumsy periphrasis; the closest translation is perhaps "being continually thronged by supporters" or "having a cortège". The part of the Commentariolum which is concerned with adsectatio in its wider sense, namely chapters thirty four to thirty eight inclusive, are virtually discussed by Helleg-¹ouarc'h, whose discussion is partially followed.

nam ex ea ipsa copia [sc. adsectatorum] coniectura fieri poterit . . . facultatis habiturus; although the number of sectatores (sectator means virtually the same as adsectator; cf. the Commentary to the first part of chapter thirty seven) was limited by the Lex Fabia de Numero Sectatorum² (probably to be dated to 66; see Botsford) and by a senatusconsultum of 64, which was primarily aimed against corruption carried out under the cloak of legitimate collegia³ in an organised fashion, the more adsectatores the candidate had the better (see chapter thirty six and the Commentary thereon).

It may have been illegal to hire adsectatores in 64

but, as the text of the relevant law, the Lex Calpurnia de Ambitu, does not survive, this is not certain. In 63 the Senate at the request of M. Cicero passed a senatusconsultum which interpreted the Lex Calpurnia as banning the hiring of adsectatores (Cic. Mur. 67: dixisti [sc. Cato, one of Murena's prosecutors] senatus consultum me referente esse factum, si mercede obviam candidatis issent, si conducti sectarentur, . . . contra legem Calpurniam factum videri [here videri means "was seen to be" or "was clearly" rather than "seemed to be", in the present writer's view]).⁴

Whether this interpretation of the Lex Calpurnia was legitimate is unknown in the absence of the text of the law. The Senate may have decided to twist the law to suit the moment, so as to give the banning of adsectatores moral backing: for the Senate at this period could not make law. In other words, it may have been quite tenable in 64 to hire adsectatores and consider oneself to have acted quite legally.

in ipso campo: the comitia centuriata, as its very name implies, was originally military in character, so that it could not meet inside the pomerium: hence a convenient large assembly area was needed for elections, namely the Campus Martius.

huius autem rei tres partes sunt: mechanical adherence to a text-book rule is here carried to an extreme length. The author is being Ciceronian, but surely plus

Cicéronien que Cicéron. The woodenness of the figure here does not prove that it cannot have been written by Q. Cicero, as was shown in the Introduction (section three).

The OCT wishes to exclude cum domum veniunt. If the grounds for exclusion are that the clause is a gloss, and that to retain it would ruin the triad, the present writer does not find these reasons compelling: why should a glossator concern himself with salutatorium, when deductor and adsectator are just as much technical terms?

NOTES TO CHAPTER THIRTY FOUR

1

Hellegouarc'h pp. 160-163.

2

Botsford discusses this law (p. 431 n. 6): the ancient evidence is in Cic. Mur. 71 (itaque et legi Fabiae quae est de numero sectatorum, et senatus consulto quod est L. Caesare [i.e. 64 B.C.] factum restiterunt [sc. tenuiores]).

3

Botsford discusses this senatusconsultum (p. 445): the ancient evidence is in Cic. Pis. 9 (where Cicero is more hostile to the opponents of the senatusconsultum than he was in Mur. 71); Asc. 8C [ad Cic. Pis. 9]; Cic. Sest. 55. The effect of the senatusconsultum of 64 was neutralised by a plebiscitum of 58 B.C. (Cic. Pis. 9).

4

For a discussion of the Lex Calpurnia de Ambitu see Botsford pp. 431 and 436.

CHAPTER THIRTY FIVE

This chapter is concerned with salutatores down to . . . firmi suffragatores evadunt, and thenceforward with those who put up a pretence (qui fucum faciunt) and how they should be treated. Although salutatio is described as a minimum officium, the evidence available to us tends rather towards the impression that mostly it was men of one's own social class that called upon one in the Ciceronian period (Cic. Att. 13.9.1; 14.20.5 [Pilia is Atticus' wife]; Fam. 7.28.2; 9.20.3; Sall. Cat. 28.1). The situation was very different in the Principate (see Juv. 1.95-102). Deductores are described as more important than salutatores (CP 36), yet in the Ciceronian period they were quite often tenuiores, and hence of a social class different from the object or objects of their attentions (Cic. Mur. 70): is this fact likely to have escaped Q. Cicero?

qui magis vulgares sunt; if this means that salutatores are more run-of-the-mill, which it surely must, this claim will indicate that the author was not acquainted with the customs of the Ciceronian age, unless one chooses to argue that we do not have enough evidence on salutatio at this period to judge the true situation.

hac consuetudine quae nunc est <ad> pluris veniunt; so Watt in the OCT. Some MSS read pluris, a few plures: it

is Watt's opinion according to his apparatus criticus that pluris is the reading of the archetype, which he calls X. Tyrrell-Purser read plures, which in the sentence must mean that they believe that the pluris/plures of the MSS should be interpreted as a nominative plural; pluris can either be genitive singular, which in the context is hard to fit in, or accusative plural, but not a nominative plural.

If plures is read, the meaning will be that the total volume of salutatores had increased hac consuetudine quae nunc est: in other words, recently -- whatever the precise limits there may be to that term -- the total volume of callers had increased. There may be indirect evidence that in the time of C. Gracchus (tr. pl. 123, 122) and M. Livius Drusus (probably the elder Drusus is meant: he was tr. pl. 122, ¹cos. 112) there was an increase in the total volume of salutatio: apud nos primi omnium [sc. C] Gracchus et mox Livius Drusus instituerunt segregare turbam suam et alios in secretum recipere, alios cum pluribus, alios universos (Seneca Ben. 6.34.2). It is a reasonable, though not inevitable, deduction that there had been an increase in the total number of callers, and that this had led to the need to classify them. It is, however, not likely in the present writer's view that the author would have implied that the increase in the total number of callers was quite recent, if the increase had first become noticeable some sixty years before the purported date of the Commentariolum. Thus, there may

be evidence that the total volume of salutatio increased at the time of C. Gracchus, but this is not necessarily apposite in view of hac consuetudine quae nunc est.

If pluris is kept, something has to be supplied to explain its case. Watt's <ad> does this, and the meaning which emerges from <ad> pluris veniunt is in exact agreement with an almost precisely contemporary source, M. Cicero's Pro Murena: [sc. magis] placet mihi persalutatio, praesertim cum iam hoc novo more omnes fere domos omnium concurrent et ex voltu candidatorum coniecturam faciant quantum quisque . . . facultatis habere videatur (Mur. 44).

In conclusion on this passage of the Commentariolum, it is probable that this passage was derived from the Pro Murena version, not vice versa (on this, and the consequences for authenticity, see the discussion of passage [a] in section seven of the Introduction).²

ex fucosis firmi suffragatores evadunt: this alliteration is surely deliberate, as fucosus is not the inevitable word here: "untrustworthy", "shaky" could have been expressed by e.g. infirmus.³

fucum facere: this phrase and fucosus in the same chapter is surely gilding the lily. Both may be Ciceronian, even if not very common, but to use both in so short a space is the mark of an inexperienced writer. The cynicism of the advice of this chapter shows that the Commentariolum, if genuine, was not intended for at least immediate public-

ation.

NOTES TO CHAPTER THIRTY FIVE

1

The elder Livius Drusus opposed Gracchus; the son (tr. pl. 91) was pro-Gracchan.

2

Hellegouarc'h (p. 160 s.v. salutatio), reading with the Bude pluris as nom. plur., uses CP 35 as evidence that in the Late Republic some men sent stand-ins to certain of their patroni. This practice is recorded for a later period, if Juv. 1.123-126, where a man seems to be asking for a sportula on behalf of an absent or non-existent wife, is valid as evidence, and this instance, if admissible, is much later. Watt's text is discussed and justified by him in CQ N.S. 8(1958), 36 where he produces the parallel of Cic. Mur. 44, which in the present writer's view guarantees his text.

3

Fucosus is not a common word; TLL gives almost no classical instances where fucosus is used with a thing (Cic. Rab. Post. 40; Att. 1.18.1). Apart from a passage in the Pro Plancio (section 22), where some of the MSS read fucata, there is no even remotely classical parallel for the author of the Commentariolum's use of fucosus with a person. Fucosus seems to be used most by Cicero, and after his period is most rare. Fucatus (TLL s.v.) is not apparently applied to persons.

CHAPTER THIRTY SIX

deductorum officium . . . maius est quam salutatorum;
maius from whose point of view? Deductio involved more effort on the part of the deductor than did salutatio for the salutator; on the other hand, the people who escorted candidates down to the Forum, that is the deductores, were often of a lower social class than the salutatores (thus deductores are called tenuiores [Cic. Mur. 70]).¹ Yet it must be admitted that the candidate enjoyed more help from deductores than he did from salutatores, insofar as the number of salutatores was not visible and public knowledge, while that of the deductores was.

The inverse of deductio is *reductio, the escorting home of the candidate.²

magnam adfert opinionem . . . in deducendo frequentia; as well as the advantage of public realisation of the number of deductores accompanying one, that mere fact that one was being accompanied at all gave a certain cachet of distinction, as not everyone was accompanied,³ but only men of station.

Whoever the author may have been, even if he was not clear on who performed salutatio and who deductio, he was at least aware of the correct usage of deductio -- that is the usage of the word in 64 B.C. -- although under the Princ--

ipate, to be more precise in the time of Pliny the Younger,
deductor had become less specific in its meaning, so that it
became little more than a synonym for adiutor or comes.⁴

NOTES TO CHAPTER THIRTY SIX

- 1 See Hellegouarc'h p. 161. Sometimes deductores were of the same social class as those upon whom they were calling (Cic. Att. 2:1.5 [derived from Hellegouarc'h p. 161]).
- 2 The word, as it chances, is not found, although the practice is attested (Hellegouarc'h p. 161).
- 3 Hellegouarc'h (p. 161) cites -- as well as CP 36 -- Cic. Mur. 70; Att. 2.1.5.
- 4 Hellegouarc'h p. 161 (Pliny Epp. 4.17.6).

CHAPTER THIRTY SEVEN

Adsectatio is the subject of this chapter, that is, ¹
adsectatio in its specific, technical sense. As Helleg-
ouarc'h makes clear, ² adsectatio implies two things, namely
frequentia and adsiduitas. Frequentia, which in origin was
the abstract noun corresponding to the quality of being
continually in a place, by Cicero's time had also acquired
the sense of a large number. Frequentia could occur on occ-
asions other than elections; the number of supporters one
had in a lawsuit in which one was engaged was noted, and
similarly in the case of leaving political office, or even
returning from exile. M. Cicero noted the number of amici
who were with him in the last two circumstances. ³

Adsiduitas is a virtual synonym for the original
meaning of frequentia, but adsiduitas, unlike frequentia,
never acquired the connotation of a large number; accord-
ingly, adsiduitas may best be translated as "never leaving
someone's side" or some such. In the context of elections
adsiduitas turned up on much the same occasions as did
frequentia. Adsiduitas was, however, more highly regarded
than frequentia apparently, and took on an abstract meaning
of "dedication", almost of "reliability". Interestingly, as
⁴ Hellegouarc'h mentions, adsiduitas was also used to refer

to the conscientious candidate's continual efforts to win over the populus.

valde ego te volo et ad rem pertinere arbitror
semper cum multitudine esse: "I definitely want you to do this, and think it relevant to mix well in public all the time". Multitudine is not to be taken to mean plebe; after all, in any multitudo there might well be Senators or equites, who were in any case far more important than humble plebeians for the result of the consular election. ⁵
Valde is a word much loved of M. Cicero in his Letters, but almost shunned in the speeches.

The danger in failing to be cum multitudine for much of the time was that the populus might well forget one's candidature (for Cicero's wry joke against himself on this. see Planc. 64-66).

NOTES TO CHAPTER THIRTY SEVEN

1

On the difference between adsector and sector see Hellegouarc'h p. 161: sector and its derivatives seem to have been used in a more general sense than adsector and its derivatives, which apparently were confined in the Ciceronian Age to being a constant companion or attendant of a candidate; sector, in contrast, is even used of one of Verres' comites, a certain L. Carpinatius (Cic. II.2 Verr. 169).

2

Hellegouarc'h s.v. frequentia and s.v. adsiduitas (pp. 162-163).

3

See Hellegouarc'h pp. 162-163.

4

Hellegouarc'h pp. 162-163, with p. 214.

5

Lewis and Short s.v. validus II.B.4 and passim in that section.

CHAPTER THIRTY EIGHT

nulla impensa; legally advocates were not allowed to accept fees, but they got round this in most cases, with more or less regard for the strict legalities (see under CP 3); at times even a comparatively honest advocate like M. Cicero could become remarkably hypocritical (Cic. Att. 1.20. 7).

. . . alii rem, alii honestatem, alii salutem ac fortunas omnis obtinuerint; of the persons on whose behalf Cicero certainly or most probably had delivered speeches before the purported date of composition of the Commentariolum these are examples: rem ("property") -- Q. Roscius Comoedus, perhaps in 77, M. Tullius, not later than 66, A. Caecina, in 69; honestatem ("reputation", "position in the State")¹ -- M. Fonteius, perhaps in 69; salutem -- Q. Roscius Amerinus, in about 80, A. Cluentius Habitus, in 66; fortunas omnis -- if pecuniary, perhaps A. Caecina, in 69, but, if personal safety, those referred to under salutem.

NOTES TO CHAPTER THIRTY EIGHT

¹

Hellegouarc'h discusses honestas on pp. 387-388.

