

IN LIGARIANAM

WILLIAM C. McDERMOTT

University of Pennsylvania

Cicero's defense of Q. Ligarius before C. Caesar is important because of light shed upon the relation between the two most important men in Rome and because it is the only example among the orations of a *deprecatio*. Despite much discussion of the speech and its background there are still possibilities of casting new light on the circumstances surrounding it.¹ After a summary account of the period in which the trial was held I will amplify some suggestions already made, and propose some new approaches.

The events of 46 B.C. present some striking anomalies. Caesar's delayed return to Rome after the frightful slaughter during and after the battle of Thapsus was in strange contrast to his hurried embarkation for Africa. The bloody battle occurred on April 6, but Caesar did not arrive in Rome until July 25. Arrangements in Africa took some time, but most of Caesar's actions there could easily have been carried out in his absence by the new proconsul, C. Sallustius Crispus. The delay caused by the detour to Sardinia had even less excuse from the administrative point of view. Clearly the reason for the delay was

¹ The basic works are W. Drumann and P. Groebe, *Geschichte Roms* 3 (1906) 546-65 (general), 635-38 (on Ligarius); 6 (1929) 224-35; M. Gelzer in *RE* s.v. "Tullius (29)" cols. 1011-18 (1939); Caesar, *Politician and Statesman* (English version, Oxford 1968) 278-92 (esp. 292); *Cicero, ein biographischer Versuch* (Wiesbaden 1969) 277-84; G. Walser "Der Prozess gegen Q. Ligarius im Jahre 46 v. Chr.," *Historia* 8 (1959) 90-96; K. Kumaniecki, "Der Prozess des Ligarius," *Hermes* 95 (1967) 434-57. For dates and text of the *epistulae ad Atticum*, D. R. Shackleton Bailey, *Cicero's Letters to Atticus*, vols. 1-6 (1965-68) (abbreviated SB). For all the letters of this period, R. Y. Tyrrell and L. C. Purser, *The Correspondence of M. Tullius Cicero*, vols. 4-5 (2nd ed., 1915-18) (abbr. TP): especially the introductions of both volumes. All citations of the *orationes Caesarianae* are from A. Klotz (1914). For these three orations cf. M. Schanz *Geschichte der roemischen Literatur* 1 (4th ed. by C. Hosius, Munich 1927) 437-41. These works are cited in abbreviated form.

psychological. In the meantime the senate had perforce decreed imperial honors to Caesar: among other items he was to be dictator for ten years, *praefectus morum*, *primus rogatus*, a *supplicatio* of forty days was decreed and he was to have seventy-two lictors for his triumphs.² Nevertheless Caesar may well have felt uneasy about his reception in Rome. Hence, I assume, came the unusual delay. The enthusiasm of the *plebs* during the *supplicatio* would chill the anger of hostile senators. Even more effective would be the growing fear of Caesar's opponents during the *lapsus temporis* that this time Caesar would return as another Sulla.

According to Dio, Caesar in a speech to the senate assured his hearers that he would not indulge in a proscription. The authenticity of this speech has been questioned since it is not mentioned in any other source. Plutarch tells only of a speech to the people in which Caesar outlined the profits from the re-organization of Africa. However, it fits the dynamics of the situation that Caesar should address the *plebs* in a *contio* which would stress profit for them, and as consul, dictator and *primus rogatus* deliver a *sententia* in the senate assuring amnesty to the aristocrats. Doubtless the rhetoric of the speech in Dio does not reflect the bald style of Caesar, but such a speech late in July or in August was surely necessary whether Caesar had already decided to override completely senatorial authority or not.³ In fact a decision to act without senatorial cooperation seems to have followed Munda rather than Thapsus.⁴

In the latter part of September the celebration of his fourfold triumph was held with enormous fanfare and was accompanied by lavish entertainment of the populace. The extraordinary number of lictors and some features of the triumphs offended even the *plebs*, but the triumph over Africa particularly offended the aristocrats. In it Caesar

² Cf. *BAfr. passim*: 1 (Caesar camped on the Sicilian beach, and kept his men on the ships); 98 (Sardinia and his return to Rome). Dio, 43.14.3-7 (Caesar's honors). For the lictors cf. 43.19.3.

³ Dio, 43.15.2-18.5. First in the senate and then in a *contio* (18.6). Plut. *Caes.* 55.1 (*contio* only). F. Millar considers this speech "clearly a fiction": *A Study of Cassius Dio* (Oxford 1964) 80-81. However, Millar is prone to derogate any material in Dio's inserted speeches as the imperial re-writing of history: Gelzer comments, "The speech . . . besides commonplaces surely contains some ideas based on contemporary tradition . . .": *Caesar* 279, note 2.

⁴ Cf. Gelzer, *Caesar* 307-12.

triumphed not only over King Juba, but also over Roman senators, and, in the *pompa triumphalis* floats, depicted the tragic deaths of M. Petreius and M. Porcius Cato, *senatores praetorii*, and Q. Caecilius Metellus Pius Scipio Nasica, *senator consularis* and father of the fifth wife of Cn. Pompeius Magnus.⁵ Cicero, who surely was a reluctant spectator, never mentions this triumph.

At about the same time, Caesar, yielding to the entreaties of the relatives of M. Claudius Marcellus, pardoned this unrepentant *Pompeianus* who was in exile in Mytilene. I suspect that this action took place after the African triumph, and was meant to reassure the senators. Cicero, breaking his long-time silence, delivered in Caesar's presence in the senate his *pro Marcello*, which could better be named *ad Caesarem gratiarum actio de Marcello*. I am sure Cicero circulated the speech immediately, as I argue below for the speech for Ligarius.⁶ The account of the scene in the senate, as described in a letter to Ser. Sulpicius Rufus (*Fam.* 4.4), gives no hint that Cicero was ashamed of his laudation of and warning to Caesar. I agree with Tyrrell that this is a clear and honorable statement without subtle undertones, and that Cicero was roused to his ebullience by the unexpected nature of Caesar's action.⁷ I suspect that a copy of the speech accompanied this letter, although there is nothing in the letter to confirm this guess. I would suggest that another copy went to Marcellus accompanied by a letter not now extant, and that a further copy probably was presented to Caesar. However, even granting this, I doubt that the speech was widely circulated, as many earlier speeches certainly were. It is

⁵ Discussed in greater detail in my article, "M. Petreius and Juba," *Latomus* 28 (1969) 858-62. Cf. also A. Garzetti (ed.) *Plutarchi vita Caesaris* (Florence 1954, repr. 1968) ad 55.

⁶ We cannot date this meeting of the senate precisely; the only certainties are that Caesar is in Rome (after July 25) and that it preceded the trial of Ligarius (in the first intercalary month). Cicero said (*Lig.* 37): *fac igitur quod de homine nobilissimo et clarissimo fecisti nuper in curia*, . . . Of course, *nuper* is ambiguous. None of the five letters concerning Marcellus can be dated firmly. Cicero's three letters to Marcellus (*Fam.* 4.7-9) before the pardon are dated in the first half of September by Tyrrell and Purser (nos. 485-87: cf. the introductory note to 485 = *Fam.* 4.8) and H. Moricca (1950: nos. 237-39: cf. p. xlviii of his introduction). The letter to Rufus (*Fam.* 4.4) is placed in the second half of September (TP, no. 495); in the second half of September or October by Moricca (no. 296). Marcellus' note of thanks to Cicero (*Fam.* 4.11) is placed in the middle of October (TP, no. 496; Moricca, no. 250). The name *orationes Caesarianae*, used in ancient and modern times, is post-Ciceronian: Schanz-Hosius, 1.406.

⁷ TP, 4.lviii-lx; 5.ix-xiii.

noteworthy that this oration has been the subject of full or partial derogation.⁸

During the months between his return from Africa in July and his departure for Spain in the second intercalary month, Caesar was occupied with a great variety of projects. At first he apparently felt that the gathering trouble in Spain could be contained by his legates, especially C. Didius, who was sent there with a fleet, and Q. Fabius Maximus and Q. Pedius, who commanded legionary troops. Soon it became obvious that Caesar must go in person. Surely then in the Fall his actions became more arbitrary and ended in the hasty arrangements for the year 45 which could hardly have been more offensive to the conservative senators. With Caesar as dictator and sole consul, with M. Aemilius Lepidus as *magister equitum*, with *praefecti* and no curule magistrates, and with Balbus and Oppius as powers behind these officials⁹ Cicero could with truth say to Paetus (*Fam.* 9.15.3): *nunc autem vix est in sentina locus*.¹⁰

In the same period Cicero was chiefly engaged in using his influence with Caesar and the *Caesariani* on behalf of friends and acquaintances who were still in exile.¹¹ He was also engaged in writing: the *laus Catonis* had been finished in July but was not published until late in the

⁸ Much of the criticism stemmed from the doubts raised about the authenticity of the speech (especially by F. A. Wolf in his edition of the speech in 1802). No scholar now seriously questions Ciceronian authorship: cf. Drumann in *Dr. Gr.* 6. 679–82 and W. Y. Fausset in *Orationes Caesarianae* (Oxford, 2nd ed., 1906, repr.) intro. to *Marc.* pp. 3–7. Thus Wolf (as cited by Fausset in translation, p. 3): “void of matter . . . in its whole structure pointless, foolish, absurd . . . in a word, worthier of the fatuous emperor Claudius than of Cicero.” However, even those critics who praise the speech usually do so for its skill, while expressing moral indignation at its inconsistency with Cicero’s private views as expressed in his letters. Thus, R. G. M. Nisbet says of it: “But at least from the technical standpoint the *Pro Marcello* is one of Cicero’s most perfect writings. The language is eloquent throughout, there are no loose ends, the rhythm and structure cannot be faulted . . . But though the speech is neither sincere nor original, it is not contemptible either.” “The Speeches” in T. A. Dorey, *Cicero* (London 1965) 72–75.

