

JOHN T. RAMSEY

ASCONIUS ON CICERO'S SON-IN-LAW LENTULUS, HIS APPRENTICESHIP UNDER PUPIUS PISO, AND THE *DE OTHONE*

1. *Tullia's Divorce and Death**

Asc. 5, 9-11C

Cicero filiam post mortem Pisonis generi P. Lentulo collocavit, apud quem illa ex partu decessit.

After the death of his son-in-law Piso, Cicero bestowed his daughter on Publilius Lentulus, in whose house she died from childbirth.

Plutarch's report of Tullia's death closely mirrors Asconius':

γῆμαντι δ' αὐτῷ μετ' οὐ πολὺν χρόνον ἡ θυγάτηρ ἀπέθανε τίκτουσα παρὰ Λέντλω· τούτῳ γὰρ ἐγαμήθη μετὰ τὴν Πείσωνος τοῦ προτέρου ἀνδρὸς τελευτήν (*Cic.* 41, 5)

Not long after Cicero's marriage (to Publilia), his daughter died while giving birth in Lentulus' house. This is the man she married after the death of her previous husband Piso.

The first thing to observe is that Asconius and Plutarch identify Lentulus as Tullia's husband "after the death of her prior husband Piso". They make no mention of her marriage to Furius Crassipes (praenomen unknown), a young patrician of no great importance, who appears to have been Cicero's son-in-law as the successor to the late C. Piso (qu. 58)¹. The

* I thank Andrew Dyck, Christopher Pelling, Heikki Solin, and Susan Treggiari for discussing this topic with me by email. They are not to be held responsible for the views expressed. I am indebted in particular to Susan Treggiari for suggesting to me the hypothesis that the confused notices of Tullia's death common to Asconius and Plutarch could go back to a source that misunderstood something Cicero wrote in a letter. Translations of Latin are my own; citations of Plutarch's *Lives* are by divisions in the Loeb edition.

¹ Madvig 1828, 68 concluded from the silence of Asconius and Plutarch that there was no marriage to Crassipes, a view argued in detail by Clark 1991, who places a great deal of weight (p. 38) on this *argumentum ex silentio*. Given, however, the multiple serious

omission is even more glaring in Asconius than it is in Plutarch because Asconius' comment explicates a fragment of Cicero's *In Pisonem* in which Cicero refers to giving his daughter in marriage to C. Piso and may even have mentioned Piso's death, depending on how the lacunose text is to be restored². Therefore, the relevant son-in-law for Asconius to have singled out is Crassipes, who was betrothed to Tullia on 4 April 56 (*Q. fr.* 2, 6 (10), 1). There is nothing in the fragment on which Asconius comments that called for him to cover Tullia's death, only her husband after Piso. In a letter describing a dinner party that took place c. November 55 at his suburban estate (*horti*), Crassipes is referred to as Cicero's *gener* (*fam.* 1, 9 (20), 20), and on the basis of that passage, scholars generally regard him as Tullia's husband after Piso and before P. Cornelius Dolabella (cos. suff. 44), who is called by his adoptive name Lentulus in the two passages under discussion³.

The use of the name Lentulus, instead of Dolabella, to refer to Tullia's last husband is an even more striking commonality between the two passages. Dolabella had acquired the name Lentulus thanks to having taken the same route as P. Clodius and arranging for himself to be adopted by a plebeian. He did so to shed his patrician status and hold a plebeian tribunate in 47⁴. Cicero, it is to be noted, never calls his son-in-law Lentulus. He does, however, twice in his letters use the name Lentulus to refer to his short-lived, baby grandson, which confirms that Lentulus was Dolabella's adoptive name (*Att.* 12, 28 (267), 3; 12, 30 (270), 1). Strikingly, apart from Asconius and Plutarch, the only other literary source to call Cicero's son-in-law Lentulus is Macrobius (*Sat.* 2, 3, 3) in reporting a witticism of Cicero. The extreme rarity of the name Lentulus in place of Dolabella is understandable because Dolabella, like Clodius, chose not to go by the name he acquired through adoption⁵. Neither Asconius nor Plutarch shows any awareness that he was referring to Dolabella by his adoptive name. Every-

errors common to the notices in the two authors, which will be discussed below, it is risky to draw any conclusion from an omission.

² The fragment (F13Nisbet) is poorly transmitted in the MSS of Asconius. One clause possibly read *C. Piso <qui periit> in illo luctu* («C. P. <who died> in the course of that sorrow») because C. Piso is known to have died before Cicero's return (*Cic. Sest.* 68), probably no later than May 57 (Kaster 2006, 399 n. 23), and *luctus* is used elsewhere as a metaphor for Cicero's exile (*Cic. Planc.* 73).

³ Münzer, *RE* 54; Shackleton Bailey 1995, 52. Treggari 2007, 76 points out that it would have been highly unusual for a young girl like Tullia to have remained without a husband from 57, after the death of C. Piso, until her marriage in 50 to Dolabella.

⁴ Dio 42, 29, 1; *MRR* 2, 287.

⁵ Shackleton Bailey 1991, 72.

where else, including in one other passage of the life of Cicero, Plutarch calls him Δολοβέλλας⁶. As for Asconius, since there is no other occasion for Dolabella to be mentioned in the extant commentaries, it is impossible to judge Asconius' awareness of who P. Lentulus was⁷.

Unquestionably, the presence of the name Lentulus in Asconius and Plutarch at *Cic.* 41, 5 is an outlier, and there are other distinct similarities between their accounts that betray dependence on a common source. They both, for instance, commit the error of placing the birth of Tullia's baby in a house belonging to Lentulus (*apud eum, παρὰ Λέντλω*)⁸. This can be ruled out because by the date of the birth (c. 20 January 45)⁹, Tullia and Dolabella were divorced¹⁰, and, as provided by the *Twelve Tables*, when a divorce took place, it was customary for a wife to be deprived of her house keys and told to «take her things» and go: *tuas res tibi habeto*¹¹. Later Roman law, which doubtless reflects earlier praetorian edicts under the Republic, amply attests that a divorced wife lived in a dwelling apart from and not owned by her ex-husband¹².

⁶ *Cic.* 43, 2; *Ant.* 9, 1 (2x); 9, 2 (2x); 10, 1; 11, 2 (2x); 11, 3 (2x); *Brut.* 8, 2; 25, 1; *Caes.* 51, 2; 62, 5.

⁷ However, Asconius' failure to clarify the identity of P. Lentulus suggests that he did not make the connection with Dolabella because Asconius typically enlightens his readers when a name could cause confusion. For instance, he distinguishes multiple figures bearing the name M. Marcellus (12, 11-20C), Cn. Dolabella (26, 13-18C), and Q. Metellus (63, 13-16C).

⁸ See Clark 1991, 30-1 n. 10 for attempts by scholars to find a grain of truth in this statement, none of which is at all convincing.

⁹ Schmidt 1893, 271. The approximate date of the child's birth can be worked out from the fact that Tullia and her husband Dolabella were reunited in mid-June 46, after a prolonged separation (*fam.* 9, 7 (178), 2; *Att.* 12, 5C (241)). They had been apart for more than half a year because of Dolabella's participation in Caesar's African campaign, which commenced with Caesar's departure from Rome in late Nov. 47 (Ramsey-Raaflaub 2017, 207). It is reasonable to assume that the baby was carried to term since there is no evidence to the contrary, whereas in the case of an earlier grandchild who also died, Cicero does specifically mention that the baby was born prematurely, in the seventh month (*Att.* 10, 18 (210), 1 of 19 May 49). Consequently, if we allow for a typical gestation of 280 days, then starting from mid June 46, and taking into account the two intercalary months totaling 67 days that were added in 46 between November and December to adjust the Roman civil calendar to the solar year in preparation for the introduction of the new Julian calendar in 45, the birth can be estimated to have taken place c. 20 Jan. 45.

