Reading for the Republic: The *Minor Declamations* and the Culture of the Past



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Statement of originality

This thesis is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the preface and specified in the text. It is not substantially the same as any work that has already been submitted, or, is being concurrently submitted, for any degree, diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the preface and specified in the text. It does not exceed the prescribed word limit for the relevant Degree Committee.

Thesis abstract

The Latin exercise of *controversia*, which tasked its participant with arguing as either the prosecution or defence in a mock legal dispute, is thought to have emerged during the later years of the Roman Republic when it was performed by politicians no lesser than Pompeius Magnus, Cicero, Marcus Antonius, and Augustus. These exercises gained momentum under the Empire, when they were performed by students, professional rhetoricians, and emperors alike. One of the more overlooked collections of *controversiae* from this time is the *Minor Declamations*, a text of unknown authorship and date, which comprises 145 of an original 388 *controversiae*. For all that the *Minor Declamations* never names the settings of its conflicts in time and space (a fictive realm notionally far removed from reality dubbed Sophistopolis by scholars), it offers a surprising number of references to, and extensive engagement with, the Roman republican past.

This thesis argues that the *Minor Declamations* is a text which responds particularly well to questions about its literary representations of the Roman republican past—its culture, literature, politics, and *exempla*. A growing body of scholarship has begun to address the relationship between this text and its Roman cultural context either by examining law or literature, but little has been said on its literary nature and its engagement with the Roman past. Each chapter to come explores a different way in which the *Minor Declamations* reflects and refracts the Republic. Chapter 1 lays a foundation for subsequent readings of the Republic in the *Minor Declamations* by uncovering traces of the implicit republican political institutions that form part of the architecture of this world. Chapter 2 offers a literary reading of republican authors in the text by examining a series of intertextual allusions to Cicero's Catilinarian orations. The first half of Chapter 3 identifies the text's overwhelming fixation with exemplarity from the republican past, and especially the *exempla* provided by war heroes and republican martyrs. The second half of the chapter turns to examine the way in which the text obscures the imperial Roman landscape from view. If the text expresses a nostalgia for the politics, literature, and figures of the republican past, then Chapter 4 explores the pervasive sense of present decline embedded into the world of this text. It ties this to contemporary discussions around the declining state of oratory at Rome and the role of declamation in this decay. In sum, the thesis showcases the connections between the *Minor Declamations* and its literary milieu of the High Empire (70–192 CE). It argues that the

classicising education that underpinned both the *controversiae* and Latin literature was vital to engagement with the republican past.

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Notes on texts and abbreviations

The abbreviations of ancient authors and texts follow the conventions of the *Oxford Classical Dictionary* (5th edn), or the *Oxford Latin Dictionary* where necessary. Other alternatives provided should be obvious to the reader, e.g. Plut. *Mor. Edu. Child.* for Plutarch's *Moralia on the Education of Children*, Sen. *Brev. Vit.* for *De Brevitate Vitae*, and *Lex imp. Vesp.* for the *Lex de imperio Vespasiani*.

BNP	Landfester, M., Salazar, C. F., Cancik, H., Schneider, H. (eds.) 2006–. *Brill's New Pauly*. Leiden: Brill.
LSJ	Liddell, H. G., Scott, R., Jones, H. S. (eds.) 1996. *Greek–English Lexicon* 9th edition. Oxford: Clarendon Press.
OCD	Whitmarsh, T. (ed.) 2018–. *Oxford Classical Dictionary* 5th edition. Oxford: Oxford University Press.
OLD	Glare, P. G. W. (rev. ed.) 2012. *Oxford Latin Dictionary* 2nd edition. Oxford: Oxford University Press.
TLL	1900—. *Thesaurus Linguae Latinae*. Berlin: De Gruyter.

Adapted abbreviations of the key declamatory texts are as follows:

Calp. Flac.	Calpurnius Flaccus *Declamationes*
Decl. mai.	ps.-Quint. *Declamationes maiores*
Decl. min.	ps.-Quint. *Declamationes minores*
Sen. *Contr.*	Seneca the Elder *Controversiae*

For the *Minor Declamations,* I have used the most recent critical edition, Shackleton Bailey's 2006 Loeb. I refer to the *Minor Declamations* themselves by *controversia* and section (e.g., *Decl. min.* 248.1); *pr.* indicates the opening scenario of the case. For the remaining Latin declamatory texts, I have used the current Teubner, accessed via BREPOLiS Library of Latin Texts (https://www.brepols.net/series/LLT-O). Editions for all other texts are as they appear in the current OCT or Teubner, unless otherwise specified.

INTRODUCTION

> 'As a flight of fancy, we shall imagine that Rome is not a place of human habitation but a mental entity with a similarly long and rich past—an entity, then, in which nothing that has once occurred has disappeared, and in which all earlier developmental phases continue to exist beside the latest one'.
>
> Freud 1930: 50

1. Preface

The *Minor Declamations* is not often read. It is even less often read as a text on its own terms.[1] In a watershed study which sparked a renaissance of interest in Latin declamation, Erik Gunderson posed a series of provocative questions that address this problem: 'how are we to read declamation? What will we find there? How deep can this genre get?'[2] While there have been recent attempts to read Latin declamation in new and exciting ways, the prevailing tendency amongst scholars is to look at its educational, socialising, or legal qualities.[3] Gunderson's answer is to read declamation as literature, but the question remains, 'how does one *go about* reading declamation as literature?'[4] Over twenty years later this question remains important and, in the case of the *Minor Declamations*, largely unanswered.[5] How does one go about reading the *Minor Declamations*? This is a text with no known author and no fixed date, only half of it survives and even then what does survive is fragmentary, its contents are transcribed oral exercises, and its purpose is pedagogical. Is critical engagement

[1] Key studies include Brescia and Lentano 2009; Casamento, van Mal-Maeder, Pasetti 2016; Valenzano 2018 [doctoral thesis]; Pasetti 2019; Rolle, Pingoud, van Mal-Maeder 2020.
[2] Gunderson 2003: 6.
[3] For the relationship between the declamation and the law see Lanfranchi 1938; Bonner 1949; Langer 2007; Wycisk 2008; Amato, Citti, Huelsenbeck 2015; Knoch 2021. For studies on the educational and socialising value of declamation see Beard 1993; Bloomer 1997a; Kaster 2001; Gunderson 2003; Corbeill 2007; Imber 2008; Bernstein 2013.
[4] Gunderson 2003: 9, my emphasis.
[5] For other key appraisals of the literary qualities of declamation see van Mal-Maeder 2007; Berti 2007; Dinter, Guérin, Martinho 2016, 2017, 2020; Schneider and Poignault 2015, 2016.

with such a text possible? Or is it reductive to assume that critical or literary readings only apply to works of 'high literature', however defined?[6] It is not the intention of this thesis to get caught up in claims of defining literature; it is interested in close critical engagement with a text on its own terms (be that through its themes, motifs, allusions, or language).[7] There are certainly 'traditional' literary readings of the text which would be difficult: for instance, it would not easily admit a study on prose rhythm.[8] And I am not suggesting that we should necessarily read the *Minor Declamations* as though one might, say, read the *Aeneid*. But there are other ways of offering close readings, more akin to the way in which scholars have treated the ancient novel.[9] Indeed, there are other more fruitful aspects of the *Minor Declamations* which might lend themselves to a critical reading: the fictional qualities of the world that the text creates and its core themes; the various personae that its speakers construct for themselves; the underlying structure of the collection; the text's engagement with other genres; or its use of declamatory conventions. The fundamental aim of this thesis is to reappraise the *Minor Declamations* as a text deserving of critical attention.

This thesis argues that the *Minor Declamations* is a text which responds particularly well to questions about its literary representations of the Roman republican past. Here some clarification needs to be made. I use 'Republic' as a chronological and cultural marker that encompasses a period of representative government, bookended by the expulsion of monarchy from Rome in 509 BCE and the advent of Augustan sole rule with the young Octavian's victory over Antony at Actium in 31 BCE.[10] With 'literary representation', I am interested not in the historicisation of the republican past, but about how it is made into a period and place of imagination—reconceptualised and reconstructed within the confines of the text. To this extent, the thesis is interested in the portrayal and distortion of republican political institutions, literature, and actors. Its core claim is that tracing the theme of the Republic as a literary construction in the *Minor Declamations* is a productive endeavour. First, I will locate the *Minor Declamations* in the wider corpus of Latin declamation, the origins of this genre, and its differing performance contexts; I will then examine the culture

[6] See Gunderson 2003: 16 'declamation offers the opportunity for a variety of modes of literary consumption and production at a level below that of "high art"'.
[7] Here, I follow the methodology and parameters of Gunderson 2003: 5 on a literary reading of declamation.
[8] Although there have been efforts to read the poetic qualities of declamation. See most recently Pingoud, Rolle, van Mal-Maeder 2020.
[9] E.g., Cueva and Byrne 2014.
[10] Following Gowing 2005: 6. For a brief, but useful, discussion of the Latin term *res publica* and the difficulty with assigning this term to a period see Gowing 2005: 4–5.

of education surrounding school declamations and how this cultivated an awareness of the republican past and literature; following this, I explore the potential date, authorship, and composition of the *Minor Declamations*; I will then set out my approach to the overarching framework of cultural memory; and finally, I will provide an outline of chapters to come in this thesis.

2. Latin declamation

a) Genre

Declamation is a rhetorical exercise on a hypothetical theme. There are two kinds of declamation. The first is the deliberative exercise of the *suasoria*, in which a speaker either gives advice to an historical or mythological figure or adopts their persona. For example, 'Cicero deliberates whether to beg Antony's pardon'.[11] The second, and better attested, type of declamation is the *controversia*—a forensic exercise in which its speaker argues as the prosecution or defence in a judicial proceeding. Here is a standard example: 'two of three sons accused their father of insanity and, after they lost, were punished according to the law. The third son has instituted an accusation. The father states his case for taking his own life. The son opposes this'.[12] As this case illustrates, each *controversia* typically begins with a prompt detailing a scenario, charge, and a law (or laws), which are often implicitly understood.[13] It is important to emphasise that the *controversiae* are staged in the imagination; they are not necessarily intended to replicate real scenarios or legal codes. Both types of declamation—*suasoria* and *controversia*—were practised widely at Rome as an educational tool and by adult speakers. They became vehicles for their participants to learn or showcase persuasive skills in oratory. This thesis makes the *controversia* its main focus. The *Minor Declamations* does not include *suasoriae*.[14]

[11] Sen. *Suas.* 6.
[12] Calp. Flac. 38. Translations of Calpurnius Flaccus are taken from Sussman 1994, unless otherwise stated. See Sussman 1994: 203–204 on this *controversia*.
[13] In this case, the law is tacitly agreed that sons who unsuccessfully initiated a lawsuit were to be capitally charged. Sussman 1994: 203.
[14] Occasional comparisons will be made with the *suasoria* throughout this thesis, as the two are closely interlinked. It uses the term 'declaimer' to refer to the speakers of the *controversiae* and often employs declamation to designate the *controversia*.

The origins of the *controversiae* at Rome are fraught with inconsistencies. Prior to their inception at Rome, they had a long history as educational exercises in classical Athens, with precursors in the fifth century BCE before their implementation in Hellenistic schooling in the third century BCE.[15] It is a long-standing view that the *controversiae* subsequently emerged in their Latin incarnation with the beginning of Empire. In the first extant work on Latin declamation, Seneca the Elder asserts that the term and exercise of *controversia* was born after he was (in 54 BCE): *modo nomen hoc prodiit, nam et studium ipsum nuper celebrari coepit. Ideo facile est mihi ab incunabulis nosse rem post me natam* ('the name has emerged recently, the practice itself having become popular not long ago: the thing was born after me—that is why it is easy for me to have known it from its cradle').[16] Seneca here gives the overwhelming impression that the *controversia* was a new and imperial invention. Several scholars read this passage as tendentious.[17] Seneca elsewhere refers to Cicero delivering a *controversia* (*ex illa Ciceronis sententia tractus, quam in simili controversia dixit*, 'this was taken from an epigram of Cicero's, spoken in a similar *controversia*').[18] Yet this imperial portrait of Latin declamation prevails in modern evaluations of the genre.[19] There is, however, good reason to think that Latin *controversiae* are thoroughly republican in origin, as I will now show. This has implications for how we read the representation of the Republic in the genre.

The other remaining accounts corroborate the view that the *controversiae* had a republican inception. It is important to note that there is a lag between language and practice. While the specific terms *controversia*, *declamatio*, and *declamare* are not used in their technical sense during the early 100s BCE, later authors retrospectively classify fictional rhetorical exercises as declamatory.[20] Quintilian locates the beginnings of Latin *controversiae* at Rome 'in the last

[15] Quint. *Inst.* 2.4.41–42 locates the origins of Greek declamation in the Hellenistic period, under Demetrius of Phalerum. See Fairweather 1981: 104–114 and Russell 1983: 1–20 on the early Greek origins of declamation.
[16] Sen. *Contr*. 1 pr. 12. Translations of the Elder Seneca will be taken from Winterbottom 1974, unless otherwise specified.
[17] Bonner 1949: 18–20 and Fairweather 1981: 104–131 unpack the veracity of Seneca's claims.
[18] Sen. *Contr.* 1.4.7.
[19] For instance, Bloomer 2007: 297 'declamation is the first major literary movement of the Roman empire. The generation that first read Horace and Vergil in school was also the first to cap their rhetorical and prose training with performances in declamatory schools'. See also Gunderson 2003: 2 'scholars have been too eager to confine Roman declamation to the imperial era'.
[20] Stroh 2003 traces the development of the terms *declamatio* and *declamare* from their Greek antecedents, through the first century BCE, to their technical use as a speech on a fictional topic. He marks 46 BCE as a turning point in the meaning of declamatory terms.

days of L. Crassus' (91 BCE) and in the school of L. Plotius Gallus (90s BCE).[21] Plotius was known as the first rhetor in Rome and Quintilian implies that he was the first to introduce declamation into Latin.[22] For Quintilian, the beginnings of the *controversiae* are thus in the 90s. Suetonius attests to a similar timeline, stating that Cicero declaimed up until his praetorship in 66.[23] Indeed, Cicero himself speaks of fictional exercises practised both by adolescent men for their education, and as a pastime amongst the elite.[24] Cicero connects this latter practice with periods of political turmoil, as shown by his declaiming in Tusculum after his retirement from public life (40s BCE).[25] Elsewhere, in a letter to Paetus, he explicitly pairs the practice of declaiming with an inability to speak in the forum and as a safeguard against the times.[26] He thus associates declamation 'with the loss of political status, inaction and mourning over the death of the Republic'.[27] Interwoven into the history of Latin *controversiae* is a swan song for the changing political landscape and the uncertainty of the Republic. The republican origin of Latin *controversiae* enshrines the act of looking back to the Republic in later iterations of this genre.

Despite these republican origins, the entire surviving corpus of Latin declamation was composed during the period of the Roman Empire.[28] We know of four texts from this period, spanning the first to the fourth century CE. The first collection is the Elder Seneca's ten-book compilation of *controversiae* and one book of *suasoriae*, published around the start of Caligula's reign.[29] Seneca's declamations are voiced by the literati of Rome whose performances he witnessed over his lifetime. He claims that the publication of the declamations was intended for the edification, not least, of his sons.[30] His is the only Latin collection that can be dated with any certainty. Next are Calpurnius Flaccus' fifty-three

[21] Quint. *Inst.* 2.4.41–42. All translations and Latin text of the *Institutio* are taken from Russell 2001, unless otherwise indicated.
[22] See Sen. *Contr.* 2 pr. 5 on Plotius Gallus. See also Reinhardt and Winterbottom 2006: 115.
[23] Suet. *Gram. et rhet.* 7.5, 25.1 further attests to other figures including Pompey, Mark Antony, Hirtius and Pansa practising declamation during the Republic.
[24] For declamation as an adolescent exercise see *Rhet. Her.* 1.18–25, 3.11–12; Cic. *De or.* 1.34.154, 1.33.149, *QFr.* 3.3.4, *Tusc.* 1.4.7, *Fam.* 16.21.5.
[25] Cic. *Att.* 14.12.2, 14.22.1, *Fam.* 9.16.7, 7.33.1. See also Sen. *Contr.* 1 pr. 11; Suet. *Gram. et rhet.* 25.1; Cic. *Brut.* 90. Peirano Garrison 2019: 52–54.
[26] Cic. *Fam.* 9.18.1–2.
[27] Peirano Garrison 2019: 53.
[28] Interestingly, Latin declamations are connected with the provinces. The Elder Seneca is a proud man of Cordoba, Spain. Both *Minor* and *Major Declamations* are indirectly connected with Quintilian, who hailed from Spain. One theory by Santorelli 2017: 129–139 posits that Calpurnius Flaccus has been influenced by rhetoric in Africa. The abundance of Spanish declaimers in Seneca is covered by Echavarren 2007 esp. 355–358.
[29] Sussman 1978: 91–93 and Fairweather 1981: 15 on the publication date of Seneca.
[30] See Sen. *Contr.* 1 pr. 6.

gnomic *controversiae*, whose emergence is tentatively placed in the second century CE.[31] The *Major Declamations* once attributed to Quintilian preserve nineteen of the only extant full-length *controversiae*. This collection was published in the fourth century, and it is now thought that it was composed by multiple authors across the first to the third century CE.[32] We come now to the text under consideration in this thesis, the *Minor Declamations*. These, too, were formerly attributed to Quintilian, and can most likely be dated to the High Empire (70–192 CE).[33] Only the last 145 of an original 388 *controversiae* in this collection have survived. This is the largest surviving number of cases in any collection.[34] The *controversiae* of this text are the highlights of argumentation, interspersed with the guiding insights of a *rhetor* known as *sermones*. These *sermones* are a striking addition, exclusive to the *Minor Declamations*, and will receive discussion across the thesis.

Declamation is not confined to Latin. The High Empire is a period with an equally rich tradition of Greek declamation.[35] Guast counts twenty-four extant declamations published by six authors at this time, including Lucian, Aelius Aristides, Herodes Atticus, Polemo of Laeodicea, Hadrian of Tyre, and Lesbonax of Mytilene.[36] There are key differences between these Greek and Latin declamations. Greek declamation is largely practised by adult sophists, and the surviving evidence suggests that they preferred the deliberative *suasoria* over their equivalent of the *controversia*, the *melete*. This thesis does not make Greek declamation its primary concern, but it does occasionally use it both as a productive counterpoint for Latin declamation and to draw parallels within the Graeco-Roman declamatory genre.

b) Refining the controversiae: school versus show

[31] Balbo 2016. See Sussman 1994: 6–10 for a brief introduction to the text.
[32] Early second century (*Decl. maj.* 3); Hadrianic (*Decl. maj.* 6, 9, 12, 13); mid-second century (*Decl. maj.* 1, 7, 10, 16); early third century (*Decl. maj.* 4, 5, 11, 17, 18, 19); mid-third century (*Decl. maj.* 8, 14, 15). See further Stramaglia, Winterbottom, and Santorelli 2021: xxxiii–xxxiv, with a useful table at xxxviii.
[33] See my discussion below on the most likely date for the *Minor Declamations*. For the classification of 'High Empire' and all that it designates see Bowman, Garnsey, Rathbone 2000; see also Gibson 2005 on the literature of the High Empire.
[34] Similarly noted by Kennedy 2007: 596.
[35] Greek declamation has had a scholarly renaissance since Russell 1983. It is closely bound up in discussions of the so-called Second Sophistic and constructions of Greek identity under the Roman Empire. See the most recent contribution by Guast 2023.
[36] Guast 2019: 173, expanded in Guast 2023: 1–17. In addition, there are several later published Greek declamations of note: Libanius of Antioch (fourth century), Sopater (fourth century), and Choricius (sixth century). See also Russell 1983: 3–8.

Scholars of Latin declamation further distinguish between the purposes and performance contexts of two different types of *controversiae*. Hömke applies the terms *Schul-* and *Schaudeklamation* to distinguish between these two types.[37] These categories have significantly altered the way in which the *controversiae* are read, namely their status as "literary" constructs. The former, school declamation, was performed by adolescents at the school of the rhetorical teacher. This marked the final stage of a student's education, after he had first been taught the *progymnasmata* (preliminary rhetorical exercises), followed by the *suasoriae*, and last the *controversiae*. The *Minor Declamations* offer us a rare window into how Roman students were trained in *controversiae* in the rhetorical schools.[38] After the prompt of the case was given, the teacher would provide a breakdown of the case, where he might identify how the students should divide their arguments (*divisio*), address the main questions (*quaestiones*), and then outline these points with model speeches of his own.[39] At the outset of *Decl. min.* 270, for example, the teacher guides the student in how to approach *divisiones*: *divisio paene hoc proprium habet, ostendere ossa et nervos controversiae, et, secundum meum quidem iudicium, idem praestare declamatio debet* ('but it is almost the specialty of division to show the bones and sinews of the controversy, and in my judgment at least, declamation should provide the same').[40] In time, the students would learn to compose speeches of their own, first by writing them down, and then performing them in front of the class. The status of the *Minor Declamations* as school declamations informs my reading throughout, even if my focus is not specifically on its educational qualities.

School declamation has in many ways become a shorthand for disparagement, misunderstood as little more than an educational exercise without regard for its aesthetics. Ancient critics of declamation often criticise its form and style.[41] For instance, Encolpius delivers a declamation against school declamations as 'honeyed clusters of expressions, and all words and actions, as it were, sprinkled with poppy seed and sesame' (*mellitos verborum globulos et omnia dicta factaque quasi papavere et sesamo sparsa*).[42] Later, he refers to them as 'feeble

[37] Hömke 2002: 9–44.
[38] See Bonner 1977: 310 on the *Minor Declamations*: 'the most important point is that they were certainly intended for teaching purposes'. Another similar claim at Bonner 1949: 54.
[39] Bonner 1977: 321–322.
[40] *Decl. min.* 270.2. See discussion on this passage in Gunderson 2003: 70–72. All text and translations of the *Minor Declamations* are taken from Shackleton Bailey 2006, unless otherwise indicated.
[41] In addition to the examples cited in text see Sen. *Contr*. 3 pr. 12, 18, 9 pr. 1–5; Pers. 3.44–47; Quint. *Inst.* 2.10.1–12, 4.2.42, 4.2.98, 8.3.76. These claims are unpacked in Bonner 1949: 71–83, see especially p. 74–75 for Seneca's criticisms of declamatory style.
[42] Petron. *Sat.* 1.3 with Schmeling 2011 *ad loc.* for other similar criticisms of declamation.

and empty sounds' (*levibus … atque inanibus sonis*), no longer even words.[43] Tacitus' Messala similarly disparages the form of school declamations. He states that the themes are described in bombastic words (*ingentibus verbis*) and ironically exclaims that the subject matter and accompanying arguments are 'extraordinarily composed' (*quales, per fidem, et quam incredibiliter compositae*).[44] These claims should be taken with a degree of scepticism.[45] The declining state of oratory at Rome had become a hackneyed *locus communis* under the Empire and was one which frequently implicated school declamation in the downward trajectory of eloquence.[46] This is a key point to which we will turn in Chapter 4. Related criticisms persist in modern studies of school declamation.

Just as Tacitus' Messala expressed incredulity over the way school declamations were composed, modern scholars refer to the lack of careful arrangement of the *Minor Declamations*, emphasising its absence of literary form. One twentieth-century critic of the *Minor Declamations* writes that it 'is literary only insofar as it was subsequently inserted into literature; in its origin and nature it is unliterary in the truest sense', and that it is 'not concerned with literary form'.[47] Such a negative judgement has been echoed more recently, when Golubovic emphasised that 'the *Minor Declamations* are not an ordinary Roman literary text', but rather a different text altogether: 'the context of their original composition means that they are less germane to "literary" texts than they are to documentary evidence'.[48] This has been reinforced by the qualification of the *Minor Declamations* as 'sub-literature'.[49] Underpinning these quotations—despite their separation by over a century—is a tendency to view the *Minor Declamations* as a roughly edited and published educational handbook, with little concern for its aesthetics or literary form. It has been earlier noted that the existing scholarship on this text remains particularly attentive to its educational, legal, or rhetorical value.[50] While these are important avenues of inquiry, few studies have made the literary

[43] Petron. *Sat.* 2.1.
[44] Tac. *Dial.* 35.4–5 with Mayer 2001 *ad loc.*
[45] Gunderson 2003: 9–12 is a good introduction to the way we should read ancient criticisms of declamation.
[46] Dealt with at length in Williams 1978.
[47] Leo 1912: 117.
[48] Golubovic 2022: 10, 12.
[49] Casamento, van Mal-Maeder, Pasetti 2016: 2. Similarly stated in Russell 1983: 22.
[50] See n. 3.

features of the *Minor Declamations* their sole focus.[51] What this thesis offers is a proper appreciation of this text's literary form.

The second kind of *controversia*, show declamation, involves declamations delivered by professional rhetoricians and adult members of society. The purpose of these exercises was to display their rhetorical prowess. These speeches could be performed as a form of popular entertainment in public, or as an intellectual exercise amongst smaller groups. Both literature and literary production, especially poetry, are deeply implicated in show declamation.[52] One of Seneca's most famous declaimers was Ovid;[53] Vergil is often cited by Seneca's declaimers;[54] literary patrons including Maecenas and Messala are known to have frequented and performed adult declamations;[55] Lucan was both declaimer and poet;[56] and declamation was performed alongside poetry at Domitian's Capitoline Games.[57] Peirano Garrison writes of the Elder Seneca's show declamations: 'he paints a picture of a literary society in which poets and declaimers shared a common stage'.[58] Santorelli offers a similar appraisal of Seneca's declaimers as 'skilled enough to appreciate the literary value of rhetorical production'.[59]

Gunderson could claim in the early twenty-first century that 'those who are willing to read declamation as literature are relatively few in number'.[60] Since then, scholarship has moved in the general direction of appreciating the literary performance context of show declamation. Many now read both Seneca and the *Major Declamations* as artfully composed literary constructs. Bonner argued that show declamation reveals a 'lively interest in the literature of the late Republic and early Empire'.[61] To this end, some scholars have explored the strong

[51] Even Dinter, Guérin and Martinho 2016, despite its claim to shed light on the poetics of pseudo-Quintilian's declamations as a self-conscious literary text (p. 2 and see also book abstract), devotes only two of its thirteen chapters to the *Minor Declamations*.
[52] See Quint. *Inst.* 2.10.5 on poetic themes in declamation. Bloomer 2007: 297 '…Roman declamation was apparently simultaneously a show performance – akin to the public recitations of literature that would provoke the ire of Juvenal, among others'. See also a handful of claims in Gunderson 2003: 15–17 about the status of declamation as literature. So too, declamation was deeply implicated in poetry, see Ziogas 2021 especially 346–383.
[53] Sen. *Contr.* 2.2.8–12.
[54] Sen. *Contr.* 7.1.27, *Suas.* 3.4–5, 4.4–5.
[55] Sen. *Contr.* 2.4.13, 2.4.8, 3 pr. 14. See Gowers 2024: 226–267 on Maecenas in Seneca and 48–105 on his patronage more generally.
[56] Bonner 1966: 257–289.
[57] Suet. *Dom.* 4.
[58] Peirano Garrison 2019: 46–47.
[59] Stramaglia, Winterbottom and Santorelli 2021: xii (written by Santorelli).
[60] Gunderson 2003: 8.
[61] Bonner 1949: 133.

poetic elements, reading literary interactions with Vergil, Homer, and Ovid.[62] Others have drawn attention to a wider range of intertextual engagement with Cicero and the Younger Seneca.[63] Many have also emphasised the cross-directional flow of these literary interactions, by highlighting the influence that the Elder Seneca exerted over later authors, including (but not limited to) Ovid, the Younger Seneca, and Lucan.[64] Seneca the Elder has also long been regarded for his literary criticisms, and scholars recently have paid attention to metaliterary comments in show declamation.[65] The common thread between these studies is that such a conscious, aesthetic literary status is awarded to show declamation. One area of Latin declamation still lags behind: the literary aspects of school declamation. While some scholars have embraced these features, why should we read one branch of Latin *controversiae* as 'literary' and not the other? This thesis seeks to reappraise the literary qualities of school declamation, arguing that we can gain a deeper insight into Latin *controversiae*—both its iterations in school and show declamation—by doing so.

There have been a handful of important studies that lay the foundation of the literary dimensions of the *Minor Declamations*, to which this thesis is indebted. They have focussed almost exclusively on two aspects of the text: intertextuality and theatrical allusions. The *Minor Declamations* invites this latter reading, by making frequent references to the stage. It is worth briefly unpacking some of the theatrical references in the text. One *controversia* explicitly refers to the present trial as a stage (*iudicii scaena*).[66] Later on in the same declamation, he equates life to the theatre: *plena est huiusmodi artibus vita, plena sunt etiam theatra* ('life is full of such tricks, and so are the theatres').[67] Another declamation in the collection draws attention to the disjunction between life and the theatre, in which both actress and an enslaved woman play the role of *matrona* (*'num igitur, si in scaenam misero et mimi partibus tamquam matrona processerit, poterit videri mea voluntate in libertate esse?'*; '"well then, if I put her on the stage and she comes forward as a woman of standing in a

[62] van Mal-Maeder 2007: especially 65–82; Berti 2007; Berti 2015; Peirano Garrison 2019: 46–88 on poetry in the Elder Seneca. Note especially Peirano Garrison's claim at p. 47, 'missing from the standard account of Seneca's role in this narrative of decline, however, is an appreciation of the literary form in which his endlessly excerpted literary anecdotes are couched'.
[63] Poignault and Schneider 2016; Dinter, Guérin, Martinho 2020.
[64] Poignault and Schneider 2015; Bonner 1966; Braund 1997; Dinter 2012: 89–118. Van Mal-Maeder 2007: 115–146. Berti 2007: 290–301, 311–351.
[65] Sussman 1978: 153–167; Fairweather 1981: 32–34, *passim* on Seneca as a literary critic.
[66] *Decl. min.* 330.2.
[67] *Decl. min.* 330.11.

mime role, will she be able to be thought to be at liberty by my will?"').[68] The *Minor Declamations* is filled with moments that shape its *controversiae* in relation to the stage.

Several publications have explored the close relationship between the theatre and the *Minor Declamations*.[69] Graziana Brescia and Mario Lentano's 2009 monograph on incest and fratricide in the twin *controversiae*, *Decl. min.* 286 and 291, interrogates the use of paradigms from the tragic and comic stage. They further investigate the reception of these themes in Cicero's oratory, and the impact this had on the *controversiae*. Alfredo Casamento, Danielle van Mal-Maeder, and Lucia Pasetti's 2016 edited volume on the *Minor Declamations* places this text in a literary and legal tradition. Four chapters are devoted to examining the stock type characters in the text as borrowed and adapted from the theatre.[70] Most recently, Valenzano's 2018 doctoral thesis highlights the wide-ranging influence of tragedy on the *Minor Declamations*.

Other studies suggest that the theatre is not the full picture of literary engagement in the text, emphasising a wider allusive web. This push has come from an Italian group of scholars. In a special edition of *Maia*, scholars offer discrete case studies on literary interactions across the text, ranging from Cicero, Vergil and the Younger Seneca to Euripides and Demosthenes.[71] The year following, Pasetti's commentary (2019) gave due consideration to the literary architecture of the *Minor Declamations*, including its allusions to a variety of Latin literature, in addition to its use of motifs, themes, and *topoi*.[72] One of the most recent interventions into reading the *Minor Declamations* as a literary text has been Alessandra Rolle, Julien Pingoud, and Danielle van Mal-Maeder's 2020 volume on intertextuality in Latin declamation. Pingoud's lengthy chapter expands our understanding of the rich literary fabric of the text by tracing the theme of suicide. In so doing, the chapter argues that this *topos* carries reminiscences of wide-ranging genres from epic to the novel, historiography, philosophy, and the law. Pingoud further interrogates to what end the speakers make intertextual allusions. The present thesis in turn looks beyond engagement with the theatre and literature, in search of a richer tapestry of other literary possibilities.

[68] *Decl. min.* 342.7.
[69] Lentano 2007 further unpacks the interrelation between Latin declamation and Senecan tragedy.
[70] Contributions by Valenzano 2016; van Mal-Maeder 2016; Pingoud 2016; and Casamento 2016. See also Oppliger 2016 on intertextual allusions in the teacher's *sermones*.
[71] *Maia* 2018. Lentano 2018; Landolfi 2018; Pingoud 2018; Pasetti 2018; van Mal-Maeder 2018.
[72] Pasetti 2019: xxi–xxx briefly states this intention.

I thereby seek to contribute to and extend current debate on the literary qualities of the *Minor Declamations*. In contrast to the prevailing focus on the intertextual or theatrical elements of the text among previous scholars, my primary aim is to offer an overarching, thematic reading of the *Minor Declamations*. So far, there has been no such study—either on a key theme or the representation of the Republic—on the *Minor Declamations*. This thesis will offer a thematic reading of the construction of the Roman past in the text. In what follows, the thesis reads the representation of the Roman Republic as a binding thread throughout the text. Each chapter offers a series of different ways that we might read for the Republic: political institutions, literature, exemplary figures, and key monuments on the topography of Rome. These readings are primarily informed by the literary construction of the Republic within the imaginative constrains of the text, but they are strengthened by intersections with culture, politics, and memory theory (a point to which we will return shortly).

c) The republican turn

There are two important points to be made about the status of literature and the Republic in the context of school declamations of the High Empire. There is good reason to suspect that the participants and readership of the *Minor Declamations* were well versed in both. It is important to qualify this discussion by acknowledging that there is little extant information about Roman education during the High Empire.[73] We are heavily reliant on the twelve-book curriculum for the education in oratory, the *Institutio Oratoria* of M. Fabius Quintilianus, the first state-sponsored rhetorician at Rome, and personal tutor to Domitian's heirs.[74] This should not be taken to reflect a widespread or uniform Roman curriculum. Given that the *Minor Declamations* engages so thoroughly with the *Institutio*, however, it seems reasonable to infer that the text closely corresponds to Quintilian's educational programme.

The *controversia* marked the culmination of a student's education, after years of schooling that placed a heavy emphasis on reading and imitating literature. In the secondary stage of education at the school of a *grammaticus*, students read a wide range of verse and practised

[73] Too 2016: 313–326.
[74] Suet. *Vesp.* 18.

literary criticism.[75] As Bonner states, 'the purpose was to read the greatest poets', both Greek and Latin.[76] Notwithstanding that there was no set curriculum, priority was given to epic—above all Homer and Vergil—and tragedy.[77] Under the grammarian, the student could also expect to read comedy, lyric, and elegiac poetry.[78] At the third stage of schooling, taken up under a *rhetor*,[79] the student was expected to read, interpret, and memorise prose texts, including oratory and history.[80] Quintilian states that Cicero was a particular favourite, as was Livy.[81] Around the same time, the student took up the preliminary rhetorical exercises of the *progymnasmata*, where he could expect to deliver exercises on narrative, commonplace, *ethopoeia* and *ekphrasis*—each core components of literary production.[82] Thus, by the time that a student had even commenced their studies in the *controversiae*, they were steeped in a vast range of prose and verse, Greek and Roman literature.[83] We should therefore take seriously claims that school declamatory texts were engaged with, capable of recognising, and emulating a wide range of literature.

As for knowledge of the Republic, this was also cultivated in their education prior to the *controversiae*.[84] Quintilian's curriculum is commonly described as classicising or neo-Ciceronian.[85] Through his teachings, Quintilian gives the impression that he lives in the Ciceronian past, albeit in a piecemeal manner. While he occasionally makes reference to his recent-world (for example, he praises Domitian, and refers to the best orators of his day, chief among them Domitius Afer), by and large he privileges events, figures, and literature from the republican past.[86] This is evinced by his guiding philosophy of the ideal orator as a *vir*

[75] Quint. *Inst.* 1.8.5–12. See van der Poel 2021: 80–100 on Quintilian's educational programme.
[76] Bonner 1977: 212.
[77] Bonner 1977: 212–213. Mart. *Ep.* 8.3.13–15 claims that both genres were closely associated with teachers.
[78] Bonner 1977: 215–216.
[79] This would typically take place at the age of 13–18. Quint. *Inst.* 2.1.7 simply claimed that the student advanced from the school of the *grammaticus* to the *rhetor* when he was able. See Reinhardt and Winterbottom 2006: xxv, 46–47.
[80] Quint. *Inst.* 2.7.
[81] Quint. *Inst.* 2.5.18–20.
[82] Quint. *Inst.* 1.9 and 2.4 on the different kinds of *progymnasma*. See also Russell 1983: 1 'pretending to be someone else, and composing imaginary speeches in character, is an essential part of most literary activity'.
[83] Russell 1983: 15 'the function of education was never wholly practical; preservation of a literary tradition […] were in it from the first'.
[84] To be sure, students would have been equally trained in the Greek past. This is beyond the remit of this present study, but well covered in Too 2016: 313–326, especially p. 314.
[85] See Quint. *Inst.* 12.1.9–21. Keeline 2018: 225–230
[86] Domitian is praised at Quint. *Inst.* 3.7.9, 4 pr. 3, 10.1.1. Penwill 2000 and Roche 2009 read this praise as disingenuous. Domitius Afer is mentioned at Quint. *Inst.* 5.7.7–8, 10.1.118–119, 12.11.3. Other contemporary orators singled out by Quintilian include Trachalus (*Inst.* 10.1.119) and Julius Secundus (*Inst.* 12.1.11, 12.1.121).

bonus dicendi peritus, which is intrinsically connected with the past.[87] It is borrowed from a dictum of the Elder Cato, and so implicitly sets up republican oratory as the standard by which imperial students are judged.[88] The *Institutio* is also explicitly populated by republican Romans for students to draw on in their arguments. For instance, as examples of leading statesmen who took on prosecutions, he names only republican men and omits imperial advocates: Hortensius, the Luculli, P. Sulpicius Rufus, Cicero, Caesar, and the Catos.[89] A similar phenomenon can be observed in the catalogue of literature for the aspiring orator to read. Republican writers are given pride of place over imperial authors as the best of each genre. Through reading these texts, students would acquire a deep knowledge of the republic, its history, actors, and authors. Elsewhere, Cicero's speeches are central to discussions in the text.[90] The effect of Quintilian's prioritisation of the Republic in his curriculum and evasion of the present, is that it repeatedly conjures up the past and makes it a central theme throughout his text. This thesis will argue that the *Minor Declamations* takes part in a similar, if not even more pronounced, engagement with the republican past. It has been long been recognised that this text shows parallels with the *Institutio*'s rhetorical programme, but not its representation of the Republic.[91] My point here is that the intellectual culture of the schools gestures to a culture of engagement not only with literature, but also with ethics and exemplary figures from the republican period. Gunderson is right to note that the *controversiae* of *Schuldeklamation* are not 'juvenile antics awaiting the sound judgement of more mature years' but are practised by those roughly as old as modern undergraduates.[92]

Then again, a reverence for the republican past is not in and of itself a novel feature of *Minor Declamations* (or Quintilian for that matter). A phenomenon common to all Latin *controversiae* is a preoccupation with the Graeco-Roman past. This thesis makes the republican past its primary concern, although this should not be taken to mean that the Greek past is not as important to Latin *controversiae*.[93] The centrality of the republican past to Latin declamation had been enshrined since the Elder Seneca's collection. Each of Seneca's Roman

[87] Quint. *Inst.* 12.1.1. Winterbottom 2019: 3–15. This moral programme similarly guides Sen. *Contr.* pr. 1.
[88] At the same time, Quint. *Inst.* 2.5.21–22 recommends that students not speak like a Cato, or the Gracchi.
[89] Quint. *Inst.* 12.7.4, see also 12.2.29–30.
[90] Keeline 2018: 229 counts Ciceronian references over 700 times in the *Inst.*
[91] Thus, the *Minor Declamations* offers an interesting counterpoint to another of Quintilian's students, Pliny the Younger, whose *Epistles* are populated by more recent Roman figures. See Gibson and Morello 2012: 127 on Pliny's modern *exempla*.
[92] Gunderson 2003: 3–6.
[93] The Greek themes of Latin declamation all come from the classical Greek past. See Sen. *Suas.* 1–5. This will be explored in the *Minor Declamations* in Chapter 1 of this thesis.

themes—in both the *suasoriae* and *controversiae*—take place during the republican period: spanning from the mid-third century BCE, during the fire at the Temple of Vesta (241 BCE), up to the late Republic, with the death of Cicero.[94] This might not seem such a glaring temporal gap for Seneca and his declaimers, writing in the early first century CE, but even in the later imperial declamations the exclusively republican setting prevails. Both Calpurnius Flaccus 3 and *Major Declamation* 3 dramatise a theme which takes place at the camp of Marius in the late second century BCE.[95] These texts are at least three hundred years removed from this event. Other Roman elements which are alluded to across the corpus of Latin *controversiae* bear out this republican focalisation.[96] For instance, exemplarity is strikingly republican: Verginia, the Scipios, Fabius Maximus, Marius, and the Gracchi all crop up, with no regal and few imperial Roman figures in sight.[97] A core focus of Chapter 3 will be to investigate the significance of the republican figures who are cited in the *Minor Declamations*. As a genre that emerged, as I have emphasised, during the late Republic, the commemoration of this past was deeply implicated in the production of the *controversiae*. While engagement with the Republic in Latin *controversiae* is not exclusive to the *Minor Declamations*, the restrictions of the current project require limitations to be put in place.

This kind of orientation in relation to a bygone past equally appears in Imperial Greek declamation, where it is even more pronounced. Greek declamation is typically read as a genre nostalgic for an earlier 'golden age' of Athens. One of the driving factors in this interpretation is the deliberative themes of Greek declamation, which invariably travel back in time to classical Athens before the death of Alexander (323 BCE). To cite two examples, Polemon includes a case where the fathers of two heroes of Marathon (490 BCE) dispute the delivery of a funeral oration; Aelius Aristides' Leuctrian speeches imagine themselves in Athens of 370 BCE and argue in support of Thebes against Spartan neutrality. In both, the speakers employ a classical Attic dialect and litter the speeches with classical quotations. Whitmarsh reads this kind of perspective on the distant past as 'a pattern of self-consciously

[94] Sen. *Contr.* 4.2, 7.2, *Suas.* 6, 7. See also *Contr.* 9.2 for a setting from the second century BCE.
[95] *Decl. Mai.* 3 is second-century and thus loosely contemporary with Calp. Flac. 3. See Stramaglia, Winterbottom, Santorelli 2021: xxxv.
[96] For a detailed catalogue of exemplarity across Roman declamation see van der Poel 2009. See also Bonner 1949: 61–62 for a brief list of exemplary Roman figures cited in Seneca and by his declaimers. In Chapter 3 of this thesis, I review exemplarity in the *Minor Declamations* and expand on van der Poel's catalogue in Appendix B.
[97] Seneca and his declaimers are alone in additionally referencing Roman models that were alive during their lifetime.

archaising responses to imperial domination'.[98] Looking backwards became a means of expressing Greek resistance to the hegemony of Roman imperialism, although this question is now being treated as infinitely more complex.[99] Should we read Latin *controversiae* as nostalgic for the Republic in a comparable manner? This thesis does not claim that the *Minor Declamations* is necessarily enacting a political programme of anti-imperialism.[100] Scholars typically link these practices of the Greek sophists with a broader literary tendency during the so-called Second Sophistic to hark back to the classical Greek past. One need not read literary nostalgia as political provocation.

Latin literature of the High Empire can similarly be said to exhibit this tendency. As Gibson states, archaism 'is characteristic of much second-century writing'.[101] Flavian epic, such as the *Bellum Punicum* of Silius Italicus, reaches back to heroes of the Second Punic War.[102] Frontinus' *Strategemata* draws heavily on republican military history and generals.[103] Republican exemplarity is recurrent in Martial's epigrams and Juvenal's *Satires*.[104] The Younger Pliny couples a desire to emulate the republican model of Cicero with more frequent references to contemporary *exempla*.[105] Slightly later authors, like Aulus Gellius and Fronto, are indicative of a period of linguistic archaising, and push back into earlier republican Latin and history.[106] To be sure, neither Latin declamation nor Latin literature was focused solely on the republican past. Contemporary authors did still concern themselves with their present, not least Statius' *Silvae* or Pliny's *Epistles*, in addition to the early imperial past, as in Tacitus' *Annals* or Suetonius' biographies. As we will see in the final chapter of this thesis, the tension between the past and the present is a complex issue in the *Minor Declamations*: the text also engages with contemporary concerns and literature of the High Empire. What these texts that hark back to their earlier Roman past suggest is that the Republic still held cultural capital

[98] Whitmarsh 2017: 20–21. This view has recently been nuanced by Strazdins 2023: 1–26, who argues that the classicising impulse of Greek rhetoricians was also founded in concerns about the future.
[99] See Strazdins 2023.
[100] See similarly Bloomer 2007: 306 'declamation is not political in the sense of urging a particular policy or of communicating an ideology (Republicanism) alternate to the reality of the rule of the Caesars'. Leigh 2021 has challenged this apolitical position, and my readings in Chapter 3 of this thesis have been heavily influenced by his work on Seneca.
[101] Gibson 2005: 71.
[102] Bernstein 2016 argues that Silius used the veil of myth to address recent Roman history, namely the civil wars of 69 CE.
[103] König 2019 on Frontinus' fixation with republican *exempla* and how we can read this in a Flavian context.
[104] E.g., Mart. *Ep.* 11.5. Juv. 1.170–171 on refusing to write about contemporary events.
[105] See n. 91 above. But as Morello 2018: 309 n. 3 observes, letters are not 'a natural haven for classic Republican *exempla*', which 'seem, perhaps, too formal for the genre'.
[106] See Stevenson 2004 on Gellius; Swain 2004 on Fronto and Gellius.

well into the High Empire. It is important to understand the *Minor Declamations* against this background. There was an intellectual context—educational and literary—that cultivated a *habitus* of the republican past.[107] It is surely no coincidence that each of authors had likely been educated in the *controversiae.* In some respects, the *Minor Declamations* is no different from Quintilian, or Aulus Gellius in its fixation on the past. It is, however, distinctive in two significant respects: first, the loss of author and context and second, its literary construction of the Republic as enduring and uninterrupted. I will proceed to discuss both these aspects of the *Minor Declamations*, beginning with key questions of authorship, date, and composition of the text.

3. Appreciating ambiguity

The *Minor Declamations* has no known author, and its date (despite various attempts) cannot be fixed beyond speculation. The latter half of the collection, from *controversiae* 244 through to number 388, was transmitted on a ninth-century manuscript now housed in Montpellier.[108] Everything that we know about authorship comes from two subscriptions in this manuscript. One identifies the author of the text as Quintilian (*Quintil*(*iani*) *finiunt coloratae feliciter; incip*(*iunt*) *eiusdem colorat<a>e. <l>egenti vita bona*), the other as M. Fabius Quintilianus (*M. Fabi Quintil*(*iani*) *finiunt tractatae incipiunt coloratae*).[109] A long tradition followed that attributes the *Minor Declamations* to the author of the *Institutio oratoria*.[110] This is in no small part because the text engages closely with Quintilian's rhetorical doctrine and shows

[107] See Pieper and Ker 2014 on the value of the past in ancient Greece and Rome.
[108] Montpellier, H 126. This manuscript also contains the best texts for the excerpta of the Elder Seneca and Calpurnius Flaccus and is thought to have been part of a larger collection of ten anonymous *rhetores minores*, the remaining seven of which have not survived. Winterbottom 1984: xx–xxiii; Pasetti 2019: xxxv–xxxviii; Huelsenbeck 2020. The manuscript was later printed in Pithous' modern edition 1580, on which most modern versions of the text are based. The *Major Declamations* has its own MS tradition; see Stramaglia, Winterbottom, Santorelli 2021: xliii–liv.
[109] See Golubovic 2022: 92–101 for discussion of these subscriptions and their role in structuring the text. Winterbottom 1984: 449, 557 contends that these subscriptions are corrupt.
[110] Pasetti 2019: xxxiv notes that the view that Quintilian was the author of *Decl. min.* was relaunched in the sixteenth century, with Petrus Aerodius' preface to the text claiming with absolute certainty it was penned by Quintilian. This view persisted down to the seventeenth and eighteenth centuries. Van der Poel 2021: 20–21 includes examples of seventeenth- and eighteenth-century scholars who credit the *Minor Declamations* to Quintilian, although he implies that a *communis opinio* was never reached in these years. Håkanson 1986: 2275 explicitly states that there was no such *communis opinio*, by referring to divergent theories about the author of the collection, such as the same *senex Quintilianus* mentioned in the Elder Seneca's declamations (Sen. *Contr.* 10 pr. 2, 10.4.19), or Quintilian's father, who is mentioned as declaiming (Quint. *Inst.* 9.3.73). Van der Poel, however, provides no references to the scholars who held these views, and I have not been able to ascertain their provenance easily.

linguistic and stylistic similarities, a confluence which has been well illustrated by scholarship.[111] Most scholars now doubt, however, that Quintilian himself authored the *Minor Declamations*.

Late nineteenth- and twentieth-century scholarship on the *Minor Declamations* was dominated by the unresolved controversy of its composition and relationship to Quintilian.[112] Most scholars associated the production of the text with the school of Quintilian.[113] Ritter argues that the *Minor Declamations* is one of the two rhetorical books either written by enslaved scribes or young students at the school of Quintilian,[114] which Quintilian in the *Institutio* said were already circulating under his name, 'neither published by me nor prepared for this purpose' (*neque editi a me neque in hoc comparati*).[115] Leo countered that the *Minor Declamations* were the notes made by a single pupil at Quintilian's lectures and not intended for publication, owing to the 'random, unordered, or unedited' state of the collection.[116] Their critics, however, claim that the text could not have been written down over several days, nor compiled by a single student.[117] Winterbottom instead hypothesises that the *Minor Declamations* are the 'unedited and inefficiently published' notes of a rhetorical teacher, written down for his own purposes.[118] The *controversiae* reflect model speeches for the students to emulate, and interspersed are the teacher's own *sermones* to guide the students. These scholarly discussions are linked with attempts to date the collection. Ritter places its publication before the *Institutio*, whereas Leo and Winterbottom make it postdate the *Institutio*.[119] Winterbottom further qualifies the *terminus post quem* of the *Minor Declamations*, which he states as *c.* 90 CE.[120]

[111] Dingel 1988. See too, Deratani 1925: 106–111 for a collection of linguistic parallels between the *Institutio* and the *Minor Declamations*.
[112] A useful summary of twentieth-century scholarship is provided by Håkanson 1986: 2275–2278.
[113] In the most recent edition of *Decl. min.*, however, Pasetti 2019: xxxv does not rule out the possibility that Quintilian is the author.
[114] Ritter 1881: 248, 250–251, 255–256.
[115] Quint. *Inst.* 1 pr. 7.
[116] Leo 1912: 109–121, esp. 110.
[117] Winterbottom 1984: xii–xiii.
[118] Winterbottom 1984: xiii. Followed by Pasetti 2019: xxxiv–xxxv.
[119] Leo 1912: 117. Winterbottom 1984: xv 'in all probability they [the *Minor Declamations*] will postdate the *Institutio* (c. 90 A.D.)'.
[120] Winterbottom 1984: xv.

The existing *communis opinio* on the date of this text is either around 90 CE, or in the early second century.[121] I am hesitant, but not unwilling, to accept 90 as the earliest date of this text. Here, a further qualification needs to be made. This date seems to be conditional on the publication of Quintilian's *Institutio*, which the *Minor Declamations* is thought to postdate. The *Institutio* is traditionally placed within a ten-year span, 86–96, and the *Minor Declamations* has been fixed in the middle of this range.[122] However, recent scholarship on Quintilian has made efforts to refine the publication of the *Institutio*, arguing for a slightly later date. Whitton suggests that Quintilian could have been working on the text around 92/93,[123] while other scholars place its publication as late as 95/96.[124] These later dates for the *Institutio* means that Winterbottom's *terminus post quem* of *c.* 90, if justified, should be revised to the mid-late 90s.

On the other hand, I see no reason to doubt the second century CE as the most likely date for the text. There are a handful of speculative linguistic and literary reasons for this. Winterbottom catalogues a list of words and phrases not found in the *Institutio* or before, which he states, 'would be consistent with a second-century dating', although it should be noted that many of these references appear in the third century jurist, Ulpian, and not in early second-century authors.[125] Nevertheless, this date is compatible with the culture of literary interaction with Quintilian's work. Whitton has argued that in these years Tacitus' *Dialogus* and Pliny's *Epistles* both demonstrate nuanced engagement with the *Institutio*.[126] It would also fit nicely with other scholars' attempts to link the *Minor Declamations* with other, slightly later, second-century authors. Dingel has noted parallels between the scenario of *Decl. min.* 306 and a court case in Suetonius which took place under the emperor Claudius.[127]

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[121] For the date of *c.* 90 CE see Winterbottom 1984, Pasetti 2019, and Stramaglia, Winterbottom, Santorelli 2021: xiii. Other scholars including, Shackleton Bailey 2006: 1, Kennedy 2007: 592, and Golubovic 2022: 5 place the text in the second century CE.

[122] The traditional ten-year range is given a *terminus ante quem* in 96 because Quintilian's praise of Domitian (*Inst.* 3.7.9, 10.1.91–92) would not make sense if he had already been assassinated. Its *terminus post quem* is placed in 86 based on Quintilian's statement that he wrote the *Institutio* after leaving his career in teaching (*Inst.* 1 pr. 1), which spanned 20 years. Jerome (*Chron.* 190l) implies that he began teaching in 68 CE, placing his retirement in 88. After retirement, Quintilian began writing a now lost work, *De causis corruptae eloquentiae*, which took place three years before the *Institutio*. Quintilian tells us that he spent two years composing the *Institutio* and that he did not publish immediately after its completion (*Inst.* 1 pr. 1–2). 91 could then be the earliest date for its composition and 92/93 for its publication. Adamietz 1986: 2245–2249 unpacks the various claims about when Quintilian wrote the *Institutio*.

[123] Whitton 2019: 20 n. 1, 23 n. 15. For a summary of earlier attempts to date the *Institutio* at various points in the 90s CE, see van der Poel 2021: 17–19, especially p. 18.

[124] Russell 2001: 3; Keeline 2018: 225.

[125] Winterbottom 1984: xv.

[126] Whitton 2018: 37–62; Whitton 2019.

[127] Dingel 1976: 382–384.

Suetonius states this case could be the result of 'the rhetorical school [taking] up a historical case and [modifying] it', or that Claudius as a declaimer recalled and was influenced by the declamatory content of the trial.[128] Moreover, Santorelli interrogates confluences between Juvenal's *Satires* and several declamatory arguments in the *Minor Declamations*.[129] In Chapter 4 of the thesis I outline other affinities with second century writers, which might further point to a shared cultural context. These literary cultures are hardly reliable ways of pinning down the date of the text and agreement on the problem of authorship and date remains elusive. While the second century CE does seem to me the most plausible date for the text, throughout this thesis, I will more often refer to the *Minor Declamations* as a product of the High Empire.

This thesis takes the view that the ambiguity of authorship and date are not necessarily problems that need to be solved but productive ways – for a twenty-first-century audience – of reading the literary dynamics of the *Minor Declamations*. Recent work by Tom Geue has demonstrated across a range of imperial Latin literature that uncertainty over authorship and lack of historical context of a given text, whether intentional or not, can add to our reading of the internal dynamics of the text.[130] This has implications for twenty-first-century readers of the *Minor Declamations* insofar as it opens ways of reading the lack of date for the text as contributing to the internal temporal distortion in the text. This is in no way to state that the omission of author or date is intentional. Rather, it is a coincidence of transmission which can amplify a modern reading of the temporalities at play in the text. The imaginary world constructed in the *Minor Declamations* often situates itself in a vague republican past. Its speakers imagine themselves in direct relation to republican figures, speaking as though they were republican orators, and in a world where defunct republican political institutions and legal jurisdictions thrive. The text seems to exploit the possibilities of its imaginary world to bring itself into relation with a bygone past. Another strategy that contributes to this impression is their time-frame. No Roman figure is mentioned after the death of Cicero and the text uproots and overlooks recent imperial additions to the Roman landscape. This kind of temporal distortion would be read by a modern audience differently in a text with a known historical context. The presentation of the Republic as an enduring constitution in the *Minor*

[128] Dingel 1976: 383.
[129] Santorelli 2016. However, he sees this as the influence of declamatory training on Juvenal and not the inverse. Nevertheless, this could still tie in with a contemporary literary milieu.
[130] Geue 2017, 2019.

Declamations is particularly unique to this declamatory text. This representation is strengthened by the coincidence of the text's anonymity.

