

XX.—*Biennium praeteriit* (Cicero, *Att.* 13.12.3)

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The conclusions are summarized in the final paragraph.

The corpus of Cicero's essays on philosophy and related subjects, a developed though not the final plan of which appears in a well-known passage of the *De Divinatione*, was elaborated in two separate periods within the last twelve or thirteen years of the author's life.¹ In the first period, between 55 and 51 B.C., he composed and published his *De Oratore* and *De Republica*, works rather more ambitious in scope and perhaps more finished in style than any single undertaking of his later career.² After the publication of the *De Republica* shortly before his departure for Cilicia in the spring of 51, there ensues in this literary activity a nearly complete interruption lasting at least down to his return to Rome about October, 47.³ The second period extends from his work on the *Brutus*, usually assigned to the first months of 46, through the composition of the *De Officiis*, on which he was still engaged in November, 44. Numerous details in the over-all picture remain matters of dispute, but the above will indicate the generally accepted terminal dates.

¹ Cf. *Div.* 2.1–7 (spring or summer, 44 B.C.) and the notes of A. S. Pease (ed. *Div.* [Urbana, 1920–1923]) *ad loc.* For the literary chronology of Cicero a general reference is here made to the discussions in Schanz-Hosius and in the composite article on Cicero in *RE* 7A (1939) 827–1274 by M. Gelzer, W. Kroll, R. Philippson, and K. Büchner.

² That the *De Legibus*, traditionally assigned to the period of the *De Oratore* and *De Republica*, cannot well be dated to these years (or to 46–45) I have attempted to show elsewhere (*TAPhA* 71 [1940] 524–531; 74 [1943] 109–112; 77 [1946] 321–322); similar doubt has been cast upon the conventional dating of the *Partitiones Oratoriae* to 54 by H. Bornecque (ed. *Part. Orat., Top.* [Paris, 1924] xi–xiv), who assigns this work to the end of 46; the vestigial *De Iure Civili in Artem Redigendo* may belong to the earlier period.

³ This is generally recognized on the basis of the unsettled conditions of Cicero's existence, first during his sojourn in the East in his proconsular year, then amid the troubles of the first years of the Civil War, and is amply confirmed by the silence of the correspondence with Atticus, which is fairly copious for most of this period. References in March, 49 (*Att.* 9.4; 9.9.1) to exercises, apparently undertaken for his personal edification only, on political *theoriae*, and, about the same time, to an abortive essay *De Concordia* (cf. S. Häfner, *Die literarischen Pläne Ciceros* [Diss. Munich, 1928] 34–41) hardly qualify the rather express testimony of *Brut.* 19 and *Fam.* 9.1.2. — On the date of Cicero's return see Gelzer, *op. cit.* (above, note 1) 1008.

In the present paper I wish to call attention to the comparatively obscure situation between Cicero's return to Rome about October, 47 and, more or less, April, 46, within which limits we must probably date his effective decision to resume literary work after the interruption since 51. We lack the invaluable correspondence with Atticus for these months (both men were probably in Rome throughout most of this period), and a passing notice, datable to early April, 46, in the *Paradoxa*, which establishes, beside the date of that work, the fact that the *Brutus* had already been published, affords a rather inadequate basis for reconstructing the history of an important segment of Cicero's literary career.⁴ The internal evidence of the *Brutus*, the only work of this general period certainly begun earlier than April, yields no fixed chronological data,⁵ and both the date and the interpretation of an isolated letter

⁴ *Parad. 5* (Accipies — apparuit.). P. Groebe, "Die Abfassungszeit des 'Brutus' und der 'Paradoxa' Ciceros," *Hermes* 55 (1920) 105–107 (reprinted in his revision of W. Drumann's *Geschichte Roms* [Leipzig, 1899–1929] 6 [1929] 683–685), finds, correctly, I think, in the reference to "shorter nights" the probable dating of the *Paradoxa* to the first weeks of what was nominally April (by the sun, February), 46. The publication of the *Brutus* (illud maiorum vigiliarum munus) falls, therefore, before this date. I must enter a reservation, however, about Groebe's computation of the date of composition of the *Brutus* (Feb. 20–end of March, 46 = Dec. 1, 47–Feb. 1, 46 by the solar year), the *terminus post quem* of which he bases upon the supposition that "the long nights" devoted to this work imply a real date of December and January. But even accepting the studied antithesis in *Parad. 5* quite literally, it is likely that the average observer would note the lengthening autumnal nights a good while before December 1, so that the date of composition can be advanced to a point not much later than the autumnal equinox, say October (hence, for present purposes, January, 46); and this need refer only to the final execution, not to the period of preliminary study and composition.

