Chapter 5

Power Differentials in Writing

Texts and Authority

In the *Brutus* Cicero contends that oratory in Rome was late in its origin and development. Although he inferences from episodes of the far past that certain men had achieved brilliant results thanks to their speaking abilities, Cicero remarks that he had never read that any of them was considered an orator or that eloquence offered any prize.\(^1\) With this allusion to reading, Cicero sets the stage for his claim that Roman oratory effectively emerged in the early second century B.C.E., when the Roman elite learned to write their speeches. Through a number of convoluted analogies and chronological assessments Cicero argues that Cato the Censor was the first to produce oratorical texts worth reading and defines oratory as an art comparable to sculpture and poetry: just like these arts, oratory had followed an evolutionary path towards stylistic perfection.\(^2\) Later in the dialogue he proposes that this perfection was reached a generation before him, with Marcus Antonius and L. Licinius Crassus.\(^3\) But when Atticus, a friend of Cicero and one of the characters in the *Brutus*, finally intervenes, this suggestion is replaced by another: it is Cicero the orator who makes everybody else before him look obsolete and unrefined.\(^4\)

As recently remarked, the *Brutus* was very much the product of Cicero.

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ro’s own circumstances. After Caesar’s victory at Thapsus in 46 B.C.E., he had obtained the pardon of the new leader, but his political position remained very uncertain. If this were not enough, he had not been present on the oratorical scene for a while and his oratorical reputation had been thwarted by the attacks of those who found his style fundamentally decadent. As a way to redress the situation, Cicero turns to the past or, rather, to texts of speeches left behind by his predecessors with the object of canonizing their oratorical style and his own. In the process he produced a historically based theoretical framework in order to sustain his transformation of Roman oratory into a primarily written practice and into an object amenable to textual scrutiny.

According to Emanuele Narducci, Cicero could push such an outcome because it was only at this time that a book market had started to develop and a public opinion made up of elite readers had began to exist in Rome and the rest of Italy. John Dugan has recently added to the picture by charting how Cicero’s promotion of textuality was part of a larger and multifaceted strategy of self-fashioning. Particularly enlightening in this sense is his analysis of the Orator. For Dugan, the bodily-figured discourse that informs Cicero’s theorization of textual polish betrays an attempt to endow his oratorical texts with a bodily integrity that would enable them to live apart from him and yet embody his ingenium. Finally, Dugan has shown that Cicero’s relationship with writing shifted over time. Whereas in his earlier career it helped him advance his political goals and aims, in the last years of his life writing became a substitute for direct political involvement and an alternative route to restore his loss of dignitas.

For our purposes, the recent upsurge of Ciceronian studies alerts us to the pitfalls of generalizing Cicero’s modus operandi and his aesthetic benchmarks. In what follows I take Cicero’s representation of second century B.C.E. oratorical writing in the Brutus as a point of departure for engaging more directly with the frameworks that guided Cato’s own approach to texts and writing.

Resisting Cicero

One of the most compelling moments of the Brutus pivots around the

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9. Recent contributions to the renaissance of Ciceronian studies include Gildenhard 2007a; Connolly 2007; Powell and Paterson 2004; Steel 2001; Krostenko 2001.
portrayal of Servius Sulpicius Galba, a contemporary of Cato. In *Brutus* 87 Cicero reports an anecdote allegedly heard from Rutilius Rufus. In the anecdote Galba is conjured up during the preparatory moments leading up to the pleading of a case. Closed away from everybody, he is portrayed as hard at work preparing an outline (*commentarius*) by frenetically dictating different things to different scribes. Fired up by this exercise, Cicero concludes that Galba offered a brilliant performance.\(^{10}\) In a later passage, Cicero speaks in more detail about Galba’s merits as a speaker. At a certain point, Brutus interrupts him and asks why nothing of Galba’s performance skills can be detected in the written speeches that he left behind, something that—Brutus points out—cannot be tested in the case of those who did not write at all. Brutus’ interruption allows Cicero to clarify that *dicere* and *scribere* are distinct practices; as such, they require the development of different skills. Focusing on the latter, he explains that *scribere* is an activity that takes place at home, after the oratorical performance. But while some are unwilling to undertake the extra labor, others do not write at all as a choice, while still others speak better than they write. When dealing with the second group, Cicero is obviously in some difficulty. He begins by saying that they have no desire to improve their speaking skills and emphasizes that this is what writing is for; subsequently, he goes on to stress that those who do not commit their oratory to writing are unwilling to preserve the memory of their *ingenium* for the benefit of future generations because they think that more *gloria* is drawn from the act of *dicere* if their texts do not come under the scrutiny of others.\(^{11}\)

The scholarly discussion over the relationship between the oratorical performance and its textualization dramatized in Cicero’s portrayal of Galba has long centered on establishing the degree of accuracy of the text as a record of the speech.\(^{12}\) What continues to remain unanswered is why the Roman elite avoided composing scripts before their oratorical performances and textualized them only afterwards and only in some cases. Catherine Steel has recently touched on the matter by proposing that, as opposed to what we find in Athens, the job of the *patronus* in Rome was not to provide the text of a speech for someone else to deliver but rather to deliver a speech himself. Thus, she concludes that “the transition from spoken to written was not an essential part of the legal process at Rome in the way that it had been in Athens, and a Roman orator was always faced

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\(^{10}\) Cicero, *Brut.* 87.

\(^{11}\) Cicero, *Brut.* 91–92. See discussion of this passage in Dugan (2005: 292–300), which includes a survey of Cicero’s judgements on the transcripts of other orators.

\(^{12}\) Humbert (1925: 23–97) is still central, but see also the convenient summary of the problem in Steel 2006: 26–27.
with a choice of whether or not to produce a written version which could then be disseminated."\(^\text{13}\) Steel’s remarks foreground some of the most fundamental differences that set the Roman experience of public speaking apart from its Greek counterpart; in light of these differences, I propose to consider the social hierarchies that informed the elite relationship with writing ‘before Cicero’ by reading Cicero against the grain.

The fact that Cicero does not explicitly discuss the possibility that oratorical writing has anything to do with scripting a speech confirms that scripting was perceived as a socially secondary activity in the first place. Moreover, against the very picture that he constructs Cicero is an exception: not only did he transcribe speeches that he had actually performed, he also produced texts of speeches never delivered and in some places discusses them as if he actually had.\(^\text{14}\) Thus, although Cicero never engaged in oratorical scripting per se, it is clear that he self-consciously attempted to blur the boundaries that set an oratorical text apart from its poetic or rhetorical counterparts by capitalizing on the fact that, at the reception end, approaching a scripted speech had become not at all dissimilar from approaching a transcribed speech.\(^\text{15}\) Historically this is not at all surprising. By Cicero’s time, to rehearse from poetically and rhetorically constructed texts had become practices deeply entangled in the ludic life of the Roman elite, the first as a leisure-oriented activity and the latter as a means for developing new tactics of speech-making. For this reason, Cicero’s labor-intensive transcription practices and his construction of oratorical texts disengaged from actual performances can be said to bespeak his subjectivity as homo novus and his political failures at the same time. In this respect, the nervousness that he manifests in the Brutus when commenting on those who invested everything in the oratorical event reveals the larger perception of oratorical writing as preparatory or secondary to the exercise of auctoritas through the body-in-action.\(^\text{16}\) Cicero strenuously resisted this twofold perception in theory and practice in order to open up for himself new possibilities of self-fashioning and survival, as Dugan suggests. Accordingly, I would argue that his writings both disclose and conceal a deeply fraught and variegated history of elite writing.

In the economy of our inquiry into the beginnings of Latin prose, Cicero’s representation of Galba is crucial. If the Roman elite learned to

\(^{13}\) Steel 2006: 29–30. Emphasis in the original.


\(^{15}\) This fact is mentioned but not fully discussed by Narducci 1997: 163–64.

\(^{16}\) Dugan 2005: 84 and passim; Habinek 1998a: 103.
write their speeches only in the second century B.C.E., it is also clear that they did not write scripts beforehand in the manner of the poets or, to a much lesser extent, the rhetoricians who were progressively making their way into the life of the elite. And if they did decide to take up the stylus through their slaves’ hand, they did it only to prepare an outline before the performance and to produce a transcription afterward.\textsuperscript{17} Equally crucial to our investigation is Cicero’s claim that Cato was the first to produce textual samples worth reading. Like Galba’s, so too Cato’s characterization looks forward to the proclamation of Cicero’s own superiority later in the dialogue;\textsuperscript{18} unlike in Galba’s case, however, Cicero’s treatment of Cato’s oratory pivots on a close stylistic assessment that draws force from his flaunted familiarity with more than 150 speeches.\textsuperscript{19} From a methodological point of view, the sheer number of textualized speeches known by Cicero and his silence over the specifics of Cato’s own relationship with writing encourages us to take for granted that their writing activities were guided by the same practical principles.\textsuperscript{20} Although it is right to think that Cato’s penchant for writing, like Cicero’s, is somewhat linked to his \textit{novitas}, nevertheless one ought not forget that he lived at a different cultural and historical juncture and that his political career was a very successful one.\textsuperscript{21}

Tacitly or unconsciously relying on the historical coincidence promoted in the \textit{Brutus} between Cato, the beginning of oratory, and the establishment of poetry, some critics justify Cato’s writing bent by invoking Greek prose precedents, while others are happy with the explanation that the emergence of prose writing was, at that point of Rome’s cultural history, inevitable.\textsuperscript{22} But when our attention is turned to Cato’s invocation of writing and writings in his oratorical fragments and beyond, the picture that emerges is both peculiar and illuminating. Cato did not look to the scripting activities of the poets or to Greek models to develop his own; rather, he established the practice of transcribing by redeploying forms of writing entangled with rituals connected with the performance of his political duties as a

\textsuperscript{17} For generalized discussions about reading with a special focus on later and more documented periods, see Starr 1991; Small 1997: 177–88; Johnson 2000; Johnson and Parker 2009.


\textsuperscript{19} Cicero, \textit{Brut.} 63, 65, 68.

\textsuperscript{20} This \textit{assumptio ex silentio} guides, for example, Steel 2001: 31.

\textsuperscript{21} In relation to the pre-Catonian period, the relationship between writing and \textit{novitas} established by Cato follows the same trajectory that Schiavone (2005: 97–101) and Costa (2000: 46–58) see in the contraposition between secret knowledge and revealing writing in the narratives concerning the development of \textit{ius} and the encroachment of new social agents (generally identified as plebeians) in its exercise.