CHAPTER THIRTY NINE

The contents of this chapter are a rhetorical *répê*. Although this per se is no evidence against authenticity, the distribution of hard fact and rhetorical padding in the Commentariolum does fit in with the hypothesis advanced passim in this Commentary that the true author was a student of rhetoric, who was writing a prosopopoeia; such a student would be limited in the facts he could put in by the results of his research. Thus at points the information supplied in the Commentariolum may be expected to be -- as it is in fact -- vague and imprecise. This whole chapter, for instance, gives the impression of being little more than padding. The author just manages to restrain himself from the *répê* of how to distinguish the true from the false friend..

et quoniam . . . praetermittendum non videtur; the author here has done two typical things: he has justified his distributio more or less explicitly, as if he were fending off criticism in advance; also, he has used transitional quoniam, of which he is fond.¹

perpetua illa . . . disputatio; either "formal [lit. "uninterrupted/running"] discourse" or "perpetual discussion", of which the second is probably right in the present context.² In other words, the author is here saying -- could

it be in a spirit of regret? -- that a discussion of how to distinguish a true from a false friend is not relevant. Had the author expatiated on this τόπος, his prosopopoeia would have been filled out without much effort on his part.

A secondary benefit of explaining that he did not intend to discuss this τόπος was that space is filled up by the actual disclaimer: this practice is quite in accordance with that of M. Cicero.³

There are parallels from before the Ciceronian Age for the problem of how to tell a true from a false friend:

amicus certus in re incerta cernitur (Ennius ap. Cic.
Amic. 64)

Stratipp. nihil agit qui diffidentem verbis solatur suis;
is est amicus, qui in re dubia iuvat, ubi
rest opus.
(Plautus Epid. 112-
-113)⁴

In the Ciceronian Age, too, the sentiment found expression, in Lucretius as well as Cicero:

quo magis in dubiis hominem spectare periculis
convenit adversisque in rebus noscere qui sit.
(Lucr. 3.55-56)

itaque verae amicitiae difficillime reperiuntur in eis,
qui in honoribus reque publica versantur. ubi enim istum
invenias, qui honorem amici [here "the advancement or
office of a friend"] anteponat suo?

(Cic. Amic. 64)

In Seneca the Younger there is more than one parallel passage:

ut se res habet, ab Epicuro versura facienda est: "ante",
inquit, "circumspiciendum est, cum quibus edas et bibas,
quam quid edas et bibas; nam sine amico visceratio leonis
ac lupi vita est." hoc non continget tibi [i.e. Lucilio],

nisi secesseris: alioquin habebis convivas, quos ex turba salutantium nomenclator digesserit. errat autem, qui amicum in atrio quaerit, in convivio probat. nullum habet maius malum occupatus homo et bonis suis obsessus, quam quod amicos sibi putat, quibus ipse non est, quod beneficia sua efficacia iudicat ad conciliandos amicos, cum quidam, quo plus debent, magis oderint; leve aes alienum debitorem facit, grave inimicum.

(Seneca Epp. 2.19.
10-11)

Similarly:

in pectore amicus, non in atrio quaeritur.

(Seneca Epp. 6.34.5)

quam ob rem Ἐπιχάρμειον illus teneto, nervos atque artus esse sapientiae non temere credere: the original of this quotation is preserved in amongst other places Cic.

Att. 1.19.8:

καὶ μὴ μένεις ἀμετρίῳ ἕρθε ταῦτα τῶν φερόντων.

The Latin version is not metrical, unless forced ruthlessly to fit some preconceived metrical schema.

Epicharmus was a comic poet of the Old Comedy, and a Pythagorean. Three months after his birth in Cos he moved with his parents to Sicily, where in Syracuse he apparently spent the major part of his life. The precise dates of his life are disputed; he apparently was producing plays in Syracuse shortly before the Persian Wars; he also seems to have lived either ninety or ninety seven years. ⁵ Quite early on some purported Epicharmeia were suspected by ⁶ ancient scholars, but the authenticity of the claimed Epicharmeion used by the author of the Commentariolum is of no consequence for this Commentary, as Kaibel claims that

NOTES TO CHAPTER THIRTY NINE

1

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2

The first meaning cannot be completely ruled out, despite illa, which usually has in it some tinge of "that well-known" (see Allen-Greenough section 297.b), in view of Cic. De Or. 2.16 where illa . . . longior . . . ac perpetua disputatio means "uninterrupted discourse".

3

E.g. praetereo illum nefarium conatum tuum [i.e. Catilinae to whom he was speaking in the Senate a few days before the consular elections of 64] et paene acerbum et luctuosum rei publicae diem, cum Cn. Pisone socio, ne quem alium nomen, caedem optimatum facere voluisti (Cic. Tog. Cand. ap. Asc. 92.11-14C). If Cicero had not "passed over" the nefarius conatus, could he have implanted more innuendoes in the Senators' minds?

4

The parallels from Ennius, Plautus and Euripides come from August Otto, Die Sprichwörter und sprichwörtlichen Redensarten der Römer gesammelt und erklärt (Leipzig: Teubner, 1890), s.v. amicus.

5

See Georg Kaibel, Comicorum Graecorum Fragmenta (Berlin: Weidmann, 1899), Vol. 1 Fasc. 1 (Doricensium comoedia Mimi Phylaces), in Poetarum Graecorum Fragmenta [under the control of] Ulrich von Wilamowitz-Moellendorf, pp. 88ff.. The account here given is based on Kaibel's.

6

Kaibel p. 133.

7

Kaibel p. 133.

8

Polyb. 18.40.4/18.23.4 (see F.W. Walbank, A Historical Commentary on Polybius, Vol. 1 [on] Books 1-6 [Oxford: Clarendon Press, 1957], ad loc. for the numeration); 31.13.14. In

classical authors regarded as genuine Epicharmeia what modern scholars might think spurious.⁷

This bon mot appears in literature between its composition and the purported date of the Commentariolum; it is to be found twice in Polybius, once with a pair of lines that may be to a certain extent adjacent.⁸

If the author were Q. Cicero, it would be quite understandable in him to quote this Epicharmeion; equally, a later writer of prosopopoia might be expected to quote the line, especially if he had access to Att. 1.19.8. Could the author have seen the Ad Atticum collection? If he were Q. Cicero, the question is irrelevant, as he need not consult an edition, but could simply ask his brother for a copy; also, Quintus seems to have been acquainted with the precepts of Epicharmus (see Cic. QF 3.1.23); if the author were a writer of prosopopoia, the answer will depend on the date at which the Ad Atticum collection was published.

The evidence for the date of publication of the Ad Atticum collection admits of more than one interpretation, so that controversy has inevitably sprung up around the subject. Jérôme Carcopino⁹ believes that the collection was published under Octavian, i.e. before 27 B.C., when C. Iulius Caesar Octavianus received the name Augustus; D.R. Shackleton Bailey¹⁰ believes that the collection was only released for public consumption in the reign of Nero. The present writer is not competent to decide which view is

right, but some examination of the evidence is possible here.

The terminus ante quem for the publication of the Ad Atticum collection is the reign of Nero, as Seneca the Younger in a letter to Lucilius (Seneca Epp. 97.4) refers to the first book of the Letters to Atticus quite directly: ipsa ponam verba Ciceronis, quia verba fidem excedit, epistularum ad Atticum I: "arcessivit ad se, promisit, intercessit . . ." -- this is a literal reproduction of Cic. Att. 1.16.

5. The dispute centres round whether Asconius knew the Letters to Atticus or not.¹¹ Carcopino believes that Asconius may well have known the Letters to Atticus; Shackleton Bailey does not.¹² While not competent to come to a final conclusion on the true date of publication, the present writer does find Shackleton Bailey's view more plausible: if Asconius did know of the Letters to Atticus, why did he not introduce them, or more precisely, the letter which we know as Att. 1.2, as evidence (even if only to dismiss it as solving nothing, as Carcopino¹³ thinks), when he was discussing whether or not Cicero did defend Catiline on a charge of extortion (see Asc. 85.10-87.12C)?

The result for the present purpose is that this passage of the Commentariolum will not help to determine when the work was really written: Q. Cicero had no need to consult the Letters to Atticus; a writer of prosopopoeia could have derived the original quotation either from some

source other than Cic. Att. 1.19.8, even if he wrote before the reign of Nero, and the Letters to Atticus had not been published then -- this assumes that Shackleton Bailey is right; if the Letters to Atticus had been published by the time at which the author wrote, Att. 1.19.8 could well have been his source.

In later literature -- that is, in literature later than the latest plausible date for the Commentariolum -- there is to the present writer's knowledge one passage where the Epicharmeion is quoted in part, namely Lucian Hermotimus 47: ΕΡΜ. δοκῶ γάρ μοι εὐρηκέναι οὐκ ἔχοντες ἐξήραμεν ἄν ... οὐκ ἔμεν ἔρω ἡλλά τινος ΤΩΝ ΣΟΦΩΝ [my capitals], τὸ

νήφε καὶ μεμνησο ἀπαιτεῖν.

By Lucian's time Epicharmus had attained the status of a σοφός.

There is no force in the argument that Q. Cicero would have kept the quotation in Greek, because first there is not enough of the corpus of his writings left to enable stylistic comparisons to be made, secondly, although the Commentariolum is put in the form of a letter, it is really a treatise, even if only an elementary one (for the meaning of commentariolum [CP 58] see section nine of the Introduction), and therefore the convention which is shown in M. Cicero's letters of keeping quotations from Greek in Greek does not apply; the convention in treatises was not

the same (Cic. Tusc. 1.15 gives a quotation from Epicharmus rendered into Latin, with the indication that this was normal procedure in serious works).

NOTES TO CHAPTER THIRTY NINE

1

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The first meaning cannot be completely ruled out, despite illa, which usually has in it some tinge of "that well-known" (see Allen-Greenough section 297.b), in view of Cic. De Or. 2.16 where illa . . . longior . . . ac perpetua disputatio means "uninterrupted discourse".

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E.g. praetereo illum nefarium conatum tuum [i.e. Catilinae to whom he was speaking in the Senate a few days before the consular elections of 64] et paene acerbum et luctuosum rei publicae diem, cum Cn. Pisone socio, ne quem alium nominem, caedem optimatum facere voluisti (Cic. Tog. Cand. ap. Asc. 92.11-14C). If Cicero had not "passed over" the nefarius conatus, could he have implanted more innuendoes in the Senators' minds?

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Polyb. 18.40.4/18.23.4 (see F.W. Walbank, A Historical Commentary on Polybius, Vol. 1 [on] Books 1-6 [Oxford: Clarendon Press, 1957], ad loc. for the numeration); 31.13.14. In

Polybius 31.13.14 there are quoted two more lines, which probably do not link on directly with the line which has been adapted in the Commentariolum; the first two lines are somewhat free iambic trimeters, but the last line -- that with which we are here concerned -- is a trochaic tetrameter catalectic.

9

This dating is vital to his whole book, and its theory that Cicero's correspondence shows Cicero in such a bad light that only his enemies -- to be precise Octavian -- would have published it.

10

Shackleton Bailey, unlike Carcopino, has no axe to grind on the date of publication of the Ad Atticum collection, so far as the present writer can see.

11

So Shackleton Bailey 1.63. Shackleton Bailey discusses the date of publication of the Ad Atticum collection in 1.59-73. He dismisses Carcopino's theory as "monstrously silly" (1.73 n. 4).

12

Carcopino 1.21-26; Shackleton Bailey 1.59-73.

13

Carcopino 1.22-23.

CHAPTER FORTY

et cum constitueris . . . cognoscito: constitueris
is in all probability future perfect, not perfect subjunctive, because of tum autem and because there is no indication that Marcus' task is finished. The network of amici must surely have been at least partially in existence prior to early 64: Cicero had won election as one of the praetors of 66, and had been the first candidate for praetor to acquire the necessary number of centuries for election as the voting progressed: the upper classes were probably, therefore, solidly behind him in 67 (Cic. Tog. Cand. ap. Asc. 85.21C: nescis [sc. Antoni] me praetorem primum esse factum . . . ?). If Cicero had not had some sort of network of amici in July of 65, presumably left over from the campaign for the praetorship in 67, would he have decided to stand in the consular elections of 64 a year before they were due to take place, i.e. in July, 65? Yet Cic. Att. 1.1.1 makes it indisputable that such was his intention then.

haec tria sunt: the author here shows his love of triads, but for once appositely, as his divisions are tenable, and not mere wanton expansion.

unum quos laesisti: as the following words show, this refers to those whom Cicero had opposed in the courts or there alienated either directly or viâ friends. We are

fortunately well supplied with speeches from M. Cicero's hand up to the early months of 64, namely the Pro Quinctio, the Pro Roscio Amerino, the Pro Roscio Comoedo (this may be disregarded, as it seems to have made no enemies of consequence), the Pro Caecina, the Pro Cluentio, the Pro Fonteio, the Pro Tullio, the In Caecilium Divinatio with which are closely linked the Verrines, and lastly the Pro Lege Manilia. For the discussion of whom Cicero hurt or alienated by the Pro Quinctio and by the Pro Roscio Amerino the present writer is much indebted to R.V. Desrosiers;¹ for the discussion of whom Cicero hurt or alienated by the Verrines the present writer owes a great debt to L.R. Taylor.² The opponent of Quinctius was a certain Naevius, who was supported by Q. Hortensius Hortalus, a leading advocate, who spoke on Naevius' behalf.³ The second main named threat to Quinctius was L. Marcius Philippus (cos. 91), while the third was the praetor Dolabella, whose homonym and relative was one of the consuls for the year -- 81. Cicero's general statement on the character of those opposing Quinctius, and thus to some extent Cicero himself with Quinctius, is this:

deinde habet adversarium P. Quinctius verbo Sex. Naevium, re vera huiusce aetatis homines disertissimos [sc. Hortensium e.g.], fortissimos [sc. fort. Philippum], florentissimos nostrae civitatis, qui communi studio summis opibus Sex. Naevium defendunt, si id est defendere, cupiditati alterius obtemperare quo is facilius quem velit iniquo iudicio opprimere possit.

