Introduction

At last Cicero broke his long silence. After years away from Rome and its politics – first as proconsular governor of Cilicia in Asia Minor, then as a reluctant participant and witness to the horrors of civil war that enveloped Italy and were still spreading across the Mediterranean – at last it was time to resume his customary labors on behalf of the Roman state. Though Rome's preeminent orator and one of its oldest living consulars, he would speak again, but not via public oratory. There was no venue in which to do so. The forum and its *rostra* were vacant, the courts closed. His efforts instead took on a different shape, in the form of a literary dialogue. Sometime during the spring of 46 he completed the *Brutus*, a fictional conversation about the history of oratory with his lifelong friend Titus Pomponius Atticus and his protégé (he hoped) Marcus Junius Brutus, the soon-to-be Caesaricide.

To write a history of Roman orators in the midst of civil war was hardly the most obvious response to what ailed Rome. Yet however bleak the state of politics, the cultural conditions for that endeavor were remarkably felicitous. The dialogue appeared at a moment when curiosity about the natural and historical worlds, influenced by a tradition of Greek philosophy and scholarship, had enthralled Rome. Several thinkers, following Greek precedent, helped to craft an intellectual culture of individuation and rationalization of knowledge and the systems that produce it.[1] Yet the immediate crisis has overshadowed just how innovative, even revolutionary, Cicero's project was. Ultimately, it amounted to far more than just a consolatory catalogue of Rome's oratorical luminaries.

[1] Moatti (1997) connects these changes to the development of *ratio*/reason; cf. Rüpke (2012) 204 for an overview of Weberian *Rationalisierung* as a framework to understand the developments, and the objection to both in MacRae (2016) 53–75. See further Rawson (1985), Lehoux (2012), Volk (2021), chap. 1.

This book's purpose is to examine the intellectual and political frameworks of the *Brutus*, and my abiding concern is the extent to which Cicero invented what we now think of as literary history. In writing a historical account of Roman orators, Cicero offers a sustained critique of how to document an artistic tradition across time. His conclusions about literary historiography – themselves integrated into an oratorical history – were necessarily imperfect and did not emanate from his mind alone.[2] Drawing on several discourses about literatures and their pasts, Cicero theorized about literary change even as the world he inherited was itself rapidly changing. Close study of the *Brutus* is warranted not only for the precious details of Roman history it preserves, but for its lasting contribution to ongoing conversations about the public role of literary creation. Cicero absorbed and gave shape to intellectual debates and developments that continue to define our own thinking about how to categorize and chronicle the passage of time, systems of power and empire, and the interrelated forces of artistic and political history.

When Cicero – along with his intellectual and political peers such as Varro, Atticus, Nepos, and Caesar – undertook to investigate, chronicle, or systematize cultural production, their efforts shaped not only Rome's sense of its past but also its contemporary imperial and civic identities. The *Brutus* illuminates several issues that his contemporaries found increasingly urgent in the protracted crisis: the close relationship between knowledge and power; the impossibility of presenting factual evidence without imposing an interpretive narrative onto that evidence; the competing Roman mindsets for how to document the past in the service of the present; the conflict between traditional and new forms of knowledge; and the resulting desire to craft and control new systems with which to organize and interpret history.

Perhaps the most memorable new system was the controversial calendar that Julius Caesar was putting into place. Calendrical reform was inherently connected to the vibrant intellectual clashes among the Roman elite in the late republic. The calendar was more than a neutral mechanism to organize days, months, or years. Its workings and the information it contained had for centuries been in the hands of political and religious

[2] C. Steel (2005) 146: "His achievements as a writer gain much of their meaning from the interaction with other writings that they spring from." See Rawson (1985), esp. 143–55, 215–49. In many respects the simultaneously evaluative and productive role of what we can call the "scholar orator" goes back at least as far as the Hellenistic conception of the "scholar poet" (if not to Isocrates or perhaps Antiphon in the rhetorical tradition); cf. Montana (2015) 69.

authorities who crafted a sense of state identity and civic purpose.[3] Similarly, Cicero's putatively neutral account of oratory's past involved much more than a disinterested catalogue of noteworthy speakers. His system of oratorical history is inextricable from a civic vision of the Roman state and of what it means to be Roman. Furthermore, Romans, like Greeks, conceptualized time and its passage as part of a network of interrelated individuals and events. The mechanisms to mark time, such as the naming of years after the consuls, are simultaneously historical data and historical frameworks for understanding that data: "not placing events within a pre-existing time frame," observes Denis Feeney, but "constructing a time frame within which the events have meaning."[4] Cicero in the *Brutus* does not merely provide a chronological account of orators; he crafts a literary history in which Roman orators are players in part of a larger civic drama.

It had long been the case that the organization of time and the past was inextricable from the tenure of power, perhaps most notably in the control of the calendar days (*fasti*) by the Roman aristocracy. Only at the end of the fourth century (304 BCE) did the curule aedile Gnaeus Flavius, under the influence of Appius Claudius Caecus, publish the *fasti* and so make available the days for public business and legal procedures. This was pivotal in freeing access to the legal system from the stranglehold of the aristocracy.[5] The *Brutus* likewise constantly reminds us that the forms we impose on the past through memory and history are inherently connected to power: Roman magistracies and martial achievements anchor the chronological framework of its individual and cultural biographies.

