

Truthmaking and the Past

There is little to fault in the observation that readers are made by the texts they consume. We direct the flood of lived experience into the convenient streams and reservoirs of narrative and its conventions. Paul de Man identified an underlying paradox:

No one in his right mind will try to grow grapes by the luminosity of the word “day,” but it is very difficult not to conceive the pattern of one’s past and future existence as in accordance with temporal and spatial schemes that belong to fictional narratives and not to the world. This does not mean that fictional narratives are not part of the world and of reality; their impact upon the world may well be all too strong for comfort. What we call ideology is precisely the confusion of linguistic with natural reality, of reference with phenomenism.¹

That authors help fashion readers may seem like a quaintly postmodern phenomenon, but ancient texts participated no less in the formation of a reader’s sensibilities. Readers bring interpretive equipment to bear on literary texts in the hope (or wariness) of testing and modifying settled habits. Along the way we acquire a new perspective on what it means to be a human subject in search of meaning.² We may also encounter authors who visibly manipulate our sympathies to self-serving ends. In such texts the most obvious and most obviously self-serving efforts amount to little more than propaganda and pamphleteering, and fall into genres such as political speeches, opinion pieces, Hallmark cards, or kitsch literature and art. In the face of undressed ideology, we may fall under the transient spell of an author with an agenda, but circumspection typically prompts an almost instinctual recalcitrance (we roll our eyes at kitsch; we thumb our noses at political evangelism). Still the two modes are interrelated; in some

¹ De Man (1986) 11.

² Burke (1973) 293–304 in his essay “Literature as Equipment for Living” discusses how literature provides frames of reference for making decisions about how to conduct our lives.

sense propaganda – persuasion with minimal concealment of one’s aims – is a precursor for texts we otherwise think of as literary. An author’s virtuosity can be measured by the ability to thwart resistance, not merely to persuade us but even to make us into accomplices in the construction of meaning.

Cicero’s *Brutus* possesses exactly that power. But its persuasive workings have yet to be explored in detail, in part because they are complex, no less because many are novel or obscure, and especially because a key feature of the work’s artistry is to conceal its ideological designs from the reader. Cicero uses indirection to disguise his aims and enlists the authority of his interlocutors and other scholars to sway readers. The overtly cautious assessment of the past makes his agenda nearly imperceptible and largely explains why the *Brutus*’ vision of intellectual and political history has proved so successful. It contains a self-serving account of oratory’s rise, and differing cultural responses make that self-praise more palatable to Romans than to most modern scholars, who typically bristle at perceived egotism.³

Yet the relentless self-promotion, including self-congratulatory gestures of hesitation or modesty, may well be a red herring. The most prominent and deceptive agenda driving the *Brutus* is Cicero’s self-portrayal as a neutral recorder and arbiter of the Roman past. This feigned neutrality, which makes him look uncannily like a modern scholar, has not prompted the same distaste as his self-praise. He accomplishes this feat by aligning himself with Atticus and the recent wave of scholarship that made possible Atticus’ *Liber Annalis*, Nepos’ *Chronica*, and Varro’s countless investigations.⁴ At the same time, as has already become evident from the Ciceropaideia (Chapter 1), and as will become evident through further examination of his historical methods here, Cicero readily shapes the details of an event or account in the service of his larger historical narrative.

The potential complications in presenting an unbiased account surface already in the terms denoting the dialogue’s content. After the long preface we arrive at the main topic when Atticus steers the discussion toward the historical catalogue of orators:

[ATTICUS:] Well now, if your mind’s freed up for it, explain to us what we’re seeking.

[CICERO:] What’s that?

[ATTICUS:] The discussion about orators you recently began in your Tusculan home: when they came into existence, as well as who and what kind they were.

³ Allen (1954) explains and justifies Cicero’s self-praise.

⁴ *CAH*² ix.2: 689–728, *CAH*² viii: 422–76, Rawson (1985), Volk (2021), Zetzel (2018) 31–58.

nunc vero, inquit, si es animo vacuo, expone nobis quod quaerimus. Quidnam est id? inquam. Quod mihi nuper in Tusculano inchoavisti de oratoribus: quando esse coepissent, qui etiam et quales fuissent.(20)

The topic could hardly seem more neutral at first, since to ask about the beginning of oratory and its representatives leaves little room for judgment. It is not until the third term (*quales*) that the role of judgment, quality in its basic sense, becomes evident. Ultimately the first two questions (when, who) will come to depend on the last (what kind), since Cicero must make choices about his canon.⁵ The inclusions and exclusions, with whom to begin and whom to omit, are determined by his vision of how such a history can and should be structured.