4. Cultural memory

a) Remembering the Republic

The fundamental aim of this thesis is to put the *Minor Declamations* in its literary, historical, and cultural context by examining its representation of the Republic. The construction of the past in the text has ripples into a broader discussion about cultural memory. This section sets up an important idea for the thesis: that cultural memory theory can account for the persistence and production of the memory of the Republic during the High Empire. My literary readings of the *Minor Declamations* have been influenced and are enriched by this now-familiar field.

In the early twentieth century, Maurice Halbwachs first hypothesised that memory could be 'collective'.[131] That is, memories could be formed beyond the level of the individual in shared social contexts, which could then be preserved and transmitted through physical objects. This theory was subsequently refined into 'cultural memory', the idea that communities or societies construct a corporate memory of their past and express this through public signifiers. Jan and Aleida Assmann have been foundational to this theory.[132] They distinguish between 'communicative memory'—various shared living memories of the past which are transmitted within a community—by contrast to 'cultural memory'—as 'institutionalised memories' of the distant past 'that can be stored, transferred, and reincorporated […] from one generation to the next'.[133] Both can be created top-down and bottom-up and allow for a plurality of memories to exist at once. The key difference between these memories are their time-frame: communicative memory exists in the 'near-horizon', short-term memory of a society (typically eighty to one hundred years), whereas cultural memory crystallises after two to three generations, on the 'distant horizon'.[134] Cultural

[131] Halbwachs 1925 (rev. ed. 1976). See also Halbwachs 1941 and 1950 (trans. 1992) and Erll and Nünning 2010 (with a full introduction at p. 1–18).
[132] For an introduction to the concept see J. Assmann 1995; J. Assmann 2010; A. Assmann 1999: 314–22, translated into English in 2011.
[133] Dinter and Guérin 2023: 3.
[134] Welzer 2010: 285.

memories are central to the construction of a group's identity and tend to revolve around mythologised pasts. Crucially, they are not necessarily reliable but reconstruct a version of the past in light of the present, and which is subject to constant change especially during periods of political upheaval.

Cultural memory can be constructed in variety of ways. Pierre Nora has interrogated the ways in which cultural memory is transmitted through *lieux de mémoire* ('sites of memory').[135] These are important symbolic markers which evokes a representation of a nation's past. They are, by their nature, wide-ranging, including both physical monuments on a landscape (statues, war memorials, cemeteries) and events (anniversaries, festivals). Other scholars have highlighted that exemplarity functions in a similar way to Nora's 'sites of memory', with tradition cementing and shifting around important 'memory figures' (*Erinnerungsfiguren*).[136] More recent memory studies have demonstrated that literature comprises another reservoir of cultural memory.[137] Literature can act as a vehicle both in shaping memories of the past, and as a memory of past literature.[138] My focus is primarily on the construction of memory through literature, but different chapters of this thesis will touch on each of these repositories of memory in the *Minor Declamations*.

With this so-called 'memory boom'—an explosion of multi-disciplinary applications of memory studies—scholars have suggested that the Roman Empire is a fertile ground for thinking about communicative and cultural memory.[139] This was a period acutely aware of the power of the past, which is evinced both in its attempts to 'forget' the past through the so-called policy of *damnatio memoriae*, and to make the past material through practices such as the donning of funerary ancestral masks (*imagines*).[140] Studies have been devoted to

[135] Nora 1984–1992. For a useful summary of this concept see Nora 1989.
[136] See Langlands 2018: 166–225 for sites of exemplarity in Latin literature. This will be unpacked in more detail in Chapter 3 of the thesis.
[137] Erll and Nünning 2010: 301–356 with contributions by Lachmann, Grabes, Saunders, Neumann, and Rigney on literature and cultural memory.
[138] In Latin literature, poetry has long been understood as transmitting memories of earlier poetry through allusion. Conte 1986 and Hinds 1998 remain foundational on this topic. See also Seider 2013 for an example of scholarship on memory in the *Aeneid* and Meban 2009 on social memory in the *Eclogues*.
[139] Key studies include: Citroni 2003; Walter 2004; Hölkeskamp 2006; Diefenback 2007; Ginsberg 2016; Gildenhard, Gotter, Havener, Hodgson 2019. For a full and up to date bibliography, see Dinter and Guérin 2023: 413–465. Many studies have interrogated *memoria* at Rome but do not fall under the label of memory studies or cultural memory.
[140] Key examples include Enn. *Ann.* 156 (Skutsch) and Cic. *Rep.* 5.1.1 on the importance of memory to Roman culture and the *mos maiorum*. Both memory and forgetting are topics respectively covered in Flower 1996, 2006.

disentangling the different mechanisms of commemorating the past. Karl Galinsky, for instance, has produced three edited volumes on the plurality of memories at the intersection of Roman Empire, Christianity, and the Greek-East, as well as across disciplines (archaeology, history, literature).[141] Most recently, Martin Dinter and Charles Guérin's edited volume traces the production of memory in Rome and the provinces, in various media, including, literary texts, monuments, and exemplarity, during both Republic and Empire.[142]

What precedents are there for understanding the representation of the Republic in the *Minor Declamations* as transmitting memory? There have been, on the one hand, a series of studies that interrogate the importance of republican memory during the High Empire. This was first fully elucidated in Alain Gowing's *Empire and Memory* (2005). His interest is not in cultural memory, but the adjacent concept of 'mnemo-history':[143] 'an historical or rather historicising account of the memory of the Republic in the early imperial period'.[144] Gowing argues that memory of the Republic underwent several transitions over the course of the early principate, from Tiberius to Trajan. Just as cultural memory is not monolithic nor static, but reflects a plurality of memories of the past, Gowing shows that each author constructs the Republic in a different way: Tiberian literary works like Velleius Paterculus' republican history present a continuation of Augustus' restored Republic, whereas Neronian writers such as the Younger Seneca call into question the relevance of the republican past for the Empire. Over this period, literature and monuments which memorialise the Republic become increasingly depoliticised and detached, so that by the High Empire, the Republic as remembered in Tacitus' *Dialogus* or Trajan's Forum is understood to have functioned as little more than rhetorical and iconographic window-dressing.[145] According to Gowing, within a century of its demise, the Republic had faded into a 'dim memory'.[146]

Some scholars, however, have called Gowing's depoliticised model into question, contending that the cultural memory of the Republic remained a dynamic subject in the High Empire. Sam Wilkinson argues that the repeated attempts to restore the *res publica* and *libertas* in

[141] Galinsky 2014, 2015, 2016.
[142] Dinter and Guérin 2023: see especially introduction at p. 1–20.
[143] Gowing 2005: 8 'any attempt to categorize the particular *kind* of memory I seek to uncover therefore seems ultimately unsatisfactory and unhelpful […] it is at once cultural, historical, collective, individual memory'.
[144] Gowing 2005: 7.
[145] MacMullen 1966: 63 similarly claims that the Flavian period is marked by a 'dreamy Republicanism'.
[146] Gowing 2005: 102–131. Note especially the claim at p. 104 that while Vespasian's model was primarily Augustus, 'the spirit of Republicanism does occasionally rear its head – principally during the reign of Domitian'.

conspiracies under the Empire speak to the continuing ideological importance of the Republic and its memory in these years.[147] To this end, he reads Pliny's *Panegyricus* not as a superficial memorialisation of the Republic, but a genuine attempt to encourage Trajan to act according to republican principles. In the same year, Andrew Gallia concurred that the politicisation of republican memory persisted during the civil wars of 69 CE through to the Trajanic principate.[148] He surveys the ways in which emperors harnessed the ideological power of the Republic through coinage, texts, and public monuments: Vespasian's rebuilding of the Temple of Capitoline Jupiter, and Domitian's archaic punishments of the Vestal Virgins are viewed as attempts to hark back to the Republic and capitalise on their political associations of restoring the *mos maiorum*. These discrete approaches coalesce around the same observation that there is not one dominant cultural memory at the beginning of the High Empire. There are, instead, overlapping and competing memories of the Republic that could be wielded differently by its author or creator.

b) Declamation and memory

From its very inception as a genre, Latin declamation was fixated on the idea of memory.[149] In the first published collection, Seneca the Elder begins by acceding to his sons' request that he will write down his memories of the declamations that he had witnessed before their lifetime.[150] This conscious act of remembering is an attempt to resist forgetting the words of the great declaimers: *ipsis quoque multum praestaturus videor, quibus oblivio imminet, nisi aliquid, quo memoria eorum producatur, posteris tradetur* ('indeed, I think I shall be doing a great service to the declaimers themselves, who face being forgotten unless something to prolong their memory is handed on to posterity').[151] In this project of remembrance, Seneca maps the memory of his life onto the memory of declamation, which he asserts was born roughly at the same time as himself.[152] As van den Berg puts it: 'Seneca […] proclaims "I am

[147] Wilkinson 2012.
[148] Gallia 2012.
[149] Most scholarship focusses on memory in Seneca the Elder: Lockyer 1970 [doctoral thesis], esp. 4–16 on the literary fiction of Seneca's memory; Fairweather 1981: 228–234; Sussman 1978: 67–69; Gunderson 2003: 29–58; Dinter 2020; Cappello 2021: 87–88.
[150] Tac. *Dial.* 1.3 includes a similar opening claim about memory as a guiding principle in the creation of his text.
[151] Sen. *Contr.* 1 pr. 11. Although, as Lockyer 1970 [doctoral thesis] unpacks, Seneca is not writing *only* from memory but that he has several possible written sources, esp. 16–26, 158–90.
[152] Sen. *Contr.* 1 pr. 12.

declamation"'.[153] Or as Dinter has argued, Seneca makes his text a form of public or cultural memory about the creation of Latin declamation.[154] What follows is a ten-book compilation of Seneca's recollections of *controversiae* and *suasoriae* uttered by the best orators of Rome, in which Seneca 'sets himself up as the mediator of past declamations'.[155] This collection should not be taken as merely the memories of declamatory arguments intertwined with Seneca's life, but one of few surviving first-hand memories of early imperial Rome. Seneca bore witness to a time of great political and cultural change. His memory spans the bloody proscriptions of the triumvirate and its dissolution, Octavian's victory over Antony at Actium, the political rise of Augustus, and the accession to the principate by Tiberius and Caligula.[156] Reminiscing on this period in the late 30s CE, Seneca expresses his longing for these better years (*melioresque ad annos respicere*).[157] The reader's first impression is of Seneca's overwhelming nostalgia for the recent past and of Latin declamation as a means by which one could meditate on the past.

Yet Seneca's memory is fraught with inconsistency. As many scholars have pointed out, and as we have earlier noted, his claim that a new kind of *controversiae* was born during his lifetime is tendentious.[158] Seneca himself is aware of his flawed memory. He speaks of his memory as a miracle in his younger years when he could recite two thousand names in their original order, or two hundred lines of poetry in reverse.[159] By contrast, he confesses that in his old age, he can no longer remember as well as he once did: *memoria est, res ex omnibus animi partibus maxime delicata et fragilis, in quam primam senectus incurrit* ('it is memory, of all parts of the mind the most vulnerable and fragile, that old age assaults first').[160] As such, Seneca explains that he will organise the declamations according to that which he remembers at the time: *illud necesse est impetrem, ne me quasi certum aliquem ordinem velitis sequi in contrahendis quae mihi occurrent; necesse est enim per omnia studia mea errem et passim quidquid obvenerit adprehendam* ('but I must ask you not to insist on any

[153] Van den Berg 2020: 215.
[154] Dinter 2021.
[155] Dinter 2020: 40.
[156] Leigh 2021 discusses Seneca as source of historical information during the transition from Republic to Principate.
[157] Sen. *Contr.* 1 pr. 1. Lockyer 1970 [doctoral thesis]: 8 further notes that while Seneca 'remembers the distant past well, […] but easily forgets recent events and statements'.
[158] Sen. *Contr.* 1 pr. 12. Bonner 1949: 16–26; Lockyer 1970; Sussman 1978: 4–11; Fairweather 1981: 115–131; Peirano Garrison 2019: 49–50, 55–56.
[159] Sen. *Contr.* 1 pr. 2. See discussion in Lockyer 1970 [doctoral thesis]: 7–8 on the contradiction inherent in Seneca's memory.
[160] Sen. *Contr.* 1 pr. 2.

strict order in the assembling of my memories; I must stray at large through all my studies, and catch at random whatever comes my way').[161] His senile memory continues as a theme in the incomplete preface to book nine, where his sons must jog his memory with names of declaimers.[162] As the collection comes to a close, Seneca ends his final preface with an appeal 'to exhaust his memory, once and for all' (*exhaurire memoriam meam et dimittite*).[163] Memory and forgetting are not only core themes of declamation, but Seneca's increasingly ailing memory is the guiding principle of his disjointed text.

Seneca herein reveals not only a core theme and structuring principle of his declamatory collection, but of declamation itself. As Dinter notes, 'Seneca highlights that rhetoricians should have a good memory'.[164] Declamation offers a training *in* memory. *Memoria* was long regarded as one of the five key aspects of oratory.[165] It is a core theme of Quintilian's *Institutio*, in which he devotes a chapter to memory in the school curriculum.[166] There, he offers a system of techniques designed to aid the budding declaimer, such as the use of mnemotechnics.[167] In this mnemonic system, space and physical buildings were used to organise and orientate the user's memory. For instance, as one imagined walking through a *domus*—vestibule, *atrium*, bedrooms, bays, and statues—they were to overlay each place with an idea or memory, thus allowing them to recall their train of thought more easily.[168] Memory and physical locales are interlinked themes we shall explore in Chapter 3 of this thesis. Seneca notes that the famed declaimer, Porcius Latro, used mnemotechnics.[169] Latro's memory was so good that 'he had thus made books superfluous for himself' (*supervacuos sibi fecerat codices*).[170] Equally, Quintilian confesses that he used to declaim *for* his memory.[171] But one of many criticisms of declamation was that, unlike courtroom oratory, declaimers' fading 'memories are used to taking a rest at fixed intervals' (*et memoria illorum adsuevit certis intervallis quiescere*) and that there 'are no interruptions to put their memory

[161] Sen. *Contr.* 1 pr. 4. Related claims are repeated at Plin. *Ep.* 1.1.1 and Tac. *Dial.* 1.4.
[162] Sen. *Contr.* 9 pr. 1. Peirano Garrison 2019: 52–53 notes that declamation is linked with old age as early as Cic. *Tusc.* 1.13.
[163] Sen. *Contr.* 10 pr. 1.
[164] Dinter 2020: 39. See also Bonner 1949: 183.
[165] Cic. *Brut.* 215, *Inv. rhet.* 1.7.9, *De or.* 1.142–143; *Rhet. Her.* 1.3; Quint. *Inst.* 3.3.4. Summarised neatly in Lockyer [doctoral thesis] 1970: 21–22.
[166] Quint. *Inst*. 11.2; Gowing 2005: 107. Memory underpins all education, as in Quint. *Inst*. 1.1.28–36.
[167] Cic. *De or.* 2.350; *Rhet. Her.* 3.28; Quint. *Inst.* 11.2.1. Dinter 2020: 49–55 argues for the use of mnemonic techniques by Seneca himself in his declamatory text.
[168] Quint. *Inst.* 11.2.20.
[169] Sen. *Contr.* 1 pr. 17.
[170] Sen. *Contr.* 1 pr. 18. Van den Berg 2020: 214–215.
[171] Quint. *Inst.* 11.2.39.

out' (<*memoria*> *illis nullius interventu excutitur*).[172] Just as Seneca laments over his failing memory, so too he claims that the rhetorical practices of memory are on the decline such that plagiarism could go undetected.[173] For Seneca, memory is a salient theme in, of, and for declamation.

Recent work has laid the foundations for considering the application of memory studies in Latin declamation. This genre does something fundamentally different with the production of memory to other texts. Mary Beard likens declamation to a process of Roman cultural myth-making, as an 'arena for learning, practising and *recollecting* what it is to be and think Roman'.[174] The fictional scenarios of declamation highlight the fallible nature of memory and offer a space to negotiate and reconstitute different memories of the past. In their arguments, declaimers can rewrite, omit, or rehearse the past. In this way, declamation can either undermine or reinforce memories of the Republic. As Beard emphasises, in Latin declamation 'the figures of the past and their conduct were the focus of negotiation and re-negotiation, of mythic re-resolution'.[175] Declamation occupies a curious space in the (re)creation of the memory of the past.

Two studies have demonstrated how the Elder Seneca's declamations specifically reconstitute the memory of the republican past.[176] Matthew Roller has argued that the Elder Seneca's declamations developed the tradition on the death of Cicero. These declamations create a 'continuously evolving' memory of Cicero's death, for instance, in *Contr.* 7.2 by inserting Popillius as Cicero's murderer after Cicero defended him on a charge of parricide.[177] Roller observes that the declaimers of this exercise introduce other new events, inventing vignettes between Cicero and Popillius and between Popillius and Antony, each of which serve to distance Augustus from Cicero's death.[178] Addressing the same concern, Martin Dinter reads Seneca's sixth *suasoria* (on whether Cicero should beg for Antony's pardon) as (re)commemorating the republican past.[179] This *suasoria* is once again a fictionalised

[172] Sen. *Contr.* 9 pr. 2–3.
[173] Sen. *Contr*. 1 pr. 10.
[174] Beard 1993: 56, emphasis my own.
[175] Beard 1993: 61–62.
[176] For an early, but still important, discussion of Seneca's distortion of Roman history, see Leuze 1905 on Sen. *Contr.* 4.2 and the fiction of Metellus' blinding. This collection equally has the capacity to generate poignant political comments, as unpacked in Leigh 2021: 118–150.
[177] Roller 1997: 123–125. See also Richlin 1999 esp. 203–206.
[178] Roller 1997: 114, 117.
[179] Dinter 2021.

scenario, but it is peppered with quotations from Cicero's oeuvre, which transmit literary memories of the republican past. Dinter further posits that Seneca and his declaimers transport their audience back in time to these declamations of the past.[180] Fundamental to Seneca's declamations was both the reproduction of republican memories, and his self-fashioning as the commemorator of Latin declamation. Declamation, in other words, underscores the multidimensional practice of memory, its mutability and malleability.

The memory of the Republic is inflected differently—both from its cultural context in the High Empire and from Seneca's declamations—in the *Minor Declamations*. I have earlier hinted in the introduction that the Republic is presented as alive and thriving in this text. That is to say, the *Minor Declamations* utilises its imaginative, declamatory landscape to reconstitute its relationship to the Republic as though it were a firsthand witness to, and occasionally participant in, this vibrant past. This, in turn, invites its audience also to time-travel back to the Republic. The text does so through a variety of different techniques, which will be outlined in the thesis chapter summaries below. Certainly, the act of time-travelling to, or presenting oneself in direct continuation of, the republican past appears in earlier imperial texts, not least Seneca's declamations.[181] But distinctive here is that the Republic was no longer within living or communicative memory for the *Minor Declamations*.[182] Rather, the text continues to frame the past in a 'near horizon', personal way even though it was composed during the High Empire, a period in which the memory of the Republic had transitioned to 'distant horizon' or cultural memory. A similar tension is articulated by Tacitus' *Dialogus*. There, Tacitus' Aper says that his own present day was 120 years removed from the death of Cicero (*centum et viginti anni ab interitu Ciceronis in hunc diem colliguntur*).[183] The *Minor Declamations* seems to exhibit a tension between these two different modes of memorialisation (communicative and cultural).[184] This unique representation of the memory of the Republic in the text further enriches the diverse picture of republican memory in texts (and monuments) of the High Empire, as well as the ways in which Latin declamation recreates and adapts memories to its own ends. Moreover, the

[180] Dinter 2020. See his related claim in Dinter 2021: 14.
[181] See Leigh 2021: 120 'one effect of Seneca's presentation of his material is to collapse the separation effected by the passing of the years'.
[182] Another distinctive feature is that as a text with no identifiable author its act of memorialisation can be read as universalising, and representative of a larger group, as opposed to a single author of a text.
[183] Tac. *Dial.* 17.3.
[184] These boundaries are, of course, anachronistic and as many scholars have noted not mutually exclusive. See Erll 2011: 11–13. Recent studies by Eckert 2023 and Steel 2023 highlight how both cultural and communicative memory can operate in unison in a Roman context.

Minor Declamations itself is a memory reservoir—transmitting a cultural memory of school declamation.

5. Thesis outline

This thesis offers a literary reading of the *Minor Declamations* and the way in which the Republic is represented as a living entity, divorced from all historical context, across this text. Each chapter offers a different mode of how we might read the construction of the Republic in the text, the different ways in which it is reflected and refracted, and each is deepened by a framework of memory studies.

One of the obstacles that we will repeatedly encounter with the *Minor Declamations* is the paucity of evidence. At first glance, the Republic is not foregrounded throughout the text. A sceptical reader might object, then, that this is reading against the grain. But my claim is not that the Republic looms large over the *Minor Declamations*, but that its scattered representation is interesting and can tell us something about the literary and cultural dynamics of the text and about the way in which declamation opens a space for reimagining the past. Owing to the slippery, slight, and often fragmentary nature of this evidence, the thesis is designedly driven by a case-study approach and to build an argument based on accretion.

The focus on a singular Latin declamatory text has also been an intentional decision. The current project requires limitations to be put in place, but it has earlier been noted that the Republic occupies an equally interesting space in other Latin declamatory texts. This thesis will often draw comparisons with the Elder Seneca but tends to omit Latin declamatory texts later than the *Minor Declamations*. This latter category, the *Major Declamations* and Calpurnius Flaccus, constitute a later trajectory of the genre and potentially a distinct means of constructing the republican past. These texts would benefit from an examination of their own representation of the Republic that cannot be explored within the remit of this current thesis.

Chapter 1, '*Romano-polis*?', provides an overview of the curious world of the *Minor Declamations*, to introduce the reader to its key characters, scenarios, legal code, and

constitution, which will be discussed in the following chapters. The imaginative space that this declamatory world constructs is a rich amalgam of fictive, Greek, and Roman elements. In particular, the chapter pays attention to the constructions of political and legal republican features. For example, one quintessential republican institution which is central to the constitution of the *Minor Declamations* is the role of the people in popular participatory assemblies (electoral, legislative, and legal), which ceased to hold the same importance under the Empire. This chapter does not seek to historicise the declamations, but to reveal that embedded into the architecture of this world of imagination is an underlying republican structure. In so doing, the politics of the past are revived and redeployed in the world of the text.

The second chapter employs a literary lens to explore how the speakers of the text model their arguments on republican oratory. It analyses a range of declamatory arguments which are brimming with echoes of Cicero's Catilinarian orations. The chapter argues that the emphasis on Ciceronian oratory in early Roman education meant the speakers were able to draw widely on the Catilinarian speeches, casting themselves as Cicero and their opponents as Catiline. This acts to preserve the cultural memory of the Republic in two ways: the intertextual allusions to Cicero's speeches are themselves an act of engaging with the cultural memory of the past, and it further encodes the *Minor Declamations*' ability to shape and potentially rewrite the memory of the Catilinarian conspiracy.

Chapter 3, 'Memory and oblivion', turns away from literature to investigate cultural constructions of the Republic. It offers two different readings of the cultural memory of the Republic in the text, by examining different repositories of memory I have mentioned above, 'sites of exemplarity' and 'sites of memory'. The first half of the chapter explores the overwhelming fixation with exemplarity from the republican period. The model declamations play with these figures' names to collapse any sense of temporal difference between their own world and the Republic. The second half of the chapter moves away from the Republic to explore the act of forgetting the Roman Empire. It highlights the way in which the declaimers conjure up, only to occlude, key monuments or *lieux de mémoire* from the imperial Roman landscape. The *Minor Declamations* uses its imaginative landscape to divorce itself from imperial Rome and transport itself back to the Republic.

The final chapter, ‘Decline’, moves away from the representation of the Republic (and omission of Empire) to consider the other temporal modes in the text. This chapter draws attention to the few instances in which the declaimers conceive of the contemporary status of their declamatory world. While the Republic is consistently constructed as a prosperous period of the recent past, this chapter demonstrates that the declamations frame their present as a period of decline. I map this rhetoric of decline onto contemporary discourse on the decaying state of eloquence. One of the interesting revelations of this investigation is that when the declaimers discuss their fictional present, they tend to echo imperial literature.

The thesis ends by drawing together the picture of the *Minor Declamations* that emerges from the preceding chapters. It traces the constructions of the republican past in the text as an act of creative, literary representation and secondarily, as contributing to current discussions about the nature of memory during the High Empire. In so doing, it reiterates the importance of reading the *Minor Declamations*, and school declamation, for their literary and cultural value.

CHAPTER ONE

Romano-polis?

1. Introduction

By the time the *Minor Declamations* were composed, the Republic had been defunct for over one hundred years. Yet, as Gowing has observed, 'the idea of the Republic faded neither quietly nor quickly'.[1] This chapter examines the way in which the imaginary world of the *Minor Declamations* is coloured by republican institutions. By 'republican institutions' I mean democratic political and legal structures from the republican period that likely evolved or ceased to be in common use by the High Empire.[2] Although there were undoubtedly significant changes to political institutions between Republic and Empire, the actual scale and nuances of this transition remain unclear due to patchy evidence. Moreover, much of the political rhetoric of the principate sought to establish a strong association with the political framework of the Republic by adopting its language and structures. The fiction of *res publica restituta* became a watchword for many of the principates during the early and High Empire.[3] As a result, the imperial system embodied a paradoxical tension: it preserved the terminology and appearance of republican institutions, while effectively diminishing their practical authority. The world of the *Minor Declamations* restores the authority of these defunct republican practices to the constitution of its fictive world.[4]

[1] Gowing 2005: 152.
[2] This is not to claim that the entire constitution dramatically changed during the transition from democracy to principate.
[3] A large part of Augustus' successful political machinations were based on his ability to manipulate the rhetoric of restoring the Republic, as in the Settlement of 28/27 BCE when he purported to do so (cf. Aug. *Res. Gest.* 34.1). Gowing 2005: 24–25, 30–31 surveys the use of similar language deployed during the principate. See also Gallia 2012.
[4] A similar claim is made by Gladhill 2013 on Ovid's *Metamorphoses.*

This chapter begins by analysing the notion of 'Sophistopolis' and the interplay between the fictional world of the text, Greece, and Rome, in comparison to other Latin declamations. It proposes that 'Romano-polis' might be a more fitting term to conceptualise the world of the *Minor Declamations*. The chapter then focusses on three case studies in which 'Romano-polis' takes on a republican hue. This is not to suggest that the text consists solely of republican political institutions; elements of classical Athens and imperial Rome also feature throughout the chapter. The first case study demonstrates how the use of archaic Roman language depicts the internal audience of the text as early republicans. The second case study explores the portrayal of comitial assemblies, both legislative and elective. This theme is further developed in the third and final section, where I argue that the use of wax voting tablets evokes republican comitial assemblies. These features are not loudly publicised, nor are they exact copies of republican institutions. Rather, they are often distorted and subtly woven into the fabric of this fictional world, thereby reviving and reshaping the memory of the Republic. This chapter thus begins to reveal the republican strand embedded in the *Minor Declamations*.

2. Sophistopolis

a) In alium orbem terrarum[5]

In 1983, Donald Russell mapped the world of Greek declamation.[6] He describes it as an ambiguous Greek city-state that worships Greek gods. Russell invented the descriptive term for this place: 'Sophistopolis'. It is important to note that no declamatory text makes use of this term but that it is a shorthand for the fictive world. One of the defining elements of Russell's Sophistopolis is its status as an imaginative, literary world.[7] There is no clear sense of where or when it is set; it exists 'vaguely in the classical past – and written about in a language of the past'.[8] Indeed, many features of this universe are imbued with classical Greek elements.[9] Russell observes that, much like classical Athens, the constitution of Sophistopolis

[5] Petron. *Sat*. 1.3.
[6] Russell 1983: 21–39.
[7] See especially Russell 1983: 22 'where indeed do such things happen? Only in a city of the imagination, from which there is less to be learned about the realities of ancient life than about its characteristic fantasies. It is certainly possible to form a picture of this imaginary world; and this is, I think, both a legitimate and a useful exercise'.
[8] Russell 1983: 37–38.
[9] On the other side of the coin, Russell 1983: 38 identifies that Greek Sophistopolis 'has features absent from that of classical Athens'.

is that of a Greek democracy, including references to a popular assembly, partisans of a *dēmos*, a *boulē* with legal functions, and authority is vested in the hands of a *stratēgos* or collegiate *stratēgoi*. These bodies oversee the unstable politics of Sophistopolis, deliberating over war with neighbouring communities, piracy, tyranny, and plagues. Unsurprisingly, the favourite figure in this world is the *aristeus* ('war hero'), a figure emblematic of a Homeric and Hellenic ideal.[10] As noted in the introduction to this thesis, many interpret the world of Greek declamation as encoding a nostalgic fantasy of classical Athens.[11]

Russell's Sophistopolis has influenced subsequent studies on its Latin counterpart. Scholars have applied this notion and the shorthand of Sophistopolis to Latin declamation and explored the fictional universe it creates.[12] Latin declamation typically takes place in a similar city-state, undefined by specific time or place. While Latin Sophistopolis shares the democratic model of Greek Sophistopolis, it embodies a *res publica,* with various institutions that loosely resemble a Roman 'democracy', including participation in popular and legislative assemblies for citizens, and a participatory populace who hold *some* sway in governance.[13] Yet, as in Rome, Latin Sophistopolis is democratic only to a certain extent. It has undertones of a timocratic oligarchy: the senate holds considerable political power, possesses judicial functions, and dominates magistracies such as the consulship, tribunician powers, and praetorship. This democratic structure is constantly under threat from tyrants attempting to overthrow the government and seize autocratic control (e.g., *Decl. min.* 267), or by military generals who return from war and march on the city (e.g., *Decl. min.* 352). Another distinction between Greek and Latin Sophistopolis is the lack of divine involvement in the Latin world. Most conflicts occur within the *domus*, between parents, spouses, stepmothers, and enslaved household members.[14] While Russell's portrait of Greek Sophistopolis emphasises its classical Athenian underpinnings, scholars of Latin Sophistopolis highlight its cultural hybridity, often classing it a Graeco-Roman or Hellenistic community.[15]

[10] Russell 1983: 21–39 provides the alternative title for Sophistopolis, 'the world of the *Aristeus*'.
[11] Bowie 1970. Guast 2023 has recently challenged this view.
[12] Van Mal-Maeder 2007: 1–39; Breij 2015: 224.
[13] Yet Breij 2015: 224 notes that the democracy of Latin Sophistopolis is less developed and more marginalised than Greek Sophistopolis. Here, I use *res publica* in its sense of an abstract commonwealth, or as Moatti 2021: 124 outlines 'the living community of citizens who debate, interact, and are in conflict'. See n. 38 in this chapter on the problematic terminology of *res publica*.
[14] See Parkin 2023 on the representation of domestic violence, namely intimate partner violence, within this fictional world.
[15] Sussman 1994: 14; Breij 2021: 237; Bernstein 2013: 4.

Scholars have made further attempts to pinpoint the fissures between Latin Sophistopolis, Greece and Rome. One productive approach analyses the fictional world's laws and legal principles in relation to Graeco-Roman legislation.[16] Another, less developed methodology highlights the spontaneous inclusion of Greek or Roman elements in the declaimers' arguments.[17] Although the productive capacity of declamation thrives on its dissociation from Roman reality, many scholars note that there are 'considerable Roman elements in the exercises'.[18] For example, in his commentary on Calpurnius Flaccus, Lewis Sussman identifies numerous instances where Roman cultural traits are incorporated into Sophistopolis: characters wear togas, worship Roman Lares with Roman priests, criminals are sent to the Tullianum, all alongside Greek markers such as an *ephebus*.[19] Recently, Matthew Leigh argues that in the Elder Seneca, Roman exemplarity and the Roman city often serve to collapse any distinction between Sophistopolis and Rome, thereby endowing 'the city with a relevance'.[20] This phenomenon in Latin Sophistopolis is comparable to the way in which Greece and Rome encroach upon the fictional bounds of the ancient novel or the world of comedy.[21] Just as Schwartz notes of Rome in Chariton's *Callirhoe*, it 'is both nowhere and everywhere', so too are Rome and Greece in Latin Sophistopolis.[22]

b) Cosmography

The *Minor Declamations* has yet to receive comparable scholarly attention regarding its Greek and Roman features, or the ways in which these elements appear sporadically throughout the text. The present chapter attempts to fill this void by examining how the text inflects Rome differently from other Latin declamations.[23] Unlike other Latin declamations,

[16] Lanfranchi 1938; Bonner 1949; Langer 2007; Wycisk 2008; Amato, Citti, Huelsenbeck 2015.
[17] Other scholars have looked at the relationship between cultural concerns of Sophistopolis and Rome: Bloomer 1997a; Fantham 2004; Corbeill 2007; Imber 2008.
[18] Bonner 1949: 37. See Gunderson 2003: 31 on the dissociation of declamation. See Håkanson 1986: 2298–2299 on the setting of *Decl. mai.* 4, 6, 8, 19, 11, 12, 16 as a Greek polis.
[19] Sussman 1994: 13–14.
[20] Leigh 2021: 121. Occasional references are made to *Decl. min.* at p. 122, 128 n. 46, 137, 145.
[21] Rome's incursion in the Greek novel is discussed by Schwartz 2003 and Jolowicz 2018. In spite of the Hellenic setting of Roman comedy, contemporary Roman events, laws, customs, and individuals still pervade its world (Plautinopolis), as discussed in Gruen 2014.
[22] Schwartz 2003: 391.
[23] Due to the scope of the current project, it will not focus on Greek elements present in this world.

Rome is never explicitly a setting in the *Minor Declamations*.[24] Still, Roman cultural institutions are implicitly embedded within its fictional universe. As Sussman observes of Calpurnius Flaccus, Roman household gods such as the Penates and Lares are worshipped;[25] Roman aristocratic memory practices, such as displaying wax ancestral masks (*imagines*) and holding state funerals replete with processions of *equites* and senators and a public eulogy, are also present.[26] In this Sophistopolis, Roman features cluster around politics and law. The Roman political sites of the *rostra* and *curia* are referred to;[27] legal defendants wear mourning garb (*sordes*), a distinctly Roman custom;[28] and there is mention of the *culleus*, the Roman punishment for parricide.[29] To be sure, these Roman points of reference serve a rhetorical purpose in the world of the text.[30] The principal aim of declaimers is to convince their audience of their arguments and fictions. That is, if Rome is deployed then it serves a persuasive point in their argument. But it also leaves the impression that Sophistopolis is not entirely distinct from Rome. The text creates an alien world, but it is one suffused with Roman features.

These examples leave Rome implicit. Yet, a notable feature of the Sophistopolis in the *Minor Declamations* is the spontaneous, explicit mention of Rome. There are six instances of this across the text, four of which are *exempla* which will be explored in Chapter 3. The other two instances are significant for how they specifically anchor the world of Sophistopolis in relation to Rome.[31] In *Decl. min.* 340, a slave dealer dresses an enslaved boy in the Roman attire of a free person, the *toga praetexta*. It is inferred that the enslaved boy has been freed at the wishes of his master, in accordance with the declamatory law: *qui voluntate domini in libertate fuerit liber sit* (pr. 'whoever shall be at liberty by will of his master, let him be free').[32] Winterbottom notes that this *controversia* closely resembles Suetonius' description of *veteres controversiae*, which were based on historical or real-life events.[33] In Suetonius'

[24] For other Latin *controversiae* set in Rome see Sen. *Contr.* 7.2, 9.2, *Con. ex.* 4.2, 6.8; Calp. Flac. 3; *Decl. mai.* 3.
[25] *Penates*: *Decl. min.* 260.17, 290.4, 304.3, 321.11, 337.7. *Lares*: *Decl. min.* 260.27, 321.20.
[26] *Decl. min.* 270.27, 329.16–17, 337.7, 388.25.
[27] *Decl. min.* 268.20, 329.16, 351.
[28] *Decl. min.* 260.26, 328.15, 386.1.
[29] *Decl. min.* 333.15–18, 296.6. Bauman 1996: 23–24. See further *OLD* s.v. *culleus* 3, *TLL* s.v. *culleus* 1289.46–84.
[30] See Gunderson 2003: 19 'in declamation we do not learn about reality at Rome but rather about how one plays with that reality in order to negotiate or refigure one's imaginary relationship to that reality'.
[31] Neither of the examples discussed below (*Decl. min.* 340 and 341) has been remarked on by commentators.
[32] Similar scenarios appear at *Decl. min.* 341, 342 and 359.
[33] Suet. *Gram. et rhet.* 25.9; Winterbottom 1984: 535.

example, slave dealers at Brundisium attempt to pass off an enslaved person as free by clothing him/her in a *toga praetexta*. There is much that is implied about Rome in the scenario of *Decl. min*. 340.

It is unsurprising then, but nonetheless striking, that the declaimer of *Decl. min.* 340 directly invokes Rome in his argument. The model argument is given by an advocate for the enslaved boy. At §§1–6 he discusses the different meanings of *liber* and *in libertate*; at §§7–9 he then addresses the motives of the slave dealer.[34] Even if the slave dealer dressed the enslaved boy in a *toga praetexta* to evade taxes, rather than signify his freedom, his intent is irrelevant. The declaimer offers a *color* on this:

> §9 Circumscribere **vectigalia populi Romani voluisti**, specie praetextati imponere publicano voluisti.
> You wanted to defraud the revenue of the Roman people, you wanted to cheat the tax collector by the appearance of a boy in a praetexta.

Here, we might expect the declaimer to criticise the slave dealer for cheating the tax collectors of his world. Instead, he unexpectedly invokes Roman tax revenues and imagines that the revenues generated from the slave dealer flow directly into Rome. The specific revenue mentioned, the *vectigalia*, were so-called indirect taxes leveraged from public lands, property, customs dues at ports, and inheritance across the empire.[35] While Seneca's declaimers similarly refer to the revenues of the Roman people (*vectigalia civium Romanorum*), they do so in a *suasoria* explicitly set in Rome.[36] Seneca's declaimers do not bridge the gap between Sophistopolis and Rome but reinforce the Roman setting of the case. The setting of *Decl. min.* 340 lacks any definitive time or place, and yet the declaimer envisions its revenues as Roman, significantly aligning his fictional world with Rome.

A similar phenomenon may be observed in the following *controversia*, *Decl. min.* 341. This is a comparable scenario, in which a man passes a stolen object through the tax collectors without declaring it. The tax collectors later find the stolen object and seize it under the declamatory law (pr. *quod quis per publicanos improfessum transtulerit, commissum sit* ('that

[34] *Decl. min.* 340.10–13 is based on *aequitas*.
[35] *Dig.* 39.4.16.7 includes a list of goods liable to the vectigal.
[36] Sen. *Suas.* 6.3.

which a man has passed through customs undeclared should be confiscated'), while the owner (from whom the object was stolen) claims it as his property.[37] Here, the declaimer represents the interests of the tax collectors. From §§1–5, he argues that the law stands even if it is unjust to the original owner. At §5, he primes his audience to think of Rome, as he progressively moves from generic political institutions—*res publica*, senate, magistrates—to a specific Roman feature:[38]

> §5 Dic istud rei publicae, dic senatui, dic magistratui: '**aerarium populi Romani** vectigalibus iniquis repletur, et spoliantur provinciae et sublatum commercium est'. Tell that to the republic, tell it to the senate, tell it to the magistrate: 'The treasury of the Roman people is being filled with unjust revenues and the provinces are being despoiled and commerce has been abolished.'

Once again, the revenues of the declamatory world explicitly flow into the coffers of the Roman people. Unlike *Decl. min.* 340, however, this declaimer is not concerned with the *vectigalia* alone but refers to the treasury of the Roman people (*aerarium populi Romani*). By the High Empire, Rome had two treasuries: the *aerarium Saturni*—the treasury which notionally belonged to the Roman people (*aerarium publicum*)—and the *aerarium militare*, introduced under Augustus in 6 CE to provide pensions for veteran soldiers.[39] At §6, the declaimer seemingly blends the two functions of these treasuries when he states that they fund armies, war, building programmes, and religion.[40] The declaimer does not offer an exact duplicate of Roman financial institutions at the time of the High Empire, but collapses the two treasuries into one. While *Decl. min.* 340 makes the striking admission that the *vectigalia* of Sophistopolis and Rome were the same, *Decl. min.* 341 imagines that the treasury of its

[37] Winterbottom 1984: 537 notes that the treatment of customs in this declamation makes a first-century date plausible, in light of the customs arrangements. See Tac. *Ann.* 13.50–51 on the *portoria* under Nero; *Dig.* 4.4.9.5, 39.4.14.

[38] To be clear, I do not mean that *res publica* here, or in the remainder of *Decl. min.*, specifies the period of the Republic at Rome but rather, an abstract commonwealth. However, Tac. *Ann.* 1.3 (*quotus quisque reliquus, qui rem publicam vidisset?*) does suggest that by the Trajanic era, *res publica* could connote the republican period. Moatti 2018 and 2021 makes the case that *res publica* never referred to the Roman republican period, see esp. claims at 118–19. Similar expressions to *Decl. min.* 341.5 are employed at *Decl. min.* 306.14 and 331.18.

[39] *OCD* '*aerarium*' (Burton). Syme 1930 and Sutherland 1935 still provide a useful snapshot of state finances at the time of Domitian's death.

[40] *Decl. min.* 341.6: *exercitus stipendium accipiunt, bella cotidie geruntur adversus barbaras et bellicosissimas gentes, defendimus ripas et limites et litora. Huc adice et illud: templa extruuntur, multum impendiorum sacra ducunt, aliquid et spectacula* ('the armies get their pay, wars are waged every day against barbarous and very warlike peoples, we defend riverbanks and boundaries and coasts. Add this too: temples are being built, religious ceremonies are needed').

world is the same as that of the Roman people, even if it blurs the two treasuries together. Both declaimers present the finances of their unnamed community as those of Rome, effacing the notional distinction between the imaginary world and Rome.

The passage in *Decl. min.* 341 gains additional significance through its invocation of a real Roman monument on its textual landscape: the *aerarium populi Romani*. The main Roman treasury was located at the foot of the Capitoline Hill in the precinct of the Temple of Saturn.[41] It is said to have been built at the foundation of the Republic.[42] By the High Empire, it housed nearly six hundred years of cultural memories of Rome: in addition to housing state funds, it contained the military standards, and served as the main archive for state documents, including a record of all the laws which had been ratified, *senatus consulta*, and oaths that magistrates had taken.[43] This building is an important repository of Roman memory and it is interesting that the declaimer should allude to it. By invoking the *aerarium* here, the declaimer not only connects Sophistopolis' treasury with Rome, but he also evokes the deep historical layers of Roman civic memory contained within the Treasury of Saturn.

While my primary focus throughout this chapter is on the incorporation of, and alignment with, Rome within the textual world, it is necessary to acknowledge that Greece also serves as a key reference point for this fictive world. In one scenario, *Decl. min.* 333, a young man is sent away to Athens (pr. *in Athenas misit*) to receive education in oratory. In fact, four scenarios within the *Minor Declamations* are explicitly set in Greece, each unfolding in fourth-century BCE Athens.[44] *Decl. min.* 386 harks back to the mid-fourth century when the Athenian general, Iphicrates was prosecuted for *vis. Decl. min.* 292 is set in Athens in the 340s, following Philip II's conquest of Olynthus, and *Decl. min.* 339 takes place a few decades later after Philip II's victory over the Athenians and Thebans at Chaeronea.[45] Finally, *Decl. min.* 323 centres on events during the rule of Philip's successor, Alexander, as he lays siege to Athens. Each of these scenarios blends a degree of historical fact with fictional embellishment. Alexander, for instance, never actually besieged Athens.[46] Notably, these

[41] For the *aerarium populi Romani* referring to the *aerarium Saturni* see Livy 22.32.4, 26.32.1; Cic. *Verr.* 3.202, *Font.* 4.27; Plin. *HN* 1.109.
[42] Plut. *Quaest. Rom.* 42–43, *Vit. Publ.* 12.2–3. See Livy 2.21.2 for the construction of the Temple of Saturn.
[43] Lintott 1999: 137 'the *aerarium* was a repository not only of money, but of documents'. Imperial documents continued to be deposited here, e.g., Tac. *Ann.* 3.51.
[44] Pasetti 2019 points out many more scenarios in the text that are implicitly set in a Greek *polis*, see e.g., Pasetti 2019: 261 on *Decl. min.* 254.
[45] Similar Olynthus themes appear at Sen. *Contr. ex.* 3.8, *Contr.* 10.5.
[46] Winterbottom 1984: 491; Shackleton Bailey 2006: 89 n.1.

scenarios consistently highlight the struggle of Greek democracy against threats from the north—namely Philip II and Alexander's growing hegemony over the Greek world and Athenian resistance to Macedonian autocracy. If, as I will argue, the representation of Rome within this text primarily draws upon the Roman Republic, then Greece is similarly subject to a kind of temporal distortion.

The textual world constructed in the *Minor Declamations* is thus a rich tapestry that interweaves Greek and Roman influences. To reflect this hybridity, I have intentionally chosen an alternative designation for this textual world: 'Romano-polis', a coinage that combines Latin and Greek words. While Russell's term Sophistopolis neatly encapsulates the Greekness of the world of Greek declamation, the *Minor Declamations* requires a new term that reflects the amalgamation of Greek and Roman influences on its fictive world. The remainder of this chapter will unpick one of these threads: the embedded Roman republican political and legal elements that shape Romano-polis.

3. Ye Olde Romans

a) A republican audience

In the *Minor Declamations*, the internal audience is repeatedly addressed in a manner that exposes the republican presence implicit in the construction of this textual world.[47] This becomes evident near the opening of the extant collection. In the scenario of *Decl. min.* 253, two neighbouring communities are ruled by tyrants. After one of the tyrants is killed, the surviving tyrant demands that the murderer be surrendered. In response, the murderer proposes a legislative bill to his own community, recommending his surrender to avert conflict. This scenario falls between a *suasoria*, in its deliberation on future action, and a *controversia*, with its focus on the legal admissibility of proposed legislation.[48] Quintilian explains that the categorisation of such hybrid cases depends on its legal jurisdiction. They

[47] With 'internal audience' I follow van Mal-Maeder 2007: 41–65 on the extra- and intra-textual layers of author and audience in the world of Latin declamation. At the centre lies the fictional discourse and the rhetoric constructed by the author of the text. Then comes the fictional character that the declaimer assumes and his relationship to the fictive setting of the case. Last, the real performance context that exists outside of the declamation which includes the external audience of the declamation. By referring to the internal audience as antiquated Romans (i.e., in level two), the declaimer blurs the distinctions between the three extra- and intra-textual layers of audience, casting both his fictive audience and real Roman audience as republicans.
[48] See other instances of this at *Decl. min.* 254, 255, 261, and 339. Winterbottom 1984: 318; Pasetti 2019: 255–257.

are most like *controversiae* if derived from Greek practices (*apud Graecos enim lator earum ad iudicem vocabatur*, 'among the Greeks, the proposer of a law was called before a judge') and *suasoriae* if they align with Roman customs (*Romanis pro contione suadere ac dissuadere moris fuit*, 'in Rome, the practice was to speak for and against the proposal in an assembly of the people').[49] Quintilian specifies that in Rome, at least in the Republic (*fuit*), legislative proposals were presented to the people in a *contio*.[50] The declaimer of *Decl. min.* 253, speaking as the proposer of the bill, evokes this Roman setting, when he states at §4: *facile est ista in contionibus et conciliis despicere dicendo* ('it is easy to speak contemptuously of such an attitude in popular assemblies and gatherings').[51] As I observed earlier, there are numerous elements in this scenario that are implicitly Roman, and perhaps even distinctly republican.

The declaimer opens by ingratiating himself with his imagined audience:

> §1 Ut meo nomine sum vobis, **Quirites**, obligatus quod quamquam necessarium et ad salutem pertinens civitatis remedium praesentis timoris respectu tamen mei praetermisistis.
> I am obliged to you, Roman citizens, for having forgone out of regard for myself a remedy for the present alarm, necessary though it is and pertinent to the welfare of the community.

Here, the declaimer expresses gratitude to his audience for prioritising personal considerations over communal welfare. The audience is addressed not in the typical fashion of the text as *iudices*, but as *Quirites*.[52] This is a unique term in Latin declamation; it does not appear in any other collection.[53] It specifically refers to Roman citizens in their civic capacity, in contrast to *Romani*, which denotes Roman citizens in a military capacity.[54] By

[49] Quint. *Inst.* 2.4.33.
[50] Pasetti 2019: 256.
[51] Winterbottom 1984: 318–319 and Pasetti 2019: 259 observe that this pairing, *in contionibus et conciliis*, invokes Livy 35.49.2 (*et in conciliis magis contionibusque*), further reinforcing the republican connection.
[52] The address to the audience as *iudices* appears over 100 times in the text. See, for example, *Decl. min.* 246.1.
[53] Sussman 1994: 225 suggests that in a corrupt passage of Calp. Flac. 47 *Quirites* could be possible.
[54] *OLD* s.v. 1. There is a handful of instances in which *Quirites* refers to 'the body of citizens in any city' (*OLD* s.v. 1e). For example, see Sen. *Thy.* 396 with Boyle 2017 *ad loc.* who notes that even in this non-Roman context, Seneca's pointed use of the term is playing with 'social classifications [that] are strictly Roman' and that it is unparalleled in tragedies. Boyle, however, does not identify the specifically republican undertones of the term. The declaimer's use of the *Quirites* seems to play the same game as Seneca, which Boyle suggests creates a

using *Quirites*, the declaimer treats his audience as if they were Roman citizens. More specifically, this address carries republican resonances. It appears mostly in republican authors, including Cato the Elder and Cicero's political oratory, in addition to Livy and Sallust's descriptions of republican speeches.[55] Outside of this context, it is rare in prose.[56] It is attested in Latin prose of the High Empire in only four instances—two of which cite speeches by Julius Caesar.[57]

There are two other contemporary uses of *Quirites* in the vocative. One is in an anonymously authored poem mocking Nero.[58] The other recent example appears in Pliny's correspondence with Trajan. There, Pliny quotes an edict of Nerva, in which the *princeps* addresses an assembly as *Quirites*: *Quaedam sine dubio, Quirites, ipsa felicitas temporum edicit* ('there are some matters, Roman citizens, which need no edict in happy times like ours').[59] As Williams observes of this passage, *Quirites* 'was an archaic name', thus confirming the antiquarian tenor of the declaimer's comparable language.[60] Other uses of *Quirites* during this period further reinforce this claim, even outside direct address and prose. Uden notes that Juvenal's use of the term was considered 'old-fashioned and grandiose' and evoked 'a Rome of the past'.[61] In the High Empire, the term *Quirites* thus evoked a bygone era of Roman civic life. By deploying this term, the declaimer creates a tension between this Roman past, when citizens were addressed by magistrates in a *contio* and held the right to vote and exercise civic power, and his own audience, for whom this term and use of popular power had lapsed a century ago. This is a point we will unpack in more detail in the following section. In so doing, he positions his internal declamatory audience as Roman citizens of an earlier republican period and casts himself as an antiquated speaker from that time. Early on, the text

sense of 'Romanness' in Seneca's textual world (see introduction p. 336–403). For the etymology of this word see Varro *Ling. Lat.* 6.7.68. See also Kretschmer 1919: 147–157 on the history of the term.

[55] Preserved in Gell. *NA* 10.14.3, and *passim*. The term is scattered across Cic. *Cat., Phil.*, and *Leg. agr.*; e.g., *Cat.* 2.1, *Phil.* 4.1, *Leg agr.* 2.1. Livy uses the term over 68 times, e.g. Livy 1.16. It is concentrated in Sall. *Iug.* 31.1, 31.6, 31.11, 31.27, see also 85.1–50.

[56] The term does appear to invoke a poetic register: Verg. *Aen.* 7.710, *G.* 4.197; numerous times in Ovid, e.g., *Fast.* 2.505; Pers. 3.103, 4.8; Petron. *Sat.* 123; Sil. *Pun.* 4.47; Juv. 3.60, 3.162, 10.43, 10.108.

[57] Tac. *Ann.* 1.42 and Suet. *Iul.* 70.

[58] Suet. *Ner.* 39.2. See Bartsch 1994: 36-62 on this Suetonius passage and other similar instances. See n. 56 for the poetic resonances of the term.

[59] Plin. *Ep.* 10.58.7. All translations of Pliny the Younger are taken from Radice 1969, unless otherwise specified. Sherwin White 1998: 644 connects this edict with a law passed in a comitial assembly at Cass. Dio 68.2.4, but he does not comment on the strikingly archaic language of *Quirites* here.

[60] Williams 1990: 14. See also Hardy 1889: 166, who claims that the language of the edict is 'pompous, grandiloquent, and obscure'.

[61] Uden 2015: 107. For an earlier use of the term in a similarly archaicising manner, see also Columella, *Rust.* 1 pr. 19 (*veteres illi Sabini Quirites atavique Romani*).

conveys the sense of an antiquated, Roman world, where its speakers and audience use the language of republican politics.

b) Rogationes

We have seen that *Decl. min*. 253 addresses its fictional, internal audience as though any republican orator might speak to an antiquated, civic Roman populace. This is not confined to *Decl. min.* 253, and elsewhere the term *Quirites* serves to emphasise accompanying republican elements embedded within Romano-polis. This is the case in the following *controversia*, *Decl. min.* 254, where the term *Quirites* plays a pivotal role. In this case, an exile returns to his community to warn of an impending plot of tyranny. After the suspected tyrant is tried and acquitted, the exile is expelled again. A *rogatio* is then proposed to allow the exile to remain in the community, and the declaimer speaks in favour of this legislation. Contrary to Pasetti's suggestion that this case 'is set in a Greek *polis*', the declaimer frames it as a republican assembly from the outset.[62] At §3, he address his audience as *Quirites*: *primum igitur carere* [*hunc*] *invidia … possum, Quirites* ('first then, Roman citizens, I can be exempt from hostile criticism'). In the following passage, §4, he repeats this address, implicitly underscoring the antiquated status of his audience with language about the ancient status of the law: *nisi vetustissimum ius, Quirites, eos qui secreta ad rem publicam pertinentia indicassent remanere in civitate iussisset* ('had not a very ancient law, Roman citizens, enacted that persons having given secret information pertaining to the commonwealth should remain in the community'). In using this term twice, the declaimer once again casts his audience as republican Romans and himself as a republican orator.

These addresses to *Quirites* reinforce other republican features in the declamation, particularly the depiction of the audience as the primary authority in the creation of laws and legislative bills. After considering whether a law can apply to an individual, the declaimer argues that an existing law, explicitly stated in the scenario of the case, already allows the exile to remain in the community.[63] This makes his bill legally admissible:

[62] Pasetti 2019: 261 n. 1. See also Wycisk 2008: 198. On the other hand, Shackleton Bailey 2006: 89 n. 5 notes that this case is addressed to an assembly of citizens, although he doesn't specify beyond this.
[63] *Decl. min.* 254 pr. *exul qui secretum ad rem publicam pertinens indicare voluerit habeat in civitatem redeundi potestatem, et si indicaverit maneat in civitate*. *Decl. min.* 351 and Calp. Flac. 6 contain similar laws.

> §§9–10 “At enim contra legem rogatio est”. Si confiterer, dicerem tamen non fere rogationis esse causam ubi lex est. Quid enim necesse est convocari tribus, contrahi populum, si idem effici iure vetere et iam olim constituto potest?
> “It may be argued that this bill is illegal”. If I were to admit that, I should say nevertheless that in general there is no need for a bill where there is a law. For why is it necessary that the tribes be convened, the people assembled, if the same result can be achieved by an ancient law long since constituted?