The year 46 was marked not only by the defeat of the republican army at Thapsus and the suicide of Cato the Younger, but also by a calendrical monstrosity. It was the infamous "(last) year of disorder,"[6] which lasted 445 days in order to realign the inherited Roman calendar with the seasons to prepare for the introduction of the Julian calendar on the Kalends of January 45. Julius Caesar took a long-standing Roman mechanism for managing days and months and redesigned it in accordance with Greek astronomical knowledge. Under the guidance of Sosigenes of Alexandria, he introduced to Rome a new way of reckoning the year and thereby secured a powerful hold over this fundamental civic and religious institution.[7] The

[3] Laurence and Smith (1995). Feeney (2007) on Caesar's reforms.
[4] Feeney (2010) 887, with Wilcox (1987).
[5] Cic. *Mur.* 25. Moatti (2003) 311 nicely dubs the power inherent in such knowledge "savoirs de puissance."
[6] Macrobius' *annus confusionis ultimus* (*Sat.* 1.14.3).
[7] The account of Plin. *Nat.* 18.211–12, at least; cf. (differently) Plut. *Caes.* 59.2, Macr. *Sat.* 1.14.2.

new calendar took effect fully in the year 709 *ab Vrbe condita* ("since the city's foundation" – itself a calculation involving contemporary scholarly controversy). In the year before, when Caesar began to reform Roman administrative time, Cicero wrote the *Brutus*, a chronological and descriptive account of literary time. Other scholars eagerly crafted chronologies as well: Atticus' recently produced "Yearly Book" (*Liber Annalis*) greatly influenced Cicero. Marcus Terentius Varro labored diligently to establish himself as Rome's great antiquarian scholar. Cornelius Nepos had published his *Chronica* in three books, which Catullus memorializes in his prefatory poem. Time – its organization, political and aesthetic effects, and explanatory allure – was on the minds of Romans.

Such reforms and reconceptualizations were hardly infallible, and there is much that we will never know about them. Even those that have had a lasting effect can be eclipsed by later innovations: Caesar's calendar gave way to our Gregorian calendar, after all (more on that below). Similarly, modern literary historians do not always know the Ciceronian theoretical foundations on which their accounts are built. The labors of Atticus, Nepos, and Varro, however valuable to contemporaries, have largely been lost (Varro has fared best of the trio, though we know Nepos as a biographer and Atticus as a blank screen onto which Cicero's letters project so much of himself). Still, it is worth considering some of the vicissitudes, challenges, and flaws in such efforts to organize knowledge so that we may understand what is at stake in reconceptualizing a given field of scholarly inquiry or technical advancement, whether in ancient or modern times.

Because political will often trumps common or scientific sense, certain paradoxes are inevitable in aligning national identity with technical or scholarly systems. The development and control of systems that potently organize the past and the future rarely depend on disinterested observers making neutral choices; they more often reveal political identity or chauvinism. The Gregorian calendar was adopted in Russia only in 1918 and in China in 1949, as communism meant not just a new political dispensation but also a new way of organizing bureaucratic and administrative relationships to the past, and the future, all with the aim of legitimizing the new regimes.[8] And it is exceptionalist chauvinism, as much as cost or convenience, that explains why the United States, formed in revolt against its British lords, persists in using the English rather than

[8] Russia may still have been smarting from the calendrical disgrace of a decade earlier: Czar Nicholas II's national delegation to the 1908 Olympic Games in London arrived twelve days after the contests; Richards (1998) 247. The French Revolutionary Calendar (implemented with the contentious yet longer-lived metric system) is another prime example of calendar as civic ideology.

the metric system. In a similarly patriotic spirit, but in a Roman context, Cicero depicts oratorical history not merely as a cultural acquisition from the Greeks, but as a centuries-long process that culminates in his own aesthetic and political values. Most importantly, he portrays the greatness of Rome's oratorical past as indistinguishable from the greatness of Rome itself, each a prerequisite for the success of the other.

Without a professionalized bureaucracy, technical-administrative systems may encounter serious obstacles to proper management. The most noteworthy Roman example, to turn again to the calendar, remains the bungling of the leap year by the *pontifex maximus* Marcus Aemilius Lepidus, the triumvir whom Shakespeare memorably dismissed as a "slight, unmeritable man."[9] Macrobius tells us in the *Saturnalia* that Lepidus added a leap day every three years rather than every four years. The error would persist until Augustus became *pontifex maximus* upon Lepidus' death in 13 or 12.[10] One cause of such confusion was the complexity, even for Romans, of traditional systems; another was the paucity or inaccuracy of precedent or physical records providing instruction and guidance.[11] The management of time did not typically fall to professionals invested in neutrality or even accuracy. Technical knowledge might come from experts, but its interpretation and implementation were typically in the administrative purview of the Roman elite, who occupied the magistracies and priesthoods. Such men usually had axes to grind. In a similar fashion, Cicero's understanding of the pasts of poetry and oratory is derived not only from his fellow scholars, who were pursuing their own intellectual agendas, but also from ancient records, *commentarii* (possibly also used by those same scholars). The information found there could be unreliable or subject to misinterpretation, sometimes willfully. Several errors and omissions in the *Brutus*, alongside Cicero's willingness to meaningfully misinterpret the record of the past or its documenters, are nevertheless valuable because they can reveal his civic and intellectual commitments.[12]

Even with improved scientific knowledge or access to it and to experts, apparent questions of fact may still yet be contested. If we or some scholar

[9] Coin issues of 43/2, financed by proceeds from the brutal proscriptions announced in 43, advertise his two roles: "Lepidus, triumvir for restoration of the republic and pontifex maximus" (*triumvir rei publicae constituendae Lepidus pontifex maximus*, *RRC* 495). The obverse (with minimal variation) reads: LEPIDUS PONT MAX III V R P C. The reverse depicts Octavian.