¹⁰ Schmidt 1893, 270. The divorce certainly occurred before Dolabella left in Nov. (Jul.) 46 to participate in Caesar's Spanish campaign (Ramsey-Raaflaub 2017, 212). This is clearly revealed by a letter written c. 1 Feb. 45 in which Cicero mentions that he is expecting to extract from Dolabella's agents the first installment of the repayment of Tullia's dowry (*fam.* 6, 18 (218), 5).

¹¹ *Tabula IV,3 (FIRA 1, 36): mimulam suam suas res sibi habere iussit, ex duodecim tabulis clavis ademit, exegit (Cic. Phil. 2, 69); tuas res tibi habeto (Gaius, dig. 24, 2, 2, 2).*

¹² For instance, as established by the *SC Plancianum*, an ex-wife was given thirty days to notify her divorced husband of a pregnancy, and she could leave written notice at his house, if he was not available to receive notification in person (*dig.* 25, 3, 1-2). It was then

Moreover, the mistake concerning the place where the child was born is compounded by the false report of the timing and place of Tullia's death. Admittedly, it is a little less clear in Asconius than it is in Plutarch whether Asconius reports Tullia as dying in childbirth or somewhat later. The expression *ex partu* in Asconius is potentially ambiguous. It could refer to death at the time of delivery¹³ or attribute it to complications arising afterwards¹⁴. Plutarch makes his meaning crystal clear by employing the present participle *τίκτουσα* in stating that Tullia died «while giving birth». Doubtless that is what *ex partu* is intended to convey in Asconius as well because Tullia's death is said to have occurred in the house where she gave birth. Yet clearly that is not what happened because Tullia lived some weeks after she gave birth to her baby, and her death appears to have taken place at her father's country house at Tusculum¹⁵. The first point is firmly established by *fam.* 6, 18 (218), 5 of c. 1 Feb. 45, which attests that the new mother appeared to be regaining her strength after the birth of her child c. 20 January¹⁶. Her death probably occurred approximately one month later, c. 20 February¹⁷, at Cicero's *Tusculanum*, where she had gone to recuperate. The locale is revealed by the extreme melancholy Cicero expressed in the late spring of 45 whenever he mentioned Tusculum and by his great reluctance to return there (*Att.* 12, 46 (287), 1).

Now that we have catalogued the multiple errors and idiosyncrasies common to Asconius and Plutarch in their accounts of Tullia's death, it remains to identify, if we can, the source that lies behind those two authors. Lichtenfeldt 1888, 72 speculated that it was Tiro's biography of Cicero, a work Asconius is known to have consulted (48, 25C) and one that Plutarch cites on a separate matter, slightly earlier in the chapter where the notice of Tullia's death is found (*Cic.* 41, 3). The possibility that Tiro was the source has met with wide acceptance, though not

the obligation of the ex-husband to send observers (*custodes*) to investigate the claim of pregnancy (*ibid.* §3), and if the ex-wife refused to admit the *custodes* sent by her ex-spouse, he was free to deny paternity (*ibid.* §6).

¹³ So, for instance, it seems, is the meaning of the expression at Suet. *Calig.* 12, 2.

¹⁴ E.g., Cels. 3, 6, 4.

¹⁵ Schmidt 1893, 276; Lepage 1976, 247.

¹⁶ For the date of birth, see n. 9, above.

¹⁷ The date can be estimated on the basis of the date by which Cicero received M. Brutus' letter of condolence, 7 March (*Att.* 12, 13 (250), 1). A reasonable allowance is approximately eight to ten days for the news of Tullia's death to travel from Tusculum to Brutus in Cisalpine Gaul and the same number of days for Brutus' letter to be delivered from there to Cicero at Astura (Schmidt 1893, 271).

without the expression of some reservation¹⁸. The trouble with the theory is that Cicero's freedman and confidant was too well informed about family matters to have committed so many blunders. He surely would have known Tullia's marital status when she had her baby, where the child was born, and where Tullia died approximately one month after the birth¹⁹.

A much more plausible source for Asconius and Plutarch to have consulted in this instance is the historian Fenestella, whom both authors cite from time to time²⁰. In fact, in the sentence immediately preceding his comment on Lentulus and Tullia (5, 8-9C), Asconius credits Fenestella as his source on a separate matter. Fenestella, writing in the age of Augustus and Tiberius, appears to be one of a select few who drew upon Cicero's letters to Atticus before they were published in the age of Nero, slightly after Asconius was writing²¹. Fenestella's consultation of the letters is relevant because, as will be argued below, the many inaccuracies in the notices of Tullia's death in Asconius and Plutarch, as well as the presence of the name Lentulus instead of Dolabella, can be readily explained, if we attribute those features to a source that encountered one of Cicero's letters mentioning his baby grandson Lentulus.

One of the letters to Atticus that appears to have been known to Fenestella is *Att.* 1, 2 (11). This seems likely because according to Asconius (85, 13C), Fenestella claimed that Cicero defended Catiline at his trial for extortion in 65, and that letter furnishes the only known evidence that could have produced Fenestella's conclusion²². At *Att.* 1, 2 (11), 2 Cicero

¹⁸ Marshall 1985, 93; Clark 1991, 30; Lewis 2006, 198. Drummond, *FRHist* 1, 403 n. 10 was justifiably skeptical.

¹⁹ The same objection rules out the biography of Cicero by Cornelius Nepos, which Moles 1988, 29 floated as a possible source for the confused account of Tullia at *Cic.* 41, 5. Nepos, however, was a contemporary witness and friend of Cicero. He is hardly likely to have used the name Lentulus to refer to Dolabella, and he must have known of Tullia's divorce. He probably knew as well that Tullia died some weeks after giving birth. Also, Asconius never cites Nepos' biography of Cicero, and Moles admitted that it is difficult to detect any influence of Nepos on Plutarch's *Cicero*.

²⁰ See Asc. 5, 9C; 31, 14C; 66, 24C; 85, 13C (cf. 86, 16C). Plut. *Crass.* 5, 4; *Sull.* 28, 7; *Mor.* 275A.

²¹ Although the earliest direct quotation occurs in a letter of c. AD 63 addressed to Lucilius by the Younger Seneca (97, 4, quoting *Att.* 1, 16 (16), 5), the letters were apparently accessible earlier in a private archive (Büchner, *RE* 7A, 1939, 1213-1214; Shackleton Bailey, *CLA* 1, 62; Nicholson 1998, 65-73). Valerius Maximus, writing in the same age as Fenestella, also appears to have consulted select letters to Atticus: e.g., 2, 10 *ext.* 2 and 6, 2, 9 reveal indebtedness to *Att.* 1, 16, 4 and *Att.* 2, 19 (39), 3, respectively; 9, 1, 7 has an echo of *Att.* 1, 16 (16), 6. I thank John Briscoe for helping me to weigh the evidence in Val. Max.

²² So Lichtenfeldt 1888, 25; Drummond, *FRHist* 3, 584.

writes *hoc tempore Catilinam, competitorem nostrum, defendere cogitamus. Iudices habemus, quos volumus, summa accusatoris voluntate* («At the present time I am contemplating a defence of Catiline, our future competitor for the consulship. I have the jurors I want, thanks to the generous cooperation of the prosecutor»). Since the verb *cogito* can mean both “to have it in mind” to do X (*OLD* 6), as well as “to expect” to do X (*OLD* 7), it is easy to see how a reader could have gone astray²³. The last clause, especially the present tense of the verbs *habemus* and *volumus*, indicates that Cicero was involved in the trial, at least initially²⁴. The way Asconius (86, 15-16C) refers to Fenestella’s view on Cicero’s role as defender reveals that the historian relied upon *some* piece of evidence to draw his conclusion²⁵: *Vere cum egerit Muci causam Cicero sicut Catilinae egisse eum videri vult Fenestella* («But seeing that Cicero handled Mucius’ case—just as Fenestella wants him to appear to have handled Catiline’s case») ²⁶. If there is any shadow of doubt as to whether Fenestella drew upon *Att.* 1, 2 (11), 2, that doubt is dispelled by Asconius’ comment at 87, 14-15C. His remark that the challenge of prospective jurors for Catiline’s trial appeared to have been conducted at the discretion of the defendant (*reiectio iudicum ad arbitrium rei videbatur esse facta*)²⁷ so closely resembles what Cicero wrote in *Att.* 1, 2 (*summa accusatoris voluntate*) that Asconius almost certainly gleaned that detail from Fenestella, who in turn picked it up from the letter.