⁵ We find no clue in the non-dramatic preface (1–9), the general complaints voiced there (as in the dramatic parts) about the political miseries of the times and the attendant eclipse of oratory, as touching Cicero personally, being equally referable to any point between his return and the date of the *Pro Marcello* (September, 46). Within the body of the treatise, allusions to Cato (118) and Q. Caecilius Metellus Pius Scipio (212), suicides shortly after Thapsus, as still living, at most confirm the acknowledged *terminus ante quem* of April, 46, while Groebe, *loc. cit.* (above, note 4), shows that our ignorance of the date of Brutus' departure for Gaul nullifies the possible significance of a remark (171) that this lies in the future. Supposed references (10, 266) to Cicero's apprehension regarding the outcome of the African war, which have been held to date the work later than the formal opening of hostilities (Dec. 28, 47), can hardly affect the question. The renewal of hostilities was certainly foreseen well in advance of Caesar's departure from Rome (about Dec. 1: cf. O. E. Schmidt, *Der Briefwechsel des M. Tullius Cicero* [Leipzig, 1893] 232–233; E. Meyer, *Caesars Monarchie* [Stuttgart-Berlin, 1922] 382), or, with the rallying of the Pompeians in Africa and Spain, even before Caesar's return to Italy, as appears from numerous passages in Cicero's correspondence from Brundisium (e.g., *Att.* 11.11.1; 11.12.3; 11.19.1; 11.24.5; *Fam.* 15.15.2).

to Varro (*Fam.* 9.1), which has sometimes been introduced into the discussion, must be reconsidered.⁶

Under these circumstances, a passage in a letter to Atticus of June 23, 45 will, I think, be of interest:

. . . Quod ad me de Varrone scribis, scis me antea orationes aut aliquid id genus solitum scribere, ut Varronem nusquam possem intexere. Postea autem quam haec coepi φιλολογώτερα, iam Varro mihi denuntiaverat magnam sane et gravem προσφώνησιν. Biennium praeteriit, cum ille Καλλιπιδῆς adsiduo cursu cubitum nullum processerit. Ego autem me parabam ad id quod ille mihi mississet ut αὐτῷ τῷ μέτρῳ καὶ λῶϊον, si modo potuissem: nam hoc etiam Hesiodus ascribit, αἶ κε δύνῃαι. . . .

He goes on to explain that he intends to dedicate the *De Finibus* to Brutus, and proposes to introduce Varro as a speaker in the revised *Academica*.⁷

The passage contains many interesting points, but I confine myself to its bearing on the obscure period of Cicero's career between October, 47 and April, 46.⁸ The text indicates rather plainly that at the time of writing Cicero reckoned that he had been engaged for a matter of two years upon the group of treatises here denominated "haec φιλολογώτερα" and otherwise identifiable with the series commencing with the *Brutus* and eventually extending,

⁶ See below, pp. 373 f.

⁷ *Att.* 13.12.3, on which see Tyrrell and Purser, especially on προσφώνησιν: "Cicero had already commenced those 'more literary' works, as he calls the philosophical treatises in contradistinction to his speeches, &c., when Varro promised to dedicate to him his *De Lingua Latina*. Now, after two years, Varro has made no progress with the work. . . ." The priority of Cicero's resumption of work to Varro's promise seems so patently expressed by "postea . . . quam" that I am at a loss to explain E. S. Shuckburgh's construction (*The Letters of Cicero* [London, 1899-1900] 3.284-285): "But when I began . . . Varro had already announced . . ." (similarly, E. O. Winstedt in his Loeb translation [London-New York, 1912-1918] 3.129), unless this has been dictated by the pluperfect "denuntiaverat," retained in its primitive force in spite of the violence thereby done the plain intent of the subordinate clause. The tense, however, is readily explained by the following "praeteriit" and "parabam" (cf. H. J. Roby, *A Grammar of the Latin Language* [London-New York, 1887-1889] 2.199; Leumann-Hofmann, 561-562).