[10] The error and the reasons for it are still debated. See Plin. *Nat.* 18.211, Suet. *Aug.* 31.2, Solinus 1.46–47, Macr. *Sat.* 1.14.13–15. Wardle (2014) 249–50 (on Suet. *Aug.* 31.2) judiciously summarizes. Cf. Bennett (2003), Feeney (2007) 196–97, Rüpke (2011) 111–21, Stern (2012) 204–27, esp. 214–16, Stern (2017). The vagaries and manipulations of the calendrical system are well studied and continue to captivate modern observers, not least because they reveal a great deal about the vibrant intellectual clashes among the Roman elite in the late republic.

[11] Culham (1989) discusses the lack of reliable centralized archives.

[12] Several examples are listed and discussed below.

from antiquity were to ask in what year the Julian calendar began, one can easily imagine the sort of heated tongue-lashings likely to arise during the initially cool assessment of the facts. The year 45 seems like the best candidate, and yet one could just as easily say that the corrections to the calendar in 46 were already an indication of the new calendrical system. By this logic 46 is the beginning of the calendar even if a single year would not run according to the new system until 45. That is, the calendar was "all there" in 46, but the old system was just being brought up to date in accordance with the new. An institutional purist might propose a later date, arguing that the Julian calendar took effect only when correctly instituted by the *pontifex maximus*. In this reckoning the Julian calendar began at Rome only after Augustus' realignment decades later. Such investigations may seem provincially academic in certain contexts. Yet the comparable questions in the *Brutus* – for example, when and with whom did oratory or poetry begin at Rome? – are central to understanding Cicero's aesthetic and political motivations. The beginnings of artistic traditions in the *Brutus* involved both decisions about which events merit historical notice and also justifications of those decisions. As will become apparent, Cicero's carefully crafted beginnings anchor the ideology and aesthetics of his entire literary-historical enterprise.

The calendrical mishaps of the Julian leap year also serve as a powerful reminder that Romans had their own relationship to time, the past, and its accounting. How strange is it that the pontiffs not only got the leap year wrong, but also persisted in the error, one that probably resulted from a misunderstanding of inclusive counting? Even this basic chronometric element reveals a mindset, formed on relative chronology, with which to organize and interpret historical data.[13] The mental habits of Romans primed them to calculate chronologies relative to their own achievements, understanding events in relation to other major events and not to the absolute dating system we so take for granted.[14]

In reading the *Brutus* it is crucial to recognize the underlying mental structures on which narratives of the past were built. Cicero does not simply have at his disposal knowledge that was different or more primitive than our knowledge; rather, his and his contemporaries' assumptions and habits of mind opened explanatory avenues that may not be readily

[13] Feeney (2007) 7–67 is especially good at explaining the mindset.

[14] Our system, however, does pose similar problems, such as the momentary delay that arises when we recall, for example, that the twentieth century comprises the years 1900 through 1999 – and purists will scoff at that claim and note that the century is actually 1901 through 2000, since the year 0 was never counted.

available to the modern scholar. He relies on the customary consular dating to indicate years, but also had several other criteria for structuring literary history, and these undoubtedly had conceptual advantages: generational overlap, birth and death dates of authors and orators, significant literary events, the synchrony or parallel development of events or individual lives (again, a feature of hellenizing scholarship).[15]

When, for example, Cicero highlights the spatial aesthetics of Atticus' *Liber Annalis* he is also telling us something about the *Brutus*. Atticus' *Liber* allowed him to see the order of all history unrolled in a single sweeping view (*ut explicatis ordinibus temporum uno in conspectu omnia viderem*, 15). Cicero similarly conceives of his own literary history as a unified account of the past, useful for what it contains and pleasing as a learned object of aesthetic consumption. Cicero adapts preexisting categories of explanation and forges new ones in order to construct an innovative account of oratorical history. Little has been said about the chronological markers and unusual categories that shape Cicero's literary history, and much less about the attendant conceptual framework or its effects: what choices were made, what people and concepts emphasized or excluded, what possibilities and innovations exploited or abandoned?

Cicero relied on distinct, even potentially conflicting, temporal or conceptual categories to construct a narrative of oratory's past, which might initially strike us as odd. Yet common sense and experience again tell us that there is nothing peculiar about switching between systems of assessment or criteria of categorization, even when one system is unquestionably better. Most of us today do just that, despite living in an age that is far more scientific and – despite the whimsical (or malicious) rise of "alternative facts" since 2016 – far more invested in accuracy. We have longitude and latitude, for example, perfectly serviceable criteria for pinpointing physical location. Yet we rarely use them in everyday contexts. You'd find it odd if, when asked for directions to my hometown of Amherst, I told you to head to $42^{\circ}20'25.3752''$N and $72^{\circ}29'48.5484''$W – one possible set of geospatial coordinates. It is also not the case that an advance in the knowledge furnished by technology actually ensures knowledge of a topic – the advent of global positioning and navigational systems, which calculate the distance, trajectory, and length of a trip with astonishing accuracy, has contributed in

[15] As Sumner (1973) has shown, Cicero relies most of all on birth years to form groups of orators, which is perhaps the most striking feature of his chronology and a clear indication that biology and biography hold an important place in the work's conceptual framework.

no small measure to many a traveler's ignorance about where they are and how they got there.