(Cic. Quinct. 7)

Not words calculated to endear Cicero to any of the nobiles

mentioned above; in 81 no one flourished without Sulla's support -- or at least tacit approbation -- so that these men must in some sense be Sullani, whether of long-standing or of recent conversion. (The Metelli Cicero does not seem to have alienated; he had connections with them [Cic. Rosc. Am. 4; 149].)

In undertaking the case of Sextus Roscius of Ameria whom did Cicero alienate? Again he did not alienate the Metelli, the Scipiones or the Servilii, as these had been patroni of Cicero's client's father (Cic. Rosc. Am. 15). Certain nobles, whom Cicero does not name, were supporting Sulla's freedman Chrysogonus, and were trying to make Cicero's attack on Chrysogonus seem an attack on the Sullan regime as such. It is Desrosiers' opinion ⁴ that "the noble patroni of his family supported Sex. Roscius at his trial, but did so discreetly They seem to have supported Roscius through the younger members of their great households, under the leadership of the aged matron Caecilia." Cicero may have also alienated the influential M. Crassus, ⁵ but this cannot be proved.

In undertaking the prosecution of Verrès Cicero apparently alienated many men of importance, including probably P. Scipio Nasica (pr. about 93), Q. Hortensius Hortalus, who was the leader of the Roman Bar at that time, the Caecilii Metelli -- especially Quintus, Marcus and Lucius, which last had taken over the governorship of Sicily from

Verres --- and Q. Caecilius, whom Cicero had defeated roundly for the post of prosecutor (see the Divinatio in Caecilium; it must be admitted that the tone of the Divinatio is more ironic than outright offensive). Cicero may also have offended supporters of reform of the jury system, such as L. Aurelius Cotta, who in 70 as praetor carried a law under which the juries were distributed between the Senators, equites and tribuni aerarii (see Broughton, MRR ad. loc. for the ancient evidence). To such supporters of reform an obviously corrupt acquittal of Verres would have added further ammunition for their cause (Cic. II.1 Verr. 23). It is a reasonable deduction that Verres' non-acquittal had some connection with the result of the reform, insofar as even after reform the Senators retained some of their powers in the jury courts, even if they were balanced by equites, and also by another non-Senatorial group, the tribuni aerarii.

In any case it was inadvisable for an aspiring politician to prosecute more than a few people. At least Cicero had not alienated the Claudii Marcelli, as they were patrons of Sicily.

In the Pro Fonteio Cicero will apparently only have alienated M. Plaetorius M. f. Cestianus, who was quaesitor inter sicarios in 66, the year of Cicero's praetorship: Plaetorius was the prosecutor of Fonteius. (Cicero also made slighting remarks about the veracity of Gauls quā Gauls, but

in 64 this will not have had much electoral significance.)

In the Pro Cluentio Cicero probably alienated no one save the prosecutor, Oppianicus junior, and such of his relatives as supported the prosecution.

In the Pro Lege Manilia Cicero may well have alienated Catulus and Hortensius, who were opposed to the granting of such wide powers to Pompey, even though Cicero referred to them with respect.

Since amicus need not imply affection, the statement that these cases or at least some of them were undertaken pro amico is quite credible. Even the Verrines may well fit into this category, as amicus can be a polite synonym for cliens, and after Cicero's popular quaestorship in 75 at Lilybaeum the Sicilians were his clients. Cicero also undertook cases pro amicis before 64, which do not survive; these are for example the Pro Manilio (see the Commentary to chapter fifty one; the defence was in 65), the Pro Cornelio (65), the Pro Fundanio (the date may well be either 66-64 or 65-64) and the Pro Orchivio (the date may be the same as that of the Pro Fundanio).⁸

necessitudines; "ties of friendship" or "relationship", not "necessities". In the Ciceronian period necessitas was used to express necessity.

The remainder of this chapter is striking in nothing except perhaps its forced character; the advice is obvious and banal, which is no evidence against authenticity.

NOTES TO CHAPTER FORTY

1

R.V. Desrosiers, The Reputation and Political Influence of Lucius Cornelius Sulla in the Roman Republic (Chapel Hill, N. Carolina; Ph. D. dissertation submitted to the University of N. Carolina at Chapel Hill, 1969). This work is obtainable from University Microfilms, Ann Arbor, Michigan 48106, U.S.A., under order number 70-3225, either in the form of positive microfilm or as a Xerox copy.

2

L.R. Taylor, PP chapter five.

3

See Desrosiers pp. 21-22.

4

Desrosiers (pp. 33f.) discusses individual Metelli who supported Roscius. The quotation in the Commentary comes from his p. 22.

5

T.A. Dorey, "A Note on the Pro Roscio Amerino", Ciceroniana 2 (1960), 148.

6

P.A. Brunt, PCPhS 191/N.S. 11 (1965), 13-14.

7

Broughton, MRR ad 66, under Iudices Quaestionum.

8

On the date of both the Pro Fundanio and the Pro Orchivio see Mrs. Henderson p. 11; there was no Pro Gallio between 66 and 64 (Asc. 88.5C), as is shown in section six of the Introduction.

CHAPTER FORTY ONE

This chapter, though very short, contains many important concepts, so that a rather lengthy commentary is necessary.

quoniam . . .; the author once more shows his liking for transitional quoniam, not to mention his tendency to justify his distributio in advance.

quae in populari ratione versatur: "which is concerned with using the people politically" or "which is concerned with the seeking of popularity" or "power politics". A popularis is one who aims for power through working at least ostensibly on the side of the populus as a whole against the Senate, the paucorum factio. Some populares, as for example Caesar, were of exalted origin.

nomenclationem: "ability to call by name" or "calling by name". Not such a pointless remark as it might seem at first sight, as candidates, as well as other grantees, often employed a special slave called a nomenclator, whose function it was to pass up to the master the name of the client or other caller, so that he could be addressed by name. Thus it was noteworthy that such a great man as M. Crassus took the trouble to greet even the most humble by name -- and this probably without benefit of a nomenclator.¹

This need for a nomenclator was to purists a matter

of regret; despite this it was a common enough practice: haec [the use of a nomenclator] omnia ad rationem civitatis si derigas, recta sunt; sin propendere ad disciplinae praecepta velis, reperiantur pravissima [the present subjunctives in the second alternative make it clear that Cicero thought such such standards somewhat unrealistic] (Cic. Mur. 77). The remark has added point, when it is recalled that Cato, the butt here of Cicero's irony, himself used a nomenclator in his unsuccessful campaign of 63. Admittedly, Cicero also used a nomenclator, but this was not in a campaign, rather in his return from exile (Cic. Att. 4.1 [dated to 57]).

2

blanditiam: "obsequious attention". Hellegouarc'h well says: blanditia et blandiri se disent normalement de l'attitude d'un amant à l'égard de l'objet de son amour L'homme politique qui pratique la blanditia se conduit à l'égard de ceux qu'il sollicite comme un inférieur à l'égard d'un supérieur. Such an attitude was distasteful to the Roman grandes; even M. Cicero found such conduct repellent; adsentatio [which is often a part of blanditia], vitiorum adiutrix, procul amoveatur, quae non modo amico, sed ne libero quidem digna est (Cic. Amic. 89). Even so strong a word as colere was not out of place in speaking of blanditia.

3

4

adsiduitatem: Hellegouarc'h shows that adsiduitas, which here may be rendered "constant application" or some

such, was used of clients in relation to their patroni, as well as when candidates were seeking office. Thus once a year at least the boot was on the other foot: a man, however exalted, who wanted election, had to pay court to the humble people. The candidate was expected to humiliate himself and plead:

cedit [sc. populus] precibus;

sin [sc. honores] expetamus, non [sc. est nostrum] defatigari supplicando;

respondebis, credo [sc. Laterensis, an unsuccessful competitor of Plancius' for the aedileship, who was prosecuting Plancius] te splendore et vetustate familiae fretum non valde ambiendum putasse; semper se dicet [sc. populus Romanus] rogari voluisse, semper sibi supplicari.

(Cic. Planc. 9;11;12 [dated to 54])

Cicero even went so far as to call on the people tribe by tribe to submit himself and grovel on a friend's behalf, when he supported Plancius' candidature (Cic. Planc. 24).

benignitatem: "readiness to do good turns" or "kindliness".⁵ Benignitas, as Hellegouarc'h makes clear, was not confined to election time; thus D. Laelius Balbus showed benignitas when he presented gifts to certain Greeks to make them amenable to testifying against Flaccus (Cic. Flacc. 18).

rumorem: "being the object of public discussion". Without rumor the voters might forget who the candidate was and hence to vote for him (cf. Cic. Planc. 64-66).

speciem in re publica: the reading of the MSS is spem in re publica, which must mean something like "a

sanguine opinion of one's chances of success among the citizenry": the reader will probably agree that this -- the only possible meaning in the context -- imposes a strain on the Latin. Spem has, therefore, been emended to speciem, giving the meaning "a favourable public image" or "being before the voters' eyes" or something similar. This emendation the OCT accepts, the Budé rejects, retaining spem. The present writer prefers speciem: there are two parallels at CP 18 and 52;⁷ speciem would refer to that condition in which Cicero found himself on his return from his quaestorship in Sicily, whereby no one had heard of his doings there (Cic. Planc. 64-66). It was essential to avoid such a fate in the consular elections.

NOTES TO CHAPTER FORTY ONE

- 1
Plut. Crass. 3.3: ἤρκετο δὲ καὶ τὸ περὶ τὰς δεξιῶν
καὶ προσαγορεύσεις φίλων αὐτοῦ [sc.]
καὶ δημοτῶν. οὐδενὶ γὰρ οὕτως ἀπήντησε Ῥωμαίων
ἡ δόξα καὶ ταπεινῶ. Κράσος δὲ ἀετιάζομενον οὐκ ἔτι
προσηγόρευεν ἔξ ὀνόματος. It is the present writer's
contention that this implies that Crassus did not use a
nomenclator.
- 2
Hellegouarc'h pp. 213-214.
- 3
Hellegouarc'h p. 214.
- 4
Hellegouarc'h p. 163 with p. 214.
- 5
Hellegouarc'h calls benignitas «la propension à faire des
dons et des cadeaux» (p. 218). The concrete beneficia occ-
asioned by the benignitas of the benignus were often pres-
ents of money or banquets, as CP 44 makes plain; in the
Commentary to that chapter the technicalities of electoral
law on beneficia are discussed.
- 6
Hellegouarc'h p. 218.
- 7
See Hendrickson, U. Chic. p. 24.

CHAPTER FORTY TWO

The content of this chapter may seem cynical -- especially deinde id quod natura to the end of the chapter -- but this view is probably anachronistic: the Roman approach to political contests was quite flexible, if Cicero is any guide on the Roman view of moral compromise in politics (Mur. 63).

auge ut cottidie melius fiat: the author has not supplied us with either the object of auge or the subject of fiat. It is most likely that the same noun or phrase was intended to be understood in both cases: one can reasonably supply operam/opera or quod facis.

In suggesting that Marcus should be a good simulator the author may have had in mind Cic. Att. 1.2 with its statement that Cicero was thinking of defending Catiline on a charge of extortion, a charge of which very shortly before (Cic. Att. 1.1.1 with Shackleton Bailey's dating of this and Att. 1.2) Cicero himself stated that he thought Catiline guilty. (Both Att. 1.1 and 1.2 are dated to July, 65.)

CHAPTER FORTY THREE

Amazingly the author foregoes a chance to expatiate on the obvious in this chapter, but with reason; as he himself says, verbum ipsum [sc. adsiduitas] docet quae res sit.

prodest quidem . . .: certainly, as Cicero himself says (Planc. 64-65). Yet there could be excess; ista nostra [of us candidates and politicians] adsiduitas, Servi [Servius Sulpicius, a competitor with Murena for the consulate of 62, is being addressed], nescis quantum interdum adferat hominibus fastidi, quantum satietatis (Cic. Mur. 21).

adsidue petere . . . diligenter rogatum: candidates may not dare to leave this out, but from personal experience the present writer can declare that adsidue petere has effects more in the absence than in the performance. Perhaps the internal point is to produce a contrast with Antonius, who is derided for just this earlier in the Commentariolum (chapter twenty eight).

