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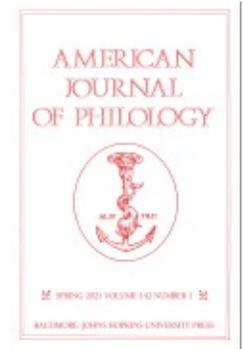
Divided Audience and Figured Speech in Cicero's *Pro Balbo*

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# DIVIDED AUDIENCE AND FIGURED SPEECH IN CICERO'S *PRO BALBO*

JOANNA KENTY



*Abstract:* Ancient rhetorical theorists described figured speech (*oratio figurata*) as a strategy for expressing criticism safely, through a screen of ambiguity. I argue that Cicero's *Pro Balbo* can be read as figured, communicating criticism of Pompey. Cicero's panegyric to Pompey in this speech would have appeared to be factually accurate and commendable to pro-Pompeian members of the audience, but factually wrong or even insincere to anti-Pompeians. Multiple readings of Cicero's intentions are latent as possible interpretations of the speech because of political divisions and divergent prejudices at the time of its delivery.

## 1. INTRODUCTION

POLITICIANS IN ANY SOCIETY determine what they will say after some calculation of what is practically possible, what is popular, and what will be met with approval. At the end of the Republican era, especially under Caesar's dictatorship and the second triumvirate, those calculations became more and more difficult, as writers and orators tried to negotiate their way through dangerous, unmapped new ground. When Cicero first defended a client not in a court but in Caesar's own home with the dictator himself as judge, he confessed to being affected by the *insolentia* or "weirdness" of the setting (*Deiot.* 5), despite his decades of experience as an advocate. One of his friends, Aulus Caecina, was writing a book in exile and trying to intuit what the dictator would like or dislike about it, anxiously speculating about which paths were safe and which were not (*Fam.* 6.7). A scholiast notes that Cicero was thought to have resorted to *oratio figurata*, deceitful praise of a tyrant to communicate disapproval and provoke hatred, in his speech to Caesar on behalf of M. Marcellus.<sup>1</sup> But Caesar's dictatorship was not the first change in the political topography

<sup>1</sup>The Gronovian scholiast (295–6 St) thinks Cicero did not use this tactic, and scholars have long debated the point, as I discuss further in section IV. This is actually only one of several definitions offered by ancient rhetoricians for "figured speech" (Demetr. *Eloc.* 287–95; Ps.-Dion. 295–6, 323; Quint. *Inst.* 9.2.65–95; Hermog. *Inv.* 205–6).

of Rome which Roman orators had to negotiate. In this article, I argue that Cicero was already experimenting with figured speech (or something like it) in his treatment of Pompey the Great and the “first triumvirate,” as early as his speech *Pro Balbo* in 56 B.C.E.

Cicero delivered his defense of L. Cornelius Balbus in 56 B.C.E., after the “Conference of Luca,” the meeting at which the “first triumvirate” renewed their cooperative alliance.<sup>2</sup> This is important context for the trial, since Balbus, born a Gaditan citizen,<sup>3</sup> had close ties both to Pompey and to Caesar: he had been given citizenship for fighting alongside Pompey against Sertorius (*Balb.* 5), and went on to serve as Caesar’s chief military engineer (*praefectus fabrum*,<sup>4</sup> *Balb.* 63–4). He had amassed an enormous fortune, largely thanks to these two powerful friends, which inspired widespread envy and resentment.<sup>5</sup> The actual charge against Balbus in 56 was claiming Roman citizenship illegally, the same charge on which Cicero had famously defended the poet Archias in 61 B.C.E. (*Arch.* 10), based on the terms of the treaty between Gades and Rome (*Balb.* 32–44). Cicero characterizes the trial of Balbus as a sort of attack on Pompey and Caesar by proxy, an explanation which many scholars have accepted.<sup>6</sup>

The speech for Balbus also falls chronologically after Cicero’s senatorial speech *De Provinciis Consularibus* (mentioned in *Balb.* 61), in which Cicero had surprised his colleagues by reversing his earlier opposition to Caesar and advocating for a five-year extension of Caesar’s command in Gaul.<sup>7</sup> Cicero had returned from exile in September of 57 B.C.E., and set about restoring his political position immediately, with some successes: he regained his property on the Palatine and funding for its restoration in the case *De Domo Sua* (*Att.* 4.2.3–5), and won acquittals for his clients Bestia (*Q. fr.* 2.3.6; Crawford 1984, 143–9), Sestius (*Q. fr.* 2.4.1), Asicius

<sup>2</sup> Luibheid 1970; Ruebel 1975; Grillo 2015.

<sup>3</sup> For a biography of Balbus see Jullien 1886, 1–49; Masciantonio 1967. On Balbus and his descendants at Rome, Rubio 1949; Rubio 1950; Rodríguez Neila 1992; des Bosc-Plateaux 1994; Lamberty 2005; Granino 2008; Pina Polo 2011; Beltrán Lloris 2015. On his Roman name and onomastics for Roman clients, see García Fernández 2015.

<sup>4</sup> On this position, see Welch 1995, 135–6.

<sup>5</sup> *Att.* 7.7.6; discussed by Steel 2001, 107.

<sup>6</sup> See, e.g., Gruen 1974, 312; Gardner 1999, 620; Steel 2001, 108–9. Perrián Gómez raises the possibility that the prosecutor was working at the behest of anti-triumvirate *optimates*; Perrián Gómez 2011, 97.

<sup>7</sup> He had been opposing a law distributing Campanian land, against Caesar’s interests (*Q. fr.* 2.1.1, *Fam.* 1.9.8–9, *Att.* 9.2a.1), but we do not know the specifics; Mitchell 1969; Stockton 1962; Kaster 2006, 393–405; Grillo 2015, 9–12; Craig 2017, 98–100.

(*Cael.* 23–4; Crawford 1984, 138–40), and Caelius.<sup>8</sup> Despite this show of apparent strength, however, he felt no confidence in the security of his position. He claimed publicly to be a spokesman and servant of the interests of the *optimates* (see especially *Sest.* 96–138), but privately described his colleagues in the senate as fickle and wholly untrustworthy (*Att.* 4.5.1; *Fam.* 1.9.10, 13, 19). If he were to be attacked by Clodius or anyone else again, he did not count on his senatorial “allies” to protect him. This, he later argued, motivated him to align himself with Pompey and Caesar instead (*Att.* 4.5.3; *Q. fr.* 3.4.1–2; *Planc.* 91–4; *Fam.* 1.9.10, 17, 21).<sup>9</sup> He saw more security in his long-standing but troubled relationship with Pompey than in his ostensible ideological affiliation with other high-ranking senators. He was pushed toward that stance by a message from Pompey himself, conveyed through Cicero’s brother Quintus in 56 (*Fam.* 1.9.9), instructing him bluntly to cease any opposition to the interests of what we know as the “first triumvirate.” The resulting shift in Cicero’s political orientation was reflected in an unknown document which he called his “palinode,”<sup>10</sup> as well as the orations *De Provinciis Consularibus* and *Pro Balbo*. Indeed, in the latter, Pompey and Crassus acted as his co-advocates.

This is the context for Cicero’s speech *Pro Balbo*, in which Cicero attempts to articulate and defend his new political realignment—or, at least, he seems to. The speech can be divided into four main parts.<sup>11</sup> In the first, the *exordium* (1–4), Cicero wonders what contribution he could possibly make to Balbus’ defense, already amply argued by prominent patrons, but he promises to try, at the request both of Balbus and of Pompey. In the second section (5–19), in a very brief *narratio*, Cicero explains that it is really Pompey on trial, not Balbus, for it was Pompey who granted citizenship to Balbus, and thus it is his act whose legality must be adjudicated. He then moves into what Barber calls an ethical

<sup>8</sup> Cicero also defended Cispus on a charge of electoral bribery, and lost the case; he thanks Cispus for his support in 58–57 at *Red. Sen.* 21 while also acknowledging that they had not always seen eye to eye.

<sup>9</sup> Mitchell 1969, 318–20. Fulkerson (2013, 247), in her discussion of this moment in Cicero’s career, argues that “Cicero was particularly susceptible to the charge of inconsistency precisely because he was not one of the *nobiles*.”

<sup>10</sup> *Att.* 4.5.1; on the debate over this document see especially Ruebel 1975, 624; Fulkerson 2013; Grillo 2015, 14–16.

<sup>11</sup> A basically canonical structure, although Barber (2004, 70) notes that “it is not a textbook example.” On 130 n. 9 Barber surveys different scholars’ outlines of the speech, none identical, of which Reid’s is the closest to the outline I give here.

digression on Pompey,<sup>12</sup> to argue that Pompey's action was legal simply because Pompey had such great authority and prestige in the state. He asserts that envy of Balbus and especially of Pompey is the real motive here, and then claims to have demonstrated that the trial itself is a sham. Nevertheless, in the third and longest section (19–55), Cicero does turn to elaborate, dense legal argumentation about the treaty with the Gaditans and about citizenship, topics which I omit from this article, but which have been the subject of most of the scholarship on the oration.<sup>13</sup> In his peroration, the fourth and final section (56–65), Cicero returns to his earlier theme of envy, both of Balbus and of Pompey, to admonish the jury not to be swayed by it in their verdict. He finally reveals the nature of his own friendship with Balbus and the reason why he is acting as an advocate in this case at all, expressing gratitude to Balbus for his support during Cicero's time in exile (58–9). Returning to the subject of envy and political feuds, Cicero calls on the jury and on his fellow senators to de-escalate conflicts among themselves and to set limits on their feuds for the good of the state. Finally, in a *commiseratio* (63–5), he attempts to stir pity for Caesar, far away in Gaul, and for Pompey, at the prospect of seeing their friend Balbus degraded.