Modern humans are keenly pragmatic and key their consumption and distribution of information to their aims in using it. Romans were no different, and neither was Cicero when writing the *Brutus*. He certainly claims access to better knowledge derived from the research of Atticus and Varro and occasional forays into old records, *commentarii veteres* or *antiqui*. Yet to claim as he does that such advances are a natural part of a broader intellectual trajectory is to assume that all artistic forms, including research into the past, evolve over time, and that change is necessarily improvement. Cicero was above all skilled in rhetorical presentation, and the superior information of his contemporaries may well have served his desire to illuminate the grand landscape of Rome's oratorical past; but it served no less his craftiness in selecting and presenting the shades and hues of truth as he envisioned them. His academic enterprise and its presentation reflect his belief in artistic progress, especially for oratory, up to his day. Many scholars today, imagining him to be a forerunner of positivism's advancement of knowledge, have stumbled into Cicero's intellectual trap. Even in the *Brutus*, Cicero's most historical work – more so than even *de Republica* or *de Legibus* – he is not a disinterested historian, but, true to character, a self-interested rhetorician, desperately seeking salvation for a state in crisis and, just as desperately, vying to be its savior.

The vicissitudes of the Roman calendar also shed light on contemporary cultural tensions that are crucial to the writing of the *Brutus*. The conflict and convergence of traditional forms of power with innovations in knowledge are yet another version of an inveterate challenge: maintaining inherited customs while realigning them with new ideas. The new calendar's 365 and ¼ days were keyed to a solar cycle rather than the customary, if temperamental, (soli)lunar year, which had served Rome's ancestors well enough across the several centuries during which the tiny city-state nestled on the Tiber river had grown into the largest sustained empire known to the Mediterranean, stretching out dominion toward the Rhine and Thames in the north and west, as well as the Nile and Euphrates in the south and east.[16] From the newly captured lands Rome brought back books, coins, slaves, statues, and scientific knowledge. Like most of Rome's empire the calendar wasn't even truly Roman, but rather intellectual booty taken from Greek Egyptian astronomers. They had calculated, with an

[16] Or, as Cicero says, "Rhine, Ocean, Nile" (*Marc.* 28), perhaps minimizing Caesar's September 46 quadruple triumph over Africa, Egypt, Gaul, and Pontus.

impressive mix of accuracy and prejudice, the sun's 365¼-day trajectory around the earth.

Hellenization lies at the heart of Rome's imperial redefinitions and at the heart of Cicero's definition of great oratory. One of the oldest tales Romans tell about themselves is that of foreign influence: they adopted, often with reluctance or suspicion, Greek artistic and intellectual forms in order to explain and order the world. Inherited ideas and values were put to serious proof once Romans left their sovereign stamp on the world order. Changing these inheritances could seriously challenge, and for some thoroughly destroy, a shared sense of Roman identity. The *Brutus* recognizes this instability while trying to synchronize Roman history and aesthetic ideals with Greek events and literary models.

The *Brutus* also crucially intervenes in contemporary intellectual debates, staging a conflict, for example, over Caesar's recently published *de Analogia*. This treatise on language formation and reformation provides yet another perspective, in addition to the calendar, on how Caesar sought to assert control over the minds and mouths of Romans.[17] Cicero countered Caesar's analogical system by indirect rhetorical means, pointing up its shortcomings and implicitly relating them to a tangential debate: the conflict of rhetorical styles, "Atticism" versus "Asianism."

Cicero paints the Atticists as unrepentant philhellenes, hopeless lovers of all things Greek, whose penchant for the foreign undermined Roman traditions and, implicitly, the state and social orders. No stranger himself to Greek influence, he strove instead to guide and control the reception of Greek intellectual goods through an alternative model of appropriation that still accorded pride of place to Romans over Greeks and to his view of Roman identity over the views of his similarly enterprising competitors. Cicero's imperial ambition, however, was not the same as Caesar's, who through warfare monopolized power and glory. Yet it was like Caesar's, if we remember L. P. Hartley's adage that "the past is a foreign country." Cicero set his imperial sights on Roman history, impressing his sovereign mark onto the intellectual history of artistic practices at Rome and their forerunners in the Greek world.

As noted above, a fundamental aim of this book is to highlight the contribution of Cicero's *Brutus* to literary historiography, to how we think about the organization of an artistic practice across time. Such a legacy can often be obscured by subsequent developments, and this is the case for Cicero's *Brutus*. Once again, the history of Caesar's contemporary calendar

[17] Cf. Feeney (2007) 197.

sheds light on an abiding problem in intellectual traditions and their reception: how much change is required to claim ownership of a system or tradition? This is the implication of our belief that we use the Gregorian rather than the Julian calendar, when in fact the difference is almost microscopic: in 1582 about 0.002 percent was subtracted from the year's length, and we'll have to wait some eight decades before any person alive when this book is published will experience the result – the skipping of leap year in centuries not divisible by four.[18] By right of this momentous change, Pope Gregory XIII also erased the calendar's ascription to Julius Caesar and thereby "invented" our Gregorian calendar.[19] This is not to dismiss Gregory's changes, which are if anything another object lesson in the dynamics of intellectual appropriation as a response to political crisis.[20] The writing and theorization of literary history has likewise continued apace since Cicero wrote the *Brutus*. Yet subsequent efforts have either misunderstood or overshadowed Cicero's initial work, and this despite the fact that he anticipated and proposed workarounds or solutions for several problems that still bedevil the writing of literary history.[21]

Similar jockeying over the meaning of a tradition or innovation can be seen in the history of the related field of astronomy. Still well over the horizon from the reforms of Caesar and Gregory lay Copernicus' *Revolutions*, which would have the earth go around the sun (although Aristarchus of Samos had already proposed heliocentrism).[22] Our planet, however, was still round – nineteenth-century thinkers had yet (falsely) to ascribe to medieval scientists a belief in the earth's flatness, an allegation used to argue for the incompatibility of science and religion or to denigrate Catholics in sectarian disagreement. The attempts of nineteenth-century intellectuals to discredit medieval science (the so-called "Flat Earth Theory" of the Middle Ages) show the extent to which later authorities

[18] We have leap years in 2000 and 2400 (centuries 20, 24) but not in 2100, 2200, or 2300 (centuries 21, 22, 23).

