

The Civic Education of Cicero’s Ideal Orator

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Scarcely five years after the Roman people hailed him as “father of the fatherland” for his role in saving the Republic from a revolutionary plot, Cicero was banished from Rome. A violent and demagogic tribune, backed by a cabal of ruthless senators including Julius Caesar and Pompey the Great, had arranged for his removal. Though he would return the following year, Rome’s leading orator increasingly found himself politically hamstrung and the republican system plagued by dysfunction. Intent on remedying the ills of the Republic, Cicero took to writing philosophy.

He began, significantly enough, with *On the Ideal Orator (de Oratore)*, the first of three dialogues written over five years, all of which aimed to defend and encourage the teaching of republican values among the Roman nobility. All senators were orators capable of addressing the courts, the Senate, and popular meetings; through their speeches, they set policy, advocated justice, shaped public opinion, and won popular acclaim. Since the end of the second century BC, however, Rome’s republican consensus had faltered, and a number of powerful orators had used their education and natural abilities to stir unrest for their own political ends.

Cicero had noted this fact in the introduction to his youthful *de Inventione*, a rhetorical handbook. Despite the differences in style and content, the prologue of *de Inventione* adumbrates several themes that would feature prominently in his later *de Oratore*, among them, the essential role of oratory in establishing and sustaining the Republic and the need for orators to possess wisdom and eloquence (*Inv.* 1.1–6).¹ After considering the political crises that prompted the composition of *de Oratore*, the following paper will examine the role of civic education in the formation of Cicero’s ideal orator. As part of a broad education that includes the study of ethics and rhetoric, Cicero advises aspiring orators to look to Roman law, custom, and the experience of distinguished leaders for practical knowledge and ethical formation. In this way, Cicero hoped to produce the kind of leaders under whom a once unified Rome had flourished.

The Context of Cicero’s *de Oratore*

Within and without, political crisis proves the impetus for Cicero’s first dialogue. In the prologue to the first book of *de Oratore*, the author laments the current political situation. Unlike senators of the past who were able to engage in political activity without danger (*in negotio sine periculo*) and to enjoy leisure with their standing intact (*in otio cum dignitate*), Cicero explains to his brother Quintus that the harsh developments of their times and the various misfortunes that have befallen them have frustrated his own hopes for rest and study. What he alliteratively characterizes as a monstrous mass of troubles (*maximae moles molestiarum*) and the most violent

storms (*turbulentissimae tempestates*) arrived in waves: as young men, he and his brother happened to witness the very upsetting of the old order (*ipsam perturbationem disciplinae veteris*); during his consulship, they entered into a high-stakes struggle to decide the fate of the whole Republic (*devenimus in medium rerum omnium certamen atque discrimen*); ever since then, though they succeeded in preventing the destruction of the entire community, the waves recoiled upon the brothers personally. Still, the author pledges to devote as much of his free time as the crime of his enemies, the causes of his friends, and the Republic itself will allow him (*de Orat.* 1.1–3).

The opening lines of the dialogue reference a series of disasters that have shaken the Republic to its core and disrupted the lives of Cicero and his brother. The troubles reportedly began in their youth when, according to Cicero, the old order was overturned. Significantly, the author uses *disciplina*, whose primary meaning is “instruction,” to refer to the manner in which politics are conducted (*TLL* 5.1.1325.75–1326.73).² Its educational connotation underscores the relationship between education and politics, a central theme of *de Oratore*.

While the *ipsa perturbatio disciplinae veteris* refers to the political crises that plagued Rome between 91 and 80 BC, there were more immediate reasons that, when writing *de Oratore* in the mid-50s BC, Cicero could neither “engage in politics without danger” nor enjoy “leisure with his standing intact.” As one of two consuls for 63 BC, he had entered upon his office amid a tense political situation and general economic malaise.³ Rumors of a conspiracy swirled, and portents were reported. That summer, a frustrated former praetor L. Sergius Catilina (pr. 68 BC) conspired with a disgruntled former centurion to bring about a violent revolution. When word of the planned uprising reached Cicero and the Senate, the body enacted the *senatus consultum ultimum* instructing the consuls to see that no harm come to the Republic (Dio 37.31.1–2; Sal. *Cat.* 29.1–2).⁴ During the initial phase of the crisis, which he would later describe as the “struggle to decide the fate of the whole Republic” (*rerum omnium certamen atque discrimen*), Cicero faced a dilemma: on the one hand, he as consul had an obligation to protect the Republic, and, with its decree, the Senate had signaled its support for whatever he and his colleague decided to do; on the other hand, recent history had shown that, if he had the conspirators arrested and executed without trial, he could be liable to prosecution for violating the rights of citizens.

Cicero waited until December, when documentary evidence of a conspiracy finally surfaced. Though Catiline had earlier fled the city and would later fall in a pitched battle, Cicero rounded up the conspirators who remained behind. He summoned the full Senate to review the evidence and put to them the question of what ought to be done with those in custody (*Cic. Cat.* 3.8–15, 4.5; Plut. *Cic.* 19.1–4, 20.3–21.4; Sal. *Cat.* 46.6–47.4, 50.3–53.1). Despite the opposition of one of the praetors designate, C. Julius Caesar (cos. 59 BC), the Senate voted to execute the conspirators. Cicero promptly carried out the Senate’s wishes and, having overseen the executions in the Roman prison, he made his way to the Forum and announced to those assembled there, “They have lived.” The crowd erupted in a combination of celebration and

relief. They hailed Cicero as “father of the fatherland” (*pater patriae*) and escorted him to his Palatine home in a torchlight procession (App. *B. Civ.* 2.7; Dio 37.38; Plut. *Cic.* 22.2–23.1).

The apparently broad political support for his actions proved short-lived. While Cicero had managed to preserve the Republic from general destruction, his actions provoked a backlash. Only days later, two of the newly installed tribunes of 62 BC began to attack Cicero over the executions, and one of the tribunes prevented him from delivering his customary farewell address as consul. Over the next four and a half years, the attacks over his handling of the Catilinarian conspiracy gradually increased until Cicero was forced to leave for exile in 58 BC.

The individual directly responsible for his exile was P. Clodius Pulcher (trib. 58 BC). Clodius was a member of the prominent Claudii, a patrician family whose long history featured more than its share of impudence.⁵ The young Clodius was no exception. His arrogance was in evidence in 62 BC when he profaned the sacred rites of the Bona Dea—“The Good Goddess.”⁶ The rituals were open only to women and took place at the house of the *pontifex maximus*, at the time Julius Caesar, whose wife oversaw the proceedings. Clodius allegedly entered the house dressed as a female flute player to carry on an affair with Caesar's wife—Pompeia. According to Plutarch, Clodius' voice gave him away, and upon being found out, he fled into the night. Claiming that his misconduct threatened to bring the wrath of the gods upon the community, Clodius' political enemies insisted that he stand trial, but, as a member of the Claudii, the accused had powerful friends. When the Senate voted to recommend that the Roman people establish a special court to hear the case, dissident senators politicized the issue.⁷ They railed against their colleagues in public meetings, and Clodius himself held multiple meetings at which he attacked the Senate and the man who had, for many, come to represent its overweening authority—Cicero (*Cic. Att.* 1.16.1). Cicero responded in kind and so began their enmity.