In *Pro Balbo*, Cicero praises a man with great political power, i.e., Pompey, who he says wanted Cicero to be his “spokesman and advocate for his action, his judgment, his benefaction” (4).<sup>14</sup> Pompey's authority is enhanced in order to protect Balbus, his client, by association. I read the

<sup>12</sup> A digression on Pompey's *ethos*, that is; Mitchell 1969; Barber 2004, 32. Reid (1879, 15) writes dismissively that “up to this point there is a great deal of declamation, and very little argument. All that has been done is to excite sympathy for Balbus, and to establish strongly the antecedent improbability of illegal action on the part of Pompeius.” However, sympathy for Balbus (I would argue) is one kind of argument in favor of his acquittal. See also May 1988, 28–30 on an ethical digression in *Pro Roscio Amerino*.

<sup>13</sup> Cicero clearly put a great deal of effort into the legal argumentation of this speech, which suggests that he was trying his best to get Balbus acquitted, but the argumentation is effortful and dense, less engaging than other defense speeches by Cicero, which may suggest the opposite. The lion's share of scholarship on this speech has dealt with these legal questions; see Hardy 1917; Steel 2001, 75–112; Barber 2004, 1–2 on earlier treatments. On the citizenship laws as they apply to *Pro Balbo* see Gasquy 1886; Humbert 1978, 118–22; Angelini 1980; Braunert 1980; Brunt 1982; Paulus 1997; Lamberty 2005; Sánchez 2007; Venturini 2010; Todisco 2011; Perrián Gómez 2011. On those laws more generally, Sherwin-White 1939, 150–89; Galsterer 1976; Humbert 1978; Nicolet 1980, 17–48; Williamson 2005, 189–238; Chiusi 2007; Coşkun 2009, 149–55; Perrián Gómez 2010. Harries explains that the legalistic arguments in *Pro Balbo* actually rely on precedent and the evolving *ius commune* rather than settled law; Harries 2004, 158–63. See also Noy 2000 on immigrants like Balbus living in Rome.

<sup>14</sup> “*qui sui facti, sui iudici, sui benefici voluit me esse . . . et praedicatorum et actorem.*”

praise of Pompey as straightforward in Section II. Most scholars have read the speech this way, insofar as they have devoted any attention to it at all, but have found the whole episode rather humiliating for Cicero, whose own authority is not brought to bear for Balbus. Intertextual links with *Pro Lege Manilia* support this reading and the identification of a panegyric style at work, and I argue that Cicero's praise may have boosted Pompey's career later in the 50s. However, in Sections III–IV, I propose another reading which is also valid, a reading of *Pro Balbo* as precisely the opposite of what it seems to be, as figured speech which could actually subvert Pompey's political authority. We know that Pompey had many detractors, and for them, the act of praising generates hostility and resentment toward Pompey rather than admiration. As I will explain, this figured reading does not obviate the straightforward reading; both interpretations exist simultaneously, latent in the text, waiting for readers to choose the one to which they are inclined. We know very little about the reception of Cicero's speech for Balbus, but given the polarized nature of Roman politics at the time, we should imagine that Cicero's praise of Pompey was received very differently by different factions.

*Pro Balbo* offers us an opportunity to refine our understanding of the political conditions and rhetorical qualities of figured speech, in a real-world practical example. Ambiguity is generated by *Pro Balbo* because Cicero's praise of Pompey is extreme. Praise, like any other category of speech, tends to follow certain rules. Ancient rhetoricians describe the sort of things an orator might reasonably be expected to include, and the commonplaces and tropes which are useful for praise.<sup>15</sup> An audience expected praise to be anchored in these rules. To communicate at all, individuals have to anchor their speech in a cultural and linguistic common ground, as Allen and van Gils have argued recently (2016), and persuasive speech must also be anchored this way, in normal circumstances. When the speaker says something unexpected with which they think their audience will disagree, they may use linguistic markers to show their awareness of and coordination with the audience's views, to maintain the anchoring effect (Allan and van Gils 2016, 2–3). Cicero, however, praised Pompey in a way which conflicted with the expectations and views of some listeners (and readers), and he did not anchor his praise in the common ground of that audience, failing to mark what he was saying as potentially controversial or outrageous. If Cicero intended this result, he intentionally failed to anchor his praise in the comfort of

<sup>15</sup> Arist. *Rhet.* 1360b–1366b; *Rhet. Her.* 3.10–14; *Inv.* 2.177–8; *De Orat.* 2.341–8; Quint. *Inst.* 9.1–2.

established norms, in order to convey criticism through *oratio figurata*. The wrongness of the pretended panegyric would convey the wrongness of the political world in which it is delivered, so that “the facts themselves lead the judge toward suspicion” (Quint. *Inst.* 9.2.71–2).<sup>16</sup> Ultimately, the example of *Pro Balbo* shows that *oratio figurata* relies on the prejudices of a divided audience to function: an audience hostile to the subject of praise will read the speech as wrong or as ironic, while an audience friendly to the subject of praise, listening to the same words on the same occasion, will accept the apparent message of the speech on its surface. Cicero’s *Pro Balbo* could have been read in antiquity as figured, communicating criticism of Pompey and the “first triumvirate.”

## 2. PRO BALBO ON ITS SURFACE

Cicero uses panegyric figures to embellish his encomiastic treatment of Pompey.<sup>17</sup> This treatment is anchored not only in historical exempla to give it a good moral grounding and the weight of legal precedent (Harries 2004, 162), but also in Cicero’s own earlier praise of Pompey in his speech on the Manilian law a decade earlier. The encomium starts in the *exordium*, when Cicero remarks particularly on the eloquence of Pompey:

Quae fuerit hesterno die Cn. Pompei gravitas in dicendo, iudices, quae facultas, quae copia, non opinione tacita vestrorum animorum, sed perspicua admiratione declarari videbatur. Nihil enim umquam audivi, quod mihi de iure subtilius dici videretur, nihil memoria maiore de exemplis, nihil peritius de foederibus, nihil illustriore auctoritate de bellis, nihil de re publica gravius, nihil de ipso modestius, nihil de causa et crimine ornatius . . .

What dignity Cn. Pompey had yesterday in speaking, jurors, what ease, what fluency, seemed to be declared not by the silent belief in your minds but by open marveling. I have never heard anything which seemed to me to be more precise on the law, anything more replete with memory of precedents, anything more knowledgeable about treaties, anything more

<sup>16</sup>“*res ipsae perducant iudicem ad suspicionem*”; cf. Ahl 1984, 194–5.

<sup>17</sup>This also meets the requirements for “figured speech” in the third sense given by Quintilian: “its use is triple: first, if it is not safe enough to speak openly; second, if it is not appropriate to do so; thirdly, the one which is brought to bear only for the purpose of pleasure, which entertains by novelty itself and variety, more so than if the treatment were direct (*Eius triplex usus est: unus si dicere palam parum tutum est, alter si non decet, tertius qui uenustatis modo gratia adhibetur et ipsa nouitate ac uarietate magis quam si relatio sit recta delectat*)” (*Inst.* 9.2.66, see also 96–101).

splendidly authoritative on wars, anything more sober about government, anything more modest about oneself, anything more eloquent about a case and a crime . . . (*Pro Balbo* 2)

Pompey combines excellent character (*auctoritate, gravius, modestius*) and knowledge (*iure, memoria, peritius*) with artistry (*facultas, copia, ornatus*). Anaphora and asyndeton heighten the effect of Cicero's own copious praise and give the sense of his being overwhelmed by Pompey's speech. Coming from the master of eloquence himself, this is quite a compliment.<sup>18</sup> Cicero even compares Pompey's eloquence to that of L. Crassus, the leading voice in Cicero's dialogue *De Oratore*, written in the following year (3). To be sure, Cicero describes how Pompey's speech *seemed* to him, a partial observer as Pompey's good friend. His agreement with Pompey's arguments made Pompey's style seem even better to his admiring ears.

This praise of Pompey is also laying groundwork for part of his strategy in the case. Balbus' citizenship was granted by Pompey, and so Pompey's authority—specifically to grant citizenship, but also in general—is heightened by Cicero throughout the speech, especially its early sections. In the ethical digression, Cicero's celebration of Pompey's contributions to Rome's *imperium* and of his self-restraint help to paint a portrait of a powerful but trustworthy commander, a safe repository for extraordinary power. This will be crucial to the question Cicero poses as the core of his case (though it is obviously not the question the prosecutor asked): would Pompey have granted Balbus citizenship if it were illegal to do so? The answer to this question is a resounding no, because Pompey is too scrupulous and expert in matters of foreign policy to have acted illegally in this way—in fact, Cicero maintains that the prosecution is an insult to Pompey and to Rome. Cicero proceeds on the assumption that exceptionalism of the type he endorses is safe and even desirable in cases such as Pompey's, when the exceptional man has such good character. Cicero reviews the qualities Pompey does possess, which (in his view) qualify Pompey to bestow citizenship (or do anything else) as he pleases: experience (*usus rerum*), talent (*ingenium*), moral virtues (*pudor, integritas, religio, diligentia*), and authority (*auctoritas*). This line of argument ends in a pair of historical exempla, one Roman and one Greek, of men whose authority and reputation for integrity were so great that juries refused to hear or accept any written evidence in their defense,

<sup>18</sup>Pompey was not generally known for his eloquence; see, e.g., *Att.* 1.14.1–2. On his speeches see van der Blom 2016, 113–45.

feeling that it would be impious even to imply that evidence was needed to supplement their credibility (11–12).<sup>19</sup>

By appealing to antiquity and anchoring his celebration of exceptionalism in historical precedents, Cicero makes Pompey's extralegal authority seem more familiar and acceptable to his audience. Cicero's praise of Pompey's experience, character, and authority are also anchored in precedents from Cicero's own past, particularly in his speech *Pro Lege Manilia* (a.k.a. *De Imperio Cn. Pompei*), as Steel observes (2001, 100). In that oration, a decade before Balbus' trial, Cicero had advocated Pompey's assumption of an extraordinary command against Mithridates by praising Pompey's expertise (*scientia*), valor (*virtus*), and authority (*auctoritas*),<sup>20</sup> as well as his extraordinary good fortune (27–45). The praise of Pompey in the ethical digression of *Pro Balbo* effectively reproduces the praise of Pompey in *Pro Lege Manilia*, but in miniature. If anyone in Cicero's audience noted the similarity, they might look back fondly on Pompey's glory days in the war against Mithridates and feel greater admiration for him now.<sup>21</sup> They also might have admired Cicero for his long fidelity to his friend Pompey. The relationship had been severely tested by Cicero's time in exile: Pompey did little to shield Cicero from attack, as many of Cicero's contemporaries were quick to observe (*Q. fr.* 2.3.3, *Dom.* 27–30, *Sest.* 41–2, *Prov. Cons.* 18, *Pis.* 75–9). Such a perception of Cicero's consistency and loyalty would help to make his position in *Pro Balbo* seem more sincere and credible, anchored as it is in Cicero's earlier oration.