⁹ Cf. especially Gelzer, *Caesar* 278–94.

¹⁰ Dated in the middle of the first intercalary month by Tyrrell and Purser (no. 481) and therefore about the time of the trial of Ligarius. In the next paragraph Cicero remarks that his name occurs on *senatus consulta* which he had never heard of (*ponor ad scribendum*).

¹¹ In addition to the letters to Ligarius and Marcellus, there are letters to A. Caecina (*Fam.* 6.5, 6, 8), to T. Ampius Balbus (*Fam.* 6.12), to P. Nigidius Figulus (*Fam.* 4.13), to Trebianus (*Fam.* 6.10).

year; possibly it was revised in the Fall. The *orator ad M. Brutum* was published about the time of Caesar's departure for Spain.¹² The paucity of letters to Atticus at this time does not allow us to do more than guess that literary preparation in 46 may partially account for the almost incredible literary output of the following years.¹³ This then is the background for our consideration of Cicero as *patronus* of Ligarius.

Q. Ligarius was one of three brothers of an undistinguished Sabine family.¹⁴ His brother Titus was *quaestor urbanus* about 54 B.C.,¹⁵ and Quintus surely held the quaestorship in the fifties. The third brother was probably *eques* as were the relatives and friends mentioned by Cicero in the *peroratio* of his speech (33). In 51-50 Ligarius was *legatus* of C. Considius Longus, governor of Africa. When Longus returned to Rome for a consular canvass in 50 he left him in charge, probably as *legatus pro praetore*.¹⁶ P. Attius Varus, who had earlier been *propraetor* of Africa, took over in 49 for the *Pompeiani* and Ligarius served under him. When L. Aelius Tubero was appointed to Africa, he was excluded by Varus and Ligarius, despite the fact that his son Quintus was ill on shipboard. Thereafter the *Tuberones* joined Cn. Magnus. Ligarius in Africa probably fought against Curio in 49 and certainly against Caesar in 46 (*Lig.* 16). After Thapsus he was pardoned by Caesar but not permitted to return to Italy (*BAfr.* 89.2).

In August or September of 46 Cicero had promised Ligarius his aid in gaining permission from Caesar to return to Italy (*Fam.* 6.13). This was consistent with his efforts on behalf of other exiled *Pompeiani* at that time. However, he was certainly not on intimate terms with

¹² Cicero said to Atticus (12.5.2): *Cato me quidem delectat*, . . . This item is dated by Tyrrell and Purser (no. 471) early in July, and by Shackleton Bailey (no. 242) in July or August. They assume the *laus Catonis* is complete at this time. However, it was clearly not circulated until the end of the year, probably after Caesar had left for Spain (cf. TP, *ad loc.*), and consequently after the *Orator* was published (Caecina had already received a copy of the *Orator* in Sicily by mid-December: *Fam.* 6.7.4). Cicero said (*Orator*, 35): *itaque hoc sum aggressus statim Catone absoluto* . . . , but he could still have been revising.

¹³ Only eight letters in these six months (SB, nos. 242-49).

¹⁴ Cf. Muenzer in *RE* s.v. "Ligarius (4)," cols. 519-22 (1926). For T. Ligarius, s.v. "Ligarius (5)."

¹⁵ T. R. S. Broughton, *The Magistrates of the Roman Republic* 2 (1952) 223, 581 where the *praenomina* of the brothers are reversed, corrected in *Suppl.* (1960) 35.

¹⁶ *MRR* 2.244, 253.

the members of this family. The tone of his two letters to Ligarius is rather formal (*Fam.* 6.13–14). At no time does he call any of the Ligarii *necessarii*.¹⁷ In the speech which he later delivered before Caesar Cicero had mistakenly referred to the deceased Corfidius (*pernecessarium Ligariorum*) as if he had been present. He was reminded of this by M. Brutus (*Att.* 13.44.3). I feel certain that this was not a *lapsus memoriae* at the time Cicero was writing out the speech, but a genuine error at the time of delivery—clearly Cicero did not know Corfidius by sight. This reference to Brutus may indicate that it was at his request that Cicero became involved with the Ligarii. I feel sure that Cicero did not intend to do more than intercede privately with Caesar's satellites for this unimportant *senator quaestoricus*. However, one passage in the letter to Ser. Rufus on the senate meeting in which he thanked Caesar for pardoning Marcellus may give us a clue to the trap Cicero had laid for himself (*Fam.* 4.4.4): . . . *meque metuo ne etiam in ceteris rebus honesto otio privarim, quod erat unum solacium in malis*. Once committed, Cicero became further involved.

In the earlier of his two letters to Ligarius Cicero had encouraged him but had warned him that Caesar was difficult to approach because of his many concerns (6.13.3: *magnis occupationibus eius*) and that he was especially angered with those who had been in Africa (*Africanae causae iratior*).¹⁸ The almost incredible hardships of that campaign as delineated in the *de bello Africo* can easily explain the latter point. In addition, the subordination of Roman officers to King Juba must have been distasteful even to the remaining *Pompeiani*.¹⁹

In the latter letter Cicero told Ligarius that on November 26 at the request of the brothers he joined them and other relatives in an interview with Caesar. When finally admitted, Cicero spoke (6.14.2): *quae causa, quae tuum tempus postulabat*. How humiliating such a plea was we learn from the same passage: *Ego idem tamen cum . . . venissem mane ad Caesarem atque omnem adeundi et conveniendi illius indignitatem et molestiam pertulissem . . .*²⁰ We must not forget that Cicero was a

¹⁷ Cf. R. J. Rowland, "Cicero's *necessarii*," *CJ* 65 (1970) 193–98 (with a list of all recorded instances).

¹⁸ *Schol. Gron.* (292.1–2 St.): *Scit enim quia eos maxime execrabatur qui in Africa fuerunt*.

¹⁹ Scipio had put off his *paludamentum* at the insistence of the king (*BAfr.* 57.4–6).

²⁰ Cicero had told Marcellus earlier that he did not have accessibility to Caesar (*ius adeundi*, *Fam.* 4.7.6).

senator consularis four years senior to the dictator. Cicero added that Caesar made no decision but that his attitude seemed favorable. I suspect that Cicero was in kindly manner encouraging Ligarius more than the facts warranted. For soon Q. Aelius Tubero, who with his father Lucius had been excluded from Africa, prosecuted Ligarius on the charge of *perduellio* because he had served under a foreign king who was *hostis populi Romani*.²¹ Tubero could hardly have prosecuted without Caesar's explicit permission. The case was not to be heard in the normal fashion but before Caesar sitting in judgment in the Forum. Surely Caesar expected that the defense would be solely in the hands of his young supporter, C. Vibius Pansa, who in the trial spoke before Cicero.²² However, probably to Caesar's surprise, Cicero did act as *patronus* despite the fact that Q. Tubero was *propinquus* and his father Lucius was *adfinis* and *necessarius*.²³ Perhaps Brutus intervened again. The ebullience of Cicero's speech in the senate on a distinguished consular senator could hardly be expected

²¹ R. A. Bauman discusses the case in detail and concludes that the charge was *maiestas*: *The Crimen Maiestatis in the Roman Republic and Augustan Principate* (Johannesburg 1967) 142-49. Sherwin-White in a rather favorable review questions Bauman's extension of the term *maiestas*: *Gnomon* 41 (1969) 288-93. He says (292): "... the trials of Ligarius and Deiotarus are subsumed under *maiestas* ... Yet Cicero's speeches do not mention the term *maiestas* ..." Cicero does not mention *perduellio* but that seems the more likely charge, especially in view of Cicero's statement that Tubero sought the death of Ligarius (13). Quintilian cites Tubero's speech (11.1.80): "... *Ligarium et perseverasse et non pro Cn. Pompeio, inter quem et Caesarem dignitatis fuerit contentio, cum salvam uterque rem publicam vellet, sed pro Iuba atque Afris inimicissimis populo Romano stetisse*. For L. Tubero (*pater*) cf. Klebs in *RE* s.v. "Aelius (150)," for Q. Tubero s.v. "Aelius (156)".

²² Drumann spoke of Pansa as the *Mitanklaeger* (*subscriptor*) of Tubero: Dr. Gr. 6.232. H. Gundel followed Drumann: in *RE* s.v. "Vibius (16)" (col. 1957) (publ. date, 1958). However, the words of Cicero in his *prooemium* can hardly refer to prosecution (1): "... *Q. Ligarium in Africa fuisse, idque C. Pansa ... ausus est confiteri*. This is certainly the statement of a defense attorney, and is so taken by Schanz-Hosius (1.439), Walser (92), Bauman (143) and H. Malcovati, *Oratorum Romanorum fragmenta* (3rd ed., Turin 1966) no. 160, 476-77. For further references, cf. D. Magnino's edition of Plutarch's *vita Ciceronis* (1963) ad 39.6.

²³ So Cicero (1) *propinquus meus*; (8) *adulescentis propinqui*; (21) *haec ego novi propter omnes necessitudines quae mihi sunt cum L. Tuberone; domi una eruditi, militiae contubernales, post adfines, ...* The Gronovian scholiast commented (292.11-12 St.): *Dicebatur enim Tubero sororem Ciceronis duxisse uxorem* (cf. 294.23 St.). Behind this error there is probably some fact. Drumann was surely correct in assuming a daughter (*soror patruelis*) of Cicero's *patruus*, L. Cicero, and suggesting that she married L. Tubero and was the mother of Q. Tubero: Dr. Gr. 5.219 (*stemma* of the *Tullii Cicerones*); 227, note 1; 230, no. 5.

there. Thus, a sad picture of the orator emerges, no longer king of the courts, but courting a king. By the time of the trial in the first intercalary month it was clear that Caesar had ignored the advice in the *pro Marcello*. Even Cicero could not now hope for a return of republican institutions.