CHAPTER FORTY FOUR

benignitas autem late patet: "readiness to do good turns" or "kindness/generosity has a broad field, however, for its activity." As mentioned above, if one had benignitas, one was expected to show it in very concrete ways, such as in gifts of money or by inviting people for a meal. There was a very fine line between legitimate services to the electors and ambitus, to show which two key passages are quoted:

"at spectacula sunt tributim data et ad prandium volgo vocati."¹ etsi hoc factum a Murena omnino, iudices, non est, ab eius amicis autem more et modo factum est, tamen admonitus re ipsa recordor quantum hae conquestiones in senatu habitae punctorum ["votes"] nobis . . . detraxerint. quod enim tempus fuit aut nostra aut patrum nostrorum memoria quo haec sive ambitio sive liberalitas non fuerit ut locus et in circo et in foro daretur amicis² et tribulibus? haec homines tenuiores praemia commodaque a suis tribulibus vetere instituto adsequebantur *

(Cic. Mur. 72)

semper fuerunt viri boni qui apud tribulis suos gratiosi esse vellent; neque vero tam durus in plebem noster [i.e. senatorius]³ ordo fuit ut eam coli nostra modica⁴ liberalitate noluerit, neque hoc liberis nostris interdendum est, ne observent tribulis suos, ne diligant, ne conficere⁵ necessariis suis suam tribum possint, ne par ab eis munus in sua petitione respectent. . . . decuriatio tribulium, discriptio populi, suffragia largitione devincta severitatem senatus et bonorum omnium vim ac dolorem excitarent.

(Cic. Planc. 45)

Cicero also gives a precise definition of what the limits were to giving banquets: [sc. senatus] num locum ad spect-

andum dare aut <ad> prandium invitare [sc. crimen putat]?

"minime, sed volgo, passim ." ^{6 7} quid est "volgo"? "universos"

(Cic. Mur. 73).

est in re familiari, quae tamen ad multitudinem per-
venire non potest: there are two reasons for this, first,
that the author had probably read the Pro Plancio passage
quoted above, where Cicero implies that the average candid-
ate had only modica liberalitas -- that is, that his funds
were not unlimited, and secondly, that it was illegal for
one's liberalitas to extend volgo (Cic. Mur. 73). The three
passages quoted immediately above make it plain that douc-
eurs distributed outside the tribe were illegal; hence this
passage in the Commentariolum: est in CONVIVIIS, quae fac ut
et abs te et AB AMICIS TUIS concelebrentur ET PASSIM ET TRIB-
UTIM [my capitals].

curaque ut aditus . . . sed etiam vultu ac fronte,
quae est animi ianua: aditus diurni refers to salutatio, for
a discussion of which see the Commentary to chapter thirty
five; animi ianua, which seems to be a quotation of some sort,
as it is so striking, is apparently not paralleled before the
purported date of the Commentariolum, or even its terminus
ante quem, assuming that the true author was a writer of
prosopopoiia: apart from the present passage, which is the
⁸
first listed by TLL, the next and only other even remote
parallel from a reasonably early author is from Apuleius
(Apol. 7).

homines enim non modo promitti sibi . . . sed etiam
large atque honorifice promitti volunt: the author here, who-
ever he may be, shows a sound grasp of electoral psychology.
The whole sentence may be thus rendered: "For men do not
wish merely to receive promises -- they will think 'after
all, it is a candidate we are asking' -- but to receive
promises given in an expansive way that does them honour."

NOTES TO CHAPTER FORTY FOUR

1

This is not the punctuation of the OCT, which omits the inverted commas; inverted commas have been used here, as they seem to make the passage clearer by showing that at . . . vocati is spoken by an imaginary objector.

2

Meant both literally, and also as a polite equivalent of clientibus.

3

This is the view of H.A. Holden, M. Tulli Ciceronis pro Gnaeo Plancio oratio ad iudices (3rd. ed.; Cambridge, England: Cambridge University Press, 1891), ad loc..

4

According to Holden ad loc. Cicero is here picturing himself as a "typical candidate".

5

Conficere is also used thus -- meaning to "carry" -- in CP 18.

6

Some editors omit passim as a gloss.

7

The OCT has no inverted commas in this passage, but they add clarity in the present writer's opinion.

8

TLL s.v. ianua B.2 (Vol. 7 Fasc. 1 column 137 lines 21-37).

CHAPTER FORTY FIVE

ut id aut iucunde <neges aut etiam non> neges: something is wrong with the MSS' reading here, and Watt's supplement, which, as he says in his apparatus criticus, is based on the supplements of Tyrrell and of Constans, seems a perfectly satisfactory way of bringing sense into the passage. Yet, as the text as read in the OCT is only conjectural, no great reliance may be placed on it as a basis for deductions: there may, after all, be a more serious error in the MSS, such as a longer lacuna.

belle: Hendrickson has made use of this occurrence of belle in connection with a part of nego, which same occurrence can be also found in Publilius Syrus, a writer later than the purported date of the Commentariolum, as evidence that the Commentariolum is not authentic.¹

Belle is common in Cicero's Letters, and also in Seneca the Elder's Controversiae and Suasoriae.² Were belle not so common in M. Cicero's Letters, some support for the theory of authorship put forward throughout this Commentary might be thought to lie in the great frequency of use of belle by the Elder Seneca, if one admits that the Commentariolum is not authentic aside from consideration of this passage; since, however, M. Cicero too in the genre which is probably nearest to that into which the Commentariolum

aims to fit shows such a fondness for belle, and since Plautus makes quite a heavy use of the word, the safest deduction here must be that belle is no evidence, even if combined with a part of negare, against the authenticity of the Commentariolum, nor for the true date of composition has it any great value, if one admits for other reasons that the Commentariolum is not authentic.

ut ostendas necessitudinem, . . . aliis te id rebus exsarturum esse persuadeas: there are three points of interest here, first, the Ciceronian regularity and order, especially the most Ciceronian emphasis given to aliis by sandwiching te id between the word to be emphasised -- aliis -- and the word with which that word fits -- rebus, secondly, necessitudo means "the tie of friendship", not "constraint" or "necessity" (for which the Ciceronian word is necessitas), and, thirdly, the most vivid word exsarcio, which here appears in the future participle, is not derived from any MSS, but is an emendation of the readings exacturum/exaucturum.³ It is quite possible that the vivid image of patching up the discontent caused by denying someone's request is not the author's, but a result of excessive kindness on the part of the proposer of the emendation.

NOTES TO CHAPTER FORTY FIVE

1

See n. 21 to section seven of the Introduction.

2

The following table is taken from TLL s.v. bellus; adv. belle;

<u>Plautus</u>	7
Cicero (rhetorical works)	3
----- (orations)	2
----- (philosophy)	2
----- (letters)	28
Q. Cicero [= CP 45]	1
Catullus	1
Publilius Syrus	1
Lucretius	1
<u>Bell. Hisp.</u>	1
Horace	1
Vitruvius	1
Seneca the Elder (<u>Suasoriae</u> and <u>Controversiae</u>)	21
----- Younger	2
Persius	1
Petronius	4
Martial	20
Quintilian (<u>Inst. Or.</u>)	3
Apuleius	1

TLL then continues: "rarum etiam apud posteros, deest in Vulg.."

3

By Lambinus, according to the OCT apparatus criticus.

CHAPTER FORTY SIX

What is the purpose of this chapter for the whole? It seems simplest to believe, if the author was a writer of prosopopoiia, that the author has put in a "filler" chapter to make his parallel of C. Cotta, who is introduced in CP 47, seem more substantial. If the author was in fact a writer of prosopopoiia, this explanation will account for the suspiciously vague quendam in audivi hoc dicere quendam de quibusdam oratoribus; the author will on this hypothesis have had no specific name in mind, as he will have been unable to find a suitable one; if the author of the Commentariolum was Q. Cicero, the quendam will be accounted for by this: in quite a closely knit society such as that of the important men of late Republican Rome it was probably unwise to be too specific in one's naming of names, even in a document which was apparently not destined for publication. Admittedly, the author had been very specific in naming names about Antonius and Catiline, but not about other prominent politicians. A similar reason would explain the vagueness of quibusdam.

subdurum; this weakening prefixing of sub- is typical of the Letters of M. Cicero, and, in the view of Tyrrell-Purser,¹ is what one would expect because of the characteristics of the genre itself.

Platonico: there is no reason to suspect anachronism here. Although what is probably Cicero's most Platonic work, the De Republica, was written in the late fifties (no later than 51: tui Politici libri omnibus vigent [Caelius ap. Cic. Fam. 8.1.4 fin.]), as early as 60 Marcus, in writing to Quintus, called Plato ille . . . princeps ingeni et doctrinae (Cic. QF 1.1.29). In later years he made his support for Plato clear: ille Plato, quem ego vehementer auctorem sequor (Cic. Fam. 1.9.18 [a letter to Lentulus in December, 54]). Most striking of all, this: deus ille noster Plato (Cic. Att. 4.16.3 [either June or July, 54]).

adfuturum: Ciceronian and common in the sense of² "be present in court to help", almost "represent".

aequi: this use of aequus may come from the balancing of a scale. In the present context, aequi may be rendered as "not enemies" -- they may not be for Cicero, but they are at least not against him. placati aequire: "appeased and at least not your enemies".

NOTES TO CHAPTER FORTY SIX

1

Tyrrell-Purser 1.69.

2

TLL s.v. assum II: auxilio sum (Vol. 2 Fasc. 4 column 923
lines 30-65).

CHAPTER FORTY SEVEN

C. Cotta: this Cotta was the brother of M. Cotta, who was consul in 74, and of L. Cotta, who was consul in 65. C. Cotta was born about 120; he sought the tribunate probably without success,¹ although he was said to have held all the highest offices (Cic. Off. 2.59). He was a great friend of M. Livius Drusus, the tribune of 91 (Cic. De Or. 1.25). Even at about thirty he was considered a match not merely for his contemporaries in oratory, but also for orators of previous generations (Cic. De Or. 1.30). Not long after his unsuccessful attempt on the tribunate, he was exiled after being accused under the Lex Varia (this was a law passed in 90, whose aim seems to have been to take revenge on the supporters of Drusus).² He probably returned from exile in 82 (for his exile see Cic. De Or. 3.11 and Brut. 303-304 with Brut. 205; for the return see Cic. Brut. 311). He held the consulate in 75 with L. Octavius. In that year the Senate gave permission that the quaestors, who had been accustomed to sell the tithes of olive oil, wine and minor produce (fruges minutae) in Sicily -- presumably corruptly, -- could now sell these tithes in Rome. The consuls adjudged after consultation with legal experts that this sale in Rome was in conformity with the relevant lex provinciae -- here the Lex Hieronica (Cic. II.3 Verr. 58). As consul, Cotta

made a treaty with Hiempsal, King of Numidia, but apparently this was not done on the orders of the Roman people (Cic. 2 Leg. Agr. 58). Sallust puts into the mouth of Macer, a tribune of the plebs, the view that Cotta's restoration to the tribunes of the right to stand for further office was motivated by nothing more lofty than fear.³

Cotta's speech to the people as consul in 75 was designed to placate the populus, if Sallust's representation of it (Sall. Hist. 2.47M) is accurate.⁴ He passed several other laws in his consulate, which Asconius considered were probably of little note: he claims that they were mentioned in none of the standard histories or accounts (Asc. 66.16-67.1C).

Directly after his consulate Cotta left for a pro-consular post in Gaul (perhaps Cisalpine)⁵ nullo certo hoste, as Cicero says (Pis. 62), and became much enamoured of a triumph, which he was in fact decreed, but which he never celebrated; he died from an old battle wound, which suddenly opened up very shortly before the scheduled date of the triumph (Cic. Pis. 62 with Asc. ad loc. [i.e. 14.19-24C]).

There seems to be no specific evidence whatever, the passage in the Commentariolum excepted, that Cotta practised the type of deception mentioned in this chapter of the Commentariolum; this is no evidence against the truth of information here imparted. Even Cotta's being associated

with some very exalted company in Cicero's De Oratore does not necessarily exclude the possibility that he was electorally less than a paragon. The present writer, then, thinks it best to accept the Commentariolum's information here.

in ambitione artifex: most probably true, as Cotta had held all the highest offices, except the tribunate (on which see above). At any rate Cotta had survived in positions of some prominence a period which was troubled and unsafe.

Cotta also had a remarkable reputation as an orator, as was mentioned above; thus he was used by Cicero as the representative of the Academics in the De Natura Deorum of Cicero, and was made to refute the position of the Stoics (Cic. Div. 1.8). Despite his fame as an orator, according to Cicero he lacked fire somewhat (Cic. ND 2.1; 47; De Or. 1.229; 2.98; Brut. 202; 203; 317-318).

apud quos optime poni arbitraretur: "with whom he thought it was being best invested". Poni is a metaphor from finance; the same metaphor (bene se ponere) was used at CP 26.

domum compleri: the visible quantity of supporters that a candidate had was considered important, both at the salutatio, to which domum compleri most probably refers, and at the deductio. The presence of large numbers of people in one's house was called frequentia.

in manibus: the meaning here is problematical. A

translation is given with the phrase in manibus left untranslated, so that the context can be determined. Ideo se nemini negare . . . irascatur is cui mendacium dixeris: "his reason for refusing no one was that some reason often came up why no use was made of an offer, and frequently he had more available time than he thought he would; nor could the house of a man who merely took on what he was sure that he could meet ever be filled. Chance sometimes makes things you had not expected happen, and things you thought were * * * not happen for some reason; then, it is highly unlikely that the man you have lied to will be angry with you." In manibus ought from the context to mean something which is a contrast with ea quae non putaris [sc. futura], i.e. the phrase illa quae credideris in manibus esse ought to mean something like "what you thought you would have to do". If one returns from the requirements of the context to the Latin itself, the problem becomes apparent; there is no parallel of which the present writer is aware for a meaning of in manibus such as "coming up" or "among pending business". This sort of meaning for the phrase is quite close to the literal one, "in the hands", and also satisfies the requirements of the context, even if it is unparalleled. The closest meaning which is paralleled is "within your abilities", which to the present writer's mind is not satisfactory; what is the contrast between ea quae non putaris [sc. futura] and "what you thought were within your abilities"?⁷ "Among pending busin-

ess" or something similar is what the context requires, and paralleled or not in manibus will have to bear this meaning.