In *Pro Lege Manilia*, Cicero expresses his admiration for Pompey's incredible qualities through a series of marveling rhetorical questions. His treatment of Pompey's *virtus* is the most expansive, subdivided into military and moral virtues, and he links Pompey's extraordinary abilities as a commander with the kind of self-restraint which allows him to use them wisely. Cicero deploys a range of panegyric figures and amplifying ornaments—anaphora, metaphors, tricola, rhetorical questions, personi-

<sup>19</sup> Cicero also cites these two exempla in *Att.* 1.16.4 and compares them to himself, with regards to the reception he received from the crowd at Clodius' trial for the Bona Dea scandal. Valerius Maximus includes both of these exempla under the heading *maiestas* (2.10.1, ext.2).

<sup>20</sup> Steel 2001, 100–1. Helfberend (2018, 18) rightly points out that these are also the qualities to which Cicero draws attention in the first sentence of *Pro Balbo*, not only in Pompey but in himself, as the basis for his effort as Balbus' advocate: “*quae sunt igitur meae partes? auctoritatis tantae quantam vos in me esse voluistis, usus mediocris, ingeni minime voluntati paris*” (Helfberend's emphasis) and that the phrase *auctoritates valent* at *Balb.* 1 reproduces a phrase in *Leg. Man.* 43, 44, 46, 51, 53 (Helfberend 2018, 36).

<sup>21</sup> Steel 2001, 100.

fications, paradoxical or surprising turns of phrase, and hyperbole, most notably, as well as expressions of “panegyric incapacity”<sup>22</sup>—to give the audience more of a sense of how exceptional Pompey really is (see below for an example).<sup>23</sup> Cicero uses all of these techniques again in *Pro Balbo*. Praise (amplified with the same figures) gives way to outrage and a new degree of *pathos* as he wonders whether the prosecution is trying to malign Pompey for violating the Gaditan treaty knowingly or unknowingly.<sup>24</sup>

Si scientem,—O nomen nostri imperi! O populi Romani excellens dignitas! O Cn. Pompei sic late longeque diffusa laus ut eius gloriae domicilium communis imperi finibus terminetur! O nationes, urbes, populi, reges, tetrarchae, tyranni,—testes Cn. Pompei non solum virtutis in bello sed etiam religionis in pace! Vos denique, mutae regiones, imploro, et sola terrarum ultimarum; vos, maria, portus, insulae, litora! Quae est enim ora, quae sedes, qui locus in quo non exsistent huius cum fortitudinis tum vero humanitatis, cum animi tum consili impressa vestigia?

If knowingly—O name of our empire! O superior dignity of the Roman people! O praise of Cn. Pompey, diffused so far and wide that the domicile of his glory ends at the borders of our shared empire! O nations, cities, peoples, kings, tetrarchs, tyrants—witnesses not only of Cn. Pompey’s excellence in war but of his conscientiousness in peace! Finally, you, mute regions, I implore you, and earth of the farthest regions; you, seas, ports, islands, shores! For what shore, what seat, what place is there in which there do not exist impressions not only of this man’s strength but of his humanity, not only of his soul but also of his wisdom? (13)

These exclamations combine anaphora (*O . . . !*), antithesis (“not only . . . but”), personification (“you mute regions”), and ornate metaphors (“the domicile of his glory . . .”) in the style of panegyric. This passage recalls *Pro Lege Manilia* 30, in which Cicero cited Italy, Spain, Sicily, Africa, and Gaul personified as “witnesses” of Pompey’s virtue. In that speech, too, a silent majority of Rome’s allies is said to be calling out for Pompey (13), much as “mute regions” are invoked here. Pompey’s overwhelming reputation is amplified to overwhelm the prosecutor’s arguments, and to

<sup>22</sup>Of the “I cannot even express how great he is” type; see, e.g., *Leg. Man.* 29, 42. For the term, Connolly 2007, 180. On panegyric or epideictic figures used in the *Pro Marcello*, see Albrecht 2003, 164–7.

<sup>23</sup>This use of figures is associated with the middle style, of which *Pro Lege Manilia* is said to be an example (Cic. *Orat.* 102); Rubio 1954, 52–4.

<sup>24</sup>A good example of the rhetorical figure *complexio*, or dilemma (Cic. *Inv.* 1.29); Craig 1993, 177 n. 20.

shame him for even daring to make them. Indeed, Cicero then narrates the prosecutor's response: "the prosecutor gratifies me with a gesture: he indicates that Pompey acted unknowingly" (14),<sup>25</sup> but he then insists that it is no less implausible or insulting to argue that "mediocre men" and "scribes" know more about foreign policy than Pompey does (14).<sup>26</sup> This dismissal of documentary evidence is not an unusual line of argument for Cicero (compare e.g., to *Arch.* 8, 11, *Mur.* 23–8), but contributes further to the argument that Pompey is above the law, and that Balbus' citizenship is therefore legitimate. "And, in my opinion, jurors, the case has now been argued" (15).<sup>27</sup>

The rhetoric of *Pro Balbo* rationalizes and validates Pompey's extraordinary position, as Cicero's other speeches of this period often do.<sup>28</sup> It is no accident that modern scholars have looked to Pompey as the inspiration for Cicero's figure of the *rector rei publicae*,<sup>29</sup> since Cicero describes Pompey himself in similar terms, even if this is wishful thinking on Cicero's part. Cicero draws attention to Pompey's forbearance and moral rectitude, qualities which later made him a useful model for the first *princeps*. In fact, Cicero notes in *Pro Balbo*, while praising Pompey's *auctoritas*, that "the senate and people of Rome have given him prizes of the highest order, not while he was seeking positions of power (*imperia*), but while he was actually turning them down (*recusanti*)" (10). Turning down power (*recusatio imperii*) as a political strategy to win trust and admiration and soothe senatorial anxieties was "a favoured Pompeian tactic"<sup>30</sup> later emulated by Augustus.<sup>31</sup> I suspect that Cicero's anchoring

<sup>25</sup>"*Gratificatur mihi gestu accusator: inscientem Cn. Pompeium fecisse significat.*"

<sup>26</sup>"*Id igitur quisquam Cn. Pompeium ignorasse dicere audebit quod mediocres homines, quod nullo usu, nullo studio praediti militari, quod librarioli denique scire <se> profiteantur?"*

<sup>27</sup>"*Atque, ut ego sentio, iudices, causa dicta est.*" A similar false ending occurs at *Arch.* 8.

<sup>28</sup>*Red. Sen.* 5, 29; *Red. Pop.* 16–17; *Dom.* 16–19, 27–30, 69 (cf. Kenty 2018); *Har. Resp.* 49; *Sest.* 107, 129.

<sup>29</sup>Described at *Rep.* 2.51, 5.8 = *Att.* 8.11.1, a letter in which he also describes how Pompey has fallen short of this ideal. Meyer 1918, 177–91; Powell 1994; Steel 2005, 70–8; Zarecki 2014, 77–104; Hodgson 2017, 141–62.

<sup>30</sup>Burden-Strevens 2018, 119, from a discussion of Dio's account of the debate on the Gabinian law; cf. Hurlet 2010, 122–3.

<sup>31</sup>Vervaeke 2010. There is also a subtle intertextual link between Pompey's refusal of power and Cicero's attempt to refuse to take this case: "since, when I declined (*me recusante*), it pleased [Crassus and Pompey] that this final task of (so to speak) polishing the work should be assigned to me, I ask that you regard me as having undertaken this labor and service out of a desire to help, not to speak (*Sed quoniam me recusante placuit ambobus adhiberi hunc a me quasi perpoliendi quendam operis extremum laborem, peto a*

of Pompey's authority in historical and rhetorical precedents played no small part in encouraging leading senators to entrust the republic to Pompey in a time of crisis later.<sup>32</sup> Although Pompey certainly had many detractors in the mid-50s, he was ultimately selected in 52—by none other than Bibulus and Cato, two leading voices of the senatorial resistance to the first triumvirate (Plut. *Cat. Min.* 47.3)<sup>33</sup>—as sole consul to restore the peace, and as the “defender of the republic” against Caesar in 50.<sup>34</sup> While Pompey's exceptional political status was viewed as potentially dangerous in 56, he was deemed the safer choice in comparison to Caesar a few years later, partially thanks to Cicero.