Here, the declaimer’s description of the legislative process is portrayed in a republican light. Both the act of summoning the people (*contrahi populum*) and organising them by tribes (*convocari tribus*) conjure up the dominant legislative assemblies of the late Republic, namely the *comitia tributa* and *concilium plebis*, which were organised by tribal voting units.[64] Additionally, the term *convocari tribus* is otherwise unattested outside of Cicero, where it is used to describe Clodius’ election to the praetorship in 53 BCE.[65] While that took place in the centuriate assembly as part of an election rather than the legislative assembly, the use of similar terminology reflects the overlap between electoral and legislative functions in the *comitia*, and it adds another layer of republican colouring to the passage.[66] The declaimer goes on to underscore the people’s ultimate authority to change, contradict, or pass whatever laws they see fit (§10): *ceterum quidem quotiens de iure populi agitur apud populum, cui mutare, cui obrogare, cui ferre quas velit leges, accipere quas velit rogationes liceat, numquam se ipse deminuet.* (‘but when the rights of the people are at issue before the people, which has the right to change and contradict and pass what laws it pleases and to accept what bills it pleases, it will never diminish itself’). This description again recalls the character of republican legislative assemblies, in which the Roman people held the power to approve or reject proposals put forward by a magistrate.[67]

The portrait of *Quirites* as active participants in the passage of legislation finds little support in contemporary imperial evidence. While comitial legislation persisted under the Empire—as illustrated earlier by Pliny’s reference to Nerva’s comitial legislation—extant evidence

[64] Sandberg 2001: 105. See also Watson 1974: 6–20; Mouritsen 2001: 63–89.
[65] Perhaps, it is no coincidence that Cicero and his supporters accused Clodius of passing a law that targeted Cicero as an individual. See Cic. *Dom.* 43–61.
[66] Cic. *Mil.* 25. See also Cic. *Leg.* 3.44.
[67] Ibbetson 2015: 27.

suggests that the people's role in voting on legislation diminished in importance.[68] Talbert observes that, by this time, legislative assemblies 'soon faded almost to nothing'.[69] This lack of evidence should not be taken as outright proof of their obsolescence. Rather, legislative procedures shifted with the Empire.[70] Laws were increasingly enacted through *senatus consulta*, edicts, rescripts, letters, and decrees issued under the authority of the *princeps*, alongside the *ius responsi* of jurisprudents.[71] The description in *Decl. min.* 254.9–10, therefore, aligns more closely with this republican model, in which the people retained the power to negate or ratify laws. The opening address to the *Quirites* primes the reader to interpret this legislative process in republican terms, imbuing Romano-polis with an antiquarian tone.

c) Calling for help

Another instance of how direct appeals to the *Quirites* underscore antiquated Roman legal features appears in *Decl. min.* 379. This *controversia* explores a common declamatory conflict between a rich and a poor man. A rich man is accused of murdering his wife and his enemy, a poor man, on the pretext of adultery. Defending him, the speaker begins (§2) by referring to Roman civic spaces—the *curia* and *contio*.[72] These Roman points of reference take on a specifically republican hue at §3, where the declaimer cites two figures—Julius Caesar and Cato Uticensis—to argue that even enemies of the state were spared. This is a striking instance of explicitly named Roman examples. From here, the declaimer transitions into a series of rhetorical questions designed to emphasise the implausibility of the alleged

[68] Watson 1974: 14–15 summarises private law passed by means of *plebiscita* or *comitia* during the early imperial period. The *lex de imperio Vespasiani*, for example, appears to be a piece of comitial legislation. Crook 1967: 255 claims that the last piece of legislation that was voted on was under Nerva, but he provides no evidence for this. See Brunt 1977: 107 for the use of *comitia* under Nerva and Trajan.
[69] Talbert 1984: 432. Watson 1974: 13–15. Augustus did give prominence to lawmaking in the *concilium plebis*, which was not followed by subsequent *principes*. Capogrossi Colognesi (trans. Kopp) 2014: 248–250 unpacks these comitial laws and Talbert 1984: 431–459 includes a full list of *senatus consulta* from the earlier imperial period.
[70] See Ibbetson 2015: 30 on the moribund creation of law by *lex* or plebiscite during the imperial period.
[71] Watson 1974: 13–15; Honoré 1981: 24–54 on the rescript system. Jones 1972: 106 states that no other criminal statutes were passed after the *lex Iulia de adulteriis* of 18 BCE, but the remit of existing laws were expanded by edicts and *senatus consulta*.
[72] The declaimer's pairing at *Decl. min.* 379.2 *nihil in curia, nihil in contione*, is rare. Compare with earlier noted *Decl. min.* 253.4 (*in contionibus et conciliis*). The collocation of *curia* and *contio* is only attested by other Latin authors discussing republican politics. E.g., Livy 3.41.1 (*aut in curia aut in contione*), 10.45.1 (*et in curia et in contione*); Val. Max. 6.4.2a (*nihilo segnior Scipionis Aemiliani aut in curia aut in contione gravitas*). The declaimer of *Decl. min.* 379 potentially has in mind the *curia* and *contiones* of republican politics, a connection that *Decl. min.* 268.19 explicitly makes.

murder, by vividly imagining how the rich man might have committed it. In so doing, he accentuates the republican elements embedded in Romano-polis:

> §3 Deinde mea manu occido? Tam efferati animi sum? Non venenum est, non percussor? Et dives sum. Deinde cum uxore? Ne illi quidem parco? Deinde quemadmodum? Rapio de publico? **Non clamat, non Quiritium fidem invocat**? Et tanti facinoris parasitum conscium advoco, et eundem postea eicio? Non timeo indicem?
> And then, do I kill him with my own hand? Am I such a savage? Isn't there poison, an assassin? And I am rich. And then, along with my wife. Don't I spare even her? And then, how? Do I haul him out of the street? Doesn't he cry out, call upon the help of the Roman citizens? And do I call in a parasite as my accomplice in such a crime, and throw him out afterwards? Am I not afraid of his informing on me?

The declaimer here reveals an important conception of legal aid in his world. He suggests that the poor man, in the throes of being dragged out onto the street, could have called out to the *Quirites* for help.[73] This directly invokes one of the earliest legal rights of the Republic, *provocatio*, which allowed citizens to call on the Roman people against a magistrate's use of *coercitio*, such as execution without a legal trial or flogging. Lintott notes that *provocatio* was 'regarded as one of the principal rights of the individual Roman citizen'.[74] The declaimer illustrates this principle by imagining the accused man calling out: *non clamat, non Quiritium fidem invocat?* ('doesn't he cry out, appeal to the citizenry?'). This rhetorical question parallels the formulaic invocation of *provocatio*, which often included a direct appeal to the *Quirites*. Varro's etymology of the term *Quirites* illustrates this as well as its republican roots: *quiritare dicitur is qui Quiritum fidem clamans inplorat* ('he is said to *quiritare*, who shouts and implores the protection of the Quirites').[75] Another episode from Livy's early history of the Republic is comparable, where enslaved men who were attempting to free themselves from their bondsmen called out for help: *inplorant Quiritium fidem*.[76] Livy frames this episode as a formative moment leading to the institutionalisation of *provocatio*. The

[73] *Decl. min.* 306.14 includes an appeal to the magistrates directly.
[74] Lintott 2015: 305.
[75] Varro, *Ling.* 6.68. Trans. Kent 1938.
[76] Livy 2.23.8. See also Livy 2.55.7, 33.28.3; Verg. *Aen.* 7.502, 504 with Horsfall *ad loc.* on this as an appeal for the help of one's citizens against danger, as opposed to *provocatio*; Sen. *Ep.* 15.7; Petron. *Sat.* 21.1.

declaimer's rhetorical use of these formulaic expressions clearly draws on such republican precedents.

Importantly, both examples—Varro's etymology and Livy's historical episode—occurred during the Republic. While *provocatio* remained a key legal principle under the Empire, it took on a different form, evolving into an appeal under the *lex Iulia de vi*, which the *princeps* oversaw.[77] This imperial iteration of *provocatio* was no longer an appeal to the people (*ad populum*), but rather to the emperor (*ad Caesarem*).[78] According to Jones, there is only one recorded case of *provocatio ad populum* during the early imperial period.[79] Thus, the declaimer's invocation of *Quirites* draws attention to the associated republican framework of *provocatio* and in so doing forges a clear link between Rome and Romano-polis. He grounds his argument in a republican legal tradition, in contrast to the evolving imperial systems of justice.[80]

This republican imagery is complicated, however, by the declaimer's earlier reference to an implicit, imperial legal principle. In the opening of the passage, he questions how he might have killed the poor man as an adulterer: *deinde mea manu occido?* This question was in fact covered in Augustus' *lex Iulia de adulteriis* (18 BCE), the first law to criminalise adultery and extra-marital sex at Rome. The statutes of Augustus' law granted a husband *ius occidendi* (the right to kill) an adulterer under a very specific set of circumstances: i) the adulterer was caught in the act of adultery with their wife, ii) the act occurred either in the husband's or father-in-law's home, iii) the adulterer was *infamis*, and iv) the husband killed the adulterer with his own hand.[81] The declaimer's argument interweaves these imperial legal elements with the republican imagery of *provocatio*.

To close this section, a final, brief reflection on another republican legal appeal embedded in Romano-polis: the right of appealing to the tribunes for aid. This right, which was one of the most sacrosanct and symbolic powers of the tribune as protector of the plebs, originated in

[77] Augustus initially reaffirmed the right to *provocatio* in the *lex Iuliae iudiciorum et publicorum*. Crook 1967: 70–71; Harries 2007: 28. *OLD* s.v. 3.
[78] Paulus, *Sent.* 5.26.1. Crook 1967: 71; Jones 1972: 101.
[79] *Act. Apost.* 25.6–12. Jones 1960: 690; Jones 1972: 101–102; Garnsey 1966: 181–182, 188.
[80] This is not to state that all appeals to public aid in the text necessarily invoke *provocatio*. E.g., *Decl. min.* 267.2, 12.
[81] See *Dig.* 48.5 on the statutes of the *lex Iulia de adulteriis*. Relevant discussions on the husband's legal provisions under the law in Bauman 1996: 34, McGinn 1998: 205.

the early Republic.[82] It protected citizens against oppression by magistrates or private citizens. Similarly, Romano-polis entrenches this as a right of its community: *de iniusto supplicio tribunos appellare liceat* ('let it be lawful to appeal to the tribunes concerning unjust punishment').[83] This law appears in differing versions across the *Minor Declamations*, Seneca, and Calpurnius Flaccus.[84] For example, in *Decl. min.* 380 an enslaved man appeals to the tribunes against unjust punishment after his deceased master's heirs call for his crucifixion.[85] While scholars such as Sussman and Winterbottom argue that this appeal was transferred to the *princeps* under the Empire (its function absorbed into his *tribunicia potestas*) there are limited attestations of its actual practice during the imperial period.[86] Pliny, for instance, refers to his ability 'to implore the aid of the tribunes' (*implorare auxilium tribunorum*).[87] We should remain circumspect whether this meant that the tribune's *auxilium* was defunct, or simply that it was taken for granted.[88] Notably, *Decl. min.* 380 goes further, imagining that even enslaved persons could appeal to the tribunes. This is a striking departure from the legal reality, as this right did not extend to enslaved individuals.[89] Whereas *Decl. min.* 379 blends imperial and republican legal rights, *Decl. min.* 380 blurs a republican legal right with fictive law. Ultimately, the uses of *Quirites* in *Decl. min*. 253, 254, and 379 reflects the intricate layering of republican elements, creating a textured vision of Romano-polis as a space where historical (both republican and imperial) and fictional political and legal systems intersect.

[82] Lintott 1999: 121–128; Lintott 2015: 306–307.
[83] *Decl. min.* 380 pr.
[84] Sen. *Contr. ex.* 3.9; Calp. Flac. 17, 23, 33, 42.
[85] *Decl. min.* 380 pr.: *aeger a servo, cui libertatem scripserat, venenum petît. Nolenti dare crucem scripsit. Heredes volunt supplicium sumere. Servus appellat tribunos* ('a sick man asked his slave, to whom he had left freedom in his will, for poison. On the slave refusing to give it, he wrote down the cross. The heirs want to punish him accordingly. The slave appeals to the tribunes').
[86] Sherwin White 1998: 139–140 points to instances of tribunician aid by the *princeps* during the imperial period in a senatorial debate at Tac. *Ann.* 13.28 and *Hist.* 2.91 (see also Chilver 1979 *ad loc.* on the rare use of tribunician power by *princeps* during the Julio-Claudian period). Hammond 1933: 310 n. 51 includes a list of the intercessions that took place during the imperial period.
[87] Plin. *Ep.* 9.13.19.
[88] While Plin. *Ep.* 1.23 states that he responded to judicial appeals as a tribune, he expresses the view that others thought the office was 'an empty shadow' and a 'name without honour' (*inanem umbram et sine honore nomen*). Sherwin White 1998 *ad loc.* bears out the handful of instances of tribunician aid during the Julio–Claudian period.
[89] Cass. Dio 60.28 reports a failed instance of this taking place under Claudius.

4. Popular assemblies

a) Ancient jurisdictions

I have argued that the old-fashioned mode of address, *Quirites*, is a smoking gun which alerts us to other republican features embedded in this world. In one key example (*Decl. min.* 254), I suggested that it gave emphasis to republican, comitial legislative assemblies. In addition to the right to vote on legislation for the community, the people of this world possess a full suite of democratic powers which are enacted through the *comitia*, including the right to elect political candidates and hold judicial hearings. But these assemblies were only democratic to a point. The senate controlled a great deal. Only a presiding magistrate or senator could propose legislation, hold a judicial hearing, or suggest candidates for office. I will argue through a close reading of *Decl. min.* 252 that these 'democratic' features resonate with a republican constitution. The fact that these features appear in other declamations of the text suggests these institutions are subtly interwoven into the architecture of the *Minor Declamations*. By contrast to the *Quirites* examples, they are interwoven without accompanying hints.

In the scenario of *Decl. min.* 252, the daughters of a rich and a poor man are both seeking a priestesshood. After a rumour that the poor daughter will be chosen, she is raped by the parasite of the rich man. The rapist is fined ten thousand sesterces, which the rich man pays on his behalf. The poor father accuses the rich man of unwritten wrongdoing for inciting the parasite to rape his daughter, in order to prevent her selection as priestess. This theme is repeated later in the collection, in *Decl. min.* 370, with one crucial difference. *Decl. min.* 370 adds an unusual, democratic dimension to this theme by reframing the priestess' appointment as an election (pr. *eam parasitus sub diem comitiorum rapuit*).[90]

While this democratic element is absent from the scenario of *Decl. min.* 252, the declaimer who speaks for the poor man goes on to describe the position of the priestess in such a democratic, and specifically republican, light with two key terms. First, he alludes to the legal jurisdiction of the people's court. At §10, he focusses on the collusion of the rich man and the parasite, stating that the priestess should be determined by the people's judgement: *reliqua*

[90] *Decl. min.* 252 pr. frames the position of the priestess as sought (*petebant*) and appointed (*crearetur*).

igitur una quaestio est, an hoc quod filiam meam rapuit, quod illo tempore, quod post illud ***populi iudicium****, credatis non a divite effectum* ('therefore the only question remaining is whether you believe it was not the rich man's doing that he raped my daughter, and did so at that time and after that popular verdict'). The declaimer here uses a specific phrase, *iudicium populi*, to refer to the judgement of the people.[91] This phrase does not appear in any other Latin declamation, but the declaimer does employ it again in his argument, when he frames the votes of the people as certain and manifest: (§14) *si incerta* ***populi iudicia****, non professae palam sententiae essent, dicerem tanti tibi fuisse vel securitatem vel indignationem* ('if the decisions of the people had been in doubt and their votes not openly professed, I should say that your peace of mind, or your outrage, would have been worth the price'). The phrase, *iudicium populi*, employed uniquely in this declamation, recalls a republican legal feature, in which criminal trials were decided by citizen assemblies, following three *contiones*. By the High Empire, the *iudicium populi* had largely been supplanted by the permanent jury courts (*quaestiones perpetuae*), thus 'becoming more of a museum-piece than a vital cog in the machinery of criminal justice'.[92] The declaimer embeds a mid-republican judicial procedure and the emphasis on popular sovereignty into his textual landscape. He uses this obsolete court to lend weight to the rumour that the poor daughter deserved to be elected priestess, thus framing the people's judgement as legally binding and morally authoritative.

The *iudicium populi* is not the only antiquated form of jurisdiction in the architecture of Romano-polis. The *domesticum consilium* (family council) is another archaic jurisdiction frequently invoked in the text. For instance, in *Decl. min.* 356, a father convenes a council of relatives and friends to decide whether to disown his son for purchasing the freedom of a *meretrix* (§1 *habuisse cum cognatis consilium quidnam se facere oporteret*; 'he took counsel with his relations on what he ought to do'). Similarly, in *Decl. min.* 277, a husband who has killed his pregnant wife in adultery seeks to have his case adjudicated within a private, family council (§3 *hoc ius ille conditor conscriptorque legis huius voluit esse privatum*; 'this statute the author and drafter of this law did wish to be private').[93] Brescia and Lentano trace this jurisdiction back to Romulus' supposed *leges regiae*, which stipulated that women accused of

[91] Critics are yet to have noted that this phrase is significant.
[92] Bauman 1996: 16. There are varying reasons for the decline of the *iudicia populi*, for which see Bauman 1996: 16–17. Jones 1972: 1–44; Crook 1967: 69; Jones 1972: 4–6 includes a list of all the *iudicia populi* held during the first century BCE.
[93] There is a textual uncertainty in this passage. Winterbottom 1984: 85 and Pasetti 2019: 148 both read *voluit* in line with the αβ manuscripts, while Shackleton Bailey 2006: 270–271 opts for *noluit.* He provides no reason for why he adopts for this term: if it is a conjecture or from another manuscript tradition.

adultery be charged and punished privately by a family council of relatives.[94] While this jurisdiction remained throughout the Republic, it was largely supplanted by public trials during the imperial period. Isolated cases suggest that the family council retained a symbolic, if diminished, role under the Empire. For example, the punishment of Appuleia Varilla was transferred to a family council in 17 CE, a decision Tacitus refers to as following ancestral customs (*ut exemplo maiorum*).[95] Mommsen interprets this precedent as alluding to Varilla's expulsion two kilometres outside of Rome, yet Tacitus later uses similar phrasing when recounting the judgement of Pomponia Graecina by her relatives (*prisco instituto*; 'following the ancient custom'), which did not involve expulsion.[96] This suggests that it was the family council that Tacitus viewed as antiquated, rather than a specific punitive measure.[97] Tacitus highlights the duality of the family council during the early imperial period: while grounded in tradition, it had become a vestigial institution, invoked sparingly and primarily in exceptional circumstances. By drawing on this archaic jurisdiction, considered outdated by Tacitus, the *Minor Declamations* evokes the legal framework of Romulus' Rome and the early Republic and embeds it into its textual world.

The second way in which the declaimer of *Decl. min.* 252 colours the appointment of the priestess in a republican light is with the term *comitia*. This is a politically and historically charged term, which denotes an assembly of the Roman people, whose principal function was the election of magistrates, voting on legislation, and enacting judicial functions. At §18, for instance, the declaimer offers a *sententia* on the nature of the *comitia* in his world, emphasising the power of the lower classes in deciding the vote: (§18) *neque est quod mirari, dives, aut indignari velis in comitiis plus saepe pauperes posse* ('and you should not choose to be surprised, rich man, or outraged that in elections poor men often have a bigger say'). The declaimer's use of *comitium*, rather than another generic term for election (e.g., *suffragatio, electio, nominatio*), frames the priestess' election as a popular participatory election.[98]

[94] Brescia and Lentano 2016: 26–28, 31–35, 40–44. Dion. Hal. *Ant. Rom.* 2.25.6–7; Plut. *Vit. Rom.* 22.3; Gell. *NA* 10.23. Bonner 1949: 119–121; Lanfranchi 1938: 436–462.
[95] Tac. *Ann.* 2.50. Goodyear 1981: 346. It is interesting to note that this traditional council was revived under Tiberius, an emperor who Tacitus (*Ann.* 1.7) writes acted 'as though the old republic were in being' (*tamquam vetere re publica*).
[96] Mommsen *Staatsrecht* (3rd edn) 1887: vol. 2, 1076 n. 4.
[97] Tac. *Ann.* 13.32.
[98] This was not the case in Rome. Vestal Virgins were chosen by lot, from a list of suitable candidates created by the *pontifex maximus*.

Furthermore, his *sententia* recalls several of Cicero's reflections on the nature of magisterial elections during late republican politics. It is particularly reminiscent of a line from his description of the consular elections of 63 BCE, when he defended Murena on a charge of electoral bribery. There, he states that elections are determined by the masses: *minus est mirandum. Quamquam huic causae id satis est; sunt enim populi ac multitudinis comitia* ('it is not surprising. Yet it is enough for my case: elections are decided by the people and the masses').[99] Both passages convey a similar idea (that the multitude hold power in comitial elections, as opposed to the politically powerful) and there is a parallel expression (C. *minus est mirandum* ~ DM *neque est quod mirari*). I will discuss the *Minor Declamations*' engagement with the speeches of Cicero's consular year in Chapter 2. For now, I observe that the declaimer of *Decl. min.* 252 engages with a republican portrait of popular voting assemblies. The interesting thing about this is that these kinds of *comitia* ceased to hold significant power after the transition to Principate.

Compare the declaimer and Cicero's statements with the reflection of Tacitus' Maternus on the role of people in imperial politics: *quid multis apud populum contionibus, cum de re publica non imperiti et multi deliberent, sed sapientissimus et unus?* ('what is the use of one harangue after another on public platforms, when it is not the ignorant multitude that decides a political issue, but a monarch who is the incarnation of wisdom?').[100] The declaimer offers a strikingly different portrait to their imperial contemporary, far closer to a republican view. As Levick states of the Empire, 'no real contested elections took place'.[101] Tacitus recounts that at the start of Tiberius' reign, *comitia* were transferred from the power of the people to the jurisdiction of the senate (*tum primum e campo comitia ad patres translata sunt*; 'the elections were now for the first time transferred from the Campus to the senate').[102] The result was that elections became 'a mere shadow of what they had once been'.[103] The

[99] Cic. *Mur.* 38. Trans. MacDonald 1977. Fantham 2013: 140; Riggsby 1999: 21–49. Yakobson 1999: 91–96 highlights that Cicero stresses the support of a wide range of groups, including soldiers (*Mur.* 38). However, later in the speech (*Mur.* 71), Cicero refers to the fact that there was no surety that the vote would reach the lower classes.
[100] Tac. *Dial.* 41.4. Trans. Peterson 1914 (rev. Winterbottom 1970).
[101] Levick 1967: 217–219. Taylor 1966: 48 writes that even by the 20s BCE 'the *comitia* were only a pale shadow of the Republican institutions'. It seems from Plin. *Pan.* 92.3 and Cass. Dio 58.20.4 that these elections still had to be ratified in the *comitia centuriata*.
[102] Tac. *Ann.* 1.15.
[103] Staveley 1972: 220. Changes were made even before this. The *lex Valeria Cornelia* (5 CE), preserved on the *Tabula Hebana*, gave priority to the votes of all senators and *equites* in the *decuriae iudicum*; this was followed by a vote of the full assembly. Caligula attempted to restore elections to the *comitia tributa* but failed (Suet. *Gai.* 16; Cass. Dio 59.9.6). Otho's tribunician powers and priestly admission were each ratified in the *comitia.* Talbert 1984: 341–342, 355; Wallace–Hadrill 1982: 38.

declaimer of *Decl. min.* 252 similarly conceives of the elections taking place in the *campus* and determined by the votes of the populace, rather than in the *curia* by the vote of the senate (§18 *cum in publicum veneritis et in campum, spectabitur innocentia, fides*; 'when you come into the public, into the campus, regard will be had to innocence and good faith'). While it could be said that these republican archaisms are a corollary of the declaimer emulating Cicero's descriptions of magisterial elections, he goes on to imbue this case with other distinctly republican electoral elements as I will now show. This declaimer creates the atmosphere of popular and freely determined elections.

b) Bribery

The declaimer of *Decl. min.* 252 not only employs terms such as *iudicium populi* and *comitia* to frame the appointment of the priestess as akin to a republican popular assembly, but he also integrates other elements associated with republican elections. This strategy moves beyond the isolated use of republican terms we have observed so far (e.g., *Quirites*), and instead invokes a broader portrait of magisterial elections which had become increasingly rare under the Empire.

In §§10–21, the declaimer questions whether the rich man or his parasite is responsible for the unwritten wrongdoing against the poor man's daughter. At §19, he explicitly compares the election of the priestess to political elections for a magistracy or province, which he suggests are rife with corruption:

> §19 Ac tamen in ceteris, petentes magistratus dico atque provincias, possitis tribus emere, dispersa pecunia parare gratiam; ubi vero de sacerdotio quaeritur et iudicium religio agit, illam populus spectat, illam intuetur quae semper futura sit virgo, quae a cultu templorum, a sacris non recessura.
> Even so, in other matters, when you are seeking magistracies and provinces I mean, you might buy the tribes and get popularity by scattering money. But when a priesthood is in question and religion makes the decision, the people has in view a woman, looks at a woman, who is always going to be a virgin, who will not abandon the cultivation of temples, the rites.

Here, the declaimer contrasts the moral criteria for appointing a priestess with those for electing political candidates. A priestess, he argues, is elected for chastity and religious devotion; a political candidate, for his ability to bribe and garner popularity. The declaimer accentuates his description of corrupt electoral practices with harsh, alliterative *p*'s. This imagery unmistakably evokes the widespread corruption associated with late republican political elections. Scholars including Yakobson have demonstrated that during the late Republic, electoral bribery was rampant, particularly amongst the urban plebs voting for higher level magistrates in the *comitia centuriata*.[104] In this context, Yakobson highlights the common rhetoric of buying and selling the support of voting units.[105] The declaimer similarly makes use of such language, when he deploys the distinct idiom, *tribus emere* ('to buy tribes'). Shackleton Bailey suggests that this idiom refers to the voting units by which the *comitia* at Rome were divided, further embedding his argument in a Roman framework.[106] The declaimer paints a vivid picture of electoral canvassing grounded in late republican practices.

During the High Empire, the prevailing cultural memory of republican elections was of the commodification of votes. Appian, for example, reflects on late republican politics: 'shameless bribery and corruption were particularly prevalent at the time, and the people themselves went to the elections having sold their vote'.[107] Similarly, Juvenal remarks that the people long ago stopped selling their votes: *iam pridem, ex quo suffragia nulli / vendimus, effudit curas* ('it's way back that they discarded their responsibilities—since the time we stopped selling our votes').[108] Whereas Appian and Juvenal describe the people selling their vote, the declaimer shifts the focus to the rich man, depicting him as the purchaser of the people's vote. Nonetheless, the underlying idea is the same. Both these contemporary authors frame the purchasing of the people's vote as a particularly republican political practice. This aligns the declaimer's portrait of elections with republican practices, but crucially, he presents this as part of his present-day world (*petentes*) unlike Juvenal's framing of electoral bribery as a relic of the past (*iam pridem*).

[104] Under the law, bribery encompassed a wide range of activities, including distributing largesse, holding banquets and games, and paying people to greet a political candidate.
[105] Yakobson 1999: 41 n. 54 provides an extensive list of this language of buying and selling votes at Rome.
[106] Shackleton Bailey 2006: 79 n. 10.
[107] App. *B Civ.* 2.19.
[108] Juv. 10.77–78. All translations of Juvenal are taken from Braund 2004. Luc. 1.178–80 and Tac. *Dial.* 37 similarly speaks of this in the past.

Winterbottom rightly observes that this description is an anachronism after 14 CE, which, as has been noted, was when elections were transferred from the people to the Senate.[109] This shift rendered the use of bribing the *populus* obsolete; candidates instead needed to influence senators and the *princeps*.[110] According to Tacitus, 'the senate, relieved from the necessity of buying or begging votes, was glad enough to embrace the change' (*senatus largitionibus ac precibus sordidis exsolutus libens tenuit*).[111] By this time, elections had become largely ceremonial, and the people's support no longer held significant value. As Jones boldly argues, '*ambitus* became rare when the elections were transferred to the Senate and died out altogether when they came completely under imperial control'.[112] Augustus himself took measures to curb electoral corruption by directly subsidising candidates, while the practice of *commendatio* (imperial commendation) further reduced the necessity for electoral canvassing.[113] By Trajan's reign, imperial control over consular elections was 'taken so much for granted that the *princeps* could be said to make magistrates and give consulates.[114]

The declaimer's republican portrait of electoral bribery, however, is followed by a striking statement that shows either ignorance or omission of existing bribery legislation. In the epilogue, designed to rouse pity for the poor man, the declaimer laments:

> §23 Quota enim ego sum portio istius indignationis? … Sed populus perdidit arbitrium dandi honoris, sed sacerdotem creavit quam paulo ante noluit. Ite nunc et excludite campo divites et corrumpi sacra vetate, de ambitu leges conscribite.
> For how small a part am I of this outrage! […] But the people has lost its free choice in the bestowal of an honour, it has elected a priestess whom a little earlier it did not want to elect. Go now and exclude rich men from the campus, forbid that our religious institutions be corrupted, draft laws against bribery.

[109] Winterbottom 1984: 317.
[110] Mouritsen 2001: 100. Plin. *Ep.* 2.9.5, for instance, speaks of soliciting the votes of friends, not the *populus*.
[111] Tac. *Ann.* 1.15. Trans. Moore and Jackson 1931. See also Vell. Pat. 2.126.
[112] Jones 1972: 96.
[113] Suet. *Aug.* 40.2. *Commendatio* is a contested subject: Jones 1955; Lacey 1963; Levick 1967; Holladay 1978.
[114] Levick 1967: 208. Staveley 1972: 221. Plin. *Pan.* 92.3, 61.5–7. See also *Lex imp. Vesp.* 4 for the legislation of *commendatio* and *suffragatio* in imperial elections.

The declaimer bemoans the loss of the people's agency in determining the appointment of the priestess. Notably, the language of *comitia* or *iudicia populi* is absent.[115] Instead, the declaimer seems to apply a republican lens only to the appointment of the poor priestess, and not the daughter of the rich man. To combat the people's erasure of electoral freedom, he sarcastically suggests removing the rich man from the *campus* and drafting laws against bribery (*de ambitu leges conscribite*). For a *controversia* so steeped in republican electoral practices, this suggestion is a strange equivocation, given the long history of Roman *ambitus* laws passed during the Republic and the Empire (*lex Poetelia* 385*, lex Cornelia Baebia* 181*, lex Cornelia Fulvia* 159, *lex Calpurnia* 67*, lex Tullia* 63*, lex Licinia* 55, *lex Iulia de ambitu* 18, 8 BCE).[116] These laws remained nominally in effect during the High Empire, even if jurists like Modestinus claimed that they were no longer a concern in the third century CE.[117] Perhaps the declaimer's oversight of these laws is part of his broader argumentative strategy: while republican bribery laws applied to magistrates, he suggests extending them to priestly elections.[118] This blending of historical practices with creative fiction exemplifies the world of Romano-polis—a world that is neither wholly republican nor entirely imperial, but a complex fusion of Roman, Greek, and fictional elements.

d) The breeze of the people

If *Decl. min.* 252 suggests that bribery could guarantee the people's vote, *Decl. min.* 352 contends that the vote of the people was ultimately unpredictable. In this scenario, a community suffers two defeats in battle under an unsuccessful military commander. Later, a rich, young man leads a band of enslaved individuals and clients into battle and secures victory. Upon his return to the community, however, he refuses to lay down his arms. The former military commander calls for the city gates to be closed against him. The young man is subsequently prosecuted for attempting tyranny.

[115] The declaimer uses the term *creare,* cf. *OLD* s.v. 5 'to appoint (a magistrate, etc.)'. This term does refer to the appointment of a position, but it does not carry the same republican resonances as I have argued for above, although see *TLL* s.v. 1164.59–84.
[116] Riggsby 1999: 21–49; Harries 2007: 59–71.
[117] *Dig.* 48.14.1pr. Ulpian similarly implies at *Dig.* 42.1.57 that magistrates were solely appointed by the emperor.
[118] Riggsby 1999: 21.

At the outset of his argument, the declaimer embellishes the appointment of the first, unsuccessful military commander with a *color*. Just as we have seen with the priestess in *Decl. min.* 252, the declaimer portrays this general as a candidate democratically elected by the people in *Decl. min.* 352:

> §1 Cum autem subito bellum incidisset, factum alium ducem non iudicio sed quodam casu et incerta populi aura (nec sane vacasse tam <in> subito dilectum ducum agere)—factum ducem qui nullum militiae usum haberet; nec aliunde victam duobus proeliis urbem.
> On the sudden outbreak of war, someone else was appointed to the command, not by judgment but by some chance and the people's fickle whim (and to be sure in such an emergency there was no time to pick and choose commanders)—a commander was appointed who had no military experience; and for no other reason the city was defeated in two battles.

The declaimer vividly evokes the volatility of the people's vote, using language that compares it to the unpredictability of nature. He characterises the vote as lacking *iudicium* and describes it as an *aura*, which equates the people's favour to a fickle breeze.[119] This is a *topos* of late republican literature that critiques the mutable nature of political elections and votes in the *comitia*.[120] Cicero, Livy, and Horace provide suggestive models for this *topos*. Livy, for instance, applies it to describe the corrupt demagogue, Gaius Terentius Varro (cos. 216 BCE), who secured the capricious support of the people to pass a bill in the *concilium plebis*: *haud parum callide auram favoris popularis ex dictatoria invidia petiit scitique plebis unus gratiam tulit* ('with no little cunning, he attempted to exploit the animosity against the dictator to win over the fickle support of the masses, and he alone reaped the credit for the passing of the resolution').[121] This *topos*, though prevalent in republican authors, is rare in imperial Latin authors and even then, it is used to refer to republican politics. For example, Lucan describes Pompey being carried by the whims of the people (*totus popularibus auris /*

[119] *OLD* s.v. 3a.
[120] See *TLL* s.v. 1479.50–76, e.g. Cic. *Har. resp.* 43; Livy 3.33.7; Hor. *Epist.* 1.19.37, *Carm.* 3.2.20 (on which see Nisbet and Rudd 2004 *ad loc.*). We might also expect *ventosus* (*OLD* s.v. 5a). Relatedly, republican authors refer to political elections as though an unpredictable storm: Cic. *Mur.* 35–36 (quoted at Quint. *Inst.* 8.3.79, 8.6.49), *Planc.* 10, 11, 15, *Q.fr.* 3.1.16. Yakobson 1999: 92–94.
[121] Livy 22.26.4. Trans. Yardley 2019. See Briscoe and Hornblower 2020 *ad loc*.

impelli).[122] In light of this, the portrayal of the general's political campaign as relying on the popular vote aligns closely with these republican models of electoral volatility.

By contrast to the republican *topos* of the people's favour as an *aura*, the imperial period saw a more predictable electoral landscape. This change was partly due to the deprivation of popular voting under the Empire and the increasing role of *commendatio*, which we earlier noted, pre-selected candidates for magistracies. With *commendatio*, the electoral process left little room for uncertainty. According to Yakobson these changes were part of the *princeps*' attempt to 'politically emasculate' the people.[123] Whereas during the Republic, mechanisms like the secret ballot ostensibly freed the people to choose their candidate, even as they accepted bribes from others.[124] Yakobson notes, 'the voter could not be held to his promise, or penalised for his failure to keep it; nor could he be asked – or pressured – to vote for a candidate upon a promise to pay him later'.[125] This fostered a prevalent concern, articulated by republican authors, about the mutable and uncertain verdict of popular elections.[126]

The atmosphere of republican electoral practices during the High Empire merits further discussion. The speakers of the *Minor Declamations* are not isolated in forging a link to republican electoral practices. Pliny the Younger, in his *Panegyricus*, celebrates the liberties restored under Trajan's new principate, including electoral freedoms, when Trajan refused the consulship for a third time: *contigit ergo privatis aperire annum fastosque reserare, et hoc quoque redditae libertatis indicium fuit, quod consul alius quam Caesar esset. Sic exactis regibus coepit liber annus, sic olim servitus pulsa privata fastis nomina induxit.* ('and so private citizens enjoyed the honour of opening the year and uncovering the official calendar, and this too was proof of liberty restored: the consul now need not be Caesar. The year began in freedom in the same way after the kings were expelled, long ago when the appearance of individual names in the calendar marked the end of servitude').[127] Pliny's language is steeped

[122] Luc. 1.132–33; Sil. *Pun.* 7.512 (perhaps drawing an intertext with Lucan, or with Verg. *Aen.* 6.816); Quint. *Inst*. 11.1.45. The exception is Sen. *Phaed.* 488.
[123] Yakobson 1999: 227.
[124] Cic. *Planc.* 16. Although, the candidate could withhold the bribe until after the outcome of election to incentivise voters, but this was not the most common strategy. See further Yakobson 1999: 139–143; Mouritsen 2001: 111–112.
[125] Yakobson 1999: 139.
[126] See Mouritsen 2001: 98 'a striking feature of late republican elections is the genuine uncertainty about the outcome of these events'.
[127] Plin. *Pan.* 58.3. Cf. *Pan.* 63.1, 93.1 on consular elections.

in republican imagery (e.g., *redditae libertatis*),[128] and he equates Trajan's refusal to hold the consulship with the foundation of the Republic.[129] This effacement between Empire and Republic is made clear elsewhere, when Pliny states 'they live in the "same republic" (*eadem res publica*) as a "Papirius or a Quinctius"'.[130] Both the *Minor Declamations* and their contemporary, the younger Pliny, achieve the same effect of reviving the political elections of the Republic in their texts. But they do so in different ways. Pliny focusses on electoral freedom only for the senate, displacing the people of Rome, and thus makes Trajan a paradoxically republican *princeps*.[131] The *Minor Declamations* takes a different approach. The text grants the people of Romano-polis the full extent of comitial powers that the *populus* had under the Republic—the right to vote on conviction or acquittal for criminal cases, the ability to vote on proposed legislation, and the power to elect candidates for magisterial office—and it expands upon them. The Roman people never had the right to vote for a priestess, but in *Decl. min.* 252 the citizens of the declamatory world do. In so doing, the world of Romano-polis takes on a republican hue, reviving a distinctly republican political ethos and recasting it in their fictional world.

5. Tablet-based voting

a) Elections

The final section of this chapter builds on previous claims about the comitial and popular assemblies of Romano-polis. It argues that the methods of voting in the assemblies and law courts of this textual world are rendered in an equally republican light. One of the most compelling examples of this is the repeated mention of *tabellae*, which in a political context denoted wooden tablets covered in wax, on which a vote was inscribed and cast.[132] These tablets were introduced during the second century BCE at Rome under a series of laws (*leges tabellariae*) which made voting, for the first time, written and theoretically secret.[133] Three

[128] Augustus co-opted this language. E.g., *Res. Gest.* 1.1, 34.1.
[129] Another equation of Trajan with the Republic appears at Plin. *Pan.* 93.2–3: *licet enim, quantum ad principem, licet tales consules agere, quales ante principes erant* ('so far as rests with our prince, the consuls are free to fulfil their role as they were before the days of emperors').
[130] Gowing 2005: 122, quoting Plin. *Pan.* 57.5.
[131] Gowing 2005: 120–131; Wilkinson 2012: 21–27.
[132] *OLD* s.v. 4.
[133] Cic. *Leg.* 3.33–39, *Amic.* 42; Yakobson 1995: 426–442 surveys the evidence for these laws and provides an overview of recent scholarship.

laws established the use of the ballot in the key Roman assemblies: first, the *lex Gabinia* (139 BCE) pertained to electoral voting; shortly following, the *lex Cassia* (137 BCE) implemented ballot-based voting in legal trials before the people; and last, the *lex Papiria* (130 BCE) targeted votes on legislative proposals in deliberative assemblies.[134] Pliny the Younger demonstrates that the memory of these laws persisted under the High Empire, and was one of fierce controversy: *meministine te saepe legisse, quantas contentiones excitarit lex tabellaria?* ('you must often remember reading about the fierce controversy roused by the Ballot Act').[135] The *Minor Declamations* incorporates each of these uses of the *tabellae* into its world; however, I will argue that only one of them carries a specifically republican resonance and another a generic Roman usage.

Let us return once again (for the last time) to *Decl. min.* 252. We have noted that this *controversia* is laden with republican terms and vignettes on the nature of elections. The declaimer incorporates an additional level of detail when he describes the use of voting tablets in elections in a commonplace on rich men:

> §§18–19 Sed haec intra privatum valent: cum in publicum veneritis et in campum, spectabitur innocentia, fides. Forsitan gratiae quoque non parum nobis adfert ipsa tenuitas ubi tabellam pauperes ferunt; tum subit tacita quemque cogitatio superbiae vestrae, tum omnium quas singulis facitis iniuriarum.
> But all this carries weight only in a private context; when you come into the public, into the campus, regard will be had to innocence and good faith. Perhaps our very meagreness brings us no little favour when poor men cast their votes. Then it is that the silent thought of your haughtiness comes into each man's mind, the thought of all the wrongs you people do to individuals.

Here, the declaimer states that the rich man is judged differently in a private and a public context. The public context to which he is referring can be understood as a political election. The phrase (*in campum*) reminds us that we are situated in the arena of political elections, and it underscores the republican site of elections. He also refers to the act of voting (*ubi tabellam pauperes ferunt*), which Pasetti correctly notes is a reference to 'the tablet on which

[134] See *OLD* s.v. 4a–c for the differing uses of these tablets.
[135] Plin. *Ep.* 3.20.1. Cf. Sherwin White 1998 *ad loc.* here notes that Pliny is specifically gesturing to 'accounts of republican history'.

voters wrote the name of the chosen candidate'.[136] Further, the declaimer seems to highlight the secret nature of this system. He depicts the voters as experiencing *tacita …cogitatio* ('silent thought') in contrast to his earlier mention of the open voting system (§14 *palam sententiae*) of the *iudicium populi*.

This *controversia*—as we have repeatedly found in the *Minor Declamations*—is anomalous within the broader Latin declamatory corpus in its inclusion of *tabellae*. There is only one other instance, when in the Elder Seneca's *Controversiae* Latro refers to the use of ballots in deciding the outcome of a legal trial (not an election as in *Decl. min.* 252) in a related case on rape:[137] *iudex quam tulit de reo tabellam revocare non potest* ('a judge is not able to take back a vote he casts on an accused').[138] Leigh argues that in this passage is a veiled constitutional critique on the temporal limitations of powers which hinges on the word *civile* (*nihil tam civile, tam utile est quam brevem potestatem esse, quae magna est*; 'nothing is so in accord with civilised practice and expediency than that great power should be brief').[139] This was a key concern during the early years of the principate. Where Seneca's Latro refers to the finite nature of a singular judge casting his *tabella* with a potent subtext on the autocracy of the principate, *Decl. min.* 252 conveys a sense of the power of the *populus* in determining an election and in doing so conveys the atmosphere of the Republic, when voting was more secret and more free. This implicitly draws a contrast between the imperial and republican systems.

While secret voting was a core aspect of republican elections, it appears to have largely fallen into disuse by the High Empire. Although little is known about the operation of elections during the early imperial period, there is some evidence which indicates wax tablets were initially used by the *equites* and senate.[140] By the High Empire, Talbert writes of electoral voting as 'entirely open in the customary senatorial style'.[141] This is confirmed by Pliny's letters. In a letter to Maesius Maximus, Pliny draws a stark contrast between past and present

[136] Pasetti 2019: 254. Winterbottom 1984: 317 makes no comment on the matter.
[137] Sen. *Contr.* 7.8 pr.: *Rapta producta nuptias optavit. Qui dicebatur raptor negavit se rapuisse. Iudicio victus vult ducere; illa optionem repetit* ('A girl who had been raped was brought to court and asked for marriage. The alleged ravisher said he was not responsible. The judgement has gone against him; he is ready to marry her—but she wants to have her choice over again').
[138] Sen. *Contr.* 7.8.7. See also Albucius' comments at Sen. *Contr.* 7.8.1.
[139] Leigh 2021: 140–146.
[140] *Lex Valeria* (5 CE), see above n. 102. Sherwin White 1998: 260.
[141] Talbert 1984: 343.

voting. He implies that oral voting had become standard practice in recent years, but that Trajan re-introduced wax tablets into political elections with the unanimous approval of the senate: *At nunc in senatu sine ulla dissensione hoc idem ut optimum placuit: omnes comitiorum die tabellas postulaverunt. Excesseramus sane manifestis illis apertisque suffragiis licentiam contionum* ('yet today the merits of the act have won the unanimous approval of the Senate. On the day of the elections everyone demanded voting-papers, for on the last occasions when we had publicly recorded our votes aloud we had certainly exceeded the disorders of the people's assemblies').[142] This should come as no surprise given that we have earlier seen Pliny representing Trajan as a *princeps* especially keen on harking back to the language of republican electoral precedents.[143] Then again, the ballot was short-lived: in his following letter to Maesius Maximus, Pliny writes that the secret vote had given way to jokes and abuse.[144] The declaimer's description of the people voting by secret ballot in a political election is closer to the republican system of secret voting than it is to the contemporary imperial practice of open, oral voting. The textual world of the *Minor Declamations* is infused with archaic, republican features largely absent during the High Empire. But the Republic is not the only reference point for this hybrid, imaginary world.

b) Convictions

The final case study of this chapter serves as an epilogue which explores the way in which Roman and Greek elements are not only incorporated but blended within the landscape of Romano-polis. My point here is not to examine republican institutions in the text, but rather to underscore the cultural hybridity of this 'Romano-polis'. In so doing, it serves to remind the reader that my claim throughout this chapter—and indeed the thesis as a whole—is not that the Republic is the sole reference point for the world of the *Minor Declamations*. Instead, the Republic is one of many influences, although it sounds the loudest.

The scenario in *Decl. min.* 386 unfolds in a fictionalised Athens of the mid-fourth century BCE, where the general Iphicrates is charged with *vis* for bringing his sword into the court of King Cotys of Thrace. This episode reimagines Iphicrates' historical accusation of high

[142] Plin. *Ep.* 3.20.2–3. Sherwin White 1998: 259 places this letter in 103 or 104 CE.
[143] Plin. *Pan.* 69–74.
[144] Plin. *Ep.* 4.25. See further Tacoma 2020 on these letters of Pliny as an insight into the use of humour in elections and Beard 2014: 131.

treason. Both the declaimer's argument here and Seneca the Elder's treatment of the same fictionalised scenario, manipulate and distort the cultural memory of this Greek event.[145]

The argument in *Decl. min.* 386 is an abridged attack on Iphicrates. The declaimer begins by condemning Iphicrates' actions, emphasising how he has disrupted the judicial process:

> §1 Non tulimus tabellas, sed fugientes proiecimus; non iudices reum absolverunt, sed reus iudices.
> We didn't cast our voting tablets but threw them away in our flight. The jury didn't acquit the defendant, the defendant acquitted the jury.

In this passage, the declaimer inverts the roles of defendant and jury. He portrays Iphicrates as an intimidator who forces the jurors to acquit him, subverting the course of justice in the process. In the Senecan passage Iphicrates is similarly depicted as passing judgement on the jury: *nemo iudicum tuorum non sic timuit tamquam tu de illis iudicaturus esses* ('all of your judges were afraid, as if it was you who was going to judge them').[146] While *Decl. min.* 386 clearly borrows this imagery from Seneca's declamation, it adds a critical detail absent from Seneca's account: the declaimer refers to the jury throwing away their *tabellae*. The phrase, *tulimus tabellas*, invites a direct comparison with the language in *Decl. min.* 252.19 (*tabellam…ferunt*) but the context here shifts from electoral ballots to the wax tablets on which jurors cast their votes.[147] This specific reference transforms the scenario into a distinctly Roman depiction, overlaying a Roman judicial practice onto an ostensibly Athenian setting.

Athenian juries did not use wax tablets for acquittal or conviction.[148] Instead, dikastic voting took place by pebbles (*psephoi*).[149] According to the *Athenian Constitution* attributed to Aristotle, jurors cast their votes using whole and perforated pebbles to indicate acquittal and conviction, respectively.[150] The declaimer's decision to replace pebbles with Roman-style

[145] Sen. *Con. ex.* 6.5.
[146] Sen. *Con. ex.* 6.5.
[147] Greenidge 1901: 497.
[148] Although it should be noted that after conviction in Greece, the jury did vote on penalties proposed by the prosecution and defence by drawing on a 'penalty tablet' (*pinakion*) Cf. LSJ s.v. *pinakis*. A long line indicated the more severe punishment, whereas a short line signified the lesser penalty. See Arist. *Pol*. 1268a2. A scene in Ar. *Vesp.* 106, 167 features this practice. MacDowell 1971: 146, 154; Sommerstein 1983: 162, 167.
[149] LSJ s.v. 5.
[150] Arist. [*Ath. Pol.*] 68–69. Avilés and Mirhady 2013 provide an overview of Greek law courts.

tabellae reflects not *interpretatio Romana*, but an imposition of Roman judicial norms onto a Greek setting. Rome itself had a comparable practice of voting by pebbles (*calculi*), distinguished by their dyed colours.[151] Such practices persisted during the High Empire, making it plausible that the declaimer was aware of them.[152] Thus, the use of *tabellae* is particularly anachronistic in the context of fourth-century BCE Athens. As has been earlier noted, *tabellae* were not introduced in Rome until the second century BCE. By incorporating *tabellae* into his argument, the declaimer weaves Roman elements into the Greek narrative, subtly generating a hybrid culture in Romano-polis.

This is not the only element of the case where Roman elements are interwoven into the fictional, Greek setting. Towards the end of the declaimer's brief speech, he refers to Iphicrates' courtroom attire:

> §1 Qualis in iudicium venis? Ego illum habitum reorum <non> noveram.
> In what shape do you come to court? I did <not> know of defendants dressed like that.

As Winterbottom notes, the declaimer here alludes to the distinctly Roman practice by which defendants, their families, and occasionally supporters wore dirtied or dark clothes (*sordes* or *squalor*) to elicit sympathy in court.[153] Elsewhere in the text, it is more explicitly mentioned (*Decl. min.* 328.15 *reum me detulit, sordes mihi induit, ad iudicem vocavit*; 'he brought me to trial, made me put on mourning garb, summoned me before the judge'). This custom, widely adopted during the late second and early first centuries BCE, persisted into the imperial period.[154] By contrast, such practices were uncommon in ancient Greece. As Hall notes, 'parallels in Greek culture are difficult to find'.[155] In fact, the fourth century BCE speech writer, Isaeus, attests that litigants maintained a neat appearance in court.[156] This

[151] *OLD* s.v. 5a, *TLL* s.v. 141.78–142.19.
[152] Quint. *Inst.* 8.3.14; Plin. *Ep.* 1.2.5; Apul. *Met.* 6.31, 10.32. Yet Ov. *Met.* 15.41–44 classifies voting by pebbles as an ancient practice (*mos erat antiquus*). It is interesting to note that Plin. *HN* 7.131 links this practice specifically with Thrace, considering the declamatory connection to Thrace.
[153] Sen. *Contr.* 10.1.7; Quint. *Inst.* 6.1.33. Olson 2017: 97–98 notes that they might further grow out their hair and beard and not wash. See also Hall 2014: 40–63; Bablitz 2007: 84 n. 85.
[154] Gell. *NA* 3.4.1 suggests that *sordes* were first adopted in the second century BCE. While Cic. *Red. sen.* 31 might point to its later implementation. In any case, there is a wealth of evidence from the later republic: Cic. *Clu.* 18, *Mur.* 86, *Sull.* 88, *Verr.* 2.1.152, 2.5.128, *Lig.* 33, *Scaur.* 49, *Rosc. Am.* 147.
[155] Hall 2014: 62–63.
[156] Isae. 5.11.

Romanisation of Iphicrates' attire adds another layer of cultural blending, further contributing to the rich amalgam of Romano-polis. Through its Romanisation of both legal practices and courtroom customs, *Decl. min.* 386 exemplifies the broader cultural interplay that defines Romano-polis. This is an imaginary construct of a world that is imbued with Greek history, republican political institutions, and generic Roman cultural practices—a world that is neither wholly republican, nor imperial, neither wholly Greek, nor Roman but distinctively hybrid.

6. Conclusions: Revisiting Romano-polis

This chapter has introduced readers to the alien world of the *Minor Declamations*—its laws, scenarios, characters, and its uniquely democratic constitution—and what distinguishes it from other Latin declamations. It has suggested that the world this text creates is perhaps not so alien after all, but a world which feels far closer to Rome than Greece. Given the consistent integration of implicit, and in some cases (*Decl. min.* 340 and 341) explicit, Roman and Greek elements, I have proposed the term Romano-polis as a useful framework for conceptualising this imaginary world. The chapter concentrated on unpicking one particular thread of Romano-polis: the way in which its universe is often shaped by republican institutions that were largely archaic by the High Empire. To illustrate this, I have examined numerous examples where declaimers—and occasionally the scenarios of the text itself (*Decl. min.* 380)—are coloured with republican political and legal elements. For instance, we began with the repeated use of the term *Quirites* (*Decl. min.* 253, 254, 379), which transforms both speaker and audience in an antiquated republican citizenry assembly. This term often underscores other republican features in the text (including *provocatio* and republican legislative assemblies). Additionally, I presented an extended case study of *Decl. min.* 252, analysing its depiction of bygone legal jurisdictions (*iudicia populi*), comitial assemblies, and voting procedures (*tabellae*).

Efforts to isolate republican elements within these *controversiae* often reveal their intricate interweaving with other cultural and historical features. This interplay has been a central focus throughout the chapter. In *Decl. min.* 379, the declaimer simultaneously invokes the Roman right of *provocatio*, which was closely bound up with the Republic, and Augustus' imperial *lex Iulia de adulteriis*. Similarly, in *Decl. min.* 252, the declaimer provides a layered depiction of republican magisterial elections while also advocating for laws against *ambitus*,

thus overlooking the laws ratified long ago under the Republic. In another example, *Decl. min.* 386 blends Greek history with fictional elements, in addition to Roman legal and cultural practices. These case studies have revealed the underlying republican constitution of Romano-polis just as much as they have demonstrated its rich cultural hybridity.

Writing in the period contemporary with the *Minor Declamations*, Tacitus reflects on 14 CE: *quotus quisque reliquus, qui rem publicam vidisset?* ('how many were left who had seen the Republic?').[157] By the High Empire, how many indeed were left who remembered the Republic's political institutions? One notable pattern in the *Minor Declamations* is the clustering of these examples around the democratic role of the *populus* in popular assemblies—a feature that reflects the bygone atmosphere of a sovereign people in republican politics, as opposed to the senatorial voting or the increasing political hegemony of the *princeps* during the imperial period. In the *Minor Declamations*, the *populus* retains full powers to vote on legislative matters, political elections, and criminal convictions. I have also noted where this representation diverges from other Latin declamations, such as those of Seneca the Elder. Throughout this chapter, one recurring model for the declamatory representation of the Republic has been evident: Cicero. The text frequently draws on arguments, language, and imagery reminiscent of the famous republican orator. That is the task of the next chapter, which will explore how this is one of the crucial ways in which the *Minor Declamations* orientates itself in relation to the Republic—by imitating the great republican orator, Cicero.

[157] Tac. *Ann.* 1.3.7-4.1.

CHAPTER TWO

Cicero's Catilinarian Orations

> Hunc igitur spectemus, hoc propositum nobis sit exemplum, ille se profecisse sciat cui Cicero valde placebit.
> Let us fix our eyes on him, let him be the model we set before ourselves; if a student comes to love Cicero, let him assure himself that he has made progress.
>
> Quint. *Inst.* 10.1.112

1. Introduction

a) Preface

In the previous chapter, I set up the world of the text and a framework for thinking through the republican colouring that is given to the constitution of the *Minor Declamations*. I pointed out that many of the institutions conjured up within the text had waned under the Empire, thus becoming reminiscent of the politics of the past. The very architecture of this world is imbued with a republican tenor. In this chapter, we will examine how literary interactions in the *Minor Declamations* follow a similar pattern, focussing on the most important rhetorical figure the declaimers were taught to imitate — Cicero. Through a series of six case studies, I examine literary imitations from the height of Cicero's political and oratorical career in 63 BCE, when as consul he quashed the Catilinarian conspiracy. This was a significant historical and literary moment in the cultural memory of the Republic.[1] Allusions to the Catilinarian orations in the *Minor Declamations* are yet to be acknowledged in scholarship. To this end, I have included an appendix that cites all the Ciceronian allusions discussed in this chapter.[2]

[1] Berry 2020: xxiv is sceptical that this was 'one of the most important events […] of the late Republic'. Rather, he views it as 'an event of huge significance for Cicero'.
[2] See Appendix A: Ciceronian allusions in the *Minor Declamations*.

Before we trace this Catilinarian thread woven throughout the compilation, I will sketch a picture of how the *Minor Declamations* treat Cicero in general. How would the declaimers previously have encountered him in their schooling? What is the declamatory culture surrounding Cicero? What is the literary culture surrounding Cicero at this time? In addition, this chapter provides a working methodology for allusion and what it means for cultural memory.

b) The shadow of Cicero

Cicero is named only twice in the *Minor Declamations*. Unlike in Seneca's collections, no declamation offers a scenario based on his life.[3] He is first mentioned in *Minor Declamation* 268, in a case concerning an orator, physician, and philosopher who are in dispute over their father's property. Only one of the three sons can inherit and this is to be determined by their contribution to the community. The surviving declamation is given in the persona of the physician-son. The declaimer leans on *exempla* to make his case. First, against his philosopher brother (§7), he parades a list of the most excellent Republican figures—Fabricii, Curii, Decii, Bruti, and Camilli—who demonstrate the futility of philosophical training, and then he invokes Socrates and his students—Critias and Alcibiades—whose philosophical training led them to tyranny.[4] As we will see in the following chapter, the declaimer is fixated on Roman Republican figures. Here, he refers to them in the generalising plural. Next, against his orator brother, he calls up orators whose eloquence brought about their own death. He first mentions the Gracchi (§19), and then provides two more examples, one Greek and one Roman:

> §20 Nonne Demosthenen illum oppressum veneno suo scimus, nonne Ciceronem in illis in quibus totiens placuerat rostris poena sua expositum?[5]
> Do we not know that Demosthenes was destroyed by his own poison and that Cicero was exposed by his punishment on the Rostra where he had so often found favour?