Yet another letter to Atticus that Fenestella quite possibly saw, or became aware of, is the one in which Cicero reports the death of his father in November 68 (*Att.* 1, 6 (2), 2). A plausible explanation for why Asconius (82, 10-11C) mistakenly postdated the death to the period of Cicero’s

²³ I thank Andy Dyck for discussing this issue with me by email.

²⁴ So Shackleton Bailey, *CLA* 1, 87; Marshall 1985, 299. Clearly the trial was already in progress when Cicero wrote his letter to Atticus because the challenge of prospective jurors had been completed.

²⁵ As pointed out by Reitzenstein 1900, 421-422. And yet Shackleton Bailey (*CLA* 1, 67) must be correct that Fenestella did not quote the letter because otherwise Asconius would have been bound to take the text into consideration in his well-reasoned and lengthy refutation of Fenestella (85, 13-87, 15C).

²⁶ Asconius employs the expression *causam agere*, instead of *defendere*, because when Cicero served as Mucius’ advocate on a charge of theft, *furtum* (*TLRR* no. 213), the case was settled out of court (*Asc.* 86, 12-13, *cum L. Caleno furti depectus sis*), and so Cicero may never have been called upon to deliver a speech *Pro Mucio*, of which there is no trace (Crawford 1984, 75).

²⁷ «The challenge of jurors seemed to have been carried out to suit the will of the defendant».

consular candidacy (*in petitione*) is that his source was misled by the disordered arrangement of the first eleven letters in book one of the collection to Atticus²⁸. Letters 1 and 2 were written in July 65 and discuss Cicero's intent to launch his consular candidacy, while the nine letters that follow those two were written in 68–66 but without clear signposts as to the year, except in letter 11. Consequently, a reader knowing that letters 1 and 2 were written in 65 could logically draw the false conclusion that the death of Cicero *père* attested in letter 6 occurred in November 65, after Cicero had begun campaigning (*in petitione*). Once more, Fenestella makes an excellent candidate for being the conduit by which an inference drawn from a letter to Atticus found its way into the pages of Asconius. It is to be noted that Asconius gives the later date for the death of the elder Cicero in the same commentary, the one on Cicero's *oratio In toga candida*, in which he discusses Fenestella's mistaken belief that Cicero defended Catiline. Hence it is quite plausible that Asconius came across the later, erroneous date for the death of Cicero's father (65 BC) in the course of his consultation of Fenestella on the matter of Cicero's role in Catiline's trial in 65.

Since we have at least two instances in which information derived from identifiable letters to Atticus reached Asconius via Fenestella, it is tempting to speculate that Fenestella came across the letters mentioned above in which Cicero referred to his new, little grandson as "Lentulus" (*Att.* 12, 28 (267), 3; 12, 30 (270), 1). Anyone learning that the name of Tullia's baby was Lentulus, and knowing further that Tullia died after giving birth to her child²⁹, could readily have concluded that Lentulus was the name of Cicero's son-in-law and that the mother of the child died while giving birth under his roof (*apud eum*, παρὰ Λέντλῳ). If this set of inferences, false except for the adoptive name of Cicero's *gener*, was passed

²⁸ Stewart 1962, 469 n. 17.

²⁹ The sole extant text attesting that Tullia lived beyond the delivery of her baby is *fam.* 6, 18 (218), 5 of c. 1 Feb. 45, cited earlier. That same letter is the one that reveals that Tullia and Dolabella were divorced at the time of their son's birth, a fact clearly not known to the source upon which Asconius and Plutarch drew. And thirdly, it is also a letter in the collection *Ad familiares* cited above (1, 9 (20), 20) that attests the status of Crassipes as Cicero's *gener*, something else that was apparently not known to the source common to Asconius and Plutarch. From these facts it emerges that the author upon whom Asconius and Plutarch relied did not have access to the letters *Ad familiares*. This is understandable, if that author was Fenestella because he wrote in the age of Augustus and Tiberius, and apart from an echo of a bon mot of Cassius concerning Cn. Pompeius *filius* (*fam.* 15, 19 (216), 4) in *Sen. suas.* 1, 1, 5, there is no evidence of the letters *Ad familiares* being in circulation before Quintilian (Büchner, *RE* 7A, 1939, 1223).

along to Asconius and Plutarch by way of Fenestella, it can be added to the other instances in which the letters appear to have played a role, namely, in giving rise to Fenestella's belief that Cicero defended Catiline and possibly the postdating of the death of Cicero's father. It fits a pattern of misinformation in Fenestella regarding Ciceronian matters, several other items of which were pointed out by Asconius³⁰. Despite Lactantius' characterization of Fenestella as a *diligentissimus scriptor* (*inst.* 1, 6, 14), Fenestella does not appear to have been terribly adept at drawing correct inferences from the letters.

In view of the multiplicity of items in Fenestella that concern the cases and family of Cicero, it should not be surprising if he included a notice of Tullia's death, especially given the fact that Asconius learned from Fenestella such a relatively *recherché* detail as the name of the father-in-law of L. Piso (*cos.* 58), Rutilius Nudus³¹. It is to be noted that the thirty-three fragments of Fenestella embrace an amazingly diverse range of topics³², and only four of those fragments are specifically attributed to his *Annales*. Understandably, therefore, scholars have speculated that Fenestella wrote other works, including possibly one devoted to Cicero³³. Such a work would account for the large number of items that concern Cicero and his family, and it would explain why Fenestella was one of the few authors who apparently went to the trouble of consulting several letters to Atticus in a private archive.

Be that as it may, the point to be grasped is that a highly satisfactory explanation for the many errors and idiosyncrasies common to Asconius and Plutarch in their notices of Tullia's death is that their source pieced together its account from discovering in the letters that Cicero's short-lived grandson bore the name Lentulus. Every particular in the notices of

³⁰ *E.g.*, the age of Cicero when he defended Sex. Roscius in 80 (*Gell.* 15, 28, 4); the date of Clodius' murder by Milo in Jan. 52 (31, 14C); and possibly the misdating of Cicero's *In Pisonem* of Aug.(?) 55 to late in 54, if Fenestella is the author whose name has dropped out of Asconius' text at 1, 7C as Lichtenfeldt 1888, 56 supposed.

³¹ 5, 8-9C. He may have been P. Rutilius Nudus, an officer who served in the campaigns against Mithridates (*MRR* 3, 183); see commentary on *FRHist* 70, F22.

³² *E.g.*, hermaphrodites (F4), the early Roman calendar (F5), olive trees (F9), the life of the playwright Terence (F11), the wearing of an iron ring by a senator (F14), the first display of elephants (F15), an interview of an old woman who as a girl provided companionship for M. Crassus in a Spanish cave where he was hiding out (F16), sibyls (F19), luxury furniture (F24), pearls (F25), Phrygian togas (F26), shoes called mullets (F27), and the number of dishes served at meals (F28).

³³ So Reitzenstein 1900, 421-2. See Drummond, *FRHist.* 1, 490-491 for a summary of theories concerning possible unattested works by Fenestella besides his *Annales*.