⁸ The passage has often been cited for the history of Varro's *De Lingua Latina* (cf. H. Dahlmann in *RE* s.v. "Terentius 84" [Supplbd. 6.1172-1277] at 1203) and in discussions of Cicero's relations with Varro, particularly those touching the latter's role in the *Academica* (cf. J. S. Reid, ed. *Acad.* [London, 1885] 32-34), but not, I believe, for the general chronology of Cicero's works since John Chapman, *Dissertatio Chronologica de Aetate Ciceronis Librorum De Legibus* (Cambridge, 1741) 17-20, who employs it to define the compass of "his temporibus" (*Att.* 13.19.4). Chapman, however, defines this period as "ab Init. A. U. 706" (i.e., 47 B.C.: cf. *op. cit.* 1-2, note a), which is manifestly too early.

without significant interruption, through at least the *De Officiis*. The language is explicit, and I see no reason to suspect either that Cicero has confused the sequence of events or that he would have used the phrase "biennium praeteriit" unless he had meant substantially just that: "two years have passed."⁹

It would appear, therefore, that we have before us important evidence for dating the inception of the series of treatises just mentioned, or at least the studies immediately preparatory thereto, to some point not far from June, 47. As it happens, however, we are fairly well informed on Cicero's situation during the summer of 47, and know that, at the date required, he was languishing at Brundisium, anxiously awaiting political developments on which his personal safety depended, and, if the consistently negative tenor of his current correspondence with Atticus means anything, certainly not disposed to seek consolation in literature. Not to labor a point that will, I think, be readily granted, it is fairly certain that Cicero was not engaged in any formal literary work in Brundisium about June, 47.¹⁰

But is it necessary to reject this promising literary notice as a slip of memory, or, especially as concerns the crucial phrase "biennium praeteriit," as palpable carelessness on Cicero's part? I do not think so. Writing late in June, 45 and using this expression in its most literal sense, Cicero would, paradoxically enough, unconsciously have designated a date nearly three months later than what had nominally been June 23, 47. The intervening year 46 B.C. was, it will be remembered, the "annus confusionis ultimus," when it

⁹ Of some thirty-five passages of Cicero in which the word is found (cf. *TLL* s.v.), about one-third exhibit it in legal or quasi-legal contexts, in which cases the time envisaged is automatically defined: so *Top.* 23; *Caec.* 54; *Phil.* 1.19 :: 5.7; *Sest.* 133 :: *Val.* 37; *Att.* 14.6.2, etc. In the remaining, non-technical instances, Cicero seems, as far as his statements can be controlled, to use the word with discretion (e.g., *Quinct.* 40, 41, 42, 67; *Brut.* 314; *Leg. Agr.* 2.49; *Sull.* 67; *Cael.* 78; *Div.* 2.46), and the fact that he frequently qualifies the expression (e.g., fortasse [*Brut.* 240], fere [*Verr.* 2.4.67], prope [*Verr.* 2.2.62], biennium aut triennium [*Fam.* 15.16.3]) likewise suggests that his use of "biennium praeteriit" in *Att.* 13.12.3 is quite advised. If the period in question had been materially short of two years, he would, I think, have qualified the phrase as indicated or perhaps have employed the words "hòc biennio," i.e., "within the past two years," for which see *De Or.* 3.93; (Quintus Cicero) *Pet. Cons.* 19.