The ethical digression ends with a lament about the current age, “for there is this sort of stain and evil in our generation: to envy excellence, to wish to crush the flower itself of worth” (15).<sup>35</sup> This rebuke of *invidia* may help to make Cicero's panegyric seem more palatable, checking any adverse reaction in his audience by warning them to suppress feelings of jealousy or resentment toward Pompey. The transition away from the ethical digression is clearly marked: “I will, therefore, omit Pompey now from the rest of my oration, but you, jurors, should keep him in your minds and memory” (17).<sup>36</sup> It seems that Cicero felt it was advantageous to clear the air of *invidia* before moving on to the substance of his defense (even though the ethical digression should logically render legal argumentation unnecessary). There are several possible reasons for him to have done so. First, he is delivering the third defense speech for Balbus, and so the jurors have already heard two speeches on the legal

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*vobis ut me officii potius quam dicendi studio hanc suscepisse operam ac munus putetis.)*” (17). Q. Metellus Numidicus, “to whom his country's welfare was sweeter than the sight of it,” is adduced as an *exemplum* for Pompey for granting citizenship (11), and was also cited by Cicero as an *exemplum* for himself for undeserved exile (*Red. Pop.* 6, 9, 11; *Red. Sen.* 5, 37–8; *Dom.* 87, *Sest.* 37, *Cael.* 59). These are implicit links between Cicero and Pompey, inviting us to see the two men as somehow interchangeable, perhaps anchoring Pompey's position in Cicero's own reputation for republicanism.

<sup>32</sup>In 55 B.C.E., during his second consulship, Pompey was also granted the extraordinary right to govern his province of Spain *in absentia* (Dio 39.39.4–5, Caes. *BG* 6.1.2); Vervaeke 2006, 930. Vervaeke also tracks the powers granted to Pompey by the senate during the outbreak of civil war.

<sup>33</sup>Gruen 1974, 153, 339–40.

<sup>34</sup>On Cato and Pompey in 52 see Morrell 2017, 204–68; Morrell 2018a.

<sup>35</sup>“*est enim haec saeculi quaedam macula atque labes, virtuti invidere, velle ipsum florem dignitatis infringere.*”

<sup>36</sup>“*Omittam igitur Pompeium iam oratione mea reliqua, sed vos, iudices, animis ac memoria tenetote.*”

arguments in the case, as well as a narrative account of the facts. A little rhetorical showmanship from Cicero might be a pleasing refresher. Second, admiration for Pompey might distract the jurors from any envy they felt towards the tycoon Balbus and his meteoric rise in Roman society,<sup>37</sup> an obstacle Cicero needed to overcome if any of his legal arguments were to succeed. Cicero's *exordium* in *Pro Balbo* shows exactly the kind of hesitation and doubt we would expect from *insinuatio*, a technique used in the *exordium* to begin winning over a hostile audience (*Rhet. Her.* 1.8, *Inv.* 1.22–5).<sup>38</sup> This *exordium* downplays both Cicero's influence and that of Balbus, and redirects the jurors' attention to Pompey, counting on their admiration for the great man to conciliate them.

However, some in Cicero's audience did not admire Pompey at all, but were predisposed to resent his power and criticize his behavior. These anti-Pompeians will have seen the same *exordium* and ethical digression as factually and perhaps morally wrong.

### 3. HOSTILE REACTIONS

Preexisting political opinions color the reception of political speeches and speakers. In the case of a polarizing figure like Pompey, Cicero's audience would have been divided already, and would have reacted to the same speech of Cicero in radically divergent ways. Those who liked Pompey would have been nodding along with what Cicero had to say, pleased to hear their own ideas confirmed and expressed so well. This feeling that the orator has strengthened one's existing belief is the result of the most effective form of persuasion (cf. *De Orat.* 2.186–7). Sitting and listening to Cicero's defense of Balbus, an individual who supported Pompey politically and admired him would likely also accept Cicero's words as fact: *Pompey really was a remarkably good speaker in addition to all his other gifts, and had made a good case for Balbus*, in their view. By contrast, those who thought Pompey posed a threat to republican institutions and senatorial authority would have thought that *Cicero's words were false, and that the great man's authority was not enough to exonerate Balbus*. They might disagree with Cicero's assessment of Pompey's speech;

<sup>37</sup>This is the explanation preferred by Barber 2004, 4–9, 14–19. On p. 71 she refers to the ethical digression on Pompey and the early discussion of *invidia* as a *praemunitio* intended to break down existing prejudice to pave the way for the later argumentation (cf. Quint. *Inst.* 9.1.30).

<sup>38</sup>On similar exordia in *Pro Quinctio* and *Pro Cluentio* see Johnson 1971, 42–4.

retorical analysis of style is highly subjective, after all, and they will have been predisposed to look for flaws to confirm their existing biases, as we all are. Their opinions of Pompey clashed with Cicero's, and that clash would cause resistance and backlash, a growing antipathy to the orator and perhaps even to Balbus. The more Cicero invoked Pompey's exceptional authority to shield Balbus, the more enraged such detractors would have become. This "backfire effect" can also be observed among today's polarized political audiences (Nyhan and Reifler 2010).

In Section 2, we read *Pro Balbo* as Pompey's supporters would have interpreted it, broadly speaking, and we can call them Audience A. Audience B, Pompey's detractors, would have reacted to it very differently. These might have included Clodius, who turned on Pompey in 56 B.C.E. (*Har. resp.* 51–2) and led some sort of mass demonstration against him in a *contio* of the same year (*Q. fr.* 2.3), or his followers, and they would have been inclined to disagree with a speech of Cicero's anyway. Domitius Ahenobarbus and Lentulus Marcellinus were also among Pompey's outspoken detractors in the mid-50s, as was Favonius by 52 (Val. Max. 6.2.6–9, Suet. *Div. Iul.* 24; see Lazenby 1959; Hayne 1974). Perrián Gomez suggests that these *optimates* were directing the prosecution of Balbus from behind the scenes.<sup>39</sup> Valerius Maximus reports that Cn. Piso, probably in 66 B.C.E., "was prosecuting Manilius Crispus and saw that a guilty man was obviously being rescued by the influence (*gratia*) of Pompey" and launched into a sweeping invective against Manilius' "all-powerful advocate" (*multa et gravia crimina praepotenti defensori obiecit*) (Val. Max. 6.2.4; see also Crawford 1984, 64–5). Pompey was far from universally beloved, in other words, and whichever of the jurors or spectators of Balbus' trial or readers of the speech *Pro Balbo* despised the man praised so extravagantly by Cicero, they would grow more and more angry in the course of Cicero's speech, whether Cicero meant them to or not.

From Audience B's perspective, the speech looks quite different. Cicero begins his defense of Balbus with his humble *insinuatio*: "if the authority of patrons has any influence in the courts, L. Cornelius' case has been argued by the men of the highest standing" (1).<sup>40</sup> Here we go again, Audience B might have thought: Pompey's bloated reputation cited as if it had the force of law, and another rich friend of the great man allowed

<sup>39</sup>Perrián Gomez 2011, 97.

<sup>40</sup>"*Si auctoritates patronorum in iudiciis valent, ab amplissimis viris L. Corneli causa defensa est . . .*"

to claim unlawful privileges with impunity. Elite, educated listeners might disagree with Cicero's claim that Pompey's defense speech for Balbus had been particularly distinguished (there is no external evidence to prove its quality, and Pompey is not known generally for his eloquence),<sup>41</sup> based on their own training in rhetoric and experience in the forum. When Cicero told them that he was only defending Balbus because Pompey "wanted him to be the spokesman and advocate (*praedicatorem et actorem*) for his action" (4), they might have found those labels disturbing, beneath Cicero's dignity, and another sign of Pompey's excessive influence.<sup>42</sup>

Audience B's indignation would have grown as Cicero continued: "to me, at least, it seems that this is what is worthy of the republic, what is owed to the unique glory of this exceptional man, what is consonant with your duty, what is sufficient for the case: that everyone concedes that Cn. Pompey was allowed to do what he is known to have done" (5).<sup>43</sup> Outrageous, Audience B might have thought. This is quite a (needlessly) bold line of argument, overreaching beyond the matter at hand. Cicero takes an extreme position that it would be not *fas*, "unspeakable," to hesitate to give Pompey this power (8). This formulation of the relative clause "what he is known to have done," especially after Cicero's quotation of a Stoic paradox that every action of a virtuous man is virtuous (3),<sup>44</sup> suggests that this approval should be a general rule that applies to all of Pompey's actions. In a republican government, it is not the qualities a man possesses that give him legal powers, but the constitutional authority he has been granted, since (in theory) no one is above the law. Cicero ignores that principle in favor of the kind of exceptionalism which underlies the extraordinary commands from which Pompey has benefited for his entire career. Everyone does *not* concede this right to Pompey to do

<sup>41</sup> Cicero describes him in the *Brutus* as an adequate speaker with a great voice and dignity of gestures who did not reach his full potential as an orator because of his military career (*Brut.* 239). See also n. 18 above.

<sup>42</sup> On the term *praedicator* see Ramming 2007. It may have some negative connotations, not only because it is an odd word to use of Cicero's role here, but also because of its etymological relationship to *praeco*, "herald," associated with indecorous shouting and low social status (Bond 2016, 21–58; Lowe 2018).

<sup>43</sup> "Ac mihi quidem hoc dignum re publica videtur, hoc deberi huius excellentis viri praestantissimae gloriae, hoc proprium esse vestri officii, hoc satis esse causae ut, quod fecisse Cn. Pompeium constat, id omnes ei licuisse concedant."

<sup>44</sup> "quod non nulli literis ac studiis doctrinae dediti quasi quiddam incredibile dicere putabantur, ei qui omnis animo virtutes penitus comprehendisset omnia quae faceret <recte procedere>." Reid emends the last phrase to "recte cadere"; Reid 1879, 48–9. On the Greek sources of this paradox, see Peterson 1910, 176.

what he did, in fact, and members of Audience B among the jury may decide that it is their duty not to concede that right to him. They may even choose to make an example of Balbus, and convict him in order to teach Pompey (and Cicero) a lesson.