Asconius and Plutarch concerning Tullia, except the detail of Lentulus' *praenomen* Publius given by Asconius, could have originated from a consultation of the two letters mentioning the baby Lentulus. Conceivably Asconius found "P. Lentulus" in his source, Fenestella(?), who confused Dolabella's *praenomen* P. with his *praenomen* after adoption³⁴. The absence of a *praenomen* in Plutarch, assuming it was given by his source, can be accounted for by the fact that the biographer often dispenses with *praenomina*³⁵. All else concerning Tullia's marriage to a Lentulus and her death *apud eum* fall into place, if they go back to a source that encountered the name Lentulus for Cicero's baby grandson in a letter to Atticus such as *Att.* 12, 28 (267), 3; 12, 30 (270), 1.

2. M. Pupius Piso and Cicero's Tirocinium Fori*

Asc. 15, 13–17

Quis hic M. Piso fuerit credo vos ignorare. Fuit autem, ut puto iam nos dixisse, Pupius Piso eisdem temporibus quibus Cicero, sed tanto aetate maior ut adulescentulum Ciceronem pater ad eum deduceret, quod in eo et antiquae vitae similitudo et multae erant litterae

I suspect you do not know who this M. Piso was. Well he was, as I think we have mentioned previously, Pupius Piso, who lived in the same era as Cicero but was so much older that Cicero's father placed Cicero, a mere youth, under his tutelage because there was in him both a likeness of an old-fashioned way of life and a deep acquaintance with literature.

The verb *deduco* + *ad* with the accusative of a person forms an idiom describing the act of a father, or other elder, apprenticing a young man, upon coming of age, to a senior statesman³⁶. The mentor introduced the youth to the ways of public life by allowing him to attend conferences

³⁴ His adoptive name is likely to have been Cn. Lentulus, although it could also have been P. Lentulus (Shackleton Bailey 1991, 19–20).

³⁵ For instance, in all fourteen passages listed in n. 6, Plutarch never includes the praenomen Πόπλιος (Publius) with Δολοβέλλας.

* I thank the following scholars for discussing with me by email various aspects of this topic: Alejandro Díaz Fernández, Andrew Dyck, Martin Jehne, Robert Kaster, Gesine Manuwald, Francisco Pina Polo, Federico Santangelo, Peter White, and James Zetzel. They are not, of course, to be held responsible for the views expressed.

³⁶ Tac. *Dial.* 34, 1–3; *OLD* s.v. *deduco* 10c.

with clients and public figures. The expression *tirocinium fori* (“introduction to public life”), a modern coinage, has come to be used in scholarly literature to denote the stage in a young Roman’s education that typically began soon after he turned sixteen or seventeen³⁷. At that age, a youth exchanged the purple-bordered *toga praetexta* for the all-white *toga virilis*. In Cicero’s case, at even a slightly earlier age, he spent time with the famous orator L. Crassus (cos. 95) prior to Crassus’ sudden death in September 91 (Cic. *de orat.* 2, 2-3). Then, in the following year, when Cicero donned the *toga virilis*, at the age of sixteen (Cic. *Brut.* 303), his father put him in the care of Q. Scaevola the Augur (cos. 117), who was renowned for his knowledge of the law³⁸. Later, in 89, Cicero attached himself to Q. Scaevola the Pontifex (cos. 95), a second cousin of the Augur and a preeminent jurisconsult whose treatise on the civil law was cited for generations³⁹. This must be the period in Cicero’s life to which Asconius refers by describing him as *adulescentulus* (“a mere youth”). Another well-known example of an apprenticeship arranged by a father is that of M. Caelius Rufus (aed. cur. 50), who was entrusted by his father to Cicero and M. Crassus (cos. 70, 55) in the mid-Sixties (*Cael.* 9-10; cf. *Quint.* 12, 11, 6).

By writing *ad eum deduceret*, Asconius conveys the information that Cicero’s father arranged an apprenticeship for his son with Piso after the fashion of the one with Scaevola the Augur and Scaevola the Pontifex⁴⁰. The trouble is, M. Pupius Piso (cos. 61) was utterly lacking in seniority and was in no position to impart practical knowledge or experience since he

³⁷ On this institution, see, e.g. Clarke 1968, 20; Bonner 1977, 84; Corbeill 2001, 272; Fantham 2004. I thank Peter White for sharing with me a pre-print paper that questions the existence of such a formal stage in the Roman educational system. For the purposes of the argument offered here concerning Cicero and M. Piso, it is not necessary to pass judgment on whether or not the institution existed. What matters are the relative ages of Cicero and Piso and the nature of the action on the part of Cicero’s father that is conveyed by the verb *deduco ad*. That expression was undoubtedly intended by Asconius to signify more than a mere introduction of the young Cicero by his father to a slightly older boy who could serve as a model for conduct. The mention of Piso being steeped in literature (*multae litterae*) seems designed to put him in a position to be able to impart knowledge.

³⁸ Cic. *am.* 1, *ego autem a patre ita eram deductus ad Scaevolam sumpta virili toga* (cf. *Plut. Cic.* 3, 1).

³⁹ *Brut.* 306; cf. *leg.* 1, 13. Cicero states that the transition to Scaevola the Pontifex took place after the death of the Augur (*Am.* 1, *Quo mortuo me ad pontificem Scaevolam contuli, quem unum nostrae civitatis et ingenio et iustitia praestantissimum audeo dicere*), but see Badian 1967, 228-229.

⁴⁰ See n. 37 above. Piso was a Calpurnius by birth, who had been adopted by a M. Pupius (*dom.* 35). See Shackleton Bailey 1991, 81.

was, at most, only eight years older than Cicero⁴¹. In 90 BC, Piso was still seven years shy of his first public office, a quaestorship in 83⁴². A further cause for skepticism concerning an apprenticeship of young Cicero with M. Piso is that the only other source to attest such a relationship between them is the pseudo-Sallustian *Invective Against Cicero* (§2). In that work, it is alleged that Cicero traded sexual favours for training in oratory by Piso:

aut scilicet istam immoderatam eloquentiam apud M.
Pisonem non pudicitiae iactura perdidicisti?

yet, of course, you acquired that excessive eloquence of yours, did you not, under the tutelage of M. Piso⁴³ by sacrificing your chastity?

Such an attack on the moral character of an enemy is commonplace in invective⁴⁴, and we do not have to look far to discover fodder for its invention in this instance. Concerning his education in the mid-Eighties (*Brut.* 308), Cicero relates that he practiced declamation with M. Piso and Q. Pompeius Bithynicus (q.? 75), both his seniors, the latter by two years (*Brut.* 240, 310). And Cicero also attests being in the company of M. Piso in Athens in 79, where they pursued the study of philosophy (*fin.* 5, 1). It is easy to see how the trafficking in sex could have been concocted from such material to serve the purposes of the invective. It aptly illustrates

⁴¹ Cic. *Brut.* 230 places M. Piso first in a list of four consulars who were born in the range of 115 to 114 and are said to have been *aequales* of the orator Q. Hortensius (b. 114). Therefore, Piso is generally thought to have been born c. 114 (Sumner 1973, 127). His praetorship in 72 or 71 (*MRR* 3, 177) reveals that he can have been born no later than 112 or 111 in order for him to have met the minimum age requirement of thirty-nine, which had been set by Sulla.