\textsuperscript{22} Astin 1978: 206–10.
magistrate. Within its immediate sociocultural purview, the paradigm that Cato proposed constituted yet another strategic ploy meant to counter the increasing elite reliance on alien professionals and their scripted writings. Yet this same paradigm served as a counterplay to those who, like Scipio Africanus, enjoyed such an unimpeachable aristocratic pedigree and could count on such military successes that they found it unnecessary to leave self-produced writings encoding their outstanding achievements. My analysis of Cato’s self-positioning vis-à-vis Scipio Africanus corroborates an existing perception of writing as a threat to *auctoritas* understood as traditionally located in the body; at the same time, it allows us to define Cato’s articulation of prose writing as transcription.

**Plunging into the World of Tabulae**

Performed in 159 or 154 B.C.E., what remains of the speech known as *De Sumptu Suo* conjures up Cato himself dealing with the handling of an oratorical text:

Iussi caudicem proferri ubi mea oratio scripta erat de ea re quod sponsionem feceram cum M. Cornelio; tabulae prolatae. maiorum bene facta perlecta; deinde quae ego pro re publica fecissem leguntur. ubi id utrumque perlectum est, deinde scriptum erat in oratione: “numquam ego pecuniam neque meam neque sociorum per ambitionem largitus sum.” “Attat noli, noli *cribere* [recitare, _Query_],” “inquam,” istud: nolunt audire.” deinde recitavit: “numquam _ego_ praefectos per sociorum vestrum oppida imposivi, qui eorum bona liberos deriperent.” istud quoque dele, nolunt audire; recita porro. “numquam ego praedam neque quod de hostibus captum esset neque manubias inter paucolos amicos meos divisi, ut illis eriperem qui cepissent.” istuc quoque dele: nihil _e_ minus volunt dici; non opus est recitato. “numquam ego evectionem datavi, quo amici mei per symbolos pecunias magnas caperent.” perge istuc quoque uti cum maxime delere. “Numquam _ego_ argentum pro vino congiario inter apparitores atque amicos meos disdidi neque eos malo publico divites feci.” “enimvero usque istud ad lignum dele. vide sis quo loco re_§_ publica siet, uti quod rei publicae bene fecissem, unde gratiam capiebam, nunc idem illud memorare non audeo ne invidiae siet. ita inductum est male facere inpoene, bene facere non inpoene licere.”

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I ordered the tablets to be brought out on which my speech concerning the judicial wager with Marcus Cornelius had been written. The tablets were fetched: the services of my ancestors were read out; then those that I had done for the state were read. When the reading out of both of these was finished, the speech went on as follows: “Never have I lavished my money or that of the allies in order to win favors.” “Oh no!” I said “Don’t, don’t write that: they don’t want to hear it.” Then he read out, “Never have I imposed prefects on the towns of your allies, to plunder their property and their children.” “Delete that too; they don’t want to hear that. Read further.” “Never have I divided booty taken from the enemy or prize money among the small circle of my friends and therefore snatch it away from those who had captured it.” “Erase as far as that too: there is nothing they want said less than that. It is not necessary, read on.” “Never have I granted travel-passes so that my friends could gain large sums by means of the warrants.” “Go on and delete up to there too, immediately.” “The money intended for the wine distribution I have never shared out among my attendants and friends nor have I made them rich to the detriment of the state.” “Most certainly erase that, right down to the wood. See, if you please, in what condition the state is, when for fear that it could cause anxieties I dare not recall the good services that I performed for the state, from which I used to gain gratitude. Thus it has become normal practice to do ill with impunity, but not to be allowed to do well without impunity.”

Most critics agree that in this speech Cato portrays himself tampering with the text of a previously textualized speech with the help of a literary slave while planning a new speech, one that, albeit in fragments, we can still read today. Yet, the scene as a whole has also raised the possibility that Cato did not produce a commentarius in the way illustrated by Cicero’s anecdote about Galba; rather, he went so far as to elaborate an actual script for the performance to come, giving up oral improvisation and moving towards the art of reenacting a prepared text.24 A minority of scholars, however, contends that the scene does not relate to the pre-performance phase but, rather, to an in-performance charade played around the official reading of his textualized sponsio cum M. Cornelio.25


Rather than opting for one interpretation to the exclusion of the other, it is worth highlighting the elements that make Cato’s self-depiction so compelling by taking into account the two points of view expressed. The scene frozen in the fragment confirms that writing and reading were activities generally performed by the elite through slaves. But to sustain that Cato went so far as to compose a script beforehand is not made explicit here or elsewhere in the Catonian corpus. Moreover, if it had been so, Cicero would have certainly spent a word or two on the oddity and would have used Cato’s precedent to sustain his own transformation of oratory into a textual affair leaning towards poetry and rhetoric. If we turn to the fragment, the use of past tenses starting from the verb *iussi* (I ordered) may indicate that during his performance Cato went out of his way to report how he had prepared for his ongoing speech. In this sense, the in-performance interpretation has on its side the advantage of bringing to light Cato’s eagerness to publicize and valorize his writing habits. If so, to sustain his argument Cato did not rely so much on the *praeteritio*, a rhetorical figure of speech; rather, he would have argued through his body in action that the attacks launched against his respectability were leading him to physically tamper with a speech transcribed on *tabulae* and bundled up in a *caudex*. On this score, his in-performance display of a previously transcribed speech would have driven home the message that the damage provoked by these attacks were going to be redressed thanks to his transcribing habits. For if the speech concerning the wager with Marcus Cornelius had been transcribed after its performance, the transcription of his tampering—which constitutes the text of *De Sumptu Suo*—would have guaranteed the integrity of those previously textualized words together with his own morality. By and large, then, what remains of the *De Sumptu Suo* calls attention to post-performance writing practices centered on the *tabula*, a specific writing material, rectangular in shape, often made of smoothed-out wood coated with wax onto which words were inscribed with a stylus.

In her study on *tabulae* in the Roman world, Elizabeth Meyer uses the fragment of the *De Sumptu Suo* as one of the many testimonies that attest to their pivotal sociocultural significance.\(^{26}\) By relying on her finds, she resists the association between *tabulae* and elementary instruction that is generally assumed on the basis of their erasability and the numerous depictions of schoolboys handling them. Likewise, she opposes the widespread impression that they were meant for rough drafting only because

\(^{26}\) Meyer 2004: 89.
they often feature in the hands of scribes and poets. In turn, Meyer argues that in the Roman world *tabulae* were connected “with acts that order the state and the household; they observe no clear distinction between public and private; they are not temporary jottings, but authoritative and final embodiments of the new reality that they help to create.”

Accordingly, she turns to the role played by this writing medium in the creation of *temppla*, areas marked off and rendered sacred for the performance of the augurs’ activities; she also notes that on them treaties, laws, and plebiscites were recorded as well as public contracts, expenses, and income. Surveyors’ maps were drawn on *tabulae* as well and they were also central to the taking of the census and the compilation of censorial lists. And just as land, people, and official decisions were reported on *tabulae*, so too political achievements and noteworthy events were written on them by the *pontifex maximus*. But, as Meyer remarks, *tabulae* were not only bound to the public and religious sphere; they also extended into the private, blurring the divide between the civic and the domestic. Not only did magistrates keep *tabulae* relating to their offices in a special area of the house called the *tablinium*, but financial matters concerning the management of the household were also recorded on them by private citizens.

Though ranging over a wide period of time, the evidence compiled by Meyer clarifies that writing and reading activities revolving around *tabulae* were integrated in sociocosmologically loaded actions performed on behalf of the State and during religious events from a fairly ancient time. The *carmen*-like organization that typifies the words inscribed on them gives further substance to the fact that writing on and reading from *tabulae* were ritualized activities. But because *tabulae* were redeployed beyond specific rites, they also impacted on everyday life and social subjectivities by providing a general model of action and by defining respectable Roman citizens.

Although Nepos asserts that Cato began to put together (*confecit*) speeches in his adolescence, the oldest surviving oratorical fragment attributed to Cato goes back to 195 B.C.E., the year of his consulship. This fact does not necessarily mean that he had not developed an interest in writing before then, but it may indicate that it was during this time that he began to textualize his speeches more systematically. If so, Cato perceived his oratorical performances as one of the ways in which he exer-

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28. For a discussion of ritualized reading, see Valette-Cagnac 1997.
cised his political prerogatives and responsibilities; at the same time, he understood their written objectifications as a means for drawing on them the same “aura” of authority that characterized other types of officially recorded business. Accordingly, Cato acted on the lived prestige order that he shared with his aristocratic peers and benefited from a keen sense of his place within the structure of power relations: lacking the support of a familial history of high political achievements, he transcribed his speeches to maximize his embodied assertions of auctoritas. What this mean is that he looked to publication as well. Critics have dealt with this matter by perusing later testimonies.\footnote{In the De Senectute 38 Cicero suggests that in the latter years of his life, Cato worked intensively on putting his speeches together (conficere) with, perhaps, the implied aim of publishing them. The De Sumptu Suo indicates that he did not wait that long and that he kept his transcriptions for the use and consumption of those who lived in his house. If so, he would have followed the example briefly mentioned (and scorned) by Cicero in Brutus 62 relating to the preservation of the funeral orations. For a compelling discussion of these testimonies, see Calboli 2003: 6–7 and note 5.} I believe that more can be gained from plumbing the specific frameworks that Cato deployed and the path of reception that he envisioned for his writings by following up on the link between social performance and transcription on tabulae conjured up in the De Sumptu Suo.

The Censorial Scenario and Its Impact on Cato’s Understanding of Prose Writing

In his Politics of Latin Literature, Habinek argues that the shift from laudare to existimare that takes place in the Preface to the De Agricultura evokes evaluative songs performed at elite convivia and supplants them with a form of assessment that draws on the sphere of economics.\footnote{Habinek 1998a: 46–50.} Though highly fragmentary, what remains of the Preface to the Origines adds to the economic meaning of existimare and provides some important clues about the relationship between Cato’s prose writing and the ancestral convivial scenario that in the Preface to the De Agricultura is only indirectly evoked.

In the last few decades the Preface to the Origines has undergone a major philological makeover. In 1988 Luca Cardinali went back to its opening fragment and argued that homines is a gloss, which, added by later grammarians, was meant to explain the rare and archaic form of ques. Thus, he elided the word and called attention to the presence of a spondaic hexameter:
Sí ques [hominis] súnt quos délectát populí Románi gesta discribere.33

If there are men for whom to describe the deeds of the Roman people is pleasing.