Cicero's panegyric flights of fancy will have offended Audience B, all his artistic flourishes received as wasted effort or even as rhetorical trickery to distract and mesmerize his audience. If Audience B remembered *Pro Lege Manilia*, they might also be aggrieved at Cicero for recycling old material, or even for having advocated that Pompey receive one of those many extraordinary commands in the first place, for creating a constitutional crisis in the first place.<sup>45</sup> Cicero also tries to normalize Pompey's exceptionalism by transferring it to the historical past, in a sort of golden age when merit is celebrated rather than penalized and persecuted. "If Pompey had existed five hundred years ago, that man from whom the senate often sought help even when he was an adolescent and an *equus*, whose achievements have traveled to every nation together with glorious victory by land and sea . . . if now it were said in our time that what he did violated a treaty, who would listen?" (16).<sup>46</sup> Audience B might wonder: does Cicero realize that five hundred years ago, Rome was ruled by monarchs, and that such power is now intolerable in a republic? The oration's conclusion, conciliatory as it seems, also may have made matters worse to Audience B. Cicero brings up several reasons to envy Balbus—his Tusculan villa, his adoption by another naturalized citizen, his wealth—in a *praeteritio* (56–7), which actually might have poured salt on the wounds of the envious. Cicero renounced *invidia* and the endless prosecution of personal feuds, preferring to take a pragmatic approach for the common good and to trim his sails to avoid a storm (*Balb.* 60–1), but were others willing to do the same? And was that an honorable political course? Was Cicero really acting so nobly?

*Pro Balbo* thus generates two equally valid but antithetical interpretive possibilities in a single oration. What determines the interpretive

<sup>45</sup>For one contemporary critique of extraordinary commands as an anti-republican practice, see *Dom.* 10, 18–19 on Pompey's extraordinary command of the grain supply in 57 B.C.E. Cf. Arena 2012, 179–99.

<sup>46</sup>"*Etenim si Pompeius abhinc annos quingentos fuisset, is vir a quo senatus adulescentulo atque equite Romano saepe communi saluti auxilium expetisset, cuius res gestae omnis gentis cum clarissima victoria terra marique pergrassent, cuius tres triumphus testes essent totum orbem terrarum nostro imperio teneri, quem populus Romanus <honoribus> in<signibus> singularibusque decorasset,—si nunc apud nos id quod is fecisset contra foedus factum diceretur, quis audiret?*"

choice made by the listener or reader is their own preexisting prejudices and biases. If they support the great man, they will read the speech as praise, because it confirms their bias; if they hate him as a tyrant, the speech will reinforce their hatred. In fact, there is nothing the orator can do to prevent a divided audience from interpreting his speech in these opposite ways. The argument is anchored in the common ground of the beliefs of the target's supporters, and their perception of events, but it is not anchored in those of the detractors and so provokes a backlash within that group. Hyperbole and excessive praise provoke hostility among Audience B—but ambiguity remains as to whether Cicero intended that reaction or not, for at the same time, that “excessive” praise is the same praise which seemed to Audience A to validate Pompey's position, because they were inclined to agree with it.

This kind of divided audience is not unusual in political scenarios, and neither is this kind of divergent interpretation of a politician's speech. However, at the time of Balbus' trial in 56 B.C.E., the political scene was dramatically polarized and facing a time of crisis which caused existing tensions to escalate. Caesar's consulship, Clodius' tribunate, Cicero's exile and return, a coup in Egypt and the murder of an Alexandrian ambassador to Rome,<sup>47</sup> a series of bizarre prodigies (*Har. resp.* 9–10), a grain shortage, and vandalism of houses including Cicero's (*Har. resp.* 15, *Att.* 4.3.2) had brought things to a fever pitch. Under normal circumstances, even if a jury was split over their sympathies with the defendant, that might not make them outright hostile to the prosecutor. Under heightened political tension, such a split would exacerbate existing rivalries, especially in a case like that of Balbus, whose position at Rome was emblematic of the power of the first triumvirate. Under normal circumstances, Cicero's *commiseratio*, asking the jury to take pity on poor Pompey and Caesar and not to deprive them of their friend Balbus' company, would appeal to some more than others; in 56, it might provoke pity in some and outrage in others.

The panegyric to Pompey is not necessary for Balbus' case, and Cicero could have omitted any or all of it; Steel writes, “we should not assume that Cicero had no choice about the tactics to adopt” in *Pro*

<sup>47</sup>On the politics of 56 B.C.E., see Mitchell 1969. Ptolemy XII Auletes had been deposed, and asked the Romans to help him regain his throne; it was commonly thought that Pompey and Crassus wanted the command, but it was given to Cicero's friend P. Lentulus Spinther instead; see *Cic. Att.* 2.16.2, 2.5.1, *Fam.* 1.1.1, 1.7.4, 7.17.1, *Q. fr.* 2.2.3, 2.3.2, *Rab. Post.* 4, 6, 21, 25, 38–9. The assassination of the ambassador is mentioned in *Pro Caelio* 23–4, 51. For a full account see Siani-Davies 1997.

*Balbo*; “he could presumably have constructed a different sort of defence, as indeed he does in *On Behalf of Archias*” (Steel 2005, 87). Even if we assume that Cicero’s role as Balbus’ advocate was forced on him, there was no need for him to go as far as he did in lauding Pompey. Barber finds the ethical argument about Pompey’s legal authority to be Cicero’s strongest argument in the oration, and indicates that Cicero is following his own advice in putting his best argument first.<sup>48</sup> However, the logic here is circular: because this argument comes first, it must be strong, i.e., must parallel the audience’s existing prejudice—assuming that Cicero is attempting to make the strongest case possible for Balbus. There are reasons to think that he is not. Cicero was suspected of acting under the coercion of the “first triumvirate” when he delivered *Pro Balbo*, and some—but not all—of his audience likely would have interpreted his speech as insincere, as well as false.

#### 4. CICERO’S INTENTIONS

*Pro Balbo* could have been interpreted in radically different ways, depending on whether or not audience members accepted it as a straightforward and sincere, or factually true. The existence of two opposite readings of *Pro Balbo* and the ambiguity as to which is the preferred or intended one fulfills the conditions of *oratio figurata*, or at least achieves the same end result: praise which has the effect of blame. It must be possible for *oratio figurata* to be read as praise, so that the orator can always pretend to have been sincere. It must also be possible for the speech to be read as criticism. Faced with a divided audience, an orator using *oratio figurata* chooses one part of the audience with whom to appear to share common ground, leaving the others out. Rather than seeking any sort of common ground to unite the two, the user of *oratio figurata* actually drives the two parts of the audience further apart. If they were neutral or undecided before, they now find themselves choosing one of two available interpretations, both extreme. Rather than creating concord between the two parts of their audience or persuading one side to agree with the other, the orator creates further discord. Did Cicero intentionally create this effect in *Pro Balbo*?

The strongest potential sign of *oratio figurata* in *Pro Balbo* lies in Cicero’s treatment of M. Crassus. His handling of his fellow advocate in

<sup>48</sup> Barber 2004, 72. This is the strategy he adopted in *De Domo Sua*; Kenty 2018.

the trial of Balbus is unflattering at best, and insulting at worst, if only by innuendo. In his opening sentence, Cicero calls the jury's attention to the authority, experience, eloquence, and erudition of Balbus' patrons, i.e., Pompey and Crassus. He does not name either patron here—the jury has just heard them speak, so there is no need. However, he then praises Pompey in particular (quoted above), and adds: “you see, I'm following a speech which wasn't carried past your ears but planted deep in everyone's minds, so that you'll be able to take more pleasure from remembering his speech than you would not only from my speech, but from anyone's” (*Balb.* 4).<sup>49</sup> He renders himself and Crassus superfluous, praising Pompey—and not Crassus. He does not mention Crassus by name until after the long, ornate, encomiastic ethical digression on Pompey, and then his praise of his co-advocate is faint at best, falling spectacularly short of the panegyric to Pompey in what Steel says “is easily read as a back-handed compliment” (2001, 110): he “explicated the whole case very diligently in accordance both with his ability and his good faith” (17).<sup>50</sup> Crassus and Cicero's relationship was famously contentious, not least because of Crassus' rumored connection to the Catilinarian conspirators,<sup>51</sup> and Crassus had no particular personal stake in Balbus' case, no connection to the defendant and no involvement in his citizenship, except as having set a relevant precedent by granting citizenship to a man from Avenio himself (50). However, Cicero's use of Lucius Crassus the orator as an *exemplum* of eloquence surpassed by Pompey (4) seems designed to irritate Crassus. Lucius Crassus was probably a natural family *exemplum* for the triumvir Marcus,<sup>52</sup> and yet the orator is only mentioned to add to

<sup>49</sup> “*Etenim ei succedo orationi quae non praetervecta sit auris vestras, sed in animis omnium penitus insederit, ut plus voluptatis ex recordatione illius orationis quam non modo ex mea, sed ex cuiusquam oratione capere possitis.*” In *De Oratore* 122, Antonius praises Crassus in a similarly urbane, playfully over-polite way in order to turn over his lecture on oratory to him: “*itaque si quid est in me . . . ex eo est, quod nihil quisquam umquam me audiente egit orator, quod non in memoria mea penitus insederit: itaque ego is, qui sum, quantumcumque sum ad iudicandum, omnibus auditis oratoribus, sine ulla dubitatione sic statuo et iudico, neminem omnium tot et tanta, quanta sint in Crasso, habuisse ornamenta dicendi.*”

<sup>50</sup> “*qui totam causam et pro facultate et pro fide sua diligentissime vobis explicavit. . . .*”

<sup>51</sup> Their friends effected a formal rapprochement in 54 B.C.E. to ease the tension (*Fam.* 1.9.20, cf. 5.8 to Crassus in 53), which apparently had continued unabated even as they collaborated in the defenses of Sestius, Caelius, and Balbus in 56 (Gruen 1974, 69).

<sup>52</sup> On Crassus and Balbus, see Periñán Gómez 2011, 112. Marcus' great-grandfather (P. Licinius Crassus, cos. 171) and Lucius' grandfather (C. Licinius Crassus, cos. 168) were brothers, according to the family tree in an appendix of Marshall 1976. Lucius, the orator, and Publius Licinius Crassus, the triumvir's father, held the consulship two years apart (95 and 97 respectively) and the censorship three years apart (92 and 89 respectively); Marshall 1976, 8.