⁴² Unfortunately, the date of Piso's quaestorship (*MRR* 2, 63) cannot be used to work out a *terminus post quem non* for his birth because prior to Sulla setting thirty as the minimum age for that office, quaestors could be in their mid to late twenties (Astin 1958, 60-63; Pina Polo-Díaz Fernández 2019, 60-61). Furthermore, Piso is likely to have been able to get an early start on his political career, since his marriage to Annia, the widow of the consul L. Cinna (Vell. 2, 41, 2), indicates good connections with the regime of L. Cinna (cos. 87-84) and Cn. Carbo (cos. 85, 84, 82). Cinna was killed in a mutiny early in 84 (*MRR* 2, 60), and so Piso's marriage could have taken place by the end of that year, or early in 83, after Annia completed the statutory ten months of mourning (Treggiari 1991, 494-495). Hence it is conceivable that M. Piso was elected quaestor in his late twenties, which would mean that he was born several years later than 114, but no later than 111 (see n. 41). Hence, he may have been even closer in age to Cicero (b. 106) than is commonly presumed, which suits their attested relationship as fellow students, discussed below.

⁴³ *Apud* + the acc. of the person giving instruction (*OLD* 7c).

⁴⁴ Compare, for instance, Cicero's portrayal of the youthful Mark Antony as the passive, homosexual partner of his slightly older contemporary C. Scribonius Curio (Cic. *Phil.* 2, 44-45).

the principle that «the best propaganda is the exaggeration of a known or credible element» (Babcock 1965, 22). By the principle of Occam's Razor, there is no need to postulate a third, no longer extant source that lies behind pseudo-Sallust and Asconius. The starting point *was* the invective.

As for the *Inv. in Cic.*, although it is regarded today as a rhetorical exercise, composed probably in the age of Caesar Augustus⁴⁵, Quintilian treated it as a genuine work by Sallust, citing from it twice (4, 1, 68; 9, 3, 89). Likewise, until well into the middle of the twentieth century, the invective was credited to Sallust by a host of distinguished scholars⁴⁶. Given its probable date of composition, Asconius could certainly have consulted it⁴⁷. Also, given the likelihood that Asconius, like Quintilian, took it for granted that Sallust was the author, Asconius would have been predisposed to accept as historically reliable the outline of the story that M. Piso played a role in training Cicero, while discounting the sexual favours as the stock-in-trade of invective. Asconius' attribution to Piso of an «old-fashioned way of life» (*antiquae vitae*) seems tailor-made for forestalling the least whiff of impropriety.

The *auctoritas* of Asconius' source can be presumed to have been considerable for it to have influenced him to accept the implausible notion that Cicero was apprenticed by his father to a youth who was only eight years older and had no political experience to impart. We can, perhaps, even detect a hint of latent skepticism on Asconius' part, which he attempted to dampen down by the remark that Piso was «so much older» than Cicero. The exaggeration of the difference in their ages lends an air of plausibility to the claim that Piso mentored the *adulescentulus* Cicero, and yet, at the same time, Asconius could not help but take note of the fact that M. Piso reached the consulship two years after Cicero. When Asconius wrote *tanto aetate maior*, it is as if he was trying to justify what he took from a source he regarded to be so well-informed (Sallust) that it could not be dismissed out of hand⁴⁸. All the same, he found himself confronted with a set of circumstances that did not quite ring true.

⁴⁵ Syme 1964, 316–7; Santangelo 2012, 38, 467.

⁴⁶ Among them, M. Gelzer, L.R. Taylor, K. Vretska, and others listed by Urso 2019, 32 n. 6.

⁴⁷ Lichtenfeldt 1888, 72 supposed instead that Asconius drew upon Tiro's biography of Cicero, but this seems unlikely because Tiro would have known that M. Piso was Cicero's fellow student, not his preceptor.

⁴⁸ Once more, by the principle of Occam's razor, one has to ask what source could possibly have carried more weight with Asconius than a work circulating under the name of Sallust, a contemporary witness.

If the identification of Asconius' source proposed here is correct, it allows us to add one more work to those that Asconius is known to have consulted. In addition, the nature of the source, which circulated under the name of Sallust, makes it possible to understand why Asconius chose to override logic and credit M. Piso with being a mentor to the young Cicero. We also establish that by the mid first century AD the invective was being read. And lastly, we gain an enhanced appreciation of how entrenched the *Inv. in Cic.* must have been in the Sallustian canon already in the age of Nero, when Asconius was writing.

3. *The Lex Roscia Theatralis of 67 and Cicero's De Othone of 63**

Pro Cornelio I (F53 Crawford) Asc. 78, 25-78C

Quam diu quidem hoc animo erga vos illa plebs erit quo se ostendit esse, cum legem Aureliam, cum Rosciam non modo accepit sed etiam efflagitavit?

How long will those plebeians have the feeling they exhibited towards you when the Aurelian Law, when the Roscian Law was not only passed but even demanded by them?

This fragment is taken from the peroration of Cicero's *Pro Cornelio* I of 65 BC, in which he appeals to the jury to acquit his client, the populist ex-tribune of 67 C. Cornelius. Cicero's claim that the *plebs* «demanded»⁴⁹ passage of the *lex Roscia* in 67 is in harmony with the description of that law two years later in the *Pro Murena* (§40) as «the most popular law of all» (*omnium gratissima*). It is surely, however, an exaggeration since neither the Aurelian Law nor the Roscian conferred any benefit directly on the common people. The one law, the *lex Aurelia*, restored a share in jury service to *equi-*

* I thank the following scholars for discussing with me by email various aspects of this topic: Dominic Berry, Andrew Dyck, Robert Kaster, Gesine Manuwald, Robert Morstein-Marx, Christopher Pelling, John Rich, and Catherine Steel. They are not, of course, to be held responsible for the views expressed.

⁴⁹ The verb *efflagito*, which always denotes an importunate demand, makes a very bold statement and is otherwise used sparingly by Cicero in the orations. There are only seven other instances. Elsewhere, the less emphatic *flagito* describes the demand of voters for populist measures such as Cornelius' unsuccessful bill to strengthen penalties against *ambitus* (F 40Crawford, Asc. 74, 24C) and a ballot law (Cic. *leg.* 3, 34).

tes and a third class known as *tribuni aerarii*⁵⁰, while the *lex Roscia* actually put the *plebs* at a disadvantage because it reserved the first fourteen rows of seats in the theatre for members of the equestrian order. Still, the *lex Aurelia* does appear to have been passed in response to a demand by the people for jury reform⁵¹, and the two laws are elsewhere mentioned in the same breath because they conferred benefits on *equites* (Vell. 2, 32, 3). These factors apparently gave Cicero an opening to stretch the truth and present *both* laws as having been demanded by the voters⁵². The rhetorical ploy allowed him to argue that the jurors would be repaying a debt they owed to the common people, if they voted for the acquittal of Cornelius, who as tribune of the plebs in 67 had promoted a populist programme.

What is much more difficult to reconcile with the popularity credited to the *lex Roscia* in the *Pro Cornelio* and the *Pro Murena* is the tradition that the common people expressed outrage against Otho during his praetorship in 63, a mere two years after the trial of Cornelius, because they greatly resented his law. According to Plutarch (*Cic.* 13, 2-4), when a throng in a theatre caught sight of Otho entering, they greeted him with a hostile outcry to express their displeasure at being barred from the best seats, which his law reserved for *equites*. To counter the jeers, the *equites* in the front rows applauded loudly. Order had to be restored by the consul Cicero, who called the people out of the theatre to a nearby public meeting and delivered his *De Othone*, a speech of which only one short fragment is preserved (Crawford 1994, 209-14). According to Plutarch, that speech persuaded the resentful commoners to set aside their anger against Otho and cheer him loudly when everyone returned to the theatre. Pliny (*nat.* 7, 117) provides a similar appraisal of the speech's success, stating that the people were persuaded by Cicero to «pardon Roscius, the sponsor of the theatre law», and «endure with equanimity being branded with the stigma of separate seats»⁵³.