¹⁰ Cf. *Att.* 11.16-25 (June 3-end of August, 47) in which, as in *Att.* 11.5-15 (Nov. 48-May, 47), the absence of literary notices is in sharp contrast with, say, *Att.* 12-16 *passim* (Apr. 46-Nov. 44), when, as we know from independent sources such as the non-dramatic prefaces of the treatises, Cicero was deeply engaged in literary work. For the situation in 47 see also *Brut.* 19; *Fam.* 9.1.2; and, in general, Gelzer, *op. cit.* (above, note 1) 1004-1007.

proved necessary, because of the neglect of intercalation for several years preceding, to insert no fewer than three intercalary months (and some ten additional days), bringing the total days of the year to 445.¹¹ Taking Cicero at his word, then, we should reckon back to a point 730 (or, allowing for the possibility that 45 B.C. may have been a leap-year, 731) days prior to June 23, 45, which takes us to what was nominally September 8 or 9, 47. Since there is hardly need, in a context such as *Att.* 13.12.3, to press Cicero's remark in an absolutely literal sense, this agrees quite well with the date of his expected return to Tusculum, October 7 or 8, 47, the last accurately defined date in this year of Cicero's life, and the probable *terminus post quem* for any literary work with which we may have to deal.¹² At Tusculum or Rome (whither, as is generally assumed, he must have proceeded very shortly) Cicero was once more among his books, Atticus, Brutus, and other literary friends were near at hand, and external conditions, on the one hand, the inhibition of all normal political activity as Caesar hastily ordered affairs *urbi et orbi* and prepared for forthcoming military operations in Africa¹³ on the other, the incentive of important literary contributions from Brutus and Atticus, were surely such as to invite a prompt return to study and writing.¹⁴ I propose, therefore, that we should take *Att.* 13.12.3 as evidence for dating the resumption of Cicero's literary activity, not now as a vague possibility, as has occasionally been suggested, but on fairly objective proof, to a period shortly after his return from Brundisium, probably to October, at latest to early November (by the nominal reckoning), 47, not to the early months of 46 as has commonly been held.¹⁴

¹¹ On Caesar's calendar reforms see W. Kubitschek, *Grundriss der antiken Zeitrechnung* (Munich, 1928) 99–104. The number 445 is attested by Macrobius, *Sat.* 1.14.3, on which see Kubitschek, *op. cit.* 101, note 2.

¹² *Fam.* 14.20.

¹³ *Brut.* 11–20, where Cicero expressly declares that he had been inspired to return to his earlier studies by writings of Brutus and Atticus, specifically, Brutus' "epistula ex Asia" (11–13; cf. G. L. Hendrickson, "Brutus *De Virtute*," *AJPh* 60 [1939] 401–413) and Atticus' *Liber Annalis* (13–15, 19), of which Cicero makes extensive use in this work (cf. J. Martha, ed. *Brut.* [Paris, 1892] xix–xx; Schanz-Hosius, 1⁴.329–331, 465). The further motivation of the *Brutus* in Cicero's quarrel with the Atticists (cf. Schanz-Hosius 1⁴.390–391) may also be mentioned.

¹⁴ Schmidt, *op. cit.* (above, note 5) 242–243 (cf. 33–34, 316), and F. F. Abbott, ed., *Selected Letters of Cicero* (Boston, 1897) 186, admit, though without circumstantial discussion, work during the last months of 47; similarly, and admitting much pure fiction, G. Boissier, *Cicero and His Friends*, tr. A. D. Jones (New York-London, 1898) 259–260.

If I am correct in this, a number of investigations should now be made into such data as we have for the still obscure months of the autumn, winter, and early spring of 47–46. There is a distinct possibility, as I hope to show elsewhere, that the date of the *Brutus* should be advanced by some months into the autumn of 47, which may throw new light on other literary problems of this period.¹⁵ At this time, however, I shall discuss, as an immediate corollary of my interpretation of *Att.* 13.12.3, only the date of a rather important letter to Varro (*Fam.* 9.1), assigned by Tyrrell and Purser to “early in 46,” never, so far as I know, much earlier.¹⁶ Although the letter contains nothing explicitly stating that it is Cicero’s first communication with Varro since the former’s return to Rome (cf. § 2), several indications favor this view. He begins by saying that he has learned from a letter of Varro to Atticus, read to him by the latter, of Varro’s whereabouts and activities. He looks forward to Varro’s arrival, for which no exact date has been set, and envisages the possibility (no suggestion of any previous meetings) that they may then be able to find comfort in each other’s conversation amid the calamities of the times. Evidently as an invitation to further literary communications, he says that since his return to Rome he has resumed his studies, and embarks on an elaborate apology for his desertion of these pursuits as compared with Varro’s greater constancy.¹⁷ This sounds like an excuse specifically for his failure to write during his sojourn at Brundisium, since, prior to this, Varro, too, had seen service, indeed in a more active capacity, in the earlier stages of the war, and had been with Cicero at Dyrrhachium in 48.¹⁸ Had Cicero at this time made any great progress with his plans, he would probably have been more circumstantial, a detail which likewise favors dating the letter shortly after his return to Rome. He concludes with a