Cicero tells us nothing of the actual trial, but we have an account in Plutarch which is often cited (*Cic.* 39.5–6: Perrin's translation):

It is said also that when Quintus Ligarius was under prosecution because he had been one of the enemies of Caesar, and Cicero was his advocate, Caesar said to his friends: "What is to prevent our hearing a speech from Cicero after all this while, since Ligarius has long been adjudged a villain and an enemy?" But when Cicero had begun to speak and was moving his hearers beyond measure, and his speech, as it proceeded, showed varying pathos and amazing grace, Caesar's face often changed colour and it was manifest that all the emotions of his soul were stirred; and at last when the orator touched upon the struggles at Pharsalus, he was so greatly affected that his body shook and he dropped from his hand some of his documents. At any rate he acquitted Ligarius under compulsion.

Although there are some peculiar elements in this account, the basic facts seem to be valid. Plutarch is surely correct in assuming that Caesar did not intend to acquit Ligarius.²⁴ In addition, Caesar may have been unaware until the day of the trial that Cicero was going to speak. Although Cicero had recently spoken in the senate, this was his first appearance in a court since before he left Rome as proconsul of Cilicia. The implication that Cicero's reference to Pharsalus came late in the speech is wrong: the real reference to the battle is early (9), Pharsalus is only obliquely mentioned later (27–28). The picture of Caesar's emotional reaction is the type of fiction we expect to find in an imperial *declamatio*: who can believe it of the *imperator unicus*, hero of Alesia, Pharsalus, Thapsus, and Munda? However, Caesar did rule in favor of Ligarius who was back in Rome in time to join with the other tyrannicides in 44 at the request of Brutus (Plut. *Brutus* 11).

Interpretation of the motives of Caesar and Cicero must in the nature of the situation be speculative. Drumann assumed that Caesar had decided to spare Ligarius and that Cicero's role was to aid in the

²⁴ The Gronovian scholiast suggests that Caesar wished to forgive Ligarius before Tubero prosecuted (291.29 St.).

propaganda for Caesar's *clementia*. Gelzer suggests that Cicero still hoped for reconciliation between Caesar and the senate. Walser and Kumaniecki both argue that Caesar's lenience toward Ligarius was a final attempt to conciliate the *Pompeiani* in Spain. These interpretations all proceed on the assumption that Plutarch's account is largely fictitious. Drumann labelled it a "*Maerchen*." Thus Caesar appears as the manipulator, and Cicero is pictured as the agent of the dictator or, at best, as being blind to the realities of the political situation.²⁵

Cicero surely, as I have argued above, accepted the case reluctantly because his gradual involvement with the Ligarii left him no honorable alternative. Once committed he strove, as always, to win. In like fashion I assume that Tubero with Caesar's encouragement had no doubts about obtaining a verdict of guilty against Ligarius, until he found himself opposed by Cicero.²⁶ In fact he and Pansa may have indulged in some illegal consultations about the trial (*praevaricatio*). With this interpretation the question arises about Caesar's intentions. Surely he had meant the conviction of Ligarius to be a stern warning to the hostile legions in Spain that their commanders could expect no mercy, and an insidious plea for the soldiers to desert. Attius Varus fought against Caesar and his *legati* from Auximum in 49 to Munda in 45.²⁷ T. Labienus, Caesar's chief *legatus* in Gaul, was a mainstay of the *Pompeiani* in Greece, Africa and Spain.²⁸ In 48 when he broke off negotiations with the *Caesariani*, Caesar thus reported his words

²⁵ Cf. the bibliography in note 1. My digest of these views is a simplification. Each author adds clarification and some obfuscation. Walser neatly condenses the views of the earlier scholars; Kumaniecki elaborates on the background, and his article is especially good for the references to Cicero's letters of the time. Tyrrell and Purser (5.xvi) seem to accept the story in Plutarch at face value. For *Maerchen*: Dr. Gr. 6.232, note 1. A. Gudeman rejects the story wholly, but his arguments are stultified by a confusion between the conference of November 26 and the trial: *The Sources of Plutarch's Life of Cicero* (Philadelphia 1902) 45-46. Walser (96): "Auch der Ligariusprozess ist ein Beispiel von Ciceros Blindheit und Selbstueberschaetzung: . . ."

²⁶ His failure in this case may have been the deciding factor in abandoning the role of *patronus* in favor of that of *iuris consultus*. A curious note on him in the *Digest* (1.2.2.46): . . . *fuit autem patricius et transit a causis agendis ad ius civile, maxime postquam Quintum Ligarium accusauit nec optinuit apud Gaium Caesarem*. So the text of Mommsen-Krueger, but in their notes they suggest *patronus* for *patricius* and this is surely correct. The prosecution of Ligarius is the only court case known for Tubero: cf. Maleovati, ORF³ no. 175, 527-28.

²⁷ Klebs in *RE* s.v. "Attius (32)."

²⁸ Muenzer in *RE* s.v. "Labienus (6)," especially cols. 266-69.

(BC 3.19.8): *tum Labienus: 'desinite ergo de compositione loqui; nam nobis nisi Caesaris capite relato pax esse nulla potest.'*²⁹ Both of these *legati*, serving under Cn. Pompeius Magnus *filius*, fell fighting at Munda where they at least received honorable burial (*BHisp.* 31.9). They may have committed suicide in battle by remaining in the ranks when sure of defeat. There are good precedents: L. Aemilius Paulus at Cannae in 216 (Liv. 22.49.6-13); L. Sergius Catilina at Pistoria in 62 (Sall. *Cat.* 60.7); C. Scribonius Curio in Africa in 49 (Caes. *BC* 2.42.3-4). However, there is the possibility that Caesar gave orders before the lines engaged that these officers should be killed if possible. Is it likely that these two men would have been pardoned if they had surrendered before the battle?

It is even less likely that Caesar would have permitted another Cn. Magnus to return to Rome in peace. Moreover Gnaeus was a degenerate son of a great father.³⁰ The witnesses here are Cicero and C. Cassius Longinus. In January of 45 Cicero wrote to Torquatus (*Fam.* 6.4.1): *... de altero nemo est quin cogitet quam sit metuendus iratus victor armatus.* Cassius is more detailed (*Fam.* 15.19.4): *Peream nisi sollicitus sum ac malo veterem et clementem dominum habere quam novum et crudelem experiri. Scis Gnaeus quam sit fatuus; scis quo modo crudelitatem virtutem putet; scis quam se semper a nobis derisum putet; ...* After Munda C. Didius pursued the wounded young man who finally hid in a cave and was betrayed by a prisoner. Caesar's *legatus* then had him beheaded and publicly displayed his head at Hispalis (*BHisp.* 39). The execution and mutilation of the elder son of Caesar's former son-in-law must have been at the order of the *unicus imperator*.

Ligarius in comparison with these commanders was an unimportant figure, merely a symbol. Any effect of his conviction on the *Pompeiani* in Spain was problematical. Hence, when Cicero actually pled the case as *patronus*, Caesar, acting with cool calculation rather than moved by emotion, changed his planned verdict to please Cicero.

²⁹ Two passages are bitter mockery of Labienus (Caes. *BC* 3.71.4; 87.1-5). A comprehensive account of Labienus: W. B. Tyrrell, *Military and Political Career of T. Labienus* (University of Washington dissertation, microfilm, 1970). In a forthcoming article in *Historia*, Tyrrell will demonstrate that Labienus followed Pompey for personal reasons rather than because of his Picene background: "Labienus' Departure from Caesar in January 49 B.C."

³⁰ Miltner in *RE* s.v. "Pompeius (32)."

For Caesar had always had grave difficulty in obtaining respectable support among senior consular senators, and there was none whose favor he had more consistently attempted to gain than Cicero. Here was Caesar's chance, just before leaving for Spain, to lay the groundwork for one more appeal for his support. Before taking up this topic as it relates to earlier attempts to gain Cicero's open co-operation, I will deal with the problem of the publication of the speech and with its reputation.

ATTICUS AND THE LIGARIANA

Two views are current about the publication of Cicero's speeches: one that they were published shortly after delivery and that they represent substantially what he actually said, the other that publication was frequently delayed and that the written versions could be, and often were, substantially revised. I have always favored the former view, although absolute certainty is in most instances impossible. With the present speech both the circumstances surrounding it and comments later in letters to Atticus indicate that it was written out and circulated almost immediately.³¹

Certainly one of the reasons for publication was its unique character—the only example of a *deprecatio* among Cicero's orations. In the *Orator* Cicero has the following comment (108): *Nemo enim orator tam multa ne in Graeco quidem otio scripsit quam multa sunt nostra, eaque hanc ipsam habent quam probo varietatem.*

³¹ L. Laurand represents the first view: *Études sur le style des discours de Cicéron* (1st ed., Paris 1907) 1–20 (“Les discours prononcés par Cicéron et les discours publiés”). This introductory essay was repeated without change in the second edition (vol. 1, Paris 1925) with three additional pages (20–23) of bibliography and confirmatory argument. There have been modifications of this view, but the most extreme is that of J. Humbert, who argued that the published versions bore little resemblance to the spoken versions: *Les plaidoyers écrits et les plaidoiries réelles de Cicéron* (Paris, no date, but 1925 in *APH* 1.27). Humbert does not deal with the *Ligariana* except in passing (246). The recent, detailed and excellent study by J. N. Settle confirms Laurand's view and adds much to our understanding of this problem and many related problems: *The Publication of Cicero's Orations* (University of North Carolina dissertation, microfilm, 1962) 60–67. The only exception to quick publication by Cicero of his delivered orations that Settle accepts is that of the twelve consular orations (134–46), but I would not make an exception even here. I plan in another context to discuss in detail the letter in which these orations are mentioned (*Att.* 2.1).