⁵⁰ The *tribuni aerarii*, “paymaster tribunes”, most likely possessed the same property rating (*census*) as the *equites*, not a slightly lower one, as has sometimes been claimed on the basis of *schol. Bob.* 91, 26 St (e.g., by Taylor 1949, 201 n. 15, 233 n. 51; Jones 1972, 56, 87-88); see Badian 1973, 126-127 and 1983, 84. At times, Cicero speaks of juries as being composed of just two divisions, senators and *equites* (*Font.* 36; *Cluent.* 121, 130; *Flacc.* 4, 96; *Rab. Post.* 14; cf. Vell. 2, 32, 3).

⁵¹ E.g., *Cic. div. in Caec.* 8; 1 *Verr.* 44; 2 *Verr.* 2, 174.

⁵² I.e., we have an example of zeugma in that *efflagitavit*, which is loosely appropriate with *legem Aureliam*, is bridged to govern *legem Rosciam* as well.

⁵³ *Te suadente, Roscio theatralis auctori legis ignoverunt, notatasque de discrimine sedis aequo animo tulerunt.*

Asconius' note on the passage in the *Pro Cornelio* is very perfunctory, confined merely to outlining the provisions of the Aurelian and Roscian laws. Surprisingly, he does not take the opportunity to point out that the *De Othone* directly contradicts the claim that the people insisted on passing the *lex Roscia*. Asconius' failure to draw attention to the relevance of the *De Othone* is difficult to ignore because less than ten pages earlier in the same commentary, Asconius devoted more than a full page to analyzing how in two different speeches Cicero treated the innovation of separate seats for senators as something either regrettable or laudable, depending upon his audience (69, 14-70, 25C). Asconius remarked that in the *Pro Cornelio*, a populist speech in which Cicero wanted to depreciate the prestige of the senate, he described the consul P. Scipio as merely allowing (*passus esset*) the sponsors of a show to set aside seats for senators in 194, an act Scipio later regretted because it was elitist⁵⁴. To illustrate the «licence of oratorical cleverness» (*oratoriae calliditatis ius*), Asconius quotes a short passage from Cicero's *De haruspicum responso* (24), which was delivered in the senate nearly ten years after Cicero's *Pro Cornelio*. The commentator notes that in the later speech Scipio is credited with being the *auctor* of the innovation, the one who actually "granted" (*dedit*) the seats, not merely allowed it, because on that occasion Cicero wanted to flatter his senatorial audience⁵⁵.

It is difficult to account for Asconius' failure to adduce the *De Othone* in his note on F53 in the light of what we read in Plutarch and Pliny. The contradiction is so blatant that scholars have felt compelled to point it out⁵⁶. Asconius' utter silence concerning the relevance of that speech stands in stark contrast with his critical analysis of Cicero's portrayal of

⁵⁴ F27 Crawford, Asc. 69, 14-18C: *P. Africanus ille superior, ut dicitur, non solum a sapientissimis hominibus qui tum erant verum etiam a se ipso saepe accusatus est quod, cum consul esset cum Ti. Longo, passus esset tum primum a populari consessu senatoria subsellia separari.* «It is said that Publius Africanus the Elder was often reproached not only by the wisest men of the day, but also by himself, because when he was consul with Tiberius Longus [194 BC], he permitted seats for senators to be separated for the first time from the general seating».

⁵⁵ *Nam quid ego de illis ludis loquar quos in Palatio nostri maiores ante templum Matris Magnae fieri celebrarique voluerunt? quibus primum ludis ante populi consessum senatus locum P. Africanus II cos. ille maior dedit.* «For why should I speak of those games which our ancestors wanted to be held and celebrated on the Palatine, in front of the Temple of the Great Mother? — At those games, Publius Africanus the Elder, when consul for the second time [194 BC], first granted a place for the senate in front of the seating of the people» (*har. resp.* 24).

⁵⁶ E.g., Drumann-Groebe 5, 249; Badian 1983, 145 n. 10.

reserved seats for senators. On that topic, he unearthed a single brief passage, in a much later speech that conflicted with the view presented in the *Pro Cornelio*⁵⁷. Still another consideration that should arouse suspicion in Plutarch's account is its misrepresentations of so many facts⁵⁸. As for Pliny the Elder, his sole reason for briefly mentioning the *De Othone* was to praise Cicero's persuasiveness, and so his evidence contributes nothing of substance to our understanding of the sequence of events that led up to the delivery of the speech.

All of these factors justify proposing an alternative explanation for the shouting match between the common people and *equites* in 63. The locale of the games at which the disturbance erupted (near the temple of Bellona, in the Campus Martius) reveals that they were the Games to Apollo, which were sponsored annually in July by the *praetor urbanus*⁵⁹. Furthermore, the attention attracted by the entrance of the praetor Otho on that occasion strongly suggests that his prominence in the eyes of the audience resulted from his being the sponsor of the games and hence the urban praetor⁶⁰. If he occupied that office, then Otho oversaw cases involving civil actions between citizens, including the collection of debts (Brennan 2000, 130-133), which had become an extremely volatile issue in 63⁶¹. The tribunal of the urban praetor was the one around which Cati-

⁵⁷ To find a passage in a prose text preserved in a roll, as opposed to a codex, required considerable effort.

⁵⁸ Plutarch, for instance, gives Otho's praenomen as Marcus, instead of Lucius, no doubt a *lapsus memoriae* produced by his having previously written a biography of the emperor M. Otho (Gudeman 1902, 37 n. 26; Pelling 2010, 415). He misdates the passage of the law to Otho's praetorship in 63, instead of his tribunate in 67. And lastly, he supposes that Cicero had to be *summoned* to the theatre to quell the disturbance. In all likelihood, however, Cicero was attending the show out of respect for the magistrate sponsoring the show and because a consul would be expected to be present on what must have been the opening day of an important annual festival (Ryan 2006, 97 n. 97). So, for instance, the consul Caesar attended the *Apollinares* in 59, despite the hostility of many in the audience (*Att.* 2, 19 (39), 3), and in July 54, out of consideration for Fonteius, likely the urban praetor (Brennan 2000, 927-928 n. 474), Cicero planned to attend that same festival (*Att.* 4, 15 (90), 6).

⁵⁹ Scullard 1981, 160. The reference in Plutarch to the temple of Bellona, which stood next to the temple of Apollo, permits the games to be identified as the *Apollinares*. In antiquity, Cicero's speech was known both as the *oratio De Othone* (*Cic. Att.* 2, 1 (31), 3) and the *oratio Cum a ludis contionem avocavit* (Arusianus Messius, *GL* 7, 490, 23). Conceivably, a fuller version of the latter description included the phrase *ad Bellonae*, which would explain how that crucial detail found its way into Plutarch. I offer this observation to forestall the objection that the mention of the temple of Bellona in Plutarch has no more right to be trusted than other elements of his account which prove to be false (see n. 58).

⁶⁰ Ramsey 2019, 337-342.

⁶¹ *Off.* 2, 84; *Val. Max.* 4, 8, 3; cf. *fam.* 5, 6 (4), 2. See Drummond 1999, 136-147; Ramsey 2007, 95.

line's supporters crowded in a menacing fashion (Cic. *Cat.* 1, 32), and the demand for the cancellation of debts (*tabulae novae*) was one of the rallying cries of Catiline and the conspirators (Sall. *Cat.* 21, 2). The savagery of moneylenders and the injustice of the praetor (*i.e.*, the urban praetor) are bitterly criticized by one of Catiline's followers for reducing many citizens to abject poverty (Sall. *Cat.* 33, 1; 33, 5). Falling as they did during the campaign season, the Games to Apollo served as an ideal venue for a protest against the magistrate overseeing cases involving the repayment of debts⁶². Many of Catiline's impoverished supporters had come to Rome to vote in the elections (Cic. *Mur.* 49; Plut. *Cic.* 14, 2), and a claque of Catilinarians could be expected to raise a loud outcry against Otho when the crowd caught sight of him entering the theatre.