While unearthing the fountainhead of those idiosyncratic hexameters that we find in the opening of later historiographical works, Cardinali’s intervention has also opened up new interpretative possibilities.34 In a way, we can say that the line alludes in form to Ennius’ Annales and pits historiography against epic by focusing on the “deeds of the Roman people” rather than those of its leaders.35 But if we take into account the different social constraints and possibilities that loomed over Cato and Ennius with regard to their ability to exercise agency, the object of this allusion is to supersede Ennius’ epic and preclude poetic meddling in the construction of elite memories. The musical and sociopolitical meanings covered by discribere make this move conspicuous and allow us to grapple with the specificity of Cato’s approach to writing.36

Within the musical sphere discribere denotes the act of matching words to a musical scale;37 within the sociopolitical sphere this verb relates to the act of hierarchically organizing people, land, and the like performed by a person enjoying auctoritas.38 In two other fragments of the Preface

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33. Pompeius, Ad Donatum GL 5.208, 13 ff = Cato, Orig. 1.1 C&Sbl.
34. Sallust, Jug. 5 (bellum scripturus sum quod populus Romanus); Livy, 1.1 (facturusque operae pretium sim); Tacitus, Ann. 1.1 (Urbem Romam a principio reges habuere). Cugusi (1994: 265–66), Sbendorio Cugusi and Cugusi (1996: 146–70) reject Cardinali’s reading by claiming that the presence of homines in other places of the Catonian corpus supports its retention in this context. Though seemingly circular (whereby we would be reading our experience of later historians back into Cato), Cardinali’s argument is reinforced by examples of si ques or si quis closer in time to Cato (see, the Senatus consultum de Bacchanalibus in the phrase sei ques esent qui sibi deicerent necese ese Bacanal habere and in proemial contexts in Terence, Phorm. 12 and Eun. 4). See also discussion in Churchill (1995).
35. This is the line of interpretation taken by Conte (1986: 78–79) when considering hexametrical patterns in the prose of later historians (Tacitus especially). For the shift in focus from Ennius’ epic, see Goldberg 1995: 28.
36. For a detailed analysis of discribere in the Origines and its manifestation at the level of structure, see Sciaranno 2004a.
37. In Tusculan Disputations 4.3 Cicero corrects the belief concerning Numa’s encounter with Pythagoras by comparing the Pythagorean and the Roman song traditions. As he takes for granted the exclusivity of both, he also stresses the musical nature of the convivium by reporting Cato’s invocation of ancestral practices in the Origines. Finally, he draws the conclusion that both cantus and carmina were produced in tune to a musical scale. To denote the act of matching words to a musical scale, he adopts the verb discribere. In his famous discussion about the beginning of Roman drama, Livy (7.2.7) uses the verb discribere in the same manner, and he does so to indicate the production of verbal utterances matched to the sound of the flute.
38. See Nicolet 1991: 174; for narratives about the census featuring discribere, see Livy 1.43; Cicero, De Rep. 2.39; Florus 1.6.3.
Cato builds upon each of these meanings. The first has been recently returned to the Preface and reads as follows:

gravissimus auctor in Originibus dixit Cato morem apud maiores hunc epularum fuisse, ut deinceps, qui accubarent, canerent ad tibiam clarorum virorum laudes atque virtutes.\textsuperscript{39}

That most sober author Cato said in the \textit{Origines} that there was the following custom during banquets among the ancestors: those who were reclining would sing in turn to the sound of the pipe the praises and the manly deeds of famous men.

In this fragment we find Cato invoking the convivial scenario in order to construct a particular scene. First, this scene features a select group of people associated with the ancestral realm; second, these people gather at a \textit{convivium}; third, they recline and sing taking turns; fourth, their songs are about the praises and manly deeds of \textit{clari viri}. Through this scene, Cato builds upon the musical meaning of \textit{discribere} by defining a type of song that reinforces in-group relations and asserts the singers’ independence from the materiality of texts or the skills of ‘others.’ Moreover, this scene allows Cato to illustrate that perceptual distinctiveness or \textit{claritas} is derived from individual achievements.\textsuperscript{40} Objectified in song, these achievements undergo an evaluation process that fosters in-group cohesion. In another fragment, Cato adds to it by elaborating on the sociopolitical meaning of \textit{discribere}:

Etenim M. Catonis illud quod in principio scripsit Originum suarum, semper magnificum et praeclarum putavi, clarorum hominum atque mag-norum non minus otii quam negotii rationem exstare oportet.\textsuperscript{41}

Indeed I always deemed magnificent and outstanding what Cato wrote at the beginning of his \textit{Origines}, that no less an account of leisure time than of work time of famous and great men ought to remain.

\textsuperscript{39} Cicero, \textit{TD}. 4.3 = Cato, \textit{Orig}. 1.4 C&Sbl.

\textsuperscript{40} For a discussion of \textit{claritas} as perceptual distinctiveness either auditory or visual and its difference from \textit{gloria} as related to the lessening of someone else, see Habinek 2000: 269–70. For an account of Cicero’s understanding of \textit{gloria}, see Mazzoli 2004.

\textsuperscript{41} Cicero, \textit{Pro Planc.} 66 = Cato, \textit{Orig}. 1.2 C&Sbl. Imitated with variations by Cicero, \textit{Ad Att.} 5.20.9; Symmachus, \textit{Epist}. 1.1.2; Ennodius, \textit{Carm}. 1.9.3; Columella, \textit{RR} 2.21.1.
Scholars have long focused on this fragment for two reasons: first, because it appears to echo the opening of Xenophon’s *Symposium*; and, second, because it is one of the earliest occurrences of the word *otium*. Across the board, the fragment is understood as representing Cato’s engagement with literature and as embodying a moral admonition concerning the responsibility to make a use of leisure time which stands up to scrutiny. What has gone unnoticed is that this fragment expands on the link of *discrībere* with the censorial sphere through the mentioning of *rationes* and looks to the pivotal role that writing and writings played in the hierarchical organization achieved by the census. Accordingly, to gauge the nuances of this further expansion we need to shift our focus to the censorial ceremony. For our purposes, it is not important to determine the exact way in which the census was taken at the time, but to identify the embodied frameworks that informed its scenario. A good way to go about it is to engage with visual enactments of it.

The elements that made up a censorial ceremony are most clearly illustrated by a highly debated archeological document known as the “altar frieze of Domitius Ahenobarbus” and located in the Louvre (Louvre inv. 975) (Fig. 5.1). According to the reading of Mario Torelli, the relief needs to be read from left to right starting from the figure of a *togatus* writing on a *tabula* with another set of six lying at his feet (Ara 1). Another *togatus* stands before the first figure and holds other *tabulae* in his left hand while stretching his right hand towards the seated figure (Ara 2). A third *togatus* (Ara 3) sits on a *sella* and, while looking back at a fourth *togatus* (Ara 4), he places his left hand on the right shoulder of the fourth. The latter (Ara 4), in turn, points his forefinger to the scene following from that. For Torelli, the first two figures (Ara 1 and 2) are made to represent the first ceremony of the census, namely, the *professio*. The first figure (Ara 1) represents the *iurator* who registers the relevant informa-

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42. Cato’s dependence on Xenophon, *Symp*. 1.1 has been doubted by few (see Barwick 1948: 128 note 2; Garbarino 1973: 339). Cf. Letta 1984: 12 note 53. A close comparison between the two passages suggests that it is Cicero who embeds the citation from Cato into a structure that resembles Xenophon’s passage. Accordingly, in the context of the *Pro Plancio*, Cicero may aim to cite two authorities at once.


44. The bibliography on the censorship is vast; places to start include Mommsen 1874: ii. 331–415; Greenidge 1911: 216–33; Suolahti 1963; Wiseman 1969; Nicolet 1980: 48–88; for a convenient collection of sources, see Calderini 1944.

tion on the tabula censoria that he holds, while the second (Ara 2) carries another tabula to be associated with the codex accepti et expensi, which contained personal data and the list of property. On one level, the scene dramatizes the shift of information from the codex accepti et expensi produced by the pater familias to the tabula censoria that took place during the ceremony; on another level, the stretched hand of the second figure represents the performance of the citizen’s oath (iusiurandum). As the sources suggest, the transfer of information is generally indicated by the verbs dedicare or deferre while the acceptance of the declaration according to formalized questions arranged in a formula census and established by the censor is usually marked by the verbs accipere or deferre. The third and fourth figures (Ara 3 and 4) are represented while performing the act of discriptio; seated on the sella is the censor in person who, by placing his right hand on the shoulder of the fourth standing figure, performs his power (potestas) to assign each citizen to a specific class. In turn, the fourth figure (Ara 4) points to the marshaled army to indicate the classis to which he has been assigned and towards which he is supposed to move. Continuing to the right, we see four infantry men in matching equipment and a horseman with his back turned towards the viewer, symbolizing the class of equites (Ara 5–9). The rest of the relief stages the lustratio, the religious purification that the censor together with his acolytes performed and that culminated in the sacrificial immolation of a bull, a sheep, and a pig, the suovitaurilia. In the relief the scene specifically relates to the end of the hostiae incruentae, the bloodless offerings and the leading of the sacrificial animals to the altar.

46. On the formula census and the verbs used to indicate the transfer of information performed during the declaration, see Suolahti 1963: 37–39.

47. Some of the visual details do not match with exactitude what we learn from the
Taken as a whole, the alignment of the human figures, the way they are dressed, the objects that they handle, and the actions that they perform are organized according to a scenario that promotes the inseparable relationship between the census and the lustratio together with the socio-cosmological hierarchies that the entire ceremony reacknowledged and reestablished. While signaling the different places in which the census and the lustratio took place, the representation of these two ritualized moments on the relief are paratactically related and point to the effects on reality that the censorial ceremony as a whole achieved. Accordingly, the “altar frieze of Domitius Ahenobarbus” does not represent the censorial ceremony with documentary exactitude; rather, it reactivates its scenario. In this scenario the tabulae produced by the pater familias at home and those on which the iurator writes evoke a series of patterned words and actions that identified individual male citizens and the members of their households in a hierarchical nexus of human and divine relations.

Interestingly, the crucial role played by writing and writings in the censorial scenario finds corroboration in the way Ann Kuttner has gone about interpreting a rectangular bronze cist identified as V(illa) G(iulia) 13 133 (Fig. 5.2). Recovered in 1866 from a tomb in the Columbella Necropolis at Praeneste, the cist passed into the Barberini Collection until finding its final location in the Museo Etrusco di Villa Giulia in Rome. By using the census relief from the “altar of Domitius Ahenobarbus” as a guide, Kuttner finds that VG 13 133 deploys the same expository visual tradition.
Pivotal to Kuttner’s interpretation of the cist is the identification of a seated *togatus* at the farthest left (VG 1) as a figure performing the *iurator’s* role. Leaning against a rise in the ground culminating with a plant growing upon it, the seated *togatus* holds a large *tabula.* Next to him, another *togatus* (VG 2) stands in very close physical proximity; his body is almost frontal to the viewer and extends a hand right over the tablet. A third *togatus* (VG 3) stands frontally with his body slightly twisted towards a fourth figure (VG 4), representing an approaching *eques* with his hat or helmet off his head. This *togatus* (VG 3) looks directly at the *eques* (VG 4); at the same time, he stretches his hand over the second *togatus* (VG 2) who, in turn, “leans over VG 1 as they check and/or enter this *eques’* name in the records.”