NOTES TO CHAPTER FORTY SEVEN

1

Cic. De Or. 3.11 says that Cotta was depulsus per invidiam tribunatu, which prima facie ought to mean that Cotta had held the tribunate at least for a short time; in fact, the prima facie meaning is wrong (so A.S. Wilkins, M. Tulli Ciceronis de Oratore libri tres [Oxford: Clarendon Press, 1892], ad loc.). Thus Broughton (MRR s.v. C. Aurelius M. f. - n. Cotta) does not list him as having held any tribunate, nor in his Supplement does he indicate that he has changed his mind. It would be ridiculous to claim that Broughton has missed Cic. De Or. 3.11. Thus depulsus must here mean "kept out of", NOT "removed from".

2

So Botsford p. 400.

3

Sall. Hist, 3.48.8M (Oratio Macri tr. pl.);

"nisi forte C. Cotta, ex factione media consul, aliter quam metu iura quaedam tribunis plebis restituit!"

The nature of the rights is shown by Asconius: (66.24-67.4C): [sc. nullius] alterius latae ab eo [i.e. C. Cotta] legis <est> mentio praeter eam quam in consulatu <tulit invita> nobilitate magno populi studio, ut eis <qui tr. pl.> fuissent alios quoque magistratus <capere> liceret; quod lex <a> dictatore L. Sulla paucis <ante annis> [in 82, according to Botsford p. 414] lata prohibebat. The OCT supplements have here been used.

4

Denied to be accurate by Enrica Malcovati, Oratorum Romanorum Fragmenta Liberae Rei Publicae (3rd. ed.; Turin: Paravia, 1953), Vol. 1 (Text) ad loc..

5

So Broughton, MRR ad 75.

6

Hellegouarc'h p. 162.

7

"Within your abilities" is paralleled in Vergil (see TLL s.v. manus [Vol. 8 Fasc. 3 column 351 lines 76ff]), but apparently not before.

CHAPTER FORTY EIGHT

This chapter is concerned with outlining the expediency of promising more than you can deliver. The same principle is involved in "over-booking", the common practice amongst transportation undertakings and hotels of agreeing to accomodate more people than the facilities can hold. In the long run more people apply for services than actually make use of the services they have requested.

quam omnis continuo domi: "than that everyone should be angry with you at your house immediately". In other words it is not advisable to cause a scene in front of all your salutatores or other callers by refusing a man outright.

CHAPTER FORTY NINE

ac ne videar aberrasse a distributione mea . . .

ad popularem famam pertinere: if, as the present writer believes, the true author of the Commentariolum was an advanced student of rhetoric writing a "passing out piece", this remark will be a footnote to the examiner, so to speak. If Q. Cicero wrote the work, it will be addressed to his brother. If there has been one thing which any reader who has reached this far in the Commentariolum will have noticed it is the love of distributio that the author shows passim. In view of the very few remains of the corpus of Q. Cicero, this love of distributio is no evidence against authenticity (see sections three and nine of the Introduction).

etsi inest aliquid ex illo genere . . . teneantur:

"even if some part of the present section is concerned with the subject matter of the previous sub-division [i.e. how to win friends of every sort (cf. CP 18)] -- I mean answering in a kindly way, taking enthusiastic care of the affairs of our friends and of the dangers that threaten them, nevertheless <in fact> my discussion is concerned with the means by which you may be able to win over the masses [and hence with popularis ratio, which is the purported subject matter of this subdivision of the section on amicitia], and thereby fill your house before daybreak [it seems best to take de

nocte as meaning at the early hour at which salutatores came to call], to get the many on your side by the hope of your help."

CHAPTER FIFTY

The author with this chapter starts his recapitulation of the two parts of his announced task which now lie completed, namely "novus sum", and "consulatum peto" of chapter two. This recapitulation ends at the end of chapter fifty three. "Roma est" runs from the beginning of chapter fifty four to the end of chapter fifty seven.

It should be noted that it is in these four chapters that the author is at his most trenchant, and at his least discursive; it would not be unjustifiable to say that the entire real gist of the Commentariolum from the middle of chapter two to the end of chapter forty nine is contained in these chapters. The body of the Commentariolum is mostly supporting material for the position advanced in these four chapters, supporting material which is, however, necessary, whatever one may think of the execution of the task by the author.

dicendi laus: the main prop of Cicero's petitio against his novitas (cf. CP 2).

studia publicanorum et equestris ordinis: as has been mentioned, Cicero, particularly in his later life, was a tireless defender of private property (witness e.g. his suppression of the Catilinarian Conspiracy of 63), so that this support was only to be expected; in any case Cicero

was himself originally an eques.¹ Once Cicero referred to the publicani thus: flos enim equitum Romanorum, ornamentum civitatis, firmamentum reipublicae publicanorum ordine continetur (Cic. Planc. 23 [54 B.C.]). The equites were often possessed of ready cash, while some Senators' wealth was tied up in land: thus the liquidity of the Senatorial class, which took part in politics, while the equites did not so much, was sometimes so low that they were reduced to borrowing at any rate. Thus the rate of interest on --- presumably --- short term loans just before the elections of 54 B.C. doubled, from 4% p.a. to 8% p.a. (Cic. QF 2.15.4 [Watt's numeration in OCT]; cf. Cic. Att. 4.15.7).

adulescentulorum frequentia: the age of an adulescentulus is roughly that of a University student today. There is no way of knowing what class these adulescentuli would be.

eorum qui abs te defensi sunt adsiduitas: advocates were not allowed to receive gifts or payment under the Lex Cincia of 209, and the law-abiding advocate obtained his return either in the form of "loans" or bequests, or by
2
receiving electoral help. The receiving of electoral assistance has been mentioned elsewhere in the Commentariolum.

ex-municipiis: it has become plain that the municipia were important in centuriate elections, and hence in consular elections (cf. especially CP 30-31). Those munic-

ipales rich enough to take the necessary time off to travel into Rome for the election of the consuls were just the sort of people who under the centuriate system had great influence, i.e. they would probably vote in the first or at the worst in the second class. Thus the plebs urbana was not as important as some of Cicero's speeches might tend to indicate, for example the second and third speeches De Lege Agraria of 63. As an indication of the importance which some municipales attached to voting in consular elections, at least in 50 B.C. some municipales came all the way from Gaul to vote in the centuriate assembly ([Caes.] BG 8.50).

The reason that the municipales could come in to vote in the comitia centuriata, and hence plan the year in advance to allow time for the journey, was that in the Late Republic the date of the comitia centuriata was fixed for July each year, if the year was normal.³ The maximum notice of a meeting of the comitia tributa for some legislative decision was twenty four days.⁴

hominum nobilium voluntas: as has already been mentioned under chapter forty, Cicero had succeeded in alienating quite some few nobiles by the time of the election of 64, including the influential Metelli, but nonetheless he had some noble support by the time of the election: ea res [the revelation by Fulvia of the Second Catilinarian Conspiracy, which is dated by Sallust to early June, 64]⁵ in primis studia hominum adcendit ad consulatum mandandum M.

Tullio Ciceroni. namque antea pleraque nobilitas invidia aestuabat, et quasi pollui consulatum credebant, si eum quamvis egregius homo novos adeptus foret. sed ubi periculum advenit, invidia atque superbia post fuere (Sall. Cat. 23.5-6).

populus: having mentioned all the important people at the beginning of the chapter, the author now is turning to the rest, whom he loosely calls the populus: there is thus here no intention to contrast the people as a whole with the plebs, the "common people". The phrase populus urbanus appears in Nepos (Cimon 2.1 [the Vitae were apparently published not later than 27 B.C.]).

NOTES TO CHAPTER FIFTY

- ¹ For the definition of eques see Appendix Four.
- ² Cf. CP 1-5; on "loans" see Boren, CJ 57 (1961), 18-19.
- ³ L.R. Taylor, RVA p. 104.
- ⁴ Botsford p. 259 and p. 260 with n. 1.
- ⁵ Probably wrongly (see E.G. Hardy, JRS 7 [1917], 166-172).

CHAPTER FIFTY ONE

urbanam illam multitudinem; this refers to the same people as populum did at the end of chapter fifty, i.e. the common people.

eorum studia qui contiones tenent; a contio was a public meeting, not a legislative assembly; ei qui contiones tenent will be the tribunes of the plebs, almost certainly.

in Pompeio ornando; by such speeches as the Pro Lege Manilia, which Cicero had delivered as praetor in 66. In any case Cicero had had ties with Pompey's family almost from early youth; as a tiro Cicero had served under Pompey's father, Cn. Pompeius Strabo, during the Social War (Cic. 12 Phil. 27).

Manili causa recipienda; either "by taking on Manilius' case", i.e. "by defending -- or agreeing to defend --
 1
 Manilius in court", or "by taking on Manilius' cause", i.e. "by supporting Manilius politically". As Cicero had done both by early 64, it seems best to understand both meanings here.

Cicero had supported Manilius' proposed Lex Manilia of 66, under which Pompey was to receive supreme command against Mithridates; this law was passed; in 65 Cicero defended Manilius on a charge of maiestas (see Broughton,

MRR on C. Manilius [?Crispus] under "Tribunes of the Plebs" for 66 for the evidence for both this trial and that of 66).² Manilius was convicted, despite Cicero's defence (Asc. 60C; Schol. Bob. 119S; Val. Max. 6.24). If both possible meanings are to be understood here, causa recipienda will not be mere elegant variation to permit a triad.

Cornelio defendendo: Cornelius was accused twice, once in 66, when the praetor in charge failed to appear for the trial, once when the trial was really held, in 65: it was at this latter trial that Cicero defended Cornelius. In both cases Cornelius was tried under the Sullan Lex Cornelia de Maiestate. Cornelius was easily acquitted (Asc. 59.15-19C; 60.9-15C [with supplements as in the OCT]; for the acquittal, Asc. 81.9C). The case is referred to in CP 19 (for a discussion of Cornelius see the Commentary to that chapter).

efficiendum etiam . . . quod petis pertinere: this is corroborated by M. Cicero himself, presumably correctly (quam [sc. dignitatem] ego, etsi libente illo [i.e. Pompeio], tamen absente illo . . . consecutus sum [Cic. 2 Leg. Agr. 49 (this speech was delivered after Cicero had entered his consulate, in 63)])).

NOTES TO CHAPTER FIFTY ONE

1

So Tyrrell-Purser ad loc...

2

Manili causa recipienda cannot refer to the earlier trial of 66, which was apparently for repetundae -- ἐῤῥῶνδῶν κλοπῇ in Plutarch's phrase (see Plut. Cic. 9.4-6) -- as Cicero was in that trial the praetor before whom Manilius was arraigned. Manilius seems to have absconded before the trial actually came on (so Tyrrell-Purser ad loc., but with no supporting evidence).

CHAPTER FIFTY TWO

si qua possit <ratio>ne: the MSS read si qu(a)e¹
poscit/possit ne, which is meaningless. In Watt's view,
the best correction up to the date of the appearance of his
article was that of Sternkopf, which produced si qua possit
re, which gives the required, or at least a reasonable, sense,
as well as being close to what the MSS actually hand down.
The present writer finds Watt's <ratio>ne superior for these
reasons: it gives just as good sense as does Sternkopf's re;
it, too, is not far from what the MSS in fact read -- contr-
acted ratione might be written rne -- hence palaeographically
acceptable; it makes the author use one of his favourite
words, ratio (cf. omni ratione [CP 4], eadem inservito rat-
ione [CP 40] and ratione aliqua [CP 57]). Although it can by
no means be proved beyond dispute that the author wrote
ratione, and hence no great weight should be put on its
appearance here, it should be accepted as the most probable
solution so far proposed.

competitoribus . . . infamia: from the evidence we
have it seems that M. Cicero had a clean record up to 64, so
that the suggestion here made is sound; Cicero's competitors
had not kept their records clean (cf. CP 8-10 especially).
If one regards the Commentariolum as a prosopopoeia, then
this suggestion will have occurred to the author as a result

of having read the In Toga Candida; if Q. Cicero wrote the Commentariolum, the In Toga Candida may have arisen from the suggestion here made.

Catiline and Antonius had entered into a corrupt coitio (see Asc. 83.6-12C). A coitio was a criminal offence in the Late Republic, and hence a serious charge to lay against one's rivals. Cf. qui . . . coitit, coierit, convenit, convenerit, quo quis iudicio publico condemnaretur . . . (ap. Cic. Cluent. 148): this gives the flavour of coitio. The best English rendering of coitio might be² "criminal conspiracy" or "criminal combination".

On scelus, libido, largitio and their specific application to Catiline and Antonius see the Commentary to chapters eight to ten.

NOTES TO CHAPTER FIFTY TWO

¹

CQ N.S. 8 (1958), 37.

²

On coitio see Hellegouarc'h pp. 91-95.