The ensuing trial took place amid an atmosphere of intimidation.⁸ A crowd of the defendant's supporters disrupted the challenging of jurors with shouts and erupted again when Cicero rose to testify that, contrary to the claims of the accused, he had seen Clodius in Rome on the night in question. The following morning, the jury refused to return to court unless provided with an armed guard. Upon receiving the requested escort, the jury reconvened and acquitted the defendant by a narrow margin.

The events surrounding the Bona Dea trial demonstrate the kind of ruthless factionalism that plagued Rome's senatorial order in the late Republic. When they did not prevail in the Senate, certain politicians resorted to inflammatory rhetoric at public meetings to whip up popular resentment. Frequently, they also used violence and intimidation to disrupt the proper functioning of the Republic's institutions. The informal political alliance known as the First Triumvirate further challenged the supremacy of the Senate by bringing together three figures of exceptional audacity, wealth, and popularity who were prepared to use (or at least tolerate) the use of violence when it suited their ends (Dio 38.6.1–3; Plut. *Cat. Min.* 32.2; cf. *Pomp.* 47.5). Clodius initially cooperated with the Triumvirate, and Caesar oversaw Clodius' adoption by a plebeian family, which cleared the way for the latter's tribunate and Cicero's exile.⁹

Two months into his term as tribune, Clodius sought to get even with the former consul who had earlier testified against him. In the years since the Bona Dea affair, Cicero and Clodius continued to trade abuse (Cic. *Att.* 2.1.5).¹⁰ Now, as tribune with the power to introduce legislation, Clodius promulgated a law banishing anyone who had put to death a citizen without trial.¹¹ The tribune declared that he would drive Cicero into exile, and in a series of public meetings, he threatened the former consul with prosecution (Dio 38.16.5).¹² One by one, Cicero's allies abandoned him. One month after Clodius promulgated the bill, it became law, and Cicero departed for exile. His home on the Palatine was subsequently ransacked and demolished, and in its place Clodius erected a shrine to Liberty.¹³

For Cicero, the rise of Clodius and the Triumvirate were but symptoms of a general dysfunction plaguing the senatorial class. In the years immediately following his consulship, the orator lamented the fact that the Senate's leadership had shown a lack of tact when it alienated the business class (*equites*); he also charged certain leading conservatives with fecklessness as well as harboring resentment toward himself (Cic. *Att.* 1.17.8–10; 1.18.2–3, 6–7; 1.19.6–8; 1.20.2–3; 2.1.6–8).¹⁴ By early 60 BC, alienated from much of the Senate's leadership, Cicero increasingly aligned himself with Pompey, a move that only widened the gulf between himself and the powerful bloc of senatorial conservatives. Despite his political maneuvering, Cicero continued to claim that his political principles remained unchanged.¹⁵ The advent of the Triumvirate in 59 BC tested the strength of these assertions. Cicero ultimately chose to withdraw from politics, but not before criticizing some of Caesar's acts as consul. Whether Caesar and Pompey engineered Clodius' adoption in order to silence Cicero or it was merely the price the dynasts had to pay for Clodius' support, the pair would soon reverse course and arrange for the orator's return the following year.¹⁶

Cicero triumphantly returned to Rome in September 57 BC, but the Senate's conservative leadership continued to view the former consul with suspicion, especially now that he was indebted to Pompey for arranging his return.¹⁷ Some months later, he attacked Caesar and his legislative record in both the Senate and courts, but Caesar would have none of it. Following their conference at Luca in 56 BC, the troika prevailed upon Cicero to cease from his criticism and either to tow the party line or to remain silent. During Caesar's tumultuous consulship three years earlier, Cicero had chosen the latter, and his inaction had proven costly. Not wishing to leave himself vulnerable again, he publicly embraced the triumvirs.

One month later, Cicero conceded in a letter to his friend Atticus that his reversal was rather disgraceful, adding: "Farewell to upright, true, and honorable deliberations!" In the same letter, he went on to criticize the leading members of the Senate for having abandoned him. He explained, "I wished to bind myself to this new alliance so that I could not fall back to those who, even though they ought to pity me, do not cease from envy [...] Since those who have no power do not wish be friends, let us work hard to be liked by those who do have power" (Cic. *Att.* 4.5.1–2).¹⁸

His reference to the power of the triumvirs hints at his concern for his personal safety. More or less contemporaneous with his letter to Atticus, Cicero reports in the prologue of *de Oratore*

that he, unlike the men of old, cannot engage in political activity without danger, nor can he enjoy leisure consistent with his status.¹⁹ That other letters of Cicero from this period convey similar sentiments suggests that he has not simply adopted a literary persona for the purpose of his dialogue. In a letter to another former consul, Cicero writes that, having attained high office, he had hoped to have a certain standing in senatorial debates and freedom in politics, but, as it is, such consular standing is a thing of the past (Cic. *Fam.* 1.8.3–4; *Att.* 4.18.2).²⁰ He observed that the entire order of the Senate, the courts, the entire Republic had changed. Two years later, he would be even more blunt: “There is no republic in which I can take delight and find rest.”

Cicero continued to plead cases, but he had lost his political autonomy. At about the time he was working on *de Oratore*, the orator complained to a certain Marcus Marius that, in the past, he was permitted to decline cases he did not wish to plead. Now, he has no life to speak of: he is busy and forced to defend those who do not deserve his services at the request of those who do.²¹ Thus, his pledge in the prologue of *de Oratore*—to devote as much of his free time as the crime of his enemies, the causes of his friends, and the Republic itself will allow—is thematically consistent with the rest of the introduction: the Republic's dysfunction has cost the author his freedom.

Yet in the prologue, Cicero traces the origin of his and the Republic's recent troubles back to something that occurred when he and his brother were still boys—“the very upsetting of the old order” (*ipsam perturbationem disciplinae veteris*). Violent civil strife characterized the years between 91 and 80 BC: it disrupted Cicero's education, delayed the launch of his career, and claimed the lives of nearly all of the men who feature as interlocutors in *de Oratore* (*de Orat.* 3.2–10).²² Cicero sets his dialogue, a work of historical fiction, on the eve of this crisis. The occasion of a public festival provides his characters with an opportunity to retire from Rome to the country estate of L. Licinius Crassus (cos. 95, cen. 92 BC). In addition to the host, Q. Lutatius Catulus (cos. 102 BC), C. Julius Caesar Strabo Vopsicus (aed. 90 BC), P. Sulpicius Rufus (trib. 88 BC), Q. Mucius Scaevola Augur (cos. 117 BC), and M. Antonius (cos. 99, cen. 97/96 BC) are present at various points over the course of three days. On the first day, the characters discuss the current political crisis involving the Italian allies, only to turn to the subject of oratory on the second day (*de Orat.* 1.26–9). Despite the idyllic scene of friends retiring from the city to enjoy one another's company, a sense of foreboding hangs over the dialogue. Given the upsetting of the old order that would soon follow, Cicero depicts a scene of the Republic at twilight, and it raises the question as to whether the author or his readers believed the sun would ever rise again. With the benefit of hindsight, we can see that the old Republic was quickly coming to an end, but Cicero probably did not perceive the situation to be as hopeless as he would later under Caesar's dictatorship.²³ Indeed, the themes of the present dialogue and those that follow—*de Republica* and *de Legibus*—suggest that the orator had embarked upon a program of civic renewal intended to foster a republican renaissance.