Pompey's laurels, while the triumvir of the same *nomen* goes unnamed.<sup>53</sup> Cicero later even sets up a parallel between himself and L. Crassus.<sup>54</sup>

Crassus may have been inclined to see the worst in Cicero's intentions, and he also seems to have been suspicious of Pompey and already apt to be jealous of his colleague; it was only Caesar's intervention which brought the "triumvirate" together. Crassus and Pompey had been co-consuls in 70 B.C.E., but their relationship was more one of rivalry and competition than of collegiality.<sup>55</sup> Cicero's drastically different treatment of the Crassus and Pompey in *Pro Balbo* may be a covert attempt, in other words, to make Crassus jealous and foment division within the "triumvirate." Gruen suspects Cicero of having tried to achieve this before the Conference of Luca (1974, 107, 303). In fact, by praising Pompey, Cicero even could have unintentionally provoked this hostility from Crassus. If Cicero was trying to insult Crassus, it would not affect Balbus' fate one way or another, and in fact might not even be noticed by Cicero's audience, except by its intended target: Crassus himself. Because Crassus has prejudices and opinions known to Cicero, Cicero can (try to) manipulate his reactions in a certain way. In other words, Crassus is a receptive audience for *oratio figurata*.

Crassus is not the only receptive audience of a covert, critical message in this oration. *Pro Balbo* raises the question: to what extent did Cicero's apparent goal, Balbus' acquittal, match his real intentions? Would Cicero have failed so completely to persuade Pompey's detractors, if he was telling the truth that he wanted Pompey's client to be acquitted? Would he have composed an extravagant panegyric which would almost certainly cause a backlash? Could he have intended that backlash from the start? Perhaps Cicero's goals were not what they seemed. If Cicero chose to begin *Pro Balbo* with an *insinuatō* rather than a more direct introduction, acknowledging that at least part of his audience might be predisposed to react with disapproval and antipathy to what he was about to say, then he likely knew that Audience B—whoever they were—would react in this way to his speech. Perhaps he calculated that they were the

<sup>53</sup> Barber comments only that "Cicero no doubt chose L. Crassus as a man to compare Pompey with because Cicero believed L. Crassus to be the best Roman orator"; Barber 2004, 117 n. 36.

<sup>54</sup> Through an *exemplum* in section 48–9, T. Matrinius of Spolegium, granted Roman citizenship by Marius and later challenged in court; Marius defended Matrinius himself, Cicero says, and did not even ask his in-law L. Crassus to help with the defense. Matrinius here is in Balbus' position, Pompey is parallel to Marius, and Cicero is parallel to Crassus, although of course Pompey did call on him to assist with the defense.

<sup>55</sup> Crassus was working against Pompey before the Conference of Luca, or at least it seems so from Cic. *Q. fr.* 2.3.2–4.

minority and would be outvoted. The other possibility is that he knew that Audience B would react in this way and that his speech might imperil Balbus' citizenship or Pompey's reputation, and he chose to compose his speech this way anyway.

Would Cicero have risked Balbus' conviction this way? We do not know how much Balbus had really done to support Cicero in exile, or what the relationship between them was like.<sup>56</sup> Cicero's expression of gratitude to Balbus at the end of this speech seems pointedly understated, in contrast to Cicero's exorbitant praise in speeches of the same period of men like Lentulus Spinther, his son-in-law Piso, Sestius, or Plancius, who had also supported him.<sup>57</sup> Balbus is not mentioned in any of Cicero's expressions of thanks to his supporters. When he does get around to describing his relationship with Balbus in the peroration, Cicero merely says: "not only did Cornelius not gloat over my ruin and your grief, but with every service—tears, labor, consolation—he relieved all of my friends when I was absent" (58).<sup>58</sup> Cicero only acknowledges learning about Balbus' support from others after the fact, and merely raising the possibility of Balbus' celebrating Cicero's ruin (even if it is dismissed) strikes an odd note. Steel writes that Cicero's reference to Balbus' support when he was in exile "makes quite clear how shallow and improbable is the current entente between Cicero and the first triumvirate, since Cicero would not have found himself in exile had not Pompeius and Caesar acquiesced in Clodius' plans" (2001, 110). Surely some members of Cicero's audience at the time could have made this observation as well, and suspected that Cicero's ties to Balbus were mere pretense.

Reading hidden meanings and ulterior motives into *Pro Balbo* takes us into the realm of figured speech. It is unclear if Cicero was familiar with a rhetorical theory of *oratio figurata*,<sup>59</sup> but some interpreters sus-

<sup>56</sup>Balbus came to meet Cicero several times to act as an intermediary for Caesar, before and after the civil war, but we do not get much sense of how they got along personally; see, e.g., *Att.* 2.3.3, *Q. fr.* 3.1.9, 12, which is quite positive for Caesar's benefit; *Fam.* 7.16.3; *Fam.* 8.11.2 from Caelius; and *Att.* 9.7b from Balbus himself to Cicero. Balbus does not seem to have been an intellectual of the type to which Cicero usually expresses feelings of kinship.

<sup>57</sup>Lentulus: *Red. Sen.* 8–9, 24–8; *Red. Pop.* 11–15, 18; *Dom.* 30, 75; *Sest.* 107. Piso: *Red. Sen.* 38, *Red. Pop.* 7, *Sest.* 68. Sestius: *Red. Sen.* 20, 30; *Sest.* 8–14. Plancius: *Red. Sen.* 35; *Planc.* 1–4, 27–30, 72–9, 90–105. Other senators: *Red. Sen.* 19–23, *Red. pop.* 15, *Dom.* 68–9, *Sest.* 74, 86–7, 144, *Har. Resp.* 6, *Mil.* 39.

<sup>58</sup>"*Non modo non exsultavit in ruinis nostris vestrisque sordibus Cornelius, sed omni officio—lacrimis, opera, consolatione—omnis me absente meos sublevavit.*"

<sup>59</sup>Demetrius (*On Style* 289–95), pseudo-Dionysius (*On Figures*), and Quintilian (*Inst.* 9.2.65–89) give the main surviving accounts. On *oratio figurata* in Quintilian and pseudo-Dionysius, see Ahl 1984; Russell 2001; Chiron 2003; Heath 2003; Breij 2006; Breij 2015.

pected that he used this strategy in his speech *Pro Marcello* in 46.<sup>60</sup> The Gronovian scholiast notes: “many think that this oration is ‘figured’ and offer a reading of it in this way, as if it contains more blame than praise” (295–6St). The theory was that Cicero’s *Pro Marcello* was intended to disgrace Caesar, by means of an excessive or inappropriate panegyric: while the apparent purpose of the speech is praise, its real purpose is hidden beneath the surface, and is in fact the opposite of its intended purpose. This interpretation implies that Caesar was a tyrant, and that criticizing him directly would have been unsafe. *Oratio figurata* could have allowed Cicero to communicate a critical position and inspire hostility in his audience without Caesar’s knowledge, and with plausible deniability: the orator could always claim that he had genuinely intended to praise Caesar.<sup>61</sup> It was a risk, but safer than direct opposition or refusing to speak. Dyer gives many examples from the speech of *allegoria*, the use of ambiguous expressions which can be read either as contributing to or as sabotaging Cicero’s message of praise in *Pro Marcello*.<sup>62</sup> The difference between the interpretations of Audience A and Audience B of *Pro Balbo* derives from the same kind of ambiguity.

<sup>60</sup>Breij argues that the Caesarian oration *Pro Ligario* is, in practice if not by design, an example of *oratio figurata* also: Cicero praises Caesar for “the virtues to which one appeals when trying to manipulate a standard rhetorical tyrant into displaying them: you tell him that he is exceptionally mild, and humane, and merciful, and then this tyrant can hardly fail to live up to the image that is painted of him. So what seems to be flattery is actually a case of anchoring Caesar’s dictatorship in the age-old, bad cliché of tyrant, and therefore a sample of *spendid innuendo*”; Breij 2015, 7.

<sup>61</sup>Cicero’s *Pro Marcello* comes after a period of self-imposed silence in politics, which Cicero used to indicate dissatisfaction with the state of affairs under Caesar’s dictatorship (Kenty 2020, 120–7). The scholiast finds it implausible that anyone in Cicero’s audience was more capable of discovering this hidden message than Caesar (Quintilian raises this issue more generally about *oratio figurata* at *Inst.* 5.10.70; cf. 9.2.69), but that would only matter if we assume that Caesar would reveal the message and punish Cicero, which would violate his policy of *clementia*. As Ahl points out, a tyrant is more likely to believe exorbitant praise, or to let the message go unnoticed; Ahl 1984, 193, 198–200; cf. Craig 2008, 98–9. Demetrius assumes that the tyrant will secretly feel remorse because of the implicit critique without thinking that the orator meant to be critical (292).

<sup>62</sup>Dyer 1990, 27–30. Dyer’s reading of figured speech and irony in the oration leads him to the speculative conclusion that it is not a transcript of what Cicero said in 46, but effectively a pamphlet circulated in 45, so that Caesar’s reaction is more or less irrelevant. Gagliardi follows Dyer and presents an ironic reading of the speech: Gagliardi 1997, 95–176. In more recent treatments, Winterbottom and Tempest, arguing for a non-ironic reading, show that Cicero expressed similar views in letters and in *De Republica* respectively: Winterbottom 2002; Tempest 2013. Dugan and Connolly focus on the ambiguity itself as meaningful: Dugan 2013; Connolly 2015, 179.