Under such conditions, a shouting match between the haves and the have-nots at the sight of Otho entering the theatre is readily comprehensible. The contest between the two divisions of the audience need not have been motivated, as Plutarch and Pliny supposed, by resentment over Otho's theatre law of 67, which according to the *Pro Cornelio* and *Pro Murena* was popular with the people⁶³. By 63, it had been in force for nearly half a decade, and it may not even have been the first to set aside seats for *equites*⁶⁴. A hostile demonstration against Otho in reaction to his administration of his urban praetorship fits a pattern observable in other years when tension between debtors and creditors reached a flash point. Anger from either end of the economic spectrum could flare up against the praetor charged with overseeing cases involving debt. For instance, in 89 the *praetor urbanus* A. Sempronius Asellio was chased from the Forum and killed by an angry mob of creditors because he was

⁶² The *ludi Apollinares* were a frequent setting for public demonstrations: *e.g.*, against the consul Caesar in 59 (*Att.* 2, 19 (39), 3) and a riot over a shortage of grain in 57 (*Asc.* 48, 20-22C).

⁶³ This is not to deny, however, that once Otho became the *bête noire* of the debtor class, his signature piece of legislation could have been railed against because it conferred a privilege on the wealthy who made up the creditor class. I thank John Rich for urging me to take into consideration the possibility that preferential seating could have been a subsidiary motive for the protest.

⁶⁴ Plutarch (*Cic.* 13, 2) is the only source to credit the innovation to Otho, and Plutarch's account is unreliable in many respects (n. 58). By contrast, both Cicero (*Mur.* 40), a contemporary witness, and Velleius (2, 32, 3) employ the verb *restituit* ("restored") to describe the effect of the *lex Roscia*. Possibly there was an earlier, unattested law that granted reserved seats to *equites*, one that was suspended by Sulla (Hill 1952, 160-161; Badian 1983, 95; Rawson 1987, 102 n. 110). Or Otho's law may simply have made statutory an honour that had previously been accorded to *equites* from time to time, at the discretion of sponsors of shows (Wiseman 1973, 194-196).

viewed as favouring debtors amid the upheaval of the Social War (Liv. *perioch.* 74; Val. Max. 9, 7, 4; App. *BCiv.* 1, 54). Then approximately four decades later, in 48, when civil war was causing economic hardship, a mob seeking relief from debt attacked the *praetor urbanus* C. Trebonius, one of the later assassins of Caesar, and ejected him from his tribunal (Caes. *civ.* 3, 21, 2).

Since in the imperial age the name Roscius Otho was inextricably linked with the equestrian privilege of sitting in the first fourteen rows in the theatre⁶⁵, the first-century AD writers Pliny the Elder and Plutarch would naturally have been predisposed to regard his law as the catalyst for a hostile demonstration known to have taken place against Otho *in the theatre*. Such a reconstruction of cause and effect had the advantage of furnishing a plausible explanation for why the *equites* cheered Otho to counter the jeers of the *plebs*. A tell-tale sign that Plutarch was ill-informed is his misdating of Otho's tribunician law of 67 to his praetorship in 63. By telescoping the two events, Plutarch causes the passage of the law to seem a logical, indeed an inevitable trigger of the uproar in the theatre. If Plutarch, or his source, had read the *De Othone* and not merely relied on the common knowledge of Roscius Otho's theatre law to infer the cause of hostility on the part of a theatre crowd, there would have been no mistaking the law for something recent. Only when the gap between the adoption of the law and the protest is obliterated, does it seem credible for the people to be angry at Otho because of his law.

While it is impossible to test the suspicion that the chief fact about the *De Othone* known to Plutarch and Pliny was that it concerned an uproar in the theatre against Roscius Otho, there *is* a clear-cut example of another author who reached a decidedly false conclusion about the nature of the disturbance that called for Cicero's intervention. Macrobius' mistaken belief that in the *De Othone* Cicero rebuked the people because they interrupted a performance by the famous actor Roscius (*Sat.* 3, 14, 12) betrays confusion over the Roscius referred to in the title of the oration, L. Roscius Otho, with the actor Q. Roscius Gallus⁶⁶. It may be that

⁶⁵ Vell. 2, 32, 3; Juv. 3, 159; 14, 324; cf. Hor. *epod.* 4, 16 and Porphyrio *ad loc.* Apparently, there was even a block of seats reserved for *equites* who had suffered bankruptcy (Cic. *Phil.* 2, 44). This reveals that the distinction of seating created by the *lex Roscia* came to be looked upon as one of class, not just wealth.

⁶⁶ *Populum Roman obiurgat quod Roscio gestum agente tumultuarit*. Drumann-Groebe 5, 460 and Ciaceri 1939, 215 naively accept Macrobius' statement at face value. See, however, Crawford 1994, 209 n. 1 and Kaster 2011, vol. 2, 102 n. 121 *ad loc.*

the starting point for all three authors was solely the knowledge that a crowd in the theatre subjected Roscius to verbal abuse. What may not have been spelled out was the cause of the crowd's reaction, and this resulted in authors supplying what seemed to them logical explanations. However, the explanation offered by Macrobius is incompatible with Plutarch's (and Pliny's by implication) because Plutarch placed the uproar and Cicero's speech on what must have been the first day of the festival, immediately prior to the opening ceremony, which would have been conducted by the sponsor Otho. Hence there was no opportunity for the actor Roscius to begin performing and be interrupted while on the stage prior to Cicero delivering his *De Othone*.

Given that Roscius passed his law a full four years before the hostile demonstration against him in his praetorship, and that his law may simply have restored the status quo, not made a radical innovation by setting aside seats for knights (see above, n. 64), hostility to his law in 63 seems ill-timed and illogical. Not only did Asconius apparently see no relevance of *De Othone* to the claim in the *Pro Cornelio* that the common people demanded the *lex Roscia*, but if, as seems probable, Otho was the *praetor urbanus* in 63, that office put him in the thick of the debt crisis. Anger over how he was administering his *jurisdictio* in cases involving debtors and creditors can readily explain why the spectators in the back rows reacted as they did at catching sight of him entering the theatre. In the plebeian section of the audience there would have been a host of debtors⁶⁷ and many of Catiline's supporters who were demanding *tabulae novae*. In the front rows, among the knights who cheered Otho, there would have been creditors who were pleased with his rulings. A protest over debt, at a festival being held at the height of the campaign for the consulship in July, makes perfect sense in view of financial conditions in 63.

Lastly, if the *De Othone* countered a hostile demonstration against the praetor in charge of debt cases, then Cicero had good reason for including it as the third speech in his corpus of twelve consular speeches, since he prided himself on having upheld property rights by fending off pressure for the cancellation of debts in the year of his consulship (Cic. *off.* 2, 84). Cicero's aim in assembling a collection of his political speeches in 60,

⁶⁷ For instance, there were doubtless in that section of the audience shopkeepers, *tabernarii*, whom Cicero describes as *egentes* (*Cat.* 4, 16), indicating that they were burdened with debt (Yavetz 1963, 496).

he tells Atticus, was to record the major achievements of his consulship (*Att.* 2, 1 (21), 3). If the *De Othone* successfully quelled a near riot between creditors and debtors, instead of merely soothing discontent over reserved seats in the theatre, it would indeed contribute to enhancing Cicero's reputation as the defender of property rights. The speech, that is, not merely had the effect of restoring *concordia ordinum* between *plebs* and *equites*, as scholars generally give it credit for doing⁶⁸, but it addressed serious issues germane to the financial crisis in the pivotal year 63, precisely at the height of the campaign season.