In his first dialogue, notionally on the ideal orator but actually on the ideal statesman, Cicero casts the teachers of his youth as mentors for his audience.²⁴ In the mid-90s, Cicero's father had brought Cicero and his younger brother to Rome to receive instruction (*disciplina*) at the houses

of Crassus and Antonius—the main interlocutors in *de Oratore*. At the time of the dialogue’s setting, Cicero and his brother were under the tutelage of both men so that, for the boys, the subsequent political disasters amounted to a literal *perturbatio disciplinae*—“a disturbance of instruction.” Fifteen years old in 91 BC, the young Marcus Cicero undoubtedly looked forward to completing his one-year “apprenticeship in the Forum” (*tirocinium fori*) with Crassus the following year. By 90 BC, however, the political situation had led to the death of Crassus, the absence of Antonius, and the suspension of most (if not all) of the public courts (Cic. *Brut.* 303–5).²⁵ By alluding to this first wave of troubles—*ipsa perturbatio disciplinae veterae*—Cicero connects the beginning of his own troubles with that of the Senate and Republic as a whole, and the tragic turn of his own career with those of his characters (cf. *de Orat.* 3.13–14).

The Formation of the Orator and its Importance to the Republic

Despondent and having lost his political independence, the former consul turned his attention to writing *de Oratore* sometime in 56 or 55 BC. Like the other dialogues he wrote over the next five years, *de Republica* and *de Legibus*, politics pervades the work. In *de Oratore*, Cicero argues that the orator ought to be technically proficient as a speaker and receive a broad education.²⁶ Among other things, the ideal orator ought to read poetry, know history and philosophy, learn law, and “acquire knowledge of the conventions of the Senate, the order (*disciplina*) of the Republic, the legal rights of our allies, treaties, pacts, and the policies related to our empire” (*de Orat.* 1.158–9). While providing an overview of rhetorical theory, Cicero’s *de Oratore* seeks to revive an ancient, if not mythic, ideal of the Roman orator as one who combines wisdom and eloquence in the service of the Republic. To this end, Cicero advocates a form of education grounded in the social and political conventions of the Republic, and this process of deliberate enculturation, in turn, aims to produce orators who appreciate and defend the essential qualities of their community. This, of course, includes the political community, the focus of his subsequent dialogues *de Republica* and *de Legibus*. Together, the three works form a program that sees civic education as integral to political renewal.

But why begin such a program with a work on oratory? Indeed, the subject probably strikes us, no less than Cicero’s original audience, as peripheral to politics. In the first century BC, works on rhetoric—the art of persuasion practiced by orators—were typically technical handbooks that set forth the principles, methods, and commonplaces of rhetoric and represented the collective know-how of Greek theorists accumulated over hundreds of years.²⁷ Though *de Oratore* does contain technical elements, the work is not a handbook that aims to teach the would-be orator how to formulate and deliver arguments, but a philosophical dialogue that argues for a particular approach to educating the orator.

For most elite Romans, the purpose of an education was to train orators who could gain a reputation as an advocate in the criminal courts and later as a member of the Senate. Though elite males would study Greek literature and especially poetry, it was primarily a means of fostering an aesthetic sense and an understanding of proper usage and grammar in preparation for the

study of rhetoric.²⁸ As one scholar has remarked, “Utilitarian to the backbone, the ordinary Roman [...] parent wanted his son to get on in life; it was only the parent of a higher class who sacrificed anything to the Muses, and then chiefly because in a public career it was *de rigueur* that the boy should not be ignorant or boorish.”²⁹

Once they entered public life, orators used their speech to formulate policy, advocate justice, influence public opinion, and win popular acclaim. While advancing their careers, orators inevitably shaped the political discourse—the system of ideas, opinions, concepts, ways of thinking and behaving that constituted the Republic and contributed to its perpetuation. Though modern signifiers like “discourse” and “webs of interlocution” would have been foreign to Cicero, *de Oratore* suggests that he appreciated the crucial role of the orator in founding, shaping, and sustaining republican culture. In part, the author argues that the orator ought to receive a broad education, not so much to avoid being ignorant or boorish, but to contribute constructively to what Joy Connolly has aptly termed “the state of speech.”³⁰

While rhetorical education in the late Republic focused on preparing the orator to address narrow questions (*hypotheses*) related to specific persons, events, and circumstances, Antonius argues in *de Oratore* that this kind of education proves inadequate for training orators whose range of duties include “encouragement, consolation, moral instruction, and admonition” (*de Orat.* 2.64). As opposed to being able merely to argue specific cases or issues, Antonius maintains that the ideal orator must be prepared to address a wide range of general questions (*theses*) relevant to politics and human behavior—“things that are good or evil, that are to be sought or avoided, that are honorable or shameful, that are expedient or inexpedient, about virtue, justice, self-control, prudence, greatness of spirit, generosity, dutifulness, friendship, faithfulness, duty, and all the other virtues and their corresponding vices [...] and likewise regarding the republic, empire, military affairs, the political order, and human behavior” (*de Orat.* 2.64–68; cf. 3.121–22). For Cicero (speaking later through Crassus), eloquence—speech that is, among other things, “brilliant in words and substance”—requires broad knowledge to create and sustain the republic: “the power of eloquence is so great that it encompasses the origin, essence, and transformations of all things, virtues, duties, and the whole of nature that includes human customs, spirit, and life. The same power sets out traditions, laws, and legal arrangements, governs the republic, and addresses with distinction and copiousness everything pertaining to anything” (*de Orat.* 3.53, 76). Given the power of oratory in political life, the formation of the ideal orator serves as a natural starting point for Cicero's program.

An ostensible dispute with his brother prompts Cicero to compose the dialogue: while his brother Quintus has previously maintained that eloquence is the product of innate talent and practice and does not require the refinement of education, Cicero himself contends that “it depends on the accomplishments of the most learned men” (*eruditissimorum hominum artibus contineri*) (*de Orat.* 1.5). The use of the Latin *ars*—“art”—admits of ambiguity. Given the context and a long-standing controversy among philosophers and rhetoricians over the relative merits of theory (*ars*), nature (*ingenium*), and practice (*exercitatio*) in rhetorical education, the reader rather expects *ars* to refer to the *ars rhetorica*—the systematic body of (mostly Greek)

knowledge and practical techniques related to persuasion and the subject of rhetorical handbooks.³¹ Over the course of the second half of the second century BC, the application of Greek rhetorical theory revolutionized elite Roman education (*de Orat.* 1.14–15).³² In the prologue, Cicero describes how Romans at first pursued eloquence through a combination of talent and reflection because they did not suppose any “rules of art” (*praeceptum artis*) existed for oratory. Only after the Romans encountered Greek orators, had come to know their writings, and retained them as teachers did they desire this form of learning with its basis in theory.