¹⁵ That Cicero had other literary plans in mind is indicated in *Brut.* 15–16, on which see the commentators *ad loc.*; Häfner, *op. cit.* (above, note 3) 78, 89, 97, note 3; L. Amundsen, “Notes to the *Brutus* of Cicero,” *Symbolae Osloenses* 19 (1939) 124–126.

¹⁶ It is assigned to the end of 47 or beginning of 46 by Schmidt, *op. cit.* (above, note 5) 234; Abbott (above, note 14) 185; Drumann-Groebe (above, note 4) 62.214, note 8; H. Sjögren, ed. *Fam.* (Leipzig, 1925) 267; by Gelzer, *op. cit.* (above, note 1) 1008, “. . . gegen Ende des Jahres [47] . . .”; but more commonly (probably after Tyrrell and Purser) to early 46: cf. E. Ciaceri, *Cicerone e i suoi tempi* (Milan, 1926–1930) 2.262; E. G. Sihler, *Cicero of Arpinum* (New York, 1933²) 335; J. Carcopino, *Les secrets de la correspondance de Cicéron* (Paris, 1947) 1.369.

¹⁷ *Fam.* 9.1.2 (Scito — fuisse.).

¹⁸ See Dahlmann, *op. cit.* (above, note 8) 1177–1178.

repetition of his hopes of seeing Varro, perhaps of calling upon him, at Tusculum, Cumae, or, as a decidedly less attractive alternative, in Rome.¹⁹ The last remark seems to have determined Schmidt's dating (substantially followed by Tyrrell and Purser) to a point considerably later than Cicero's arrival in Rome, on the ground that his apparent desire to get to the country reflects his weariness with the city.²⁰ The reasoning seems somewhat tenuous. All Cicero implies is a wish that the meeting can take place somewhere else than in Rome — a reflection, most probably, of his displeasure with conditions there, which surely he was in a position to appraise after no long stay in the city. The likelihood is, then, that the letter represents Cicero's original effort to reopen correspondence with Varro (we find no allusion to Varro in the correspondence of Cicero's months at Brundisium), and, if so, it is probably the communication which elicited the promise of a dedication as mentioned in *Att.* 13.12.3. I should therefore assign the letter to late October or early November, 47. The internal evidence favors an early date, and if I am right in associating the letter with the situation described in *Att.* 13.12.3, the date suggested is practically assured.²¹

In conclusion, then, the testimony of *Att.* 13.12.3 independently favors dating Cicero's resumption of his literary work, after an interruption since 51, to a time shortly after his return to Rome in October, 47. This is confirmed by various considerations in Cicero's life at this time. The same passage points to a similar date for *Fam.* 9.1, an important document for Cicero's literary relations with Varro.

¹⁹ *Fam.* 9.1.2 (*Quam ob rem — diiudicetur.*).

²⁰ Schmidt, *op. cit.* (above, note 5) 234.

²¹ That Cicero had resumed literary relations with Varro rather earlier than 46 (from which year we have several letters to Varro) was, of course, implicit in the common interpretation of *Att.* 13.12.3 (see above, note 8). The more precise dating of *Fam.* 9.1 here attempted may open the way to further studies of this relationship, though this lies outside the scope of the present paper. I might suggest, however, that the long interval which I postulate between *Fam.* 9.1 and its sequel in the extant correspondence (*Fam.* 9.3: mid-April, 46), together with the more familiar tone of the latter (and of its appendix, *Fam.* 9.2, written a few days later), may indicate either that both men were together in Rome for most of the intervening months or that some letters by Cicero have disappeared.