Cicero excludes certain figures whom by all rights he should not. He notoriously passes over political enemies such as Catiline and Clodius without notice or scruple. The baffling choice to begin oratory with Marcus Cornelius Cethegus (*quando esse coepissent*) rather than, say, Appius Claudius Caecus or Cato the Elder, is indeed a choice and hardly a matter of fact.⁶ The terms of Cicero's investigation (*quando, qui, quales*) perfectly capture the tension between ostensibly neutral criteria and those that rely on personal observation and judgment, and he manipulates this tension to great effect. It is the enabling force of the dialogue's contribution to oratorical and intellectual history, and it also ensures that his literary history reflects his views of the civic community.

Yet remarkable honesty accompanies Cicero's manipulations: he also shows us that his choices are tendentious, that literary history cannot exist without literary criticism, and that such accounts are deeply shaped by authorial choices. Literary history *must* be constructed according to criteria that are anything but disinterested: the biases and emphases of the literary historian are an intrinsic part of the account. Yet he does not stop at that basic theoretical insight, instead building on it by acknowledging crucial "extraliterary" considerations: his ideological aims ultimately shape his history of oratory.⁷ We may be tempted to see in this a flaw in Cicero's

⁵ Douglas (1966a) xvi: "In applying [his] standards, Cicero is remarkably free of partisanship." This is mostly true, but fails to address the underlying issue: isn't application of his standards already a form of partisanship in constructing a canon?

⁶ Chapter 5 discusses the preference of Cethegus over Caecus.

⁷ Hayden White's thought is especially useful in thinking through Cicero's presentation of the past and the relationship between the form of the dialogue and its account of the past. See White (1987), especially chaps. 1, 2, and 8. Paul (2011) is a sensible introduction to White's ideas (which, it is worth noting, have not infrequently been used for purposes to which they are ill-suited). Dench (2009) provides a reasonable prospectus and analysis of some approaches to Roman historiography in

methodology: the modern scholar might, with the limiting prejudices of modern scholarship, claim that accuracy and comprehensiveness are paramount. Cicero has made a quite different and deliberate choice in that he anticipates and seeks to overcome the inevitability that any account will be biased. Rather than dwell on that fact, he embraces the possibilities it creates, since there are considerable advantages to a necessarily imperfect account – foremost among them to show that Roman literary history is inextricable from its political history and therefore from a vision of Rome in the present. Cicero does not so much argue that oratory culminated in his triumphant values as show, little by little and in the guise of curiosity and circumspection, that Rome's true triumph is the greatness of its oratorical past, that Rome in fact cannot be great without oratory, whether in the past or present. If, in turn, the reader is disposed to see Cicero as the culmination of a great tradition, all the better.

Now, this argument is certainly a lot to place on one adverb and two pronouns (*quando, qui, quales*), but confirmation of Cicero's aims will become evident as the dialogue progresses. Cicero allows the tension between factual accuracy and plausible presentation to play out visibly throughout the discussion, making it a central theme of the work and constantly staging an examination of the veracity of his or others' accounts. The larger question in the *Brutus* is not *What are the facts?* but *Which facts are significant enough to appear in the record and why?* Cicero complicates this question by assuming rather than arguing for the significance of the figures and events he includes and by leaving it to the reader to puzzle out why and in what way those facts are meaningful. He thereby makes readers into accomplices for his vision of literary history.

In trying to assess the full scope of Cicero's project, the emphasis here will fall in the first instance on statements about factual accuracy and on the presentation of material. It will then consider the arrangement of traditional markers of time and historical examples. Cicero offers a framework for interpreting history that is interwoven with the presentation of historical details – a procedure perhaps akin to building a car while driving it. A related yet no less essential focus will be on the ways in which Cicero guides his readers in the new method. This instructional technique not only underlies the pedagogical function of the *Brutus*, by which Cicero

the last hundred (or so) years of classical studies. On the value of perspectivalism in literary history, see Grethlein (2017).

details for readers the necessity of Roman *antiquitas et litterae*; it is also calculated to fashion a legacy of literary thinkers who will come to share his historical and rhetorical sensibilities. The dialogue pursues that aim by inserting Atticus and Brutus as willing yet nonetheless resistant disciples of Cicero's techniques, modeling through them possible responses for readers.

Lessons in Syncrasis

The experience of the *Brutus* involves accepting two potentially contradictory ideas: we are made aware of how it tendentiously represents the past even as Cicero overtly manipulates our sympathies and undermines our resistance. No technique is more appealing or readily employed than syncrasis, which over and over again serves as a guiding technique of analysis. The comparisons and parallels vary widely in content and complexity. The basic syncrastic model involves the comparison of two elements, although the binary comparanda are drawn liberally from diverse groups and generations: the orators of Greece and Rome in general or the specific instance of Lysias and Cato the Elder; of Antonius and Crassus in a single generation, or the jurists Quintus Mucius Scaevola and Servius Sulpicius Rufus in succeeding ones.