[3] Sen. *Contr.* 7.2, *Suas.* 6, 7. Seneca and his declaimers mention Cicero's name over 100 times in the collection, e.g., 1 pr. 12, 2.4.4.
[4] These are figures that Cicero would call on as *exempla*, e.g., Cic. *Sest*. 143, *Cael*. 38.
[5] Similar expressions of the irony of Cicero's death can be found at Sen. *Suas*. 6.17, 6.21, 6.26. For the pairing of Demosthenes and Cicero's deaths see Plut. *Vit. Dem.* and *Cic.* 5; Juv. 10.114–32.

The declaimer here refers to the death of two of the most renowned ancient orators: the Athenian orator Demosthenes, who committed suicide, and the violent dismemberment of Cicero under the so-called Second Triumvirate's proscriptions.[6] After Cicero's death, his severed head and hands were displayed upon the *rostra* for all to see.[7] This passage leaves little doubt that the declaimers had knowledge of Cicero's and Demosthenes' deaths. The use of *nonne* implies the expected answer 'yes', indicating that both declaimer and his audience were indeed aware. Latin declamation had an enduring fascination with Cicero's death, which was clearly well known to this declamatory audience.[8]

The second reference to Cicero appears in the final *controversia* of the collection (*Decl. min.* 388). In another case relating to testaments, a son who was thought to have died claims his inheritance from his deceased father. His grandmother recognises him, but his mother does not. The teacher suggests in his *sermo* that the declaimer use Ciceronian oratory as a model to characterise the mother:

> §32 In matrem et illa Cicero dixit: "**mater enim a me, tametsi in hunc hostili odio et crudelitate est, mater, inquam, appellabitur".**
> Cicero too said against a mother: "I shall call her his mother, yes, his mother, though in hatred and cruelty she is his enemy."

As commentators note, the declaimer here reproduces a line from Cicero's *Pro Cluentio*.[9] In 66 BCE, Cicero defended Cluentius Habitus on a string of poisoning charges against his stepfather, Oppianicus, and his own mother, Sassia. Part of his defence tactic was to cast Sassia as a cunning woman, akin to the *noverca* of the dramatic stage.[10] Early on he claims:

[6] Van der Blom 2019: 365 briefly mentions Cicero as a historical *exemplum* in this declamation. Santorelli 2016: 300 notes the later echoes throughout Juv. 10.
[7] The death of Cicero is described at App. *B Civ*. 4.19–20; Cass. Dio 47.8; Plut. *Vit. Cic*. 48–49; Val. Max. 5.3.4; Vell. Pat. 2.66.
[8] Sen. *Contr*. 7.2, *Suas*. 6, 7; Quint. *Inst*. 3.8.46. For declamation and the literary tradition of Cicero's death see Roller 1997, Wright 2001, Keeline 2018: 102–146 respectively argue that declamation helped shape and create the literary tradition of Cicero's death.
[9] Winterbottom 1984: 594; Shackleton Bailey 2006: 444–445 n. 51. Winterbottom 2018: 73 n. 5 claims this allusion is 'not very impressive'.
[10] Ige 2003.

> Nam Sassia, mater huius Habiti — **mater enim a me** in omni causa, **tametsi in hunc hostili odio et crudelitate est, mater inquam, appellabitur,** neque umquam illa ita de suo scelere et immanitate audiet ut naturae nomen amittat. (*Clu.* 12)
> For Sassia, mother of my client Habitus—as a mother I shall call her throughout this case, yes, his mother, though in hatred and cruelty she is his enemy, nor shall the recital of her monstrous crimes ever deprive her of the name which nature has bestowed upon her.

The quotation is unmistakable. The passage implies a high degree of intimacy with Cicero's writings.[11] The teacher notes that this is from Cicero, but the fact that he does not mention from where this statement originates and even cites it perfectly from memory (even omitting the section that doesn't fit the declamation) suggests both an audience and teacher who were well acquainted with the *Pro Cluentio*.[12] In these passages, we have a different kind of invocation of Cicero—not a student's *exemplum* that gestures to assumed knowledge of Cicero's death, but the teacher's detailed knowledge of the *Pro Cluentio*. Such a tally hardly indicates that Cicero exerted a significant influence over this text, and neither citation refers to the Catilinarian conspiracy. Yet, I shall argue that Cicero's Catilinarians have a role to play in the background of this declamatory text.[13]

Scholars have been reluctant to examine and properly acknowledge Catilinarian allusions, as well as Cicero more generally, in the *Minor Declamations*. For instance, in Winterbottom's survey of Cicero in the Silver Age, he notes that 'it is interesting that when we come to the *Minor Declamations* […] only a very restrained use is made of Ciceronian tags' and that 'Cicero is not much employed in the *Minor Declamations*'.[14] Similarly, in a recent monograph, Keeline states: 'the *Declamationes Minores* ascribed to Quintilian almost completely lack such tags' referring to Cicero.[15] But Pasetti is right to claim that the first and the most obvious presence in this text is Cicero.[16] Several allusions to Cicero's various works have been noted in the *Minor Declamations*. Winterbottom catalogues three instances: the

[11] This is not the only echo of Cicero in this *controversia*. *Decl. min.* 388.11 and Cic. *Clu.* 64, discussed in text below.
[12] Winterbottom 1984: 594.
[13] This is not to claim that the Catilinarians is the sole text in view for the *Minor Declamations*. As Quint. *Inst.* 10.2 recommends (and Sen. *Contr.* 1 pr. 6), the orator was to have a wide range of imitative models in view.
[14] Winterbottom 1982: 253 (= Winterbottom 2019: 77).
[15] Keeline 2018: 112.
[16] Pasetti 2019: xxii.

citations of the *Pro Cluentio* just seen in *Decl. min.* 388; a reference to the *Pro Sexto Roscio* in *Decl. min.* 299;[17] and an imitation of the *Divinatio in Caecilium* in *Decl. min.* 259, which Pingoud has explored.[18] Casamento argues that *Decl. min.* 253 is predicated on Cicero's reflections on tyrannicide in his works.[19] There have also been readings of comic stock types borrowed from Cicero. Brescia and Lentano offer a close reading of paternal discipline in *Decl. min.* 286 and 291 in connection with Cicero's *Pro Caelio*.[20] Pingoud argues that *Decl. min.* 257 is likewise modelled on the *Pro Caelio* in its portrayal of a *meretrix* and *miles gloriosus*.[21] But this may not be the complete picture. While these have been important studies, critics have not sufficiently acknowledged allusions to Cicero's Catilinarian orations in the *Minor Declamations*. There is good reason to believe that the students of the *Minor Declamations* would have closely imitated the Catilinarian orations.

c) Reading Cicero

Contrary to the Elder Seneca's claim that student declaimers did not read Cicero's speeches, or that his declamatory audience would not be able to recognise the imitation of Cicero's *Verrines*,[22] Keeline and La Bua have recently confirmed that Cicero was, in fact, the model of Latin eloquence 'to be studied, memorised, and imitated' in the Roman classroom.[23] In Book Ten of his *Institutio*, Quintilian catalogues a list of texts that the aspiring orator ought to read in order to cultivate eloquence. He exhorts his reader to look to Cicero as the foremost Latin model, suggesting that by doing so, they would make progress as orators.[24] Elsewhere, Quintilian gives Cicero, and those most similar (*quisque erit Ciceroni simillimus*), primacy in the rhetorical curriculum.[25] For Quintilian, Cicero was *non hominis nomen sed eloquentiae*.[26] Indeed, from the imperial period onwards, the student was required to read Cicero in great depth. Keeline provides a comprehensive picture of how students encountered Cicero and

[17] Winterbottom 1984: 424.
[18] Pingoud 2018.
[19] Casamento 2018.
[20] Brescia and Lentano 2009.
[21] Pingoud 2016.
[22] Sen. *Con. ex.* 3 pr. 15, *Suas*. 2.19. See McGill 2005 on this passage.
[23] Keeline 2018: 28; La Bua 2019: 183–219. See further Winterbottom 2019: 70–71, 78.
[24] Quint. *Inst*. 10.1.108–112. Quintilian repeats claims about Cicero's eloquence at Quint. *Inst*. 1.6.18, 2.5.20, 4.1.70, 4.3.13, 11.1.62, 12.1.20. Quintilian is not alone in placing Cicero on this pedestal: Luc. 7.62–63; Vitr. *De arch*. 9 pr. 17; Sil. *Pun*. 8.406–411; Plin. *HN* 31.8, 7.116.
[25] Quint. *Inst*. 2.5.18–26.
[26] Quint. *Inst*. 10.1.112.

other model speeches in the rhetorical schools.[27] After giving the class a general background for the speech,[28] teacher and students would take turns reading it aloud.[29] Throughout, the teacher provided an *enarratio* to highlight noteworthy points—both strengths and weaknesses—of argument (*inventio*) and style (*elocutio*), 'so that it can serve as a model for […] students' own oratory'.[30] Students were also expected to commit speeches to memory for later *imitatio*—a core claim of this chapter.[31] By the time that the ideal student had completed his education prior to reaching the declamation, he was thus well steeped in Cicero and could be expected to imitate his speeches.

The Catilinarians in particular were a staple of this curriculum. From their publication date, it appears that these speeches were intended to serve an edifying purpose, perhaps with a view to imitation.[32] Cicero claimed in a letter to Atticus in 60 BCE that the publication of his consular orations was, at least in part, for his young audience (*adulescentium studia*).[33] Even within Cicero's lifetime, the Catilinarian conspiracy was debated as a rhetorical exercise. This would continue into the rhetorical culture of the Empire. The pseudo-Sallustian *Invectiva in Ciceronem* and the pseudo-Ciceronian *Invectiva in Sallustium* are both believed to have been composed in the rhetorical schools.[34] The Gronovian scholiast (D) makes detailed comments on each of the Catilinarians. Steel notes that the first Catilinarian Oration is among Quintilian's favourites.[35] It is one of few speeches that he mentions over ten times, with the Catilinarians being cited on 24 occasions.[36] Given that the *Minor Declamations* so closely adopt the rhetorical precepts and teachings of Quintilian, it should therefore come as no surprise that we would see reference to the Catilinarians in this text. There is little doubt that the student had read the Catilinarians in his rhetorical schooling.

In a broader declamatory context, Cicero's Catilinarians were considered a model source for imitation. While Sussman notes several allusions to Cicero in Calpurnius Flaccus'

[27] Keeline 2018: 13–30. See also La Bua 2019: 185–190.
[28] For example, Asc. *Mil.* 31.12–42.4C; *Schol. Bob*. 111.24–112.18St.
[29] Quint. *Inst*. 2.5.1–10.
[30] Keeline 2018: 23.
[31] Quin. *Inst*. 2.7, 10.2; Keeline 2018: 27.
[32] Cape 2002: 120.
[33] Cic. *Att*. 2.1.3.
[34] Keeline 2018: 154–155.
[35] Steel 2022.
[36] Steel 2022: 240–241; Berry 2020: 202.

Declamationes, evidence of the Catilinarians has not been noted.[37] It has, however, in the declamations of Seneca the Elder and the *Major Declamations*. Håkanson catalogues 28 echoes of Cicero in the *Major Declamations*, four of which are from the Catilinarians, which makes it the second most cited Ciceronian orations of the collection.[38] As Winterbottom and Fairweather respectively note with Seneca's declamations, the scenarios which are predicated on Cicero's life offer a particularly appropriate opportunity for allusions to his works.[39] In these cases, Seneca's declaimers allude to the Catilinarians four times,[40] and Catiline himself is mentioned five times.[41] One of the most important pieces of information is the *Declamatio in Catilinam*. This declamation was once attributed to Porcius Latro, but is now thought to be from Late Antiquity.[42] Despite its disputed origins, it suggests a declamatory culture in which Cicero's Catilinarians were reimagined and performed, perhaps even as late as the third to sixth centuries CE. This speaks to a culture around *Schaudeklamationen* in which declaimers engaged with and imitated Cicero's Catilinarians. This chapter will apply such thinking to *Schuldeklamationen*.

The Catilinarians were also influential beyond the classroom. The reception of Cicero's Catilinarians from the first century BCE to the second century CE suggests a broader literary culture in which these orations were widely read.[43] Tacitus' Maternus declares in the *Dialogus* that Cicero's reputation was owed to *In Catilinam*, *In Verrem, Pro Milone*, and the *Philippics*.[44] Sallust's account of the conspiracy, and later historical accounts, use Cicero's orations as a main source.[45] Berry notes how the Catilinarians influenced Catullus, Livy, and Vergil.[46] In the late first and second centuries CE, a period of renewed engagement with Cicero, whose 'star seems to rise a bit with Quintilian and the younger Pliny',[47] the Catilinarians exerted a significant textual influence: Seneca the Younger, Silius Italicus, Tacitus, Pliny the Younger, and Apuleius each engage with Cicero's Catilinarians.[48] The way

[37] Sussman 1994: 234, 194.
[38] Håkanson 2014: 26–35.
[39] Winterbottom 1974: 561; Fairweather 1981: 86.
[40] Bonner 1949: 136; Steel 2022: 233–237.
[41] Winterbottom 1974: 632 s.v. '*Sergius Catilina*'.
[42] *BNP* s.v. *Declamatio in Catilinam* (Walter).
[43] Winterbottom 2019: 66–91 sheds light on the afterlife of Cicero on the Silver Age. Gowing 2013 offers an interesting assessment of the relatively ambivalent attitude to Cicero in literature from the Augustus period. See also La Bua 2019: 100–125.
[44] Tac. *Dial*. 37.6.
[45] Batstone and Feldherr 2020.
[46] Berry 2020:194–224. See also Sillett 2022.
[47] Gowing 2005: 110.
[48] Keeline 2018: 153–154; Berry 2020: 196–197.

in which these orations are alluded to has led Keeline to suggest that 'the Catilinarian orations would have been easily recognised by literate contemporaries'.[49] We are therefore dealing with an education system that laid heavy emphasis on the importance of replicating Cicero's writing, a declamatory culture, and a literary culture of the High Empire in which Cicero's Catilinarians were engaged with in varied ways.

2. Methodology

a) Imitation and allusion

Against this rich background, this chapter argues for literary interactions between Cicero's Catilinarians and the *Minor Declamations*.[50] Terminology is crucial in setting up the kind of relationship between text, author, and reader. Throughout this chapter, I will primarily use the terms allusion and imitation. Occasionally, I may use similar terms—such as echo, borrow, and emulate—for the sake of variation, but allusion and imitation will remain the main concepts. Allusion implies authorial intention, and connotes a covert or implied reference. The clandestine nature often gives allusion a ludic quality, as a form of 'teasing play […] between revelation and concealment'.[51] I will suggest that this is the *modus operandi* in the *Minor Declamations* and that the ludic aspect fits well in the context of declamation.[52] I will also employ the term imitation for its flexible form. This chapter will draw on the full range of imitation: 'it might be discreet or noisy, straight or witty'.[53] The term is of particular significance since *imitatio* is deeply implicated in Latin declamation.[54] Seneca's declamations and Quintilian's handbook paint a picture of a culture of widespread literary imitation and games of one-upmanship, and the previous section has given us grounds upon which to think that school declaimers were rehearsed in this culture.[55]

This chapter is concerned specifically with allusion as opposed to intertextuality. The former concept commits to authorial intent; the latter, in its harder form, treats texts as 'mosaic[s] of

[49] Keeline 2018: 154.
[50] There has been a growing body of scholarship on Latin prose interactions during the High Empire, to which this chapter is indebted. See Whitton and König 2018; Whitton 2019; König, Langlands and Uden 2020.
[51] Hinds 1998: 23.
[52] Hinds 1998: 21–23. See also Whitton 2019: 51–55.
[53] Whitton 2019: 54–56.
[54] However, the term only appears twice in *Decl. min.* 259.15, 298.14, both in reference to adopting declamatory personae.
[55] Fantham 1978; McGill 2005; McGill 2010; McGill 2012: 146–177; Peirano Garrison 2013.

quotations' that 'can only be read in connection with, and in opposition to, other texts'.[56] By contrast to allusion, intertextuality locates the powers of signification with the reader. Thus, intertexts can be latent, or coincidences interpreted by the reader. To be sure, declamation fostered a culture in which both author/speaker and audience were the signifiers of allusive meaning.[57] This chapter, however, is interested in meaning as generated and signalled by the speakers of the *Minor Declamations*. Intent is a more complex issue.[58] It is difficult to prove beyond any doubt that allusions to the Catilinarians were deliberate. I won't suggest that every allusion in this chapter is intentional. Each case study will instead present a series of varying claims about the probability of intent: from examples where the speaker seems to playfully gesture to an allusion with metaliterary language in which intent is taken for granted, to others where commonplaces or an overlap in renowned phrases could be coincidental.[59]

How do we identify an allusion? Scholars of Classics have established a standard set of criteria against which to measure an allusion: shared language (either distinctive words, or rare collocations); overlapping form (syntax, grammar, etc.); resemblance in content (overlapping ideas or topics); interpretive potential (the target allusion adds a richer reading); and accumulation of references to a given text (both within individual *controversiae* and the *Minor Declamations* as a whole).[60] The strength of an allusion increases when several of these criteria are concurrently met. In this chapter, I use a benchmark of at least two of these criteria in order to make the case for imitation, and I will draw attention to instances where the allusion can be classed as stronger or weaker. As with intent, not all instances of allusion across the text are as convincing as the next and this chapter sets out to showcase this breadth. To illustrate the two ends of this spectrum, here is *Decl. min.* 305, in which a rich man forced two exiles to fight to death and is charged with unjust punishment (*iniustum supplicium*):[61]

> §8 **O misera condicio!** Magna necessitate victa libertas est.
> What a wretched situation! Freedom was overborne by terrible duress.[62]

[56] Kristeva 1986: 37; Conte 1986: 29.
[57] See, for example, Sen. *Contr.* 7.1.27, *Suas.* 3.7; Verg. *Aen.* 8.26–27.
[58] See Conte 1986: 27–28 for a discussion on the problems with ascribing intent to poetic allusion.
[59] This approach has been informed and shaped by Whitton 2019: 45–46.
[60] See Whitton 2019: 44–45 on similar criteria.
[61] This declamatory law appears again in *Decl. min.* 380 and Calp. Flac. 23, 33, and 42.
[62] A similar expression is repeated at *Decl. min.* 305.17, without *o*: *misera condicio necessitatis!*

The speaker evokes pathos for the plight that the exiles endured at the hands of the rich man, whom he likens to a tyrant. A similar phrase appears in Cicero's Catilinarian orations and *Pro Flacco*:[63]

> **O condicionem miseram** non modo administrandae, verum etiam conservandae rei publicae! (*Cat.* 2.14)
> The preservation of the Republic no less than governing it—what a thankless task it is!

> **O condiciones miseras** administrandarum provinciarum. (*Flac.* 87)
> What a wretched state the government of our provinces is in!

The passages share an overlap in diction: the declaimer deploys the same phrase as Cicero, *o misera condicio*. This phrase, *condicio misera* (in singular or plural) with *o*, is not particularly common outside of these authors, but these words are not distinctive.[64] He slightly changes Cicero's syntax from an accusative of exclamation into a vocative. The content doesn't neatly overlap: the declaimer is discussing the private lives of individuals and Cicero the governance of the state. Lastly, I can detect no other allusions to either *In Catilinam* or the *Pro Flacco* in this *controversia*. If this is a Ciceronian allusion, it is subtle—only lexis suggests imitation. This does not necessarily mean that an allusion here is implausible. Breij points to the use of a similar phrase in the *Major Declamations* (11.10 *o successuum quoque nostrorum misera condicio* and 18.7 *O misera condicio sexus*) in connection with these Ciceronian exclamations.[65] We might hesitate over whether this is a pointed allusion in *Decl. min.* 305, or if the declaimer has co-opted a Ciceronian exclamatory phrase without concern for its context.[66]

As an example of a stronger case of allusion, here is *Decl. min.* 388:

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[63] Dyck 2008: 145 suggests an intra-text between the Ciceronian passages.
[64] Also found in Curt. 7.1.37; *Decl. mai.* 7.2, 18.7. On this phrase, I stumbled across another use of *o condicio misera* as the title of a medieval hymn in the Codex Buranus, an early 13th century Italian manuscript. See Franklinos and Hope 2020 on this interesting text, including discussions on its reception of Latin satire, love elegy, and poetic allusion.
[65] Breij 2015: 223. See also *Decl. mai.* 14.12 for a variant of *condicio misera* with *pro.*
[66] See related discussion in Hinds 1998: 29–34 with a similar expression, *me miserum!* in Ov. *Am.* 1.1.25–26 and Prop. 1.1.1–2.

§11 **Si doceo non** perisse, nimirum raptus est; **si** raptum **ostendo**, doceo etiam vivere.
If I show that he did not die, then evidently he was carried off; if I demonstrate that he was carried off, I show that he is still alive.

Compare this with Cicero's *Pro Cluentio* on the earlier charge of his client, Habitus, bribing the court against his step-father, Oppianicus:

Si doceo non ab Habito, vinco ab Oppianico [*sc.* iudicium esse corruptum]; **si ostendo** ab Oppianico, purgo Habitum. (*Clu.* 64)
If I show that it was not used by Habitus I prove the judgement to be perverted by Oppianicus. If I demonstrate that it was used by Oppianicus, I clear Habitus.

There are just as many lexical similarities between these passages as in the previous case of *Decl. min.* 305.7 and the two Ciceronian passages, but Winterbottom is right to observe that the phrasing (*si doceo non… si ostendo*) here is parallel, and it is rare.[67] Not only that, but both employ a shared idea: they are attempting to prove that their client cannot be thought to have committed the accused crime, although the charges are different. The crux of the argument is the same: if I can show you that my client has not done x, then y must be true. Cicero will show that Habitus has not bribed the jury (*si doceo non ab Habito […] purgo Habitum* ('if I show you that it was not used by Habitus […] I clear Habitus); the declaimer will show that his client has not perished at sea (*si doceo non perisse […] doceo etiam vivere*, 'if I show you that he did not die […] I tell you that he is still alive'). Both employ these propositions in their *argumentatio* and there is a rich interpretative potential: by echoing Cicero, the declaimer aligns the declamatory son with Habitus, and in so doing he also sets up the accused mother of his case as akin to the wicked mother in Cicero's *Pro Cluentio*. Indeed, we have already seen that later in this *controversia* (§32) the teacher explicitly cites Cicero's Sassia as a model for the declamatory mother and shows perfect recall of the *Pro Cluentio* 12. My aim is not only to identify these allusions but also to understand their purpose. By analysing how these imitations function rhetorically, we can gain deeper insight into the literary, cultural, and educational values embedded in the *Minor Declamations.* As

[67] Winterbottom 1984: 590. This phrase is also found, and inverted, in Cic. *Leg. agr.* 3 (*si ostendo non modo… si doceo*).

Seneca says of imitation, 'the abbreviated line will mean something different from the complete one' (*aliud enim intercisus versus significaturus est, aliud totus significat*).[68]

Decl. min. 388 presents a compelling case for imitation. This freer form of imitation—characterised by minimal shared language yet a strong resemblance in syntax and content—is a crucial aspect of allusion within the *Minor Declamations*. As Quintilian advises, 'imitation […] should not be restricted to words' (*imitatio autem […] non sit tantum in verbis*).[69] The allusion in *Decl. min.* 388 to the *Pro Cluentio* gains further strength from the potential to see a 'window reference', whereby author A alludes to author B, who, in turn alludes to (and thereby opens a window onto) author C. In a section of the *Institutio oratoria* focussed on establishing proofs in arguments—rich with Ciceronian quotations—Quintilian quotes verbatim from the *Pro Cluentio* passage in question.[70] The speakers and teacher of the *Minor Declamations* show a deep awareness of the rhetorical strategies outlined in the *Institutio*, as I have noted in the introduction to the present thesis. By employing these techniques, they position themselves within a tradition of rhetorical imitation. It is plausible, then, that in *Decl. min.* 388, the declaimer has read and adopted Quintilian's recommendations for constructing proof by imitating the form found in *Pro Cluentio* 64. Quintilian's accompanying passage supports the view that this particular passage is the one the *Minor Declamations* takes its cue from, either directly or indirectly. As this chapter will demonstrate, the problem of whether the *Minor Declamations* is looking to Cicero or Quintilian quoting Cicero is difficult to resolve.[71]

This point merits further illustration with another example, given that this type of interaction recurs throughout the chapter. I will later argue in this chapter that *Decl. min.* 329 alludes to the opening of the First Catilinarian.[72] Additional echoes of Cicero's *oeuvre* appear in this *controversia*. Here, the declaimer alludes to a passage from the *actio secunda* of the *Verrines*:

[68] Sen. *Contr.* 7.1.27.
[69] Quint. *Inst.* 10.2.27.
[70] Quint. *Inst.* 5.10.68.
[71] For another example, see *Decl. min.* 307.2: *scio vos, **iudices**, posse **mirari** cur ex hoc **in iudicio** quaeratur*. Cic. *Div. Caec.* 1: *si quis vestrum, **iudices**, aut eorum qui adsunt, forte **miratur** me, qui tot annos **in** causis **iudiciis**que publicis ita sim versatus ut defenderim multos*. Winterbottom 1984: 447. This Ciceronian passage is referred to, but not directly quoted, at Quint. *Inst.* 4.1.49 as an example of *prolepsis*.
[72] This has not been identified in commentaries of the text.

> §8 Occidit tyrannum **crudelissimum**, saevissimum, **expugnatorem non pudicitiae** modo et patrimoniorum nostrorum et principum huius civitatis, sed templorum omnium et caerimoniarum, nec hominibus magis quam diis immortalibus invisum. He killed a very cruel and savage tyrant, the ravisher not only of chastity and our private fortunes and of the leaders of this community, but of all temples and ceremonies, not more hateful to men than to the immortal gods.
>
> Non enim furem, sed ereptorem, non adulterum, sed **expugnatorem pudicitiae**, non sacrilegum, sed hostem sacrorum religionumque, non sicarium, sed **crudelissimum** carnificem civium sociorumque in vestrum iudicium adduximus, ut ego hunc unum eiusmodi reum post hominum memoriam fuisse arbitrer cui damnari expediret. (Cic. *Verr.* 2.1.9)
> It is no common thief, but a violent robber; no common adulterer, but the ravager of all chastity; no common profaner, but the grand enemy of all that is sacred and holy; no common murderer, but the most cruel butcher of our citizens and our subjects, whom we have hailed before your judgement-seat: so vile, that I conceive him to be the one man in history who, arraigned as he is arraigned, could gain, not lose, by a verdict of condemnation.

Quintilian also cites this Ciceronian passage:

> Ut Cicero in Verrem: 'non enim furem, sed ereptorem, non adulterum, sed expugnatorem pudicitiae, non sacrilegum sed hostem sacrorum religionumque, non sicarium, sed crudelissimum carnificem civium sociorumque in vestrum iudicium adduximus.' (Quint. *Inst.* 8.4.2)

These passages convey closely related ideas, each addressing tyrannical figures subject to retroactive critique. Verres had fled into voluntary exile by the time that Cicero composed the Second Verrine Oration, whereas the declamatory tyrant has taken his own life. Cicero amplifies Verres's crimes—robbery, sexual debauchery, profanation of religious institutions, and murder—all charges the declaimer similarly levels against his tyrant.[73] This is underscored by the close verbal parallel between the passages (C. *sed expugnatorem*

[73] See Keith 2021 for the sexual debauchery of Verres.

pudicitiae ~ DM *expugnatorem non pudicitiae*), together with the superlative, *crudelissimum*, a collocation unique to these three passages. Together, they illustrate how indistinguishable the three authors can be from one another. Here, Quintilian quotes Cicero verbatim, prefacing it with, *ut Cicero in Verrem*, but otherwise there is little distinction between Quintilian's quotation and Cicero's original. Quintilian is a faithful imitator of Cicero's language. While Quintilian may be the declaimers' initial source, he is not their final objective. The declaimers of the *Minor Declamations* often write themselves into the lineage of Cicero and Quintilian through window allusion, and in doing so, signal their republican intellectual heritage.

b) Texts as memory

The allusions to Cicero's Catilinarians throughout the *Minor Declamations* gain additional importance when viewed in light of recent scholarship that frames literature as a form of cultural memory. Texts can generate cultural memory in two ways. First, texts serve as direct transmitters of memory. As Lachmann observes, 'literature becomes the bearer of actual and the transmitter of historical knowledge'.[74] Texts 'participate, repeat, and constitute acts of memory' from the past, providing a space where this memory can be reinterpreted.[75] In the case of the *Minor Declamations*, the text functions as a repository for the memory of the Catilinarian conspiracy and Cicero's central role in it. As noted earlier in the introduction to this thesis, cultural memories within the realm of declamation are not fixed; they are subject to reconstitution and distortion.[76] This applies to the *Minor Declamations*. For example, the scenario of my next case study—*Decl. min.* 348—presents a compressed and altered version of Cicero's involvement in the Catilinarian conspiracy. Here, Cicero is transformed into an *imperator* who imprisons conspirators and executes them without a fair trial. This *controversia* thus creates a space that allows the speaker to restage the Catilinarian conspiracy. The model speech is given in defence of the *imperator*, who reinterprets and (re)memorialises the events and legality of the Catilinarian conspiracy within the text. This *controversia*, along with others examined in this chapter, draws upon the cultural memory of Cicero as Rome's defender against the machinations of Catiline.

[74] Lachmann 2011: 306.
[75] Lachmann 2011: 305.
[76] See Introduction, p. 20–28 on 'cultural memory'.

The second way texts transmit cultural memory is by preserving the memory of literature itself. Through allusion and imitation, texts act as an archive of past literature.[77] Galinsky suggests that 'literary intertextuality—like all kinds of intertextual practice—is a form of cultural memory because it activates a relationship between texts that are an essential part of the cultural past, of the tradition in which the readers of [an author] recognise themselves'.[78] In the *Minor Declamations*, the allusions to Cicero's published speeches from the Catilinarian conspiracy are enshrined as part of cultural memory. The text becomes an additional repository of memory, though this memory is somewhat distorted.

There existed a rich literary tradition surrounding the Catilinarian conspiracy, including Sallust's *Bellum Catilinae* and Cicero's lost epic, *De consulatu suo*. However, no references to either of these works can be found; only Cicero's prose appears as the target of imitation and literary memory, as I will show in this chapter.[79] Moreover, Cicero's Catilinarians themselves represent his recreation of this event, 'setting out for future generations how Cicero wished his consulship to be remembered'.[80] The *Minor Declamations* acts as a textual archive for both the historical and literary memory surrounding Cicero's *Catilinarian* speeches. With this context in place, let us now turn to the case studies that illustrate how the *Minor Declamations* imitates and alludes to Cicero's Catilinarian orations, and consider what this contributes to the production of memory.

3. *Imitatio autem non sit tantum in verbis*[81]

a) The enemy within the gates

We begin with *Decl. min.* 348. In the midst of war, a military commander imprisons suspected traitors.[82] Upon learning from an enemy deserter that the traitors planned to take action that same night, the commander preemptively sets the prison ablaze, killing all inside. The enemy at the gate retreats. Subsequently, the commander is charged with executing the

[77] This concept has been well covered by scholars of Latin poetry, who argue for allusion as a kind of poetic memory: Conte 1986: esp. pages 40–69 on poetic memory; Hinds 1998: 3–4, 10–17, 115.
[78] Galinsky 2015: 73.
[79] This is not to claim that there are none, especially since Quint. *Inst.* often points to Sallust as an author to read (cf. 2.5.19–20, 10.1.101–102); at *Inst.* 3.8.45 he specifically refers to Sall. *Cat.* 20. Moreover, we may be staring at allusions to the lost *De consulatu suo* in the face.
[80] Berry 2020: 56.
[81] Quint. *Inst.* 10.2.27.
[82] For the *carcer* in Latin declamation see Schwennicke 2018.

incarcerated traitors without a legal conviction for violating the implicit right that citizens receive a formal conviction before punishment.[83] This stands in conflict with the declamatory law that grants commanding generals absolute power during war (pr. *imperator in bello summam habeat potestatem*).[84] This law is similarly quoted in Seneca the Elder *Controversia* 5.7, in which a general refused to open the city gate for three hundred prisoners who escaped the enemy camp.[85] They were all killed and the general is charged with causing harm to the *res publica*. Whereas Seneca's scenario poses the risk of a threat outside the city gates and litigation from the general's inaction, *Decl. min.* 348 centres on the threat within the city walls and litigation from the general's legally dubious actions.

This declamation's legal tension is distinctly republican in nature. Executing uncondemned citizens became a prominent issue in late republican Rome. Extra-judicial killings in general were illegal under a raft of laws, but the so-called *senatus consultum ultimum*, introduced in the late second century BCE, theoretically empowered magistrates to use physical repression to protect the *res publica*.[86] It was not clear, however, whether the *senatus consultum ultimum* could be used to justify illegal executions as several officials under its banner faced charges for executing citizens without legal conviction. In 133 BCE, prior to the implementation of the *senatus consultum ultimum*, P. Popilius Laenas was tried for severely punishing Tiberius Gracchus' supporters and sent into exile (he was later recalled).[87] Opimius was tried (and acquitted) in 120 BCE for sentencing numerous Gracchan supporters to death in a special *quaestio*, after the first attested use of the *senatus consultum ultimum*. Rabirius was tried (and acquitted) in 63 BCE for the murder of Saturninus and his followers in 100 BCE. Significantly, Rabirius was defended by Cicero. Cicero was both a defender, and later defended his own use, of violating this legal right.

The declamatory scenario recalls a particular instance of the *senatus consultum ultimum*: its invocation against Catiline and his group of conspirators. Winterbottom suggests that the

[83] In the world of declamation, there is, however, a special category of persons who are liable to be killed without a proper trial. Sons: Calp. Flac. 24, 36, 44, 45, 46, 53; deserters: Calp. Flac. 27; adulterous women: Calp. Flac. 31, 48, 49.
[84] In *Decl. min*. 285 and Calp. Flac. 15 victorious generals may receive a reward.
[85] Bonner 1949: 103 notes the tangible legal underpinnings of this declamatory law in Cic. *Leg*. 3.3.
[86] The laws which prevented this were the *Leges Porciae* (second century BCE), *Lex Sempronia* of 123 BCE, and *Lex Clodia de capite civis Romani* of 58 BCE. Berger 1953: 558 discusses the *Leges Porciae*. Cic. *Rab. Perd*. 4 and Gell. *NA* 10.3 mention the *Lex Sempronia*. Crawford 1996 vol. II: 773, Bellemore 2008, and Morrell 2018 offer detailed studies on Clodius' law.
[87] Cic. *Dom*. 91; Plut. *Vit. Ti. Gracch*. 19.3; Nippel 1995: 60–61, 65.

scenario of *Decl. min.* 348 'has some overtones of Cicero's position in 63'.[88] There are striking parallels: both Cicero and the general wield extraordinary powers in a time of crisis; both face a conspiracy within the city walls; both place the alleged conspirators in prison and proceed to execute them without due process of a legal trial, only to be accused of illegal executions. Cicero himself never stood trial but spent eighteen months in exile in 58–57 BCE.[89] The Ciceronian subtext that lurks beneath this declamatory scenario is confirmed by a previously unnoticed allusion to Cicero's Catilinarians.

The declaimer furnishes two arguments as to why he should be acquitted for having killed the *proditores*. First, he makes a case based on *ius* (§§1–4) and second, one from *mens* (§§5–12). In this latter defence, he cites a list of reasons that justify why it was necessary to have killed the traitors. As the list progresses, he moves from public to gradually more personal features:

> §§6–7 Non enim discrimen paucorum capitum <agebatur>: an aliquid esset haec **civitas**, an **templa**, an **vetustissimae vestigium saltem urbis** relinqueretur, an **liberi vestri coniugesque** traditam a maioribus per manus in hoc usque tempus libertatem semel perderent. Pro his animadvertere in paucos indignum est?[90]
> It was not the fate of a few persons that was at stake, the existence of the community, whether the temples, whether even a trace of the ancient city, should be left, whether your children and wives should lose once and for all the freedom passed from hand to hand by our ancestors down to the present day. In defence of all this is it shocking to execute a few individuals?

Listing key aspects of the community during a crisis is a familiar *topos* of Ciceronian speeches. In the *Pro Flacco* (59 BCE), Cicero details how Flaccus safeguarded the city from the Catilinarian conspiracy, therein echoing the Catilinarians.[91] In his *post reditum* address to the people, he expresses gratitude for the beauty and humanity of the city.[92] In the final Philippic, he describes how the city had been saved under the command of Hirtius from the threat of a citizen traitor, Mark Antony, with whom civil war was being waged.[93] The

[88] Winterbottom 1984: 550.
[89] Cic. *Dom*. 43, 47, 62; *Att*. 3.15.5; App. *B Civ*. 2.15; Plut. *Vit. Cic*. 30.
[90] <*Agebatur*> is offered by Aerodius. See Winterbottom 1984: 241, 551; Shackleton Bailey 2006: 292 n. 8.
[91] Cic. *Flac*. 1.
[92] Cic. *Red. pop.* 1.4.
[93] Cic. *Phil*. 14.27. Dyck 2004: 450–451.

declaimer seems to imitate this *topos*, using a topographical listing of Rome's public symbols and homes.[94] These are not the *lieux de mémoire* that we will see in the following chapter of this thesis, but generic monuments. Nevertheless, in both instances the topography of the city acts as a bridge between declamation and Rome. Here, the declaimer imitates a specific iteration of this *topos-graphy*, which appears throughout Cicero's Catilinarians.

Hinds illustrates that even generic topoi can serve as allusive targets.[95] Unlike direct allusions which are 'tightly controlled', these references need not link to one specific passage but can evoke a range of possible models.[96] Such references often contain a ludic quality, allowing authors to blend or transform stock material.[97] The declaimer in *Decl. min.* 348 has no fewer than four potential models, all appearing in Cicero's third and fourth Catilinarian orations.[98] My point is not necessarily that he has all of these passages in view, but that he is playing with different elements of the topos found across these passages.

The Third Catilinarian was delivered on 3 December after Cicero had uncovered the conspirators' plot. He addressed the people in a *contio* to notify them of this development and how he had brought salvation to the city. The speech opens:

> Rem publicam, Quirites, vitamque omnium vestrum, bona, fortunas, **coniuges liberosque vestros** atque hoc domicilium clarissumi imperi, fortunatissimam pulcherrimamque urbem, hodierno die deorum immortalium summo erga vos amore, laboribus, consiliis, periculis meis e flamma atque ferro ac paene ex faucibus fati ereptam et vobis conservatam ac restitutam videtis. (*Cat.* 3.1)
> The state, citizens, the lives of you all, your property, your fortunes, your wives and your children, together with this heart of our most glorious empire, this most blessed and beautiful of cities, have, as you see, on this very day been snatched from fire and the sword. The great love that the immortal gods hold for you has combined with the

[94] Livy 9.9.5, also refers to monuments under threat of occupation by the approaching Samnite army: *hanc urbem, templa, delubra, fines, aquas Samnitium esse*? See Oakley 2005: 124 on this passage, who notes the connection with Cic. *Leg.* 3.7.
[95] Hinds 1998: 34–47.
[96] Hinds 1998: 42 'a stable set of parameters (a *topos*-code within which endlessly active (and endlessly interpretable) allusive variations can be contained'.
[97] Hinds 1998: 34.
[98] It never appears in Sall. *Cat.*

toil and the vigilance that I have undertaken, to bring them out of the very jaws of destruction and restore them to you safe and sound.[99]

This *idée fixe* (that the Roman people and senate needed to be spared from the threat of Catiline and his supporters destroying the city of Rome) appears in three other instances in the Fourth Catilinarian. Cicero and several leading senators deliberated on how to punish the conspirators on December 5. Cicero opens the *exordium* of the Fourth Catilinarian in a similar manner to the third, this time by calling to attention what should be the motivating reasons behind their decision to punish the conspirators:

> Nunc si hunc exitum consulatus mei di immortales esse voluerunt, ut vos populumque Romanum ex caede miserrima, **coniuges liberosque vestros** virginesque Vestalis ex acerbissima vexatione, templa atque delubra, hanc pulcherrimam patriam omnium nostrum ex foedissima flamma, totam Italiam ex bello et vastitate eriperem, quaecumque mihi uni proponetur fortuna, subeatur. (*Cat.* 4.2)
> Now, if this is the end that the immortal gods have willed for my consulship, that I should rescue you and the Roman people from the horrors of massacre, your wives, children and the Vestal Virgins from vile outrage, the temples and the shrines, this fairest fatherland of us all from the foulest of fires, and all Italy from war and devastation, then whatever fortune is proposed for me alone, let it be suffered.

In the *argumentatio*, Cicero again makes use of this list. There, he implores the senators to display courage. He ventriloquises a personified *Patria* to cite the important features of this community:

> Obsessa facibus et telis impiae coniurationis vobis supplex manus tendit patria communis; vobis se, vobis vitam omnium civium, vobis arcem et Capitolium, vobis aras Penatium, vobis illum ignem Vestae sempiternum, vobis omnium deorum templa atque delubra, vobis muros atque urbis tecta commendat. Praeterea de vestra vita, de **coniugum vestrarum atque liberorum** anima, de fortunis omnium, de sedibus, de focis vestris hodierno die vobis iudicandum est. (*Cat.* 4.18)

[99] All translations of Cic. *Cats.* 1–4 in this chapter are taken from MacDonald 1977.

> Beset by the brands and weapons of this vile conspiracy, the fatherland we all share extends to you the hands of a suppliant. To you she commends herself, the lives of all her citizens, the citadel and the Capitol, the altars of her household gods, the never-dying fire of Vesta over there, the temples and shrines of all her gods, the walls and buildings of the city. Your lives, too, and the lives of your wives and children, the fortunes of you all, your houses and your hearths, depend upon the decision you have to make this day.

The fourth and final passage where the *topos* is employed is in the *peroratio* of the Fourth Catilinarian. Cicero presents his final exhortation for the senate to vote for punishment of the conspirators:

> Quapropter de summa salute vestra populique Romani, **de vestris coniugibus ac liberis**, de aris ac focis, de fanis atque templis, de totius urbis tectis ac sedibus, de imperio ac libertate, de salute Italiae, de universa re publica decernite diligenter, ut instituistis, ac fortiter. (*Cat.* 4.24)
> With the care, therefore, and the courage that you have displayed from the beginning, take your decision upon the salvation of yourselves and the Roman people, upon your wives and children, your altars and hearths, your shrines and temples, the buildings and homes of the entire city, your dominion and your freedom, the safety of Italy and upon the whole Republic.

The declaimer employs the key features of this *topos*-code, which Hinds defines as 'the observance of a stable set of parameters […] within which endlessly active (and endlessly interpretable) allusive variation can be contained'.[100] In both, there is reference to the citizen body and to the more vulnerable members of the community—the wives and the children—as well as mention of generic monuments on the cityscape. Whereas Cicero tends to move from private to the increasingly public features within this *topos*, the declaimer reverses this order and omits Cicero's explicitly Roman references (such as Vesta, Italy, the Capitoline, and the Penates). In terms of diction, there is little to align *Decl. min.* 348 with these Catilinarian passages.[101] The declaimer modifies Cicero's identification of his audience as Romans

[100] Hinds 1998: 42, discussed further at p. 45.
[101] The allusivity of this *topos* becomes more complicated if we look beyond to a handful of lexical and syntactic markers of the declaimer imitating specific passages. For example, the declaimer's description of the

(*Quirites*, *populumque Romanum, populique Romani*) to a subtler reference to the citizenry (*civitas*), most similar to the *argumentatio* of the Fourth Catilinarian (4.18–19 *vobis vitam omnium civium*). While Cicero's reference to the city features progressively lengthen (*Cat.* 4.24 *aris ac focis, de fanis atque templis*), the declaimer condenses these topographical details back down to *templa*. Additionally, the declaimer's brief mention of the city parallels Cicero's varied references to the city—its beauty (*fortunatissimam pulcherrimamque urbem Cat.* 3.1; *pulcherrimam patriam Cat.* 4.2), its walls and roofs (*muros atque urbis tecta Cat.* 4.18–19), or its roofs and seats (*totius urbis tectis ac sedibus Cat.* 4.24). One of the few instances of verbal echo appears in the declaimer's phrase, *liberi vestri coniugesque*, which variously recalls Cicero's *coniuges liberosque vestros* (*Cat.* 3.1, 4.2), *de coniugum vestrarum atque liberorum anima* (*Cat.* 4.18–19), and *vestri coniugibus ac liberis* (*Cat.* 4.24). Although, the declaimer subtly alters the syntax of this pairing, the phrase carries republican undertones. It appears six times in the Catilinarians,[102] and eight times throughout Cicero's wider corpus.[103] This phrase is paralleled in just one other author: Livy, in a handful of passages which might also imitate Cicero's language.[104] These Livian passages, however, contain no other suggestions that the declaimer is alluding to them.

Even more compelling grounds for an allusion lie in the fact that the crux of the argument is the same in Cicero and the *controversia*. In the third Catilinarian, Cicero uses this *topos* to justify his imprisonment of the conspirators to the Roman people. In the fourth Catilinarian, he argues that the stakes for the Roman community were so high that immediate and severe action was required to protect its interests, warranting the conspirators' swift execution. The declaimer similarly employs this *topos*, arguing that the physical monuments of the city and the concerns of its citizens outweigh the importance of sparing a few traitors, who ought to be dispatched without delay. The declaimer borrows a Ciceronian *topos* germane to his own declamatory scenario. By imitating the Catilinarian orations, he amplifies the sense of crisis within his own context. He frames the military crisis not merely as a case of traitors in wartime and an ambiguous enemy at the gate but as civil war which poses grave danger.

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city could be seen to specifically engage with *Cat.* 3.1 in its i) description of the homeland ii) with a superlative (C. *pulcherrimam* ~ DM *vetustissimae*) and iii) with the phonetic imitation of alliterative pairing (C. *pulcherrimam patriam* ~ DM *vetustissimae vestigium*).

[102] Cic. *Cat.* 3.23.2, 4.2.8–9, 4.3.2, 4.12.12–13, 4.18.10.10–12, 4.24.2.

[103] Cic. *Verr.* 1.14.41, *Pis.* 51, *Phil.* 14.10, *Flac.* 95, *Leg. Man.* 66, *Quinct.* 97, *Off.* 1.4.12, *Ad Brut.* 1.1.8.2.

[104] Livy 2.38.3, with Ogilvie 1965: 330 who notes that this contains Catilinarian allusions. See Livy 3.54.8, 21.13.6–8, 28.28.7, 39.15.14.

Through this exaggerated threat, he more easily justifies burning the conspirators in prison without due process.[105]

The allusivity of this declamatory passage invites further exploration. The phrase, *vestigium saltem urbis,* can be read as the declaimer's metaliterary gesture to Cicero as a literary predecessor. Hinds has shown the many ways that Latin poets could signpost allusion integrated into a narrative context.[106] One model that Hinds offers is in *Aeneid* 6, where Vergil describes the journey of Aeneas and the Trojans through an ancient forest in Cumae: *itur in antiquam silvam, stabula alta ferarum*.[107] This passage borrows from Ennius' *Annals* (175–79) and Hinds argues that it does so with 'a programmatic gesture of reflexive annotation in its opening phrase'.[108] Vergil's *silva* metaphorically refers to the material that he has borrowed from his ancient predecessor. Ennius is for Vergil an *antiqua silva*.

A similar annotation can be found in the declamatory passage. The declaimer's *vetustissimae vestigium saltem urbis*, much like Vergil's *antiqua silva*, may be a playful wink to his own ancient predecessor, Cicero, and the literary memory of his Catilinarians. *Vestigium* often denotes a 'trace' or 'footprint', suggesting a conscious imitation of an earlier text.[109] Cicero himself had used *vestigium* in its sense of 'trace' to describe the ancient city as a metaphor for following the path of one's oratorical models:

> Et ille, cum erubuisset: "Noli, inquit, ex me quaerere, qui in Phalericum etiam descenderim, quo in loco ad fluctum aiunt declamare solitum Demosthenem, ut fremitum assuesceret voce vincere. Modo etiam paulum ad dexteram de via declinavi, ut ad Pericli sepulcrum accederem. Quamquam id quidem infinitum est in hac urbe; quacumque enim ingredimur, in aliqua historia **vestigium** ponimus". (*Fin.* 5.5)
> "Pray don't ask me," answered Lucius with a blush; "I have actually made a pilgrimage down to the Bay of Phalerum, where they say Demosthenes used to

[105] This *topos* from the Catilinarians is not the only republican text which this *controversia* has its sights on. The diction at *Decl. min.* 348.7 ***non incruentam victoriam referat***, closely imitates the diction of Livy's (4.17.8) description of the war with the Etruscans in 437 BCE, ***nec incruentam victoriam rettulit***. This pairing is otherwise rare. In so doing, he evokes L. Fidenas' bloody conquest of Veii, an interesting shift away from the alignment of the *controversia* with the bloody internal conspiracy of Catiline, to an external neighbouring enemy. This language also appears in Curt. 4.6.30 and Tac. *Hist.* 2.15.
[106] Hinds 1998: 1–16.
[107] Verg. *Aen*. 6.179.
[108] Hinds 1998: 12–14. Macrob. *Sat*. 6.2.27.
[109] *OLD* s.v. 5c.

> practise declaiming on the beach, to learn to pitch his voice so as to overcome an uproar. Also only just now I turned off the road a little way on the right, to visit the tomb of Pericles. Though in fact there is no end to it in this city; wherever we go we are laying footsteps in some history."[110]

Lucius here states that there is no limit to tracing the footsteps of one's model. Horace similarly describes the Latin creation of *fabula praetexta* as leaving 'Greek footsteps' and forging a distinctly new, Latin path.[111] Statius claims not to have rivalled, but to have followed in the literary footsteps of, his epic predecessor Vergil.[112] Further, the untrodden path as an analogy for a work that had not been paved by predecessors is a well-established poetic, especially Callimachean, image.[113] Is it as likely that *Decl. min.* 348 would make the same kind of annotation as Vergil, or these other poets? We certainly do not have the same kind of rich, supportive background of poetic self-consciousness that is both widely attested in, and readily agreed upon by scholars of Vergil to back up this claim. And I am not suggesting here that we should necessarily read *Decl. min.* 348 in the same way as we read the *Aeneid*.[114] But scholars of Latin declamation have begun to examine other metaliterary (and meta-rhetorical) aspects in the collections, which could point to a culture of self-consciousness, and which give us stronger grounds to read this as an instance of annotation.[115] So there is potential to read the declaimer's phrase in its metaphorical sense as the declaimer tracing the literary footsteps of his own ancient rhetorical model, Cicero. He signals his debts to the various passages in the Catilinarian orations as an imitative literary source. The backdrop of the declamatory city acts as a metaphor for the literary exchange between the declaimer and Cicero.[116]

This annotation invites another kind of metaliterary reading. It is a suggestive metaphor for the parallel between the declamatory commander and Cicero's actions. *Vestigium* could

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[110] Trans. Rackham 1914. See also Luc. 9.965 for the interplay between *vestigia* and *lieux de mémoire*.
[111] Hor. *Ars P*. 285–288*: Nil intemptatum nostri liquere poetae, / nec minimum meruere decus vestigia Graeca / ausi deserere et celebrare domestica facta / vel qui praetextas vel qui docuere togatas,* with Rudd 1989: 198.
[112] Stat. *Theb*. 12.816–817: *vive, precor; nec tu divinam Aeneida tempta, / sed longe sequere et vestigia semper adora*. See also Hinds 1998: 91–96, 98 on Statius's use of allusive flags to his poetic predecessors and the sense of self-deprecation.
[113] Callim. *Aet*. fr. 1.25–28. For Greek literary predecessors of this image see Harder 2012 vol. II: 62–64; Nelson (forthcoming) on the metaphor of footsteps and literary imitation in Greek and Latin literature.
[114] I began this thesis by promising that I would not read the *Minor Declamations* as one might read Vergil, and here I concede that I slightly betray myself.
[115] E.g., Stramaglia 2016; Spielberg 2017; Golubovic 2022.
[116] Hinds 1998: 12–14 in relation to Verg. *Aen*. 6.179–182.

equally refer to 'a mode of behaviour regarded as an object of imitation or example'.[117] Livy cites Publius Valerius following in the exemplary footsteps of Romulus; Seneca refers to Epicurus and Metrodorus as philosophical footsteps one might wish to follow in; Juvenal mocks sons who follow in the negative example of their father's footsteps; and Suetonius claims that Julius Modestus traced the path of his master, Hyginus.[118] In this sense, Cicero looms large as the ancient model, an object of cultural memory, and in his actions for the military commander, whose vestiges we can trace in the declaimer's argument. As has already been noted in the scenario of this declamation, there are traces of a subtext of the Catilinarian conspiracy. The commander, and the declaimer who takes on his persona, stand in the footsteps of Cicero. Cicero serves as both a textual model and a model in his actions.

b) The adulteress poisoner

Catilinarian imitation in the *Minor Declamations* is achieved through freer, though no less salient, allusions. *Decl. min.* 319 offers a prime example: a wife is accused of adultery by her husband. During delays in the trial, their son dies under suspicious circumstances which suggest foul play. The husband then attempts a second lawsuit against his wife, this time for poisoning. She requests that the adultery trial be heard first. At first glance, we might note that this scenario has more in common with other Ciceronian speeches, such as the *Pro Cluentio*, which we might expect the declaimer to imitate here in the depiction of the declamatory mother as Sassia (which we saw earlier in *Decl. min.* 388).[119] Yet the *indignatio* that the declamatory husband rouses against his wife closely resembles Cicero's attempts to stir up envy against Catiline. Midway through his argument the declaimer states:

> §§4–5 Filium ab hac occisum esse dico: **quamdiu**, iudices, sinetis hoc esse dubium? **Vivit** interim in civitate, inter nos est femina inter prodigia numeranda, implet numerum civitatis: et **vivet** dum bis rea sit, praesertim in hac civitate in qua iudicia diu differuntur.
> I say that this woman killed my son: how long, gentlemen of the jury, will you leave this in doubt? Meanwhile she lives in the community, a woman who should be

[117] *OLD* s.v. 5c.
[118] Livy 3.17.6; Sen. *Ep*. 79.16; Juv. 14.36; Suet. *Gram. et rhet.* 20.
[119] Winterbottom 1984: 479.

> categorised as a monster is among us, makes up the number of the community, and she will live until she stands trial twice, in this community too in which trials are long put off.

Here, the declaimer addresses the delay in the wife's adultery trial, which has also postponed the poisoning case. He argues that such a woman—suspected adulteress and poisoner—poses a threat to the community. She should not be allowed to live amongst the citizens let alone to have her judgements deferred. That is, she needs to be punished in a swift and severe manner, which sees her expulsion from the community.

This phrasing takes its cue from the famous *exordium* of Cicero's First Catilinarian Oration, in which he describes the situation of early November 63 BCE, shortly after a failed assassination attempt against him. He begins by singling out Catiline and his nefarious activities:

> Quo usque tandem abutere, Catilina, patientia nostra? **Quam diu** etiam furor iste tuus nos eludet? Quem ad finem sese effrenata iactabit audacia? […] O tempora, o mores! Senatus haec intellegit, consul videt; hic tamen **vivit**. **Vivit?** immo vero etiam in senatum venit, fit publici consili particeps, notat et designat oculis ad caedem unum quemque nostrum. (*Cat.* 1.1–2)
>
> In heaven's name, Catiline, how long will you take advantage of our forbearance? How much longer yet will that madness of yours make playthings of us? When will your unbridled effrontery stop vaunting itself? […] What an age we live in! The Senate knows it all, the consul sees it, and yet—this man is still alive. Alive, did I say? Not only is he alive, but he attends the Senate, takes part in our debates, picks us all out one by one and with his gaze marks us down for death.