Since one of Cicero's correspondents (Caecina: *Fam.* 6.7.4) had a copy of the *Orator* by mid-December of 46, it probably was published in the second intercalary month.³² Consequently I suspect that *varietas* would include Cicero's unique examples of *gratiarum actio* and *deprecatio*.

Another reason for publication would be the extensive use of irony—the obvious example is the irony of prosecutor, defendant, and defense attorney, all former enemies of Caesar. Quintilian said (4.1.70): . . . *divina illa pro Ligario ironia* . . . , and the Gronovian scholiast (292.6–7 St.): *In ista oratione per hironiam esse principia intellegamus*. Indeed, as I shall argue below, there is a subtler irony in the oration which seems to have escaped the attention of Quintilian.

However, my subjective, critical judgement is that the speech for Ligarius is inferior to that for Marcellus. It lacks the freshness and spontaneity, and above all I detect a note of real frustration brought on, I believe, by Cicero's feeling that it was no longer possible to give Caesar advice or for Caesar to accept advice. If this is a correct interpretation, surely the speech would be written down and circulated immediately or not at all. One thing is absolutely certain: whoever received copies from Cicero, Caesar did not.

However, on the basis of four references in the *ad Atticum* in June and July of 45, publication by Atticus in the middle of that year has been assumed. Thus Drummamann said:³³ “Die Rede wurde bei der schriftlichen Abfassung nicht bloss in der Form geandert. Im folgenden Jahre liess Attikus sie abschreiben und verkaufen.” These are the references:³⁴

(13.12.2: June 23): Ligarianam praeclare vendidisti. Posthac quicquid scripsero, tibi praeconium deferam.

(13.19.2: June 29): Ligarianam, ut video, praeclare auctoritas tua commendavit. Scripsit enim ad me Balbus et Oppius mirifice se probare, ob eamque causam ad Caesarem eam se oratiunculam misisse. Hoc igitur idem tu mihi antea scripseras.

(13.20.2: ca. July 2): Ad Ligarianam de uxore Tuberonis et privigna neque

³² Cf. note 12. Laurand discussed this passage in detail with comments on the three orations Cicero marks as representing differing styles: 3 (4th ed., 1940) 284–306.

³³ Dr. Gr. 6.235. Groebe made no change.

³⁴ Text and dates from Shackleton Bailey, nos. 320, 326, 328, 336.

possum iam addere (est enim pervulgata) neque Tuberonom volo offendere: mirifice est enim *φιλαίτιος*. Theatrum quidem sane bellum habuisti.³⁵

(13.44.3: July 28?):³⁶ Brutus mihi T. Ligari verbis nuntiavit, quod appelletur L. Corfidius in oratione Ligariana, erratum esse meum. Sed, ut aiunt, *μνημονικὸν ἀμάρτημα*. Sciebam Corfidium pernecessarium Ligariorum; sed eum video ante esse mortuum.

This is a strange set of comments. Atticus had never before appeared as a publisher of Cicero's orations.³⁷ If the letter of June 23 refers to publication, how could the oration have been *pervulgata* early in July? Some details seem to be ironic. When did Cicero need Atticus as a "salesman" of his speeches (*vendidisti*),³⁸ or as an "auctioneer" (*praeconium*)? Or picture Cicero seriously assuming that the *auctoritas* of Atticus would make one of his speeches acceptable. Balbus and Oppius had no interest in the literary quality of the oration,

³⁵ *Att.* 13.20 is composed of four disjunctive parts (paragraphs) in a manner not unusual in these letters. 1. on public affairs; 2. on *Lig.*; 3. on personal affairs; 4. on *fama*. On 4 TP (no. 634) said: "The meaning of this strange and somewhat dreamy paragraph is very doubtful." The first words are *De fama nihil sane laboro, etsi scripseram ad te tunc stulte 'nihil melius'* . . . It seems obvious that *fama* is understood after *melius*, but TP and SB (no. 328) take the meaning *melius* (*oratione*) with a reference to the *Ligariana*. However Cicero who in July 45 was so wholly involved in his philosophical work is surely thinking in other terms and when he says *id ago scilicet ut iudicia videare tenere*, he surely means "the critical judgement of the readers of my philosophical works." We may therefore eliminate this paragraph from our consideration of the oration.

³⁶ This letter was dated by Tyrrell and Purser (no. 646) on July 20 or 21. L. R. Taylor argued for a date of about July 28, and was probably correct: "On the Chronology of Cicero's Letters to Atticus, Book XIII," *CP* 32 (1937) 228-40.

³⁷ *Att.* 2.1.3 does not envisage Atticus as a publisher of the *corpus orationum consularium* (cf. note 31 and Settle, 134-46). Settle in a closely reasoned section argues against Atticus as a publisher of the orations with two exceptions and his general conclusion is certainly correct (37-46). The exceptions are the *pro Ligario* (on p. 45 "Atticus published the *Pro Marcello* . . ." is certainly a typographical error for "*Pro Ligario*") and *Philippica* 2. In the case of the former (cf. also 264-68) I disagree as my comments below show. Atticus surely had some hand in the dissemination of the latter (cf. Settle, 45, 274-80). However it now seems established that Cicero was his own publisher for his orations. SB (1.p. 13, note 5) in speaking of Atticus' circulation of Cicero's Greek memoir said: "... similar evidence as to his Latin writings is lacking until after the Civil War." Cf. also Feger in *RE* Suppl. 8, s.v. "Pomponius (102)," cols. 517-20 (1956).

³⁸ It is certain that the social milieu was such in the late republic that neither Cicero nor Atticus sold copies of Cicero's works. They were presented to specified friends or acquaintances (cf. Feger, 519-20).

and Cicero knew it. Caesar's taste was better, but the *oratiuncula*³⁹ had to be checked first to be sure that Cicero had not inserted material not fit for Caesar's ears. Again, imagine the unmitigated arrogance of Tubero who complained about an omission. Then too Atticus had set up a recitation (*theatrum bellum*) for friends, presumably *Caesariani*. Atticus always played safe. Finally, Cicero knew so little of Ligarius' friends that he pictures a dead man (33) present at the trial. A comedy of errors had it not been so tragic a time for Cicero.

The assumption that Cicero published the speech before the end of 46 is buttressed by a re-interpretation of these comments. Much bitter water had flowed over the dam since the trial of Ligarius. Cicero had divorced Terentia, married Publilia. Tullia had died in February, and Publilia had been divorced. Cicero's infant grandson Lentulus had died.⁴⁰ Munda had been fought and the news of Caesar's last victory had reached Rome late in April. More honors, again excessive, had been voted to Caesar (Dio, 43.42-44). Balbus and Oppius were acting as political commissars in Rome (Cic. *Fam.* 6.8.1). After Cicero had gained some relief for his personal and political sorrows by immersing himself in philosophical studies, he was persuaded by Atticus to write a letter of advice to Caesar. Cicero reluctantly acceded early in May, but when he sent a copy to Atticus for inspection by Balbus and Oppius, they suggested changes which

³⁹ I take this diminutive as contemptuous, but Cicero's usage varies. He refers to a speech by the younger Laelius as *illa aureola oratiuncula* (*Nat. D.* 3.43, cf. 3.5 where he says of it *in illa oratione nobili*). Again in speaking of the adoptive father of Africanus minor he comments (*Brut.* 77): *... si corpore valuisset, in primis habitus esset disertus; indicant cum oratiunculae tum historia quaedam Graeca scripta dulcissime*. However the word can be derogatory (*Brut.* 207). Thus Cicero's reference to his speech *pro Dieotaro* in a letter to Dolabella in December, 45 combines the diminutive with genuine derogation of the speech (*Fam.* 9.12.2): *... quam velim sic legas ut causam tenuem et inopem nec scriptione magno opere dignam; sed ego hospiti veteri et amico munusculum mittere volui levissime crasso filo*... Bauman's judgement is surprising (149-50): "In striking contrast to the abject tone of the speeches for Marcellus and Ligarius, the charges are demolished in a manner strongly reminiscent of the old tearaway Cicero of the Republican courts." Cicero was a better judge of his own oratory. Cicero's later reference to an *oratiuncula* of Brutus may be derogatory (*Att.* 15.3.2: May 22, 44). The *oratiunculae* mentioned by Cicero in the middle of the year 60 (*Att.* 2.1.3, 11) are in my opinion not the consular orations of 63, but unspecified orations of 61 or 60 (see note 31). Cf. the usage by Quintilian (4.3.17) who was referring to the speech Cicero delivered for Milo, and Suetonius (*Claud.* 38) who refers to speeches by the emperor.

⁴⁰ The last reference to the infant is on March 27 (*Att.* 12.30.1).

Cicero felt he could not honorably make. Hence he abandoned the project and never sent the letter. The last reference to this letter is on May 28.⁴¹ It took Atticus only a few weeks to propose another scheme to keep Cicero in favor with Caesar. The speech for Ligarius was his answer. Caesar's agents approved and sent a copy to the victor in Spain.

At this point in the year 45 Cicero's intellectual activity had certainly relegated his experience in the trial of Ligarius into the background. He probably had no interest in whether Caesar read the speech or not. He knew that he had included the necessary and appropriate praise of Caesar, but he also realized that there was a subtle irony which might elude Atticus, Balbus and Oppius, but not Caesar. Perhaps he was somewhat amused that Caesar would now see this in the written version. However before speculating on the nature of this irony it seems best to discuss the reputation of the speech which has, I believe, been praised too much.