[19] The annual change was approximately 10 minutes and 48 seconds. In 1582 ten days, 5 October through 14 October, were deleted, i.e. 15 October immediately followed 4 October; Richards (1998) 365–66.

[20] As Pope – the Catholic office formerly known as *pontifex maximus* – Gregory was responsible for determining and announcing the day of Easter to millions of the faithful. To calculate accurately the anniversary of the resurrection of the Lord and Savior of Man for a religion predicated on the salvation and resurrection of humanity was no trivial matter. Richards (1998) 3–123; 239–56 (Gregorian reforms); 345–78 (Easter). D. Steel (2000) 93–136 (Easter and AD/BC dates); 157–82 (Gregorian reforms). Stern (2012) 380–424 (earliest disputes over Easter).

[21] Perkins (1992) remains the most accessible study of literary historiography and its limitations.

[22] A fact that Copernicus knew for his initial investigations but seems to have unlearned by the time he published the pioneering *Revolutions*.

both appropriate earlier authors and, by relying on the thinnest pieces of evidence and consulting the prejudices of their contemporaries rather than plausible facts, may also make false assertions about their earlier counterparts as part of that appropriation.[23] Distorting the past and then belittling it for being distorted is an old trick – just ask any scholar of the Middle Ages laboring in the wake of Renaissance prejudices.

Cicero was a forerunner to such appropriations and distortions: several stories in the *Brutus* about literary authorities and their motivations are wrong. This is probably the case for Accius, for example.[24] Cicero tendentiously discredits Accius' work and offers a self-serving appeal to factual accuracy: Accius bungled the beginning of Latin literature by placing it in 207, while Cicero and his prudent contemporaries know that 240 is correct. Cicero similarly distorts the scholarly past when he places upon Ennius the mantle of the literary historian: Ennius is the first documenter of the first Roman orator, Marcus Cornelius Cethegus. Yet, it is unimaginable that Ennius, when he used the term *orator* in connection with Cethegus, thought that he was making a claim about the history of an artistic tradition, much less about its origin. It is equally unimaginable that Ennius called Cethegus the *Suadai medulla* ("marrow of Persuasion") because he was referring to Eupolis' characterization of Pericles as possessing *Peitho* ("Persuasion") on his lips. Both moves – highly tendentious and shrouded in brilliant rhetorical misdirection – allow Cicero to appropriate a tradition of literary history, the details of which are largely his own invention. With Accius and his alternative chronology safely out of the way, Cicero can arrogate to himself the authority he has created and attributed to Ennius, and he can further portray Ennius as being involved in a philhellenic habit of intellectual appropriation. In this inventive scheme, the documentation of oratorical history has not only a valid Roman precedent to justify it but also a justification that is itself born of cultural translation of the Greek world. What enters Cicero's rhetorical filter as tendentious and revolutionary emerges as circumspect and traditional.

Approaches to the *Brutus*

I have spent so much time considering a range of intellectual discourses in order to defamiliarize the terms of Cicero's *Brutus* and to situate it within

[23] J. B. Russell (1991).

[24] On Accius see Welsh (2011), who shows the extent to which Cicero distorts Accius' *Didascalica* and the Porcian chronology on which it was (probably) based. See below on Ennius.

scholarly traditions upon which it built or with which it competed. Cicero, this book argues, deftly interwove various strands of inquiry into a crucial and innovative document of contemporary political and intellectual discourse. He invented literary history not simply as a scholarly endeavor but as a sophisticated response to contemporary aesthetic debates and to civic crisis. The most prominent features of the *Brutus* – a self-serving trajectory toward the Ciceronian present, a detailed account of Roman orators, and gestures toward scientific accuracy – have garnered it a mixed reputation as a historical survey of orators that promotes its author's inevitable triumph. The tendentious reframing of history and unabashed self-promotion figure in most of Cicero's writings, but modern observers' often squeamish attention to his alleged vanity has failed fully to capture the unique merits of the *Brutus*: what it accomplishes intellectually, how it lures readers into its ideological and critical programs, and why it is a serious intervention in Rome's political crisis.

Scholars have long shown a grudging respect for Cicero's investigations (Douglas thought them "remarkable"), admiration for all that he gathered and appreciation for the details about orators and politicians who otherwise would have passed forever into silence.[25] Praise is often paired with regrets about Cicero's careless omissions or unscrupulous emphases.[26] Inconsistent, temperamental, and rhetorically inclined, Cicero just wasn't a very good modern historian. Yet the scholarly pose he strikes over and again should not lull us into complacency about his motives and techniques: Cicero is not a modern scholar, or an ancient one either. Above all he is a political orator skilled in rhetorical presentation. What Cicero discovers is the past as he wishes to see it, not as he finds it – or perhaps it's more accurate to say that Cicero discovers the past as he wishes to see the present and future.[27]

The greatest scholarly emphasis has been on the work's most salient feature, the evolutionary catalogue of orators culminating in Cicero's and Brutus' accomplishments. The oratorical collection and the teleology underlying it were a significant achievement and a methodological advance

[25] Douglas (1966a) xxiii, assessing the "literary merits" of the *Brutus*, even as he elsewhere recognizes the distortions and omissions. Rawson (1972) 41: "Cicero's most sustained, sensitive and successful historical achievement."