Although these passages lack strong lexical connections, certain similarities suggest that the declaimer is adapting Cicero's *exordium*.[120] Winterbottom has pointed out a parallel: both

[120] Whereas in *Decl. min.* 348 the scenario and the legal issues vaguely recall the Catilinarians, this declaimer is far from the world of republican conspiracies. Then again, Catiline had earlier been accused of the two charges that this declamatory woman faces: extra-marital sex and murder. He was charged and acquitted for seducing the Vestal Virgin, Fabia, in 73 BCE and he had M. Marius Gratidianus executed during the Sullan proscriptions. See Cic. *Cat*. 1.13, 4.7, 4.23, *Tog. cand*. 2.9.10, 2.9.16; Sall. *Cat*. 47.2. Cadoux 2005.

Cicero and the declaimer repeat the word, *vivere*.[121] Some syntactical differences, however, distinguish them: the declaimer opts for a future tense (*vivet*) in the second clause rather than Cicero's repeated present (*vivit*). Additionally, he modifies Cicero's poetic *geminatio*—a technique in which the last word of a sentence is repeated as the first word of the next (*vivit. Vivit?*)—into an anaphora (*vivit… vivet*…). The use of the repeated present (*vivit*) by other declaimers in this collection, along with Quintilian's reference to this Ciceronian passage, supports the idea that the opening of the Catilinarians served as a declamatory model for allusion.[122] What has gone unnoticed is that there is more beyond this repeated word that links *Decl. min.* 319 with *Cat.* 1.1.

The declaimer mirrors Cicero's argument: Cicero's statement that Catiline 'still lives' (*hic tamen vivit. Vivit*?) is echoed by the declaimer's assertion that the accused woman lives (*vivit interim… et vivit…*). He then reframes Cicero's concern that Catiline lives amongst the senators, to the woman within the community. There is an implicit parallel between Catiline's presence in the senate and the adulteress living among the community, where she remains while her trials are deferred.[123] Of course, as a woman, she could not participate in senatorial affairs, even in the imaginary world of declamation. Add in the declaimer's description of the alleged adulteress as a *prodigium*—a term that is rarely attested to describe people—but is used in the *exordium* of the Second Catilinarian of Catiline,[124] together with the lingering threat at the end of both passages that the respective villains will soon choose their next victims to be assassinated (Cicero: *…notat et designat oculis ad caedem unum quemque nostrum*; declaimer: §5 *liceat vindicare filium dum <u>vivo</u>, antequam ad accusatorem transeatur a teste*), and the case for the declaimer's imitation in miniature of the *exordium* of the First Catilinarian is strengthened.[125]

The imitation becomes unmistakable in the declaimer's opening address to the judges. This recalls Cicero's opening apostrophe to Catiline: *quam diu* mirrors both Cicero's widely imitated *quo usque tandem…* of the first rhetorical question (a point to which we shall return

[121] Winterbottom 1984: 479 briefly suggests seeing further Cic. *Cat*. 1.2 with respect to *vivit*. The repetition of this verb is not uncommon: it is used twice in Ciceronian philosophical works (Cic. *Nat. D.* 2.24, *Parad.* 33). See also Ov. *Her.* 69; Sen. *Ep.* 60.4.3 certainly seems to have Cic. *Cat.* 1.1 in mind, as he has just quoted the opening of Sall. *Cat.* 1.1.
[122] *Decl. min.* 334.8, 344.14. See Winterbottom 1984: 518 on *Decl. min.* 334.8 who cites Cic. *Cat.* 1.2 again. Quint. *Inst*. 9.3.44.
[123] This language is similarly used at *Decl. min.* 340.2 (*qui in numero civitatis fuisset*).
[124] *OLD* s.v. 2b.
[125] Cic. *Cat*. 2.1.

in the following case studies), and more directly parallels the *quam diu* and the future tense (C. *eludet*, DM *sinetis*) of the second question; his addressee, the judges, recasts Cicero's direct address to the accused, Catiline;[126] and his …*sinetis hoc esse dubium* rewrites Cicero's question of how much longer the community is to be abused by Catiline to a question of how much longer the judges are to leave in doubt the matter of the wife's adultery. The verbal correspondences are again limited (the declaimer's *sino* may parallel *patientia*, or its related verb *pati*),[127] but the declaimer and Cicero make a closely related point that the matter at hand should not be dragged out any longer and swift action ought to be taken. We know that openings were famously the targets of allusion in epic, but why not also oratory?[128] The next case study examines other famous echoes of the opening of the Catilinarians, which suggest that this was a strong target of imitation. In *Decl. min.* 319, The declaimer compresses and rewrites the opening rhetorical questions of Cicero's *exordium* into a *sententia*-sized sound bite.

The rhetorical effect of this allusion is curious. By appropriating Cicero's rhetoric, the declaimer not only assumes his voice but also his authoritative role as consul. In so doing, he colours the accused adulteress poisoner as a new Catiline. This serves to amplify the gravity of the woman's crimes, inflating them from two alleged criminal offences—adultery and poisoning—to treason against the Roman state. Thus, the declaimer draws on the cultural memory of the Catilinarian conspiracy to transform a domestic lawsuit into a public crisis, casting the husband's accusations as comparable to a consul's condemnation of a political traitor.

4. Distinctive diction

a) Where to bury a tyrant?

The previous two case studies demonstrated how declaimers could rework and repurpose passages from Cicero's Catilinarians with minimal verbal echoes, relying instead on arguments and ideas to suggest imitation. In the remainder of this chapter, we examine a

[126] Perhaps this was an attempt of the declaimer to correct Cicero's *faux pas* in using apostrophe in the exordium, something Quint. *Inst*. 4.1.63 recommends not to do.
[127] *OLD* s.v. *sino* 2b.
[128] Conte 1986: 33–35; Hinds 1998: 117–118 on Verg. *Aen.* 1.94–101.

different kind of liaison through four *controversiae* that exhibit a stronger overlap in diction with the Catilinarians. Concise though they are, these imitations are complex and are often accompanied by Quintilianic citations of the Catilinarians. Most of these declamations address scenarios involving tyranny. Unlike the previous case study (*Decl. min.* 319), where the declaimer unexpectedly compares an accused adulteress-poisoner to Catiline, cases involving tyranny offer a more fitting context for declaimers to recall Catiline and to emulate Cicero's language in speaking against him.

With the *exordium* of the First Catilinarian still in mind, let us turn to *Decl. min.* 274. In this *controversia*, a tyrant is struck and killed by lightning in the forum.[129] One declamatory law mandates that those struck by lightning are to be interred on the spot where they fell (pr. *quo quis loco fulmine ictus fuerit, eodem sepeliatur*), while another conflicting law requires that tyrants be buried outside the city walls (pr. *tyranni corpus extra fines abiciatur*). This *controversia* is notable for presenting both sides of the argument (§§2–9 outside the *fines*; §§10–13 in the forum). In the argument against burying the tyrant in the forum, the declaimer asserts that, if the gods had not struck him down, the citizenry would have done so themselves:

> §7 Si nobis libertatem humanae manus et mortalia consilia attulissent, traheretur publicis manibus corpus extra fines et unusquisque vexatione eius ludibrioque gauderet, nemo non suam manum esse quae traheret, suas vires putaret; quoniam scelera eius atque flagitia ab ipsis diis immortalibus condemnata sunt, quoniam **patientiam nostram** ac servitutem numina non tulerunt, continget illi honor? Hoc enim voluit ille qui **fulmen vibravit?**
>
> If human hands and mortal counsels had brought us freedom, the corpse would have been publicly dragged outside our borders and each one of us would have enjoyed harassing and mocking it, nobody but would have thought the hand that dragged his own, the strength his own: seeing that his crimes and outrages have been condemned by the immortal gods themselves, seeing that the deities did not tolerate our patience and servitude, shall he be accorded honour? Was that what he who hurled the bolt desired?

[129] This scenario is vaguely redolent of the legendary third king of Rome, Tullus Hostilius, who was said to have been struck by lightning for hubris against the gods. Livy 1.31; Plin. *HN* 28.14. See further Ogilvie 1965: 125.

Here, the speaker imagines the people's collective violence against the tyrant's body, dragged outside the city walls. Critics have suggested that the description of the thundering god (*qui fulmen vibravit*) recalls epic epithets of Jupiter,[130] and observed that the phrase *patientia nostra* resurfaces in a later *controversia*.[131]

Decl. min. 329 presents another case concerning the burial of a tyrant in the forum. In this scenario, set during a plague, an oracle decrees that a tyrant's death is necessary to end the pestilence. One law states that whoever kills a tyrant shall be buried inside the forum (pr. *qui tyrannum occiderit, in foro sepeliatur*). However, the tyrant takes his own life, prompting his relatives to argue that he should be buried in the forum.[132] As in *Decl. min.* 274, it is the speaker arguing against the tyrant's burial who employs the language of forbearance, asserting that the gods sent the pestilence to bring about the tyrant's death:[133]

> §§11–12 Si tantum hoc dicerem: "cum salus esset proposita civitati hoc solacio, ut tyrannus occideretur, quis non nostrum in arcem rueret, quis non subderet faces, quis non concremare pestem illam rei publicae vellet? Vidit animos nostros, vidit impetum. Non enim vulgaria sacramenta ducebant, nec sicut adversus alios tyrannos [tenebat] iniuriae tantum dolore urgebamur. Incredibile est quid non ausura fuerit libertatis et salutis necessitas. [Quid enim dicam quam invisus ille diis immortalibus fuerit? Nos non ferebant et **patientiae nostrae** irascebantur"].[134]
>
> If I were only to say this: "When deliverance had been offered to the community at this price, that the tyrant be killed, which of us would not have rushed to the castle,

[130] Winterbottom 1984: 378 points to Ov. *Met.* 2.308 (*vibrataque fulmina iactat*). To which I add Luc. 9.513 (*fulmina vibrans*). So too, the declaimer's depiction of Jupiter finds a close verbal match in Cic. *Orat.* 234. In a discussion on Attic orators, he says that Demosthenes' manner of speaking was like vibrating thunderbolts spurred on by rhythm (*cuius non tam **vibrarent fulmina** illa, nisi numeris contorta ferrentur*). The declaimer's ambiguous *hoc…ille qui* could gesture to Demosthenes, a man who frequently hurled his bolt against tyrants, so to speak.

[131] Winterbottom 1984: 378, 506–507; Pasetti 2019: 387. Tabacco 1985: 51 briefly talks about these two passages together.

[132] This question of whether suicide can be considered homicide is raised at Quint. *Inst*. 7.3.7 and Sen. *Con. ex.* 8.4.

[133] This declaimer elsewhere employs particularly Ciceronian language. He calls the tyrant (*Decl. min.* 329.11) *pestem illam rei publicae*, which is unattested outside of Cicero and *Decl. min*. Cicero makes use of it to describe Catiline (Cic. *Cat.* 1.30, 4.3) and Antony (Cic. *Phil.* 14.4).

[134] The end of this passage has been bracketed off because it appears misplaced in the declaimer's argument. It does not follow the line of reasoning employed earlier in the passage. Winterbottom 1984: 506 suggests that §12 fits better with the declaimer's discussion at §14 and §17 about the gods. The placement of this passage does little to obscure the Ciceronian echo.

> which not have set fire to it, which not have wished to burn that pest of the commonwealth? He saw our minds, saw the impetus. No ordinary oaths led us on, we were not urged only by indignation at our injury as with other tyrants. It is unbelievable what compulsion of freedom and deliverance would not have dared. [For why should I say how hateful he was to the immortal gods? They were losing patience with us and angry at our long-suffering"].

There are clear parallels between these two declamatory passages. Both *Decl. min.* 274 and 329 credit the gods with the tyrant's death, both hypothesise on the citizenry's violent murder of him, and both reflect on divine intervention. In both cases, the gods are portrayed as no longer able to witness the suffering of the communities. What has gone largely unnoticed, however, is that these passages also imitate Cicero. In the previous case study (*Decl. min.* 319), we saw the opening lines of the First Catilinarian, in which Cicero decries the abuse Catiline inflicted upon the Roman people:

> Quo usque tandem abutere, Catilina, **patientia nostra**? (*Cat.* 1.1)
> In heaven's name, Catiline, how long will you take advantage of our forbearance?

Here, too, we encounter a similar argument: that a criminal figure's oppressive and corrupt actions can no longer be tolerated by a community, and, in *Decl. min.* 274, they have even been enslaved. Krebs argues that Cicero's opening groups the Senate and Cicero against an isolated Catiline, and so too the declaimers aim to align the judges with their perspective, suggesting that the tyrant exploited their patience and has already been condemned by the gods.[135] Unlike the previous cases, this allusion does not recast the Catilinarian conspiracy, but remains relatively faithful to it. The only departure is that in these *controversiae* the gods have already saved the communities, whereas Cicero, as consul, still argues for the Roman people's salvation. This allusion is reinforced by the pairing *patientia nostra*, which appears in both these *controversiae* and the opening lines of the Catilinarians.[136] This pairing is not distinctive and it is relatively common.[137] On its own it does not provide a compelling case for allusion, even if it is read in combination with the shared argument. The most compelling

[135] Krebs 2020.
[136] Kaster 2002 surveys the wide linguistic range of the term *patientia*.
[137] For the pairing of *patientia nostra*: Livy 29.17.3; Ov. *Met.* 5.373; Plin. *Pan.* 22.2, 68.2; *Decl. mai.* 7.8, 18.1. For looser evocations of the phrase see in text discussion below.

grounds to see these passages as imitation in fact stem from frequent allusions across prose texts to the opening of the Catilinarians with little more than a few shared words.[138] Conte observes that a single word in a poem can evoke a 'whole poetic situation and to revive its mood'.[139] To return to the point I raised earlier in relation to *Decl. min.* 319, we should treat the beginnings of famous orations as captivating sites of allusion. There is certainly no shortage of allusions to the beginnings of the first Catilinarian. This is what makes *Decl. min.* 274 and 329 more convincing in their resemblance to Cicero.

Sillett has shown that this *exordium* was imitated by numerous authors in various of ways:[140] from Cicero's own early repetitions of this phrase,[141] to Caesar's singular use of *patientia*,[142] Livy's subtle lexis (*patienda*),[143] and Sallust's ironic reprisal of the phrase through Catiline himself ("*quae quousque tandem* ***patiemini****, o fortissumi viri?*").[144] Several passages are particularly relevant to this interaction in the *Minor Declamations*.[145] There is evidence of declamatory imitation of this phrase: in a *suasoria* deliberating whether Cicero should burn his writings to avoid Antony's retribution, Cicero's son is made to quote the *incipit* verbatim.[146] Quintilian frequently refers to this opening. At *Inst.* 9.2, he reproduces the phrase to illustrate the power of rhetorical questions, which he then rewrites as a series of statements: "*diu abuteris patientia nostra*", *et "patent tua consilia*" ("you have been abusing our patience a long time" and "your plans are exposed"!).[147] Notably, *Decl. min.* 274 uses the phrase in a rhetorical question, while *Decl. min.* 329 presents it as a statement. Elsewhere in the *Institutio*, Quintilian again cites the *exordium* ("*quo usque tandem abutere*").[148] The implication is that since readers of the *Institutio* would be familiar with this quotation, he need not cite the opening in full. The declaimers in *Decl. min.* 274 and 329 likely had

[138] Krebs 2020: 674–675. Cf. Cic. *Cat*. 1.27. Further, the manner in which the declaimers' frame the tyrant's actions as offences against the gods might parallel Cicero's numerous claims that Catiline had committed *nefas*.
[139] Conte 1986: 35.
[140] Krebs 2020; Sillett 2022.
[141] Cic. *Att*. 1.16.10, *Phil*. 3.3. Krebs 2020: 673 n. 9 further suggests a reprise at Cic. *Planc*. 75.
[142] Caes. *BGall*. 6.36.
[143] Livy 6.18.5, with Oakley 1997: 481–484 who outlines the various points of overlap between Livy's presentation of Manlius Capitolinus and Catiline. According to Oakley, however, Livy's Manlius is largely informed by Sallust's portrait of Catiline. It is interesting then, that he couples this with Ciceronian language, which might be refracted through Sallust's own use of Cicero's language at (*Cat.* 20.9).
[144] Sall. *Cat*. 20.9. Sall. *Hist*. 1.77.5. Sillett 2022: 275.
[145] The opening of Cic. *Cat.* 1 continued to be imitated with slight verbal correspondences into the High Empire: Whitton 2013: 148 and Sillett 2022: 278–279 on Plin. *Ep.* 2.10.2; Tac. *Ann.* 1.13.4; La Bua 2013 on Apul. *Met.* 3.27, 6.21, 7.20.
[146] Sen. *Suas*. 7.14.
[147] Quint. *Inst*. 9.2.8.
[148] Quint. *Inst.* 4.1.68.

Quintilian's citations in mind, which only strengthens the case for imitation of Cicero—whether directly or through Quintilian. This cumulative evidence suggests that one significant word (often *patientia*) could invoke the *First Catilinarian*. Indeed, it was rare to pair, *patientia nostra,* without evoking the speech's opening.[149] This phrase was evidently familiar to students, as shown by an inscription at the base of a teacher's statue (3rd–4th century CE): VERBA CICERO | NIS QUOSQ | UE TANDEM ABUTE | RE CATELINA PA | TIENTIA NOS | TRA.[150] The last two sections have highlighted that the opening of the Catilinarians was a key allusive target for the declaimers of the *Minor Declamations* and that this is certainly not isolated among Latin authors of the late Republic, early and High Empire. In each of the declamations explored so far lexis has been paired with strong similarities in argument. What happens when there is overlapping diction, but a difference in context?

b) Vitals of state

Decl. min. 255 is a case set during war. A law is proposed that deserters seeking asylum from the enemy camp should not be received. The rhetor begins his *sermo* by noting that this 'type comes close to *suasoriae*' (§1 *proxime ad suasorias accedit hoc genus*).[151] In a *suasoria* set in Greece, the declaimer is expected to propose the law before a judge; in contrast, in a Roman setting, the declaimer must argue for or against the proposed law before a *contio*.[152] Here, we are dealing with a Roman *contio*, and Winterbottom observes that the setting specifically evokes the past.[153] While Winterbottom does not identify precisely which historical period the rhetor might have in mind, one speaker's reference to the *turbidissimas contiones* (*Decl. min.* 268.19), which he associates with the turmoil of late republican politics, hints at a republican undertone to the case. The declaimer's use of language from the Catilinarian crisis in his praise of the proposed law further suggests that the republican past is an intended reference point.

In his epilogue, the declaimer provides an ekphrasis of what would happen to the community if they accepted the enemy deserters into their imaginary city:

[149] Ov. *Met.* 5.373–73; Plin. *Pan.* 22.2, 68.2. Hutchinson 2011: 133.
[150] Passelac 1972.
[151] His recommendation closely follows Quintilian's suggestion in *Inst.* 2.4.33.
[152] Quint. *Inst.* 2.4.33.
[153] Winterbottom 1984: 324. See also Pasetti 2019: 271–272.

> §8 Haec dicerem etiamsi nihil ex istis metus esset; nunc vero non possum non confiteri sollicitudinem meam. Quotiens oculos circumtuli et singulas castrorum metior partes, non aliter quam si vallum hostis invaserit alienos habitus, aliena arma video; versantur inter domos nostras, inter templa, inter muros, **in mediis rei publicae visceribus.**
>
> I would be saying all this even if there were no danger from these people. But as it is, I cannot help confessing my anxiety. Whenever I cast my eyes around and measure particular parts of our encampment, I see foreign dress, foreign arms, just as though the enemy had invaded our rampart. They come and go amid our houses, our temples, our walls, right in the very guts of the commonwealth.

We might observe that the declaimer's anaphoric tricolon (*inter domos nostras, inter templa, inter muros*) loosely recalls the references to the parts of the city that must be saved which appear across the final two Catilinarian orations, as previously examined in *Decl. min.* 348. Moreover, *Decl. min.* 255 contains another, more cogent *Catilinarian* echo: allowing enemy deserters inside the city walls, and thus the republic, metaphorically penetrates the bowels of the state. This metaphor is reprised later at §9, where the declaimer laments that 'open-eyed, or rather gleefully, we have taken the enemy into our vitals' (*videntes palam, immo gaudentes etiam accepimus intra viscera hostem*). In both passages, surrounding bodily language amplifies the body politic.[154] For instance, in §8, the declaimer mentions the act of seeing twice (*quotiens oculos circumtuli; video*) and repeats it in §9 (*videntes*). His use of the present tense (in contrast to the past tense of the scenario) compounds the vivid quality of the scene, intensifying its ekphrastic impact.

This body politic metaphor invites comparison with Cicero's plea to expel Catiline and his band of supporters from Rome.

> Hic si ex tanto latrocinio iste unus tolletur, videbimur fortasse ad breve quoddam tempus cura et metu esse relevati, periculum autem residebit et erit inclusum penitus in venis atque **in visceribus rei publicae.** (Cic. *Cat.* 1.31)

[154] See Gowers 1995 on the anatomy of the Roman city, esp. 26–27 where the sewers of Rome (Cloaca Maxima) are linked to the guts of the city and the *Subura* to the stomach. On the body politic metaphor see more recently Mebane 2024, esp. 31, 36, 74, 86, 181–82, 188–90 for relevant discussion on *viscera*.

> If he alone is removed out of all this band of brigands, we shall appear perhaps to have gained a short respite from anxiety and fear, but the danger will remain and be set deep in the veins and vitals of the Republic.

The lexical traces between Cicero and the declaimer are audible. Both reference their anxiety (C. *cura et metu* ~ DM *sollicitudinem*) and share the metaphor of the bowels of the state. Cicero's alliterative phrase, *in venis atque in visceribus rei publicae*, is closely paralleled by the declaimer's *in mediis rei publicae visceribus*. This metaphor is uncommon, appearing only in Cicero's *Pro Flacco* and Livy's account of the Second Punic War—another possible source for the declaimer's metaphor.[155] Further considerations, however, indicate that the declaimer's primary allusion is indeed to the Catilinarians. Both texts contain the same core idea: that an enemy poses a fundamental threat to the community and should be rejected. As we know, allusion in the *Minor Declamations* frequently involves imitation of ideas and argument. However, while Cicero warns of an internal threat, the declaimer speaks of an external military threat; and while Cicero delivered his First Catilinarian to the Senate at the Temple of Jupiter Stator, *Decl. min.* 255 stages its conflict before the Roman people in a *contio*.[156]

This body politic metaphor recurs in a later *controversia*, *Decl. min.* 272, which reinforces the allusion. *Decl. min.* 272, like *Decl. min.* 255, is set during wartime. In this case, a mother is captured by the enemy while attempting to bury her son. She is tortured and reveals that 'aid is coming' (*auxilia venire*). After escaping, she warns her own people that the enemy is digging a tunnel beneath the city walls, but she is accused of betraying state secrets. Her defence is a vivid imagining of what would have happened had she not acted. Far from trading public secrets, the declaimer argues, she saved the community:

[155] Both authors provide a lexical hook. Cic. *Pis.* 28: *si pecuniam ereptam* ***ex rei publicae visceribus*** *dedisset*. Cicero here refers to the fact that Clodius had promised Piso the province of Macedonia in exchange for his support of the bill to exile Cicero. The metaphor appears across Livy to refer to the external threat of Greece. Livy 22.38.6: *denuntiantis bellum arcessitum in Italiam ab nobilibus mansurumque* ***in visceribus rei publicae*** *si plures Fabios imperatores haberet;* 32.21.18: *velut intra* ***viscera Italiae toleraverunt***; 32.21.27: *haerente* ***in ipsis visceribus*** *uramur bello*; 33.44.8: ***in visceribus Graeciae*** *ingens malum*; 34.48.6: *haerentem* ***visceribus*** *nobilissimae civitatis*.

[156] Vasaly 1993: 40–74 discusses the importance of this location to the argumentative strategy of Cic. *Cat.* 1.

§13 Intrassent civitatem hostes; nobis et **somno sepultis** et securis ab omni cogitatione bellorum totus subito **in visceribus ipsius urbis** hostilis apparuisset exercitus, nec prius decessisset quam incenderet, opprimeret, diriperet.
The enemy would have got inside the city; the whole hostile army would have suddenly appeared in the vitals of the city itself as we slept deeply, free of any thought of wars, and would not have left before they had burned and overturned and plundered.

This speaker looks to both epic and the Catilinarians—a bifocal imitation similar to that seen earlier in *Decl. min.* 274. It has been recognised by commentators that the phrase *somno sepultis* recalls Vergil's description of the Greeks invading Troy: *invadunt urbem somno vinoque sepultam* ('they storm the city, buried in sleep and wine').[157] Here, the imaginative city of declamation is likened to Troy.[158] The second allusion shifts focus back to Rome, echoing Cicero's imagery of Catiline as an internal threat. The declaimer once again employs the body politic metaphor, though now referencing the 'vitals of the city' rather than the state. Admittedly, the argumentative similarity here is less direct than in *Decl. min.* 255 and *Cat.* 1.31, as this declaimer's focus is on the mother as a saviour of the community, whereas *Decl. min.* 255 and Cicero's First Catilinarian emphasise the need to remove threats.[159] Nonetheless, across these *controversiae*, the imitation of the Catilinarians heightens the sense of impending peril, as if the threat posed by their respective enemies had already breached the city walls. Together, they evoke cultural memories of Catiline's threat to Rome, while *Decl. min.* 272 further invokes the poetic memory of the Trojan War.

c) Thanksgiving

This final liaison brings the chapter—and the case for *Catilinarian* allusions in the *Minor Declamations*—to a close. In *Decl. min.* 322 verbal echoes of Cicero's rhetoric are even more

[157] Verg. *Aen.* 2.265. As Pasetti 2019: 379 observes, this passage comes from Enn. *Ann*. 8.288 (Skutsch). Lucr. 1.133, 5.974 also employs the pairing of *somno sepultis*.
[158] Pasetti 2019: 377 has observed that Vergilian references appear throughout the argument. For example, see *Decl. min.* 272.9 and Verg. *Aen.* 11.633–635. Tac. *Ann.* 2.25 might also be in view.
[159] There are grounds to see an internal reworking of this metaphor between *Decl. min.* 255 and 272. The language of *viscera* is particularly rare in the collection, and together with the metaphor and related themes, it closely links these two passages. Excluding the three we have already met, *viscera* is used at *Decl. min.* 256.3, 307.6, 321.9, 326.8, 332.5, 338.19. (It is even more rare in Sen. and Calp. Flac.; Sen. *Contr.* 10.5.17, Calp. Flac. 2.2).

pronounced than those previously explored. In the scenario, a son enters a *contio* with a bloodied sword and claims that he has killed his father for plotting tyranny.[160] He then leads a magistrate to the scene, revealing what he claims to be the father's preparations for tyranny. On the father's body, the magistrate discovers a *tabella* addressed to the son, which reads: (pr.) *abdico te nisi desinis, et si contradixeris indicabo causas* ('I disown you if you don't stop, and if you oppose, I shall reveal my reasons'). The son is subsequently accused of plotting the tyranny himself, and the argument is given in the voice of an advocate prosecuting the son. Although the scenario and legal charge may seem distinct from the events of the Catilinarian conspiracy, the declaimer nevertheless employs rhetoric reminiscent of a statement alleged to have been used by Cicero in the aftermath of 63 BCE.[161] The declaimer digresses to thank those who uncovered the incriminating evidence of the *tabella*:

> §6 Ante omnia **gratias magistratibus ago quod**, non deprehendisse contenti ea quae ostendebantur, aliquid et ipsi viderunt. **Gratias ago etiam providentiae deorum immortalium,** qui numquam ita opprimi veritatem voluerunt ut non magnis suis vestigiis emineret.
> First of all, I thank the magistrates in that they were not content with discovering what was shown there, they saw something for themselves. Also I thank the providence of the immortal gods who have never wished truth to be so buried but that large traces of it stand out.

The declaimer has a passage from *Institutio* 11 in mind, where Quintilian advises orators to avoid boastfulness.[162] Quintilian notes that although Cicero often credited himself with quashing Catiline's *coup d'état*, he also attributed its suppression to two other groups:[163]

[160] This declamatory scenario finds similarities throughout the Latin declamatory corpus. For sons who kill their fathers see: *Decl. min.* 281, 314, 377. For plots aiming at tyranny see: *Decl. min*. 267; Calp. Flac. 6. Conversely, in *Decl. min*. 288 and Calp. Flac. 1 a father and a mother respectively kill their sons on the grounds of attempted tyranny.
[161] Cicero similarly uncovered a plot to kill him and brought his evidence before the magistrates for deliberation in Cic. *Cat.* 1.
[162] Quint. *Inst*. 11.1.15–18. Commentators on the *Decl. min.* have yet to note this.
[163] Quintilian's claim is slightly at odds with other contemporary authors, who criticise Cicero for being a braggart. See, for example, Sen. *Brev. Vit*. 5.1–2; Plut. *Vit. Cic*. 6.5, 24.1–3; Cass. Dio 37.38.2, 38.12.7. For an examination of how Cicero's vanity might be in line with elite social practice, see Allen 1954.

> Et M. Tullius saepe dicit de oppressa coniuratione Catilinae, sed modo id virtuti **senatus**, modo **providentiae deorum inmortalium adsignat**. (*Inst.* 11.1.23)
> Likewise, Cicero often speaks of the suppression of Catiline's conspiracy; but he sometimes ascribes it to the courage of the senate, and sometimes to the providence of the immortal gods.

The thematic and linguistic overlap here is significant: both the declaimer and Quintilian's Cicero extend gratitude to those who helped expose tyranny, and both aim to ingratiate themselves with their audience. The verbal similarities are also noteworthy. The declaimer thanks the magistrates (*gratias magistratibus ago*) for uncovering tyranny, where Quintilian writes that Cicero ascribes the suppression of Catiline's conspiracy to the *virtus* of the Senate (*virtuti senatus…adsignat*). The declaimer's gratitude to the *providentia* of the immortal gods echoes Quintilian's wording precisely (*providentiae deorum immortalium*). These are the only two passages in classical Latin where *providentia* and *di immortales* are paired, suggesting that he is emulating Quintilian's depiction of Cicero by paralleling Cicero's role in quelling Catiline's conspiracy with that of the magistrate investigating the son's actions.

To be sure, there are differences as well as similarities. Quintilian reflects on Cicero's past actions, whereas the declaimer's gratitude is anchored in the present, imagined setting of Romano-polis. Cicero praises the Senate's *virtus* as the reason why the conspiracy was suppressed; the declaimer specifically thanks the magistrates for not being content with the evidence as it lay bare (*non deprehendisse contenti*). Where Cicero briefly mentions the providence of the immortal gods, the declaimer elaborates, attributing to the gods a desire to bring the truth to light (*qui numquam ita opprimi voluerunt*).[164] By contrast to *Decl. min.* 274, where the declaimer reworks Cicero into a *sententia*, this declaimer takes the basic template from Quintilian and elaborates upon it, specifying the reasons as to why he is extending his gratitude.

[164] While this addition does not appear in Quintilian, it might call to mind a passage from Cicero's Catilinarians in which he gives thanks to the immortal gods, namely a re-erected statue of Jupiter Optimus Maximus overlooking the forum and Curia Hostilia, for bringing to light Catiline's plots hatched in secret. Cic. *Cat*. 3.20: *…fore ut ea consilia quae clam essent inita contra salutem urbis atque imperi inlustrarentur ut a senatu populoque Romano perspici possent*. See further Dyck 2008: 196. Cic. *Cat*. 3.22 similarly speaks of Jupiter revealing evidence to Cicero.

However, this phrase that Quintilian attributes to Cicero does not appear in any of Cicero's—or for that matter anyone else's—extant writings. Allen suggests that Quintilian may have based it on three passages from the Catilinarians.[165] At the end of the second Catilinarian, Cicero claims that he relies not on human wisdom but on the guidance of the immortal gods;[166] at the end of the third Catilinarian, he again thanks the immortal gods;[167] and earlier in the third Catilinarian, he thanks the senate for their proposals.[168] However, none of these passages provides a particularly convincing model, since Cicero does not thank the immortal gods or the senate together.[169] In other surviving works from 63 BCE, Cicero separately thanks the senate and immortal gods.[170] Allen finds a closer parallel in *Pro Sulla*, where Cicero acknowledges the role of the *di immortales* in averting the dangers of Catiline's conspiracy and, in close succession, he then lauds the Senate for questioning the informants.[171] While this does offer a more compelling model for Quintilian, here, too, verbal resonances are sparse.[172] But Quintilian states that Cicero did this often (*saepe*), not just in *Pro Sulla*. Quintilian may either be mistaken, or more likely he may reference a now lost phrase of Cicero's, several of whose works concerning his consulship have been lost.[173]

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[165] Allen 1954: 143.

[166] Cic. *Cat.* 2.29: *Quae quidem ego neque mea prudentia neque humanis consiliis fretus polliceor vobis, Quirites, sed multis et non dubiis deorum immortalium significationibus, quibus ego ducibus in hanc spem sententiamque sum ingressus* ('When I make this promise, citizens, I do not rely upon my own good sense or upon any human wisdom, but upon the many clear omens from the immortal gods under whose guidance I entertained these hopes and embarked upon this policy').

[167] Cic. *Cat.* 3.18: *Quamquam haec omnia, Quirites, ita sunt a me administrata ut deorum immortalium nutu atque consilio et gesta et provisa esse videantur* ('Even so, citizens, my conduct of this whole matter may be thought to display both foresight and action that depended upon the wisdom and the will of the immortal gods'). See following discussion at Cic. *Cat.* 3.18–22.

[168] Cic. *Cat.* 3.13: *Indiciis expositis atque editis, Quirites, senatum consului de summa re publica quid fieri placeret. Dictae sunt a principibus acerrimae ac fortissimae sententiae, quas senatus sine ulla varietate est secutus* ('When the evidence had been produced and read out, citizens, I asked the Senate what action it proposed to take in the supreme interests of the Republic. The senior senators made vigorous and courageous proposals and the Senate adopted them without amendment').

[169] Robinson 1994: 43 n.1 appears to be similarly sceptical by noting that Cicero never directly gives thanks to the senate and the immortal gods in the Catilinarians, nor in their aftermath.

[170] For the numerous times Cicero gave thanks to the senate alone for suppressing the conspiracy after 63 BCE see Robinson 1994. Kaster 2006: 1–14 gives a detailed examination of Cicero's praise of individual magistrates for suppressing the conspiracy and recalling him to Rome in the *Pro Sestio*.

[171] Cic. *Sull*. 40: *o di immortales!—vobis enim tribuo quae vestra sunt, nec vero possum meo tantum ingenio dare ut tot res tantas, tam varias, tam repentinas in illa turbulentissima tempestate rei publicae mea sponte dispexerim* ('Immortal gods!—for I grant you your due and cannot with honesty claim for myself the sole credit for distinguishing unaided the number, variety and speed of the dangers in that storm which burst so furiously upon the State'). Cic. *Sull*. 42 *at quos viros! Non solum summa virtute et fide, cuius generis erat in senatu facultas maxima, sed etiam quos sciebam memoria, scientia, celeritate scribendi facillime quae dicerentur persequi posse* ('What men they were! Not only were they men of complete integrity and honour, a class that was very well represented in the Senate, but men, I knew, whose memory, skill, and speed in writing enabled them to follow what was said with complete ease').

[172] Robinson 1994: 43 voices similar scepticism.

[173] His epic poem, *De consulatu suo*, survives in mere fragments; a letter to Pompey on his consulship is not extant; not to mention a widely circulated prose account composed in Greek, ὑπόμνημα, of his consulship or

Either way, it seems likely, *a priori*, that the declaimer, guided by Quintilian, is influenced by both Cicero and Quintilian's depiction of him.[174]

The interplay of Cicero's Catilinarians and Quintilian's *Institutio* exemplifies the kind of complex imitation encountered throughout this chapter. The declaimer may draw directly from Cicero or indirectly through Quintilian, but this does not significantly alter my argument that the declaimers are imitating Cicero's Catilinarians. Quintilian's citation of the same passage strengthens the Ciceronian heritage, enriching the allusive texture of the *Minor Declamations*. Given that this declamatory text reflects many of the *Institutio*'s recommendations, the declaimers' allusions to Cicero gain plausibility when Quintilian cites the very passage they echo. This window allusion—'a supercharged form of intertextuality'—repeatedly appears across the text.[175] These are not the covert window allusions typically found in Latin poetry and prose. Both here and across this chapter, the declaimers (author A) allude to Quintilian (author B), who has preserved and explained Cicero's approach (author C). Quintilian provides a window onto Cicero's Catilinarians, which is refracted in the *Minor Declamations*. This imitative layering preserves the cultural memory of the Catilinarian conspiracy and its orations, woven into rhetorical education through Quintilian's influence on the *Minor Declamations*.

5. Conclusions

This chapter has highlighted the ways in which the declaimers of the *Minor Declamations* are attentive and close readers of Cicero's Catilinarians. The case studies reveal that *imitatio* manifests itself in a wide variety of forms. At one end of the spectrum, we find the remarkable scale of allusion, as in *Decl. min.* 348, which gestures to a *topos* found in four passages in the Third and Fourth Catilinarian orations (but likely does not look to more than one or two), borrowing closely from Cicero's language and arguments, and even incorporating a metaliterary nod. At the opposite end, some declaimers allude to Cicero with only the faintest echoes, such as two proverbial words from the *exordium* of the First

Atticus' own attempt at one. Crawford 1984 and 2002 provide a detailed account of all the lost Ciceronian orations, including *oratiunculae*, *de coniuratione Catilinae in senatu*, and *De suo consulatu in senatu*.

[174] If we are to read this text against the background of Trajan's Rome, then it is interesting that at Plin. *Pan.* 4.2 Trajan expressly forbade such expressions of private and public thanks.

[175] Whitton 2019: 134. See the larger chapter p. 134–191 on a similar kind of interaction across Plin. *Ep.*, Quint. *Inst.* and Cicero's *oeuvre.*

Catilinarian (as seen in *Decl. min.* 274 and 329). Between these ends of the spectrum, we observe imitation at various levels: in *Decl. min.* 319, for instance, Cicero is reworked in miniature, with just two key words that nonetheless produce a striking correspondence in argumentation, while *Decl. min.* 322 borrows Cicero's specific diction as recorded by Quintilian. Notably, no clear pattern emerges among these imitations, though several do engage with the *exordia* of Cicero's Catilinarians (*Decl. min.* 348 ~ *Cat.* 3.1, 4.2; *Decl. min.* 274, 319, 329 ~ *Cat.* 1.1), and often with supporting references from Quintilian. Modern readers, accustomed to critiques of the stylistics and composition of declamation as overly florid or bombastic, might find it interesting that when it comes to imitation, it is not as florid, but as Winterbottom described, 'restrained'.[176] Indeed, the declaimers engage in a nuanced interplay of concealment and allusion, masking their references to the Catilinarians, but still inviting their reader to look for them.

This chapter has also explored the rhetorical purpose behind these allusions. The declaimers do not imitate Cicero merely for the sake of imitation. By adopting the language and posture of the Catilinarians, they effectively cast themselves as a new Cicero—consul and defender of the Roman state—while positioning their opponents as a new Catiline. In Cicero's speeches and in subsequent cultural memory, Catiline is a notorious threat to the Republic. Vergil, for instance, sets him in the depths of Tartarus.[177] Thus, invoking Catiline serves to intensify the perceived danger that the declaimers face, facilitating a stronger argument for the prompt conviction of their opponent. Allusion, then, becomes a powerful tool, adding rhetorical depth and urgency to their arguments.

Most declamations align naturally with the Catilinarian conspiracy, such as cases that evoke the *senatus consultum ultimum* (*Decl. min.* 348), or concern tyranny (*Decl. min.* 274, 329, 322). However, *Decl. min.* 319 presents a surprising twist, conflating Catiline with an accused adulteress-poisoner—a figure one might more readily associate with Cicero's Sassia or Clodia. Furthermore, it is notable that, when attempting to magnify both the crisis and the depravity of their adversaries, the declaimers look to a republican model. By the time that this text was composed, Rome had seen many more escalations of civil conflict and conspiracies, including Julius Caesar's civil wars, the bloodshed of the triumviral period, or imperial

[176] Cf. Tac. *Dial*. 35; Winterbottom 2019: 77.
[177] Verg. *Aen.* 6.623–624.

conspiracies, such as Gnaeus Calpurnius Piso under Tiberius, or Piso under Nero. Yet the declaimers avoid these comparisons, preferring instead to draw on Cicero.

This allusive preference offers insight into how the *Minor Declamations* engages with the republican past. While the last chapter, Chapter 1, demonstrated that this text's world is coloured by republican institutions and politics, in part through vignettes reminiscent of Cicero's descriptions of republican governance, this chapter establishes that Cicero, even a century later, remained the foremost model of political and literary eloquence from the late Republic and a favoured source of literary imitation throughout the text. The cultural memory of Cicero's Catilinarians likely owes much to Quintilian's *Institutio*, which preserved a rich repository of Ciceronian quotations. The declaimers reimagine this memory within their fictional world, adapting Cicero's words to cast themselves as Cicero during his consular year. This chapter thus confirms a broader prioritisation of republican values across the *Minor Declamations*, emphasising a particular reverence for republican figures and literature. This pattern will reappear in the next chapter, as the declaimers overlook exemplary figures from recent history and occlude imperial monuments from their cityscape. In so doing, they create a strikingly distorted cultural memory of the Roman past and imperial present.

CHAPTER THREE

Memory and oblivion

> … The historical sense involves a perception, not only of the pastness of the past, but of its presence; the historical sense compels a man to write not merely with his own generation in his bones, but with a feeling that the whole of the literature of Europe from Homer and within it the whole of the literature of his own country has a simultaneous existence and composes a simultaneous order.
>
> Eliot 1919: 37

1. Introduction

The previous chapter was about reading for the theme of the Republic in the *Minor Declamations* through literary allusions. This chapter is about reading the 'cultural' aspects of the Republic in the text. From allusions to Cicero's Catilinarians it is an easy progression to Roman exemplarity and the Roman cityscape. We have now seen that Cicero's death was an important model of exemplarity (*Decl. min.* 268.20) in Latin declamation, and have explored one of the ways in which Cicero drew attention to features of the Roman cityscape in his Catilinarians, which was imitated in the *Minor Declamations* (*Decl. min.* 348). We are therefore well placed to consider other figures of the republican past and the different ways in which the Roman cityscape is treated in the text. Cicero, however, will remain a key figure and textual influence in the background of this chapter.

This chapter explores remembering and, conversely, forgetting both the recent and distant past of Rome in the *Minor Declamations*. It makes two claims about how memory underpins the literary representation of the Republic in this text, and it does so in contrast to earlier Latin declamations. The first half of this chapter argues that the *Minor Declamations*

memorialises a bygone Roman past by examining the use of exemplarity across the text. The declaimers exhibit an overwhelming preference for republican war heroes, with whom they bring themselves into direct relation. There is not a single mention of a Roman figure after the death of Cicero. It is not surprising, therefore, that the text neglects other Roman features after the fall of the Republic. The second half of the chapter turns to explore the way in which the *Minor Declamations* imagines its textual landscape in relation to the Roman city. It argues for the striking exclusion of recent imperial additions to Rome's monumental landscape. The deracination of Rome from the declamatory landscape subverts the imperial building programme, and chimes well with contemporary acts of *damnatio* during the early and High Empire. From these readings of remembering republican *exempla* and forgetting the Roman landscape, I suggest that the *Minor Declamations* creates a vision of the Republic as flourishing within the imaginary world of the text, and that this is shored up by the text's affliction with a cultural amnesia of its more recent Roman imperial present.

I don't want to give the impression that the evidence we will be examining in this chapter is densely packed across the text. As I stressed in the introduction to the present thesis, the evidence is slender in a manner which we have already encountered in the previous two chapters (the politics of the past can be conjured up with as little as one word, *Quirites*, and Cicero's Catilinarians can be imitated with a plain-looking phrase such as *patientia nostra*). The material we will consider in the following two sections is similarly slippery, slight, and at times difficult to work with. It requires close reading. But to repeat in brief the motto of this thesis: we should not be deterred by the sparse evidence from attempting to read the literary and cultural features of the *Minor Declamations*, in this case the atmosphere of the Republic and the absent presence of the Roman Empire in the text. Perhaps, we ought to take this evasive quality as an invitation to read all the more creatively and to embrace questions of why this text shuts down or opens up certain kinds of readings.

2. Remembering

a) Working parameters

The first half of this chapter takes an avowedly wide definition of exemplarity.[1] It adopts Quintilian's capacious definition of exemplarity as any 'mention of an event which either took place or is treated as having taken place in order to make your point convincing' (*rei gestae aut ut gestae utilis ad persuadendum id, quod intenderis, commemoratio*).[2] For Quintilian, exemplarity was a key component in the education of the young orator: it was to teach them morality through the virtues or vices of the past, and used as a tool of argumentation in the orator's arsenal.[3] His definition encompasses a range of examples including mythological events, Greek and Roman historical examples, and examples from current affairs.[4] The present chapter will touch on the full extent of this range; however, its primary focus will be on Roman historical examples. As I have noted several times now, the *Minor Declamations* closely follows Quintilian's rhetorical teachings, and it is perhaps no surprise by this point of the thesis to note that his views on exemplarity work neatly within the text, where other ancient definitions of exemplarity are less compatible with the *Minor Declamations*. Take, for instance, the definition of exemplarity in the *Rhetorica ad Herennium* as 'the citing of something done or said in the past, along with the mention of a specific doer or author by name' (*alicuius facti aut dicti praeteriti cum certi auctoris nomine propositio*).[5] The *Minor Declamations*—and other Latin texts for that matter—do not follow this injunction to name examples.[6] In *Decl. min.* 347.8, for example, the speaker refers to 'the most celebrated Greek leader' (*notissimo Graeciae duci*). Nowhere does he name Odysseus, but it is made clear in the following sentence that this is who he has in mind, by describing

[1] Much has been said in scholarship on Roman exemplarity. Key works include Litchfield 1914, esp. 28–35; Lausberg 1998: 196–202; Chaplin 2000; Roller 2018; Langlands 2018.
[2] Quint. *Inst.* 5.11.6. For a similar definition see Cic. *Inv.* 1.49, although Quintilian acknowledges that he departs from Cicero at *Inst.* 5.11.2. Roller 2018: 1 adopts a similar definition to Quintilian, but as Langlands 2018: 17 writes, 'not every morally edifying tale from ancient Rome is an *exemplum*, not every memorable historical episode is rendered into the exemplary form'.
[3] For the moral instruction of exemplarity see Plin. *Ep.* 8.14.6; Plut. *Mor. Edu. Child.* 9f. For exemplarity as a tool of oratory see Cic. *de or.* 1.18, 1.256; *Orat.* 120; Sen. *Contr.* 7.5.12–13. Relatedly, Sen. *Ep.* 24.6 claims that *exempla* were cliché.
[4] See Quint. *Inst.* 5.11.17–35 on mythological examples; *Inst.* 10.1.31–34 on historical examples; *Inst.* 12.4.1 on using both modern and ancient examples (*in primis vero abundare debet orator exemplorum copia cum veterum tum etiam novorum*).
[5] *Rhet. Her.* 4.48.
[6] See, for example, Cic. *Mil.* 8 and its citation in Quint. *Inst.* 5.11.18. Keeline 2021: 108 notes that Cicero's redaction of Orestes' name 'may be in line with his tendency not to be too specific in narrating Greek material in a public oration'.

his murder of Penelope's suitors: (§8) *qui felicior tamen solam in adulteris ultus est gulae voluptatem* ('who more fortunate [*sc.* than me], punished only the pleasure of gluttony in the adulterers'). To adopt the definition of the *Rhetorica*, or any equally limiting parameters, would mean excluding some of the more interesting references to figures whose names are concealed in the text, a pattern which I will argue is key to the construction of a thriving Republic in the *Minor Declamations*.

One of the upshots of taking on this wider remit of exemplarity is that it opens the discussion to the lists of exemplary figures' names that are reprised across the text.[7] This is an important distinction between my analysis of exemplarity in the *Minor Declamations* and previous scholarship.[8] In van der Poel's study on exemplarity in Latin declamation, he finds 120 instances across the corpus: 75 in Seneca; three in Calpurnius Flaccus; 25 in the *Major Declamations*; and 14 in the *Minor Declamations*.[9] I myself count 29 examples in the *Minor Declamations*, which incorporates the lists of Roman names that van der Poel omits from his tally: five mythological, three from Greek history, and the remaining 21 being Roman historical figures. I include a catalogue of these examples in the *Minor Declamations* in Appendix B, which extends van der Poel's list and provides the reader with a reference point for the examples in the text which I will not discuss in the following section.

There is a sound basis on which to consider the lists of Roman historical names in the *Minor Declamations* as examples. In the first instance, they fit Quintilian's definition insofar as they refer to people and events from the past and they serve an argumentative purpose. Here, for example, is *Decl. min.* 302.3–4: *dedit enim et familiis nomina: hinc Corvini, hinc Torquati, hinc Opimii* ('fighting gave names to families: hence the Corvini, hence the Torquati, hence the Opimii').[10] This list will be discussed below, but the crucial point for now is that the declaimer uses these figures to establish that fighting is not shameful but celebrated in the *cognomina* of great Roman families and that so too, the gladiator of the declamatory scenario should be honoured. In fact, the presentation of this list of republican families is not wholly

[7] *Decl. min.* 268.7, 302.3–4. Both will be discussed in text below.
[8] The use of exemplarity in Latin declamation has been the subject of several studies. Fairweather 1981: 183–185 and Sussman 1978: 114–115 on historical examples used by Seneca and his declaimers. Van Mal-Maeder 2003 examines the use of mythological examples in *Decl. mai.* Van der Poel 2009 catalogues the use of *exempla* across the four extant Latin declamations. Van der Blom 2019 examines the use of republican *exempla* in Latin declamation in line with their earlier deployment in Cicero. Leigh 2021 includes a thoughtful discussion on the use of *exempla* in Seneca's declamations.
[9] Van der Poel 2009.
[10] See Winterbottom 1984 *ad loc.*

unlike the practice of aristocratic funeral rites (*laudatio funebris*).[11] The wax portrait masks of family ancestors were worn by actors in a funerary procession and displayed in the *atria* with accompanying *tituli* as 'purveyors of *exempla*'; both were intended as a means of conveying the names and accomplishments of ancestors for the new generations to emulate.[12] In a famous passage, Sallust refers to the reaction prompted by gazing upon one's ancestors: it stirred them to rival their ancestors' virtues and glorious deeds.[13] In this manner, the examples of *Decl. min.* 302 serve much the same function as aristocratic funeral rites, by ushering forth names of patrician *gentes* as models of behaviour. Another notable point of similarity is the way in which both transport the past into the present. Gowing writes of both examples and *imagines* that they 'bring the past forcefully into the present, compelling us to recall "old events" as though they were "fresh"'.[14] The first half of this chapter will argue that the use of Roman historical examples in the *Minor Declamations* brings the republican past forcefully into the present of their imaginary world.

b) Selection

The impression of an enduring Republic is established through the temporal limitations imposed on examples cited in the *Minor Declamations*. The 21 Roman historical examples adduced by the declaimers are exclusively drawn from the period spanning the foundation of the Republic to its collapse. The earliest Roman historical figure mentioned is L. Brutus (509 BCE), who expelled the last king from Rome, while the latest is Cicero, with several republican figures clustered around the late republican period. This selection of examples is surely no coincidence: these figures effectively bookend the Republic. Not once is a figure from either the monarchical period of regal Rome or the principate named. The conspicuous absence of these periods serves to underscore the text's focus on the Republic, with the principate effectively erased from its imaginary world. Through this selective representation, the text manipulates and writes itself in continuation of republican history.

[11] Key passages on this in Polyb. 6.53–55; Plin. *HN* 35.2.5–7. At *Decl. min.* 329.15 the declaimer describes a funerary procession replete with *imagines*.
[12] Chaplin 2000: 14.
[13] Sall. *Jug.* 4.5–6.
[14] Gowing 2005: 56.

This pattern of temporal exclusion is not unique to the *Minor Declamations* but finds a precedent in Valerius Maximus' *Facta et Dicta Memorabilia*.[15] A key distinction, however, is that Valerius, writing in the Tiberian period, still operated within a cultural framework where the Republic was not merely a distant memory, but by the time of the *Minor Declamations*, this was not the case. The Republic had crystallised into cultural memory and the reality of the Empire could no longer be ignored. Notably, Valerius typically refrains from including events that occurred within 60 years of his work's composition (as Gowing observes, 'the bulk of historical events to which he [Valerius] alludes occurred prior to the Augustan period and the battle of Actium'), whereas the *Minor Declamations* excludes events from the preceding 120 years.[16] This broader temporal gap in the *Minor Declamations* highlights its more pronounced erasure of the principate, further solidifying the textual world's focus on the Republic as an idealised, uninterrupted continuity.[17]

Van der Blom has recently argued that the examples of the *Minor Declamations* are not only drawn from the Republic but are indistinguishable from those cited by republican authors.[18] While modern scholars often highlight the flexible and mutable nature of Roman 'sites of exemplarity', many of the examples in the *Minor Declamations* were already well-known in Cicero's time.[19] Van der Blom's observation suggests that the memory of republican figures had stagnated over the previous century, becoming fixed and unchanging. The declaimers' practice of referencing these figures without elaboration or further identification implies that they had become so entrenched in the cultural memory that their recognition was taken for granted.[20] We have seen this in the previous chapter, when one declaimer assumes knowledge of Cicero's death (*nonne… scimus*).[21] In this way, the text appears to reinforce the prevailing cultural memory of these republican figures as exemplary models. Furthermore, van der Blom argues that Latin declamation captures a paradoxical relationship with historical *exempla*: while the historical circumstances of 'the republican period seems to be […] far

[15] Bloomer 1992: 17–58; Gowing 2005: 54–62; Murray and Wardle 2022.
[16] Gowing 2005: 54. There is, however, an oblique reference to Sejanus at Val. Max. 9.11 ext. 4.
[17] By contrast, Morello 2018 argues that two contemporary authors, Martial and Pliny, distance themselves from republican *exempla*.
[18] Van der Blom 2019.
[19] For sites of exemplarity see Langlands 2018: 166–225.
[20] Van der Blom 2019: 365 notes of *Decl. min.* 268.20 'the references are very short, not even full sentences, because the backgrounds to the particular events were expected to be known by the audience'.
[21] *Decl. min.* 268.20. Admittedly this is a low bar for cultural knowledge. However, the declaimers often refer to the notable status of their exemplar: *Decl. min.* 300.9 *claris ac nobilibus exemplis*; *Decl. min.* 306.12 *clarissimos*; *Decl. min.* 338.21 *clarissima*; *Decl. min.* 347.8 *notissimo*.

away', the moral lessons they illustrate remain strikingly relevant for their imperial audience.[22] Rather than presenting republican figures as symbols of the distant past, the first half of this chapter argues, contrary to van der Blom, that these examples are repositioned within the fictional framework of the text as though they are contemporaneous. This manipulation of temporal proximity, in turn, distorts the sites of republican memory, effectively reconfiguring the relationship between the republican past and the *Minor Declamations*.

This is not to suggest that all periods of the past are portrayed as if they are proximate to the fictive world of the text. In fact, the examples drawn from the mythological period are consistently framed as temporally distanced. In *Decl. min.* 306, for instance, a young man at war claims the typical prize awarded to heroes.[23] The speaker invokes events from the mythological past to emphasise the significance of a hero's reward:

> §12 Testis carminum antiquitas, ubi illi primi heroes canebantur. Bellator huic currus, huic ducum exuviae, nonnulli *. Captivae forma praestantior ultima sors habebatur [quamlibet nobilis peteret]. Legistine circa decennis belli exuvias contendisse clarissimos reges?
> Witness the ancient lays in which those early heroes were sung. To one a chariot, to another the spoils of commanders, to some *.[24] The outstanding beauty of a captive was considered to be the bottom lot. Have you not read that the most illustrious kings contended with each other for the spoils of a ten-year war?