Nonetheless, Quintus’ insistence that one does not need “the refinement of education” (*elegantia doctrinae*) to be eloquent suggests that the author is here using *ars* in a more general sense, adumbrating one of the dialogue’s main arguments: eloquence requires more than innate talent (*ingenium*) and practice (*exercitatio*), and it also requires more than the application of rhetorical theory (*ars*).³³ Thus, he concludes his synopsis of the history of Roman rhetorical education, “But indeed this thing [sc. eloquence] is something greater than men suppose, an accumulation of more arts and pursuits (*pluribus ex artibus studiisque conlectum*)” (*de Orat.* 1.16).³⁴

Practical Experience (*Usus*) and the Forum Apprenticeship (*Tirocinium Fori*)

Looking back on his own education, Crassus laments that he was not exposed to Greek learning until after he had embarked upon his public career and was serving in the East. His early entry into public life at the age of twenty-one apparently prevented him from studying the *ars rhetorica*. As a young man he instead relied on his talent (*ingenium*), which was then honed through experience: “I had the forum for my instruction (*disciplina*), and my teacher (*magister*) was practical experience (*usus*) with the laws, the institutions of the Roman people, and the traditions of our ancestors” (*cui disciplina fuerit forum, magister usus et leges et instituta populi Romani mosque maiorum; de Orat.* 3.74–75).³⁵ In his remarks, Crassus contrasts the Greek form of education, which relies on experts and a curriculum, with a form of instruction in which the youth gains knowledge through practical experience.

Though the Romans probably established schools early in their history, the proliferation of Greek schools and tutors over the course of the second and first centuries BC changed how much of the Roman elite prepared for public life. A traditional feature of elite Roman education, which persisted into the late Republic, was the “apprenticeship in the forum” (*tirocinium fori*). As part of their apprenticeship, Roman youth observed, imitated, and interacted with leading members of the governing class as they conducted public business. Prior to the advent of Greek rhetoric, oratorical training probably consisted of little more than providing youth with these kinds of opportunities, at home and in public, to observe and imitate experienced practitioners.

By the first century BC, the *tirocinium fori* occurred after a boy had completed his studies in rhetoric and donned the toga of adulthood (*toga virilis*).³⁶ As part of his apprenticeship, he would follow a distinguished advocate as he argued cases and conducted public business in the forum. Through constant accompaniment and observation, the aspiring orator aimed to reproduce the

gestures and speech of his model.³⁷ At the same time, the young man would take part in the physical exercises of the Campus Martius so that, when he turned seventeen, he was prepared for his military apprenticeship (*tirocinium militiae*).³⁸ Though an aspiring senator in the early and middle Republic was not eligible to stand for office until he had served ten years in the army, this requirement seems to have been dropped early in the first century BC. Nonetheless, would-be senators were still expected to perform some military service. Thus, a father would arrange to have his son appointed to the staff of a commander in the field, generally for one year. As part of the commander's retinue, the youth would spend his military *tirocinium* much as he had his earlier apprenticeship in the forum, accompanying a high-ranking individual and observing his methods and habits for purposes of emulation.

In both forum and field, young men had the opportunity to observe how their chosen models conducted themselves socially and to interact with them. During such exchanges, the difference in age and status naturally led the youth to imitate the social habits of his elder as a means of ingratiating himself. Imitation had benefits for both the young man and society as a whole. Not only did elite youth learn how to behave from distinguished members of their class, they were engaged in a practice apt to win the favor of their elders. Charles Colton famously observed, "imitation is the sincerest form of flattery," the natural result of which is, as the Dutch psychologist Ap Dijksterhuis points out, "Social interactions in which the participants imitate more than usual are characterized by more rapport."³⁹ The system of *tirocinia* with its emphasis on emulation, therefore, aimed not only at social reproduction,⁴⁰ but also the strengthening of relationships between one family and another and between one generation and the next.

As opposed to Greek experts who presented the theory and application of their respective *artes* in a systematic way and usually within the context of a school, the *tirocinia* featured the transfer of practical knowledge from one generation to the next through a combination of demonstration and social interaction. Just as Crassus refers to the forum as a place of instruction (*disciplina*) and practical experience (*usus*) as a teacher (*magister*), so Antonius refers to the forum as a school (*ludus*) where the budding orator can find a variety of teachers (*magistri*) on which to model his style of delivery. When mentoring young men, Antonius advises mentors to converse (*loquamur*) with their students in such a way that they impart no more than what experience (*usus*) has taught them, since they themselves are unable to teach the better things (*meliora*).

Given the context, particularly the contrast drawn with practical experience, the "better things" is almost certainly an ironic allusion to the Greek arts. For his part, Antonius demonstrates a thorough knowledge of the *ars rhetorica* throughout the dialogue, belying his claim that he is unable to teach "better things." Roman chauvinism explains his feigned ignorance. To many Romans, the Greeks had a reputation for being effeminate, flighty, impractical, dishonest, and arrogant.⁴¹ Though Roman elites increasingly learned the Greek language and availed themselves of Greek experts over the course of the second and first centuries BC, public figures like Antonius and Crassus risked being cast by their critics as "little Greeks" (*Graeculi*) for their excessive learning and lack of old-fashioned Roman virtue. Cicero

reports that both Crassus and Antonius pretended to be ignorant of Greek culture so that it was widely believed they had little or no knowledge of its language, arts, or philosophy: “each was of the opinion that he would carry more authority, the one if he seemed to despise Greeks, the other if he seemed not even to know them” (*de Orat.* 2.1–4).⁴² Indeed, when several of the other characters finally convince Crassus to engage in a philosophical discussion about whether there is an *ars* of speaking, he begs his interlocutors not to publicize his “trifles” (*ineptiae*, a standard criticism of Greek philosophy) and says that he will answer in such a way that he does not seem like an expert teacher (*magister atque artifex*) but as just another togate Roman, a man not altogether unrefined, modestly qualified from his practical experience in the courts (*ex forensi usu*).

That the orator must subordinate his Greek learning, whether in the form of an art or philosophical inquiry, in favor of Roman practice is an important theme of *de Oratore*.⁴³ The dialogue itself exemplifies the proper appropriation of Hellenic culture. While his work does not take the form of a lecture or rhetorical handbook, its dialogue form seems at first to suggest that Cicero has merely exchanged one Greek genre for another—*ars* for *philosophia*.⁴⁴ Yet Cicero sets his discussion within a distinctly Roman frame. With the more distinguished Crassus and Antonius carrying much of the conversation and the younger interlocutors C. Aurelius Cotta and P. Sulpicius Rufus mostly listening, *de Oratore* gives the impression of a *tirocinium fori*, one to which Cicero’s elite readers are invited.⁴⁵ Discussion of Greek rhetorical theory with reference to practical experience occurs within the context of a discussion concerning the socialization of the orator—one of the purposes of the *tirocinium*. Each of the main characters play their assigned role: Antonius denies his mastery of rhetoric and advises others to impart no more than what experience (*usus*) has taught them; having declared that eloquence requires things greater than the *ars rhetorica* (*de Orat.* 1.109), Crassus seeks to portray himself, not as a Greek rhetorician, but as one who speaks from his experience in the courts (*ex forensi usu*).