CHAPTER FIFTY THREE

ut spes rei publicae bona de te sit: this "snowballing" effect, that if voters think that a candidate has a reasonable chance of winning they will tend to vote for him, which in itself increases his chances, is quite well-known even today. The result of this tends to be that the number of serious candidates is lower than the total number of candidates, who entered the contest originally. This seems to have occurred quite often in consular elections; according to L.R. Taylor¹ there were quite often only three serious candidates for the consulate by the time that the actual election drew near, as for example in the elections for 94, 59 and 51 as well as for 63. This "snowballing" effect is a partial explanation of the commonness of coitio. It is, however, quite likely that the clause means that, if Cicero wins, he will be thought of as politically sound (bonus) -- and this expectation on the part of the res publica is what Cicero must work to obtain (spes here then means "expectation" on this interpretation).

nec tamen . . . res publica capessenda est: occasionally a programme was announced in advance. Pompey did this before his election to the post of consul in 70, by announcing in 71 that he intended to restore many of the

rights of the tribunes (App. BC 1.121).²

sed haec tibi sunt retinenda: . . . non alienum fut-
urum; the first two statements contained in this sentence
 are at the least doubtful, when it is remembered that they
 are supposed to refer to early 64. One could say that Cicero
 had defended the Senate's auctoritas -- certainly he had
 said so, but only in circumstances where the requirements
 of his case made such a move expedient, so that, although
 it would be unwise to reject simply for that reason the
 sincerity of Cicero in what he said, equally naïve and
 unconsidered acceptance is inadvisable.³ It must, however,
 be admitted that Cicero's attack on Sulla's freedman Chrys-
 ogonus in the Pro Roscio Amerino may be considered as an
 instance of support of the Senate's auctoritas.

Cicero also seems sincere in at least not wishing
 to alienate the equites as early as the Pro Roscio Amerino
 (see Rosc. Am. 140-141; Cicero is criticising the nobility
 for being unable to tolerate equestris splendor); he also
 supported the equites in their love of peace and safe navig-
 ation; this stance is implicit in Cicero's support for the
 Lex Gabinia of 67 (Cic. Leg. Man. 27). This was also the
 first occasion on which Cicero came out in public and
 unambiguous support for Pompey.⁴ The only decidedly popul-
 aris position that Cicero had taken up to 64 was in the
Pro Lege Manilia of 66. Cicero had also supported victims
 of injustice, such as the woman from Arretium, Quinctius,

Cluentius, Roscius from Ameria, and the Sicilian socii, so that he could reasonably be described as popularis duntaxat oratione in early 64.

In short, while it is impossible to disprove the statement that by early 64 M. Cicero had supported the optimates, the equestrians and even the multitudo (duntaxat oratione), it should be noted that the speeches and other works that most readily spring to mind as evidence that Cicero supported this or that group in the res publica -- the Pro Lege Manilia being excepted -- are all later than
 5
 the purported date of the Commentariolum.

NOTES TO CHAPTER FIFTY THREE

1

L.R. Taylor, PP p. 210 n. 97.

2

L.R. Taylor, PP p. 209 n. 83.

3

Cic. Rosc. Am. 135: non enim vereor, ne quis alienum me animum habuisse a causa nobilitatis existimet. For Cicero's at least claimed support of the Senatorial juries as against the reform wanted by populares see Cic. I Verr. 2;52.

4

He does refer to Pompey as clarissimus and fortissimus as early as 70, but these should perhaps be taken as mere courtesy titles (so L.R. Taylor, PP p. 104 on Cic. I Verr. 44-45; II.2 Verr. 102; II.5 Verr. 153). The notes on the Verrines in this chapter are derived from L.R. Taylor, PP chapter five.

5

A good indication of Cicero's support of the plebs or his support of the established order is his reaction to the Gracchi (this discussion is owed to Desrosiers chapter one). The only real indication of sympathy for the Gracchi that Cicero gives us is in the popularis series of speeches De Lege Agraria of the year of his consulate -- 63 -- where he still indicates not that the Gracchi had the interests of the State -- the populus Romanus -- at heart, but those of one fraction of it -- the plebs; duo Gracchi, qui de PLEBIS [my capitals] Romanae commodis plurimum cogitaverunt (Cic. 2 Leg. Agr. 10); against the Gracchi there are the following passages, whose tone of opposition ranges from extreme to quite mild, I Cat. 3-4; 29; 4 Cat. 4; Dom. 91; Brut. 103; 212; Off. 1.109; 2.43. Less definitely opposed are these, Mil. 72; Rep. 1.31; Leg. 3.26; Tusc. 4.51; Amic. 39.

The most obviously popularis stand that Cicero took, in the present writers view, was that in the speeches De Lege Agraria, on a proposal of the tribune Rullus, while Cicero's support for the established order is visible in the Laws, as well as in the Catilinarians. All these are later than the purported date of the Commentariolum; admittedly, the Pro Lege Manilia is before.

CHAPTER FIFTY FOUR

de duabus illis commentationibus matutinis: the imbalance in length between the first two parts of the Commentariolum, which are concerned with "novus sum" and "consulatum peto", and the third, which deals with what at first sight should have been a most fertile field for the exercise of rhetorical talent, requires explanation. After all, "novus sum" and "consulatum peto" combined stretch from chapter two (nominis novitatem . . .) to the end of chapter fifty three; "Roma est" only stretches from fifty four to the end of fifty seven.

There seem two plausible explanations: first, the author is very fond of the triad, not hesitating to expand matter which will not really support a tripartite division into a triad (see CP 34 on adsectatio, CP 39 and 40 on genera obtretractorum et adversariorum, CP 41 and 42 on the prerequisites for popularity). Although admittedly the possible ~~Topics~~ on "Roma est" are numerous, if the writer's "supervisor" had instructed him to avoid any commonplaces on "Roma est", but required, or suggested, that "Roma est" be treated in the exercise, the surprising abstinence from an obvious ~~Topic~~ by a rhetorical writer can be explained. The second explanation is that the author may have been hesitant about embarking on a general discussion of polit-

ical realities of an age far removed from his own in time: he may well have been reluctant from fear of committing¹ anachronisms.

civitas ex nationum conventu constituta: this may well be true. According to Tenney Frank,² by the time of Juvenal about 90% of the free plebeians in Rome were of libertine origin. Apparently even "during the first century B.C. the importations of captives and slaves continued, while the free-born citizens were being wasted . . . in wars."³ The author of the Commentariolum may here have in mind as well as the influx of non-Italians just described the granting of citizenship to all Italians living south of the Po, which took place in the aftermath of the Social War (90-89 B.C.): this will have resulted in a change of local origin of the important classes.

fabulam: "gossip". This use of fabula is classified under rumores vulgi et malevolorum sermo (raro in bonam . . . aut in neutram partem . . . accipiendam est) in TLL.⁴ This use of fabula to mean "gossip" is unparalleled before the purported date of the Commentariolum, although fabula with some qualifying word meaning "gossip" is paralleled.⁵ There is an excellent parallel to the use of fabula absolutely to mean "gossip" in a letter from Caelius to Cicero of 51: omnia enim sunt ibi [i.e. 'in Caelius' report to Cicero on events at Rome] senatusconsulta, edicta, fabulae, rumores (ap. Cic. Fam. 8.1.1).

This apparently unparalleled use of fabula is of no importance for authenticity: there may be a parallel instance in a work which is now lost; a single example of an unusual word in such a short work as the Commentariolum is no real evidence against its authenticity, especially as the purported author, Q. Cicero, has left behind such a small undisputed corpus that stylistic arguments are unsound (see section three of the Introduction). A reductio ad absurdum will most economically show up the fallacy of arguments from such points as this use of fabula; in the four short letters, which are undisputedly from the hand of Q. Cicero, there occurs a ~~ἔλαξ ἐξημέριον~~ dissaviabor: clearly the letter in which it occurs (Cic. Fam. 16.27) cannot be by Q. Cicero.

vitare offensionem; there is a parallel for this unsurprising piece of advice from an author which the composer of the Commentariolum may well have used: itaque sapiens numquam potentium iras provocabit, immo {nec} declinabit, non aliter quam in navigando procellam; nocituram potentiam vitat [sc. sapiens], hoc primum cavens, ne vitare videatur (Seneca Epp. 2.14.7; 2.14.8).

esse unum hominem accomodatum . . . varietatem; this rather amoral advice, which is in line with the advice not to announce a programme (CP 53), is another indication that the Commentariolum, if authentic, was not intended for immediate publication.

CHAPTER FIFTY FIVE

The author here seems to be running out of material: excelle dicendo has already been discussed under nominis novitas (CP 2); the virtual threat of prosecution of Marcus' rivals for ambitus has just been discussed under "consulatum peto" (CP 52); the turpitude of Marcus' rivals has received earlier treatment (CP 8ff.), also under nominis novitas.

CHAPTER FIFTY SIX

The first of the main points in this chapter, that one should not prosecute one's rivals in a campaign for office, is corroborated by M. Cicero (Mur. 43): nescio quo pacto semper hoc fit, . . . simul atque candidatus accusationem mediatri visus est, ut honorem desperasse videatur.¹

The parallelism of the two passages has been noted by those concerned with authenticity (see the discussion of passage [c] of the Pro Murena parallel passages in section seven of the Introduction).

That bribery was widespread at Rome is shown by the pattern and relative frequency of laws against electoral malpractice in the Republic.²

NOTES TO CHAPTER FIFTY SIX

1

Cicero is arguing that Murena's prosecutor, Servius Sulpicius, lost his chance of election as one of the consuls of 62 by stopping in the midst of his campaign to prosecute his opponents for bribery. Cicero's statement is thus not unmotivated by his client's interests, but it still seems reasonable enough for all that.

2

A list is here given of many of the laws on ambitus. The list comes from Botsford; the date -- B.C. in all cases -- appears in the left column, the law's name next, the status of the proposer, e.g. consul or tribune of the plebs ("c." means that a consul proposed it; "t." means that a tribune of the plebs proposed it), and last the place in Botsford where the law is discussed.

358	Poetalia de Ambitu	t.	pp. 296f.
159	Cornelia Fulvia de Ambitu	c.	p. 348
67	Acilia Calpurnia de Ambitu	c.	p. 431; cf. 436
66	Fabia de Numero Sectatorum	t.	p. 431 n. 6
63	Tullia Antonia de Ambitu	c.	pp. 436f.; cf. 449
55	Licinia de Sodalicis	c.	pp. 447f.
52	Pompeia de Ambitu	c.	pp. 448 and 454

CHAPTER FIFTY SEVEN

nostros . . . benivolos: the winning of and treatment of amici occupies much of the Commentariolum (amicitia is dealt with from chapter sixteen [amicorum studia . . .] to the end of chapter forty, when popularis ratio -- a scarcely unconnected subject -- takes over as main topic).

iudicium proponimus: perhaps "dangle the prospect of a trial in front of". The art of bribery was much specialised at Rome: first, even before the lodging of the money, there was the arrangement of terms and amounts, which was accomplished through interpretes (the word is so used at Cic. I Verr. 36).¹

sequestribus: sequester dicitur, apud quem plures eandem rem, de qua controversia est, deposuerunt (Dig. 50.16.110). This defines the legal sequester, but the word was extended to cover a man, who was given money for distribution as bribes. The connecting and unifying idea behind sequester thus appears to have been that those to whom the money or other tangible benefit was offered or for whom it was at issue were assured that the money or other tangible benefit really would be forthcoming, and would not have been spirited away when the bought service had been performed or the court judgement pronounced. The nearest modern equivalent of the sequester would be the "stakeholder":² this is a man who is

agreeable to both parties, who holds money which may only be released by agreement with both parties. A stakeholder would not be the equivalent of a sequester in the corrupt sense.

divisores; the men who actually distributed the money lodged with the sequester. In Cicero's usage divisor seems normally to mean one who performs the above-mentioned illegal service, although per se the word can have other, legal meanings.³ Divisores were probably specialised, insofar as each worked with a particular tribe: unum illud . . . repperiebam, fiscos compluris ["many baskets'] cum pecunia Siciliensi a quodam senatore ad equitem Romanum esse translatos; ex his quasi X fiscos ad senatorem illum relictos esse meorum comitiorum nomine ["under the account for my election": Cicero was running for the plebeian aedileship for 69 at the same time as he was undertaking the case against Verres. The money in the approximately ten baskets was to be applied to the account with bribery agents, which Verres or those acting for him had set up, and be used to ensure, if possible, that Cicero was not elected]; divisores omnium tribuum noctu ad istum [i.e. apud Verrem] vocatos (Cic. I Verr. 22).

ut largitio nulla fiat aut nihil valeat: a piety, nothing more. Cf. chapters fifty two to fifty three, and the Commentary thereon.

NOTES TO CHAPTER FIFTY SEVEN

1

This discussion of the technicalities of bribery is owed to Tyrrell-Purser ad loc..

2

I am indebted to my father, a practising solicitor in England, for the rendering of "stakeholder".

3

TLL s.v. divisor. For the illegal sense, see TLL s.v. divisor I.2.a (Vol. 5:1 Fasc. 7 column 1631 lines 54-66).

CHAPTER FIFTY EIGHT

non melius scire me quam te: a true enough statement, whoever wrote the Commentariolum. Quintus had held nothing more than the aedileship in 64, while Marcus had advanced as far as the praetorship. The first chapter is an instructive parallel:

. . . non ut aliquid ex his [sc. quae mihi veniebant in mentem dies ac noctes de petitione tua cogitanti] novi addisceres, sed ut ea quae in re dispersa atque infinita viderentur esse ratione et distributione sub uno aspectu ponerentur.

The author has kept his promise: he has been almost obsessed by the requirements of his distributio, and has shown ratio in fair measure, even if he has not managed to keep up the reader's interest in what he has to say. This may be due to the very rigidity of his distributio and his concern to be rational and ordered throughout.

tamen tu . . . omni ratione PERFECTUM [my capitals]: Ciceronian to the last, the author has worked in one of Cicero's favourite clausulae -- cretic + long + anceps.