QUINTILIAN AND THE LIGARIANA

My discussion above probably indicates that Cicero published this speech as an example of a specific genre rather than as one of his outstanding orations. He did not seem to rate it highly even though his irony was effective. Irony, of course, is a device that he frequently used not only in his orations but also in his letters and essays.⁴² If there were no ancient comments on it, who would assess this speech as a masterpiece?⁴³

⁴¹ There are thirty-four letters to Atticus in May (SB, nos. 274-307). On the ninth Cicero had made repeated attempts to write this *epistula ad Caesarem* (12.40.1-3), but without success. On the thirteenth he finished a draft and sent it to Atticus the next day (13.26.2). It is mentioned May 20, 21, 23, and 25 (12.51.2, 52.2; 13.1.3, 27.1), discussed on May 26, 28 (13.28.2-3, 31.3). In the last two letters Cicero decided against sending it. It was probably destroyed, and is not preserved. After a detailed discussion of all the references to this letter (esp. *Att.* 13.31.3) E. Pasoli reached the conclusion that Cicero's spirit was against flattery: *RFIC* 33 (1955) 337-60. Cf. also M. Brożek, *Meander* 14 (1959) 477-86 (in Polish), 523-24 (a Latin summary).

⁴² Cf. Laurand, 34.248-55, 286-88; H. V. Canter, "Irony in the Orations of Cicero," *AJPh* 57 (1936) 457-64; A. Haury, *L'ironie et l'humour chez Cicéron* (Leiden 1955), *passim*; 185-86 (on *Lig.* which is erroneously dated November 26).

⁴³ Gudeman (above, note 25) was apparently puzzled (45, note 47): "It is hard for us moderns, who read the *pro Ligario* in cold print, to realize the emotional effect which it is said to have produced . . ."

However, modern critics have almost unanimously praised it without stint. Drumann said of it:⁴⁴

Der Wert der betreffenden Rede wird dadurch nicht vermindert; nur Cicero konnte unter so peinlichen Verhaeltnissen die Wuerde und Freimuetigkeit des Republikaners mit den Feinheit und Zurueckhaltung des Hofmannes vereinigen.

Tyrrell and Purser, who viewed Cicero in a more kindly light than Drumann made this comment:⁴⁵

In the Caesarean circle Cicero's speech for Ligarius was regarded as a masterpiece, and in after ages it was held in the highest esteem, as we may judge from the many quotations which were made from it by Quintilian.

The most excessive note of praise however is that of the French translator, M. Lob:⁴⁶

Quant au succès littéraire du plaidoyer, il fut immédiat et très grand: . . . Nous savons aussi que le dictateur, parti pour l'Espagne, s'y fit envoyer le texte du discours dont il avait tant apprécié l'improvisation: le goût moderne ratifie pour cette oeuvre, plus peut-être pue pour aucune autre de Cicéron, l'admiration des contemporains.

These modern estimates are partly based on a misinterpretation of the comments to Atticus. However, the dominant reason is the frequent citation of, or quotation from this oration by the consular *rhetor* in the days of Domitian.

The index of Rademacher's edition of the *institutio oratoria* is fascinating reading.⁴⁷ From it we discover that Quintilian cites or quotes 52 of Cicero's orations. A check on the frequency of citation gives the following results: *pro Cluentio* (67); *pro Milone* (67); *pro Ligario* (53); *in Verrem* 2.5 (33); *pro Murena* (25); *pro Caelio* (22); *Philippica* 2 (20); *in Catilinam* 1 (14). In contrast to these eight orations we may note these seven: *in Catilinam* 4 (1); *pro Deiotaro* (1); *pro lege Manilia* (0); *Philippica* 9 (1); *pro Sestio* (1); *in Verrem* 1 (2). Omissions are

⁴⁴ Dr. Gr. 3.637 (with no changes by Groebe).

⁴⁵ 4.lxxxiv.

⁴⁶ In the introduction of his Budé text and translation (*Cicéron discours*, 18, 1952, p. 18).

⁴⁷ L. Rademacher (2 vols., Leipzig 1907, 1935; reprinted with *addenda et corrigenda* by V. Buchheit, 1959) 2.428-54.

worthy of note: *pro Sulla, de provinciis consularibus, Philippica* 1. It would be rash for a modern critic to draw the conclusion on the basis of such figures that *Philippica* 2 was not so well known nor so famous as the *pro Murena*. However there is the point that the *pro Ligario* (38 paragraphs) is shorter than the *pro Milone* (105 paragraphs), and much shorter than the *pro Cluentio* (202 paragraphs).

With these figures in mind it is worthwhile to consider whether excellence was the standard which caused Quintilian to make such extensive use of this oration. It is of course obvious that he uses the Ciceronian works as the very foundation of his teaching and writing—over nine columns in Rademacher's index are devoted to references to Cicero and his works. One statement among many will suffice (12.1.19): *ego tamen secundum communem loquendi consuetudinem saepe dixi dicamque, perfectum oratorem Ciceronem*... He found merits in all of Cicero's speeches.⁴⁸

Are there comments in Quintilian which would enable us to judge the reasons for his choice? These are the items which give a hint of his subjective approach:

(4.1.38-39): *inminuenda quaedam et levanda et quasi contemnenda esse consentio ad remittendam intentionem iudicis, quam adversario praestat, ut fecit pro Ligario Cicero. (39) quid enim agebat aliud ironia illa, quam ut Caesar minus se in rem tamquam non novam intenderet?*

(4.1.66 on apostrophe): *et Demosthenes autem ad Aeschinen orationem in prooemio convertit, et M. Tullius cum pro aliis quibusdam, ad quos ei visum est, tum pro Ligario ad Tiberonem*...

(4.1.70): *... nisi cui divina illa pro Ligario ironia de qua paulo ante dixeram, displicet.*

(9.2.29): *in illa vero sententia: 'quid autem aliud egimus, Tubero, nisi ut, quod hic potest, nos possemus?' (Lig. 10) admirabiliter utriusque partis facit bonam causam*...

(9.2.50): *nec in personis tantum, sed et in rebus versatur haec contraria dicendi, quam quae intellegi velis, ratio, ut totum pro Ligario prooemium*...

⁴⁸ Add 1.6.18: *... quae M. Tullius in Oratore divine ut omnia exequitur. 10.1.112: ... ut Cicero iam non hominis nomen, sed eloquentiae habeatur.* Cf. Kroll in *RE* s.v. "Rhetorik," suppl. 7 (1940) col. 1105.

In these passages Quintilian is praising elements in Cicero which are well illustrated by this oration. There is another reference which throws some light on Quintilian's choice. The speech of Tubero for the prosecution was extant and available for his students (10.1.23):⁴⁹

quin etiam si minus pares videbuntur aliquae, tamen ad cognoscendam litium quaestionem recte requirentur, ut contra Ciceronis orationes Tuberonis in Ligarium et Hortensi pro Verre.

So far it seems to me that Quintilian has not marked the speech as outstanding in fame or merit except inasmuch as all of Cicero's speeches were outstanding. There are excellent examples of irony, and this is a singular example of the *deprecatio*. The only reason for speaking of Quintilian's judgment of this speech as outstanding is the frequency of citation, but this may be explained otherwise. In fact Quintilian may have wished his students to study some of the less famous speeches.

M. Fabius Quintilianus was born about A.D. 35, but his masterpiece was written when he was past fifty.⁵⁰ The *institutio oratoria* was begun and completed during the period of retirement or semi-retirement. Active teaching had not allowed time for such extensive composition. However it is abundantly clear that the years of experience as *rheto*r formed the warp and the woof of his writing. However much Cicero's oratorical essays influenced Quintilian, he formed his judgments on the basis of his own experience. Here we have the key to his use of the *pro Ligario*. A good teacher may choose many points of departure, and a teacher of oratory might well choose a short, neatly-rounded oration to impress upon his class the figures, the rhythm, proper *narratio* and all the other elements which a student must observe. I suggest that this oration was chosen not for its fame or outstanding quality among Cicero's orations, but as a classroom exercise, just as language teachers often save the best items until the student has gone beyond the elementary stage. If this be so, and it seems reasonable, Quintilian had memorized the speech so thoroughly

⁴⁹ Three references (5.13.20, 31; 11.1.78) could be inferences from Cicero's speech, and I have counted them as such. A fourth reference is a quotation from Tubero's speech (11.1.80): cf. H. Malcovati, *ORF* (3rd ed., 1966) no. 175.

⁵⁰ Cf. Schwabe in *RE* s.v. "Fabius 137," cols. 1845-64 (1909) esp. 1847 (date of birth), 1860 (use of Cicero); Stein in *PIR*² (1943) F59, G. Kennedy, *Quintilian* (New York 1969) 11-30.

that when he wished to quote an example he could rely upon his memory, which was surely better than that of most modern teachers. We tend to forget how difficult it was to check references in the clumsy *volumina*—trained as we are in books of the *codex* type with numbered pages. I cannot conceive of Quintilian searching his library for his illustrations but rather picture his calling upon a well-stocked memory. One set of references in particular seems to look back to the oral use of the oration in class. In a discussion of rhythm in prose (9.4.60–137) there are nine references to this speech (73, 75, 92, 93, 99, 102, 105, 107, 133). Another point may be significant—the citation of specific passages tends to cluster. There are 33 citations from paragraphs 1–10; 4 from 11–29; 6 from 30–38. The *prooemium* of the speech cited in an earlier quotation is rather indefinite but might be the first quarter of the speech from which most of the examples are chosen.