Custom (*Mos*), Character (*Mores*), and the Law (*Lex*)

In lieu of the Greek arts, the young Crassus received his instruction (*disciplina*) in the forum where his teacher (*magister*) was practical experience (*usus*) with the laws, the institutions of the Roman people, and ancestral custom (*mos maiorum*). Ancestral custom (*mos maiorum*) represented a range of time-tested, mostly unwritten practices, policies, and rules that governed the conduct of both individuals in public and private and the community (i.e., the Senate and Roman People) at home and abroad.⁴⁶ Without a written constitution, the Republic relied on a consensus based on knowledge of and respect for such norms. Traditional methods of education played a role in the perpetuation of this system. Besides the *tirocinia*, fathers passed on knowledge to their sons, and leading senators mentored the body’s junior members (e.g., Gell. *NA* 14.7.2; Plin. *Ep.* 8.14.4–6). In each case, senior practitioners served as conduits of cultural information.

In *de Oratore*, Cicero maintains that the orator must learn the customs and character of his community in order to be effective and to lead the people responsibly. Just as one who offers advice in the Senate must know how politics are conducted (*nosse rem publicam*), so Antonius declares that, to speak credibly before the people, an orator should know the character of the citizenry, which often changes (*nosse mores civitatis, qui [...] crebro mutantur; de Orat. 2.337*).⁴⁷ That the citizenry's character is prone to frequent change suggests that Antonius is referring rather to its emotional state than its enduring character. Yet the two are in fact related. To manipulate the people's emotions requires the orator to know the community's values, opinions, and tendencies. Of the three rhetorical appeals—reason, emotion, and the character of the orator—Cicero (like Plato and Aristotle before him) recognized that appeals to emotion were unmatched in their effectiveness. Knowing the character of a crowd and having gauged its disposition, the orator would tailor his speech to suit the crowd and the circumstances. Antonius observes how this sometimes requires rousing the people to hope or fear, to pursue desire or glory, or to call them back from recklessness, anger, hope, injury, resentment, or cruelty. Likewise, Crassus observes that “when the people are faint or wavering, [the orator can] rouse them to honor or lead them from error, incite them against the wicked or pacify them when stirred up against good men” (*de Orat. 2.337, 1.202*).

The comments of Crassus, particularly that an orator ought to lead the people to honor and away from error, imply that ethics must govern the exercise of persuasive power. Indeed, later in the dialogue, the elder statesman contends, “the greater the power, the more it must be joined with integrity and the utmost prudence. For if we pass along the full resources of speech to those who lack these virtues, we will certainly not have made them orators, but will have put weapons into the hands of madmen” (*de Orat. 3.55; cf. Plat. Gorgias 457a3–c2*). As opposed to simply teaching social and political norms for the purpose of rhetorical manipulation (something a Greek expert could do), senior members of the governing class had to ensure that aspiring orators were properly socialized so that they would deploy their skills as “good men” on behalf of other “good men.”⁴⁸ One of the primary aims of early childhood education was the cultivation of good character. Adults were expected to refrain from foul language and inappropriate topics in the presence of children. Fathers routinely made use of aphorisms to convey teachings on a range of subjects, especially morality.⁴⁹ In addition, evidence suggests that, particularly early on and in the countryside, boys were subjected to austere conditions as a means of fostering *virtus*—the quality of toughness or manliness, especially in battle.⁵⁰

When they had come of age and were ready to begin their *tirocinium fori*, Antonius advises their would-be mentors to evaluate their character. If a young man shows exceptional potential and impresses him as “good,” Antonius declares, “I will not only encourage him [...] I will also plead with him—so great do I judge the distinction bestowed on the entire community by an eminent orator who is also a good man” (*de Orat. 2.85*). Others ought to be discouraged. If an individual clearly seems unfit and lacking in sense, if he rants without regard to the limits of propriety and his ability (*clamare contra quam deceat et quam possit*), Antonius will advise him either to restrain himself or to pursue something else. Though the issue appears to be merely one

of style, how one speaks serves as an indicator of his character.⁵¹ For a young man raised and educated in elite circles at Rome, a lack of decorum cannot be attributed to ignorance. It rather implies a deliberate disregard of social norms, and, for this reason, Antonius advises the young man to restrain himself (*se contineat*) or to find another pursuit rather than “resorting to hucksterism (as Catulus once said about a certain bawler) to gather together as many witnesses of his foolishness as possible.”

His comments, especially the accusation of hucksterism (*praeconium domesticum*) to attract a crowd, almost certainly allude to the style and tactics regularly employed by popular demagogues in the late Republic. Clodius stood as only the most recent example of one whose chief power lay not so much in the influence he carried with other members of the Senate as the effect his oratory had on the crowds who attended public meetings known as *contiones*. While the Senate had a great deal of authority in the Republic, the Roman people alone had the power to enact laws. Popular demagogues, who had been elected to the tribunate, could (and, on occasion, did) circumvent the Senate in order to put their proposals directly before the people. Not only was this an affront to established norms, the vehemence and antagonism that characterized their oratory further strained the Republic’s consensus.⁵²

The style of such demagogues suited their ends. Almost without exception, those who addressed *contiones* in the late Republic portrayed themselves as champions of the people, and antagonism toward those they identified as enemies of the people characterized their oratory.⁵³ Though Crassus and Cicero did adopt a vehement and indignant style of oratory when necessary, Cicero implies that they did so in the service of the Republic—the Senate and people of Rome.⁵⁴ Politicians like Clodius, on the other hand, used their speeches to stir unrest for their own political gain, and they often did so at the expense of the senatorial establishment, whom they portrayed as threatening the rights, privileges, and welfare of the Roman people. As such, these demagogues stood as the antithesis of Cicero’s “good men.” Consequently, when a would-be orator approaches Antonius and rants without regard to propriety, the elder statesman interprets his unorthodox performance as an indication of his political leanings and reproves the youth for his own benefit and that of the community.

Along with custom, the laws also served as sources of knowledge, morality, and social stability. In the prologue to *de Republica*, Cicero describes the relationship between education, custom, and law as well as the virtues they produce—dutifulness, religious observance, justice, good faith, fairness, a sense of decency, self-control, a desire for honor and praise, and endurance. He contends that these virtues originate in nature and enter the community through those who establish its original laws; instilled through education, Cicero notes how some virtues are strengthened by custom and others enshrined in law (*Rep.* 1.2, 3.33; *Leg.* 1.18). The laws function in tandem with custom and education as a means of moral edification and a link to what Cicero regards as the ultimate human source of civic virtue—the mythic “ancestors” of the Republic.