[26] The split attitude is perhaps best exemplified by Suerbaum (1996/1997), largely positive, and Suerbaum (1997), which focuses on the shortcomings in Cicero's catalogue.

[27] Cicero's rhetorical use of evidence is similarly in full effect in *de Republica*, in which he selectively details early Roman history based on the facts that he claims to discover, all while criticizing Plato's fictional account in the *Republic*. Criticism of Plato strategically justifies and conceals his own omissions and emphases.

over previous Hellenistic and Roman scholars.[28] Yet attention to the self-serving and somewhat predictable teleological design can shed only so much light on the work's innovations in the field of literary historiography or on the civic vision underlying the oratorical history.[29]

Several discrete topics in addition to the work's teleology have tended to capture scholarly attention: prosopography, the history of early poetry, the textual economy of Cicero's work and afterlife, its possible function as a commemoration and swan song of republican oratory, the technical oratorical polemic with the so-called Atticists, the debate over Analogy and Anomaly, or the oblique relationship to Caesar's political monopoly under the shadow of the republican losses in Africa.[30] Numerous exemplary readings of the *Brutus* exist, but, this book argues, understanding the breadth and depth of Cicero's intellectual insights requires us to examine closely the terms of his explanations and to treat his dialogue as a complex piece of literature worthy of complex analysis. This claim is not made to cast aspersions on the many valuable contributions thus far: I don't wish to be a Gregory to past Caesars.[31] This book is an attempt to read the *Brutus* as we might an extended poem or a work of drama, with attention both to the specifics of language and formal presentation, and to the recurrence of key ideas and motifs, which are all essential to a coherent account of its political message and intellectual innovations.[32]

[28] Douglas (1966a) xxii, Bringmann (1971) 22, Narducci (1997) 103–4, Schwindt (2000) 96–122.

[29] Fox (2007) 177–208 is reluctant to accept Cicero's scheme of progress, noting the (at times contradictory) interplay of "chronological progression" and "conceptual progression." Dugan (2005) 172–250 takes the account at face value, as do Goldberg (1995) 3–12 and Hinds (1998) 52–98, even as they challenge its assumptions.

[30] These topics undoubtedly merit scholarly attention, and will be examined throughout. The main contributions in the immense bibliography are listed here. Prosopography: in addition to Broughton's *MRR*, Douglas (1966b), Sumner (1973), with bibliography, David (1992), Fogel (2007); history of poetry: Barchiesi (1962), Goldberg (1995) 3–12, Hinds (1998) 52–98, Suerbaum (2002) 80–83, Welsh (2011); afterlife and swan song: *CHLC* I: 236, Heldmann (1982) 17–21, Gowing (2000), C. Steel (2002), Charrier (2003), Dugan (2005) 172–250, Fox (2007) 177–208, Stroup (2010) 237–68; Atticism: Wilamowitz (1900), Dihle (1957), Leeman (1963) 91–111, 136–67, Lebek (1970) 83–114, 176–93, T. Gelzer (1979), May (1990), Wisse (1995), Guérin (2011) 342–49; Caesar: Haenni (1905), M. Gelzer (1938), Rathofer (1986), Strasburger (1990), 29–38, Narducci (1997) 98–101, Dugan (2005) 244–46, Lowrie (2008), Bishop (2019) 173–218; Analogy: Garcea (2012), with bibliography. Bringmann (1971) 13–40, Narducci (2002), and the essays in Aubert-Baillot and Guérin (2014) are good starting points for several issues.

[31] As Badian (1967) 229 noted, though surely with different aims in mind, "more can be written about the *Brutus* than about any other of Cicero's works."

[32] This aspect of the analysis is essentially text-immanent (a technique reaching back at least as far as Aristarchus' "to elucidate Homer from Homer"). Schwindt (2000) on the methodological implications of text-immanent criticism.

My readings build on the widespread acknowledgment that Roman dialogues are sophisticated pieces of literature, even if no consensus exists about how to translate that methodological insight into the practical business of literary analysis. This approach is also in sympathy with developing understandings of related prose genres – historiography and epistolography in particular – in which the selection, presentation, and emphasis or omission of material are all crucial to isolating the message and experience of the text. Beyond the dialogue, in the subsequent reception of the *Brutus* by literary critics, Cicero's innovative model of literary evolution came under close scrutiny, and so this study occasionally gazes forward to the imperial reception to understand the first stages in the legacy of Cicero's innovations.[33]

In addition to offering a global close reading of the *Brutus*, this book also lays great stress on several apparent omissions, errors, or inconsistencies in the dialogue, seeking to understand them not as flaws but as a productive feature of its literary design. Several problems confront any reader of the *Brutus* and might suggest that Cicero, in the course of slapdash composition, either committed numerous errors or could not be bothered with consistency of presentation. While one organizational principle, chronology, emerges clearly, digressions are numerous, scattered throughout the account, and seemingly unconnected to one another or to the advancing timeline. Cicero repeats emphases and phrasing, as when he twice notes Caesar's running of the senate in 59 (*senatum Caesar consul habuisset*, 218). "Many such superfluous repetitions are found in our treatise," says G. L. Hendrickson, who later criticizes the "obtrusive habit of repetition, when he wishes to urge a point important for his argument." Other passages, including the tortuous explanation of Ennius' *Suadai medulla* (59), "may be an index of rapid composition (or dictation)."[34]

The *Brutus* is replete with exaggerations and errors: the assessment of Calvus contradicts most other evidence;[35] for his protégé Caelius Cicero counts three speeches but at least five are attested;[36] several orators, such as Marius, Sulla, Catiline, and Clodius, are omitted without notice or apology; Cicero refuses to discuss living orators but circumvents his own

[33] See especially Hardie (1993) as a model for reception as interpretation, who in this respect builds on H. R. Jauss, especially the fifth principle laid out in Jauss (1982).