We may also suggest that the unique character of the speech as a *deprecatio* (7.4.17–18; cf. 5.13.5) may well have appealed to the teacher as a model for himself and for his students. *Deprecationes* pronounced before emperors must have been much more frequent *cum . . . caluo seruiret Roma Neroni*, than when Cicero pled for Ligarius before the dictator. Quite possibly Quintilian had pronounced just this type of speech before Domitian. Flattery of the emperor would be even more fulsome than Cicero's praise of Caesar. We know of this from the *prooemium* of the fourth book where, in speaking of the honor of being chosen as tutor in the imperial household, he unblushingly made these comments (2–3):

cum vero mihi Domitianus Augustus sororis suae nepotum delegaverit curam, non satis honorem iudiciorum caelestium intellegam, nisi ex hoc oneris quoque magnitudinem metiar. (3) quis enim mihi aut mores excolendi sit modus, ut eos non inmerito probaverit sanctissimus censor, aut studia, ne fefellisse in iis videar principem ut in omnibus, ita in eloquentia quoque eminentissimum?

There is no work comparable to that of Quintilian from which we can ascertain whether he is unique in his use of the oration. The only ancient commentary is found in the *scholia Gronoviana* where singularly enough the *orationes Caesarianae* are presented in the order, *pro Ligario*, *pro Marcello*, *pro Deiotaro* (291–301.11 St.). These complimentary words occur in the *argumentum* (292.5 St.): *Narrationem probamus.*

Genus causae admirabile . . . There is also this statement in peculiar Latin in the *Digesta Iustiniani Augusti* (1.2.2.46): . . . *Cicero defendit: exstat eius oratio satis pulcherrima* . . .

The grammarians show a proportion of citation from the orations of Cicero quite different from that of Quintilian. A selection from the general index of Keil shows these numbers: *pro Roscio Amerino* (45); the seven speeches against Verres (309); *pro Cluentio* (42); *pro Cornelio*, 1-2 (30); *in Catilinam*, 1-4 (137); *orationes Caesarianae* (53) of which 21 are to the *pro Ligario* (all to the first twenty-five paragraphs). Arusianus Messius, *exempla elocutionum ex Vergilio Sallustio Terentio Cicerone digesta per litteras*, follows the same trend with these numbers: the Verrine speeches (55); *pro Cluentio* (23); *in Catilinam*, 1-4 (23); *in Pisonem* (18); *pro Ligario* (5); *Philippicae*, 1-2 (23).⁵¹

Quintilian should not be used as a basis for rating the *Ligariana* as a major work, and his evidence does not controvert my assumption that Cicero did not rate it highly. Though the evidence of the grammarians is not conclusive, they too seem to foster this conclusion.

THE SPEECH AS A WHOLE

Both the *pro Marcello* and the *pro Ligario* dwell at length upon some of Caesar's outstanding qualities: *fides*, *liberalitas*, *humanitas*, *clementia*. These are not just stock qualities drawn from encomiastic literature, nor was Cicero hypocritical in thus using them. Caesar had these virtues and many others—whether he used them for good or for evil depends upon our interpretation of the age. It should be particularly noted here that each of these two men had always shown great respect for the differing qualities of greatness in the other. Each is outstanding, not only in his own time but in the whole range of history. Such hypocrisy as does appear in the *orationes Caesarianae* stems not from material included, but from that which was excluded.

Cicero's *sententia* in the senate after Caesar announced the pardon of Marcellus was much more open and laudatory than his comments on

⁵¹ These detailed *indices* were composed by F. Boettner: H. Keil, *Grammatici Latini* 7 (1880, reprint 1961) 545-668. The references to Cicero in the *index scriptorum* (583, col. 1-591, col. 2); the references to Cicero in the index of Arusianus (551-53, col. 1). Arusianus wrote in the late fourth century: M. Schanz, *Geschichte der roemischen Litteratur*, 4.1 (2nd ed., Munich, 1914) 183-84.

Caesar in the present speech. This is certainly due to the character of the orator as well as to the status of the republic. Cicero was not unstable mentally, but emotionally he could move from unjustified optimism to the depths of depression more quickly than men of duller sensibilities. But the trend at Rome had visibly changed between the time of the two speeches, and Cicero's changing viewpoint reflects this. Consequently, we note first of all that here there is none of the advice to Caesar such as that given in the senate (*Marc.* 23):

Omnia sunt excitanda tibi C. Caesari uni, quae iacere sentis belli ipsius impetu quod necesse fuit perculsa, atque prostrata; constituenda iudicia, revocanda fides, comprimendae libidines, propaganda suboles, omnia quae dilapsa iam difflexerunt, severis legibus vincienda sunt.

It has been noted above that the use of irony in the speech is one of its most notable features. The most obvious point is the accusation by a man who, like the defendant, had been among those who fought against Caesar. A less obvious point is the contrast between the obscure Ligarii and the judge, the father of the prosecutor, and the other defense attorney. Caesar, L. Tubero and Pansa were all Cicero's *necessarii*.⁵² Cicero in his *peroratio* refers to the relatives of and supporters of Ligarius in these terms (33):

videsne igitur hunc splendorem omnem, hanc Brocchorum domum, hunc L. Marcium C. Caesetium L. Corfidium, hos omnes equites qui adsunt veste mutata . . .

Even Caesar must have smiled at the exaggeration. In fact throughout the oration it is clear that Ligarius is the least important part of the procedure. We need not be puzzled, then, that Cicero never answers what was clearly the chief charge since this was a case of *perduellio*, namely that Ligarius served under King Juba. I suspect that Pansa too avoided this topic.⁵³

The obvious irony which was clear to Quintilian is not so important for our assessment of the speech as the more subtle irony which I

⁵² For the references Rowland (above, note 17) 196-97.

⁵³ Cf. notes 21-22. Sherwin-White has this comment in his review of Bauman (292): "In dealing with Ligarius Baumann (*sic*) underestimates his case, by failing to observe that Cicero briefly admits that Ligarius bore arms against Caesar (pro Lig. 16). As his fellow advocate had dealt (*sic*) with this, Cicero confines himself to other aspects, . . ." The first point is well-taken, but the second is not since Cicero's reference to Pansa's speech (*Lig.* 1) is not clear.

detect in portions of the speech. I am sure that Cicero felt that it would be quickly and fully grasped by Caesar, even though other hearers or readers might miss it. At one point Cicero refers to the inconclusive plea of November 26 in Caesar's house which he had narrated to Ligarius (*Fam.* 6.14). In that letter he said (2):... *cum fratres et propinqui tui iacerent ad pedes et ego essem locutus quae causa, quae tuum tempus postulabat, ...* However, in the speech he used the phrases (13):... *nos ... strati ad pedes ... nos iacentes ad pedes ...* Who knew better than Caesar that Cicero had not prostrated himself?

We know that Caesar claimed that his army was fighting to uphold his *dignitas* (*BC* 1.7.8): *conclamant legionis XIII, quae aderat, milites ... sese paratos esse imperatoris sui tribunorumque plebis iniurias defendere*. However, both Caesar and Cicero knew quite well that at this point the *milites gregarii* were influenced almost wholly by the rewards of victory for themselves (cf. *Sall. Cat.* 11.4-8, 16.4). Hence I assume irony in this statement (18): *quid egit tuus invictus exercitus, nisi ut suum ius tueretur et dignitatem tuam?*

Cicero's ironic comment that Caesar's party (19) *nunc melior ea iudicanda est quam etiam di adiuverunt* will remind us of the equally cynical sentiment in Lucan (1.128): *Victrix causa deis placuit, sed victa Catoni*. Again he said (30): *sed ego apud parentem loquor*. Later, in a letter to Cassius in October, 44, he states what must have been the sentiment of many (*Fam.* 12.3.1):

Auget tuus amicus furorem in dies. Primum in statua quam posuit in rostris inscripsit 'PARENTI OPTIME MERITO,' ut non modo sicarii sed iam etiam parricidae iudicemini.

Dio lists the title *parens patriae* as being granted in 44 (44.4.4, cf. 44.48.3), and this is probably correct, but surely the possibility of such a title had been the subject of rumor earlier. Cicero who had been informally hailed in the senate by Q. Lutatius Catulus as *pater patriae* would have been especially offended.⁵⁴

My judgment then is that the speech as a whole lacks that funda-

⁵⁴ Plutarch (*Cic.* 23.3) said that Cato proposed the title in a *contio*, presumably for action in the *concilium plebis*. However this is one more fictitious item in the legend of Cato. Cicero's own statement merely mentions Catulus (*Pis.* 6). Cf. A. Alföldi, "Die Geburt der kaiserlichen Bildsymbolik. 3. *Parens patriae*," *Museum Helveticum* 10 (1953) 103-24 (esp. 104-15).

mental unity of emotion such as we find in *Philippica* 2; the lordly confidence of the *pro Caelio*; the clear arrangement of the *pro lege Manilia*; the genuine pathos of *Philippica* 9. Hence I feel certain that in Cicero's judgment the speech was by no means to be classified as one of his major works.

Even more of the subtle nuance of irony is to be found in paragraphs 7 and 33 of the speech. These deserve close analysis.