As part of his broader argument that the orator ought to know the subjects of which he speaks, Crassus in the first book of *de Oratore* insists that orators, who plead cases in the forum, propose

legislation, and address the Senate, ought to have a thorough knowledge of the law (*de Orat.* 1.166–203).⁵⁵ Like knowledge of the community's character, both practical and moral benefits accrue to the one who has mastery of the law. Not only does knowledge of the law equip him to argue cases, it also serves as an aid to understanding the character of the community and contributes to shaping his own.

For these and other reasons, it seems to have been not uncommon for Roman boys to memorize the *Twelve Tables*—Rome's archaic law code—though, as Cicero observes in *de Legibus*, the practice had become obsolete by the late Republic (Cic. *Leg.* 2.59; cf. *de Orat.* 1.194–96; Plaut. *Mostell.* 126). Likewise, in *de Oratore*, Crassus implies that contemporary orators lack the legal expertise of their ancestors: there are fewer who know the law and can effectively advise their fellow citizens and more whose ignorance threatens the welfare of others.⁵⁶ Cicero thus posits a correlation between the decline of legal knowledge and the Republic's increasing lawlessness.

According to Crassus, Roman law surpasses philosophy in its capacity to provide moral instruction: “From the laws we see that we ought to seek honor (*dignitatem maxime expetendam videmus*) [...] while the vices and crimes of men are punished [...] and we are taught (*docemur*) [...] to hold our passions in check, to restrain every lust, to protect what we have, and to keep our thoughts, eyes, and hands from others” (*de Orat.* 1.194–95). What is more, Crassus contends that the *Twelve Tables* provides the whole of constitutional knowledge (*civilis scientia*) for it describes all organs of the state and their function. Together with the body of common and religious law, the *Tables* also offer a full portrait of the ancients: “the distant antiquity of the words can be seen there, and certain types of legal formulas testify to our ancestors' customs and way of life” (*de Orat.* 1.193; cf. *Leg.* 1.58). As we have already seen, ancestral custom (*mos maiorum*) played an important role in defining normative conduct for the individual and the community at Rome. The fact that a practice was considered ancestral lent it moral authority, since, at the level of the household and the wider community, the Romans regarded their ancestors (*maiores*) as objects of worship and emulation. In so far as the ancestral was the object of legal study, the activity had ethical implications for the orator: it facilitated emulation by describing ancestral custom, and, like ancestral worship and the observance of the *mos maiorum* in general, its study showed *pietas*.⁵⁷

The suggestion that the study of the law is an orator's patriotic duty becomes more explicit later in the same passage, when Crassus declares that, if one delights in his country, as he ought to, he must know its mind, custom (*mos*), and instruction (*disciplina*), “either because our country (*patria*) is the parent (*parens*) to us all, or because we ought to consider the wisdom employed in framing the laws as great as the wisdom employed in acquiring the enormous power of our empire” (*de Orat.* 1.196).⁵⁸ Crassus' personification of the country as a parent with a mind and a method of instruction suggests a father who is equipped to instruct his children and entitled to their devotion—*pietas*. As one's patriotic duty, the study of law reveals the wisdom of the ancestors, a thesis that Cicero sets out to demonstrate in his subsequent *de Republica* and *de Legibus*. In both dialogues, the orator rejects Plato's purely theoretical approach to the question

of the ideal state and argues using a combination of theory and historical practice that the ancestral Roman Republic represents the ideal state, “not established by one man’s talent, but many; and not in one person’s lifetime, but over many centuries and generations” (Cic. *Rep.* 2.2).⁵⁹

Whether in the law courts, the public meetings, or the Senate, the orator—indeed, the ideal statesman—must have “the whole record of antiquity, the authority of public law, and knowledge of the methods of governance” at his disposal in order to serve the Republic. “Indeed, in our discussion here,” Crassus affirms, “we are not seeking some shyster, shouter, or bawler. The man we are searching for is, first and foremost, a high priest of his art” (*de Orat.* 1.201–2).

Conclusion: Restoring the Roman Republic

Equipped with knowledge of Greek rhetoric and Roman custom and law, Cicero imagines a new generation of orators capable of restoring the republican consensus. In *de Oratore*, Cicero criticizes the narrow scope of contemporary rhetorical education, which leaves students ill-prepared for the expansive role of the orator-statesman in public affairs. By focusing on preparing students to argue specific rather than general questions and ignoring ethics, politics, law, and the writing of history, rhetorical training in the final decades of the Republic emphasized form over content—how to speak rather than what to think and say. According to Crassus, it produces “people who judge that they have embraced the entire power of oratory through the precepts of so-called rhetoricians [...] but who have not yet been able to understand what role they are taking or what they profess” (*de Orat.* 3.54).⁶⁰ Were it not for his own program combining rhetoric with knowledge of Roman practice, Cicero would have indeed agreed with the philosopher Charmadas, whose diatribe Crassus recounts in the first book of the dialogue: “He was saying that all aspects of this knowledge (i.e., related to founding and governing republics) must be sought from philosophy and that the practices established in a republic concerning the immortal gods, the education of the youth, justice, endurance, self-control, the manner of everything, and the remaining things without which communities are unable to exist or be of good character, were not able to be found anywhere in the little books of rhetoricians” (*de Orat.* 1.85).

The present conflict between philosophy and rhetoric did not always obtain. To the contrary, the Greeks of old, according to Crassus, referred to the method of thinking and speaking well (*cogitandi pronuntiandique ratio*) as wisdom (*sapientia*). This approach also emphasized right actions along with good speech (*et recte faciendi et bene dicendi*): Peleus, the father of Achilles, had entrusted the young hero to Phoenix to be his companion in war and to make him a speaker of words (*orator verborum*) and a doer of deeds (*actor rerum*) (*de Orat.* 3.57).⁶¹ Later, it produced Greek lawgivers like Lycurgus, Pittacus, and Solon, and, later still, a similar combination of knowledge, virtue, and oratorical skill characterized men like C. Fabricius Luscinus, Ti. Coruncanius, Scipio Aemilianus, and Cato the Elder, under whose leadership Rome became mistress of the Mediterranean (*de Orat.* 3.56–7).⁶² These great men of the past

learned how to speak alongside everything that was relevant to human conduct, life, virtue, and the republic (*de Orat.* 3.72). But, in Greece, the advent of the philosophers, especially Socrates, led to a division of this original unity between “the knowledge of judging wisely and speaking with distinction [...] a division, as it were, between the tongue and the brain” (*de Orat.* 3.60–61). First in Greece and later at Rome, students attended different teachers for thinking and speaking, philosophers for the former and rhetoricians for the latter. What is more, philosophy itself devolved into different schools, each of which emphasized different aspects of Socrates' teachings (*de Orat.* 3.61–69).