This last remark in the Commentariolum may look to one who is convinced that the work is a prosopopoeia of the Early Principate suspiciously like a disarming of criticism in advance, a "footnote to the examiner", one might say, but there is no real reason why Q. Cicero should not have written this last sentence, if the Commentariolum is his.

APPENDIX ONE

Any reader of the Commentariolum will have been struck by the harping on distributio that pervades it. The present writer knows of no account of distributio in the Commentariolum which surpasses that of Hendrickson, AJPh 13 (1892), 202-203. This account is quoted here in full:

But of all the rhetorical machinery which it [i.e. the Commentariolum] displays, nothing is more tiresome or more characteristic of the pedantic school rhetoric than the wonderful fondness which the author betrays for the distributio (to use his own word). Indeed, a careful analysis of the work might almost convince one that it was nothing but an exercise in that subject. He begins by dividing the whole petitio into three subjects for Cicero's meditation: novus sum, consulatum peto, Roma est. Let us take for example the second member, consulatum peto. This is divided in [CP] 16 as follows: Petitio autem magistratus divisa est in duarum rationum diligentiam, quarum altera in amicorum studiis, altera in populari voluntate ponenda est. Of this double division, let us again take the second member, -- ratio popularis: ([CP] 41) Dicendum est de illa altera parte petitionis quae in populari ratione versatur. Ea desiderat nomenclationem, blanditiam, assiduitatem, benignitatem, rumorem, speciem [Hendrickson reads spem: the reasons for preferring speciem are given in the Commentary on CP 41] in republica. Each one of these six divisions is carried out in detail, with more or less subdivision (e.g. rumor, in [CP] 50 and 51: sed -- iam -- etiam -- postremo). That this minuteness of division and subdivision, which might be equally shown by other examples, is a part of the writer's conscious rhetorical devices, is clear from the following: ([CP] 49) ac ne videar aberrasse a distributione mea, qui haec in hac populari parte petitionis disputem, hoc sequor . . . That in so much division he sometimes runs short of material will not cause surprise, as for example in [CP] 40, where the rationes et genera obtrectorum et adversariorum -- who are divided into three classes! -- are to be met and won over, in the first class, by spes -- studium -- officium; in the

second class by beneficium -- spes -- studium, and in the third class -- eadem ratione qua superiores! But this is not all. These very resources by which the rationes obtrectatorum are to be met are identical with the means by which his devoted friends (quos devinctos tenes [Hendrickson reads tenet] -- [CP] 20) are to be further cultivated, viz. ([CP] 21) beneficio, spe, adiunctione animi ac voluntate (= studio).

The text as here reproduced is as Hendrickson wrote, except where indicated; all Latin passages have been underlined, although not all were in italics in Hendrickson's article.

1
APPENDIX TWO

The main difference between the comitia centuriata and the comitia tributa were, first, that in the comitia centuriata the order of voting was fixed, and, secondly, that the centuriate voting stopped when enough votes had been cast to elect holders to the number of posts at issue; the voting may well not have stopped at that point in the comitia tributa. Thus in the comitia centuriata those low on the order of voting, i.e. the poorer members of the populus Romanus, had little or no say in the choice of either praetors or consuls, both of whom were elected in the comitia centuriata. The point of cut-off varied according to the degree of unanimity of the upper echelons of the populus, i.e. of the first class, and to a lesser extent the second class.²

The fact that the voting order was fixed and that thus the wealthier members of society voted first, is probably a better explanation of the preponderance of the upper echelons than the fact that the centuries in the upper classes were probably weighted;³ certainly the lowest class, the proletarii, formed only a single centuria. This unimportance of the lower classes may explain why the choice of the centuria praerogativa, which was selected from a segment of the first class, was almost always followed.⁴ Admittedly,

the voting probably had to go down into the second class to
secure a majority.⁵

NOTES TO APPENDIX TWO

1

The conclusions of Ursula Hall, "Voting Procedure in Roman Assemblies", Historia 13 (1964), 267-306 (especially 278-290 on the comitia centuriata, and 275-278 and 290-297 on the comitia tributa and the differences between them) are here accepted.

2

Mrs. Hall regards the cessation of voting in electoral comitia centuriata after all the offices at issue as probable in view of the parallel practice in non-electoral comitia centuriata (p. 287 with p. 284). At what date simultaneous voting of all the tribes at electoral comitia tributa came in is uncertain, but Mrs. Hall believes it was probably in the Ciceronian period. Whether simultaneous voting by the tribes in the comitia tributa at elections did exist in 64 is thus uncertain, but the main point, that the comparable voting units in the comitia centuriata -- the centuries -- did not vote simultaneously at elections, remains. It might be added that within each class all the centuries voted simultaneously, even if the results from each century did not come in simultaneously.

3

"It is possible that the centuriae of class I of comitia centuriata had fewer members, and therefore these had more weight, than centuriae of lower classes . . . ; it is certainly the case that the proletarii formed only a single centuria (Cic. Rep. 2.40: in una centuria tum quidem plures censebantur quam paene in prima classe tota probably refers to the proletarii, though the passage as a whole does not tell against there ["their" in Historia text] being other inequalities in size of the centuriae in different classes, and it brings out the further opportunity for political influence which lay in the taking of votes by classes, starting with the wealthiest voters." (Mrs. Hall p. 269 with n. 7 incorporated)

4

So L.R. Taylor, PP p. 56 with n. 40, where she lists some exceptions, but these all come from long before 64 B.C.. Cf. the HS 10 million bribe, which was offered to whichever centuria would be chosen as the praerogativa, before that selection had even been performed, in the elections of 54 B.C. (Cic. QF 2.14.4 [2.15.4 according to Watt's numer-

ation])). The reference to the bribe is owed to L.R. Taylor,
PP p. 56 with n. 40.

⁵
L.R. Taylor, RVA p. 84, with pp. 97-98.

APPENDIX THREE

This appendix consists of a list of possible novi homines praetorii, i.e. men whose ancestors had not held public office, and hence had not held a seat in the Senate, but who themselves had held public office, and hence a seat in the Senate; in addition, the two known novi homines consulares from 100 to 64 B.C. are given. The definition of novus homo praetorius and the two novi homines consulares come from Gelzer.¹ It is not claimed that the list of novi homines praetorii is exhaustive.

- 94. C. Sentius
- 90. C. Cassius
- 88. Q. Ancharius
- 83. P. Burrienus
- Q. Sertorius
- 82. C. Carrinas
- ?Minatus Magius
- 81. L. Fufidius
- 76. M. Iuncus
- 75. M. Caesius
- 73. Q. Arrius
- L. Cossinius
- P. Varinius
- 70. C. ?Antistius Vetus
- 68. Bellinus
- Sextilius
- 66. M. Caesonius
- C. Orc(h)ivius
- 65. P. Orbius
- 64. M. Petreius

According to Gelzer, only two novi homines achieved the consulate from 100 to 64 B.C.:

- 98. T. Didius
- 94. C. Coelius Caldus (cf. CP 11)

Gelzer does not believe that the novitas of L. Gellius Pop-
licola is certain.²

Although this list is not exhaustive, it does show
that there were far more novi homines praetorii than novi
homines consulares from 100 to 64 B.C..

NOTES TO APPENDIX THREE

1

Gelzer pp. 50-52 shows that there were very few novi homines consulares; see under CP 13 for Gelzer's definition of novi homines praetorii. A question mark before a name indicates that that part of the nomenclature is not certain. The forms of the names come from Broughton, MRR s.vv.

2

Gelzer p. 50 n. 447.

APPENDIX FOUR

The author apparently considers that in 64 the centuriae equitum, i.e. those with the equus publicus,¹ were not the only equites. This appendix seeks not so much to answer the question of whether the author's view is or is not correct in some final way as to indicate where further discussion may be found, after a tentative suggestion of where current interpretations may be at fault.

Until the appearance of Nicolet's book in 1966² it was customary to believe that any free-born Roman citizen worth HS 400 000 was entitled to call himself an eques, as far as the period around 64 B.C. is concerned.³ Nicolet rejects this hypothesis, maintaining instead that as well as a minimum census of HS 400 000 the would-be eques required the public horse, which alone in the last⁴ analysis conferred membership of the equester ordo. The problem of the correct definition of eques is very complex and the evidence cannot be examined here in toto, or indeed anything near in toto, but some possible weaknesses in current interpretations can be pointed out, and the opinions of various scholars given.

The work of four scholars is here taken into account in connection with the theories of Nicolet, two of

whom wrote after the appearance of Nicolet's book, namely Ernst Badian and T.P. Wiseman,⁵ and two of whom wrote before Nicolet's book appeared, namely Herbert Hill and Mrs. M.I. Henderson.⁶

The conventional view of the definition of the equester ordo is given by Hill: "There gradually formed a fairly homogeneous Middle Class which, by the time of Cicero, bore the title of equester ordo. The formation of this class cannot be said to have been complete until some more definite criterion for membership of it had been established. That criterion was, almost certainly, a minimum property requirement (census equester)."⁷

Mrs. Henderson pours scorn on the idea that the equites were limited to "1800 young men, whom he nowhere mentions in all his lists of his friends and admirers. Only a preconceived theory could support that interpretation."⁸ Badian, too, rejects Nicolet's definition of equites as far as the period after Sulla is concerned: "it seems . . . that Nicolet has done nothing to invalidate the common use of the term [sc. "equestrians"] in modern writers; his attempt to find an association between the men explicitly called "equites" and the public horse for this period is a complete failure (see [Nicolet's] pp. 189-192)."⁹ Wiseman also rejects Nicolet's definition as unproven,¹⁰ preferring to believe that both sides have overstated their cases, with which the present

writer agrees. There are four basic points which should be considered before coming to any decision on the correct definition of eques Romanus for the period at which the Commentariolum purports to have been written:

(1) Could at the most 2400 men have had the influence on Roman affairs during the Ciceronian period that the evidence leads us to believe that the equites had?¹¹

(2) If Nicolet is right, there would be some men who were worth more than HS 400 000, but who were not equites: how many would there have been of such men? Wiseman believes that there were not as many more men worth HS 400 000 than there were places in the centuriae equitum as is commonly thought.¹² Is this view convincing?

(3) On Nicolet's definition one of the functions of the censors was to differentiate between those worth HS 400 000 who were to be equites and those who were not to be equites: if the censorship fell into disuse, could the precise social distinction implied by Nicolet's definition survive? Wiseman produces evidence that in the eighties the distinction between equites equo publico and those worth HS 400 000 was breaking down (Wiseman does not admit that the only equites were those with the public horse). The present writer believes that one of the key passages concerned with the definition of eques in this period may be explained by the lack of censors in the eighties and seventies.¹³

(4) According to Appian (BC 1.103) Sulla had "destroyed" [in which is included banishment] 2600 of those called equites: *παράδοτον . . τὸ μὴ δοῦναι [sc. Σύλλαν] . . ἀνελόντα . . ἀπὸ . . τῶν καθορισμένων πτωχῶν δὲ χιλίους καὶ ἑξακοσίους σὺν τοῖς ἐφελημένοις*. Is this possible if there were only 2400 equites, if Nicolet's¹⁴ definition is accepted?

The four points may now be more closely examined where the present writer is competent to do so:

(1) The present writer is not competent to answer the question posed in point one.

(2) The evidence that Wiseman adduces is derived from chance information that happens to have survived to us: he cites Strabo's view that the census of A.D. 14 in Gades and Patavium produced an unusually large number of equites when 500 men each were recorded as having the equestrian property qualification;¹⁵ Augustus himself makes reference to the fact that in 7 B.C. there were in the whole province of Cyrene only 215 Roman citizens of all ages who were worth even HS 10 000 -- a mere fortieth of the equestrian census rating.¹⁶ Which of the two examples is the more typical of Italy in the Late Republic? The present writer does not know, but thinks that such evidence should be treated with great caution, as in the one case over seventy years separate the evidence from

the year to which that evidence is to be applied, and in the other over fifty years.

(3) There were no censors from 86 to 70; in 70 the censors performed their functions vigorously, dismissing sixty four Senators;¹⁷ although there were censors in 65, they achieved nothing, as did their successors in 64, the year in which the Commentariolum purports to be written.¹⁸ The two pieces of evidence that Wiseman adduces to show that the strict use of eques Romanus was breaking down by the eighties -- for argument's sake Nicolet is here assumed to be correct in his definition -- are Appian's phrase "those called knights"¹⁹ and a passage from Cicero (Cic. RoscCom 42 [the dating of this speech is controversial; the present writer believes that the date is probably 76]²⁰): [sc. Cluvius] quem tu [sc. Fannius, the prosecutor], si ex censu spectas, eques Romanus est. As Wiseman says, "if ex censu refers to the monetary qualification of 400,000 HS, rather than to the census equitum carried out by the censors, then it implies that money alone could make a man an eques."²¹ The present writer finds this point the most convincing of all, as there is no doubt of the key piece of evidence, namely that there were no censors between 86 and 70.²²

(4) It could be objected to the evidence of Appian that he has duplicated two different accounts of the numbers killed by Sulla or exiled from among those who

were called knights. Nicolet has an objection to this passage being used as evidence against his interpretation: he claims that *οἱ καλούμενοι ἵππεις* means "men who were equites and also those who were related to such equites." ²³

The present writer finds this view improbable, to say the least: what would be the force of *καλούμενοι* on this interpretation? Why could people who were somehow related lay claim to the title of equites? Why should all those who are related to an equus have the required census, even if it be not required by Nicolet that such persons had the public horse, as Nicolet cannot require, in view of his own opinion on the number of men in the centuriae equitum?