[34] Hendrickson (1962) 186 n.a; 220–21 n.a. Bringmann (1971) 35–39 sensibly criticizes overzealous attempts to excise repetitions.

[35] Leeman (1963) 138–42, Gruen (1967), Lebek (1970) 84–97, Fairweather (1981) 96–98, Aubert (2010) 92–93 n.26, Guérin (2011) 342–49. See Chapter 7 for full evidence.

[36] Kaster (2020) 146 n.425.

injunction by having Brutus and Atticus discuss Marcellus and Caesar; the assessment of Brutus' speech for King Deiotarus is fulsome beyond Cicero's assessment elsewhere of Brutus' essentially philosophical style;[37] Cicero claims oral sources for material he probably read;[38] the interpretations of Ennius are grossly distorted; parts of Accius' claims are probably misreported; the insistence on Naevius' death in 204 engages in special pleading; Cicero discusses Torquatus (he is thus presumably dead), but not the oratory of Cato and Scipio (suggesting they were still alive, although they died with Torquatus).[39]

The list could go on. Context or convention explain some of its items: for example, praise of Brutus' oratory makes sense in light of his central role in the dialogue and Cicero's desire to court him as a political ally.[40] Hastiness of composition may well explain certain errors or repetitions – I am not suggesting that every minor blemish necessarily betrays some grand distortion of Ciceronian propaganda. When Cicero nods and remarks on writing (*scribi*, 181) about past orators in his spoken dialogue, indulgence is warranted, however much the slip may meaningfully remind us that the drama is a fictional screen for a written account. Even the most cautious authors and scholars, ancient or modern, succumb to occasional slips and hope to enjoy readerly charity.

Picking apart Cicero's distortions, errors, or tendentiousness can always get caught up in a kind of latter-day "gotcha-ism." I seek rather to explain why he meaningfully shapes, distorts, and even falsifies material as part of his intellectual project. These apparent errors or problems open up new avenues for approaching the work because, paradoxically, they reveal his purpose most plainly. In this way we can discover novel meaning in the thorniest moments of the text. For example, the strident admonitions

[37] On his oratory see Filbey (1911) 333, Balbo (2013), Tempest (2017) 26–28, 50–52, 66–67, 128–29, and 234. On his philosophy see Tempest (2017) 94–97; Sedley (1997), highlighting Antiochean leanings, challenges the long-held belief in his Stoicism; Rawson (1986) offers detailed source analysis of Brutus' intellectual and political views.

[38] Cicero's claim to have heard Accius praise Decimus Brutus may be an invention (107); *Arch.* 27 makes no such connection, even though it could have supported Cicero's arguments.

[39] Other problems are worth noting (this list is not exhaustive): Brutus states that he couldn't have heard Julius Caesar speak because Caesar had been away from Rome (248); Brutus also claims ignorance of Scaevola Pontifex's oratory (147) before praising the *elegantia* of his speeches (163); allegations of the untrammeled ambition of Publius Crassus, son of the triumvir, are otherwise unsubstantiated (281–82); the depiction of Cicero's speech defending Titinia against Curio is highly suspect (and represented differently and perhaps accurately in *Orator*; cf. W. J. Tatum 1991).

[40] Similarly, the praise for Cicero's former son-in-law C. Calpurnius Piso (272) is probably excessive: Cicero practically admits as much. Yet there seems to be no ulterior motive other than (expected) praise for a family member.

against discussing the living do not square with the equally strident choice to discuss Caesar and Marcellus at length (and we cannot explain away the irregularity just because Cicero creatively outsources the task to his interlocutors). The inconsistency and the sustained attention on these two figures prompt us to consider all the more closely why and how they are discussed. Such a passage is ideal for close reading because it reveals the motivations underlying the surface rhetoric. This in turn helps to explain why, despite several apparent problems or flaws, the *Brutus* is a captivating and pathbreaking document of intellectual history. Whatever one's approach, A. E. Douglas' assertion about "its freedom from discernible historical error" requires revision: the basic chronology of Roman orators is mostly full and mostly accurate (Douglas' true concern), but that is only one topic; and Cicero's professions of accuracy often obscure how he fashions the material to suit his larger designs.[41]

In many ways the remarks on *inventio* (the discovery of the most serviceable evidence and arguments) from the *Orator* (also 46 BCE) tellingly reveal the *Brutus*' techniques:

> Unless considerable selection is employed by the orator's judgment, how will he linger over and dwell on his good points or soften harsh ones, or hide and thoroughly suppress, if possible, what can't be explained away, or distract the minds of the audience or offer another point, which, when put forward, is more convincing than the one that stands in the way?
>
> nisi ab oratoris iudicio dilectus magnus adhibebitur, quonam modo ille in bonis haerebit et habitabit suis aut molliet dura aut occultabit quae dilui non poterunt atque omnino opprimet, si licebit, aut abducet animos aut aliud adferet, quod oppositum probabilius sit quam illud quod obstabit? (*Orat.* 49)

Cicero's distortions, errors, or inconsistencies – no less than his stated choices – often serve a greater purpose: to offer a sustained critique of literary history, to construct a view of the past that is plausible and coherent even as it tends toward Cicero's own development, to challenge Caesar, to promote Cicero's understanding of philhellenism, and to attack the Atticists. Seemingly chance distortions and details often indicate some political or intellectual motive or reinforce a key idea or theme. When Cicero tries to force the evidence into a particular mold, his efforts often reveal the larger designs of the *Brutus*.