Hence, the original division of wisdom produced a division of studies, which in turn led to a divided community. In Greece, wise men like Lycurgus, Pittacus, and Solon first established laws and customs to preserve harmony in their respective *poleis*, only to have Socrates and his followers challenge established custom by shunning the public good and devoting themselves to philosophy. With its advent at Rome, rhetoric became the focus of Roman education to the virtual exclusion of ethics, history, custom, and law, with the result that certain Romans used their oratory to foment lawlessness and factionalism. Popular demagogues rose to prominence, among them Cicero's nemesis Clodius and P. Sulpicius Rufus—one of the young interlocutors in *de Oratore*. After the dramatic date of the dialogue, Sulpicius used a combination of violence and intimidation as tribune to overturn the Senate's arrangements related to the command of L. Cornelius Sulla.⁶³ The move touched off a period of violence and civil strife (including the purge of 87 BC) that ended with the dictatorship of Sulla and the proscription of his enemies. Of all the interlocutors, it is this same Sulpicius who appears least persuaded by Crassus: “I do not feel a need for that Aristotle or Carneades of yours, or for any of the philosophers, and you are free to believe that I despair of being able to master such things, or that I despise it, which I do. For me a popular knowledge with the ordinary affairs of the forum is more than sufficient for the kind of eloquence that I have in mind” (*de Orat.* 3.147). Sulpicius uncharitably rejects the kind of education that Crassus has been advocating and, in the process, signals his demagogic intentions: he only desires enough “popular knowledge” (*volgaris cognitio*) so that he can play to the “crowd” (*volgus*).

By contrast, a renewed Roman Republic requires orators with the wisdom and character of earlier generations. The ideal orator ought to be skilled in speech and expert in the same areas as those distinguished Romans of the past under whose leadership the Republic flourished at home and abroad in the third and second centuries BC. Cicero's choice of models—Crassus, Antonius, Cato the Elder, and Scipio Aemilianus—indicates that he does not wish to rid Roman education of Greek influence but to see it properly oriented in relation to Roman practice. The orator must observe Roman practice as set forth in law and custom, not only to persuade others, but also to preserve the social fabric of the republic. As Crassus contends, “The leadership and wisdom (*moderatio et sapientia*) of the perfect orator provide the chief basis, not only for his own dignity, but also for the safety of countless individuals and of the republic as a whole” (*de Orat.* 1.34).⁶⁴

Endnotes

1. All primary source abbreviations follow the conventions set forth in the most recent edition of the *Oxford Classical Dictionary* (4th ed.). Unless otherwise noted, all translations are my own.
2. *Thesaurus Linguae Latinae*. 11 vols. Berlin, 1900-. Hereafter abbreviated as *TLL*.
3. Mitchell 1979, 178–88.
4. On the controversy over the *senatus consultum ultimum* in the late Republic: Gaughan 2010, 110–21.
5. E.g., Ap. Claudius Decemvir and Ap. Claudius Pulcher (cos. 143 BC), who defied the Senate and the veto of a tribune to celebrate a triumphal procession.
6. Tatum 1999, 62–6; Asc. 49.11–7, 52.25–53.4C; Cic. *Har. Resp.* 37; Plut. *Caes.* 9.1–10.4.
7. Tatum 1999, 71–80.
8. Tatum 1999, 74–85; Cic. *Att.* 1.14.5, 1.16.3–6; Plut. *Caes.* 10.5–6. Cicero writes to Atticus that with the retreat of the *boni* and the forum full of slaves, twenty-five jurors faced the utmost danger and showed such courage when they voted to convict Clodius, preferring to die rather than to lose everything (§5). Caesar thought better of testifying against Clodius; when called as a witness, he pled ignorance.
9. In his defense of Antonius, Cicero apparently offended Caesar by criticizing the acts of his consulship: App. *B. Civ.* 2.14; Cic. *Dom.* 41; Dio 38.10.1; Suet. *Jul.* 20.4. This might have been what prompted the *pontifex* to oversee the adoption of Clodius by a plebeian family, since patricians could not stand for the tribunate: App. *B. Civ.* 2.14; Cic. *Dom.* 34–42; *Sest.* 15–6; Dio 38.12.1–2. On Clodius' complicated relationship with the triumvirs, see Tatum 1999, 108–13.
10. *In Clodium et Curionem* 2–3 (in Crawford 1994).
11. Tatum 1999, 154.
12. At one public meeting, Clodius invited prominent supporters of Cicero ostensibly to debate the issue. The crowd, however, which the tribune himself had presumably gathered, greeted the speakers with violence and abuse. This was a typical *popularis* strategy: Morstein-Marx 2004, 161–72.
13. Tatum 1999, 156.

14. Mitchell 1991, 122–23. Cf. *Att.* 2.5.1; 2.9.3; 2.16.2; 3.7.2; 3.9.2; 3.15.2–3; *Fam.* 1.9.17, 21; *Sest.* 42.
15. For Cicero's insistence that his political principles were unchanged: *Cic. Att.* 1.19.8; 1.20.2–3; cf. 2.5.1; *Fam.* 1.9.8. On his political hiatus in 59 BC: Mitchell 1991, 120–22; *Cic. Att.* 2.4.4; 2.5.2; 2.6.1–2; 2.7.4; 2.13.2; 2.14.1; 2.16.3.
16. Tatum 1999, 108, 170–85; Mitchell 1991, 116–20, 136, 146–57.
17. Mitchell 1991, 181–203.
18. On the so-called “palinode” speech in support of Caesar: Shackleton Bailey 1965, 2.233–34; cf. Mitchell 1991, 185.
19. Though once dated to April/May, *Att.* 4.5 is now generally dated to the summer of 56 BC. In *Att.* 4.13.2, dated to mid-November 55 BC, Cicero refers to his work on oratory (*de libris oratoriis*), which he has been working on for some time (*diu multumque in manibus fuerunt*) and which Atticus can copy out (*describas licet*). This last remark suggests the manuscript is suitable for publication: Fantham 2004, 10–15; Leeman and Pinkster 1981, 17–21.
20. Cf. *Q. Fr.* 3.5.4; *Fam.* 1.7.10, in which Cicero relates—“Provision for our safety (*salus*) must not be made without considering our standing (*dignitas*), nor our standing without considering safety.”
21. Pompey, in particular. *Cic. Fam.* 7.1.4–6. Cf. *Att.* 4.6.1–2; *Fam.* 1.9.18; *Q. Fr.* 3.5.4.
22. Crassus died shortly after the dramatic date of the dialogue, having fallen ill after a confrontation with L. Marcius Philippus (cos. 91 BC), who had threatened him personally and insulted the Senate. Antonius, Scaevola, Catulus, and Julius Caesar Strabo would all perish in the purge of 87, when the forces of Marius and Cinna retook Rome following Sulla's departure for the East. The radical tribune Sulpicius Rufus had died at the hands of Sullan partisans the previous year.
23. Baraz 2012, 9–10; Gildenhard 2007, 46–63; Schmidt 1978–79, 119–21.
24. Stroup 2010, 146–60.
25. Badian 1969, 452–65. On the *tirocinium fori*, see below.
26. Cf. *Cic. Rep.* 3.5; *Leg.* 1.62 (regarding the philosopher).
27. Kennedy 1963, 54–57. In his youth, Cicero himself wrote a rhetorical treatise on invention (*de Inventione*), the process of discerning the most relevant and advantageous grounds on which to argue a case.