If Kuttner is correct, the representation on the Praenestine cist constitutes the earliest visual representation of the Latin census of military classes featuring a written registration of citizens lists. Moreover, it adds to the images and narratives that describe writing practices in the fourth and third century B.C.E. in Etruria and Latium.

What interests us here is that the representation on the Praenestine cist does not present the *codex accepti et expensi*, the accounting-book that in the relief from the “altar of Domitius Ahenobarbus” the second *togatus* (Ara 2) holds in his hands. The scholarly discussion over this sort of writing tends to center on its legal force and its distinction from the *liber patrimonii* or *libellus familiae*, which contained the *pater familias’* inventory of his property, and the *codex rationum*, the *pater familias’* account book with receipts and expenses. Unlike these two types of financial books, the *codex accepti et expensi* was not meant merely to give evidence but affected alterations in the person’s property.

As such, that a citizen would carry the *codex accepti et expensi* to the censorial ceremony makes absolute sense and the discrepancy that exists between the two visual repre-
sentations may relate to the fact that in the third century B.C.E. the practice of producing financial accounts in writing was not yet fully developed or, perhaps, better still, that not every Roman citizen engaged in it.\textsuperscript{54}

The earliest allusions to the censorial ceremony in the literary corpus are in Plautus and they all focus on the sworn declaration made by the citizen to the \textit{iurator}. This declaration is termed \textit{ratio} and appears in combination with \textit{dare}, \textit{reddere}, \textit{referre} (with a focus on the citizen) and \textit{accipere} (with a focus on the \textit{iurator}).\textsuperscript{55} Moreover, in the summoning of the citizens from the \textit{tabulae censoriae} that Varro quotes in his \textit{De Lingua Latina} we read in the final lines:

\begin{quote}
Omnes Quirites pedites armatos, privatosque, curatores omnium tribuum, si quis pro se sive pro altero rationem dare volet, vocato illicium huc ad me.\textsuperscript{56}
\end{quote}

Call here to me all the Roman citizen soldiers under arms (or armed) and private citizens as spokesmen of all the tribes, if anyone wishes to give an account for himself or for another person.

This latter testimony suggests that \textit{ratio} more specifically refers to the financial account encoded in the sworn declaration; however, together with the evidence in Plautus it leaves unclear whether this declaration was based on the \textit{codex} or the \textit{tabulae accepti et expensi} produced at home and whether the written account was presented to the \textit{iurator}.\textsuperscript{57} In this respect, Cato’s injunction that “no less an account (\textit{ratio}) of leisure time than of work time of famous and great men ought to remain (\textit{exstare})” is noteworthy for it evokes not only the sworn declaration performed at the censorial ceremony, but also its durable and, therefore, written existence through the choice of \textit{exstare}. Accordingly, we may say that in the Preface to the \textit{Origines} Cato calls into play the power of the sworn declaration in effecting the standing of a Roman citizen and equates self-produced texts objectifying the social performances of \textit{viri clari} to the act of entering economic information in the \textit{codex} or \textit{tabulae accepti et expensi}.\textsuperscript{58}

\footnotesize
\begin{itemize}
\item 54. Malherbe 2005: 261; Thilo 1980: 188–89.
\item 55. Plautus, \textit{Trin.} 876–78; \textit{Poen.} 55–57 (cited by Calderini 1944: 3); but see also, Plautus, \textit{Truc.} 36 (\textit{rationes accipere}); \textit{Aul.} 6 (\textit{rationem reddere}); \textit{Trin.} 114: (\textit{rationem referre}).
\item 56. Varro, \textit{LL} 6.86.
\item 57. It would seem that in Cicero the term \textit{codex} and \textit{tabulae} are used as synonyms, see Malherbe 2005: 263.
\item 58. For a discussion of how the listing that typifies a censorial \textit{ratio} informs the catalogue-like structuring of the first three books of the \textit{Origines}, see Sciarrino 2004a: 343–47. For an
\end{itemize}

by mapping the circulation of these writings onto the ancestral convivial scenario, he constructs for them the same function and exclusivity that, according to him, the convivial songs used to fulfill.

The intersection between the convivial and the censorial scenarios that informs the opening passages of the *Origines* forces us to radically readjust the current understanding of a fragment supposedly located at the beginning of Book 4 and identified as part of the so-called Second Preface:

Non lubet scribere quod in tabula apud pontificem maximum est, quotiens annona cara, quotiens lunae aut solis lumine caligo aut quid obstiterit.\(^{59}\)

Writing what is on the table at the public home of the *pontifex maximus* is not pleasing, namely, how often there was a crisis in grain prices, how many times we had an eclipse of the moon or the sun or something hindered it.

According to Catonian scholars, this fragment disrupts the texture of the *Origines* by adding narrative items starting from 270 B.C.E. It is generally assumed that by distancing himself from the astronomic and economic information fixed in the *tabula apud pontificem* Cato rejected the pontifical way of compiling information and, by extension, refused the aristocratic matrix underpinning the annalistic tradition in Greek (Fabius Pictor, Cincius Alimentus). While the relationship between the Roman annalistic tradition in Greek and the pontifical *tabula* is still an object of controversy, Cato is nowhere here pointing to annalistic works as such.\(^{60}\)

More fruitful, on the other hand, is to recognize that at this time the pontifical *tabula* offered a privileged organizational framework and constituted a source of legitimation for other forms of writing. These include the *Fasti* that Fulvius Nobilior displayed in the Aedes Herculis Musarum and Ennius’ *Annales*.\(^{61}\) Accordingly, Cato here discards as important the information recorded on the pontifical *tabula* while simultaneously invoking the writing activities of the *pontifex maximus* in order to construct ancient description of the *Origines* that stresses this structuring, see Nepos, *Cato* 3.2–4.

\(^{59}\) Gellius 2.28.6 = Cato, *Orig.* 4. 81 C&Sbl.

\(^{60}\) Cf. discussion in Sblendorio Cugusi and Cugusi 1996: 137–39, but see also Cugusi and Sblendorio Cugusi 2001: 1.48–52. According to these two scholars, Cato changed his style after meeting Polybius. The best discussion of the *tabula* and its relation to the annalistic tradition remains Frier 1799: 69–135; however, Rüpke 1993 is a must-read for the study of the *Annales Maximi* as forgery.

\(^{61}\) On the use of the pontifical *tabula* as a locus of legitimation for Ennius’ *Annales* and Fulvius Nobilior’s fasti in the *aedes Herculis Musarum*, see Gotter 2003; for the connection between the two, see Rüpke 2006.
a privileged contrast for his own. While falling within the same elite rubric, Cato’s transcribing activities expand on a series of practices that, by linking household management and sociocosmological hierarchies, were reacknowledged and reestablished by the censorial ceremony. In turn, he envisioned for his own writings a path of reception plotted on the exclusiveness of the ancestral convivial scenario. As such, what needs to be assessed next is how the intersection between the censorial and the convivial scenarios that informs Cato’s prose writing is played out within its immediate sociocultural horizon.

The ‘Trials’ of the Scipios Reconsidered

Publius Cornelius Scipio Africanus and his brother, Lucius Cornelius Scipio Asiagenus, are famous not only for their outstanding record of victories, but also for the ‘trials’ that they underwent in the 180s. Although the sources offer different representations of these trials, they all agree that, at a certain point, Africanus was asked to offer an oral declaration of how, together with his brother, he had handled the money captured or extorted from Antiochus. Rather than comply with the request, Africanus had someone fetch his accounting-book. Once he had the book in his hands, he destroyed it, leaving those present at a complete loss.

Critics have long been wrestling with the legal and constitutional aspects underpinning the accusations, offering important insights into the pressures imposed by military successes in relation to the increasing number of requests made by victorious generals for triumphal honors and the procedures regulating the distribution of booty. Yet, little attention has been paid to the social meaning inherent in Africanus’ destruction of the accounting-book. According to Livy, Cato played a key role by standing behind the tribunes Petili. While scholars tend to use Livy to emphasize or undermine the animosity between the two, I suggest that Africanus’ behavior provides us with important clues about Cato’s understanding of prose writing.

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63. Livy 38.54.3; 38.55.7–13.
64. For various interpretations of the animosity (alleged or not) between Cato and Africanus, see Churchill 1995: 105 and note 47; Cugusi 1994: 267–72; Gruen 1992: 73; Astin 1978: 60–64; 71–73. Sblendorio Cugusi and Cugusi (1996: 95) suggest a resolution of Cato’s antagonist position in later years by reflecting on the fact that Cato became the father-in-law of Aemilius Paullus’ daughter, who was also P. Cornelius Scipio Aemilianus’ sister.
In Livy the episode concerning the ‘trials’ of the Scipios is embedded in a larger attempt to coherently narrate Africanus’ life, an attempt that is constantly foiled by an excess of records and a multiplication of monuments that are flawed. As Mary Jaeger points out, the closer we get to the end of Africanus’ life, the worse the situation gets. Starting from a request to render a fiscal account, the description of Africanus’ last days does nothing more than underline the narrator’s difficulty in rendering an historical account from the profusion and confusion of sources and monuments. Accordingly, Livy points to Africanus’ performance at the ‘trials’ as the fountainhead of his unsettled narrative; at the same time, he ends up narrating the events only in Africanus’ own terms. Livy introduces the moments that interest us here by way of evaluating his sources: he reports the sum of gold and silver at issue in Asiagenus’ case by following the testimony of Valerius Antias. Soon enough, however, he detects a problem and excuses Antias’ report by accusing the scribe (librarius) and shifting the focus to Africanus’ actions leading up to the destruction of the accounting-book.

The other sources seem to agree with Livy about the sequence of events. The accusers ask Africanus to give an oral account (ratiol λόγος). Africanus refuses to do so and destroys the accounting-book (ratiol liber ολογισμός/βυβλίον) that he has with him or asks the brother to fetch. The book records in writing income and expenses (acceptae et expensae summae), according to Valerius Maximus (3.7.1d), all the money and goods derived from the booty (omnis pecuniae omnisque praedae), according to Aulus Gellius 4.18. The diverse ways in which each author represents the events betray the logic that stood behind Africanus’ behavior. So Polybius reports:

He said that he had the balance sheet (ολογισμός) but he did not have to submit an account (λόγος) to anybody. When the senator in question pressed his demand and ordered him to bring it, Africanus asked his brother to retrieve it. Once the book (βυβλίο) was brought to him, he held it out and tore it to pieces as everyone was watching, saying to the man who had asked for it, to search for the account (λόγος) among the pieces. To the others he asked why they were asking for an account (λόγος) of how and by whom the three thousand talents had been spent, whereas they had not inquired how and by whom the fifteen thousand talents they were receiving from Antiochus were coming into the treasury.