Lig. 7

suscepto bello, Caesar, gesto etiam ex parte magna, nulla vi coactus, iudicio ac voluntate ad ea arma profectus sum quae erant sumpta contra te. apud quem igitur hoc dico? nempe apud eum (a) qui cum hoc sciret tamen me antequam vidit rei publicae reddidit, (b) qui ad me ex Aegypto litteras misit ut essem qui fuisset, (c) qui me, cum ipse imperator in toto imperio populi Romani unus esset, esse alterum passus est, (d) a quo hoc ipso C. Pansa mihi hunc nuntium perferente concessos fasces laureatos tenui quoad tenendos putavi, (e) qui mihi tum denique salutem se putavit dare, si eam nullis spoliata ornamentis dedisset.⁵⁵

This is fulsome praise and should have pleased even Caesar who must by this time have been surfeited with flattery. But the paragraph is ambiguous and Caesar must have recognized the irony of some parts of it. To take these statements at face value, as is usually done, is difficult if we compare them with the letters which Cicero wrote in 48-47 while he was in Brundisium. There are twenty-two letters to Atticus between November 4, 48 and September 1 (or late in August), 47.⁵⁶ This is not a large number, and most of them, especially in the latter months, are short. They show that Cicero, as might be expected, was not much inclined to write to anyone, even to Atticus. Reading them in sequence gives the impression of a fairly complete collection. There were also fifteen letters to Terentia, but these were brief and only once add a significant item.⁵⁷ A letter to Cassius late

⁵⁵ I have inserted the parenthetical letters for the sake of the discussion below.

⁵⁶ *Att.* 11.5-25 (counting 17 as two letters with SB); TP, nos. 416, 418, 420, 422, 423, 425-32, 434, 436-37, 440-41, 444-46; SB, nos. 216-37.

⁵⁷ *Fam.* 14.8-13, 15-17, 19-24; TP, nos. 410, 412, 415, 417, 419, 421, 424, 433, 435, 438-39, 442-43. In *Fam.* 14.23 Cicero speaks on Aug. 12 of the letter from Caesar, which was certainly announced to Atticus in a lost letter (cf. TP, 4.liii). In his last letter to Terentia on October 1 he is at Venusia on his way to Rome (14.20).

in August, 47 adds nothing of importance for our consideration here (*Fam.* 15.15).

The first two sentences of the paragraph quoted are obviously true. The last sentence contains five parts which I shall consider out of sequence.

(a) In a letter dated December 17 Caesar instructed Dolabella to write to Cicero and ask him to go to Italy. As a consequence the edict of M. Antonius, *magister equitum*, exempted him by name from being excluded from Italy (*Att.* 11.7.2). Even when Cicero finally received a letter from Caesar in August (*Fam.* 14.23 to Terentia), he did not put much stock in it (*Redditae mihi tandem sunt a Caesare litterae satis liberales . . .*) and was still quite uncertain whether he was safe or not (*Att.* 11.20–22, August, 15, 25 and probably, September 1).⁵⁸ In the first of these there is this bitter comment (11.20.1): *Sed et alia timenda sunt ab aliisque et ab hoc ipso quae dantur, ut a domino, rursus in eiusdem sunt potestate*. Not until the conference with Caesar late in September did Cicero feel free to leave Brundisium. Hence it is clear that Caesar did not restore Cicero to the *res publica* before he saw him.

(b) Cicero during this year wrote to influential *Caesariani* such as Balbus and Oppius (*Att.* 11.6.3) and at one point says of Caesar (11.12.1): *Saepe enim ad eum scripsi . . .* In the same letter (2) he quotes to Atticus a paragraph that he had written to Caesar exonerating his brother Quintus for following Pompey. Early in June he mentions to Terentia (*Fam.* 14.8) and to Atticus (11.16.1) a letter, purported to be from Caesar, but of doubtful authenticity. Presumably it was addressed to Cicero, although the references are ambiguous, but Cicero apparently thought it was forged (by M. Antonius?) in Caesar's name.⁵⁹ Since it is not mentioned again we may assume that Cicero's doubts were justified. Finally on August 12 he informed Terentia of the *litterae satis liberales* which did not free him from his fears. Tyrrell and Purser assumed that Atticus was informed of Caesar's communica-

⁵⁸ A fragment of Livy is preserved by the scholiast on Lucan. 7.62 (*Usener*, 223). *Fragm.* 44 (Weissenborn-Mueller, 10.2.175): *T. Livius eum (Ciceronem) in Sicilia aegrum fuisse tradit eo tempore, quo Pharsaliae pugnatum est, et ibi eum accepisse litteras a victore Caesare, ut bono animo esset*. Usener suggested *Diracii* for the *insicilli* of the ms. However we cannot tell whether the error was that of Livy, the scholiast, or a scribe.

⁵⁹ Suggested by SB, no. 227.

tion in a lost letter, and this is probably correct.⁶⁰ The question now arises whether the letter *ex Aegypto* mentioned in the speech is the letter which Cicero first notes on August 12. Twice in July Philotimus is mentioned as being at Rhodes and as being expected back on the Ides of August (*Att.* 11.23.2 on July 9; 11.19.2 on July 27). In the former letter the reference *habere ad me litteras* might refer to the letter mentioned to Terentia—Philotimus was Terentia's *libertus*. But this letter, coolly described as *satis liberales*, does not fit the reference to the letter *ex Aegypto*. All of this leads to the conclusion that the *litterae ex Aegypto* was fictitious and that Cicero and Caesar were both aware of this when Ligarius was tried.

(d,e) These items can be disposed of briefly. Caesar must have been aware how embarrassing to Cicero were his *acclamatio imperatoria* and the longwithered laurels adorning his *fascēs*. One reference is enough (*Att.* 11.7.2): *Quamquam quid ego de lictoribus, qui paene ex Italia decedere sim iussus*. Moreover, in the correspondence of that year, Pansa is mentioned only once in passing (*Att.* 11.6.3 on November 27) and not subsequently. Doubtless Pansa was surprised at the statement about himself.

Thus, much of the paragraph does not fit the evidence of the letters, and I am sure that Cicero's memory of that unhappy year in Brundisium was still fresh and accurate. The central item in this long sentence opens the way for still further speculation and more irony hidden from all but Cicero and Caesar.

(c) Here there is an interesting possibility. In a comment on the last sentence of the *pro Marcello* the *scholiasta Gronovianus* said (298.8 St.): *Quia dictator Cicero factus est Italiae*. In his comment on *ut essem idem qui fuisset* there is the following statement (293.10–11 St.): *Iussit enim illum etiam imperatorio iure tenere Italiam dictatorio iure*. Stangl in his note explained this as an error based on the immediately succeeding clause in Cicero. It is easy to assume that no statement by this scholiast may be accepted unless otherwise confirmed when we find such statements as the one that Tubero was *adfinis* of Cicero *quia sororem Ciceronis habuit* (294.23 St., also 292.11–12). However there are also good comments, especially in the *argumentum* (291.4–292.7

⁶⁰ 4.liii.

St.).⁶¹ Rumors, contemporary with Cicero and Caesar, may have been the basis of the error of the scholiast.

It is worth considering whether C. Caesar, *dictator II*,⁶² at his meeting with M. Cicero late in September may once again have tried to win Cicero as an active participant in governing the Roman empire.

In August of 46 Cicero wrote to L. Papirius Paetus (*Fam.* 9.17.3):

Hoc tamen scito, non modo me qui consiliis non intersum sed ne ipsum quidem principem scire quid futurum sit; nos enim illi servimus, ipse temporibus. Ita nec ille, quid tempora postulatura sint, nec nos, quid ille cogitet, scire possumus.

A year earlier Caesar was in even more straitened circumstances. His victories at Pharsalia, Alexandria and Zela were being nullified by mutinous troops in Italy (cf. esp. Dio, 42.51-53) and by huge forces gathering in Africa under Scipio, Cato, Labienus, Petreius and King Juba (*BAfr.* 1.4). Moreover, ugly rumors had reached him of the conduct of M. Antonius in Italy. Cicero in his attack on Antonius (*Phil.* 2.64-78; cf. Plut. *Ant.* 9-10) certainly exaggerated his misdeeds, but it is clear that there was a breach between Caesar and Antonius. At all events, in 46 Lepidus succeeded Antonius as *magister equitum*.

Throughout his career as proconsul of Gaul and in the civil wars Caesar had grave difficulty in attracting older men of senatorial rank into his service.⁶³ There was no man of high rank and prestige whom he more consistently and pertinaciously courted than Cicero. In December of 60 Caesar offered Cicero through Balbus membership in that informal group we now call the first triumvirate (*Att.* 2.3.3-4), and in July of 59 Caesar urged Cicero to accept appointment as his legate in Gaul (*Att.* 2.19.5). Cicero recalls his refusal of these offers in his speech on the consular provinces (41). Early in 49 Caesar bent every effort to gain Cicero's favor (cf. esp. *Att.* 9.6.A in March, with the heading *Caesar imp. s. d. Ciceroni imp.*), but without avail. Such persistence is witness to the fact that Caesar rated Cicero's importance and influence more highly and more correctly than do many modern historians.

⁶¹ For the *scholia Gronoviana* cf. Schanz-Hosius, 1⁴ 150-51.

⁶² For Caesar's terms as dictator and for his *magistri equitum* cf. *MRR*, esp. 2.294-95 and *Suppl.* 30-31.

⁶³ Cf. Drumann-Groebe, 3 (1906) 696-701.

Under the circumstances it is surprising that Caesar in 47 would have arranged the meeting at Brundisium which is so eloquently described by Plutarch (*Cic.* 39.3-4),⁶⁴ unless he had some special aim in mind which he could not explain in a letter. I suggest that Caesar then in person offered Cicero the position as *magister equitum* with the task of controlling Italy and supervising the provinces while Caesar himself embarked on the African campaign.⁶⁵ Further inducements for the older man to accept this task, which would have been one of heavy responsibilities, may have been celebration of a *iustus triumphus de Cilicibus*,⁶⁶ transfer to patrician status,⁶⁷ and the status of *primus rogatus* in the senate when the dictator was not present.⁶⁸ Had Cicero accepted he would have truly been *alter imperator* to the *unus imperator*. He would have the *imperium* which would account for the phrase *imperatorio iure* of the scholiast, and since his authority would have stemmed from his appointment by Caesar, the other phrase *dictatorio iure* is appropriate.