Here, the declaimer alludes to the contest between Odysseus and Ajax over the arms of Achilles during the Trojan War, but the specific events and heroes are left unnamed.[25] This practice is typical of mythological examples in the *Minor Declamations*, where names are consistently omitted (and it is coincidental, yet nonetheless congenial, to find this in a text with other name games—no known author, and with the obscured identities of the rhetor and its speakers).[26] As earlier noted, Odysseus is referred to as *notissimus Graeciae dux*, in

[22] Van der Blom 2019: 369–370.
[23] Dingel 1976 argues that this scenario is similar to a court case heard under Claudius (Suet. *Claud.* 15).
[24] Winterbottom 1984: 442 marks a lacuna here. It appears that a third reference to the spoils of war has dropped out.
[25] Winterbottom 1984: 442 notes the declaimer's *decennis belli* recalls Quint. *Inst.* 8.4.22 (*decenni bello*).
[26] This is noted by van der Poel 2009: 347–348, 352–353. The lack of names might stem from Cicero's own redaction of mythological figures' names. See, e.g., Cic. *Mil.* 8, which Quint. *Inst.* 5.11.18 recommends as a

addition Aeneas is called 'the founder of the Roman race' (*Romani generis auctor*).[27] However, the exclusion of mythological names is not consistent policy across all Latin declamations.[28] In the *Minor Declamations*, this omission has the effect of creating a sense of remoteness. In *Decl. min.* 306, the declaimer reinforces this sense of temporal distance by repeatedly referencing the past. The passage begins with a mention of 'the old days' (*aetas vetus*), refers to the 'first laws' (*primas leges*), and describes the examples as *antiquitas*. The heroes are qualified as *primi*, with the word *illi* further emphasising temporal and spatial dislocation. The effect is heightened by the use of *legistine*, which calls attention to the written record and underscores the distance between the speaker, audience and the mythological past. In this way, the speaker firmly situates the example in a distant and bygone era.

c) Walking dead

In contrast to the distant mythological examples, the *Minor Declamations* engages with republican history by presenting republican figures as though they were still alive in the world of the text. For example, *Decl. min.* 349 revisits a familiar declamatory scenario in which a young man is accused of rape.[29] In this case, the rapist must be pardoned by both his father and the victim's father within thirty days, or he will be sentenced to death.[30] While the victim's father grants the pardon, the rapist's father refuses, leading the son to accuse his father of dementia.[31] In response, the speaker defends the father's harsh decision by invoking two examples of republican fathers who executed their own sons. The speaker resurrects these figures as living moral authorities, blurring the line between republican past and his present and effectively reinforcing the continuity of republican virtues:

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model for how poetic fables should be deployed. See also Lausberg 1998: 198 and Keeline 2021: 108 on this phenomenon.

[27] *Decl. min.* 347.8, 388.10. See also *Decl. min.* 268.21 and 274.8 for the omission of divinities' names.

[28] *Decl. mai.* 12.22, 12.26 names Charybdis and the Cyclopes. Seneca's declaimers name Jupiter seven times (*Contr.* 5.3.1, 7.1.15, 10.5.3, 10.5.6, 10.5.24) and Achilles twice (*Contr.* 9.5.17, 10.4.25). See Winterbottom 1974 index for a detailed list of all figures mentioned in the text.

[29] For the proliferation of rape cases across Latin declamation see: *Decl. min.* 247, 252, 259, 262, 270, 276, 280, 301, 309, 343, 349, 368, 370, 383; Calp. Flac. 16, 25, 34, 41, 43, 46, 51.

[30] Similar scenarios in Sen. *Contr.* 2.3. See also Quint. *Inst.* 9.2.90–91.

[31] The argument preserved in this text is for the father: the declaimer begins by defining dementia (§§4–5), as the rhetor has instructed (§§2–3); he then proceeds to defend his own stubborn refusal to pardon his son's actions (§§6–10).

> §8 Tu, si incidisses <in> illum qui laureatas filii sui cervices amputavit, si incidisses in illum qui iudiciis propinquorum atque amicorum contentus fuit, opinor habuisses tempus querendi, habuisses tempus non dico deferendi patrem sed diutius rogandi. Had you happened upon the father who cut off his son's laurelled head or the one who was content with the judgments of relations and friends, I imagine you would have had time to complain, time, I won't say to prosecute your father, but to entreat him at length!

The declaimer obscures the identities of these Roman figures in a manner similar to the treatment of mythological examples, yet provides greater detail about their actions. This reveals a consistent pattern throughout the text: the further back in time the examples are, the more their names and identities are concealed; conversely, as the examples approach the late Republic, the figures become more readily identifiable. The most recent figures (Cato, Caesar, Cicero, and Scipio Metellus) are each explicitly named where earlier, mid-republican figures appear in the generalising plural. In this instance, however, the identities of the figures remain unclear.[32] Commentators have proposed that the first father is the republican dictator, T. Manlius Torquatus, who executed his son around 340 BCE for disobeying a military command.[33] The second father is more ambiguous. The declaimer clearly refers to a *domesticum consilium*—an archaic form of jurisdiction, which I have argued in Chapter 1 of this thesis is part of the antiquarian framework of this world. Yet, this provides little clarification beyond confirming that the case is either regal or republican. Winterbottom suggests an allusion to Spurius Cassius Vecellinus, who had his son executed for plotting tyranny in 485 BCE,[34] while Shackleton Bailey sees a reference to D. Silanus, whose son committed suicide in 140 BCE after a family council charged him with extortion.[35] Regardless of the specific reference, the key point is that both figures were long dead by the High Empire.

[32] The declaimer, however, goes on to state that these figures would remember their responsibility to the Republic (*Decl. min.* 349.8 *illi vere fortes et viri fuerunt qui cum hoc meminissent, liberos a se rei publicae gratia procreatos, bene impendi crediderunt exemplo*). Perhaps, the use of *meminisset* here also hints at the audience to recall these figures in the exemplary tradition.
[33] Winterbottom 1984: 553. He appears again in *Decl. min.* 302.4 and Sen. *Contr.* 9.2.19. For other Latin accounts of Manlius Torquatus see Cic. *Fin.* 2.19; Livy 8.7; Val. Max. 2.7.6, 5.8.3.
[34] Winterbottom 1984: 553 points to Livy 2.41.10 and Val. Max. 5.8.2.
[35] Shackleton Bailey 2006: 301 n.8. Shackleton Bailey's suggestion is supported by the fact that Val. Max. 5.8.3 similarly pairs T. Manlius Torquatus with D. Silanus in examples of severe fathers.

The difficulty in identifying these figures stems from the declaimer's removal of their historical context. As van der Blom observes, 'there is little sense of continuous sequence of events and no attempt at putting these situations into a timeline'.[36] This is, in part, a strategy of memory effacement, serving to bring these events into closer proximity to the speaker and audience. The declaimer achieves this through the anaphora of *incido* (*si incidisses… si incidisses*), a verb meaning 'to chance, meet, find, happen on'.[37] Elsewhere in the text, the term is used to describe a person physically coming across a band of robbers (e.g., *Decl. min.* 335 pr.: *cum in latrones incidissent, fugerunt*; 'falling in with robbers, they fled').[38] Even if the speaker of *Decl. min.* 349 acknowledges the impossibility of such an encounter with a past contrary-to-fact, the language suggests that within the fictive world of the text, the declamatory son could 'stumble upon' republican figures who had long since passed away—including Manlius Torquatus, who had been dead for four hundred years.[39] This subtle equivocation shores up the sense of the republican past as present within the text, lending it a strange immediacy despite the temporal distance.

d) Name games

If the act of happening upon republican figures serves as one way for the speakers in the *Minor Declamations* to collapse the temporal gap between the Republic and their fictional world, another method lies in their use of generalising plurals when listing exemplary figures. This use of plurals is a common feature of Roman exemplarity and is prominent in the *Minor Declamations*, where we encounter references to the Fabricii, Curii, Decii, Bruti, Camilli, and Rutilii.[40] This procession of great republican men accords with the above characterisation of examples as *imagines.* A notable instance of this technique appears in *Decl. min.* 338, a *controversia* centred on the shifting familial tensions that arise when a married couple divorces and the husband remarries. In this scenario, a poor man challenges the paternity of a son born to the former couple, claiming that he is the true father. The son's *nutrix* is tortured twice to reveal the true paternity: the first time she confesses that the son belongs to the ex-

[36] Van der Blom 2019: 369.
[37] *OLD* s.v. 4b. Similar language is found at Sen. *Apocol.* 7.5 (*in quod incidisses*).
[38] *TLL* s.v. 905.68–73
[39] A similar encounter appears in Cic. *Fin.* 5.3 with the ghost of Oedipus.
[40] Henderson 1997: 29–47, 97–122 examines the use of the generalising plural in Latin poetry. Roller 2015 explores exemplary lists in Seneca the Younger.

husband, but the second time she asserts that the son had been abandoned by the poor man.[41] The ex-husband then relinquishes his paternity in favour of the poor man, a decision which the ex-wife contests.

In the *argumentatio* (§§17–30), the speaker questions the efficacy of torture against the *nutrix*, highlighting that the ex-husband is the only witness to her confessions which were made under duress. The declaimer argues that the evidence of the husband alone is insufficient as proof, and he calls for additional corroboration:

> §21 "Testimonio' inquit 'nitor eius quem tu patrem dicis". Putemus istius esse testimonium: unus est, iratus est, alterius maritus est. "Unus est" cum dico, succurrant vobis **Catones et Scipiones** et tot clarissima civitatis nostrae nomina.
> "I rely," says he, "on the testimony of the man you say is his father." Let us suppose that it is his testimony: he is one man, he is angry, he is the husband of another woman. When I say, "he is one man," I want you to recall the Catos and Scipios and so many illustrious names in our community.

In this instance, the declaimer calls upon the most esteemed members of the Roman community to imply that even their singular testimony would be insufficient as evidence. He refers to Catos and Scipios in the generalising plural form, and as in *Decl. min.* 349, he abstracts these figures from their historical contexts, rendering their precise identities ambiguous. Scholars diverge on interpretation here: van der Poel and Shackleton Bailey interpret 'Scipios' as a reference to Scipio Africanus, but they differ on 'Catos', with van der Poel suggesting Cato the Younger, while Shackleton Bailey favours Cato the Elder.[42] Winterbottom observes the declaimer's broader point that 'even a Cato or a Scipio would not be believed if he were the sole witness'.[43] His observation is on the right lines. Rather than pinpoint specific individuals, the declaimer's purpose here is to evoke the multiplicity of republican figures who share these names. By emphasising the 'so many names' (*tot…nomina*), he contrasts the exemplary figures' collective authority with the lone ex-husband, whose singularity he stresses twice (*unus est… "unus est" cum dico*…). The argument is clear: if the collective authority of the Catos and Scipios would be insufficient as

[41] Bernstein 2012 explores the theme of torture and its relationship to the law in this *controversia*.
[42] Shackleton Bailey 2006: 223 n.20; van der Poel 2009: 350–351.
[43] Winterbottom 1984: 531–532.

testimony, then the ex-husband's solitary testimony cannot suffice. This approach contrasts with another *controversia* where the speaker explicitly names particular Catos and Scipios—Cato Uticensis and Scipio Metellus—demonstrating the text's capability, when needed, to single out individuals.[44]

On the one hand, the generalising plurals play a critical role in the declaimer's rhetorical argument. On the other, they serve to blur the boundaries between the speaker's fictive world and the Republic. Matthew Leigh has highlighted how the first-person plural in 'so many of the most famous names of our community' (*tot clarissima civitatis nostrae nomina*) implies that the speaker regards himself as part of the same collective as these republican figures.[45] Combined with the polysyndeton (*...et...et...*), this language further dissolves distinctions between the Republic and the world of the text.[46] What has received little scholarly attention, however, is the extent to which these generalising plurals amplify the fusion of the speaker's fictive world with the Republic. As Martin and Woodman note, Roman naming conventions inherently have 'the remarkable capacity for seeing one individual in terms of another'.[47] Here, the use of plurals magnifies this effect, blending various figures into a collective identity that collapses temporal distinctions. In doing so, the declaimer merges early, middle, and late republican figures who shared these names (Catos and Scipios), effectively compressing the Republic into a timeless continuum, which the declaimer presents himself as part of.

Leigh further connects the conflation of Roman and declamatory communities in *Decl. min.* 338 with a passage in Seneca the Elder.[48] In *Contr.* 10.1, a rich man sues a poor man for injury after losing an election. In defence of the poor man, Porcius Latro sarcastically remarks that the rich man is more innocent than a list of eminent republican figures: *solus hic est in nostra civitate innocentior Catone, nobilior Metello, Pompeio fortior* ('this is the only

[44] *Decl Min.* 377.9–10. *Felices qui suo arbitrio moriuntur. Scipio "<imperator>" inquit "bene habet": puto quia ultra pugnaturus non erat. <Quid> Cato? Num et ille peccavit? Idem feci quod Cato* ('happy are those who die of their own choice. Scipio says: "it is well <with the general>". I think because he was not going to fight any more. What of Cato? Did he too do wrong? I did the same as Cato).
[45] Leigh 2021: 128 n. 46.
[46] The pairing of *nostra civitas* is elsewhere used in the text generically to refer to the imaginary community: *Decl. min.* 255.6, 255.7, 257.12, 260.30, 261.9, 263.9, 272.4, 274.8, 283.4, 329.9, 329.14, 336.10, 345.12, 348.9, 348.10, 348.11. The exception to this rule is in *Decl. min.* 323.4 and 323.12, where the participants imagine themselves in Athens when Alexander the Great was besieging the city.
[47] Martin and Woodman 1989: 85. This specific technique is observed of Vergil's underworld procession in Feeney 1986, esp. 11–14 on the failure of later generations to live up to the example of their ancestors.
[48] Leigh 2021: 126–128.

man in our state who is more innocent than Cato, more noble than Metellus, braver than Pompey').[49] There is much here to suggest *Decl. min.* 338.21 reprises Latro's passage: both reference Cato as an exemplary figure, both attempt to contrast a singular declamatory figure with numerous republican examples, and both use the same phrase, *in nostra civitate*. Leigh suggests that this phrase blurs the 'boundaries separating the city of the imagined speaker from that in which Latro himself performs'.[50] One important difference, however, is that, as Leigh observes, these republican figures were within Latro's lifetime, while in the *Minor Declamations*, they were at least 150 years in the past.[51] This temporal distance makes the conflation of republican figures with the declamatory world even more striking than in Seneca the Elder, and this is further underscored by *Decl. min.* 338's use of generalising plurals.

This technique recurs earlier in the collection in *Decl. min.* 302, which stages a debate on whether a former gladiator who met the wealth qualifications for the *equites* should be permitted to sit in the fourteen designated rows of the theatre. Under the declamatory law, gladiators are barred from these seats; however, in the scenario, it is clarified that the former gladiator has never actually fought in the arena. Rayment proposes that this scenario reflects an imperial-period concern regarding the privileged nature of theatre seating.[52] Yet, the declaimer does not invoke imperial examples, but those from the Republic.

As the advocate for the former gladiator, the declaimer argues that fighting alone should not disqualify someone from the fourteen rows. He lists a series of celebrated republican soldiers, whose titles were derived from combat to suggest that the gladiator-turned-*eques* should be similarly honoured.[53]

> §4 Dedit enim et familiis nomina: hinc Corvini, hinc Torquati, hinc Opimii. Illum ergo maiores prohibuerunt theatro qui vilitate, qui gula se auctorasset.

[49] Sen. *Contr.* 10.1.8.
[50] Leigh 2021: 127–128.
[51] Leigh 2021: 127.
[52] Rayment 1949 refers generally to Martial. See also Juv. 8.183–210.
[53] Van der Poel 2009 does not include this in his survey of *exempla*, though he does include the later reference to Cimon at *Decl. min.* 302.5.

> Fighting gave names to families too: hence the Corvini, hence the Torquati, hence the Opimii. So, the ancestors barred from the theatre a person who had hired himself as gladiator out of self-contempt or gluttony.

Here, the declaimer offers a lesson in the aetiology of republican heroes' *cognomina*, once again using the generalising plural.[54] This shifts the focus away from the individuals and their historical contexts to the figures' militaristic qualities. Unlike *Decl. min.* 338, critics suggest a stronger sense of specific individuals behind these plural *cognomina*: Corvini is interpreted as M. Valerius, who earned the title Corvus after defeating a Gaul in single combat with the help of a raven in 349 BCE;[55] Torquati is taken to refer to T. Manlius, earlier cited in *Decl. min.* 349 for his paternal severity, and here invoked for his victory in single combat over a Gaul in 361 BCE, from whom he took the defeated man's torque.[56] The last plural, however, is more ambiguous. Winterbottom proposes that the declaimer links Opimii with the *spolia opima*, though this tradition is attributed to only three figures in Roman history, none named Opimius.[57] Winterbottom speculates that this could be a pun on the name, but it seems more likely that the declaimer has in mind L. Opimius, who, according to the third century CE author, Ampelius, killed one of the Cimbri in single combat in 101 BCE.[58] Regardless, it is not the specific individuals that are of interest, but rather how these plurals collapse the Republic into a single atemporal space. The declaimer stitches together figures separated by over two centuries into a unified tableau.

Moreover, these republican examples merge centuries of figures who bore these *cognomina* after their ancestors. The declaimer, after all, speaks of, *familiis nomina*. The name, Corvinus, for instance, threaded down the centuries, as Henderson notes, potentially referring not only to M. Valerius Corvinus, but also to his well-known descendants, M. Valerius Messalla Corvinus, and his son, grandson, and great-grandson.[59] Similarly, Torquatus might evoke a

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[54] He is particularly interested in etymology and aetiology. At §1 he speaks of gladiators deriving their name from fighting with a sword (*gladius*) and at §3, *equites* taking their name from military service in the cavalry.
[55] This story is reported at Livy 7.26.1–10; Dion. Hal. *Ant. Rom.* 15.1.1–4. Oakley 1985: 393–394 includes entries on M. Valerius and T. Manlius.
[56] Livy 7.9.6–10.14.
[57] Winterbottom 1984: 433 and seconded by Shackleton Bailey 2006: 397 n. 11. Only three figures in the history of Rome were said to have won the *spolia opima*: Romulus, Cornelius Cossus, and Claudius Marcellus. When in 29 BCE, M. Licinius Crassus, claimed the *spolia opima* it was rejected by Octavian. *OCD* '*spolia opima'* (Treves and Cornell).
[58] Amp. 22.4. I have Prof. Oakley to thank for this reference, which is discussed in Oakley 1985: 96.
[59] Respectively, cos. 31 BCE, 3 BCE, 20 CE, 58 CE. Henderson 1997: 40 on Juv. 8.5.

long succession of notable figures from the middle and late Republic, including L. and A. Manlius Torquatus.[60] The name Opimius, too, could recall various members of this *gens*, most famously L. Opimius, the consul of 121 BCE who oversaw the first use of the *senatus consultum ultimum* against Gaius Gracchus.[61] This technique flattens temporal distinctions, placing these figures within a singular, collective identity. The declaimer then situates himself within this republican lineage. With *ergo*, he implies causality between the actions of the republican figures and subsequent legislation by his *maiores*. In doing so, he suggests an unbroken continuity from republican families, unanchored from chronology, through legislating ancestors and ultimately to his own present within the declamatory world.[62]

This technique becomes even more pronounced when *Decl. min.* 302.4 is compared with a similar passage in a contemporary work, Pliny the Younger's *Epistles*. Here, Pliny references Rome's national heroes:

> Conferant se misceantque, non dico illi veteres, Africani, Achaici, Numantini, sed hi proximi, Marii, Sullae, Pompei, nolo progredi longius; infra Pallantis laudes iacebunt. (*Ep.* 8.6.2)
> All our national heroes put together—and I don't mean those of the past, with their titles of Africanus, Achaicus, and Numantinus, but the Marii, Sullas, and Pompeys of recent times, to name no more—will fall short of Pallas's fame.

Pliny similarly employs generalising plurals to evoke republican military figures—Africani, Achaici, Numantini, Marii, Sullae, Pompei—in deliberate contrast to the singular figure of Pallas, whom Pliny sarcastically critiques. Pliny draws a temporal distinction between second-century BCE heroes (*illi veteres*) and more recent republican leaders (*proximi*) of the first century BCE. As Sherwin White notes, Pliny deliberately expands what was a relatively narrow interval between these republican figures, thus heightening the sense of distance.[63]

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[60] L. Manlius Torquatus: legate 295 BCE; cos. 65 BCE; pr. 49 BCE. A. Manlius Torqautus: cos. 244, 241 BCE; cos. 164 BCE, pr. 52 BCE; qu. 43 BCE. See Mitchell 1966 on the Torquati family tree during the principate. See also Plin. *Ep.* 5.3.5 on the multivalence of this name, with Sherwin White 1998 *ad loc*. *OCD* respective entries on 'Iunius Silanus Torquatus, Lucius', 'Iunius Silanus Torquatus, Marcus', and 'Iunius Silanus Torquatus, Decimus' (Scullard and Levick).
[61] *OCD* 'Lucius Opimius' (Badian).
[62] Perhaps to be seen as a rhetorical strategy, in which the relatively recent date of an example could reinforce its persuasiveness. Similar claims made in Oakley 2005: 440–442 on Livy 9.34.14 and Maltagliati 2020 on Greek *paradeigmata*.
[63] Sherwin White 1998: 453.

For example, Marius served in Scipio Aemilianus' legion in Numantia.[64] This technique allows Pliny to establish a clear boundary between the idealised past and the present.[65] While Pliny and the declaimer use similar methods, their purposes are divergent: where the declaimer evokes a flat, atemporal Republic to emphasise continuity (with figures even older than Pliny's), Pliny's pointed temporal distinctions serve to critique the decline of Roman virtue in his own day. Pliny and declaimer invite their readers to cultivate a different relationship with the past.

This Plinian passage is important for another reason: its pointed omission of a Caesar. As Morello notes, we might expect a Caesar to conclude this list, but instead his absence is made conspicuous.[66] Similarly, each of the examples we have seen in the *Minor Declamations* notably exclude any reference to a Caesar. In this way, I argue, the generalising plurals of the text not only shore up the presence of the Republic, but further mirror the stylistic conventions of republican authors. The generalising plural is a prominent feature of exemplarity in classical literature, but it underwent a crucial shift during the transition from Republic to Empire. As Kraus observes, under the principate, '*exempla* becomes exemplar'.[67] That is, as the constitution consolidated around the singular individual of the *princeps*, 'the possibilities for exemplarity narrow as well', casting the *princeps* as the ultimate *exemplum*.[68] In the case of generalising plurals of examples, where republican figures once coexisted in a long list, 'it became seemingly impossible to talk about the heroes of the Republic without implicitly or explicitly prompting a comparison with the new emperor'.[69] The *princeps* thus became the essential capstone of these lists, seen as both the extension of the Republic and the *telos* of Roman exemplarity. Vergil's *Aeneid* 6 provides the clearest example of this shift, with Anchises naming Rome's future heroes—the Tarquinii, Bruti, Decii, Drusi, Gracchi, Scipiones, and Fabii—in the general plural.[70] Notably, many of these figures also appear in the *Minor Declamations* in a generalised form. In Vergil, however, these names function as a prologue to the ultimate figure of Augustus, placed at the list's culmination as the exemplar who will 'establish a golden age in Latium' (*aurea condet / saecula qui rursus Latio*).[71]

[64] Plut. *Vit. Mar.* 3.3.
[65] McNamara 2021.
[66] Morello 2018: 326.
[67] Kraus 2005. Langlands 2018: 226–257 similarly argues for the shift in exemplarity under the principate, particularly in panegyric.
[68] Kraus 2005: 186.
[69] Gowing 2005: 20.
[70] Verg. *Aen.* 6.757–859.
[71] Verg. *Aen.* 6.792–793.

Horace and Ovid reinforce this shift,[72] while Augustan cityscapes visually encode it: the 26 statues of *summi viri* from Rome's past that lined the porticoes of the Augustan Forum, with Augustus at the centre, creating a striking iconographic expression of this new ideology of exemplarity.[73]

This ideology did not end with Augustus; it continued to resonate across the principate.[74] Martial, for instance, places Nerva at the zenith of republican *exempla*, so much so that even a resurrected Cato would declare allegiance to Caesar.[75] Henderson's reading of Pliny's *Panegyricus* further illustrates this trend under Trajan, where Pliny plays an onomastic game of 'optimisation'.[76] By listing republican generals—such as Fabricii, Scipiones, Camilli—Pliny sets them in comparison with Trajan, the exemplary figure of his day.[77] Trajan becomes not only the *optimus princeps* but also the *optimum exemplum*. Thus, in both form and content, the *Minor Declamations* orientates itself toward the republican past. The declaimers transcend their own historical context, setting their fictive world in a republican past and speaking as if they belong to it rather than the present imperial era. On the one hand, this positioning may implicitly challenge the imperial paradigm of exemplarity—perhaps suggesting that the author of this text saw no exemplary figures worthy of emulation under monarchy. As we shall see in the second half of this chapter, the exclusion of imperial features may indeed reflect a subtle political stance embedded within the work. On the other hand, this choice relates back to van der Blom's observation that Latin declamation references exemplary figures similar to those invoked by republican authors. The *Minor Declamations* go further, treating republican figures in a manner that mirrors the approach of republican authors by excluding a Caesar. But rather than depicting the Republic as a distant or static cultural memory, the declaimers use 'sites of exemplarity' to resurrect it, reshaping and reanimating its memory as a potent presence in their textual world.

[72] Hor. *Carm.* 1.12; Ov. *Fast.* 1.587–616. Both Henderson 1997: 97–122 and Gowing 2005: 1–23 include important discussions of Horace and the broader patterns around exemplarity and ideology under Augustus.
[73] Gowing 2005: 132–145. See also Suet. *Aug.* 31.5; Aug. *Res. Gest.* 8.5.
[74] Luc. 7.358–380, 10.149–154. Juv. 8.211–268 humorously inverts this model to make Nero the worst of all negative *exempla* and refuses to name Augustus explicitly. See also Cass. Dio 61.71.4.
[75] Mart. *Ep.* 11.5. Cf. Mart. *Ep.* 6.19.5–9, 9.27.6–9 for other lists of republican *exempla* in the generalising plural, discussed in Morello 2018.
[76] Henderson 1997; Henderson 2011.
[77] E.g., Plin. *Pan.* 13.4.

3. Forgetting

a) Landscape

The first half of this chapter has shown how exemplarity in the *Minor Declamations* suggests a distinctive fixation on the Republic. The declaimers create the sense of a world where half-glimpsed republican figures dart in and out of the text, not dissimilar to what Gildenhard, Gotter, Havener, and Hodgson observe of Cato's *Origines*: the 'coverage of the republican past turns this period into a prosopographical graveyard populated by anonymous protagonists'.[78] At the same time, the world of the *Minor Declamations* excludes references to regal and imperial figures. Similarly, no other Roman features after the death of Cicero are evoked. As has earlier been noted in the introduction to the thesis, this classicising tendency is characteristic of Latin declamations and other literature of the High Empire. The following section examines another operation of memory within the text: the erasure of the imperial present from the world of the *Minor Declamations*. Scholars of memory studies emphasise that forgetting is an integral component of memory.[79] Remembering and forgetting operated in tandem in imperial Rome as a way to control the relationship between the present and the past. Henderson writes of Augustan Rome, 'sorting out how the past, and its past, was to be told, lay at the heart of the politics of the Augustan present'.[80] Simultaneously, the Augustan period offers 'particularly fertile ground for exploring […] the "destruction of history"' of the republican period, as has been pointed out by recent scholars.[81] That is, the deliberate act of forgetting 'inconvenient facts', distortions of the historical record, or most notably the so-called policy of *damnatio memoriae*, which enshrined the act of forgetting by removing names and images associated with disfavoured individuals.[82] In particular, scholars have suggested that one core key aspect used to destroy or forget the past was the distortion or reconfiguration of the Roman landscape.

In the second half of this chapter, I analyse key instances in the *Minor Declamations* where its speakers invoke important Roman monuments, only to obscure them from their fictional city of Sophistopolis. In other words, I am interested in the representation of the textual

[78] Gildenhard, Gotter, Havener, Hodgson 2019: 20.
[79] Gowing 2005: 1–3, 18, 25–26. Flower 2006; Flower 1998. See Stock, Gasjar, and Güntürkün 2016: 369–392 on the psychology of remembering and forgetting.
[80] Henderson 1998: 112.
[81] Gildenhard, Gotter, Havener, Hodgson 2019: 3, see the broader chapter on this concept, p. 1–36.
[82] Gildenhard, Gotter, Havener, Hodgson 2019: 3.

landscape and how it impinges on the Roman city. Through case studies of *Decl. min.* 274 and 271, I argue that the *Minor Declamations* stands apart from other Latin declamations in its handling of Roman monuments. Here, Roman topography is evoked only to be deracinated from its familiar historical and spatial context. Each declaimer achieves this in unique ways: while *Decl. min.* 274 turns the recently added Flavian Temple of Peace into an indefinite space, *Decl. min.* 271 compresses the rich historical and symbolic meanings of the Capitoline, instead interpreting it through a distinctly republican lens. These monuments were important *lieux de mémoire* in the imperial Roman building programme. Their exclusion from the *Minor Declamations* acts to subvert the imperial building programme: it reflects a form of literary *damnatio memoriae*, akin to the act of memory erasure characteristic of the imperial period, or the various attempts to reconfigure and remove the history of the Roman landscape during the imperial period. Paradoxically, the text's efforts to exclude Roman topography only underscore the act of remembering these *lieux de mémoire*, an effect of erasure.

As with the declaimers' imitations of Cicero's Catilinarians explored in the previous chapter, allusions to Rome's physical landscape are primarily employed to reinforce rhetorical arguments. Both visible and imagined topographical references were fundamental to oratory in Rome, where it was often treated as a form of *enargeia* or *illustratio*.[83] Vasaly argues that Roman orators were trained to use physical landmarks to manipulate the emotions of their audience.[84] She traces this practice in Ciceronian oratory, from Cicero's visible use of the Temple of Jupiter Stator during the Catilinarian conspiracy to his references to invisible art and monuments in his prosecution of Verres. Another well-known example comes from the trial of Manlius Capitolinus for sedition: during the proceedings, Manlius gestured from the Campus Martius toward the Capitoline Hill, which he had previously defended against the Gauls. Livy records that this appeal was so compelling that, despite Manlius' apparent guilt, the trial had to be relocated away from the sight of the Capitol.[85] As we will see, *Decl. min.* 271 similarly harnesses the powerful rhetorical associations of the Capitol Hill.

Latin declamation inflects a different relationship with the Roman landscape. Suetonius notes that early declamations were based either *ex historiis* or *ex veritate*, with the latter 'usually

[83] Vasaly 1993: 15–39. Cic. *Fin.* 5.2 famously discusses sites as imbued with memory, which we have earlier discussed for its use of *vestigium* in Chapter 2. Quint. *Inst.* 3.7.26–27 speaks of praise and blame in connection with the landscape.
[84] Vasaly 1993: 24.
[85] Livy 6.20.10.

presented with even the names of the localities included' (*locorum etiam appellationibus additis proponi solebant*).[86] Suetonius implicitly contrasts these early declamations and the *controversiae* of his own time, which generally omit specific locations. Despite this change, Latin *controversiae* often anchor their arguments with Roman topography, invoking important monuments and sites across the Empire.[87] Seneca and his declaimers, for instance, frequently mention prominent sites within Rome, such as the Circus Maximus, the Via Sacra, the Tarpeian Rock, and the Forum Romanum, as well as symbolic locations like Cannae, Formiae, Munda, and Carthage.[88] Similarly, the later collections of the *Major Declamations* and Calpurnius Flaccus reference Roman provinces such as Germany, Spain, and Sicily.[89] In contrast, the *Minor Declamations* omits references to Rome and the Empire entirely, creating a distinct textual landscape that diverges not only from the conventions of Latin oratory but also from the generic conventions of declamation.[90]

b) Templum Pacis

To illustrate the erasure of imperial Rome from the imaginary world of the text, we begin with an examination of *Decl. min.* 274. We have earlier discussed this *controversia*—in which it is debated whether a tyrant struck by lightning should be buried in the forum or outside the city walls—for its allusion to the *exordium* of the First Catilinarian with the phrase, *patientia nostra*. The *controversia* raises the important question of how a community should choose to remember or erase a tyrant's legacy on the physical landscape of their city.[91] This debate speaks to the politics of memory in the Roman imperial period, particularly the struggle to navigate collective memory through public monuments. After Julius Caesar's assassination, his body was brought to the Roman Forum and cremated, with Antony and Octavian later vowing to erect a Temple of Divus Iulus at this site.[92] By contrast, throughout the early and High Empire, tyrannical emperors were often subject to *damnatio memoriae*, a

[86] Suet. *Gram. et rhet.* 25.9, citing examples with Ostia and Brundisium.
[87] Bonner 1949: 19 argues that 'both examples differ from the later *causae* and *controversiae* in the fact that they are given specific local settings (Ostia, Brundisium), whereas the Senecan exercises are given no such definite background'.
[88] Sen. *Contr.* 1 pr. 24, 1.3.6, 1.6.4, 2.1.1, 2.1.5, 2.4.11, 4.2, 9.4.18, 5.7, 7.2.6, 9.4.5, *Suas.* 1.5, 6.3, 6.17. Winterbottom 1974: 619–634 provides a thorough index of places referenced throughout Seneca's declamations.
[89] Calp. Flac. 2 (Germany and Spain); *Decl. Mai.* 12.26 (Sicily).
[90] Greek settings, by contrast, are referenced several times in the collection, as has been discussed in Chapter 1: *Decl. min.* 292, 323, 333, 339, 386.
[91] McGlew 1993: 14–17.
[92] Suet. *Vit. Iul.* 84; Cass. Dio 44.36–51.

concerted attempt to obliterate their memory from the city.[93] In this way, *Decl. min.* 274 engages with the Roman politics of memory in the physical space of its fictive city.

The speaker concludes his case for burying the tyrant outside the city walls with an appeal to preserve the forum. He characterises the forum not only as a civic space but as a quasi-religious, legal sanctuary:

> §9 Forum, **quod mihi templum quoddam Pacis videtur**, in quo iura exercentur, propter quod leges valent, bustis occupabimus, infaustis cineribus polluemus?
> The forum, which I think of as a sort of temple of Peace, in which the laws are put into operation, on account of which they are in force, shall we occupy it with tombs, pollute it with sinister ashes?

This passage is striking for its re-imagining of the forum as a kind of *templum* belonging to *Pax*, the only instance in the text where the term 'temple' is applied metaphorically.[94] Then again, the declaimer does not refer to a specific temple, but a metaphorical interpretation with *quoddam*. Likewise, his use of *videtur* conveys that he is only tentatively linking this imaginary temple to any real-world temple. In stark contrast, other declamations by the Elder Seneca explicitly reference real Roman temples. For example, *Contr.* 10.5 speaks of the Athenian painter Parrhasius 'placing a painting in the temple of Minerva' (*tabulam in templo Minervae posuit*), referring specifically to the Parthenon.[95] The Temple of Vesta is similarly referenced in *Contr.* 4.2 and 7.2 as a site of fire, and in 1.3.6 for its proximity to the Tarpeian Rock.[96] Seneca's scenarios may be fictional, but they anchor the debates within 'sites of memory' from Athens and Rome, and thus are connected to cultural memory. By contrast, *Decl. min.* 274 remains abstract, untethered from the Roman cityscape.

[93] Varner 2004 and Flower 2006 remain key on imperial memory sanctions. For the sanctions against Caligula: Suet. *Claud.* 11, *Gai.* 60; Cass. Dio 60.4.5. Nero: Suet. *Ner.* 49, 57; Tac. *Hist.* 1.16; Plin. *HN* 33.18.45. Domitian: Suet. *Dom.* 23; Plin. *Pan.* 52.
[94] The remaining sixty references to temples in *Decl. min.* are straightforward and generic. E.g., *Decl. min.* 252, 265, 304, 323, 324. See *Decl. min.* 328.5 for an opposing claim about the peace of the forum: *cotidianis iurgiis forum strepere*.
[95] Sen. *Contr.* 10.5 pr. The declaimers also refer to the Parthenon in their arguments, see Sen. *Contr.* 10.5.12.
[96] Repeated at Sen. *Contr.* 7.2.7.

Critics have offered varied perspectives on this passage.[97] Recently, Pasetti proposed that it may come from the memory of Vespasian's Temple of Peace, vowed in 71 CE and completed in 75 CE.[98] This large temple complex, constructed to commemorate Rome's victory in the Jewish War, became a central feature in the city's sequence of imperial *fora*. It was widely regarded for its grand architecture and art,[99] with the Elder Pliny describing it as among 'the fairest of the buildings the world has ever seen' (*inter… pulcherrima operum, quae umquam vidit orbis*).[100] From its earliest reception, the temple played a crucial role in legitimising the new Flavian dynasty. As Taraporewalla writes, it 'provided the emperor with a public space within which he could expediently establish public memories of events connected with the beginnings of his rule'.[101] Indeed, for many Romans, the temple was a *lieu de mémoire*, or 'site of memory', which Nora describes as a place where 'memory crystallizes and secretes itself'.[102]

The Temple of Peace embodies multiple overlapping meanings in Roman cultural memory. Scholars debate whether it commemorates the internal peace following the civil wars of 69 CE,[103] Rome's external domination over Judaea,[104] or even a broader Augustan ideology through its alignment with the *Ara Pacis*.[105] Some scholars see it as a counter to Nero's private opulence (e.g., the Golden House), representing a more public, accessible symbol.[106] Others focus on its symbolic botanical displays as imperialist gestures.[107] Beyond Vespasian's reign, Domitian's extensive additions to the site demonstrate the monument's flexible meanings and memories. Tucci notes that under Domitian 'the original *Templum Pacis* of Vespasian […] became a different building, and it would not be inappropriate to call it the *Templum Pacis* of Domitian'.[108] Domitian's changes sought to associate his rule with his father's legacy, reinforcing messages of militaristic might and peace.

[97] Winterbottom 1984: 378 states that the forum symbolically stands as a space where personified *Pax* reigns. He points to a similarly religious colouring of the forum at Cic. *Rab. Perd.* 11.
[98] Pasetti 2019: 388: 'an incentive for the creation of the metaphor (*quoddam*) may have come from memory of the *templum Pacis*'.
[99] Joseph. *BJ* 7.159–160 and Hdn. 1.14.2.
[100] Plin. *HN* 36.102.
[101] Taraporewalla 2010: 145.
[102] Nora 1989: 7.
[103] Packer 2003: 197.
[104] Noreña 2003.
[105] Noreña 2003; Taraporewalla 2010; Tucci 2017: 76–115; Moormann 2022: 129.
[106] Varner 2017: 252; Moormann 2022: 141.
[107] Pollard 2009.
[108] Tucci 2017: 62.

However, *Decl. min.* 274's reference to the *Templum Pacis* is so ambiguous that it obscures (almost beyond the point of recognition) rather than evokes this very real and important monument. At first glance, this might suggest that the text predated the temple's construction in 75 CE. However, we have seen in the introduction that the text originates from the High Empire (70–192 CE). This passage, then, represents a strange equivocation: at the very moment it references the *Templum Pacis* (the singular instance where a temple is personified in the entire text), it makes this temple an abstract, indefinite space. This abstraction might have resonated with a Roman speaker and audiences familiar with the real *Templum Pacis*. The speaker's opening reference to the forum here also reinforces a connection to Roman spaces. Quintilian observes that physical places enhance memory: 'when we return to certain places after an interval, we not only recognise them but remember what we did there, persons are recalled, and sometimes even unspoken thoughts come back to mind' (*cum in loca aliqua post tempus reversi sumus, non ipsa agnoscimus tantum, sed etiam quae in his fecerimus reminiscimur, personaeque subeunt, nonnumquam tacitae quoque cogitationes in mentem revertuntur*).[109] The close textual proximity of the forum and the *Templum Pacis* would have acted as mutually reinforcing memories for a Roman audience. Yet here, the memory of the *Templum Pacis* itself is effaced from the text's imagined landscape.

So too, the mention of a generic forum in this passage may invoke the very real Roman forum, and in so doing, destabilise the imperial associations of the landscape.[110] By using a generic term, the declaimer collapses Rome's four *fora* (the *Forum Romanum*, the Forum of Caesar, the Forum of Augustus, and Domitian's Forum Transitorium) into one space, creating the impression of a singular forum. This effect further creates a textual landscape far removed from the High Empire. While several emperors had added and renovated imperial *fora* over the course of the first and second centuries CE, the declaimer reverses the process, distilling the four sites back into a singular Forum. Further, as Gowing notes, the 'Roman Forum itself […] was the most potent symbol of the Republic, and it would not have gone unnoticed that with each successive emperor it became less and less the focal point of political activity'.[111] By collapsing and distancing himself from these well-known imperial sites of memory, the

[109] Quint. *Inst.* 11.2.17. See also Cic. *Fin.* 5.2.
[110] Ov. *Fast.* 6.401–412 similarly 'drowns' Augustus' imperial forum and harks back to the archaic site of the forum. See Price 2019: 197–204 on the ways in which the Augustan poets reverse the renovations of Augustus' forum.
[111] Gowing 2005: 133. See also Price 2019 on the Roman Forum and the memories of the Republic, especially the claim at p. 190 that 'the Forum acted not just as a monument to the republic but a physical manifestation of it'.

declaimer evokes a vision of a pre-imperial Roman landscape and political centre, instead grounding the text in relation to the Republic.

c) Capitoline

In *Decl. min.* 271, a similar phenomenon is observed. Here, a community endures three successive wars, each requiring a pair of heroes to duel for a prize.[112] In the first two conflicts, the sole son of a poor man defeats and kills, respectively, the two sons of a wealthy man. After the second duel, the wealthy father forbids his third and last son from contending in arms against the poor man's son. The rich son defies his father's order and, as a result, is punished by *abdicatio*.[113] Unfortunately, little remains of the declaimer's argument in the voice of the son of the wealthy man. As Winterbottom observes, these are only the bare bones of a *controversia*, punctuated by the teacher's interjecting *sermones*.[114]

The teacher's *sermo* begins by modelling an argument that questions whether a son is truly obliged to obey all his father's commands.[115] Drawing on this suggestion, the declaimer explores the boundaries of paternal authority. Just as a judge should not deliver a verdict that conflicts with his own opinion, neither should a senator bear false witness in the Senate simply because his father demands it. Through each example, the declaimer progressively narrows the focus, moving from general Roman civic roles to a direct reference to the city of Rome itself.

> §5 <Illa> si ex nostra libertate argumenta repetenda sunt, **si Capitolium me incendere iubeas, arcem occupare,** licet dicere: haec sunt quae fieri non oporteat.
> If <those other> arguments derived from our freedom are to be recalled, if you were to order me to set fire to the Capitol, seize the citadel, it is permissible to say: these are things that ought not to be done.

[112] The law here is implicitly understood. It is explicitly stated at *Decl. min.* 258 pr.: *si duo aut plures fortiter fecerint, de praemio armis contendant*.
[113] A similar scenario appears in Sen. *Contr.* 1.8. Seneca's scenario prompts his declaimers to invoke Greek and Roman figures: Themistocles (*Contr.* 1.8.6), Scipio Aemilianus and Pompeius Magnus (*Contr.* 1.8.12), and Hom. *Il.* 6.407 (*Contr.* 1.8.15).
[114] Winterbottom 1984: 371.
[115] A common question similarly raised in Sen. *Contr.* 1.1.8, 2.1.20; Gell. *NA* 2.7.

Here, the declaimer presents the gravest public offences conceivable to a Roman audience, asserting that a son is not bound to obey his father's every command. The capstone of this list is setting fire to or occupying the Capitol Hill, a rhetorical *topos* on the limits of loyalty also found in Cicero, Valerius Maximus, and Epictetus.[116] Although references to Roman landmarks are common in these authors, they are rare in the *Minor Declamations*. This is, in fact, the only instance in the text where a specific feature of Rome's topography is directly mentioned.[117] The declaimer references the two peaks of the Capitol Hill: the *Capitolium*, the southern summit, and the *arx*, its northern peak.[118] This mention of Rome's most symbolic hill is particularly striking given that other similar passages in the collection use generic references without mentioning Rome. For instance, in another *abdicatio* scenario, the son questions the limits of paternal commands by stating, *nec dicam "non coges templa incendere, non coges operibus publicis manus adferre*" ('nor should I say "you will not force me to set fire to temples, or to vandalise public works"').[119] In most cases, declaimers reference generic city features that should be protected from arson without naming specific Roman sites. *Decl. min.* 271 uniquely singles out the Capitoline Hill, which I argue aligns it with the Capitoline's republican symbolism and creates distance from imperial Rome.

This reference to the Capitoline has precedent in earlier Latin declamation. In the Elder Seneca, Leigh argues that references to it blur the line between the textual and the Roman landscape.[120] This also has implications for Roman cultural memory. In *Contr.* 2.1, Latro first describes the resplendent gold of the Temple of Jupiter Optimus Maximus (*quietiora tempora pauperes habuimus: bella civilia aurato Capitolio gessimus*; 'when we were poor, times were quieter; it was when the Capitol was gilded that we fought civil wars'), while Arellius Fuscus Senior contrasts this with the modesty of Romulus' hut (*colit etiamnunc in Capitolio casam victor omnium gentium populus*; 'even now on the Capitol the people that has conquered the

[116] This is used as a stock crime at Cic. *Amic*. 37; Val. Max. 4.7.1; Plut. *Vit. Ti. Gracch.* 20.4; Epict. *Disc.* 1.7.31–33. For Gaius Gracchus gesturing to the Capitol after the murder of Tiberius Gracchus there, see Cic. *De or.* 3.214; Quint. *Inst.* 11.3.115; and the relevant discussion in Vasaly 1993: 18–20.
[117] The Capitoline received heightened prominence in literature of the period, which may account for why it is the singular Roman toponym to be invoked in this entire collection. For contemporary descriptions of the hill in both a historic and imperial setting, see Sil. *Pun.* 1.617–629; Stat. *Silv.* 5.3.195–208; Tac. *Hist.* 3.71–75. Much of this is because of the events that took place in 69 CE, a point to which I return below.
[118] This is not to state that every other instance in which *arx* appears in *Decl. min.* is a reference to the Capitoline, but rather that here in combination with the Capitolium, it conjures the northern summit of the Capitol Hill.
[119] *Decl. min.* 257.4. See also *Decl. min.* 306.13.
[120] Leigh 2021: 125–126.

world venerates a hut').[121] Together, these contrasting descriptions connect Rome's distant and recent past: Latro's gilded temple alludes to constructions as early as the 140s BCE (and later reconstruction in the 60s BCE), while Fuscus' hut evokes Rome's origins.[122] Edwards has shown that Romulus' hut symbolised an idealised rustic past, whereas the gilded temple came to represent the moral decline of Rome.[123] Through these references, Seneca's declaimers contrast and contract centuries of memories enshrined on the Capitoline.

The Capitoline also appears in Seneca *Contr.* 1.6, where Julius Bassus uses it to illustrate Rome's evolution from humble beginnings to grandeur:

> Quid recenseo singulos, cum hanc urbem possim tibi ostendere? Nudi stetere colles, interque tam effusa moenia nihil est humili casa nobilius, <etsi> fastigatis supra tectis auro puro fulgens praelucet Capitolium. (*Contr.* 1.6.4)
> Why should I detail individuals? I could point out the whole of this city to you. Once the hills stood bare; among such wide-flung walls there is nothing more distinguished than a low hut, even though above it shines out the Capitol with its sloping roofs, gleaming in pure gold.[124]

Like Latro and Fuscus, Bassus contrasts Romulus' hut with the Capitoline's gilded temples, compressing the Capitoline's layered history, from its earliest structures to recent renovations. Bassus emphasises the visual presence of the Capitoline, inviting the audience to either imagine or look to the city (*hanc urbem… ostendere*) as the Capitol gleams (*auro puro fulgens*) and shines (*praelucet*). Bassus situates himself within Rome, directing the audience's gaze towards the Capitoline Hill.[125] Leigh argues that this passage creates a fluid boundary between Bassus' textual landscape and Rome's actual cityscape.[126] Each invocation of the Capitoline by Senecan declaimers turns it into a site of historical memory, bridging ancient

[121] Sen. *Contr.* 2.1.1, 2.1.5.
[122] Plin. *HN* 33.57.
[123] Edwards 1996: 27–43 further highlights the multiple different meanings embedded in the hut: the humble beginnings of the Roman race; the virtues of the *maiores*; or a morally ambiguous contrast between the rustic past and the golden present. For the Temple of Jupiter Optimus Maximus and the narrative of decline see Sall. *Cat.* 10–12.
[124] This is a famous comparison to be found in Prop. 4.1.1–10; Verg. *Aen.* 8.347–348; Ov. *Met.* 3.115–116.
[125] Another hut of Romulus atop the nearby Palatine might also be in Bassus' sights. For the Palatine hut: Dion. Hal. *Rom. Ant.* 1.79.11; Plut. *Vit. Rom.* 20.4. For the Capitoline hut: Vitr. *De arch.* 2.1.5; Macrob. *Sat.* 1.15.10.
[126] Leigh 2021: 125.

and recent landmarks to bring their fictive world 'perilously close to' Rome itself.[127] In *Contr.* 1.6, the Capitoline is directly in view and its various cultural memories laid bare; whereas, as I will now show *Decl. min.* 271 appears to overlook its more recent historical resonance, distancing itself from imperial Rome.

In *Decl. min.* 271, the declaimer compresses the Capitoline's centuries of fires, reconstructions, and restorations into a singular, hypothetical event.[128] Most importantly, he frames this in republican terms. He links his argument to a republican *topos* on Gaius Blossius' fervent devotion to Tiberius Gracchus. For instance, Cicero's *de Amicitia* shows Laelius testing Blossius' allegiance to Gracchus by asking if he would set fire to the Capitoline if Gracchus ordered: *tum ego, "etiamne si te in Capitolium faces ferre vellet?" "Numquam" inquit "voluisset id quidem; sed, si voluisset, paruissem."* ('thereupon I inquired, "even if he asked you to set fire to the Capitol?" "He never would have asked me to do that, of course," said he, "but if he had, I should have obeyed"').[129] Here, Laelius uses the Capitoline to illustrate a tension between loyalty to a friend and criminality, while the declaimer uses it to show the tension between filial duty and immorality. The declaimer's opening use of *repetenda sunt* might serve as a kind of annotation here, as a gesture that its readers recall (*repetenda*) the use of this republican *topos* in other authors. This effect is further reinforced by the opening invocation of liberty (*<illa> si ex nostra libertate argumenta repetenda sunt*), which recalls a specifically republican ideal. *Libertas* is a complex term, but it appears that during the imperial period, it was able to conjure up the atmosphere of the Republic.[130] By invoking it here, and alongside a republican *topos*, the declaimer invites his audience to view the burning of the Capitoline through a republican lens, effectively stripping the Capitol of its imperial associations.

This omission is striking given the Capitoline's extensive history. By the High Empire, there had been four conflagrations and fewer occupations of this hill. In 460 BCE, the Sabine Appius Herdonius led a band of exiles to besiege the Capitoline Hill, although it was not

[127] Leigh 2021: 125.
[128] Palmer 2023: 296. Edwards 1996: 69 'the focal point of state religion'. See also Gallia 2012: 9 'the Capitoline temple [of Jupiter Optimus Maximus] was a quintessentially Roman *lieu de mémorie*'.
[129] Cic. *Amic.* 37. Trans. Falconer 1923. See Leigh 2016 on the way in which the moral problem addressed in this Ciceronian passage is later reworked by Lucan.
[130] Wirszubski 1950: 124–171 on the use of the term *libertas* in the early Empire; Gallia 2012: 14 'under the Principate, the term [*libertas*] became shorthand for the era of the Republic as a whole', see discussion at p. 12–46 on the manipulation of the term *libertas* during the civil wars of 69 CE.

engulfed in flames.[131] In 390 BCE, during the Gallic sack of Rome, the citadel was occupied and threatened by fire.[132] Three centuries later, during the civil wars of 83 BCE between Marius, Cinna, and Sulla, the Capitoline's crowning glory, the Temple of Jupiter Optimus Maximus, was burnt to the ground.[133] In 69 CE, amid the civil wars, Vitellius' troops besieged Vespasian's forces atop the Capitoline, and the Temple of Jupiter was burnt to the ground again.[134] *Decl. min.* 271's selective focus on republican themes disregards the recent imperial events that had taken place on the Capitoline and the Flavian rebuilding efforts, which, as Gallia argues, sought to reshape the Capitoline's republican legacy in service of the Empire.[135] By foregrounding its republican past, the declaimer distances himself from the imperial history embedded within the Capitoline Hill.[136]

The *Minor Declamations*, then, pave over the imperial Roman cityscape in two ways. First, by making the Temple of Peace into a metaphor, *Decl. min.* 274 obscures its actual existence within the textual world. Second, *Decl. min.* 271 presents the act of setting fire to the Capitoline as a hypothetical and republican event, thereby effacing the recent history and physical markers on the hill that bear these memories. *Decl. min.* 274 transforms the singular *Templum Pacis* into a generic monument, and *Decl. min.* 271 and 274 reduce the Roman *fora* and Capitoline to metaphors. Both moves are strange equivocations.

On one level, these passages serve an important rhetorical function within their respective arguments. As Vasaly observes in her study of Cicero's manipulation of Roman spaces in his courtroom oratory, 'the orator has adapted his representation of reality to suit his rhetorical goals'.[137] In *Decl. min.* 274, the forum is imbued with a religious significance, transformed into something akin to a Temple of Peace. As a result, the burial of the tyrant in the forum is re-framed as an act of religious pollution, in contrast to the opposing side's interpretation of it as a divine sign. By elevating the forum to a quasi-sacred status, the declaimer strengthens

[131] Livy 3.15–18.
[132] Polyb. 1.6; Livy 5.39.9–40, 42, 43.1–5, 47.1–5; Dion. Hal. *Ant. Rom.* 1.74.
[133] Tac. *Hist.* 3.72; Flower 2008: 74–92. Shortly following, in 80 CE, an accidental fire swept through the Capitoline. Suet. *Vit. Tit.* 8.
[134] Tac. *Hist.* 3.69–75; Suet. *Vesp.* 8.5; Plut. *Vit. Pub.* 14–16. Tac. *Hist.* 3.72 reports that this fire was the most devastating thing to happen since Rome's founding (*id facinus post conditam urbem luctuosissimum foedissimumque rei publicae populi Romani accidit*).
[135] Gallia 2012: 47–85.
[136] This was, perhaps, a politically motivated move to shy away from the imperial associations of setting fire to the Capitoline. Tac. *Hist.* 3.71 reports the rumour that it was the Flavians who had set fire to the hill in 69 as a means of defence.
[137] Vasaly 1993: 7.

the argument that the tyrant's corpse should be cast outside the city walls, rather than being interred within this sanctified space. The invocation of the real Temple of Peace serves to exaggerate the threat of religious pollution, heightening the sense of violation to an important space on the Roman landscape. Similarly, the rhetorical effect of naming the Capitoline in *Decl. min.* 271, rather than invoking a generic city feature, amplifies the extremity of the father's command, presenting it as a tangible threat to a Roman audience. As has been noted, the Capitoline's powerful symbolic resonance in oratory allows the declaimer to justify why the son should refuse his father's order.[138] In both cases, these toponyms strengthen the declaimers' rhetorical objectives.

d) Damnatio

Read together, these two references to sites of memory do more than just strengthen the declaimers' rhetorical arguments. They reveal how the manipulation of time and space enables the *Minor Declamations* to distance itself from its imperial present, shoring up instead the republican presence within the text—which we have seen over the last three chapters through references to political institutions, Ciceronian allusions, and exemplarity. In the second half of this chapter, I suggested that the declaimers obscure two imperial sites of memory (*lieux de mémoire*): Vespasian's *Templum Pacis* and the Capitoline, an area of extensive and opulent building activity in the High Empire—from the imaginary world of the text.[139] This treatment of the Roman cityscape is not, however, like that of the declaimers in the Elder Seneca, who embed Rome firmly within their textual world. Rather, it uproots Rome from its imaginary topography, erasing the collective memories of Rome's recent past.

This divergence is implicated in a broader political discourse of the shifting politics of memory in the early and High Empire, a period in which the Roman cityscape became a highly contested space. The Senate made concerted attempts to impose memory sanctions through the so-called policy of *damnatio memoriae*, to the names, monuments, and images of certain emperors and political figures from the cityscape. The High Empire, in fact, began

[138] Livy 6.20.10–12 on Manlius Capitolinus; see also Cic. *De or.* 3.124 and Quint. *Inst.* 11.3.115 on the famous passage of Gaius Gracchus, where he invokes the Capitoline.
[139] For the importance of the *Templum Pacis* to Domitian's building programme see Stat. *Silv.* 4.1.13, 4.3.17. Anderson 1982; Coleman 1988: 108. For the importance of the Capitoline during the early High Empire see Suet. *Dom.* 5; Stat. *Silv.* 1.6.100–102; Gallia 2016: 156; Newlands 2002: 250.

with such sanctions, enacted against Nero, but they were also weaponised against Caligula and, most recently, Domitian. Notably, the removal, defacement, and reappropriation of Domitian's monuments on the landscape became, in Flower's words, 'a struggle that was continuous and fiercely fought' under both Nerva and Trajan.[140] Pliny paints a lurid picture of these events which, importantly in the context of *Decl. min.* 271, take place on the Capitoline:

> Iuvabat illidere solo superbissimos vultus, instare ferro, saevire securibus, ut si singulos ictus sanguis dolorque sequeretur. Nemo tam temperans gaudii seraeque laetitiae, quin instar ultionis videretur cernere laceros artus truncata membra, postremo truces horrendasque imagines obiectas excoctasque flammis, ut ex illo terrore et minis in usum hominum ac voluptates ignibus mutarentur. (Plin. *Pan.* 52.4–5).
>
> It was our delight to dash those proud faces to the ground, to smite them with the sword and savage them with the axes, as if blood and agony were following from every blow. Our transports of joy—so long deferred—were unrestrained; all sought a form of vengeance in beholding those bodies mutilated, limbs hacked in pieces, and finally that baleful, fearsome visage cast into fire, to be melted down, so that from such menacing terror something for man's use and enjoyment should rise out of the flames.