Bibliography

- Astin 1958: A.E. Astin, *The Lex Annalis before Sulla*, «Latomus» 17, 1958, pp. 49-64.
- Babcock 1965: C.L. Babcock, *The Early Career of Fulvia*, «AJP» 86, 1965, pp. 1-32.
- Badian 1967: E. Badian, *Review of A.E. Douglas (ed.) M. Tulli Ciceronis Brutus (Oxford 1966) and H. Malcovati (ed.) M. Tulli Ciceronis scripta quae manserunt omnia, fac. 4: Brutus (Leipzig 1965)*, «JRS» 57, 1967, pp. 223-230.
- Badian 1973: E. Badian, *Marius' Villas. The Testimony of the Slave and the Knave*, «JRS» 63, 1973, pp. 121-132.
- Badian 1983: E. Badian, *Publicans and Sinners*, rev. edn. Ithaca 1983.
- Bonner 1977: S.F. Bonner, *Education in Ancient Rome*. Berkeley 1977.
- Brennan 2000: T.C. Brennan, *The Praetorship in the Roman Republic*. 2 vols. Oxford 2000.
- Ciaceri 1939: E. Ciaceri, *Cicerone e i suoi Tempi. Vol. 1, Dalla nascita al consolato (a.106-63 a.C.)*, Milan 1939.
- Clark 1991: P.A. Clark, *Tullia and Crassipes*, «Phoenix» 45, 1991, pp. 28-38.
- Clarke 1968: M.L. Clarke, *Rhetoric at Rome, A Historical Survey*, New York 1968.
- Corbeill 2001: A. Corbeill, *Education in the Roman Republic: Creating Traditions*, in Y.L. Too (ed.), *Education in Greek and Roman Antiquity*, Leiden 2001, pp. 261-287.
- Crawford 1984: J.W. Crawford, *Cicero: The Lost and Unpublished Orations*. Hypomnemata 80. Göttingen 1984.
- Crawford 1994: J.W. Crawford, *M. Tullius Cicero: The Fragmentary Speeches*, 2nd edn. Atlanta-Oxford 1994.

⁶⁸ Ciaceri 1939, 215; Crawford 1994, 211-212.

- Drumann-Groebe: W. Drumann and P. Groege, *Geschichte Roms in seinem Uebergange von der republikanischen zur monarchischen Verfassung*, 6 vols, 2nd edn. Leipzig 1899-1929.
- Drummond 1999: A. Drummond, *Tribunes and Tribunician Programmes in 63 BC*, «*Athenaeum*» 87, 1999, pp. 121-167.
- Fantham 2004: E. Fantham, *The Roman World of Cicero's De Oratore*, Oxford 2004.
- Gudeman 1902: A. Gudeman, *The Sources of Plutarch's Life of Cicero*. Philadelphia 1902.
- Hill 1952: H. Hill, *The Roman Middle Class in the Republican Period*, Oxford 1952.
- Jones 1972: A.H.M. Jones, *The Criminal Courts of the Roman Republic and Principate*, Oxford 1972.
- Kaster 2006: R.A. Kaster, trans. and comm. *Cicero, Speech on Behalf of Publius Sestius*. Oxford 2006.
- Kaster 2011: R.A. Kaster, ed. and translation. *Macrobius, Saturnalia*, 3 vols., Cambridge MA 2011.
- Lepage 1976: Y. Lepage, *Cicéron devant la Mort de Tullia d'après sa correspondance*, «*LEC*» 44, 1976, pp. 245-258.
- Lewis 2006: R.G. Lewis, *Asconius, Commentaries on Speeches of Cicero*, rev. by J. Harries, J. Richardson, C. Smith, and C. Steel, Oxford 2006.
- Lichtenfeldt 1888: C. Lichtenfeldt, *De Q. Asconii Pediani fontibus ac fide*, diss. Breslau 1888.
- Madvig 1828: J.N. Madvig, *De Q. Asconii Pediani et aliorum veterum interpretum in Ciceronis orationes commentariis Disputatio Critica*, Copenhagen 1828.
- Marshall 1985: B.A. Marshall, *A Historical Commentary on Asconius*, Columbia MO 1985.
- Moles 1988: J.L. Moles, trans. and commentary, *Plutarch, The Life of Cicero*, Warminster 1988.
- Nicholson 1998: J. Nicholson, *The Survival of Cicero's Letters*, in C. Deroux (ed.), *Studies in Latin Literature and Roman History*, vol. 9, Brussels 1998, pp. 93-105.
- Pelling 2010: C. Pelling, *Plutarch. Rome in Crisis*, London 2010.
- Pina Polo-Díaz Fernández 2019: F. Pina Polo and A. Díaz Fernández, *The Quaestorship in the Roman Republic*, Berlin 2019.
- Ramsey 2007²: J.T. Ramsey, ed. And comm. *Sallust's Bellum Catilinae*, 2nd ed. Oxford 2007.
- Ramsey 2019: J.T. Ramsey, *The Date of the Consular Elections in 63 and the Inception of Catiline's Conspiracy*, «*HSCP*» 110, 2019, pp. 213-269.
- Ramsey-Raaflaub 2017: J.T. Ramsey and K. Raaflaub, *Chronological Tables for Caesar's Wars (58–45 BCE)* «*Histos*» 11, 2017, pp. 162-217.

- Rawson 1987: E. Rawson, *Discrimina ordinum. The lex Julia theatralis*, «PBSR» 55, 1987, pp. 83–114.
- Reitzenstein 1900: R. Reitzenstein, *Ein verkanntes Werk Fenestellas*, in *Festschrift Johannes Vahlen*, Berlin 1900, pp. 411–424.
- Ryan 2006: F.X. Ryan, *Die Apollinarspiele zur Zeit der Republik*, «Aevum» 80, 2006, pp. 67–104.
- Santangelo 2012: F. Santangelo, *Authoritative Forgeries: Late Republican History Re-told in Pseudo-Sallust*, «Histos» 6, 2012, pp. 27–51.
- Schmidt 1893: O.E. Schmidt, *Der Briefwechsel des M. Tullius Cicero*, Leipzig 1893.
- Scullard 1981: H.H. Scullard, *Festivals and Ceremonies of the Roman Republic*, Ithaca 1981.
- Shackleton Bailey, *CLA*: D.R. Shackleton Bailey, ed. and comm. *Cicero's Letters to Atticus*, 7 vols., Cambridge 1965–1970.
- Shackleton Bailey 1991²: D.R. Shackleton Bailey, *Two Studies in Roman Nomenclature*, 2nd edn, Atlanta 1991.
- Shackleton Bailey 1995: D.R. Shackleton Bailey, *Onomasticon to Cicero's Letters*, Stuttgart 1995.
- Stewart 1962: R.S. Stewart, *The Chronological Order of Cicero's Earliest Letters to Atticus*, «TAPA» 93, 1962, pp. 459–470.
- Sumner 1973: G.V. Sumner, *The Orators in Cicero's Brutus: Prosopography and Chronology*, Toronto 1973.
- Syme 1964: R. Syme, *Sallust*, Berkeley 1964.
- Taylor 1949: L.R. Taylor, *Party Politics in the Age of Caesar*, Berkeley 1964.
- Treggiari 1991: S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian*, Oxford 1991.
- Treggiari 2007: S. Treggiari, *Terentia, Tullia and Publilia: The Women of Cicero's Family*, London 2007.
- Urso 2019: G. Urso, *Catilina, Le Faux Populiste*, Bordeaux 2019.
- Wiseman 1970: T.P. Wiseman, *The Definition of Eques Romanus in the later Republic and early Empire*, «Historia» 19, 1970, pp. 67–88.
- Wiseman 1973: T.P. Wiseman, *Review of Badian*, Publicans and Sinners, «Phoenix» 27, 1973, pp. 189–198.
- Yavetz 1963: Z. Yavetz, *The failure of Catiline's conspiracy*, «Historia» 12, 1963, pp. 485–499.