[41] Douglas (1966a) liii.

Chapter Outline

Each of the book's eight chapters examines a major topic or significant digression in the *Brutus*. Chapter 1 begins with the "Ciceropaideia" (301–29), the account of Cicero's education and training. I begin with the end of the *Brutus* in order to get a sense of what the dialogue has been building up to. Cicero's concluding discussion of himself reveals and brings together several assumptions, problems, and techniques of presentation that are crucial to the earlier parts of the dialogue. In the Ciceropaideia he carefully shapes biographical and historical details into a tandem narrative, intertwining his ascent with the decline of Hortensius. The account suggestively documents Cicero's development of a moderate "Rhodian" style and implicitly undermines his Atticist detractors.

Chapter 2 focuses on the dialogue's intellectual filiations. It begins by examining the preface's (1–25) insistence on remaining silent about the civic crisis even as the interlocutors' exchange of written texts incessantly circles back to the woes besetting the Roman state. Atticus' *Liber Annalis* and Brutus' *de Virtute* inspired the *Brutus*, but to what extent and to what purpose remain initially unclear. In aligning their texts with *de Republica* and the *Brutus* Cicero creates a complex web of learned exchange in the service of the republic. The chapter then considers other potential intellectual predecessors: Varro's writings on literature, the history of the dialogue genre, and Cicero's own works. The *Brutus* draws together several intellectual currents and promises significant innovations in how to document and conceptualize the literary past.

Chapter 3 examines the *Brutus* as an intervention in contemporary politics. It begins by revisiting the preface but focuses on the contemporary civic crisis (1–25). In both the preface and the digression on Julius Caesar (254–57) Cicero presents an alternative civic vision as a response to the crisis. The chapter concludes by considering the portrayal of the younger generation of orators: Curio (*filius*), Caelius, Publius Crassus, and Marcellus. The last figure merits special attention because Cicero's oratorical canon includes only two living figures: Marcellus and Caesar. Marcellus is accorded a prominent role as part of Cicero's attempt to offer a coherent vision of the republic, one based on the restoration of the senatorial elite and the reinstatement of the traditional institutions of government.

Chapter 4 turns to the pedagogical workings of the *Brutus*, which instill in the reader a new sense of how to organize and assess the literary past. Syncrisis is central to conceptualizing the past and to portraying

individuals and groups across cultures and generations. The dialogue also spends a considerable amount of time reflecting on historical accuracy, for example in the discussions of Coriolanus and Themistocles (41–44), the *laudatio funebris* (62), the beginning of Latin literature with Livius Andronicus (72–73), and Curio's dialogue about Caesar's consulship (218–19). Taken together these reflections on rhetorical presentation of the past explain Cicero's license in handling the data of literary history. Several claims, exaggerations, and fabrications can be explained by Cicero's desire to craft meaningful parallels in his history of Latin oratory and literature, including his insistence on Naevius' death in 204 BCE (60). Such parallels reveal in turn the close interconnection of his intellectual and ideological commitments.

Chapter 5 takes up the work's beginnings: why did Cicero choose Marcus Cornelius Cethegus as the first Roman orator? Appius Claudius Caecus made more sense, and Cicero's reasons for excluding Caecus from his canon tellingly reveal his literary-historical principles. The literary history presented ultimately justifies his own role as a literary historian and confirms his prejudices about the past, present, and future of oratory. His manicuring of the past emerges prominently in the perplexing "double history" of Greek oratory (26–51), which is a methodological template for Roman oratorical history, and in Ennius' special place as a literary historian (57–59).

Chapter 6 shows how Cicero establishes a normative framework for the writing of literary history. Across the dialogue and through the various speakers he offers a sustained critique of literary historiography. Several fundamental tensions and conflicts emerge: absolute versus relative criteria in assessing literature and building canons; presentism and antiquarianism; formalism and historicism; and the recognition that all literary histories are subject to their crafters' emphases and agendas.

Chapter 7 considers stylistic imitation and appropriation in the debate over Atticism and Asianism, with a special focus on how Cicero distorts the aims and positions of his detractors in the diatribe against the Atticists (285–91). He trades on various meanings of *Atticus/Attici* in order to make a rhetorical – rather than strictly logical – case. He downplays Atticism as outdated and relegates its stylistic virtues to the plain style (*genus tenue*). Rejecting Atticism does not entail rejecting the plain style. Instead he acknowledges it as one of many oratorical virtues to be subsumed under the capable orator's broad stylistic repertoire. Cicero promotes a model of stylistic diversity, examples of which are found in the long histories of Greek and, especially, Roman oratory.

Chapter 8 turns to the famous judgment of Julius Caesar's *commentarii* (*nudi*, *recti*, *venusti*, 262). Not only textual aesthetics but also visual analogies and the plastic arts underlie Cicero's judgments. An analysis of statuary analogies and of the fuller contexts for Cicero's statements suggests a deft ploy on his part. He portrays himself as Phidias crafting a statue of Minerva (the Parthenon Athena) and Caesar as Praxiteles crafting a statue of Venus (the Aphrodite of Knidos). The fundamentally different symbolic resonances of the goddesses simultaneously challenge Caesar's military accomplishments and underscore Cicero's civic achievements. Cicero thereby promotes his vision of the need to restore the Roman republic once the civil war has concluded. The Conclusion brings the disparate pieces together in order to underscore Cicero's lasting influence on the writing of literary history.