Suetonius and Dio describe similar attacks against Domitian's portraits, inscriptions, and arches.[141] These accounts are confirmed by the archaeological record. Varner and Flower calculate that 40% of the epigraphic evidence from Domitian's principate shows markings of deliberate mutilation, typically erasing the names Domitianus and Germanicus.[142] In one striking instance from Puteoli, a statue and accompanying inscription that honoured Domitian's construction of the Via Domitiana in 95/96 CE were entirely erased after his assassination.[143] In the case of larger-scale monuments, their meanings were reinvented. For instance, Domitian's incomplete Forum Transitorium was renamed Nerva's Forum in 97/98 CE, and the Cancelleria reliefs were re-carved with Nerva's head.[144] Thus, Domitian's

[140] Flower 2006: 239.
[141] Suet. *Dom.* 23; Cass. Dio 68.1.1.
[142] Varner 2004: 132; Flower 2006: 240, 625–648.
[143] Flower 2001: 629 includes the original inscription on the text. See Stat. *Silv.* 4.3 and Newlands 2002: 284–325 on the construction of this road.
[144] Stat. *Silv.* 4.3.9–10; Suet. *Dom*. 5. Varner 2004: 115 calculates that 82% of Nerva's remaining images were appropriated from an originally Domitianic image. Varner 2004: 119–120 on the Cancelleria reliefs.

contributions were systematically erased from the Roman landscape, a process also seen after the reigns of Caligula and Nero.[145] Controlling imperial memory—whether through erasure or commemoration—was a heavily charged issue throughout the first and second centuries CE, shaping Rome's physical cityscape. This theme of contested memory is precisely what *Decl. min.* 274 addresses.

The politics of erasure extended beyond Rome's physical topography. Two contemporary authors suggest that similar acts of erasure to those seen in the *Minor Declamations* were also enacted in the literature of the period. Roche argues that under the new regime, Pliny's *Panegyricus* makes 'a concerted attempt to divest them [i.e., monuments] of their Domitianic associations and to impose upon them more of the desired aspects of his successors' identity'.[146] Pliny, for instance, recasts the Circus Maximus, renovated by Domitian, as a Trajanic monument highlighting his *liberalitas*, and he reinvents the Domitianic associations of the *Domus Flavia*.[147] Similarly, Tan reads Tacitus' portrayal of the unconquered environment in *Germania* as enacting a rhetorical *damnatio* against Domitian's loudly proclaimed conquest of Germany and his adoption of the cognomen *Germanicus*. Tacitus' text is a destabilising force that 'deploys the rhetorical power of geography as a weapon against the Domitianic narrative of a pacified *Germania*'.[148] The *Minor Declamations* enacts a comparable literary *damnatio* against the Roman cityscape. Unlike Pliny and Tacitus, this text does not necessarily single out a particular *princeps* but speaks to the larger debate over memory politics on the Roman landscape.

Yet, omission often further underscores memory, rather than erasing it completely. For instance, Tacitus writes that the absence of Brutus and Cassius' wax ancestral masks at the funeral of Cato's niece, Junia, 'shone brighter than all by the very fact that their portraits were unseen' (*sed praefulgebant Cassius atque Brutus, eo ipso quod effigies eorum non visebantur*).[149] As Galinsky notes, 'absence can be an even more potent generator of memory than presence'.[150] I argue that the *Minor Declamations* employs this same principle, invoking spaces important to imperial Rome, only to then obscure them within the textual landscape.

[145] See n. 93 in this chapter.
[146] Roche 2011: 46.
[147] Roche 2011.
[148] Tan 2014: 200. See also Andrews 2019.
[149] Tac. *Ann.* 3.76. Trans. Moore and Jackson 1931.
[150] Galinsky and Lapatin 2015: 12.

This act of deracination paradoxically accentuates what has been omitted, reinforcing the memory of the imperial cityscape even as it is ostensibly erased from the text.

4. Epilogue: Greek memory under the Roman Empire

This chapter affords the opportunity not just to examine the *Minor Declamations* in its Latin-speaking cultural context, but to broaden the horizon and think about the politics of memory across the Roman Empire. The Greek half of the Roman Empire was equally, perhaps even more so, preoccupied with the production of memory and the classical past during the years in which the text was composed. As noted in the introduction to this thesis, Greek declamation omits the imperial Roman present, instead turning back to an earlier 'golden age' of Athenian power. This declamatory culture significantly influenced the literature of the so-called Second Sophistic. This is perhaps best illustrated by Pausanias' second-century CE travel narrative, *Periegesis*, which maps an imaginary geography of the distant Greek past.[151] Pausanias' account is guided by his preference for 'all things Greek' and for sites 'worthy of memory'. For Pausanias, monuments and places worth remembering are largely drawn from the early Greek past and he excludes monuments built after 250 BCE. In so doing, he effectively excludes Rome from the *Periegesis*. Scholars typically interpret this as a form of classicising nostalgia, underpinned by a sense of present decline: the monuments of the past lie in ruins, but the vestiges of their greatness remain.[152] For instance, Pausanias describes the city of Megalopolis in Arcadia as having 'lost all its beauty and its old prosperity, being today for the most part in ruins', yet he praises its former political glory.[153] Through this text, Pausanias signals resistance to Roman imperialism in Greece. He is not the alone in this tendency; many Second Sophistic authors use similar modes to express their opposition to Roman dominion, favouring the classical Athenian past.[154]

Pausanias is a provocative counterpoint to the *Minor Declamations*. The texts are roughly contemporaneous, and both respond in some way to an imperial Roman cultural context. While Pausanias channels his resistance to Roman imperialism though a Greek lens,

[151] Aelius Aristides' oration, *To Rome*, offers another interesting comparison. Uden 2015: 207 argues that 'Aristides eschews almost entirely the description of identifiable places or monuments in the city of Rome'.
[152] To name a few in a large and growing body of scholarship: Bowie 1996; Elsner 2003; Porter 2003.
[153] Paus. 8.33.
[154] Porter 2001: 64, 67.

celebrating the monumental landscapes of Greece's deep past, the *Minor Declamations* aligns itself with the republican past through its use of exemplarity. Both texts deliberately exclude mention of their imperial Roman present, but they do so in different ways. The *Minor Declamations* restricts its Roman examples to the republican period, even excluding early Roman regal examples and overlooking monarchical associations. Just as Pausanias travels through time and space to connect with ancient Greek monuments, the *Minor Declamations* distorts and obscures the temporality of republican figures to situate itself in relation to this past. The use of generalising plurals in lists of Roman figures is critical to this effect: it blurs specific individuals into undifferentiated groups, flattening temporal distinctions and effacing the distance between the declaimers and the Republic. Similarly, Pausanias juxtaposes 'events and monuments of quite different periods, giving the impression that they nevertheless belong closely together'.[155] Just as the declaimers employ generalising plurals and omit mention of a *princeps* to adopt a republican tone, Pausanias echoes earlier Athenian authors in language and style. Both *Periegesis* and the *Minor Declamations* thus focus on their respective bygone pasts, while excluding the imperial present.

Unlike Pausanias, however, the *Minor Declamations* does not focus on the topography and monuments of its fictive or Roman cityscape. The declaimers refer to the cityscape of Rome only twice, both times with strange equivocations that obscure the presence of Roman sites. In this world, monuments are not imbued with a rich tapestry of memory, as in Pausanias' account; instead, a deliberate forgetting reinforces selective memory. The two invoked sites are associated with imperial landmarks: the metaphor of the Temple of Peace in *Decl. min.* 274 recalls Vespasian's *Templum Pacis*, while the hypothetical burning of the Capitoline loosely evokes the fires on the Capitoline across Rome's history, but it seems to position itself more closely in relation to the republican fires, a republican *topos*, and *libertas*. These efforts to displace imperial sites from the textual world of the *Minor Declamations* can be read as an attempt to forget imperial Rome, akin to an act of *damnatio memoriae*. In so doing, the text subjects imperial Rome to a kind of memory sanction. This acts in tandem with the republican thread within the text: by conjuring the present topography of Rome only to erase it from the textual landscape, the declaimers underscore the text's backward-looking orientation and its reverence for the Republic.

[155] Bowie 1996: 213.

A secondary dimension to the *Minor Declamations'* suppression of the imperial present, with its focus on the Republic, concerns the persuasive appeal of these examples. Scholars have argued that examples carry more rhetorical weight if they are perceived as (relatively) recent to the audience. By positioning themselves in line with republican figures, the declaimers may be seeking to enhance the argumentative force of their examples. In the two instances where the declaimers invoke Roman sites, they do so to intensify the crisis at hand and to make the threat seem tangible. This approach parallels that examined in the prior chapter, where declaimers invoke Cicero's words during the Catilinarian conspiracy to heighten the sense of danger and immediacy in their arguments. The next chapter, however, adopts a different approach.

CHAPTER FOUR

Decline

1. Introduction

The thread that has united our examination of the Republic in the *Minor Declamations* across the previous three chapters is the way in which the text revives the republican past in a manner untethered from strict chronological constraints. Chapter 1 explored the republican character imputed to various political and legal institutions within this imaginary world. Chapter 2 examined the deliberate imitation of a republican author and the evocation of a key republican conspiracy. Chapter 3 analysed the text's exclusive reliance on republican exemplarity. Together, these chapters demonstrate how the Republic serves as a recurrent presence (but no less important) in the *Minor Declamations*, prompting reflection on how this historical period is reconstructed and remembered within the world of declamation. The latter part of chapter three began to suggest another dimension of this republican emphasis: that it was made possible through the systematic omission of imperial Rome through the exclusion of imperial exemplary figures and the imperial Roman landscape. This final chapter sharpens and widens my exploration of the world of the *Minor Declamations*, by placing the text in its contemporary context. It has been reiterated throughout this thesis that the Republic is not the only Roman (or indeed Greek) aspect that suffuses Romano-polis. By interrogating the subtler ways in which the textual landscape engages with imperial Rome, this chapter aims to uncover the complex attitudes to the past—the idealised memory of the Republic—and to the present—the implicit realities of imperial influence. If we are to read the *Minor Declamations* for the Republic, then we need to situate the text in its cultural context.

This chapter examines the idea of present decline in the *Minor Declamations* and links it with the moralising discourse found in Latin literature of the High (and occasionally early) Empire. It is not concerned with ideas of cultural memory as the previous three chapters have

been. Each case study instead offers a close reading of a *controversia* to demonstrate the declaimers' engagement with key issues of their period: the declining state of oratory and eloquence; the degraded morality of women; and paternal piety. Unlike Chapter 2, which made a case for allusions, this analysis highlights shared ideological frameworks and cultural concerns. The *Minor Declamations* that emerges is far more engaged with the culture and literature of the High Empire—as opposed to just the Republic—than the previous chapters have suggested. Romano-polis thematises the prominent discourse of moral degradation that authors of the period (among them Quintilian, Pliny the Younger, Tacitus, and Juvenal) criticised at Rome.

2. Decline and declamation

Edward Gibbon, in *The History of the Decline and Fall of the Roman Empire*, begins by stating that Rome in the second century CE was 'the fairest part of the earth, and the most civilised portion of mankind'.[1] Gibbon attributes this to the guarded frontiers, obeyed laws, accumulation of wealth and luxury, image of a free constitution, and sovereign Senate. For him, this prosperity reached its zenith under the High Empire, with the so-called 'five good emperors'—Nerva, Trajan, Hadrian, Antoninus Pius, and Marcus Aurelius—and thereafter the Roman Empire would chart a trajectory of decline until its eventual collapse in 1453.

Latin authors of this period—the second century CE—offer a remarkably different vision.[2] Gibson notes of this tension: 'it is a curious irony that some of the literary historiography of the "High Empire" has tended to characterise it as an era of decline'.[3] While the rhetoric of decline had been present since the late Republic, it was not until after what many perceive as Augustus' renewed golden age that this discourse becomes pervasive.[4] To quote Williams, 'there is a powerful unanimity among Roman writers of the early Empire: most of them […] express the feeling that they live in a period of cultural decadence'.[5] Authors diagnose many symptoms of this decline. For example, Quintilian wrote a now lost piece on the causes of

[1] Gibbon 1776–1778 (rev. ed. 1996): §1.
[2] Caplan 1944; Williams 1978; Harrison 2005; See also Bodel 2010: 31'Roman authors of the early Empire agreed: their world was in cultural decline'. Vassiliades 2021 discusses anti-decline discourse during the early imperial period.
[3] Gibson 2005: 70.
[4] Williams 1978: 6; Harrison 2005.
[5] Williams 1978: 6.

decline in oratory, and one of the views articulated in Tacitus' *Dialogus de oratoribus* and Longinus' *On the Sublime* is that orators of the present cannot live up to those of the past.[6] Tacitus' *Histories* and *Annals* chart the deteriorating state of morals in tandem with the increasing wealth, dominance, and autocracy of the Empire.[7] In Petronius' *Satyrica*, it is claimed that the traditional arts that once flourished have deteriorated, among them poetry.[8] Indeed, several poets of the period no longer claim to rival, but follow their generic predecessors.[9] Lastly, declamation itself is similarly said to have declined.[10] The *Minor Declamations* emerges in a period which is hyper-aware of contemporary decline—literary, moral, oral—and, I will argue, it embeds this theme into its textual landscape.

The present world of the *Minor Declamations* is imbued with declinism—a sense that things are becoming worse than they were in the past, and the tendency to view the present and future pessimistically. This is sometimes conveyed through expressions decrying the times. In other instances, the decaying present is implicitly contrasted with an idealised past. In *Decl. min.* 260, in which the speaker defends a rich young man for providing shelter and food for disowned sons, he bemoans: *o misera tempora! hoc defendendum est?* ('o wretched times! Does this have to be defended?').[11] He has a Ciceronian exclamation in mind.[12] Whereas Cicero employs this phrase to condemn his times for allowing certain crimes to be committed, the declaimer has reversed the exclamation for use against the prosecution who are accusing a man of goodwill. His world is inverted: disowned sons are denied their homes with no hope of rehabilitation (§17), even those who did not commit a proper crime (§20), and deeds worthy of praise are persecuted.[13] In *Decl. min.* 312, in a dispute between heirs over a deposit, another speaker laments the state of his present day: *misera hercule condicio mortalitatis, quando omnibus iam quae agimus videtur opus esse teste. Ita parum facit*

[6] [Longinus], *Subl.* 44. Cf. Petron. *Sat.* 1–2, 88; Juv. 7.105–149.
[7] E.g., Tac. *Ann.* 3.55, *Hist.* 2.38. As Edwards 1993: 31 states, 'the highpoint of Roman moral virtue was always already situated in an idealised past'.
[8] Petron. *Sat.* 88, 118.
[9] Stat. *Theb.* 12.816–817; cf. also Stat. *Silv.* 1 pr. 24–25.
[10] Quint. *Inst.* 5.12.17 is key; see also Quint. *Inst.* 2.10.4 for his hope that declamation might return to its former value. Sen. *Contr.* 1 pr. 1, 12 and 3 pr. 15 also seem to suggest that contemporary declaimers were worse than those of the recent past. At Sen. *Contr.* 10 pr. 7, he proclaims that the geniuses of declamation are long since dead. Fantham 2011: 265–284 attributes this decline to the heavy emphasis on *imitatio*.
[11] *Decl. min.* 260.17. Criticisms of the present times are repeated at *Decl. min.* 260.12, 20.
[12] The exclamation is otherwise unattested outside of Cicero and this declamation. Cic. *Har. resp.* 43 (*o misera tempora stultasque nostras discordias!*); *Verr.* 2.5.92 (*o tempus miserum atque acerbum provinciae Siciliae!*); *Att.* 9.17.1 (*o tempus miserum!*).
[13] At *Decl. min.* 260.20 the advocate states that specific to these times are that living liberally and giving things away are a crime.

veritas, ita nullum numen est Fidei ('sad, upon my word, is the condition of mortality when a witness seems to be needed nowadays in everything we do. Is truth not enough? Is there no divinity in Faith?').[14] No longer can anyone be trusted, not even divine *Fides* stands strong. In *Decl. min.* 262, a wife brings an action of *iniustum repudium* against her husband after he has raped a *virgo*, who opts to marry him. The declaimer opens with a different criticism of his era, this time that the moral standards have prompted increased divorce rates: *maxime necessaria ad continenda matrimonia [et] his praecipue moribus, quibus finem tantum necessitas facit, super omnes leges tuenda est* ('most necessary to keep marriages together, especially in the present state of morals in which necessity makes the only limit, [the law of wrongful divorce] is to be maintained above all laws').[15] This is, in fact, the only instance in the text where commentators detect the use of a *locus de saeculo*.[16] At the very least, this chapter will demonstrate that there are many more instances of declinist condemnations of the current state of affairs in the *Minor Declamations* and that this serves to underscore the nostalgic treatment of the Republic across the text. At the very most, it will claim that these judgements engage with contemporary issues expressed by authors of the High Empire. The *Minor Declamations* demonstrates a deeper engagement with its literary and cultural milieu than is often acknowledged.

In contrast, the text paints the past of Romano-polis as a flourishing age. Implicit in this narrative is a subsequent trajectory of decline. This thesis has already given due consideration to the idealised portrayal of the Roman Republic and its insertion into the textual landscape.[17] Another way in which this is achieved is through praise of the sagacity of Romano-polis' first lawgivers.[18] In *Decl. min.* 262, where we have already seen a criticism of the present morals, the ancestors and lawgivers are contrastingly characterised as *prudentissimi constitutores iuris* ('most prudent constitutors of laws'), and similarly in *Decl. min.* 350, for writing laws of a wide remit, *prudentia maiorum (quamquam fuit summa)* ('the wisdom of our ancestors,

[14] *Decl. min.* 312.6. Perhaps another Ciceronian exclamation to be found in *misera condicio*. E.g., Cic. *Cat.* 2.14, *Flac.* 87.
[15] *Decl. min.* 262.1.
[16] Winterbottom 1984: 345; Pasetti 2019: 319.
[17] In the Greek scenarios, the classical past is similarly conceived of in positive terms. E.g., *Decl. min.* 339.2: *Id cum fecistis pro maiorum vestrorum opinione atque laude servataque usque ad hoc tempus gloria civitatis* ('when you did it both for the credit and good name of your ancestors and the glory of this community as maintained down to the present day').
[18] Pasetti 2019: 332 notes that reference to the wisdom of Sophistopolis' forefathers is common in this text. De Decker 1913: 34–38 identifies the instances in which Seneca's declaimers similarly praise the ancestors.

though it was of the highest order').[19] In *Decl. min.* 279, the *maiores*, 'those enactors of law', are credited with having 'brought communities still as it were in the confusion of the old time into a fixed pattern of living' (*illi constitutores iuris, qui civitates adhuc velut antiquo illo errore confusas ad certam vivendi formam redegerunt*), and in a related statement in *Decl. min.* 264, for 'shaping the primitive community by statute and law' (*rudem civitatem legibus ac iure formarunt*).[20] The speakers set up the ancient legislators as the transformational force behind Romano-polis. There is no praise of current legislation in the text. The impression is of the past of Romano-polis as a time of great legal wisdom. This is, to be sure, a commonplace deployed across Latin declamation and rhetoric.[21] What makes the *Minor Declamations* unique is that it creates such a uniform picture: the past is unanimously positive and the present deteriorating. Whereas Seneca and his declaimers, and the *Major Declamations* couple their criticisms of the present with praise.[22] We will first unpack some of their criticisms of the present, before turning to praise.

The genre of Latin declamation found itself from its beginning populated with moral censure of current affairs.[23] Seneca introduces this as a *locus communis* in the preface to his compilation, which he later states was a particular favourite of the declaimer, Fabianus.[24] In *Contr.* 2.5, for example, Fabianus censures the women of his present age: [*et*] *ut saeculi mos est, <et> in deterius luxu fluente muliebris ambitio certamine mutuo usque in publica damna privatis insanit?* ('certainly, that is what the age is like—luxury spreads from bad to worse, and the ambitions of women, competing with each other, bring madness to private households—and harm to the state').[25] Winterbottom adduces nine more instances of this *locus communis* throughout Seneca's declamations.[26] Seneca attributes this tactic not just to Fabianus, but to the likes of Latro, Aurelius Fuscus, Pompeius Silo, Vibius Gallus, and against an array of moral problems, including women's immorality, effeminacy, luxury, and decadence.

[19] *Decl. min.* 262.4, 350.6. Similar claim at *Decl. min.* 320.3.
[20] *Decl. min.* 279.7, 264.7.
[21] E.g., Quint. *Inst.* 3.7.
[22] Calp. Flac. does not offer any statements that praise or condemn current affairs.
[23] In the follow section, I discuss Seneca's important claims about the decline of eloquence.
[24] Sen. *Contr.* 1 pr. 23, 2 pr. 2.
[25] Sen. *Contr.* 2.5.7. See also *Contr.* 2.1.10–13.
[26] Winterbottom 1974: Index II s.v. 'commonplaces, on the age'.

This *locus* continues to occupy a prominent place in the *Major Declamations*, though not in Calpurnius Flaccus. In a case on *abdicatio* (*Decl. mai.* 9), one declaimer commands 'fall silent, past ages (*tacete, priora saecula*) and he pronounces that 'lasting loyalty' has 'been terminated in our times' (*longa temporibus nostris fides intercepta*).[27] In the final two declamations of the collection (*Decl. mai.* 18, 19), the speakers offer generalising comments on the bad state of the age (*maledixit saeculo, fecit temporibus invidiam*; 'he cursed our age, he cast aspersions on our times').[28] The contemporary world of the *Major Declamations* is imagined to be languishing in its moral failings. Interestingly, in the only case explicitly set in Rome in the *Major Declamations*, the declaimers equally attack the moral decline of second century BCE Rome.[29]

In the *Major Declamations*, and in Seneca, though, these censures are simultaneously coupled with positive appraisals of their textual worlds. In the *Major Declamations*, its speakers variously refer to the upstanding morals of their present, imaginary world. One declaimer speaks of 'the modesty of our times' (*temporum pudorem*), another 'the innocence of our age' (*innocentia temporum*), and young men whose moral quality surpasses that of the Heroic Age.[30] In Seneca, Latro sarcastically exclaims that contemporary Sophistopolis is nothing short of a Golden Age: 'we are born in a supremely fortunate and as they say, a Golden Age!' (*O nos nimium felici et aureo, quod aiunt, saeculo natos!*).[31] Another declaimer, Montanus, offers a less ironic evaluation of the age: 'look favourably upon our time, judges, and decide that though it produces great crimes, it has not also produced precocious ones' (*favete saeculo, iudices, cum ingentia scelera ferat, ne etiam inmatura tulerit*).[32] As a text composed closely after Augustus' golden age, Seneca's Sophistopolis here seems to thematise a comparable era of prosperity—not the declinism of the *Minor Declamations*. Drawing another point of contrast with the *Minor Declamations*, Seneca even sets up the republican past as a period of moral corruption. Latro refers to the indignity of the age when Clodius Pulcher attacked Cato for misappropriating money in Cyprus and

[27] *Decl. mai.* 9.8.
[28] *Decl. mai.* 19.14. See also *Decl. mai.* 18.6, 18.15. Breij 2015: 208, 351.
[29] *Decl. mai.* 3.1 (*et licet impunita sit reo virtus sua, tamen in hoc ruentis in deteriora saeculi cursu …* 'and even if the defendant's courage goes unpunished, yet, in this age of ours that is rushing headlong into decadence …'). See *Decl. mai.* 3.11 for another similar statement.
[30] *Decl. mai.* 4.6, 18.4, 9.14. See also *Decl. mai.* 6.22, where young men of the present time are to be held up as *exempla* for future ages.
[31] Sen. *Contr.* 2.7.7. See also 2.7.8.
[32] Sen. *Contr.* 9.6.19.

Montanus describes the luxury and laxity of republican generals.[33] Both school declamations offer a complex vision of their worlds, worthy of compliment and censure.

The *Minor Declamations'* reimagining of their declamatory world is distinct from these measured representations in Seneca and the *Major Declamations*. But I will argue that the criticisms it does issue against the present age of Romano-polis are not distinct amongst other Latin authors of the High Empire. The remainder of this chapter presents four case studies on *Decl. min.* 268, 327, 277, and 349 to argue that the text deploys *loci de saeculo* that take on a contemporary edge. Each case study highlights a different symptom of declinism. The first and longest case study will read *Decl. min.* 268, which we have earlier seen in Chapter 2 for its mention of Cicero, for its representation of the corrupting nature of oratory. The declaimer's argument—that oratory itself had caused political decline—was also being made by Latin authors of the period and I compare the declamation with a similar concern expressed in Quintilian's *Institutio* and Tacitus' *Dialogus*. While the Quintilianic connection has been acknowledged in scholarship, the Tacitean link has not.[34]

3. Orations against oratory

In the scenario of *Decl. min.* 268, three brothers—an orator, physician, and philosopher—each lay claim to their father's inheritance, which is judged by their societal contribution. The surviving argument is made by the physician, whose defence blends appeals to utility with a moralising overture. He opens (§§1–3) and closes (§§21–23) with a defence of medicine's service to humanity and its divine origins; (§§4–15) he attacks philosophy for its immoral teachings; and lastly, he attacks (§§16–20) oratory as a corrupting force.

The speaker sets up degeneration as an implicit thread in his case against his orator brother. Early on, he foregrounds the treatment of each sibling. In response to his own question (§2), *quis omnibus prosit* ('who benefits all'), he replies that philosophy concerns few (*ad paucos pertinet*) and that 'eloquence may be an admirable thing: but it does not help more people than it harms' (*sit eloquentia res admirabilis: non pluribus prodest quam nocet*).[35] He opens

[33] Sen. *Contr.* 9.2.19, 10.1.8; *Suas.* 7.5–6.
[34] Winterbottom 1984: 362–363; Winterbottom and Reinhardt 2006: 277–300; Pasetti 2019: 356–357.
[35] This looks forward to *Decl. min.* 268.19–20. See discussion in text below.

with a bleak outlook on the state of oratory, unique amongst the professions as a source of damage to individuals. This is reprised later in his argument, when he begins his attack on oratory (§16): *haec de philosopho dixisse satis est: transeamus ad oratorem. Quem intellego fiducia eloquentiae ad hanc descendisse causam* ('enough has been said about the philosopher: let us turn to the orator. I understand that he has descended to this case with faith in eloquence'). The declaimer's use of *descendere* here prefigures the role of decline in his argument. The term is used in its common idiomatic meaning with *causa* 'to take sides in a dispute', but there might be an additional semantic layer at play here:[36] *descendere* more often referred to decline, where it could suggest a decrease in quality.[37] The declaimer critiques his brother's side in the case (*descendere in causam*) for relying on eloquence, while he will imply that faith in eloquence has declined (*descendere*) and so too have the communities who put too much faith in eloquence.

That eloquence at Rome had regressed was routinely expressed in the declinist discourse of the Empire.[38] There were four explanations. Some reasoned that it was a natural process of rise and fall: that after the golden age of republican oratory followed a natural lull.[39] Others identified increasing moral laxity and decadence at Rome as the root cause of oratory's decline.[40] The Elder Seneca refers to the degenerating influences of luxury and effeminacy on young students, who are lazy and unconcerned with cultivating their intellect.[41] For Seneca, a good orator must be a moral man.[42] Since there are no moral men in his present-day Rome, there are thus no true orators.[43] The third explanation viewed the decline of oratory concomitant with the changed political circumstances of Empire.[44] A corollary of the principate, in which power and politics were concentrated around the *princeps*, was that the

[36] *OLD* s.v. 4b; *TLL* s.v. 649.36–650.19.
[37] *OLD* s.v. 1, 7, 10b; *TLL* s.v. 642.3–642.45.
[38] While many diagnosed the malaise of oratory, it continued to be a highly regarded and profitable career path during the Empire. Bonner 1949: 71; Fairweather 1983: 142; Berry 2005: 267–268 'enthusiasm for oratory […] remained as great as ever'.
[39] Vell. Pat. 1.16–17; Sen. *Contr.* 1 pr. 6–7. This was anticipated in Cic. *Tusc.* 2.1.5.
[40] Similarly, Latin historians chart the degeneration from the unimpeachable morals of the Roman past to the influx of vices during the expansion of *imperium* in the mid-Republic. Key passages in Polyb. 31.25.1–8; Livy pr. 9, 39.6.7; Sall. *Cat.* 10–11. This topic has an extensive bibliography: Harrison 2005; Santangelo 2013; Burden–Strevens 2020; Shaw 2022.
[41] Sen. *Contr.* 1 pr. 6–9. Both Sussman 1972 and Van den Berg 2020 emphasise Seneca's novelty as the first imperial commentator on this decline.
[42] This view begins with Cato the Elder and is central to Quint. *Inst.* (e.g., 12.1.1.), on which see Winterbottom 2019: 3–15.
[43] Sen. *Contr.* 1 pr. 10. Like his father, Seneca the Younger (Sen. *Ep.* 114.16, *QNat.* 7.31–32) associates corrupt literary style with contemporary vices. So do Petron. *Sat.* 88 and [Longinus], *Subl.* 44.
[44] See Fantham 2011: 284 'a changed society doomed them', i.e., orators.

kind of free speech and civic oratory that had once flourished during the Republic ceased to exist.[45] Ps.-Longinus declares that great oratory could only exist in a free, democratic state.[46] The fourth and final reason for why 'eloquence in speech ceased and grew dumb' (*corrupta eloquentia … stetit et obmutuit*) was because of declamation.[47] Narratives of decline play an important role in discourse about, and the reception of, declamation during the imperial period. At the beginning of Petronius' *Satyrica*, the narrator Encolpius attacks declamation for distorting eloquence.[48] He condemns the fanciful themes of declamation, a point which finds similar expression in the Elder Seneca's declaimers, Quintilian, and Tacitus.[49] These exercises were meant to prepare students for a career in oratory, which the themes of pirates, tyranny, oracles, and plagues did not faithfully represent. Encolpius further criticises the bombastic and florid style in which declamations were delivered—a criticism discussed in the introduction to this thesis.[50] Yet scholars of the *Satyrica* observe that Encolpius is not a reliable character. Several passages later, Encolpius reveals that he has been delivering a declamation.[51] Gunderson draws attention to the humour implicit in this episode.[52] Peirano Garrison reads it as 'a parody of moralistic discourse on literary decline'.[53] His criticisms against declamation are delivered as a declamation.

It is worth noting that this discourse surrounding declamation as the cause of atrophying eloquence is conspicuously absent from Seneca the Elder's prefatory evaluation of oratory.[54] While the decline of declamation from the heights Seneca witnessed in his youth is implicit in the history of the form, Seneca otherwise includes four explicit overlapping reasons for the decline of oratory. This amplifies his evasion of declamation. In fact, this discourse against declamation only emerges in extant literature *after* Seneca, in the mid-first century CE. The Neronian writers, Persius and Petronius, are among the first to explicitly claim that

[45] Sen. *Contr.* 1 pr. 7 blames the political conditions of the early Empire for debilitating eloquence. See further Caplan 1944: 295; Fairweather 1981: 132; Fantham 2011: 284; Van den Berg 2020: 208–209.
[46] [Longinus], *Subl.* 44.2.
[47] Petron. *Sat.* 2.7. Latin and trans. from Schmeling 2020.
[48] Petron. *Sat.* 1.2–3.
[49] Sen. *Contr.* 2.3.13, 3 pr. 12–14, 9 pr.; Quint. *Inst.* 2.10.1–2, 5.12.17; Tac. *Dial.* 35.4. Bonner 1949: 72–74 surveys criticisms of Seneca's declaimers against declamation.
[50] Sen. *Suas.* 2.10; Sen. *Ep.* 108.6–7; Tac. *Dial.* 35 each write about the futility of florid, yet hollow, words.
[51] Petr. *Sat.* 3.1: *non est passus Agamemnon me diutius declamare in porticu quam ipse in schola sudaverat* ('Agamemnon could not allow me to declaim in the colonnade longer than he had sweated over delivering a speech in the school').
[52] Gunderson 2003: 9–11.
[53] Peirano Garrison 2019: 57–58.
[54] Fairweather 1981: 143–148.

declamation perverted eloquence.[55] After this point, the view is widely proclaimed: Quintilian, Tacitus, and Pliny each revisit this rhetoric with renewed interest under the High Empire. Thus, the *Minor Declamations* might be the first declamatory text to have been composed when the idea was circulating that declamation was a leading factor in the decay of eloquence. This has important implications for how we choose to read this text. The text was composed at a time when there was an acute sense of the enfeebled state of oratory at Rome, and when moralising discourse viewed declamation as a catalyst of this decline. In this section, I suggest that *Decl. min.* 268 thematises this decline.

This idea finds its fullest expression in Tacitus' *Dialogus*.[56] Set in 75 CE, this work is typically read as 'a depressing tale of oratory's literary, social, and moral decline'.[57] The work opens with a question posed by Fabius Justus 'how is it that, whereas former ages were so prolific of great orators, men of genius and renown, on our generation a signal blight has fallen: it lacks distinction in eloquence, and scarce retains so much as the name of "orator"' (*cur, cum priora saecula tot eminentium oratorum ingeniis gloriaque floruerint, nostra potissimum aetas deserta et laude eloquentiae orbata vix nomen ipsum oratoris retineat*).[58] In response to Justus' question, three main interlocutors each propose differing opinions as to why oratory is better than poetry, and why rhetoric has fallen since the glory days of the Republic:[59] Aper is hailed as the 'modernist' who contends against the notion of decay, defending the changed eloquence of his age, while condemning a career in poetry.[60] The 'moralist', Messalla, argues that the poor standards of education in the present day are to blame for the slipping standards of eloquence.[61] The third interlocutor, Maternus, gives two speeches. In his first he attacks the bloody and dangerous court oratory of the present day and defends his choice to pursue a career in the solitude of poetry.[62] Yet it is through his tragic

[55] Petron. *Sat.* 1.2–3; Pers. 1.85–90.
[56] Scholars generally date the text between 96 and 106 CE. Brink 1994 outlines the arguments. Murgia 1980 and 1985 alone pushes for a Nervan date. Mayer 2001: 23, Dominik 2007: 323–324, and Van den Berg 2014b: 1–16. provide useful introductions to the composition and publication of the *Dialogus*.
[57] Goldberg 1999: 224. See Dominik 2007 for a more optimistic reading.
[58] Tac. *Dial.* 1.1. All translations of the *Dialogus* in this chapter are from Peterson 1914 (rev. Winterbottom 1970).
[59] The dialogue considers a rich variety of other concerns: Republic *versus* Empire, poetry *versus* oratory, speaking openly against powerful figures, the *delatores*, and so on. Moreover, this is also not to claim that these speakers' views are monolithic, but often conflicting and complex. Williams 1978: 33–35 unpacks the contradictions in Maternus' speech and Van den Berg 2014a: 311–315 does so for Messalla's argument.
[60] Tac. *Dial.* 5.4, 5–10, 16–23. Luce 1993 explores the sincerity of Aper's speeches.
[61] Tac. *Dial.* 28–35. It has been noted that Messalla's optimism is reminiscent of Quintilian. Williams 1978: 44–45. Bodel 2010: 311 views Messalla as 'somewhat old-fashioned'. Plin. *Ep.* 2.14 expresses a similar view.
[62] Tac. *Dial.* 11–13.

dramas, *Cato* and the forthcoming *Thyestes*, that he attacks the powerful in spite of the danger it poses. In his second speech he offers a contradictory picture of this political situation: he lauds the peaceful political conditions of Vespasian's principate, even though this prosperity has caused the fallen state of oratory.[63] Many scholars see in Maternus' second speech a kind of double-speak.[64] In light of his first speech, which paints him as an oppositional figure, Maternus' subsequent praise of Vespasian can also be read implicitly as an anti-imperial critique.[65]

Decl. min. 268 and Tacitus' *Dialogus* dovetail in their treatment of politics and oratory. The *Dialogus* has been described as declamatory.[66] As Luce states, its question 'comes from the *suasoria* and *controversia* as practised in the schoolroom and the halls of adult education'.[67] The three interlocutors of the *Dialogus* inhabit the *personae* of three different professions—Aper as orator, Messalla as philosopher, and Maternus as poet—much in the same way that *Decl. min.* 268 presents the differing views of orator, philosopher, and physician.[68] The presence of shared views between Maternus and the declaimer brings these texts even closer together.[69] Both are explicitly concerned with the connection between declining oratory and peaceful political conditions. This alone might suggest a resemblance between Maternus and our declaimer.[70] There are other similarities: the declaimer also resembles Maternus' attitude (which 'is pretty well the opposite of the orator's'),[71] he too delivers an oration against oratory (lending the arguments a subversive quality), connects good oratory with political discord, and there are points of close verbal overlap between their arguments (e.g., T. *illa*

[63] Tac. *Dial.* 36–41.
[64] Heldmann 1982; Williams 1978: 33–34; Luce 1993; Bartsch 1994: 98–125; Strunk 2010. Dressler 2013 views this dialogue in terms of Hinds' 'poetics of conspiracy' and Ricoeur's 'hermeneutics of suspicion'.
[65] Luce 1993 and Van den Berg 2014a attribute the conflicting opinions of Maternus to the immediate argument and the close relationship with declamation.
[66] Allison 1999: 482 ('literary *declamatio*'); Mayer 2001: 99; Van den Berg 2014a: 298–315; Van den Berg 2014b: 52–97.
[67] Luce 1993: 28.
[68] Winterbottom 1984: 359. Comparisons between professions was a standard set piece of the rhetorical schools: Quint. *Inst.* 2.4.20–24, 2.16, 7.1.38; Halm, *Rhet. Lat. Min.* [Fortunatianus] 1.9, 1.21.
[69] Maternus and Aper also share points of contact, e.g., Tac. *Dial.* 5.5 and 40.2, but I am not here concerned with Aper's views, in part because they are not as compelling as the overlap between *Decl. min.* 268 and Maternus, and in part owing to the word limitations of the current thesis.
[70] This is by no means to claim that the declaimer is a cardboard cut-out of Maternus. There are differences: Maternus speaks as a poet who firstly defends poetry and secondly accounts for the decline of oratory. The declaimer speaks as a physician against oratory and philosophy, and he is driven by the framing question, *quis omnibus prosit* (*Decl. min.* 268.1), distinct from Tacitus' opening question at *Dial.* 1.1.
[71] Williams 1978: 47.

admirabilis eloquentia ~ DM *sit eloquentia res admirabilis*).[72] An opaquer point of contact between Maternus and the declaimer, though, is that scholars often link Tacitus' Maternus with a sophist of the same name who was executed by Domitian in 91 CE for delivering a declamation against tyrants.[73] Even if Tacitus' Maternus is distinct from the executed sophist, as Cameron argues, it is tempting to read him as a declamatory character.[74]

It has not been much stressed that these two texts share similar dynamics.[75] Scholars have, however, demonstrated the close links between *Decl. min.* 268 and Quintilian, and between Tacitus and Quintilian. Recently, Whitton has highlighted the 'antagonistic', intertextual relationship between Quintilian and each of the *Dialogus*' speakers:[76] Fabius Justus' opening question inverts *Institutio* 10.1; Messalla takes on a Quintilianic caricature and his speech miniaturises the *Institutio*;[77] Aper's fervent passion for modern oratory might parody Quintilian's tenor, though he ramps up his imperial context where Quintilian eschews it; and Maternus' views on oratory and justice find but one, paired-back parallel with *Institutio* 6.1.[78] Where the *Dialogus* engages widely with the *Institutio*, *Decl. min.* 286 has one section in view. Commentators have often noted the parallels between *Decl. min.* 268 and *Institutio* 2.16.[79] There, Quintilian defends the utility of rhetoric. He opens by interrogating the opposing opinions of those he states, 'are in the habit of making a violent attack upon it [rhetoric] and, most disgracefully of all, using the power of oratory to denounce oratory' (*nam quidam vehementer in eam invehi solent et quod sit indignissimum, in accusationem orationis utuntur orandi viribus*).[80] Both Maternus and declaimer align themselves with Quintilian's detractors. Quintilian is certainly a model for both, but this is not to state that he is the only one. My argument does not necessarily rely on a direct textual relationship. Rather, both are engaging with cultural concerns of their shared literary milieu under the High Empire.

[72] Tac. *Dial.* 30.5. This collocation is rare, only appearing in one other instance: Cic. *Orat.* 128 (*admirabilem eloquentiam*).
[73] Cass. Dio 67.12.5.
[74] Cameron 1967.
[75] Winterbottom 1984: 362 referring to *Decl. min.* 268.16 'it was canvassed in Tacitus' *Dialogus* (5.5 *seq.*, 40.2 *seq.*)'. Similarly, Pasetti 2019: 357 cites Tac. *Dial.* 5.5–6; 40.2–3.
[76] Whitton 2018: 48, see whole chapter p. 37–62.
[77] Mayer 2001: 42.
[78] Whitton 2018: 37–62. Mayer 2001 includes scattered references to Quint. *Inst.* as a point of reference in his commentary on Tac. *Dial*.
[79] Winterbottom 1984: 362–363; Winterbottom and Reinhardt 2006: 277–300; Pasetti 2019: 356–357.
[80] Quint. *Inst.* 2.16.1.

The closest similarity between our declaimer and Maternus appears at the beginning of the declaimer's argument against oratory. He outlines the relationship between forensic eloquence and justice in a pithy *sententia*:

> §17 Et sane si iustitia valeat, quid <opus> est eloquentia?
> And truly if justice stands strong, what need is there for eloquence?

Here, the declaimer suggests that prevailing justice renders eloquence redundant.[81] Conversely, he claims, so too forensic oratory weakens justice. Legal eloquence is concerned only with gratuitous embellishment. Recall that this is a stylistic critique raised against declamation itself.[82] It harms legal adversaries, it is used to acquit those who are guilty and deserving of punishment, and to convict those who are innocent. The declaimer bolsters this latter point with another *sententia* (§18): *innocentia quidem per se valet* ('innocence is strong in itself'). *Valet* deliberately echoes the previous *valeat* (§17) employed in relation to justice to signal the futility of eloquence in the law courts.[83] There is great irony that this *sententia* should be uttered by a declaimer, learning the ropes of oratory for a career in the law courts. He undermines the very art that he is practising. Commentators note that this is similar to the opening of Quintilian's ventriloquised argument against the utility of rhetoric.[84] Those critics would argue forensic eloquence 'snatches criminals from punishment' (*quae poenis eripiat scelestos*) and 'sometimes by deception convicts the good' (*fraude damnentur interim boni*).[85]

This *sententia* also finds a close analogue in Tacitus' Maternus.[86] Maternus views oratory in terms of political shift and decline: where once the rough and tumble of Republican legal trials provided ample fodder for displays of oratory, the peaceful law courts of the Empire have left eloquence in a fallen state.[87] Bartsch detects there a double-speak against the

[81] For a similar idea, though attested after *Decl. min.*, see August. *Trin.* 9.9.12.
[82] See n. 49–50 in this chapter, and p. 6–8 in introduction. Golubovic 2022: 194–196 makes a similar point that the orator brother is cast as a declaimer.
[83] In Quint. *Inst.* 2.16.2, eloquence is used for falsehood against truth.
[84] Winterbottom and Reinhardt 2006: 282–283 note verbal echoes.
[85] Quint. *Inst.* 2.16.2.
[86] Discussions about the utility of persuasive speech have a tradition dating back as far as Ar. *Rh.* A1 1355a21–b7. Although, it was a particularly pressing topic around the time of the *Decl. min*. Bodel 2010 argues that Petron. *Sat.* also makes a point about the changed legal landscape.
[87] See Tac. *Dial.* 37–39 for the broader argument. Frier 2010 argues that Maternus forecasts the emergence of a new form of justice that his contemporaries did not observe.

oppressive conditions of the Empire.[88] Misdeeds are now 'so few and so trivial' (*tam raro et tam parce*),[89] lengthy defences only make the advocate unpopular, and judges can be trusted in their verdicts (*cum clementia cognoscentis obviam periclitantibus eat*; 'when the defendant can count on a gracious judge meeting him halfway').[90] Indeed, all is now ruled by the emperor, *sapientissimus et unus* ('a monarch who is the incarnation of wisdom').[91] As such, there is but a small avenue left for forensic oratory: disputes in the centumviral courts, for the guilty and the oppressed, in defence of towns, and provinces.[92] This declining legal activity is an indication that imperial Rome is 'a step or two short of perfection'.[93] The crux of Maternus' argument is that forensic 'oratory is redundant in the utopian monarchy he professes to inhabit'.[94]

The effect that imperial peace and justice had on eloquence is borne out more fully towards the close of Maternus' argument.

> Quod si inveniretur aliqua civitas, in qua nemo peccaret, supervacuus esset inter innocentes orator sicut inter sanos medicus. Quo modo tamen minimum usus minimumque profectus ars medentis habet in iis gentibus, quae firmissima valetudine ac saluberrimis corporibus utuntur, sic minor oratorum honor obscuriorque gloria est inter bonos mores et in obsequium regentis paratos. (Tac. *Dial.* 41.3)
> If a community could be found in which nobody ever did anything wrong, orators would be just as superfluous among the guiltless as are doctors among those that need no physician. For just as the healing art is very little in demand and makes very little progress in countries where people enjoy good health and strong constitutions, so oratory has less prestige and smaller consideration where people are well behaved and ready to obey their rulers.

[88] Bartsch 1994: 89–125.
[89] Tac. *Dial.* 41.4.
[90] Tac. *Dial.* 41.4.
[91] Tac. *Dial.* 41.4.
[92] Tac. *Dial.* 37.4–5, 41.2.
[93] Bartsch 1994: 108. See Tac. *Dial.* 41.1: *Sic quoque quod superest <ab> antiquis oratoribus forum non emendatae nec usque ad votum compositae civitatis argumentum est* ('in the same way what little our orators have left them of the old forensic activities goes to show that our civil condition is still far from being ideally perfect'). By contrast, Mayer 2001: 213 argues that 'the need for the lawcourts demonstrates that Rome is not yet ideally regulated, though he acknowledges some improvements in civil condition since the time of the Gracchi and Cicero'.
[94] Whitton 2018: 57–58.

Here, Maternus makes clear his opinion that robust justice renders oratory superfluous. The declaimer similarly speaks of legal oratory as *supervacuum…laborem* (§17). This sounds like a *sententia*-sized version of Maternus' argument that if justice is perfected then legal eloquence is left to languish: *et sane si iustitia valeat, quid <opus> est eloquentia?*[95] He leaves out much of Maternus' lengthy exposition on how justice has changed forensic eloquence and distils it into one line.[96] It is not framed as a pregnant political critique, but rather announces itself as a universal truth of Romano-polis. By a different route, the declaimer comes to a very similar conclusion to Tacitus' Maternus.

The Maternus-like opinion is even clearer in the declaimer's discussion of the corrupting influence of oratory on communities. He moves from forensic oratory to civic bodies and political oratory, where the arc of decay is made more overt. At §19, the declaimer professes: *civitatium status scimus ab oratoribus esse conversos* ('we know that communities have been turned upside down by orators'). The key term here is *converto* ('turn upside down, on its head'), which foregrounds the corrosive effects orators have had on communities—a point which the declaimer will go on to substantiate with historical proofs.[97] Further, his authoritative use of the first-person plural, *scimus* ('we know'), implicates his audience in this communal knowledge. We have seen this language in Chapter 2 of the thesis as proof that the declamatory audience would have been aware of Cicero and Demosthenes' deaths. This is a view that readers of Quintilian's critics of rhetoric would have known: *et enumerant, qui perniciosa non singulis tantum, sed rebus etiam publicis usi eloquentia turbaverint civitatium status vel everterint* ('and they enumerate all those who have used an eloquence ruinous not only to individuals but to the common good in order to disturb or overthrow the institutions of states').[98] So too, Tacitus' Maternus speaks of the destructive effects of orators at Rome: *quae singula etsi distrahebant rem publicam, exercebant tamen illorum temporum eloquentiam et magnis cumulare praemiis videbantur* ('each of these things brought down the republic, but it provided a sphere for the eloquence of those days and seemed to reward it

[95] Strunk 2010: 247 remarks that 'Tacitus' audience could be relied on to listen for the *sententiae* of the *controversiae* and *suasoriae*'.
[96] Further, he drops the analogy with medicine, which is interesting given that the declaimer is speaking as the physician-son. For the declaimer to concede that there was any community in which medicine is useless would undermine his case that medicine is the only profession that is *always* useful. Quint. *Inst.* 2.16.5 includes a similar analogy between orators and doctors.
[97] *TLL* s.v. 866.22–868.50; *OLD* s.v. 2, 3.
[98] Quint. *Inst.* 2.16.4. Winterbottom 1984: 362, Pasetti 2019: 357, and Reinhardt and Winterbottom 2006: 284 find a close relationship here with the declaimer in the following passage, *Decl. min.* 268.19 *populi Romani statum*.

with great prizes').[99] The declaimer therefore does not merely ally himself with his audience's shared knowledge, but perhaps he alerts the astute Roman reader to his Quintilianic and Maternus-like opinion by suggesting that they were already aware of such ideas (*scimus*).

The declaimer then proceeds to outline instances of communities and individuals that were weakened by oratory.

> §§19–20 sive illam Atheniensium civitatem, quondam late principem, intueri placeat, **accisas** eius vires animadvertemus vitio contionantium; sive populi Romani statum excutere voluerimus, nonne gravissimas seditiones, nonne turbidissimas contiones eloquentissimus quisque habuit, nonne illi Gracchi ad **evertendam** rem publicam his veluti armis succincti accesserunt? Quid ego dicam quantum civitati **obfuerit** eloquentia? Sibi **nocuit**. Summos utriusque partis oratores videamus. Nonne Demosthenen illum oppressum veneno suo scimus, nonne Ciceronem in illis in quibus totiens placuerat rostris poena sua expositum?
> If we care to look at the Athenian community, once preeminent far and wide, we shall find that its strength was crippled through the fault of public speakers. Or if we wish to examine the status of the Roman People, were not the worst seditions, the most turbulent assemblies, the work of the most eloquent among them? Girt with these arms, as it were, did not the notorious Gracchi advance to the overthrow of the commonwealth? Why should I tell of how much damage eloquence has done to the community? It has harmed itself. Let us look at the greatest orators in both areas. Do we not know that the famous Demosthenes was destroyed by his own poison and that Cicero was exposed by his punishment on the Rostra where he had so often found favour?

I have earlier quoted the final sentence of this passage in Chapter 2. In the broader context of the passage, Athens and Rome are used as examples of the deleterious effects of oratory on communities. Another contemporary, Juvenal, makes a similar argument.[100] The declaimer emphatically employs the language of decline and destruction: *accido* ('fall'), *everto*

[99] Tac. *Dial.* 36.4. Sen. *Contr.* 1 pr. 7 contains a related idea about rewards.
[100] Santorelli 2016: 299–301 sees here a similar argument to Juv. 10.118–124.

('destroy'), *obsum* ('injure'), and *noceo* ('harm').[101] The importance of Athens is built up, *quondam late principem*, only to amplify its descent (*accisas…vires*), while the Republic produces the most eloquent orators (*eloquentissimus*) who destroy the state (*everto*). The Gracchi bear out this metaphor of destruction as they arm themselves with the weapons of oratory against the state.[102] Once again, the declaimer indicates that his audience would have had prior knowledge of these facts, with the repeated use of *nonne*, which anticipates an affirmative answer to his indirect questions. It is telling that this is only used of Rome and not Greece (though it is used of Demosthenes). The declaimer only expects his audience to be familiar with the decline of the Roman state because of oratory.

The declaimer abruptly interrupts this description of communities that had crumbled because of political oratory. He shifts without comment from the examples of Greece and Rome to speaking about his own community (§20 *quid ego dicam quantum civitati obfuerit eloquentia?*). This is accompanied by a jarring change in narratorial perspective: from the first-person plurals in reference to Greece and Rome (*animadvertemus, voluerimus*) to the first-personal singular that frames the middle sequence of questions (*dicam… ego*). He states that his own community has already been injured by eloquence, and so implies that its decline is imminent and so is the death of his orator brother. This is, of course, foremost a rhetorical strategy that amplifies an inheritance dispute into one that has political, and indeed societal, ramifications. The declaimer gives the impression that if the orator brother is chosen as primary heir, then the community in which the speaker imagines himself to be living will crumble, as had Athens and Rome. The threat of further decay looms over this declamation.

In Tacitus, this decline has already set in. Towards the end of his second speech, Maternus similarly lists examples of communities ruined by eloquence.[103] He makes a similar observation to the declaimer (and Quintilian): eloquence was unknown in the autocratic governments of Sparta, Crete, Macedonia, and Persia. Heldmann reads this as another critique of the principate, through the association with despotism.[104] Maternus goes on to offer three other instances of democratic states in which eloquence once thrived, only to fester. He begins with Rhodes and Athens, both known as communities in which 'all power

[101] *Noceo* was used of eloquence in the opening passage, *Decl. min.* 268.2.
[102] Winterbottom 1984: 362–363. Tac. *Dial.* 5.5, Quint. *Inst.* 2.16.10. Reinhardt and Winterbottom 2006: 291 offer a lengthy list of examples where oratory is described in militaristic terms.
[103] Tac. *Dial.* 40.3–4.
[104] Heldmann 1982: 255–286; Bartsch 1994: 111.

was in the hands of the people' (*apud quos omnia populus… omnes poterant*).[105] Next, in a tricolon crescendo, he looks to Rome:[106]

> Nostra quoque civitas, donec erravit, donec se partibus et dissensionibus et discordiis confecit, donec nulla fuit in foro pax, nulla in senatu concordia, nulla in iudiciis moderatio, nulla superiorum reverentia, nullus magistratuum modus, tulit sine dubio valentiorem eloquentiam, sicut indomitus ager habet quasdam herbas laetiores. Sed nec tanti rei publicae Gracchorum eloquentia fuit, ut pateretur et leges, nec bene famam eloquentiae Cicero tali exitu pensavit. (Tac. *Dial.* 40.4)
>
> Likewise at Rome, so long as the constitution was unsettled, so long as the country kept wearing itself out with factions and dissensions and disagreements, so long as there was no peace in the forum, no harmony in the senate, no restraint in the courts of law, no respect for authority, no sense of propriety on the part of the officers of state, the growth of eloquence was doubtless sturdier, just as untilled soil produces certain vegetation in greater luxuriance. But the benefit derived from the eloquence of the Gracchi did not make up for what the country suffered from their laws, and too dearly did Cicero pay by the death he died for his renown in oratory.

Maternus' idea that eloquence was at its most robust during the violent political assemblies of the Republic, when there was an absence of peace and concord, chimes with the declaimer's view that the most eloquent men of the Republic produced the most violent *contiones*. The association between these passages is also suggested by the comparable progression of examples: from Athens to Rome; and then the more specific Roman individuals, the Gracchi and Cicero.[107] There is a slight difference in Maternus' initial inclusion of Rhodes and the declaimer's closing example of Demosthenes. Nevertheless, the significance of this analogous idea is borne out by the fact that Maternus' theory was 'unique amongst Latin authors and provocative'.[108] That is, it was not a view shared by all, by contrast to the versions of the opinion among imperial Latin authors that the decline of oratory was because of moral malaise, education, or as a natural lull. Thus, the declaimer establishes a doubly powerful narrative of decline: he imagines the state of Romano-polis decaying because of the

[105] Tac. *Dial.* 40.3.
[106] Mayer 2001: 212–213.
[107] By contrast, in Quint. *Inst.* 2.16.4 the examples progress from Greece, to Rome, Sparta, Athens, Flaminius, Gracchi, Saturninus, and Glaucia.
[108] Strunk 2010: 242.

corrupting influence of oratory, which engages with contemporary, moralising discourse on the declining state of oratory. Romano-polis is not only republican after all.