According to Polybius, the Scipios were asked to justify the ways in which they had used the economic gains derived from their victories in the East before an audience composed of members of the ruling elite. Polybius’s account suggests that for Africanus the request signifies the audience’s failure to recognize the achievements of the two brothers and the benefits that both had accrued for the commonwealth. While refusing to declare the ways in which the business had been handled (λόγος), he asserts the existence of writings bearing economic transactions (λογισμός). For Africanus, however, when compared to the absolute value of their achievements, the two reports are equally faulty. Consequently, he distinguishes between oral and written accounts only to equate them by refusing to offer an oral account, first, and by destroying the written record, afterwards. Through this double move, he makes manifest that to account orally for the inner workings of his and his brother’s success under the coercive conditions created by his peers is equivalent to measuring his family’s excellence on a balance sheet. After destroying the written record, Africanus invites the senator interested in his declaration (λόγος) to physically kneel down and extrapolate it from the pieces of the written record scattered on the floor. Finally, he reinforces his point in words by providing the numeric figure of the brothers’ contribution to the commonwealth. Moreover, he asks the members of the audience to name the authors of such a contribution and the ways in which they themselves had achieved supremacy over a large territory. Africanus’ strategy of shaming turns out to be successful. Not only does he silence all, but he also leaves everybody present with the same knowledge that everybody else will always have, that is, the intangible memory of what sustained Rome’s supremacy in the East and the inestimable prestige of the Scipios.

Valerius Maximus offers further grounds for interpreting the social meaning of Africanus’ gesture when he reports the following:

cum a L. Scipione ex Antiochensi pecunia sestertii quadragies ratio in curia reposceretur, prolatum ab eo librum, quo acceptae et expensae summae containebantur et refelli inimicorum accusatio poterat, discerpsit, indignatus de ea re dubitari, quae sub ipso legato administrata fuerat. Quin etiam in hunc modum egit: "non reddo, patres conscripti, aerario vestro

When in the Senate L. Scipio was asked for an account of four million sesterces out of the money of Antiochus, Africanus tore into pieces the book that he had brought. The book recorded income and expenses and with it he could have countered the accusation of his enemies. He felt offended that there could be doubt about the matter that he himself had managed as a legate. Moreover, he pressed forward in this manner: “Senators, I will not give the account of four million sesterces to your treasury acting as a minister to someone else’s power since under my command and auspices I enriched it with two hundred million sesterces.”

In Valerius Maximus’ version Africanus’ performance is staged in the Senate house. The declaration requested is called ratio and the object that contains the economic figures is called liber. The words that accompany Africanus’ destruction of the liber call attention to the fact that this is not simply a balance sheet, but a valuable object as well. By comparing the accounting-book with the monetary contribution that he has made to the public treasury, Africanus underscores its sociocosmological value and the sacrifice that he has to make to save the honor of his family. Indeed, his words make clear that for Africanus to disclose the content embodied in the text or to hand the text over to the treasury under the coercive circumstances established by his peers would mean to stoop to the level of a minister alieni imperii. Aulus Gellius corroborates this reading.

Aulus Gellius uses the expression rationem reddere to describe the request made to Africanus. Afterwards, he represents Africanus responding as follows:

Illatum, ut palam recitaretur et ad aerarium deferretur, “sed enim id iam non faciam” inquit “ne me ipse afficiam contumelia” eumque librum statim coram discidit suis manibus et concerpsit.

Before everybody he tore the book with his own hands and ripped it, after it had been brought forth so that it might be read publicly and turned over to the public treasury and said: “and yet I will not do it so that I may not cause an offense to myself.”

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68. Valarius Maximus 3.7.1d.
69. Gellius 4.18.11
In this passage, the written account is once again supposed to be handed over to the public treasury and its destruction is represented as a defensive ploy against a self-inflicted offense. In turn, the written record is introduced with the expectation that it will be read out. This detail suggests that Africanus’ destructive gesture is also motivated by the possibility that he may be asked to justify the information read aloud. Cato in the *De Agricultura* helps us see how this would add up to a loss in *auctoritas*.

In section 2.1–10 Cato enumerates the duties of the *pater familias* at his arrival at the farm. He is supposed to check the condition of the land, what work has been completed, and what is yet to be done; moreover, he is supposed to summon the overseer and ask him about the general state of business. After that the *pater familias* must produce an account, a *ratio* (*inire rationem*) and confront the overseer. If the overseer should offer excuses that do not coincide with the master’s account, the master should counter the overseer in the following manner:

> Ad rationem operum operarumque vilicum revoca.\(^{70}\)

Make the overseer turn back to the account of workers and works done.

In this instance of household management, to produce an account (*ratio*) is an act marking the *auctoritas* that the *pater familias* exercises over his extended household; to justify the state of business against the account produced by the *pater familias*, on the other hand, marks the lesser status of the overseer. This is what Africanus sees looming over the request of his peers for a declaration and what he averts by withholding the oral report and by destroying the written record. Interestingly, the scenario underlying our narratives has unexpected effects on Cato’s construction of prose writing.

As I mentioned above, in the Preface to the *Origines* Cato asserts: “*clarorum hominum atque magnorum non minus otii quam negotii rationem exstare oportet.*” In previous years, Catonian scholars have differentiated between the expressions *rationem exstare* and *rationem reddere*: while the first phrase would allude to the durable existence of an account, in the second, the verb *reddere* would describe the act of providing it.\(^{71}\) This interpretation addresses a conceptually important differentiation but

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70. Cato, *De Agr.* 2.2.

71. Till 1940: 170 note 28. Cf. also Schröder 1971: 53. Letta 1984: 27 note 138 acknowledges the differentiation but interprets it as a reference to the necessity of documenting the *otium* of *clari viri*, with the exclusion of Cato himself.
does not engage with the cultural and contextual meaning underpinning both expressions. In the Latin versions of the Scipios’ ‘trials’ *reddere* is the verb used to express the request for a declaration and the act of turning over the accounting-book to the public treasury. In light of this, Cato’s choice of *estare* is rather odd but makes sense if viewed in relation to Africanus’ destruction of the accounting-book.

In her book, *La raison de Rome*, Claudia Moatti identifies a relationship between Cato’s fragment and Africanus’ behavior at the ‘trials’ for what it says regarding the development of the *redditio rationis*. Performed by magistrates, this practice was meant to fight the corporate mentality of the Roman *nobles* and their monopoly over knowledge.  

What my analysis makes clear is that the *redditio rationis* was constructed by redeploying the sworn declaration (*ratio*) performed at the censorial ceremony and the registration of economic information on *tabulae*-like materials (*codex, liber, tabulae, rationes*) that magistrates already performed. On the other hand, the senatorial context within which the episode concerning Africanus is staged implies that the *redditio rationis* played off a privileged contrast with the census since the social agents involved belonged exclusively to the upper crust of Roman society. But read against what we find in the *De Agricultura* about the relationship of power established by a *ratio*, the episode also highlights that to be asked to provide a declaration and to justify it against a written account inevitably diminished, however temporarily, the *auctoritas* of the responding party.

In the *Origines* Cato redresses what Africanus was unwilling to bear by engaging in transcription and by displacing the coercive conditions that had triggered Africanus’ response. In the mid-nineties, Paolo Cugusi argued for the inclusion of yet another fragment in its Preface:

> P. Scipionem . . . qui primus Africanus appellatus est dicere solitum scripsit
> Cato . . . numquam se minus otiosum, quam cum otiosus, nec minus solum, quam cum solus esset.”

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73. Cicero, *De Off.* 3.1 = Cato, Orig. 1.3* C&Sbl; cf. also Cicero, *De Rep.* 1.27. Cugusi 1994: 267–68. For further references to ancient loci and discussions, see Cugusi and Sbendorio Cugusi 2001: 2. 290–93. See also Astin 1978: 221 and note 32. The passage had been already attributed to the Preface by Krause 1831: 98; Wagener 1849: 16; Bormann 1858: 29–30; Roth 1853: 268. Cf. also discussion in Sbendorio Cugusi and Cugusi 1996: 146. Standing in the way of Cugusi’s intervention are two enduring arguments. The first concerns the legendary animosity between Cato and Africanus; the second relates to the suppression of names in the *Origines* as a whole. For a reassessment of this feature, see Sciarriono 2004a: 352–54.
Cato wrote that P. Scipio, who was the first to be called Africanus, used to say that he was never less in leisure than when in leisure nor less lonely than when alone.

Derived from Cicero’s last philosophical work, the *De Officiis*, the fragment opens up the third book and serves as a foil for a general reflection on Cicero’s own writing activities in and around 44 B.C.E. In this context, Cicero explains that with this *dictum* Africanus meant that when he was not engaged in public affairs (*negotia*), he used to reflect upon them (*de negotiis cogitare*) by solitarily conversing with himself (*secum loqui*). As opposed to Africanus, Cicero represents his *otium* and *solitudo* as the outcome of his disengagement from public affairs (*inopia negotii*), a disengagement derived from the political turmoil that—he argues—had brought on the death of the Senate and the destruction of justice. As such, his *otium* is not an expression of will (*voluntas*) but what necessity demands (*necessitas*). Later on, he adds:

> Quamquam Africanus maiorem laudem meo iudicio assequabatur. Nulla enim eius ingenii monumenta mandata litteris, nullum opus otii, nullum solitudinis munus exstat; ex quo intellegi debet illum mentis agitatione investigationeque earum rerum quas cogitando consequabatur nec otiosum nec solum umquam fuisses.  

And yet, in my judgment, Africanus gained a higher praise. For no memorials of his mind have been preserved in writing, no work produced in his leisure hours, no fruit of his solitude exists; from this we may infer that because of the activity of his mind and the study of those issues to which he used to direct his thought, he was never in leisure nor lonely.