Some members of Cicero's audience in 56 B.C.E. were capable of interpreting *Pro Balbo* as *oratio figurata*, upon second reading if not upon first hearing, a rather select and arguably paranoid group we can call Audience C. These individuals would have interpreted the oration based on a deeper familiarity both with rhetorical tactics and with Cicero's politics. They suspected Cicero of harboring secret animosity toward Pompey and Caesar,<sup>63</sup> and would have assumed that any praise of Pompey therefore must be hiding some ulterior motive. They would have recognized the counter-reactions and hostility of Audience B to the speech, and suspected Cicero of provoking that reaction on purpose. For this suspicious audience, the enigmatic opening of the speech will have attracted their attention:

Si auctoritates patronorum in iudiciis valent, ab amplissimis viris L. Corneli causa defensa est; si usus, a peritissimis; si ingenia, ab eloquentissimis; si studia, ab amicissimis et cum beneficiis cum L. Cornelio tum maxima familiaritate coniunctis. Quae sunt igitur meae partes? Auctoritatis tantae quantam vos in me esse voluistis, usus mediocris, ingeni minime voluntati par. Nam ceteris a quibus est defensio hunc debere plurimum video; ego quantum ei debeam, alio loco; principio orationis hoc pono, me omnibus qui amici fuerint salutem et dignitatem meam, si minus referenda gratia satis facere poterim, praedicanda et habenda certe satis esse facturum.

If the influence of one's patrons matters in a trial, the case of L. Cornelius has been argued by men of the highest rank; if their experience, by the most expert; if their talent, by the most eloquent; if their enthusiasm, by the closest of friends, joined to L. Cornelius not only by mutual benefit but by the greatest intimacy. So what part am I playing? One of as much influence as you've wanted me to have; some experience: talent not at all equal to my desire to help. To the other men by whom he is defended, I see that he owes quite a debt; but how much I owe to him I will explain elsewhere. Here, at the beginning of my speech, I'll just say this: for all who were friends to my welfare and status, if I cannot repay them by returning the favor, I will certainly repay them by proclaiming and showing my gratitude. (*Balb.* 1)

Cicero begins by rendering himself superfluous, as if he is trying to excuse himself from the trial. His question about what "part" he will play, a theatrical metaphor, can be read as a clue that he is putting on

<sup>63</sup>Cicero acknowledges as much in *Red. Sen.* 23; *Q. fr.* 1.3.9, 1.4.4; *Att.* 3.8.4, 3.13.1, 3.14.1–2, 3.15.1–4, 3.18.1, 8.3.2–3, 9.5.2, 9.13.6. Others blamed Pompey and Caesar for Cicero's exile, and criticized the orator for claiming friendship with them after his return; *Dom.* 27–30, *Sest.* 41–2, *Prov. Cons.* 18, *Pis.* 75–7, 79; *Q. fr.* 2.3.3; *Att.* 1.14.2–4.

a mask and avowing fictionalized opinions to play his part in a drama. Of the qualities he lists of Balbus' advocates, he has three of the four himself, but passes over "enthusiasm" (*studia*) and neglects to explain the obligation he has to Balbus, deferring it to "another time" (1). His general statement about repaying his friends is ambiguous as to whether it includes Balbus (or Pompey) or not. Suspicious minds might wonder if Cicero really has any connection to Balbus or was really committed to his role as Balbus' patron. Cicero contrasts his fellow advocates' stellar qualifications with his own: "only as much authority as you have wanted me to have, a modicum of experience, talent not at all equal to my will" (1).<sup>64</sup> While Audience A might have admired Cicero's self-deprecation of his talent, Audience C might think of an ironic double meaning: Cicero's talent was, in fact, not at all equal to but vastly *greater* than his desire to help Balbus.<sup>65</sup>

There are more amphibolic hidden messages too, if Audience C was looking for them. Cicero claims that Pompey knows all there is to know about foreign policy, and he is overtly sarcastic, but perhaps secretly serious, in suggesting: "maybe those things which books teach us in the shade and at our leisure could not be taught to Cn. Pompey, either by literature when he was resting or by the regions themselves when he was in the field" (15).<sup>66</sup> When he later asked the jury's pardon for adding his speech to those of Pompey and Crassus, asking that they "regard me as having undertaken this labor and service out of a desire to help, not to speak" (17),<sup>67</sup> Audience C might have seen an implication that Cicero desired *not* to speak for Balbus.

There is something fishy too about the reversal of Cicero's usual self-promoting apologetics. When Cicero praises Pompey's eloquence, experts in rhetoric might have thought that Cicero was not merely wrong, but was misrepresenting his own opinion, pretending to admire a speech which he did not. His praise of Pompey's *gravitas*, *facultas*, and *copiam*, translated above, might seem like ironic hyperbole, mocking rather than

<sup>64</sup>"*Auctoritatis tantae quantam vos in me esse voluistis, usus mediocris, ingeni minime voluntati paris.*"

<sup>65</sup>This strategy of double meaning or intentional ambiguity is best exemplified by Catullus' "compliment" to Cicero, "the worst of poets, as much as you are the best of all advocates" (*Carm.* 49); Dyer provides examples of this figure under the heading of *aenigma* in *Marc.*; Dyer 1990, 28.

<sup>66</sup>"*nisi forte ea, quae nos libri docent in umbra atque otio, ea Cn. Pompeium neque, cum requiesceret, litterae neque, cum rem gereret, regiones ipsae docere poterunt.*"

<sup>67</sup>"*peto a vobis ut me officii potius quam dicendi studio hanc suscepisse operam ac munus putetis.*"

admiring. Quintilian notes in passing that Cicero acted as a ghostwriter for Pompey (*Inst.* 3.8.50); if this was known (or suspected) at the time, Cicero's praise of Pompey's speech would have been ironic in the extreme. Cicero uses the strategies of panegyric in *Pro Balbo*, the same strategies which seemed to some readers to be so sycophantic and exaggerated as to be subversive and ironic in *Pro Marcello*. In *Pro Balbo*, too, these panegyric tropes might have unsettled some of Cicero's audience to such a degree that they wondered if he was trying to use innuendo to make a point about how dangerous Pompey was. In particular, the suggestion that if Pompey would not suffer such persecution if he had lived 500 years ago (discussed above) might have been viewed as a critique of Pompey as a would-be monarch. Likewise, Cicero's claim to be participating in the trial because Pompey "wanted him to be the spokesman and advocate (*praedicatorum et actorem*) for his action" (4) might be seen as an indirect criticism of Pompey, for coercing Rome's leading orator into a role as his personal spokesman.

Whether or not they were familiar with a formal theory of *oratio figurata*, Cicero and his peers were highly trained and experienced interpreters of rhetoric, and of covert political messaging—more so than modern scholars. Moreover, Cicero describes several speeches which backfire, i.e., provoke a reaction in an audience which is contrary to the apparent purpose of the speech, if unintentionally, with the same result as *oratio figurata*. Cicero repeatedly claimed that Clodius' attempts to humiliate and berate him in public, and even his successful bid to drive Cicero out of the city, eventually resulted in greater glory for Cicero as the *populus* and senate rallied around him, in reaction against Clodius (*Dom.* 76, 87; similar situations described in *Fam.* 1.9.7, *Fam.* 3.10.1, *Att.* 12.44.1). It was plausible, if not indisputable, that Clodius' treatment of Cicero (eventually) conflicted with his audience's beliefs, and thus caused a reactionary backlash that ended up helping rather than hurting Cicero. Caelius also reports a meeting of the senate to discuss Cicero's ill-fated Cilician triumph, in which some senators voted in favor of a *supplicatio* only to provoke the tribune Curio to veto it, but Curio saw through their scheme and announced his refusal to play along (*Fam.* 8.11.2).<sup>68</sup> These hypocritical senators, unlike Clodius, voted and presumably spoke in the hopes of provoking a reaction contrary to their apparent purpose, as is the case with *oratio figurata*. Finally, in 49 B.C.E. Cicero expressed a suspicion that Caesar had intentionally sent an incompetent ambassador to sue for

<sup>68</sup>“*quibus hac re ad intercessionem evocandam interpellantibus venustissime Curio respondit se eo libentius non intercedere, quod quosdam, qui decernerent, videret confici nolle.*”

peace with Pompey, to sabotage the diplomatic process as he secretly prepared for war (*Att.* 7.13a.2).<sup>69</sup> This is even closer to the blame-as-praise category of figured speech, because Caesar has (perhaps) intentionally set out to provoke this contrary audience response with an unacceptable peace offer, although Caesar himself is not the speaker set up to fail.

In the *rhetorica*, Cicero notes that if an orator insists too stubbornly on a point on which his audience disagrees, his audience might react against him and become hostile. In *De Inventione*, Cicero warns that when an orator begins to address an unsympathetic audience, they must use insinuation, humility, or a show of doubt to conciliate them before they embark on their arguments (*Inv.* 1.20, 1.25; cf. *Rhet. Her.* 1.5). This is obviously meant as a pitfall for the orator to avoid, but a figured speech might well make use of this well-known rhetorical principle to generate hostility instead. In *De Oratore*, Antonius warns likewise that excessive praise may produce envy rather than admiration (2.208), and warns: “what if [advocates] don’t mitigate what is enviable in [their clients] by downplaying it, but make them more enviable by praising and uplifting?” (2.304).<sup>70</sup> A similar concern about pushback is present in several letters: Cicero worries that pressing Caesar too hard with letters of recommendation will give the impression that he does not trust Caesar’s generosity (*Fam.* 7.10.3), and of less generous men he remarks: “they get meaner when they’re begged” (*Fam.* 2.17.7).<sup>71</sup> This kind of reactionary response is itself the goal of figured speech, which pushes praise too far and causes the audience to feel antipathy rather than sympathy.