The result of this discussion is that it is in the view of the present writer "not proven" that Nicolet's definition of equus was in practical operation during the period with which readers of the Commentariolum are concerned. It would be presumptuous to claim that the definition has either been proved or disproved as far as the strict theory of the matter is concerned, but there is surely enough evidence in the lack of censors from 86 to 70, and then again from 70 until after the date at which the Commentariolum presents itself as being written, to make it unsound to disregard the evidence of the Commentariolum on the role of the equites, even

though it seems that Nicolet's definition is not that of
the author, if CP 33 is any guide.²⁴

NOTES TO APPENDIX FOUR

- 1
This is argued under CP 33.
- 2
Claude Nicolet, L'Ordre equestre a l'epoque republicaine (cited in full in n. 1 to chapter thirty three).
- 3
So e.g. Hill. See below for his definition. The work is cited in full in n. 6.
- 4
Nicolet passim, esp. pp. 167ff.
- 5
Ernst Badian, Roman Imperialism in the Late Republic (2nd. ed.; Ithaca, New York: Cornell University Press, 1968), "Introduction to the Second Edition"; T.P. Wiseman, "The Definition of Eques Romanus", Historia 19 (1970), 67-83.
- 6
Herbert Hill, The Roman Middle Class (Oxford: Basil Blackwell, 1952); M.I. Henderson, "The Establishment of the Equester Ordo", JRS 53 (1963), 61-72.
- 7
Hill p. 47.
- 8
Mrs. Henderson, JRS 53 (1963), 61-62.
- 9
Badian p. viii.
- 10
Wiseman passim, but especially pp. 76-80.
- 11
The number of equites equo publico, i.e. in the centuriae equitum, is discussed in n. 1 to chapter thirty three.
- 12
Wiseman p. 73 (his point ix), and pp. 76-78.

13

The key passage is Cic. Rosc. Com. 42; on the dating of the Pro Roscio Comoedo see n. 20. According to Broughton (MRR ad loc.) there were no censorships held from 86 to 70.

14

On the number of equites see n. 1 to chapter thirty three.

15

Strabo 3.169; 5.213. The equestrian property qualification at this time was probably HS 400 000, but this is not certain. See n. 16.

16

SEG 9.8 = Ehrenburg-Jones (2nd. ed.) no. 311 (The First Cyrene. Edict) lines 4-7: ἐπειδὴ τοὺς πάντας εὐδείκω

ῥωμάους ἐν τῇ πρεσβυτέρῃ || (5) ἔταξε χῆαι πέντε καὶ δέκα καὶ διακοσίους ἐκ πάσης ἡλικίας | διεχέλαιων καὶ πεντακοσίων δραχμῶν ἢ μᾶλλον [i.e. HS 10 000 or more] τίμησιν ἔχοντας |

....
The census equester for this period is generally thought to be HS 400 000, but the earliest evidence is apparently from Caesar's day -- and only then if one assumes that Suetonius is not glossing Caesar's words anachronistically: existimatur [sc. Caesar] etiam equestris census pollicitum singulis [sc. militibus]; quod accidit opinione falsa. nam cum adloquendo adhortandoque saepius digitum laevae manus ostentans adfirmaret se ad satisfaciendum omnibus, per quos dignitatem suam defensurus esset, anulum quoque aequo animo detracturum sibi, extrema contio, cui facilius erat videre contionantem quam audire, pro dicto accepit, quod visu suspicabatur; promissumque ius anulorum cum milibus quadringenis fama distulit.

(Suet. DJ 33)

17

Cn. Cornelius Cn. f. - n. Lentulus Clodianus (cos. 72) and L. Gellius L. f. L. n. Poplicola (cos. 72) were the censors (Broughton, MRR ad loc.). For their expulsion of 64 Senators see Liv. Epit. 98.

18

The inactivity of both pairs is attested by Dio 37.9.3-4. The censors were, in 65, Q. Lutatius Q. f. Q. n. Catulus (cos. 78) and M. Licinius P. f. M. n. Crassus Dives (cos. 70 and 55), the future triumvir; in 64 the censors were M. Aurelius M. f. - n. Cotta and an unknown colleague (Broughton, MRR ad loc.).

note is owed to J.H. Freese's edition of the Pro Roscio Comoedo (Cicero: The Speeches, ed. and trans. J.H. Freese [Cambridge, Massachusetts: Harvard University Press, 1930], in the Loeb Classical Library volume also containing the speeches Pro P. Quinctio, Pro Sex. Roscio Amerino and De Lege Agraria 1-3.)

21

Wiseman p. 74. Theoretically Wiseman is unjustified in his deduction from the evidence he adduces, as census can mean "the holding of the census" as well as "property qualification" or "wealth" (TLL s.v. census I: actio agendi; II: opes a censore censae vel generatim opes, divitiae, patrimonium . . .). On a practical basis, however, he could be justified in his interpretation: no one could say that the next censors would definitely deprive Cluvius of his public horse, and thus of his equestrian status -- here it is assumed for argument's sake that Nicolet's definition is right -- but if he had dropped below HS 400 000, he was quite definitely not entitled to call himself an eques. So on Nicolet's definition, si ex censu spectas implies "if you go by the views of the last set of censors, even if Cluvius may be unable to prove that he is now worth HS 400 000, still less that the next set of censors will let him keep his public horse, although no one can produce any proof that they will not"; on Hill's definition si ex censu spectas will imply "even if there has been no proof for the last ten years that Cluvius had the necessary property qualification". If, however, Wiseman is right, the phrase will imply: "In the absence of censors, even if Cluvius cannot officially prove that he is worth HS 400 000, equally no one has any justification for claiming that the public horse would have been taken away in 81 [when the censorship after that of 86 should have been held]: [i.e. (a) Cluvius has not had the public horse taken away, and possession is nine tenths of the law (b) Cluvius is in fact still worth HS 400 000 and since (c) his wealth is easier to estimate in the absence of a censura than is the removal or non-removal of the public horse Cluvius' wealth will have to suffice as evidence of his equestrian status]." This long note has been added in an attempt to clarify Wiseman's cryptic comment on his point xi, where he discusses this passage. Nicolet says, again without expanding his reasoning, (p. 56) «il [sc. Cluvius] a été compté comme chevalier romain dans le derner cens [in 86].»

22

Cf. n. 18.

23

Nicolet pp. 117ff.. Cf. Wiseman's point ix.

24

See my point two in the Commentary to CP 33.

SUFFIXES

- C This is appended to a reference to Q. Asconius Pedianus, and refers to the page and line reference in A.C. Clark's edition (Orationum Ciceronis Quinque Enarratio [Oxford: Clarendon Press, 1907]) in Oxford Classical Texts series.
- M This is appended to a reference to C. Sallustius Crispus' Historiae, and refers to the book and fragment number in Bertold Maurenbrecher's edition (Historiarum Reliquiae [Leipzig: Teubner, 1891]).
- S This is appended to a reference to the Scholia Bobiensia, and refers to the page of Thomas Stangl's edition (Ciceronis Orationum Scholiastae: Asconius, Scholia Bobiensia, Scholia PseudoAsconii Sangallensia, Scholia Cluniacensia et recentiora Ambrosiana ac Vaticana, Scholia Lugdunensia sive Gronoviana et eorum Excerpta Lugdunensia [Vienna: Hölder, Pichler, Tempsky, 1912]).

ABBREVIATIONS

The following works are cited by their author's name only after the first reference:

Balsdon, J.P.V.D. "The Commentariolum Petitionis". Classical Quarterly New Series 13 (1963), 242-250.

Henderson, M.I. "De Commentariolo Petitionis". Journal of Roman Studies 40 (1950), 8-21.

Nisbet, R.G.M. "The Commentariolum Petitionis: Some Arguments against Authenticity". Journal of Roman Studies 51 (1961), 84-87.

Tyrrell, R.Y., and L.C. Purser. The Correspondence of M. Tullius Cicero. 3rd. ed.; Dublin: Hodges, Figgis, 1904. Vol. 1.

The following abbreviations of standard works are used in the text without any full citation:

CIL 1².2 Corpus Inscriptionum Latinarum. Vol. 1 Part 2. Edited by Ernst Lomatzsch. 2nd. ed.; Berlin: G. Reimer, 1918.

Dessau ILS Inscriptiones Latinae Selectae. Edited by Hermann Dessau. Berlin: Weidmann, 1892-1916. 3 vols.

SEG 9 Supplementum Epigraphicum Graecum. Vol. 9. Edited by J.J.E. Hondius [with] G. Klaffenbach and others. Leiden: A.W. Sijthoff, 1944.

TLL Thesaurus Linguae Latinae. Edited [on the authority and with the collaboration of the] Universities of Berlin, Göttingen, Leipzig, Munich and Vienna. Leipzig: Teubner, 1900-.

The following abbreviations are used to refer to ancient texts:

[Caes.] BG 8 Bellum Gallicum, Book 8, continued from

Caesar.

Cic.	<u>Amic.</u>	<u>De Amicitia, sive Laelius.</u>
	<u>Caec.</u>	<u>Pro Caecina Oratio.</u>
	<u>Cluent.</u>	<u>Pro Cluentio Oratio.</u>
	<u>Leg.</u>	<u>De Lege Agraria Orationes, sive Contra Rullum.</u>
	<u>Agr.</u>	
	<u>Leg.</u>	<u>Pro Lege Manilia Oratio, sive De Imperio Cn.</u>
	<u>Man.</u>	<u>Pompei.</u>
	<u>Red.</u>	<u>Post Reditum in Senatu Oratio.</u>
	<u>Sen.</u>	
	<u>Senect.</u>	<u>De Senectute, sive Cato Maior.</u>
	<u>Sulla</u>	<u>Pro Sulla Oratio.</u>

Dio Dio Cassius.

Dion. Hal. RA Dionysius Halicarnassensis, Romanae Antiquitates.

A. Gellius NA Aulus Gellius, Noctes Atticae.

Pliny Epp. Pliny, Epistulae.

Pliny NH Pliny, Naturalis Historia.

Plut. Plutarch.

Seneca Epp. Seneca, Epistulae Morales ad Lucilium.

Suet. DJ Suetonius, Divus Iulius, sive Caesar.

Vell. Pat. Velleius Paterculus.

Apart from those listed above, authors and their works are either unabbreviated, or abbreviated in accordance with -- for Greek authors -- A Greek-English Lexicon, compiled by H.G. Liddell and others (9th. ed.; Oxford: Clarendon Press, 1940), "Authors and Works", or with -- for Latin authors -- A Latin Dictionary, [compiled by] C.T. Lewis and Charles Short (Oxford: Clarendon Press, 1879), "Abbreviations used in referring to Ancient Authors and their Works".

When the works of Cicero are cited, where there is

more than one speech of the same name, the number of the speech is put before its name. Thus, to refer to the second speech De Lege Agraria, this is used, "2 Leg. Agr.", with the section number following. In the Verrines, the actio and the speech number, if relevant, precede: to refer to the first actio of the Verrines, "I Verr." is used; to refer to the second actio, and, for example, the third speech, "II.3 Verr." is used.

In all cases where there are two numbering systems that employing the smaller unit has been used.

Journal titles have been abbreviated as in L'Année Philologique.

MAIN ANCIENT TEXTS AND EDITIONS

Apart from the text of the Commentariolum itself, the main ancient sources have been as follows, with the editions used:

Asconius Pedianus, Q. Orationum Ciceronis Quinque Enarratio. Edited by A.C. Clark. Oxford: Clarendon Press, 1907. See also P.A. Brunt, "Three Passages from Asconius", CQ N.S. 7 (1957), 193-195: his conclusions on the text of Asconius are accepted.

Cicero, M. Tullius. Orationes. 6 vols. (Vol. 1: edited by A.C. Clark, 1905; Vol. 2: 2nd. ed.; edited by A.C. Clark, 1918; Vol. 3: 2nd. ed.; edited by W. Peterson, 1917; Vol. 4: edited by A.C. Clark, 1909; Vol. 5: edited by W. Peterson, 1911; Vol. 6: edited by A.C. Clark, 1911). Oxford: Clarendon Press.

----- . Epistulae ad Familiares. Edited by L.C. Purser. Oxford: Clarendon Press, 1952.

----- . Cicero's Letters to Atticus. Edited [with a translation, commentary and introductory essays] by D.R. Shackleton Bailey. 6 vols. Cambridge: University Press, 1965-1968.

----- . Epistulae ad Quintum Fratrem. Edited by W.S. Watt. Oxford: Clarendon Press, 1958.

Sallustius Crispus, C. Catilinae Coniuratio. Edited by Alphonsus Kurfess. 3rd. ed.; Leipzig: Teubner, 1957.

----- . Historiarum Reliquiae. Edited by Bertold Maurenbrecher. Leipzig: Teubner, 1893. Prolegomena to the Historiarum Reliquiae, 1891. Both the Prolegomena and the text appear bound as one.

The Commentariolum itself appears in Watt's edition of the Epistulae ad Quintum Fratrem; this text is that upon which I have commented. All texts listed here as published by the Clarendon Press in Oxford are in the Oxford Classical

Texts series.

Dio Cassius has been cited from the Loeb text (Dio's Roman History, tr. [from a modified version of Boissevain's text] Earnest [sic] Cary [London: Heinemann, 1914-1927], 9 vols.).

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