The passage confirms that Africanus not only destroyed the accounting-book in question, but that he also refrained from producing any sort of writing objectifying his outstanding life performances. From Cicero’s point of view, the fact that Africanus chose to do so attests to the gap that exists between his necessary *otium* and Africanus’ willing *otium*. Unlike Cicero, Africanus could count on such an aristocratic pedigree and so many outstanding political and military successes that, by constituting a *monumentum* in themselves, they allowed him to dispense with writing altogether. The allusion to Africanus’ *dictum* in the *Pro Plancio*, a speech

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74. Cicero, *De Off.* 3.1.4.
performed by Cicero ten years before and a few years after his return from exile, provides further ground for interpretation:

Nam postea quam sensi populi Romani auris hebetiores, oculos autem esse acris atque acutos, destiti quid de me audituri essent homines cogitare; feci ut postea cotidie praesentem me viderent, habitavi in oculis, pressi forum; neminem a congressu meo neque ianitor meus neque somnus absterruit. ecquid ego dicam de occupatis meis temporibus, cui fuerit ne otium quidem umquam otiosum? nam quas tu commemoras, Cassi, legere te solere orationes, cum otiosus sis, has ego scripsi ludis et feriis, ne omnino umquam essem otiosus. etenim M. Catonis illud quod in principio scripsit Originum suarum semper magnificum et praeclarum putavi, “clarorum uiorum atque magnorum non minus oti quam negoti rationem exstare oportere.” itaque si quam habeo laudem, quae quanta sit nescio, parta Romae est, quaesita in foro; meaque privata consilia publici quoque casus comprobaverunt, ut etiam summa res publica mihi domi fuerit gerend a et urbs in urbe servanda. eadem igitur, Cassi, via munita Laterensi est, idem virtuti cursus ad gloriam, hoc facilior fortasse quod ego hue a me ortus et per me nixus ascend i, istius egregia virtus adiu vabitur commendatione maiorum.  

For after I learned from this that the people of Rome had deaf ears, but very sharp and active eyes, I gave up listening to what men would say about me. Yet I took care that they should see me in their presence every day: I lived in their sight; I stuck to the forum; neither my porter nor even sleep was allowed to prevent anyone from having access to me. And what should I say about my time which was devoted to business, when even in my leisure time I was never at leisure? For the very orations which you say, O Cassius, that you are in the habit of reading when you are at leisure, I wrote on days of festival and on holidays, so that I never was at leisure at all. Indeed I always deemed magnificent and outstanding what Cato wrote at the beginning of his Origines, that “no less an account of leisure time than of work time of famous and great men ought to remain.” And, therefore, if I have any praise, how great that is I don’t know, but it has all been acquired at Rome and earned in the forum. And public events have sanctioned my private counsels in such a way that even at home I have had to attend to the general interests of the republic, and to preserve the city while in the city. The same road, Cassius, is open to Laterensis, the same path by virtue to glory. And it will be the easier for him perhaps on this account that I have

reached this point without having any family backing me and relying solely on myself; but his admirable virtues will be assisted by the recommendation that the virtues of his ancestors supply him with.

Here Cicero alludes indirectly to Africanus’ dictum to describe his politically engaged otium and cites Cato’s words from the Origines to qualify his writing activities. The speeches that he textualized during his time away from business had allowed him to be visually present during his exile and, now, provide him with a means for trying to recapture the power of his consular voice. To that effect, he turns to Cassius and reminds him of his habit of reading his speeches during his time off. In turn, the comparison between his own novitas and the aristocratic background of Laterensis confirms that for Cicero writing represented an alternative route for fashioning his aristocratic self and for keeping at bay the upheavals of his political career. In relation to Cato’s Origines, however, the passage acquires importance by corroborating Cugusì’s philological insertion of Africanus’ dictum into its Preface, although not in the position that he proposes. Its insertion prior to Cato’s injunction makes better sense by supporting the illusion that the text objectifies Cato and Africanus interacting with each other in the same setting. Indeed, as if performing in a convivium and following the turn-taking rule, Cato can be seen to dramatize the exchange by picking up Africanus’ words concerning his otium and stating that this too needs to be objectified in writing. In so doing, Cato corrects the loss of auctoritas that Africanus feared and empowers his own writings at the same time.

Putting Cato’s Prose Writing in Its Place

In his seminal article “The Model of the Text: Meaningful Action considered as a Text,” Paul Ricoeur extended to the realm of live speech the primary sense of ‘hermeneutics’ as the set of criteria that make up a ‘text.’ On that occasion, Ricoeur expanded on his view of what a ‘text’ is and does. Simply put, for Ricoeur a piece of writing can be called ‘text’: first,
when by objectifying a speech event, it fixes what is said by overcoming the fleeting conditions of its production; second, when it disjoins the meaning of what is said from the intentionality of the author; third, when emancipated from the situational context of its production and the intentions of the author, it develops references ushering in what he calls “new dimensions of our being-in-the-world”; fourth, when by drawing on its autonomy, the writing opens itself up to an infinite range of possible readers and becomes an “open work.”

In her book *Dionysus Writes: The Invention of Theatre in Ancient Greece*, Jennifer Wise argues against narrow ritualistic and religious interpretations of the birth of Greek drama. In their stead, she contends that theater emerged as the first text-based art in Western poetic tradition whose central generic features depended on the literacy of its first practitioners. By turning to Ricoeur, Wise proposes that the dramatists of the fifth century B.C.E. were not so much innovators in their way of using writing for poetic composition. Rather, they were “revolutionary as to the degree to which they exploited the potentialities of literate modes and made use of writing as ‘text’ rather than as a mere reminder of a spoken performance.”

In this sense, the decisive break made by the playwrights would have been to use writing before the beginning of the spoken communication. In so doing, they distanced the verbal object from their original speech act and the ‘text’ opened up new performative possibilities. The actors were responsible for the realization of these possibilities by returning to the ‘text’ and by performing it on stage. In the process, the playwright’s original speech act failed to perform what he intended and the interpretative agency of the actors produced creatively different effects. For my purposes, Ricoeur’s notion of ‘text’ and Wise’s redeployment of it are compelling for two seemingly contradictory reasons.

First, Ricoeur’s theorization of ‘text’ makes explicit the tendency to valorize writing over performance by championing one form of writing, that is, when writing is used to produce a verbal objectification of speech that is divorced from its author and its initial context. On this score, what

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79. For a critical assessment of Ricoeur’s application of the text analogy to action, see Bell 1992: 50–51.
80. For a recent discussion of the relationship between ritualism and Greek drama both in historical and methodological terms, see Csapo and Miller 2007, especially pp. 1–38.
82. Wise 1998: 148–49. Cf. Ricoeur 1973: 146: “a text is really a text when it is not restricted to transcribing an anterior speech, when instead it inscribes directly in written letters what the discourse means.”
I find fascinating about Wise’s work is that in retrospectively applying Ricoeur’s model to the Greek world of writing she does not simply resist ritualistic readings of Greek drama; she also renders Greek dramatic texts immediately familiar and amenable to our interpretative activities. This trajectory emerges most clearly when she asserts: “the birth of text is what brings the actor as *hupokrites* into existence, for he is the first performer ever who comes after a writing, a writing that antedates any corporeal performance of it, and must therefore be interpreted prior to its first performance.”

Second, the emphasis that both Ricoeur and Wise place on the agency of the actor/reader/interpreter offers a convenient theoretical foil precisely because it obscures the possibility that authors may perceive the agency of the actor/reader/performer as a tantamount loss of agency on their part. In this respect, transcription presents important potential. For although Ricoeur situates transcription at the very fringe of hermeneutics and Wise associates it with a primeval phase of cultural development, transcription can do more than simply freeze the flux of the spoken word and make the verbal object open to interpretation. The Preface to the *Origines* provides a convenient terrain for exploring the effects of transcription and, therefore, for attempting to define transcription in theoretical terms as well. But before engaging in this exploration, let me first articulate, however simplistically, the language of performativity that Wise adopts and that will constitute our springboard for gauging the social dimension of prose’s transcriptuality vis-à-vis the scriptuality of poetry in the context of second-century B.C.E. Rome.

Wise’s use of “performative” draws heavily on the work of J. L. Austin and his theorization of the power of language to effect things in the world. For Austin, a performative utterance refers to cases in which “the issuing of the utterance is the performing of an action.” To exemplify this statement, Austin uses the framework of the marriage ceremony and the words “I do” pronounced by the groom and the bride. In his view, the conventionality and the markedness of the ceremonial procedure affect the power of the words pronounced so that, in saying “I do,” the bride and the groom become an entity legally (and/or religiously) bound. In turn, uttering these words produces two different effects: *illocutionary* and *perlocutionary*. Their *illocutionary* effect can be seen in the moment of saying, and specifically in the transformation of status of two people from single to married.

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Their *perlocutionary* effect, by contrast, exceeds language and relates to what follows, namely, to the fact that these two people will afterwards share a residence, children, and so on. As for the ceremonial context, this provides the conditions by which the utterance does what it says and obtains the result that it says. For this reason, the utterance can be classed as a misfire when the procedures are not accepted, presumably by persons other than the speakers.\(^8\)

As we have seen, the surviving accounts of Africanus’ performance at the ‘trials’ pivot around his refusal to comply with the request made by his peers. Articulated in Austin’s terms, Africanus does not accept the procedures set by them; as such, their utterance can be classed as a misfire by not achieving the reality at which their request aimed. In the Preface to the *Origines* Cato counters these misfiring effects in the following ways. First, he establishes the authority of his intervention by countering poetic representations of *gesta* through a rhythmical allusion to Ennius’ *Annales*. Second, he activates a convivial scenario imbued with ancestral authority by conjuring up a scene that envisions a select group of people who interact with each other by singing in turn about the achievements of the best among them. Third, Cato cites a *dictum* by Africanus in which he describes his engaged but solitary *otium*; fourth, he articulates a *dictum* of his own in turn by asserting that a *ratio* of both *negotium* and *otium* of great and outstanding men ought to exist. Whereas Africanus’ *dictum* does not allude to the ‘trials’ in any way, Cato gestures to Africanus’ destruction of the accounting-book through the verb *exstare*. Finally, Cato acts on his own *dictum* by producing an account of their interchange or, rather, by transcribing it. In so doing, Cato does not forfeit the illocutionary force of Africanus’ *dictum* concerning *otium* (namely, his solitary engagement); he only diverts the perlocutionary effects of his destructive performance at the ‘trials’ (namely, the loss of a self-produced *ratio*). Cato is able to achieve this outcome by capitalizing on the way in which transcription extends the agency of the author and impacts on the representation of reality.