One final point is worth making. Throughout this case study, I have noted that Maternus' speech is often read for its potent political subtexts. For Maternus, the only reason that justice stood strong, and eloquence was rendered impotent, was because both were subject to the will of the *princeps*. The declaimer's seemingly innocuous statements have a deeply political undercurrent about the relationship between oratory and imperial power—a relationship that is highlighted all too well if we are to see Tacitus' Maternus as the sophist executed under Domitian for delivering a politically charged declamation on tyranny. Yet, it seems that the declaimer is careful to evade the reality of his imperial context. Here, the declaimer may engage with Maternus' views, but, perhaps more like Quintilian, he eschews this imperial association, stripping Maternus' statements of their subversive and anti-imperial tone. This is characteristic of the declaimer's declinist discourse, which is also the subject of the next case study. The last chapter has shown that one way in which the text brings itself into relationship with the Republic is by occluding imperial monuments from the cityscape of Romano-polis. Even then, imperial Rome is not entirely absent from view. This case study and the remainder of this chapter explores other ways that the principate finds its way into the world of the text. While the text offers glimpses of the Republic, the Empire implicitly lurks beneath the surface.

4. Turpissima femina

a) Infertility

This section addresses two claims in *Decl. min.* 327 and 277 that Romano-polis is festering with immorality. Both are concerned with female fecundity, and both situate this as contributing to the moral decline of their present age. There was a longstanding Roman tradition of associating female sexual immorality with narratives of societal decay; this section argues that the declaimers' comments carry a specifically imperial resonance.[109] I begin by examining *Decl. min.* 327 and its use of a *locus de saeculis*, contrasting this with

[109] Edwards 1993: 44–61. For the ideological and moral significance of Augustus' marriage and adultery laws on female morality see Wallace-Hadrill 1985: 183; Edwards 1993: 34; Severy 2003: 54; Bradley 2012: 239.

earlier Latin declamation. While Seneca uses a similar *locus* to critique earlier times, *Decl. min.* 327 sharpens this critique, turning it into a commentary on a contemporary concern, which has elements in common with critiques of tyrants in the Younger Seneca and the Younger Pliny. The section then moves to *Decl. min.* 277, highlighting its wide-ranging alignment with imperial discourse on female adultery and immorality. Romano-polis becomes a reflective and refractive lens through which imperial Roman discourse on moral—and particularly female—decline is projected.

In the scenario of *Decl. min.* 327, a woman marries a man with three sons. She imbibes a drug that induces sterility, prompting her husband to divorce her. She counters with a charge of *iniustum repudium*, an accusation which is repeated in *Decl. min.* 251 and 262. The declaimer, speaking as the stepmother's advocate, defends her morality by emphasising her *pudor* (§2), obedience and loyalty (§5). Her morality is juxtaposed against the perceived immorality of the world around her:

> §4 "Sterilitatis medicamentum bibit". Si tu liberos non haberes, poteram tamen illa dicere: periculum timuit, documentis quarundam infeliciter parientum mota est, fortasse male sensit de temporibus ipsis, vidit eam luxuriam, ea vitia, ut paene educare liberos amentis esset.
> "She drank a drug causing sterility". If you didn't have children, I could still say that she feared the danger, was upset by certain examples of women unfortunate in childbirth, perhaps had a bad opinion of the times in which we live in—saw such extravagance, such vices, that it was well-nigh madness to bring up children.

Here, the declaimer justifies the stepmother's decision to induce infertility by contextualising it within the rampant vices of her society. She fears that society would corrupt her potential children. The declaimer describes in no uncertain terms the period to which these moral shortcomings belong: 'of these times' (*de temporibus ipsis*) makes clear that this is a concern for the present era. However, this concern is not definitive. He frames this through the perspective of the *noverca* (*fortasse male sensit*), and with conditional hedging (*si tu liberos non haberes…*). The stepmother's evaluation of the times does not necessarily align with her community or her advocate's view.

The declaimer merges two *loci de saeculo*. The first, which portrays the present day as rife with *luxuria* and *vitia*, is a recurrent motif in Roman moralising discourse.[110] As Berno observes, Roman authors often treat *luxuria* as emblematic of moral and societal decay.[111] Cicero, Livy, and Sallust each implicitly connect decadence with the deteriorating conditions of republican Rome.[112] Under the Empire, this critique takes on a sharper edge: the Elder Pliny associates Empire with the corruption of morals such as decadence and avarice, while Tacitus' Flavian generals predict that their opposing armies (Otho and Vitellius) will succumb to luxury and indolence.[113] Other imperial authors, like the Younger Seneca, viewed these vices as inherent human flaws, rather than products of a specific age: *Erras, mi Lucili, si existimas nostri saeculi esse vitium luxuriam et neglegentiam boni moris et alia, quae obiecit suis quisque temporibus: hominum sunt ista, non temporum* ('you are mistaken, my dear Lucilius, if you think that luxury, neglect of good manners, and other vices of which each man accuses the age in which he lives, are especially characteristic of our own epoch; no, they are the vices of men and not of the times').[114] The declaimer's critique of luxury and vices resonates with broader Roman moralising traditions.[115]

The second *locus de saeculo* reflects imperial rhetoric more closely.[116] The declaimer concludes by asserting that the *noverca* considered it reckless to bear a child during such widespread immorality. The significance of this *locus* becomes clearer when compared with earlier Latin declamation. A variation appears in Seneca *Contr.* 2.5, which involves a wife divorced for infertility who accuses her husband of ingratitude. The scenario is complicated by the wife's prior torture under a tyrant, during which she refused to betray her husband. There, Cestius Pius associates sterility with life under tyranny: *nullae feliciores tunc videbantur quam quae liberos non habebant. Quaedam itaque elisere conceptos, quaedam*

[110] Quint. *Inst.* 3.7.24 speaks of luxury as an old-fashioned crime.
[111] Berno 2023: 18–109.
[112] E.g., Cic. *Fin.* 3.75; Livy 34.4.1 (cf. Briscoe 1981: 39–42, 50–51); Sall. *Cat.* 10–11. See also Edwards 1993: 5 'again and again, *licentia* and *luxuria* are associated in the narratives of the history of the Roman people and in attacks on particular individuals'.
[113] Plin. *HN* 14.4; Tac. *Hist.* 2.7, with Ash 2007: 94–95. See also Kragelund 2000 on Nero's *luxuria* in literary sources.
[114] Sen. *Ep.* 97.1. Trans. Gummere 1925. Both Sen. *Ben.* 1.10.1 and [Longinus], *Subl.* 44.6 contain a similar idea.
[115] Seneca the Elder speaks of *luxus temporum* in the preface to his work (Sen. *Contr.* 1 pr. 7). There is evidence of *luxuria* being deployed in a range of declamatory contexts, primarily sons who are charged with luxurious living: Sen. *Contr.* 1.1.1, 1.8.5, 2.5.7; *Decl. Min.* 245.5–7, 261.6, 279.3, 290.3–4, 298, 330.1, 345.11, 350.8, 356.1, 367, 371.1, 377.4.
[116] Winterbottom 1984: 501 notes the parallels between the declamatory passage, Seneca the Elder's declaimers, Seneca the Younger, and Pliny the Younger, but he does not unpack its implications.

fecunditatem suam moratae sunt. Quod ad hanc pertinet, ag<at> suae fortunae gratias, quod illo tempore nihil peperit ('no women at that period were regarded as luckier than those who had had no children. And so some aborted children they had conceived, others put a check on their own fertility. As for this woman, she should thank her lucky stars that she bore no child at that time').[117] Unlike *Decl. min.* 327, Cestius Pius distances himself from his critique by framing it as a reflection on the past (with *tunc* and *illo tempore*), while *Decl. min.* 327 situates the critique firmly in its contemporary context.

The moral criticism in *Decl. min.* 327 can also be found in authors of the later first and early second century CE. The association between sterility and tyranny is directly mapped onto Rome in two texts often compared for their differing approaches to persuading a *princeps* how to behave. In *de Clementia*, the Younger Seneca contrasts the tyrant, who imposes figurative sterility on Rome, with Nero's new principate, a golden age when the Roman community was eager to have children: *tollere filios cupiunt et publicis malis sterilitas indicta recluditur; bene se meriturum de liberis suis quisque non dubitat, quibus tale saeculum ostenderit* ('they are eager to raise children: the childlessness once imposed by public misery is shut away. No one is in any doubt that he will be thanked by his own children for exhibiting to them such an era').[118] Similar aspects can be seen in Pliny's *Panegyricus.* He praises Trajan for fostering conditions in which it is safe and encouraged to rear children, which he compares with the dangers of Domitian's reign:

> Super omnia est tamen, quod talis es, ut sub te liberos tollere libeat, expediat. Nemo iam parens filio nisi fragilitatis humanae vices horret, nec inter insanabiles morbos principis ira numeratur. Magnum quidem est educandi incitamentum tollere liberos in spem alimentorum, in spem congiariorum, maius tamen in spem libertatis, in spem securitatis. (Plin. *Pan.* 27.1)
>
> Above all, you are a prince whose reign makes it both pleasure and profit to rear children. No father now need fear more for his son than the hazards of human frailty—among fatal illnesses he need not count his emperor's wrath. There is indeed

[117] Sen. *Contr.* 2.5.2.
[118] Sen. *Clem.* 1.13.5. Trans. Braund 2009, who comments on this passage, gesturing to similarities with Cic. *Marcell.* 23 and Vell. Pat. 2.103.5. While both Cicero and Velleius praise Caesar and Augustus respectively for creating an environment in which children are safe to be born, they do not draw a distinction with sterility under tyranny.

> great encouragement to have children in the promise of allowances and donations, but greater still when there is hope of security and freedom from fear.

Pliny here speaks of Trajan's incentives to raise children. Elsewhere, in a letter to Trajan, Pliny reiterates his praise for Trajan's pro-family policies upon his acceptance of the *ius trium liberorum*.[119] Once again, he says that he would be safe from fear as a father, which he was not during Domitian's principate: *malui hoc potius tempore me patrem fieri, quo futurus essem et securus et felix* ('now is the time I would wish to be a father, when my happiness need know no fear').[120] Pliny implies that it was his good fortune that he did not have children under Domitian. Like both Senecas, the Younger Pliny associates tyranny with sterility. The declaimer's *locus* shares a common element with this rhetoric: that it was unsafe to raise children in periods of moral decrepitude. This marks a conspicuous departure from moralising discourse that childlessness was socially desirable.[121] But where Seneca and Pliny clearly place this period of fear in the recent past, *Decl. min.* 327 reframes the temporality of these statements, situating them in contemporary Romano-polis. In so doing, he inflects the same concern of Caligula and Domitian's barren principates.

As with Tacitus' Maternus and *Decl. min.* 268, there is an anti-imperial subtext behind Seneca and Pliny. Yet curiously absent from *Decl. min.* 327's description is mention of tyranny. He seems to remove the political aspect from his statement, and he carefully distances himself from the *noverca*'s negative evaluation of the imaginary world in which she lives. He adopts imperial ideas on moral decay regarding children and strips them of the protesting questions they implicitly ask about the imperial regime.

b) Adultery

While *Decl. min.* 327 opens by exonerating the *noverca* from allegations of adultery (§1 *non adulterium obicitur*), *Decl. min.* 277 debates a wife's adultery. This *controversia* presents a disturbing scenario: a husband catches his pregnant wife in adultery and kills her, the unborn

[119] Plin. *Ep.* 10.2.
[120] Plin. *Ep.* 10.2.3.
[121] See Hor. *Sat*. 2.5.28–44; Sen. *Marc*. 19.2, *Constant.* 6.1; Plin. *HN* 14.5; Tac. *Hist*. 1.73, *Dial*. 6; Juv, 3.126–136, 5.137–145, 6.548, 12.98–120.

foetus, and the adulterer.[122] One implicitly understood law permits a husband to kill his wife in adultery, while another explicitly defers the punishment of a pregnant woman until after childbirth (pr. *supplicia praegnatium in diem partus differantur*; 'let punishments of pregnant women be deferred until the day of delivery'). The declaimer defends the uxoricide with a tone that is both harsh and moralistic.[123] He paints a damning portrait of the wife's immorality: he asserts that her crime is graver than the husband's (§7); he twice claims that she deserved to die (§8, 9); he condemns her insatiable *libido* (§9); calls her worse than a dumb animal for having sex when she had already conceived (§§8–9); and castigates her lack of *pudor* when she ought to embody *pudicitia* (§9). The declaimer even alleges that her sordidness contaminated the unborn child she carried (§10).[124]

The declaimer's speech shares affinities with another contemporary tirade against women's morality, Juvenal's sixth *Satire*. Several scholars have read this satire as declamatory: the question that it asks—whether Postumus should marry—is one found in declamation, the satirist refers to other declamatory themes, employs *sententiae*, uses several *loci de saeculo*, and even explicitly calls upon Quintilian for a *color* ("*dic, / dic aliquem, sodes, hic, Quintiliane, colorem*"; "Quintilian, please, give me one of your lines of defence for this situation").[125] Like the declaimer, Juvenal adopts the argument against the wife and his persona is moralising and 'seething with indignation'.[126] The criticisms that the declaimer leverages against the adulterous wife reappear in Juvenal's satire: he, too, makes women agents of Rome's moral decline, claims that contemporary Roman women lack *pudicitia*, hyper-sexualises their *libido*, accuses them of conceiving children through adultery, and compares them to animals.[127] Braund notes that these criticisms are shaped by contemporary rhetorical exercises.[128] Juvenal presents a satiric variant of the declaimer's argument in *Decl. min.* 277, and the picture it presents is one of Rome swarming with immoral *matronae.* Viewed alongside Juvenal's satire, *Decl. min.* 277 appears to project the same concerns of Roman cultural discourse onto the fictional world of Romano-polis.

[122] There is no other Latin *controversia* that deals with the murder of a pregnant woman, though the murder of an adulterous woman is prevalent, e.g., *Decl. min.* 244, 286, 291.
[123] As Parkin 2023: 58 notes, this side of the argument is unilaterally adopted across Latin declamation.
[124] This idea embodies a common Roman anxiety about adultery and the production of a child from outside the marriage. Papinian (*Dig.* 48.5.6.1) includes this in his folk etymology of *adulterium*. See Langlands 2006: 259–261 for the related point in Sen. *Contr.* 1.2.7–10.
[125] Juv. 6.279–80. All translations of Juvenal from Braund 2004. See Braund 1997; Santorelli 2016.
[126] Watson and Watson 2014: 7, see also p. 35–48 for the satirist's persona.
[127] Juv. 6.207–271, 286–308. Watson and Watson 2014: 259–262 point to *Decl. min.* 277.10.
[128] Braund 1992: 71.

The crowning example of this convergence is in the declaimer's polemical conclusion, which frames the wife's moral corruption as symptomatic of broader societal decay:

> §10 Victurus autem fuit ille si ego adulteram non occidissem? Non novimus hos mores turpissimarum feminarum, ut oderint puerperia, ut filios velut indices aetatis suae abominentur?
> But would *he* [i.e., the foetus] have lived if I had not killed the adulteress? Do we not know these ways of utterly degraded women, how they hate giving birth and detest their children as evidence of their age?

The declaimer posits that, had the husband not killed his pregnant wife, she would have resorted to an abortion herself. He has hinted at this earlier in his argument (§7 *qui an nasci posset dubium fuit*; 'who might or might not be born'), where he reasons that this was because the child was conceived in adultery.[129] At §10, he expands on this, alleging that the most disgraceful women resort to abortifacients to avoid childbirth, for fear that it betrays their age. He locates this problem in the here and now, as signalled by using a string of present tense verbs (*oderint, abominentur*); the pairing of *hos mores* which establishes a sense of temporal and spatial proximity; and the phrase *indices aetatis*, although used in relation to the mother's age, could gesture to this as a problem indicative of the current era.[130] Moreover, by asserting shared knowledge with his audience—*non novimus*—the declaimer aligns his claims with communal awareness or the familiarity of this moral decay. A similar strategy appears in *Decl. min.* 268, where the phrase *nonne…scimus* evokes shared rhetorical conventions with Quintilian and Tacitus' Maternus. Here, while the declaimer stops short of assuming his audience's complicity, he exerts rhetorical pressure to secure their agreement. This reinforces the depiction of contemporary women's immorality as a pervasive and well-understood concern.

Juvenal offers a similar condemnation of Roman matrons who avoid childbirth.[131]

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[129] *Decl. Min.* 277.7: *Infantis ex adultero fortasse concepti* ('the infant, perhaps conceived from the adulterer').
[130] Sen. *Contr.* 1.2.20 and *Decl. mai.* 3.11 include similar *loci de saeculo* against the women of their fictional declamatory world, although not in relation to abortion. Langlands 2006: 263–264, 274–275 unpacks both these passages.
[131] Juv. 6.460–473 also refers to their vanity.

> Hae tamen et partus subeunt discrimen et omnes
> nutricis tolerant fortuna urgente labores;
> sed iacet aurato vix ulla puerpera lecto:
> tantum artes huius, tantum medicamina possunt,
> quae steriles facit atque homines in ventre necandos
> conducit. (Juv. 6.592–97)
> But at least these women undergo the dangers of childbirth and put up with all the work of nursing that their position in life forces on them. By contrast, hardly any woman lies in labour on a gilded bed. So powerful are the skills and drugs of the woman who manufactures sterility and takes contracts to kill humans inside the belly.

The satirist connects these abortive remedies with adulterous offspring, mirroring the declaimer's accusation (and the claim, *quae steriles facit*, recalls *Decl. min.* 327). Both passages censure women for abortions born out of vanity and adultery.[132] Other parallel criticisms from this period further suggest that the declaimer draws on a strand of imperial discourse.[133] For instance, Pasetti identifies parallels with Ovid's Corinna and Gellius' Favorinus—another second-century author although, slightly later—who critique women for seeking abortions lest they disfigure their beauty in childbirth.[134] The *Nux* likewise laments earlier eras of fecundity and bewails that contemporary women are reluctant to bear children, attributing this to conceit and moral decline.[135] These comments stand in contrast with the Younger Seneca's praise of his mother, Helvia, who bore several children without concern for her physical appearance. That Seneca found the need to applaud such actions suggests that they were otherwise a contemporary concern. Indeed, he does so in a discussion on *impudicitia* as 'the greatest evil of our time' (*maximum saeculi malum*).[136] It is with such imperial voices that the declaimer 'appears perfectly aligned'.[137] His condemnation of *hos mores*, I suggest, is not a simple indictment against his imaginary world. Rather, I have argued that this reflects elements in imperial discourse, in which female immorality was closely linked to societal decay. Once again, the shortcomings of Romano-polis are a mirror to imperial Rome.

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[132] Briefly noted in Winterbottom 1984: 384–385, but not in Pasetti 2019: 405.
[133] Sebesta 1998: 529 links this with late first-century BCE authors. In fact, it seems that this discourse becomes more prominent after Augustus' marriage and adultery laws, see above n. 109.
[134] Pasetti 2019: 405. Ov. *Am.* 1.5.21, 2.14.7–8; Gell. *NA* 12.1.8.
[135] *Nux* 23–24.
[136] Sen. *Helv.* 16.3.
[137] Pasetti 2019: 405.

5. Returning to the Republic

So far, this chapter has analysed three case studies that demonstrate the thematics of the present in the *Minor Declamations*. These studies have shown how declaimers depict the moral and social corruption of their contemporary world by employing *loci de saeculo*. Additionally, it has linked these comments to comparable statements in declinist rhetoric at Rome as seen in Tacitus, Quintilian, both Senecas, Pliny the Younger, and Juvenal. Through these examples, the declaimers encode various dimensions of imperial discourse, particularly concerns about the decline of oratory and female morality. The final case study of this chapter ties the notion of present decline to the central theme of the preceding chapters: the Republic. It revisits a *controversia* discussed in the previous chapter, *Decl. min.* 349, which features unnamed republican fathers. In that discussion, the focus was on how the declaimer resurrects these republican figures from the dead, collapsing the temporal distinction between his textual present and the Roman past, while remaining dislocated from it. This section extends that analysis, by examining the way in which the declaimer implicitly juxtaposes his present-day Romano-polis against the republican past, suggesting that morals have undergone significant decline.

To briefly recap the scenario of *Decl. min.* 349: a young man commits rape. While he obtains the pardon of the rape victim's father, he fails to secure his father's forgiveness. According to the declamatory law, if a rapist fails to receive pardons from both fathers, he is sentenced to death (pr. *Raptor, nisi et suum patrem exoraverit et raptae intra triginta dies, pereat*). The rapist-son, in turn, accuses his father of dementia. The declaimer argues in support of the father. Before invoking the two stern republican fathers who killed their sons (§8), he introduces the argument that in earlier times, fathers would not have granted a pardon but instead executed their sons.

> §7 Si incidisses in illos felicioribus saeculis natos, [cum] quibus virtus magis commune bonum erat, non expectasset legem, non expectasset tricesimum diem. Nunc me merito contemnis: flentem aliquando vidisti: non auderes accusare patrem si timeres.

> If you had fallen upon those born in happier times, in which *virtus* was more a common good, he would not have waited for the law, he would not have waited for the thirtieth day. As it is, you are right to despise me; you once saw me weeping. You would not dare to accuse your father if you were afraid of him.

Here, the declaimer uses the father-son relationship to set up a careful distinction between the moral standards of past and present.[138] In earlier times, a father's response to such transgressions would have been immediate and severe—execution without waiting for legal procedures. By contrast, the lenient father of the present delays for thirty days. This shift in paternal demeanour reflects upon the son: the son of a lenient father exhibits contempt and a lack of fear, whereas it is assumed that the son of a stern, archaic father would have been afraid to show such audacity. This is what underpins the declaimer's description of the past as a happier era when *virtus* was more prevalent. The use of the comparative adjective, *felicior*, and adverb, *magis*, highlights a perceived decline: the present is less happy and *virtus* is less common. Earlier, we examined (*Decl. min.* 277, 327) how the declaimers explicitly referenced the present with temporal and spatial markers such as *hic* and *tempus*, in addition to present tense verbs. Here, the declaimer employs pluperfect subjunctives (*incidisses, expectasset*) and the plural pronoun (*illi*) to further distinguish the past from his textual present. All this implicitly suggests that there is a subtext of decline from the distant past to the declaimer's present Romano-polis.

While the declaimer idealises the past as a *felix saeculum*, the *Minor Declamations* were composed during a period that paradoxically proclaimed the restoration of a happy age.[139] This rhetoric was pronounced under Nerva and Trajan. Pliny in his *Epistles* celebrates Trajan's principate as marked by 'above all, the happiness of the times' (*ante omnia felicitas temporum*), specifically for promoting individuals to the praetorship.[140] Tacitus notes that freedom of expression under Nerva and Trajan represents a rare happy age: 'because of the rare good fortune of an age in which we may feel what we wish and may say what we feel'

[138] The declaimer plays with the ideas of a stern father by contrast to a lenient father throughout his argument, see *Decl. min.* 349.4, 5, 10.
[139] Similar language appears in descriptions of Augustus' (Ov. *Tr.* 1.2.103) and Nero's principate (Sen. *Clem.* 2.1.3). It is also repeated throughout Sen. *Apocol.* 1.1, 4.9, 4.23.
[140] Plin. *Ep.* 10.12.2. See also Plin. *Ep.* 10.58.7, discussed in Chapter 1 for its antiquated address *Quirites*, with Sherwin White 1998: 644, who notes that Pliny's 'phrase *felicitas temporum* is associated with the restoration of "liberty" after Domitian'.

(*rara temporum felicitate, ubi sentire quae velis et quae sentias dicere licet*).[141] The persistence of the language of a happy age in these early second-century CE writers anticipates Gibbon, who infamously described this period of Rome 'as the fairest part of the earth'. These writers find much to praise after the horrors of Domitian's reign, but simultaneously they incorporate elements of declinist rhetoric, which we have noted throughout this chapter. However, in this instance *Decl. min.* 349 appears to go against the grain of its contemporaries by locating the happy age in the distant past and not the present.[142] In the following passage, he suggests that this distant, happy, and virtuous past is the Republic:

> §8 Tu, si incidisses <in> illum qui laureatas filii sui cervices amputavit, si incidisses in illum qui iudiciis propinquorum atque amicorum contentus fuit, opinor habuisses tempus querendi, habuisses tempus non dico deferendi patrem sed diutius rogandi. Illi vere fortes et viri fuerunt qui cum hoc meminissent, liberos a se rei publicae gratia procreatos, bene impendi crediderunt exemplo.
> Had you happened upon the father who cut off his son's laurelled head or the one who was content with the judgments of relations and friends, I imagine you would have had time to complain, time, I won't say to prosecute your father, but to entreat him at length! They were truly brave, heroes; remembering that they had procreated children for the sake of the commonwealth, they believed them well sacrificed for the example.

The declaimer connects the next passage with a chain of anaphoric clauses beginning with *si incidisses*, this time with an emphatically placed, *tu*. We have already grappled with the temporal ambiguity surrounding these anonymous republican fathers—likely Manlius Torquatus and perhaps Spurius Cassius or D. Silanus.[143] Upon closer inspection, this passage conveys subtle undertones of decline. The declaimer extols these republican fathers as 'truly brave' (*vere fortes*) for subordinating their sons to the needs of the republic. Both examples are framed as moral paragons, as the fathers are praised for believing their sacrifices were well spent in the service of setting an example (*bene impendi crediderunt exemplo*). In sharp

[141] Tac. *Hist.* 1.1.4. See also Tac. *Agr*. 3.1: *augeatque cotidie felicitatem temporum Nerva Traianus* ('and Trajan is increasing daily the happiness of the times').
[142] Although, Tacitus' Maternus does situate eloquence in an earlier time (*Dial.* 41.5).
[143] See Langlands 2018: 291–298 on M. Torquatus as a complex exemplary figure.

contrast, the declaimer laments that the present-day father of the *controversia* has failed to uphold a comparable example for his community (§12): *turpiter deficiebam, perdebamque necessarium civitati exemplum* ('I was faltering disgracefully, wasting an example necessary to the community'). This disparity underscores a broader decline: not only are *felicitas* and *virtus* less characteristic of the present community than of republican Rome, but contemporary society lacks examples worthy of emulation. By holding up the Republic as a moral pinnacle, the declaimer implicitly traces a trajectory of decline from the apex of republican virtue to the moral shortcomings of contemporary Romano-polis. There are few motifs in *Decl. min.* 349 familiar from other contemporary discussions of decline. Where we see contemporary authors designating the present as *felix* (although this is not to claim that they would not view times long past as equally fortuitous), the declaimer only employs this rhetoric in relation to the past. This offers a distinctive interpretation of society's moral decay by bringing the Republic sharply back into focus within the textual landscape. The Republic emerges not only as a motif in this text from which it interweaves politics, laws, literature, and exemplary figures, but so too as a source of moral guidance.

6. Conclusion

This chapter began by reflecting on Gibbon's claims about the second century CE as the peak of the Roman Empire. In the third chapter of his *Decline and Fall of the Roman Empire*, he offers another appraisal of the period: 'if a man were called to fix the period in the history of the world, during which the condition of the human race was most happy and prosperous, he would, without hesitation, name that which elapsed from the death of Domitian to the accession of Commodus'.[144] Gibbon claims that, at this time, the absolute power of the Roman Empire was guided by virtue and wisdom, armies were restrained, civil administration preserved, images of liberty upheld, and the laws effectively administered. He concludes: 'such princes deserved the honor of restoring the republic'.[145]

The *Minor Declamations* and contemporary Latin writers paint their era strikingly at odds with Gibbon. The declaimers stage their present, imaginary world as one marked by decline. Whereas Gibbon celebrates the luxury and wealth of the High Empire, the declaimers lament

[144] Gibbon 1776–1778: §49.
[145] Gibbon 1776–1778: §49.

that their world is overrun with *luxuria* and female immorality. While Gibbon views this period as a restoration of the Republic, the *Minor Declamations* imagine their world as having significantly declined in morality since the early Republic. At the very least, I have argued that the text contains far more *loci de saeculo* than previously recognised and more strongly, I have argued that these criticisms carry echoes of the moralising discourse of the High Empire. I have also shown that Latin writers of the late first and second century similarly reflect on the declining state of their own era. As a result, the textual world that emerges in the *Minor Declamations* is closely aligned with its literary milieu.

The case studies in this chapter have examined different ways in which decline is encoded in Romano-polis, reflecting the plurality of reasons for decline articulated by contemporary Latin authors. The focus has not been on tracing linguistic parallels (although some were noted in *Decl. min.* 268), but rather on identifying common elements and shared ideas across imperial writers. *Decl. min.* 268 was significant for its observations on the declining state of forensic and deliberative oratory because of the political landscape. I argued that this critique aligns with that of Maternus in Tacitus' *Dialogus*, whose second speech associates good oratory with political turbulence and declining eloquence with the Empire's peace. *Decl. min.* 327 was examined for its close association between sterility and declining morals, which was linked to a commonplace on tyranny in Seneca's declamations, and which subsequently took on political overtones in the Younger Seneca and the Younger Pliny on tyrannical principates. The angry speaker of *Decl. min.* 277 was compared to the satirist's persona in Juvenal's sixth *Satire*, as both express overlapping condemnations of adulterous women resorting to abortion. Finally, *Decl. min.* 349 illustrated how the *felicitas* and *virtus* of the present fail to measure up to the republican past. The declaimer's views in this *controversia* run counter to a strand of imperial rhetoric that praises the happy era under Nerva and Trajan—closer to Gibbon's vision—by instead presenting a unanimously negative portrayal of the present textual world. Against the backdrop of a period acutely aware of its own decline, and significantly one which implicated declamation itself in this decline, the *Minor Declamations* thematises decline within its own declamatory universe.

Some of these texts, however, convey a political message for a contemporary Roman readership, warning of the perils of imperial rule. Maternus in Tacitus' *Dialogus* is often interpreted as engaging in Bartschian double-speak, which criticises Vespasian's principate and imperial rule for rendering oratory impotent (*maxima principis disciplina ipsam quoque*

eloquentiam sicut omnia alia pacaverat; 'the supreme discipline of the emperor had pacified eloquence itself, as all other things').[146] Similarly, the Younger Seneca and the Younger Pliny associate the principates of Caligula and Domitian respectively with tyranny and sterility. Here, the *Minor Declamations* diverge: the declaimers strip these critiques of their political subtext and recast them as universal claims about the declamatory world. Yet this does not erase the implicit imperial influences shaping the world of the text. This thesis has argued that the textual world of the *Minor Declamations* is profoundly engaged with Rome—namely the Republic, and the production of cultural memory from this period. The present chapter has sharpened this argument by examining the nuanced imperial engagement within the text. By interweaving the Republic's political ideals and moral frameworks with critiques of imperial decline, the *Minor Declamations* play an active role in reflecting on Rome's past and present.

[146] Tac. *Dial*. 38.2.

CONCLUSION

> nostra uero aetas, cum rem publicam sicut picturam accepisset egregiam sed iam euanescentem uetustate, non modo earn coloribus eisdem quibus fuerat renouare neglexit, sed ne id quidem curavit ut formam saltem eius et extrema tamquam lineamenta seruaret. quid enim manet ex antiquis moribus, quibus ille dixit rem stare Romanam? quos ita oblivione obsoletos uidemus, ut non modo non colantur, sed iam ignorentur.
>
> But though the republic, when it came to our age, was like a beautiful painting, whose colours, however, were already fading with age, our own time not only has neglected to freshen it by renewing the original colours but has not even taken the trouble at least to preserve its configuration and, so to speak, its general outlines. For what is now left of the "ancient customs" on which he said "the commonwealth of Rome" was "founded firm"? They have been, as we see, so completely buried in oblivion that they are not only no longer practised, but are already unknown.
>
> Cic. *Rep.* 5.1.2 (trans. Keyes 1928).

This thesis began with a provocation: the *Minor Declamations* is a text that demands to be read as a work of literature and not merely glanced over for inclusion in a footnote. But the thesis has accomplished more than that. This thesis has read the text as a form of cultural expression, and it has argued that the *Minor Declamations* constructs a distinctive imaginative space, in which the Roman republican past is not—to borrow Cicero's analogy—a painting fading with age, but rather a vital element of its world-building. Neither is this a fictional world far removed from reality. It offers, on the contrary, a colourful representation and manipulation of Rome's past and present. In the *Minor Declamations* we have uncovered Romano-polis.

The introduction established the two interrelated strands of this thesis—literature and the Republic—within the practice of declamation. First, it argued that the intellectual culture of school declamation was grounded in literature (poetry, theatre, oratory, historiography) and literary practice. Second, it emphasised the close association between Latin declamation and the Republic: in its origins, as a subject at the school of the grammarian and the rhetor, and in other Latin declamatory texts. These points—literary tradition and the Republic—intersect in the works of authors of the High Empire, who exhibit a sustained, though not exclusive,

engagement with the republican past. Writers such as Quintilian frequently harked back to the Republic, while Pliny and Tacitus show restrained engagement with the past. One of the secondary claims of this thesis is that it has shown the *Minor Declamations* shares points of contact with each of these authors. In so doing, it has situated the *Minor Declamations* within the broader literary and cultural milieu of the High Roman Empire.

Additionally, the introduction suggested that the *Minor Declamations*, in its republican world-building, contributes to the growing field of memory studies. It analysed how the republican past is remembered and reconstructed during the High Empire, a period deeply attuned to the politics of memory and erasure. As Gowing notes of this period, 'just as the physical ruins of the Republic linger and persist – indeed, are even preserved – so too does the Republic linger in the imperial imagination and thus in memory'.[1] However, while Gowing identified a shift in the memory landscape of contemporaries such as Tacitus, Pliny, and Trajan's building programmes to 'individuate itself, to dissociate itself from both its recent and distant past', the *Minor Declamations* does something rather different.[2] Declamation creates a timeless, fictional universe in which the malleable memory of the Republic is reshaped and effectively reconstituted.

Each chapter of the thesis applied a different lens through which to examine the presence of the Republic in the *Minor Declamations*, showcasing the varied ways, implicit and explicit, in which the period is central to the architecture of this world. My claim has never been that the Republic is a blatant or dominant theme in the text. In the foregoing chapters, we examined 29 case studies of the *Minor Declamations*, which amount to 20% of the *controversiae* in the text. This indicates just how subtle the republican presence is, requiring close and sustained reading to uncover. Then again, this small tally does not mean that the evidence examined is any less significant. If anything, the sporadic mention of *Quirites* in the text or the half-glimpsed republican figures who dart in and out make their appearance all the more jarring and memorable. To highlight the diversity of examples, the thesis adopted a methodological approach rooted in small case studies, building arguments through the accretion of evidence. While a single reference to the Republic may not be compelling on its

[1] Gowing 2005: 158.
[2] Gowing 2005: 104.

own, the cumulative effect of multiple examples following a distinct pattern becomes more convincing.

Chapter 1 focussed on the construction of the hybrid world of the *Minor Declamations*. It argued that this world is a cultural blend of Greek, Roman, and fictive elements which I have termed Romano-polis, but that, among these, the Republic stands out as particularly distinctive. The chapter highlighted how the democratic power of the people, which had become obsolete, or transformed under the Empire, is a prominent feature of this textual universe. As Tacitus' Maternus remarks, under the Empire, political issues were no longer decided by the people, but power rested with a single man, the *princeps*.[3] The chapter concluded that the very world of the *Minor Declamations* is imbued with a republican hue.

Chapter 2 explored the allusions to a republican oration, Cicero's Catilinarians, in the *Minor Declamations*. It demonstrated that the *modus operandi* of allusion is a freer kind, relying less on direct lexical overlap and more on a resemblance in argument and thematic structure. The opening of the Catilinarians emerged as a focal point for imitation, along with passages paired with references in Quintilian. Although these allusions are dispersed across the *controversiae*, they collapse the distinctions between the declamatory scenarios and the historical Catilinarian conspiracy. Declaimers aligned themselves with Cicero, framing their opponents as analogues to Catiline, and thereby transformed their declamatory conflicts into a civil crisis demanding decisive action. This strategy not only reinforced their arguments but also underscored the enduring influence of Cicero as the preeminent model of eloquence in the declamatory schoolroom. The subtle yet pervasive presence of these allusions reveals how deeply Cicero's republican legacy continued to shape rhetorical education and practice under the High Empire.

Chapter 3 analysed the representation of republican figures and the Roman landscape. The first half of the chapter explored exemplarity, showing that the text exclusively draws Roman examples from the Republic. The speakers strip these figures of their historical context and employ various techniques to collapse the temporal distance between their world (Romano-polis) and that of the Republic. The second half focussed on the way in which the declaimers occlude identifiable places and monuments of imperial Rome from their textual landscape.

[3] Tac. *Dial.* 41.4.

This twofold approach underscores the politics of remembering and forgetting within the text. While the Republic is brought into proximity with the declamatory world, the chapter argued that aspects of imperial Rome (people and places) are subjected to a kind of literary *damnatio memoriae*.

Chapter 4 shifted focus away from the Republic. Following on from the occlusion of imperial Rome in Chapter 3, this chapter sought to understand where imperial Rome is in the *Minor Declamations*. Chapter 4 sharpened our understanding of the relationship between the *Minor Declamations* and Rome by linking the implicit idea in the text—that the declamatory world was in a period of moral decay and decline—with characteristic concerns of the High Empire: the declining state of eloquence, moral decline, rampant adultery, and female immorality. Many of these contemporary assessments of decline carry political critiques, but the declaimers detach them from overt political criticism of the imperial regime. Thus, it showed that the *Minor Declamations* is engaged with the broader literary and cultural milieu of the High Empire and is not just engaged with the Roman past, nor entirely divorced from its imperial present. By removing the Roman Empire explicitly from its world, the *Minor Declamations* creates space to emphasise its republican focus.

Together, these chapters reveal the Republic to be an underlying current that flows throughout the *Minor Declamations*, and they underscore the rich ways in which the speakers of this text draw on the memory of the past. One of the binding threads in the treatment of the Republic is that the text exploits its imaginary, declamatory landscape to reconstitute its relationship to the Republic as though it were an enduring period, unanchored from its historical context. The figures, events, and institutions taken from the early, middle, and late republican period are flattened into a timeless plane. The text creates this impression through multiple strategies. Some declaimers evoke republican political institutions, presenting them as if they were still thriving within the declamatory world. Others adopt the words and arguments of a republican writer, Cicero, while some refer to republican figures as if they inhabited the recent past. Another notable way the text heightens the republican presence is by making the Roman Empire conspicuously absent: exemplary figures from the imperial period are excluded and imperial monuments are occluded. The *Minor Declamations* erodes the distinctions between the Republic and its own fictional world, such that the two begin to look the same.

This thesis has also illuminated the cultural dimensions of the *Minor Declamations* by underscoring its role in preserving and reimagining the memory of the Republic against the growing theory of memory studies. It has shown how defunct political features are revived and preserved as living, in Assmann's terminology 'communicative' memories, within the text's imaginative universe, and how the text acts as an archive of literary memory for Cicero's Catilinarians and reconstitutes the historical memory of this republican event;[4] and it has examined how both Langlands's 'sites of exemplarity' and Nora's 'sites of memory' are reframed within the declamatory world.[5] The Republic emerges as a multifaceted construct in this text: the memory of the Roman past has been preserved, its institutions practised, and its literature and figures given renewed importance.

The thesis has consistently emphasised that this approach in the *Minor Declamations* is inflected differently to earlier Latin declamation. Whereas, for example, Seneca's declamations often place themselves in relation to the republican past, they were within living memory of the Republic. This finds parallels in other early imperial authors, such as Valerius Maximus, who creates the sense of the Republic as a continuing entity. The *Minor Declamations* operates within a distinctly different cultural context, in which the reality of the principate could no longer be ignored. Nearly a century later, the text continues to situate itself in direct relation to the Republic and thus creates a contorted relationship with this past. In this way, the *Minor Declamations* is distinct from other High Imperial authors. This deepens our understanding of memory practice in this period, with the memory of the Roman past remaining contested and complex. And it has further enriched our picture of the declamatory 'universe' of the *Minor Declamations* by revealing the literary and cultural aspects embedded and refracted in the text.

The culture of the past, central to this exploration of the *Minor Declamations*, represents one of many rich possibilities for further scholarship. The framework established here for analysing the representation of the Republic could easily be extended to examine portrayals of Greece, offering further insights into the text's cultural and historical dimensions. There is, moreover, another text that warrants inclusion in discussions of school declamation: Calpurnius Flaccus. This text equally merits a comprehensive and dedicated study of its

[4] Assmann 2010.
[5] Langlands 2018; Nora 1989.

world, which could provide valuable points of comparison with the *Minor Declamations*. It is time to reevaluate school declamation and afford it the same thorough investigation afforded to its show declamation counterparts, Seneca the Elder and the *Major Declamations*.

This thesis has also addressed themes of the Republic and memory within the declamatory tradition. Expanding this line of inquiry to consider the reception of republican themes in later Latin declamatory texts presents another avenue for future research. For example, the *Major Declamations*, a text composed from the first to third century CE and published in the fourth-century, may yield fresh insights into how the Republic was represented during an era shaped by the rise of Christianity. Such an investigation could contribute to a deeper understanding of the evolving role of memory within Latin declamation and its broader cultural significance in the later Roman Empire.

Ultimately, this thesis has demonstrated one way to read the *Minor Declamations*, building on the work of previous scholars, by tracing the Republic as a core element in the world-building of the text. It is also high time to challenge the disparaging claims often made about the merit of this text and school declamation more broadly. The arguments crafted by the speakers are neither 'feeble and empty sounds' nor 'unliterary in the truest sense'.[6] On the contrary, this study has revealed the *Minor Declamations* to be a text that creates a unique imaginative space, engaged in questions of rhetoric and literature, the past and present, the Republic and Empire, and the acts of remembering and forgetting.

[6] Petron. *Sat.* 2.1; Leo 1912: 117.

APPENDIX A

Ciceronian allusions in the *Minor Declamations*

The following appendix records all the relevant Ciceronian allusions that have been discussed in this thesis. They are listed in the order that they appear in the *Minor Declamations*. Where the imitation has been observed in commentaries it has been cited. I have also included references to Quintilian's citations of the relevant Ciceronian passages to make clear the extent of overlap between Ciceronian target of imitation and Quintilianic reference. There are doubtless many more Ciceronian allusions in this text to be found, and this does not set out to provide an exhaustive list.

Decl. min.		Allusive target	
255.8 (Pasetti 2019: 276) 272.13	Versantur inter domos nostras, inter templa, inter muros, in mediis rei publicae **visceribus**. Intrassent civitatem hostes; nobis et somno sepultis et securis ab omni cogitatione bellorum totus subito **in visceribus ipsius urbis** hostilis apparuisset exercitus, nec prius decessisset quam incenderet, opprimeret, diriperet.	Cic. *Cat*. 1.31	Hic si ex tanto latrocinio iste unus tolletur, videbimur fortasse ad breve quoddam tempus cura et metu esse relevati, periculum autem residebit et erit inclusum penitus in venis atque **in visceribus rei publicae.**
259.12 (Winterbottom 1984: 334; Shackleton-Bailey 2006: 128-129 n.10; Pingoud 2018)	**Intellego**, iudices, quam **difficili** ac velut **scopuloso loco** versetur oratio mea.	Cic. *Div. Caec.* 36	**Intellego** quam **scopuloso difficilique** in **loco** verser.

260.17	**O misera tempora!** hoc defendendum est?	Cic. *Har. resp.* 43 *Verr.* 2.5.92 *Att.* 9.17.1 (SB 186)	Atque hic ei gradus—**o misera tempora** stultasque nostras discordias! **O tempus miserum** atque acerbum provinciae Siciliae! **O tempus miserum!** nec dubito quin a me contendat ad urbem veniam;
274.7 329.12	Quoniam scelera eius atque flagitia ab ipsis diis immortalibus comdemnata sunt, quoniam **patientiam nostram** ac servitutem numina non tulerunt, continget illi honor? Hoc enim voluit ille qui fulmen vibravit? [[Quid enim dicam quam invisus ille diis immortalibus fuerit? Nos non ferebant et **patientiae nostrae** irascebantur.]]	Cic. *Cat.* 1.1 Cf. Quint. *Inst.* 4.1.68, 9.2.8	Quo usque tandem abutere, Catilina, **patientia nostra?**
299.4 (Winterbottom 1984: 424; Shackleton-Bailey 2006: 376-377 n.3)	…cuius statim ora oculosque a iudicio lex iussit obduci, ne hunc iucundum caeli aspectum polluerent taetri oculi, cui lucem vivo, **fluitanti mare**, naufrago portum, morienti terram, defuncto sepulcrum negat?	Cic. *Rosc. Am.* 72	Etenim quid tam est commune quam spiritus vivis, terra mortuis, **mare fluctuantibus**, litus eiectis?
305.8	**o misera condicio**! Magna necessitate victa libertas est.	Cic. *Cat.* 2.14	**o condicionem miseram** non modo administrandae, verum etiam conservandae rei publicae!

		Cic. *Flac.* 87	**o condiciones miseras** administrandarum provinciarum.
307.2 (Winterbottom 1984: 447)	Scio **vos**, **iudices**, posse **mirari** cur ex hoc in iudicio quaeratur.	Cic. *Div. Caec.* 1 Cf. Quint. *Inst.* 4.1.49	Si quis **vestrum**, **iudices**, aut eorum qui adsunt forte **miratur,** me qui tot annos **in causis iudiciisque** publicis ita sim versatus ut defenderim multos, laeserim neminem, subito nunc mutata voluntate ad accusandum descendere.
319.4-5 (partially acknowledged in Winterbottom 1984: 479)	Filium ab hac occisum esse dico: **quamdiu**, **iudices**, sinetis hoc esse dubium? **Vivit** interim in civitate, inter nos est femina inter prodigia numeranda, implet numerum civitatis: et **vivet** dum bis rea sit, praesertim in hac civitate in qua iudicia diu differuntur.	Cic. *Cat*. 1.1-2	Quo usque tandem abutere, Catilina, patientia nostra? **quam diu** etiam furor iste tuus nos eludet? quem ad finem sese effrenata iactabit audacia? […] O tempora, o mores! Senatus haec intellegit, consul videt; hic tamen **vivit**. **Vivit?** immo vero etiam in senatum venit, fit publici consili particeps, notat et designat oculis ad caedem unum quemque nostrum.
322.6	Ante omnia **gratias magistratibus ago quod**, non deprehendisse contenti ea quae ostendebantur, aliquid et ipsi viderunt. **Gratias ago etiam providentiae deorum immortalium**, qui numquam ita opprimi veritatem voluerunt ut non magnis suis vestigiis emineret.	Quint. *Inst*. 11.1.23	Et M. Tullius saepe dicit de oppressa coniuratione Catilinae, **sed modo id virtuti senatus**, modo **providentiae deorum immortalium adsignat**.
329.8	‘Occidit tyrannum crudelissimum, saevissimum,	Cic. *Verr*. 2.1.9	non enim furem, sed ereptorem, non adulterum,

	expugnatorem non pudicitiae modo et patrimoniorum nostrorum et principum huius civitatis, sed templorum omnium et caerimoniarum, nec hominibus magis quam diis immortalibus invisum'.		sed **expugnatorem pudicitiae,** non sacrilegum, sed hostem sacrorum religionumque, non sicarium, sed crudelissimum carnificem civium sociorumque in vestrum iudicium adduximus, ut ego hunc unum eiusmodi reum post hominum memoriam fuisse arbitrer cui damnari expediret.
		Quint. *Inst*. 8.4.2	ut Cicero in Verrem: 'non enim furem, sed ereptorem, non adulterum **sed expugnatorem pudicitiae**, non sacrilegum, sed hostem sacrorum religionumque, non sicarium, sed crudelissimum carnificem civium sociorumque in vestrum iudicium adduximus.'
348.6-7	Non enim discrimen paucorum capitum <agebatur>: an aliquid esset haec **civitas**, an **templa**, an **vetustissimae vestigium saltem urbis** relinqueretur, an **liberi vestri coniugesque** traditam a maioribus per manus in hoc usque tempus libertatem semel perderent.	Cic. *Cat*. 3.1	Rem publicam, **Quirites,** vitamque omnium vestrum, bona, fortunas, **coniuges liberosque vestros** atque hoc domicilium clarissumi imperi, **fortunatissimam pulcherrimamque urbem**, hodierno die deorum immortalium summo erga vos amore, laboribus, consiliis, periculis meis e flamma atque ferro ac paene ex faucibus fati ereptam et vobis conservatam ac restitutam videtis.

		Cic. *Cat*. 4.2	Nunc si hunc exitum consulatus mei di immortales esse voluerunt, ut **vos populumque Romanum** ex caede miserrima, **coniuges liberosque vestros** virginesque Vestalis ex acerbissima vexatione, **templa atque delubra**, hanc **pulcherrimam patriam** omnium nostrum ex foedissima flamma, totam Italiam ex bello et vastitate eriperem, quaecumque mihi uni proponetur fortuna, subeatur.
		Cic. *Cat*. 4.18	Obsessa facibus et telis impiae coniurationis vobis supplex manus tendit patria communis; vobis se, **vobis vitam omnium civium**, vobis arcem et Capitolium, vobis aras Penatium, vobis illum ignem Vestae sempiternum, vobis omnium deorum **templa atque delubra**, **vobis muros atque urbis tecta** commendat. Praeterea de vestra vita, **de coniugum vestrarum atque liberorum anima**, de fortunis omnium, de sedibus, de focis vestris hodierno die vobis iudicandum est.
		Cic. *Cat*. 4.24	Quapropter de summa salute vestra **populique Romani**, de

		Cic. *Fin.* 5.2	**vestris coniugibus ac liberis**, de **aris ac focis, de fanis atque templis**, de **totius urbis tectis ac sedibus**, de imperio ac **libertate**, de salute Italiae, de universa re publica decernite diligenter, ut instituistis, ac fortiter. Quamquam id quidem infinitum est in hac urbe; quacumque enim ingredimur, in aliqua historia **vestigium** ponimus".
388.11 (Winterbottom 1984: 590)	**Si doceo non** perisse, nimirum raptus est; **si** raptum **ostendo**, doceo etiam vivere.	Cic. *Clu*. 64 Cf. Quint. *Inst.* 5.10.68	**Si doceo** non ab Habito, vinco ab Oppianico; **si ostendo** ab Oppianico, purgo Habbitum.
388.32 (Winterbottom 1984: 594)	In matrem et illa Cicero dixit: "**mater enim a me, tametsi in hunc hostili odio et crudelitate est, mater, inquam, appellabitur".**	Cic. *Clu*. 12	Nam Sassia, mater huius Habiti — **mater enim a me** in omni causa, **tametsi in hunc hostili odio et crudelitate est, mater, inquam, appellabitur,** neque umquam illa ita de suo scelere et immanitate audiet ut naturae nomen amittat.

APPENDIX B

Exemplarity in the *Minor Declamations*

This appendix includes all instances of exemplarity in the *Minor Declamations* in the order in which they appear in this text. I have included a reference to the examples that have been noted by van der Poel (2009), 332-53, so as to make clear my own additions. The names of the examples, or their deeds in the instances where there is no name cited, are emboldened.

Decl. min.	Passage	Other Latin declamations
268.7	Non enim, ut opinor, ex istorum scholis abstinentiam didicere **Fabricii**, **Curii**, nec uti mortem contemnerent **Decii** consecuti sunt [nec] vetera horum explicando monumenta. Tulit civitas populi Romani liberatores **Brutos**, tulit **Camillos**, antequam ulla istius artis simulatio irreperet.	Fabricii: Sen. *Contr*. 2.1.8, 2.1.17, 2.1.29, 5.2, 7.2.7. Brutus: Sen. *Contr*. 9.2.9 Decii: Sen. *Contr*. 9.2.9 Camillus: Sen. *Suas.* 7.6.
268.8	Iam vero si ex diverso intueri placeat, quis ignorat ex ipsa **Socratis**, quo velut fonte omnis philosophia manasse creditur, schola evasisse tyrannos et hostes patriae suae? (i.e., Critias and Alcibiades)	Sen. *Contr*. 3 pr. 8.
268.19-20 (van der Poel 2009: 350)	Sive illam **Atheniensium** civitatem, quondam late principem, intueri placeat, accisas eius vires animadvertemus vitio contionantium; sive populi **Romani** statum excutere voluerimus, nonne gravissimas seditiones, nonne turbidissimas contiones eloquentissimus quisque habuit, nonne illi **Gracchi** ad evertendam rem publicam his veluti armis succincti accesserunt? […] Nonne **Demosthenen** illum oppressum veneno suo scimus, nonne **Ciceronem** in illis in quibus totiens placuerat rostris poena sua expositum?	Ti. Gracchus: Sen. *Contr*. 5.2. Cicero: Sen. *Contr*. 1 pr. 6,11-12, 1.4.7, 2.4.4, 7.3.9, 7.4.6, 10.3.3.
268.21	Cuius **auctores** ante omnia **accepimus deos**, sive (ut maxime reor) <re vera dederunt>, ut haec infirmitas hominum haberet	

	adiumenta aliqua atque solacia, sive tantum huic arti tribuere maiores ut eam vix crederent humanis potuisse ingeniis inveniri, sive ipsa medicina per se sacrum est. (i.e., Apollo and Asclepius)	
300.9 (van der Poel 2009: 350, 351)	Utitur [in defensione] claris ac nobilibus exemplis, damnatos mihi **Camillos** et **Rutilios** narrat.	
302.3-4 302.5 (van der Poel 2009: 350)	Non ergo pugna per se turpis est, sed inhonesta pugna. Dedit enim et familiis nomina: hinc **Corvini**, hinc **Torquati**, hinc **Opimii**. Isti accusatores et **Cimoni** illi quod patris corpus vicario corpore redemerit crimini darent.	T. Manlius Torquatus: Sen. *Contr.* 9.2.19, 10.3.8. Corvinus: Sen. *Contr*. 2.4.8; *Suas.* 1.7, 2.17, 2.20, 3.6, 6.27.
306.12	Testis carminum antiquitas, ubi illi primi heroes canebantur. Bellator huic currus, huic ducum exuviae, nonnulli. Captivae forma praestantior ultima sors habebatur [quamlibet nobilis peteret]. Legistine circa decennis belli exuvias contendisse **clarissimos reges**? (i.e., The Trojan War, with pointed reference to Odysseus and Ajax's contest of arms)	Achilles: *Decl. mai.* 9.22.
338.21 (van der Poel 2009: 350, 351)	'Unus est' cum dico, succurrant vobis **Catones** et **Scipiones** et tot clarissima civitatis nostrae nomina.	Cato Censor: Sen. *Contr.* 1 pr. 9, 7.6.17. Cato Uticensis: Sen. *Contr.* 2.4.4, 6.4, 6.8, 8.4, 9.6.7, 10.1.8, 10.3.5; *Suas.* 6.1-2, 6.4. Scipiones: Sen. *Contr.* 1.8.12, 2.1.17, 5.2, 7.2.7, 7.7.13, 10.2.5; *Suas.* 7.8. *Decl. mai.* 9.17, 9.20.

347.8 (van der Poel 2009: 353)	Iam vero bonorum meorum dira populatio, sicut **notissimo Graeciae duci**, qui felicior tamen solam in adulteris ultus est gulae voluptatem. (Odysseus)	*Decl. mai.* 9.22
349.8 (van der Poel 2009: 347, 351, 352)	Tu, si incidisses <in> illum **qui laureatas filii sui cervices amputavit**, si incidisses in illum **qui iudiciis propinquorum atque amicorum contentus fuit**, opinor habuisses tempus querendi, habuisses tempus non dico deferendi patrem sed diutius rogandi. Illi vere fortes et viri fuerunt qui cum hoc meminissent, liberos a se rei publicae gratia procreatos, bene impendi crediderunt exemplo.	
369.2-3	Sic **Romani** gloriose spoliarunt Iovem, sic **Saguntini** fecerunt parricidium.	
377.9 (van der Poel 2009: 350, 351)	Felices qui suo arbitrio moriuntur. **Scipio** '<imperator>' inquit 'bene habet': puto quia ultra pugnaturus non erat. <Quid> **Cato**? Num et ille peccavit? Idem feci quod Cato. Ad quietem hoc iter est et dulcis quaedam ad securitatem via.	Scipio Metellus: Sen. *Suas.* 6.2.
379.3 (van der Poel 2009: 350)	Verborum contentiones armis finiuntur? Etiam hostibus parcitur: **Caesar Catoni** voluit ignoscere.	Caesar: Sen. *Contr.* 10.3.1, 10.3.5.
388.10 (van der Poel 2009: 352)	**Romani generis auctor**, divisis inter patrem et filium pietatis officiis, cum utrumque ad fugiendum anni deficerent, alterum tulit, alterum traxit. (Aeneas)	Sen. *Contr.* 2.1.5.

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