28. Corbeill 2001, 266; Eyben 1993, 135; Rawson 1985, 66–76, 156–69.
29. Fowler 1909, 187.
30. Connolly 2007. On “discourse,” Mills 2004, esp. 10, 15. For “webs of interlocution,” Taylor 1999, 36. Cf. *Inv.* 1.2–3; *Brut.* 53.
31. Leeman and Pinkster 1981, 209–11; Shorey 1909.
32. Cf. *de Orat.* 1.187; Suet *Gram.* 2.1–2; Bloomer 2011, 22–23; Griffin 1994, 690–91; Bonner 1977, 23–24.
33. Leeman and Pinkster 1981, 33.
34. The other arts undoubtedly include at least some of the so-called liberal arts (*artes liberales*), which at the time included grammar, rhetoric, dialectic, music, and mathematics—*de Orat.* 1.72, 3.125.
35. The fact that *magister* is singular would indicate that *leges*, *instituta*, and *mos* all modify *usus*. Cf. 1.192, Crassus’ remark that everything related to the law is to be found “in daily experience (*in usu quotidiano*), in the gathering of men, and in the forum.”
36. Marino 1993; Fowler 1909, 192–4.
37. Bonner 1977, 84–85; Tac. *Dial.* 34; Quint. *Inst.* 10.5.19.
38. On exercises in the Campus Martius, Bonner 1977, 99–100; Cic. *Cael.* 11. On *tirocinium militiae*, Rosenstein 2010, 139; Mitchell 1979, 9 (example of Cicero).
39. Colton 1824, 1.217 (114). Dijksterhuis 2005, 209–10, with bibliography.
40. On social reproduction: Corbeill 2007; Bourdieu and Passeron 1990.
41. Vasaly 1993, 199–205; Balsdon 1979, 30–54. Cf. *de Orat.* 1.45, 56, 105, 3.127–8.
42. Other examples of feigned ignorance: 1.82, 91, 208.
43. Zetzel 2003. Cf. *de Orat.* 3.57, 123.
44. Indeed, the author’s decision to compose his work in the form of a dialogue owes much to Plato. The Greek philosopher had composed two dialogues critical of rhetoric—the *Gorgias* and the *Phaedrus*—and *de Oratore* engages with Plato’s earlier criticism at various points.
45. Stroup 2010, 154–55; Narducci 1997, 32. Cf. Atkins 2013, 26.

46. Lintott 1999, 4–7; Hölkeskamp 2010, 17–18. While the singular *mos* is often translated as “custom” and applies to a collective, the plural *mores* tends to be translated as “character” with reference to an individual: *TLL* 8.0.1524.5–13.
47. An allusion to Arist. *Rhet.* 1.8.1 (1365b22–25) explains the ambiguous use of *mores civitatis*. Aristotle maintained that one must understand the customs of each type of constitution (i.e., *mores civitatis*)—monarchy, aristocracy, oligarchy, democracy—in order to persuade and give good advice.
48. Cicero used “good men” (*boni*) as a political catchword to refer to those devoted to the republican social and political order. Hellegouarc’h 1972, 484–505; Lacey 1970, 10–16; Wirszubski 1961, 13–4.
49. Fowler 1909, 168; Plut. *Cato Mai.* 20.5; Juv. 14.38–58. On aphorisms, many of which were attributed to Cato the Elder: Bloomer 2011, 142–55; Cic. *Planc.* 59; *Rep.* 1.36.
50. Plut. *Cat. Mai.* 20.4, 6; Varro *Catus de liberis educandis* frag. 19 (ed. Riese 1865, 250) = Non. 108, s.v. *ephippium*.
51. Connolly 2007, 20–21.
52. Morstein-Marx 2004, 271, with bibliography.
53. Morstein-Marx 2004, esp. 204–40.
54. Note the ends to which Antonius and Crassus endorse appeals to emotion at *de Orat.* 1.202, 2.337.
55. Cf. *Rep.* 5.5: Scipio Aemilianus asserts that a political leader will have sought to learn common law and statutes (*ius et leges*) and examine their origins.
56. Crassus cites a number of examples of shameless orators who do not know the law and so jeopardize their clients’ cases (*de Orat.* 1.166–751; cf. 2.101) as well as pointing to kind of political leader who puffs himself up (*se effert*) if he knows only one thing—eloquence, law, or military affairs (3.136). By contrast, men like Cato the Elder (1.171, 3.135), P. Licinius Crassus Dives Mucianus, cos. 131 (1.170, 216, 239–40), P. Licinius Crassus Dives, cos. 205 (3.134), Ti. Coruncanius, cos. 280, dict. 246 (3.56, 134), M’. Manilius, cos. 149 (3.133), and Sex. Aelius Paetus Catus, cos. 198 (1.198, 212, 3.133) were effective orators who were learned in the law, accomplished statesmen, and, in some cases, effective military commanders.
57. I.e., “dutiful behavior,” especially toward the gods, one’s country, and one’s parents.

58. Rather than *res publica*, which seems better suited to the context, Crassus instead chooses *patria*, a play on *parens*, to underscore the filial relationship of a citizen toward the republic.
59. The interlocutor P. Cornelius Scipio Aemilianus (cos. 146, cen. 142 BC), recalling what Cato the Elder had once said. Cicero's purpose in writing the dialogues is to present a theoretical argument for the Roman Republic and its laws. Cf. *Rep.* 1.70, 2.1–3; *de Orat.* 3.95, 123.
60. Cf. the importance of understanding one's role (*persona*) at Kopff 1999, 12—"Denied these stories by the present education system [i.e., the story of their nation and civilization as a coherent narrative], students have become like the anti-heroes of modern novels: people trapped in a world they cannot understand, bit players in a drama whose basic themes remain a mystery to them."
61. Cf. *Il.* 9.438–43, esp. the final line—*μύθων τε ῥητῆρ' ἔμειναι πρηκτῆρά τε ἔργων*. On the ideal of the young prince and his tutor: Martin 1984.
62. Lycurgus, Pittacus, and Solon were the lawgivers of Sparta, Mytilene, and Athens respectively. Ti. Coruncanus (cos. 280, dict. 246 BC) was an accomplished military commander and jurist, who served as the first plebeian pontifex maximus; C. Fabricius Luscinus (cos. 282, 278; cen. 275 BC) and Cato the Elder (cos. 195, cen. 184 BC) were both legendary for their traditional virtue; P. Cornelius Scipio Aemilianus Africanus Minor (cos. 147, 134 BC) oversaw the final defeat of Carthage in the Third Punic War and was known for his Greek learning. Cf. *de Orat.* 3.134, which lists three chief priests (*pontifices maximi*)—P. Licinius Crassus Dives (cos. 205 BC), Ti. Coruncanus, and P. Cornelius Scipio Nasica Corculum (cos. 162, 155 BC)—as examples of wise Roman men.
63. On Sulpicius: App. *B. Civ.* 1.55–9; Plut. *Mar.* 34–5; *Sull.* 8–9. On Sullan dictatorship: Gaughan 2010, 131–4; Flower 2010, 117–34.
64. Trans. May and Wisse, with modifications.

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