To note that Cato’s exchange with Africanus may be made up is less important than to observe that, through it, Cato exemplifies how transcription empowers the author, influences the representation of reality, and affects the reception of the transcribed text. For one thing, transcription divorces the speech act from its initial communicative situation; however, it does not the break the intimate relationship between spoken and speakers. Second, transcription does not affect the objectification

\(^8\) Austin 1975 [1962]: 14–15; 27.
of speech alone; it also concretizes the actions that accompany it and the social environments created and qualified by both. This implies that meaning is conveyed not solely through the speech transcribed, but also through the set-ups and the actions that the author activates and objectifies in writing. Third, far from being an ‘open work’ addressing an undifferentiated range of readers, Cato makes perfectly clear that a transcription interpellates only a select group of social actors. This includes individuals who are in the position to perform the everyday activities that contributed to the construction of their privileged status, namely, public speaking, military command, household management, political activities, and the like. Fourth, transcription precludes the readers’ appropriation of what is said; it only allows them to employ the words and actions reified in the text as benchmarks for constructing and measuring their own social performances. Following Richard Schechner, we may call these social performances “make-believe” since they created the very social reality that they enacted. Accordingly, transcriptions represent social and speech acts that are constructed according to the author’s own perception of reality. At the same time, they teem with impersonation or, rather, with embodiments of these acts by social actors operating in ritualized situations that are made permanent by the author’s transcribing activities. When seen in this way, Cato’s authorial agency is to be identified with his ability to manipulate the critical distance that stands between social roles and the patterns of speech and actions dictated by the lived prestige order in which he participated.

As a practice, transcription helped Cato situate himself in this lived prestige order by allowing him to extend the power of the ritualized activities in which he engaged in such a way as to remain in control of reality and expand his auctoritas at the same time.

By and large, in the Preface to the *Origines* Cato presents transcription as a venue for making a text a direct and staying manifestation of the authoritative body of its author. To a certain extent, the baffling effects that the profusion of ‘unauthorized’ monuments have on Livy’s narrative concerning Africanus and Cicero’s emphasis on Africanus’ unwillingness to produce *monumenta ingenii* suggest that Cato aligned his writings with the monumental constructions that Roman aristocrats were accustomed to scatter throughout the city as powerful reminders of their achievements. In a way, then, he extended the monumentalizing practices of the Roman aristocracy in a new direction by making the act of reading his transcriptions analogous to the act of viewing monumental landmarks. At the same time,

86. Schechner 2002: 35.
however, Cato thrust his writings into a very exclusive path of circulation and controlled their reception through the multiple frameworks that, as an author enjoying auctoritas, he devised for them. Accordingly, measured against the scriptuality of poetry, Cato bestowed on his transcriptions a physical mobility that in no way dovetailed with the alienability that characterized poetic texts.

**Praises and Textuality**

Viewed from a purely methodological point of view, Cato’s construction of Latin prose writing as transcription exposes the extent to which notions of textuality that dispose of the author undercut the ability to offer culturally, geographically, and chronologically specific accounts of textualities. In this sense, Cato’s writings call for a major shift of approach and expectations. For a starter, they require us to think openly about the relationship between textuality and writing agents; in Cato’s case, this opening implies acknowledging the aristocratic reluctance to entrust the memory of their feats to movable objects liable to be appropriated. Against this reluctance, Cato’s transcribing activities constituted a venue for extending the authoritative body. The Prefaces to his major writings, the *De Agricultura* and the *Origines*, draw force and meaning from the grafting of the ancestral convivial scenario onto the censorial scenario. In the former, his strategies are less explicit and emerge only in the shift from the language of praise (laudare) to the language of evaluation (existimatio); in the second, he qualifies this shift by evoking and, more importantly, dramatizing both scenarios in very inventive ways. Taken together, these Prefaces unfold the larger scenario of exclusive reception that Cato imagined for his writings. A neglected fragment attributed to the Preface to the so-called *De Re Militari* allows us to see this fact very clearly:

Scio ego quae scripta sunt si palam proferantur, multos fore qui vitiligent, sed ii potissimum qui verae laudis expertes sunt. Eorum ego orationes sivi praeterfluere.87

I do know that if the things I have written should be divulged openly, there will be many, especially those who do not enjoy true praise, who will disparage them; I let their speeches flow past.

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87. Pliny, *NH* praef. 30 = Cato, *de re milit.* 1 C&Sbl
Through an emphatic assertion of his selfhood, Cato anticipates the criticism that his writings may undergo once set in circulation by characterizing his detractors as “lacking true praise.” While helping him define the boundaries of his readership, this characterization underscores the genealogical relationship that Cato envisioned between his writings and the evaluative songs associated with the ancestral convivial scenario that we see elsewhere. In turn, the language of fluidity that he uses in this context to describe the spoken words of his detractors serves to construct a sharp contrast to the performative solidity conferred by transcription. In light of the relationship between laudare and existimare via transcription that Cato promotes, it becomes important to deal with the blind spots created by ancient constructions of poetry as loci of aristocratic praise and by modern misgivings about generic hierarchies.

Later evaluations of Ennius’ activities and his poetic production all pivot around their praise-conferring qualities. Speaking on behalf of Archias’ citizenship, Cicero uses the language of praise to describe the benefits that poetry bestows on individual members of the aristocracy and the community at large:

Et eis laudibus certe non solum [i.e., Africanus] ipse qui laudatur, sed etiam populi Romani nomen ornatur. In caelum huius proavus Cato tollitur . . . omnes denique illi Maximi, Marcelli, Fulvii, non sine communi omnium nostrum laude decorantur.

And with those praises not only was he [i.e., Scipio] praised, but the name of the Roman people was adorned as well. Cato, the grandfather of this Cato, is extolled to the skies . . . indeed all of those famous Maximi, Marcelli, Fulvii, are decorated not without the consensual praise of all our ancestors.

Later in the second century C.E. Aurelius Victor uses the same language when mentioning the effect of Ennius’ writings on the reputation of Marcus Fulvius Nobilior:

Quam victoriam per se magnificam Ennius amicus eius [i.e., Nobilioris] insigni laude celebravit.

89. Cicero, Pro Arch. 22.
90. Aurelius Victor, Vir. Il. 52.2–3.
And Ennius, a friend of his (i.e., Nobilior’s), celebrated with highest praise this victory (i.e., at Ambracia) already glorious in itself.

What makes these two passages compelling is the seemingly unproblematic identification of Ennius’ poetry with the creation of glory and renown. In both cases, the identification draws force from the assumption that, by virtue of representing major feats, poetry automatically merges with praise. Aurelius Victor underscores that Ennius augmented the magnificence of Nobilior’s already glorious victory at Ambracia; Cicero goes further by proclaiming that the laudes that Ennius produced for individual leaders augmented the reputation of the Roman people and expressed the consensual evaluation of all the ancient leaders.91 In both cases, the elite debate sparked by the encroachment of alien and nonelite cultural agents on the social life of the early second century B.C.E. Roman elite is completely suppressed. Modern representations of early Roman poetry as contributing to national identity and the preoccupation with determining whether the poets were at the service of the elite’s res privata or cared about the interests of the res publica bear witness to the long-term blinding effects of these narratives.92 A closer look into the semantic field of laus/laudare reveals some crucial facts about the connection between textualities and sociopolitical hierarchies and the impact of Cato’s invention of Latin prose on this relationship.

Besides the widespread use of laus to indicate praise, later grammarians indicate that this term encompassed an additional performative dimension by specifying its relationship with bringing back into being or displaying events and achievements. So, for example, Charisius asserts: laus facti instrumentum est, laus vero est rerum gestarum relatio (“a laus is an instrument of what has been done; indeed a laus is an exposition of things done”).93 Priscianus, on the other hand, defines laus as following: laus est expositio bonorum quae alicui accidunt personae vel communiter vel priuatim (“a laus is the display of the good things which happen to some person either before others or in private”).94 In both definitions a laus embodies (good) deeds or facts and is the means by which these deeds (factum) or facts (quae accident) are “brought back” (refero) or

91. The rhetorical moves adopted by Cicero in this speech by which he becomes both Archia’s laudator and the laudator of himself are explored by Dugan 2001: 35–77. Most recently, Zetzel (2007) has also suggested that the representation of Ennius’ relationship with his patrons that we get here is Cicero’s own construction.
93. Charisius, Gramm. p. 403, 14 B (cited from TLL s.v. laus)
94. Priscianus, Praeex. 7
“displayed” (*exponere*). The denominative verb *laudare* expands the performative power of *laus* to the act of naming. So Gellius asserts:

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\text{laudare significat prisca lingua nominare appellareque; sic in actionibus civilibus auctor laudari dicitur quod est nominatus.}\]

To praise in the ancient language means to name and call upon. So in civil trials the bail-giver is said to “be called upon,” that is nominated.

In this passage, Gellius highlights the ancient relationship between *laudare* and naming by using as an example its employment in the court context. This context ritualizes the act of naming by indicating that the person summoned acts as an *auctor* for someone else. Indeed, if we turn to texts more or less contemporary to Cato, the ritualized and performative power of *laudare* emerges very clearly.

In the *Captivi*, Tyndarus (a false slave) and Philocrates (a false master) discuss the report that Philocrates has to send to Tyndarus’ father in order to have him pay the ransom and gain back his own freedom. Tyndarus’ report is filled with praise addressed to Philocrates, to which Philocrates replies by responding in kind: *Pol istic me haud centesumam / partem laudat quam ipse meritust ut laudetur laudibus* (“For God’s sake, he praises me not even an hundredth part of what he deserves to be praised with praises”). Later Philocrates asserts: *Iovem supremum testem laudo, me . . . infidelem non futurum Philocrati* (“I call upon Jupiter the highest as witness . . . that I won’t be unfaithful to Philocrates”). In these passages the characters use *laudare* in a way that falls within its generalized meaning of praising, but in the latter case the act of praising enters the marked sphere of oath-giving and serves to interpellate Jupiter as the authority that validates the oath. The court setting elicited by Gellius and the oath-giving act represented by Plautus make conspicuous that *laudare* aligns the *laudatus* and the *laudator* within a series of relationships and oppositions that, by transcending the ordinary, bring into play the sociocosmological order and the divine realm, which constitutes the ultimate source of *auctoritas*.

A brief survey of the uses of *laus/laudare* in the Catonian corpus shows how Cato thrived on the performative power of *laudare* to enact an accrual

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of prestige for the *laudatus* and that he sharply limited this power to *laudes* articulated by an individual or a group of individuals enjoying *auctoritas*. In turn, Cato deployed *laus*’s intimate relationship with deeds in order to sustain that these inform the performativity of the *laus* as well as the *auctoritas* of the *laudator*. Put rather simply, for Cato a *laus* engenders an accrual of *auctoritas* for the *laudatus* only if it encodes social performances that have undergone a process of evaluation by a *laudator* or group of *laudatores* who enjoy the same sort of *laus*. In addition, if a *laus* comes to be objectified, then the object is thought to embody both the *laus* and the *auctoritas* of the *laudatus*.