Finally, ambiguity and secrets are certainly a part of Cicero’s practical expertise as a politician, even if the theory of *oratio figurata* was not known to him. Attempts to divine a politician’s “true” beliefs through the over-interpretation of his actual words was common enough. From the very outset of his career, Cicero noted that any important Roman was seen as “having said much more than he had said” (*Rosc. Am.* 2).<sup>72</sup> Even

<sup>69</sup>“*L. Caesarem vidi Menturnis a. d. viii Kal. Febr. mane cum absurdissimis mandatis, non hominem sed scopas solutas, ut id ipsum mihi ille videatur inridendi causa fecisse qui tantis de rebus huic mandata dederit; nisi forte non dedit et hic sermone aliquo arrepto pro mandatis abusus est.*”

<sup>70</sup>“*Quid, cum personarum, quas defendunt, rationem non habent, si, quae sunt in eis invidiosa, non mitigant extenuando, sed laudando et efferendo invidiosiora faciunt, quantum est in eo tandem mali?*”

<sup>71</sup>“*hoc animo qui sunt, deteriores fiunt rogati.*”

<sup>72</sup>“*Quia, si qui istorum dixisset quos videtis adesse, in quibus summa auctoritas est atque amplitudo, si verbum de re publica fecisset, id quod in hac causa fieri necesse est, multo plura dixisse quam dixisset putaretur.*”

in daily conversation one might be reticent or omit certain details, for various reasons, and others might try to solve the mystery of what was missing. Although Cicero claimed not to want honors or glory from his friend Caesar in 54, he acknowledged that “I still live a life of ambition and labor, as if I’m expecting to get what I’m not asking for,” expecting Caesar to suspect hidden motives or a political ploy in his behavior (*Q. fr.* 3.5.3).<sup>73</sup> In 45, when Cicero withdrew from public life out of grief over his daughter’s death, a friend warned him that others might think he was secretly grieving for the republic and (the friend implied) plotting against Caesar’s regime (*Fam.* 4.5.6). Cicero, suspect himself, was also suspicious of others, and eminently capable of reading alternate meanings into messages. Cicero was alarmed at an expression of Atticus in a letter of the same year which seemed to leave something unsaid: “that admonition of yours, so precise, seemed to signify I don’t know what to me” (*Att.* 6.1.20).<sup>74</sup> Cicero wrote an ambiguous and deeply ominous warning to his friend Manlius Torquatus in 45 in which he left Torquatus to interpret the force (*vis*) of the few words he did write, “for more [words] were not to be entrusted to a letter” (*Fam.* 6.2.3).<sup>75</sup> If he had been suspicious of people’s motives and sincerity before the civil war, his suspicions and those of his fellow politicians seem significantly heightened after it.

All this points to the conclusion that while Cicero may or may not have been familiar with *oratio figurata* as a rhetorical technique of using praise to communicate blame, he was entirely capable of constructing—as a speaker or as a reader—hidden meaning in the manner of *oratio figurata*. *Oratio figurata* works on existing detractors by creating suspicion and uncertainty, by failing to anchor praise in conventional rhetorical tropes and norms. The resulting discomfort drives them to try to figure out what is hidden—even while their colleagues who do not share that pre-existing bias remain oblivious to the possibility of hidden meaning, having accepted the straightforward reading. Jarratt writes that figured discourse “is the grain of sand in the oyster, the residue left echoing in the minds of the auditors . . . the uncomfortable or enlivening, depending on one’s position, sense that all is not well in the political order.”<sup>76</sup> Upon hearing *Pro Balbo*, sensitive readers or listeners might have asked: can Cicero possibly be serious in praising Pompey this way? Did he really expect this oration to persuade anyone? And Audience C, upon asking

<sup>73</sup>“*vivo tamen in ea ambitione et labore, quasi id quod non postulo exspectem.*”

<sup>74</sup>“*ista admonitio tua tam accurata nescio quid mihi significare visa est.*”

<sup>75</sup>“*quae vis insit in his paucis verbis (plura enim committenda epistulae non erant), si attendes, quod facis, profecto etiam sine meis litteris intelleges te aliquid habere.*”

<sup>76</sup>Jarratt 2010, 290; cf. Booth 1974, 10–12.

this question, might also have asked: since Cicero is capable of writing a persuasive speech, why didn't he do that here? Was he really trying to get Balbus acquitted after all?

It is unclear what Cicero's intention was in praising Caesar in the style of a panegyric in *Pro Marcello*. We rarely have access even to a scholiast's insight into the reception of Cicero's orations or their interpretation, which makes it doubly difficult to ascertain whether or not he is consciously deploying an ambiguous phrase or argument. If Cicero had meant *Pro Marcello* to damage rather than enhance Caesar's reputation, he would not have entrusted that information to the written word under Caesar's dictatorship; all his letters were in danger of being read by men other than their addressees (see, e.g., *Fam.* 2.12.1, 4.7.5, 6.2.3). Here, I only note this debate about *Pro Marcello* in passing, to set the terms of the discussion about *Pro Balbo*. As I have argued, *Pro Balbo* can be read as straightforward praise, and from a hostile perspective it has the effect of blame. If praise can have the effect which blame normally would and there is ambiguity as to the orator's intention, this result coincides with the effect of figured speech, regardless of the orator's intent.<sup>77</sup> As in the case of *Pro Balbo*, it is likely that some detractors of Caesar reacted with outrage against Caesar upon hearing and/or reading the *Pro Marcello*, whether or not Cicero intended them to react this way, because of existing divisions in the audience. This shift in focus from the intent to the reception of *oratio figurata* opens up promising new avenues for interpretation.

*Pro Balbo* contains all the techniques which Dyer associates with figured speech: hyperbolic and indecorous praise, ambiguous sentences which may communicate alternative meanings, the orator's sincerity in doubt, a Stoic paradox and other general principles stated as fact which seem inappropriate or even alarming. Dyer sees in *Pro Marcello* a veiled incitement to tyrannicide, in a warning that Caesar will be in danger of assassination if he does not restore the republic—which of course he will, Cicero reassures him, with what Dyer reads as heavy irony (1990, 26). Taking this figured reading to an extreme conclusion, we could even read the peroration of *Pro Balbo* and Cicero's call for a cessation of hostilities among patrons and their clients instead as an incitement to stand on principle and to continue chipping away at Pompey's excessive power through proxies like Balbus. The ship of state is heading toward a storm, but perhaps Cicero's call to adjust course provoked others to find new, less conciliatory ways forward. Cato did in fact lead a spirited

<sup>77</sup>This is one potential function of figured speech, the second of three offered by Demetrius in the treatise *On Style* (293), by which an orator generates both a literal meaning and a second, indirect one; Breij 2015, 2–3.

opposition to the first triumvirate, sailing directly into the storm;<sup>78</sup> perhaps this was a reactionary response to Cicero's change of course. I have not found suggestions in contemporary letters or speeches that Cicero was plotting or building up to any such provocation, however.

## 5. CONCLUSION

In *Pro Balbo*, particularly at the end of the speech, Cicero argues for Balbus' acquittal. It is possible, through a reading of the speech as figured, to conclude that he created the potential for the speech to have exactly the opposite effect. This does not invalidate the straightforward reading, but exists parallel to it. *Oratio figurata* represents an intentional failure to anchor praise in rhetorical conventions, an intentional breach of decorum which provokes a backlash for some listeners, and leads some (but not all) listeners to become suspicious, to come up with some kind of explanation for the departure from the familiar. Through reading the text of *Pro Balbo* through the eyes of Audiences B and C, I have called attention to some moments in the text which could have breached decorum and created this kind of backlash and suspicion, even if Cicero did not consciously intend it.<sup>79</sup> While Cicero could claim to have done his part to acquit Balbus and demonstrate his obedience to the first triumvirate, that demonstration of obedience—and its import as a demonstration of the power of the first triumvirate—could provoke a positive or a negative response in different segments of the audience, depending on whether they thought the power of the first triumvirate was a good or a bad thing to begin with. If they suspect the orator of hating the tyrant, they will be more likely to perceive secret meanings and ulterior motives, because it confirms their bias.

This fulfills the criteria of *oratio figurata*, even though Cicero is not speaking under conditions of outright tyranny, the kind of authoritarianism which is usually associated with figured speech and doublespeak. Because Cicero has the kind of *auctoritas* we expect to generate independence and

<sup>78</sup> Cic. *Leg.* 3.40, *Planc.* 24, *Att.* 4.14.4; Val. Max. 6.2.5; Sen. *De Prov.* 2.9–10, *De Const. Sap.* 2.1–2, *Ep.* 14.12–13; Plut. *Cat. Min.* 31.3, 34.1–4, 43.1–5; Dio 39.34.1–4. On Cato's opposition to the first triumvirate, see also Gambet 1970; Gruen 1974, 91–3; Bellemore 2005; Morrell 2015. Morrell interprets a passage similar to *Balb.* 60–1 at *De provinciis consularibus* 45 as directed at Cato; Morrell 2018b: 200–4.

<sup>79</sup> I have not addressed the interpretation of the published text here, as it might differ from the interpretation of the original delivered oration, although this was an important distinction in Dyer's reading of *Pro Marcello*; Dyer 1990.

relative freedom of speech, his self-deprecation and praise of Pompey in this speech may seem to hint at perceived oppression of Cicero personally, even within a non-authoritarian system. There is no reason to think that Pompey threatened Cicero outright with bodily harm or exile, or that Cicero was coerced into saying specific things in *Pro Balbo*, but the speech seems to have been a distasteful one to deliver. Whether or not Cicero was being coerced, he had competing desires: to praise Pompey, and thus to assure his own political security and fulfill an obligation to a friend, and to keep the “first triumvirate,” with whose political outlook he disagreed, from ruling unchecked. The result is a speech which could be interpreted as aimed at either goal, depending on the beliefs of each interpreter. As it turned out, Balbus was acquitted,<sup>80</sup> and it seems from this outcome that an audience at this particular time was more prepared to reinforce Pompey’s authority than to rebel against it, more receptive to the Audience A reading than to that of Audience B or C (or bribed to be so). For some listeners, however, Cicero’s praise of Pompey would have had the same effect as blame.<sup>81</sup>

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<sup>80</sup>Whether this was just or not is debated in the scholarly literature, as summarized by Perrián Gómez 2011, 137–43.

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