Both ancient and modern writers tend to minimize the administrative ability of our *homo Platonius*. There had been periods in Cicero's earlier career when it is clear that he could act with decision and that he could rule with efficiency: as quaestor in Sicily, as prosecutor of Verres, as consul, as a dominant consular senator in 62-60, as proconsul of Cilicia. We might add that his wide-ranging writing indicated executive ability. Caesar's earlier offers showed his confidence in Cicero's ability. The best example is his offer of the position as *legatus* in Gaul. Surely this was no sinecure. Cicero would not have

⁶⁴ Plutarch is here probably using Tiro's biography as his source for this passage. I will argue in another context that Tiro was at Brundisium with Cicero.

⁶⁵ In 44 Caesar, about to set out on his Dacian-Parthian campaign, named Octavius as *magister equitum designatus* (Dio, 43.51.7).

⁶⁶ In 49 Cicero had speculated on the possibility that Caesar would offer him the triumph: *Att.* 8.3.6 (February 18-19); 9.2a.1 (March 8). There would be difficulties in accepting or refusing, and he soon gave up all prospect of it: *Att.* 9.7.5 (March 13).

⁶⁷ Dio under the year 45 said that Caesar raised "many to the patriciate" (43.47.4), and under the year 44 specifies Octavius (45.2.7). In the speech of Calenus Cicero is said to have been made *patricius* (46.22.3), but this is surely wrong (cf. the discussion of this passage below).

⁶⁸ In 61 Cicero was *alter rogatus* (*Att.* 1.13.2), and was probably *primus rogatus* in 62 and 60. For *princeps senatus* and *primus rogatus* in this period cf. E. J. Parrish, *Influence of Consular Senators at Senate Meetings, 69 through 60 B.C.* (University of Pennsylvania dissertation, microfilm, 1969) 190-92.

commanded legions but would have been the civilian governor of Illyricum, Cisalpine Gaul, and Transalpine Gaul while Caesar campaigned in the far regions of the barbaric north.

If this offer was made in 47, as I surmise, Cicero must have been sorely tempted to accept. The honors would salve the wound of his exile which he had never forgotten, the duties would occupy him with the dynamic activity which he often craved. However, he was not so venal, craven, and servile, nor so eager for wealth and power as his enemies often suggested. To his enemies we may add here his friend M. Brutus, who in his abrasive manner could say (*ad Brut.* 25-1.17.4: addressed to Atticus in June, 43):

Nimium timemus mortem et exsilium et paupertatem; haec mihi videntur Ciceroni ultima esse in malis et, dum habeat a quibus impetrat quae velit et a quibus colatur ac laudetur, servitutem, honorificam modo, non aspernatur, . . .

With friends such as Brutus Cicero scarcely needed enemies.

The private correspondence of these years shows how repugnant service under Caesar would have been. Consequently Cicero took the honorable course and refused. Caesar too was honorable and allowed Cicero to live where he wished. Obviously Cicero could not flaunt this opportunity which he had turned down. He was already unpopular with many of the *Pompeiani* who blamed him for withdrawing from the battle lines after Pharsalus. Moreover, despite his knowledge that to Caesar *clementia* was a political weapon, he did appreciate Caesar's mercy to himself. I suspect he told neither Tiro, who was probably with him at Brundisium nor Atticus who was in Rome, more than that he was now permitted to return to Rome.

Two curious items in Cassius Dio seem to indicate that an inaccurate rumor concerning this offer was current. In the speech put in the mouth of Q. Fufius Calenus (46.1-28) there is a chapter on Cicero's flight after Pharsalia and his pardon by Caesar. The last item in the chapter is this (46.12.4: Cary's translation):

And thus, in addition to your other base deeds, you are so ungrateful that you not only are not satisfied to have been spared by Caesar, but are actually displeased because you were not made his master of horse.

Later Calenus is made to say (46.22.3: Cary's translation):

At any rate (to omit other instances), after being pitied and spared by Caesar and enrolled among the patricians, he then killed him, not with his own hand, of course—how could he, cowardly and effeminate as he is?—but by persuading and bribing those who did it.

It is clear that Dio was erratic in his use of sources in his inserted speeches but he may well have had authentic reports of some of the charges made by M. Antonius in the senate on September 19, 44. Thus these two items, which are otherwise unattested, may go back to rumors current while Caesar was still alive or shortly thereafter.⁶⁹ Cicero makes no mention of either item in his *Philippicae*, but this is natural since those orations were widely circulated and would give currency to the charges which would otherwise not be publicized.

However, it is worth noting that an offer of the position of *magister equitum* by Caesar would make even more cogent several comments in Cicero (*Phil.* 2):

(62) Accessit ut Caesare ignaro, cum esset Alexandriae, beneficio amicorum eius magister equitum constitueretur.

(63) In coetu vero populi Romani negotium gerens, magister equitum, cui ructare turpe esset, is vomens . . .

(76) Qui magister equitum fuisse tibi viderere, . . .

Proof of this speculation is, in the very nature of the evidence and of the events, impossible, but it is not against the character of the two men involved.

Lig. 33

te enim dicere audiebamus nos omnes adversarios putare nisi qui nobiscum essent, te omnis qui contra te non essent tuos.

This sentence is part of the *peroratio* (32–38) and is “that statement of yours which conquered” (*tua vox illa quae vicit*). On the surface this

⁶⁹ The case for Asinius Pollio and imperial rhetoricians as sources for this speech is tenuous. Millar (above, note 3) cites the earlier bibliography, and is less certain than usual that this is Dio's fiction: 53–54. For example, against Millar, I consider the *invectiva in Ciceronem* a work of Sallust. If we had citations of contemporary pamphlet literature against Cicero such as we have in Suetonius against Caesar, I suspect we would find parallels for every item in Calenus' speech.

is the climax in the account of Caesar's *clementia*. Before Pharsalia the *Pompeiani* had uttered bitter threats. Cicero earlier in the senate had said (*Marc.* 17):

Alterius vero partis nihil amplius dico quam id quod omnes verebamur nimis iracundam futuram fuisse victoriam.

Caesar also rang the changes on the theme of his own clemency and the cruelty of his enemies, notably in this passage (*BC* 3.83.3):

et L. Domitius in consilio dixit placere sibi bello confecto ternas tabellas dari ad iudicandum iis qui ordinis essent senatorii belloque una cum ipsis interfuissent, sententiasque de singulis ferrent, qui Romae remansissent quique intra praesidia Pompei fuissent neque operam in re militari praestitissent: unam fore tabellam, qui liberandos omni periculo censerent, alteram, qui capitis damnarent, tertiam, qui pecunia multarent.

Suetonius, probably influenced by this speech,⁷⁰ noted the variant pronouncements of the two *imperatores* and placed the item at the head of his list of Caesar's acts of mercy in the civil war (*Iul.* 75.1):

moderationem uero clementiamque cum in administratione tum in uictoria belli ciuilis admirabilem exhibuit. denuntiante Pompeio pro hostibus qui rei publicae defuissent, ipse medios et neutrius partis suorum sibi numero futuros pronuntiauit.

In another passage he assigns the origin of the view adopted by Cn. Magnus to L. Domitius Ahenobarbus (cos. 54) (*Ner.* 2.3). The other sources for this confrontation stress Pompey's actions but do not cite Caesar's words (e.g. *Caes. BC* 1.33.2; *Plut. Caes.* 33.5; *Pomp.* 61.3; *Dio*, 41.6.2.)⁷¹

However, those who use these pronouncements as a proof of Caesar's clemency do not fully realize Cicero's subtlety or Caesar's cynicism. Cicero made his own view clear when in the second Philippic he spoke thus (116): . . . *adversarios clementiae specie devinxerat*.

A second look at the passage clarifies its meaning. Pompey was speaking as the leader of the legitimate, senatorial government.

⁷⁰ Suetonius was thoroughly versed in Cicero's works: A. Macé, *Essai sur Suétone* (Paris 1900) 284-98; G. d'Anna, *Le idee letterarie di Suetonio* (Florence 1954) 105-36; F. della Corte, *Suetonio eques Romanus* (Milan 1958) 27-52.

⁷¹ Full references in H. E. Butler and M. Cary (ed.), *Suetoni divus Iulius* (Oxford 1927) *ad loc.*

Caesar was using the strategem of all those who revolt against the government, and in doing so was clearly admitting that he was in rebellion against the government. He had no choice but to make this covert admission for, as Cicero put it in his presence, *tua vox illa quae vicit*.

CONCLUSIONS

In summary these are the points concerning this speech which seem probable or at the least possible.

1. Caesar intended to convict Ligarius as a warning to the *Pompeiani* still in arms.
2. Caesar did not expect Cicero to defend Ligarius.
3. Cicero's speech was delivered, not at Caesar's behest, but as a result of a series of commitments to the Ligarii, probably at the request of Brutus.
4. Plutarch's account of the trial is basically correct.
5. Caesar acquitted Ligarius to please Cicero in one more attempt to gain his active participation in the government of Rome.
6. Cicero did not rate the speech highly, but published it soon after delivery as an example of *deprecatio*.
7. There is significant concealed irony in the speech.
8. Atticus did not publish the speech, but revived it in 45 to gain favor for Cicero with Caesar.
9. Quintilian's evidence on the speech has been misinterpreted, since he quotes for pedagogical purposes rather than to indicate its excellence.
10. Comparison with the letters from Brundisium in 47 shows that the *litterae ex Aegypto* in paragraph 7 is fictitious, and is ironically invented by Cicero.
11. Paragraph 7 may indicate that in 47 Caesar offered Cicero the post of *magister equitum*.
12. Paragraph 33 contains Caesar's implicit admission that he was a rebel in 49.