In a fragment of one of Cato’s earliest speeches generally identified as *Dierum dictarum de consulatu suo*, *laudare* serves to introduce praises allegedly bestowed on him by an undefined group of *laudatores*:

> laudant me maximis laudibus tantum navium tantum exercitum tantum commeatum non opinatum esse quemquam hominem comparare potuisse, id tamen maturrime [me] comparavisse.  

They praise me with the highest praises that, although it was thought that no man could put together such a big number of ships, such a big army, such a big levy, nevertheless I had most hastily put those things together.

In this fragment *laudare* introduces an indirect statement that encompasses a list of achievements presented in comparative terms that are absolute. Imbued with repetitive patterns typical of the *carmen* tradition, the list implies a judging audience and evokes the aristocratic practices of self-definition that characterize the more or less contemporary *elogia* located in tombs, the inscriptions placed by victorious generals in more public contexts, and the funeral orations that, once transcribed, were kept in aristocratic households.

Similarities at the level of form and imagery between such disparate compositions extend to their textuality. The diverse material objects in which these compositions are embedded share the same authorial intention to permanently concretize both the achievements and the *auctoritas* acknowledged and bestowed through praise. This fact affects our under-

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99. These include the already mentioned Scipionic *elogia* (*CIL* 1.29–30; *CIL* 1.32; *CIL* 1.33; *CIL* 1.34) and the *elogium* of Atilius Calatinus (*FPL* pgs.13–4); the *tabulæ triumphales* of victorious generals (e.g. Caesius Bassius, *GL* 6.265.29; *CIL* 1.541; Livy 41.28.8–9). For the textualization of funeral orations, see Cicero, *Brut.* 61.
standing of Roman elite textualities in at least two ways. First, it suggests that the practices that defined the Roman aristocracy as such did not exist outside their material objectification; in fact, objectification was part and parcel of the very cluster of practices that informed aristocratic subjectivity. Second, Cato’s transcribing activities constitute a variation on these practices in the measure that they allow him to redeploy writing materials (tabulae) that were integral to and integrated in ritualized activities beyond these activities. Though movable, these objects were perceived to be fundamental to the sociocosmological organization of society and final embodiments of the reality that they helped to create. What makes Cato’s transcriptions distinctive, then, is the particular spin that Cato puts on them, a spin that is affected by his novitas and the historical juncture in which he lived. In this respect, the fragment above and the speech to which it belongs are enlightening.

Drawing on aristocratic self-defining practices, Cato unfolds praises which, attributed to unspecified laudatores, feature him as the laudatus, and inserts them into a speech most probably delivered in a senatorial context. If, as Claudia Moatti argues, the Dierum dictarum de consulatu suo testifies to the development of the redditio rationis, we can also see how he capitalized on it to lend auctoritas to the praises and the achievements that at the moment of his oratorical performance he had listed. Once transcribed, these praises can be seen to become one and the same with his objectified oratorical performance and to stand as final judgments on his consular deeds consensually acknowledged and authorized by his peers.

In a passage from the body of the Origines Cato expounds on the interrelationship between praise, deeds, objectification, and auctoritas by featuring himself as the laudator. In what is the longest narrative passage that survives from this text, Cato concludes his report of exploits performed by a tribunus militum and identified with the name of Caedicius:

Sed idem benefactum, quo in loco ponas, nimum interest. Leonides Laco, qui simile apud hermopylas fecit, propter eius virtutes omnis Graecia gloriam atque graviatiam praecepuaum claritudinis inclitissimae decoravere monumentis: signis, status, elogios, historios aliosque rebus gratissimum id eiusmod factum habuere; at tribuno militum parva laus pro factis relicita qui idem fecerat atque rem servaverat.

But the same good deed changes according to the place in which you

place it. Leonidas from Sparta did similar things at Thermopylae and for his expressions of manliness every part of Greece honored his glory and consecrated his extraordinary fame with monuments of greatest splendor. By means of portraits, statues, funerary inscriptions, narratives and other objects, Greece showed its recognition for his deed; by contrast, to the tribunus militum small praise remains in relation to his deeds, and yet he had done the same and saved the situation.

Here Cato enumerates the tokens of recognition (monumenta) that Greece bestowed on Leonidas and compares them with the small praise (parva laus) that the tribunus militum received. Cato’s list quantitatively differentiates the ways in which similar deeds are objectified and acknowledged; however, the differentiation also does the job of constructing a privileged contrast with his situational understanding of praise. In the case of Leonidas Cato speaks of commemorative objects (statues, paintings, eulogistic poems, narratives, etc.) produced by socially undifferentiated auctores. In the case of the tribunus he interpellates his chosen reader in the second person, calling attention to the unfair treatment suffered by the tribunus and producing a final laus that finds its legitimacy in both the deeds that he assesses and his own auctoritas. Finally, transcription fixes the praise bestowed on the laudatus and his auctoritas as laudator at the same time.

The occurrence of laudare in the carmen de moribus confirms that for Cato a laus stood far from being a socially undifferentiated production of praise; rather, it encoded the final judgment on behaviors or actions delivered by laudatores enjoying auctoritas:

avaritiam omnia vitia habere putabant. Sumptuosus cupidus elegans vitiosus qui habebatur is laudatur

They [i.e., the ancestors] used to reckon that avarice contained all vice. The person who was considered wasteful, lustful, fussy, depraved was called as such (i.e., avaricious).

Similarly to what we find in the Preface to the De Agricultura, the verb laudare summons an assessment process. Located in the past (putabant), this process teems with auctoritas and leads up to a final judgment that,

102. Festus L123: “monimentum est ut fana, porticus, scripta et carmina.”
103. Generally, the opposition emphasized is between (Greek) naming and (Roman) report of facts. Cf. Letta 1984: 23 note 117.
104. Gellius 11.2.1 = carmen de moribus 1 C&Sbl.
absorbed into the adjective *avarus*, is final and definitive. By listing adjectives that elicit very specific behaviors and by unfolding the very process of evaluation, Cato bridges the expanse that stands between the past and the present. In so doing, he also imbues his own subjectivity with ancestral qualities and, therefore, *auctoritas*. Once transcribed, the composition and the *auctoritas* of its author is made permanent and inalienable in the measure that the reader can either acknowledge the *auctoritas* that exudes from the text in the same way as he would before a monument or use the behavioral model that it bears as a template for his own actions. Here just as in other loci, we can immediately recognize how Cato links his subjectivity to the ancestral past in a typically aristocratic manner, but suppresses any familial specificity to displace his *novitas*. Unlike other loci, the *carmen de moribus* makes particularly conspicuous the pivotal role that Cato’s censorial experience played in his invention of Latin prose more generally. As Sander Goldberg has recently remarked, the underlying model for this composition is a similar *carmen* attributed to Appius Claudius Caecus, who set a rather notable and controversial censorial precedent. Following this trajectory, we come to realize that Cato relied on the centrality of achievements implicit in the notion of *nobilitas* as much as he redeployed the censorial concern with *mores* beyond the limits of his censorship. Indeed, it is precisely through this latter move that Cato was able to instill his cultural inventions and the embodied frameworks that informed them with *auctoritas*.

Not surprisingly, we are returning full circle to the perception of *auctoritas* as an embodied quality and its impact on cultural forms and generic differentiations. Cato’s *auctoritas* stems from his exercise of magisterial duties and, especially, from the *cura or regimen morum*, which the sources tend to represent as the aspect that most strongly characterized the censorship. Interestingly, nowhere do the sources formally define the phrase itself, nor is there any legal expression that embodies the powers directed to its discharge. As Alan Astin rightly points out, “although *mores regere* in broad terms undoubtedly came to be regarded as a responsibility of the censors, it was a responsibility which did not originate with a formal definition or a clear delimitation of its content.”

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105. Cf. Krostenko 2001: 36 note 51 where he rightly supports Baeheren’s instinct to see “*avurus* as subsuming the following list of vices.”


sources (in which Cato’s speeches feature large), Astin points out that the *regimen morum* was given expression in the *lectio senatus*, the *recognitio equitum*, and the census itself; as a result, we should think of it as a development that stands in a direct relationship with the fulfillment of those duties. In this respect, the downgrading of an individual to a lower *classis* suggests that the *regimen morum* stemmed from judgments passed on individuals who showed themselves unfit to be members of the group or category of citizens to which they belonged. By the same token, judgments on isolated cases would have dovetailed with a larger supervision of conduct and become the prerogative of the censors.\(^{108}\)

Astin dismisses on documentary grounds speculative reconstructions that trace the origins of the *regimen morum* back to “primitive practices”; however, certain cases known from later sources indicate that in the earliest time the patrician *gentes* exercised their right to watch over the morals of their members.\(^{109}\) In light of this precedent, the censorship emerges as an institution that absorbed into itself an existing area of gentilician jurisdiction and extended it to the civic community even while keeping a special focus on the higher orders.\(^{110}\) As such, it is perhaps not out of place to think that the *regimen morum* fell right within the area of law, without being defined anywhere in the laws themselves. This becomes especially evident if, following Aldo Schiavone, we understand that *ius* finds its roots in the network of rules that regulated the interaction between clans and covered the most important aspects of the social behavior of the *patres*.\(^{111}\) Regardless of defining the *regimen morum* in legal terms, it is clear that the personal discretion that the censors exercised over the actions that merited attention makes sense only if we envision a complex system of embodied practices carrying social meaning in relation and in contrast to one another. While we can gauge this system only with a high degree of approximation, it is impossible to deny that the censorial discretion over matters of behavior expressed the enormous responsibility and, therefore, prestige that went along with the fulfillment of the censorial role. Keen as he was to displace his *novitas*, Cato was particularly effective in maximizing the possibilities that the censorship opened up.

\(^{108}\) Astin 1988: 16.

\(^{109}\) Suolahti 1963: 48, citing Valerius Maximus 3.5.1; Livy 41.27.2 and involving the *gens Cornelia*.

\(^{110}\) For censorial attention to equites and senators, see Astin 1988: 17–19.

\(^{111}\) Schiavone 2005. The picture drawn by Schiavone is rather complex and follows a diachronic trajectory that merges with a laicization of *ius* within a continuous exclusivity. The representation of the Twelve Tables as an anti-pontifical reaction and its laicizing character is contested by M. Humbert 2005, see especially 16–23.
for him in order to remain an enduring presence in the life of the Roman elite, both during and after his own lifetime. Indeed, his most successful strategy of self-fashioning was to keep playing a censorial role beyond the limited time of his office. By doing so, he extended a specific use of writing outside the censorial sphere and granted his compositions a type of textuality that enabled him to transform their underlying scenarios into enduring exempla and to control his own exemplarity beyond the limits of his existence.\textsuperscript{112}

\textsuperscript{112} For a recent appraisal of self-exemplarity focused on Cicero and Augustus, see Lowrie 2007.