The necessity of such comparisons would seem obvious in a work of criticism as a way to organize individuals, ages, or cultures, but binarism comes to define even the criteria by which judgments can be made. Doctrinal scruple did not keep Cicero from claiming that there are two paramount virtues in the orator (*duae summae laudes*, 89), to instruct (*docere*) and to move (*permovere* or *inflammare*).⁸ There are similarly not three but two "characters of style" (*duo genera sunt*, 201), the plain and the grand, leaving out the middle style dutifully noted a decade earlier in *de Oratore* and returned to so adamantly in *Orator*. Cicero reflects on the difficulty of oratory and the consequent paucity of skilled orators to ask, "Don't we observe that scarcely two praiseworthy orators stood out in any given age?" (*nonne cernimus vix singulis aetatibus binos oratores laudabilis constituisse?*, 333). The pull of binary thinking has even distorted the *paucitas oratorum* motif in the *Brutus*, the only version of the *topos* to

⁸ See Chapter 7 on the "two styles." Chris Trinacty suggests to me an analogous sharpening of an opposition in Aristophanes' *Frogs*. Aeschylus and Euripides are the play's focus in part because they differ more from one another than either does from Sophocles. Cf. Gutzwiller (2014) 15–16, 24.

emphasize the rarity of two orators in each age.⁹ Comparison is so essential to assessing and categorizing oratory and its history that absolute judgments can prove deceptive, hence the otherwise out-of-place remark about Quintus Lutatius Catulus, the noted philhellene and a character in Cicero's *de Oratore*: put up against contemporaries his shortcomings were clear, yet he seemed like a perfect orator "when, however, you heard only him speaking in the absence of comparison" (*cum autem ipsum audires sine comparatione*, 134). This local judgment – as so often in the *Brutus* – reveals an underlying theoretical premise: literary criticism and history are inherently dependent on syncretism, because, even if we can accurately describe an author or text, such a description has little meaning unless contrasted with another speaker or text and placed into a larger narrative.

The various syncretisms cannot stand on their own, however, and here the dramatic exchanges in the dialogue establish how comparisons serve as the basis for complex interpretation.

Brutus said, "I think that I've gotten to know Crassus and Scaevola well from your speech, and when I think about you and Servius Sulpicius I conclude that you have a kind of similarity to them."

"In what way?" I asked.

"Well," he replied, "you seem to me to have aimed to know as much about the civil law as was necessary for an orator, and Servius took on as much eloquence as was needed to be able to defend the law with ease; and your ages, like theirs, differ little or not at all."

cum ex tua oratione mihi videor, inquit, bene Crassum et Scaevolam cognovisse, tum de te et de Ser. Sulpicio cogitans esse quandam vobis cum illis similitudinem iudico.

Quonam, inquam, istuc modo?

Quia mihi et tu videris, inquit, tantum iuris civilis scire voluisse quantum satis esset oratori et Servius eloquentiae tantum adsumpsisse, ut ius civile facile possit tueri; aetatesque vestrae ut illorum nihil aut non fere multum differunt. (150)

On display is a methodological feature of dialogue: the interlocutors outline different interpretive models for the material presented. Such exchanges encourage a reader to work through the possible similarities among the different ages – in this case the obvious parallels and similarities between successful orators and jurists, including Cicero's tendency to connect the two areas of knowledge even as he still prioritizes *eloquentia*

⁹ On *paucitas oratorum* ("scarcity of orators") in rhetorical dialogues, see van den Berg (2014) 208–12 with *de Orat.* 1.6, 1.8, 1.11, 1.16, 1.19, *Orat.* 20, *Tac. Dial.* 1.1.

over *ius*. The dramatic interjection by Brutus places interpretive expectations on the audience: to draw inferences from the material, to puzzle out the parallels among individuals and ages, and to evaluate transgenerational syncrisis for the patterns of similarity and difference that emerge.¹⁰

Yet the dramatized interpretation may not necessarily match the complexity of the material under discussion. Cicero by this point has already walked us through the better part of a remarkably elaborate scheme.¹¹ First two Greek orators, Demosthenes and Hyperides (138), were compared to Antonius and Crassus; the latter then to Scaevola (145). Brutus makes the further connection between Crassus/Scaevola and Cicero/Servius Sulpicius Rufus. Intervening between these generations are Gaius Aurelius Cotta and Publius Sulpicius Rufus (203), the inheritors of the oratorical legacy and its transmitters, both figuratively and literally: *de Oratore's* fiction had Cotta recount to Cicero the conversation among Rome's oratorical luminaries in 91 BCE.¹² Cicero will even add three more Greeks to bring the number to twelve: Isocrates dampened the vigor of Theopompus and fostered that of Euphorus by "applying the goad to one and the brake to the other" (*alteri se calcaria adhibere alteri frenos*, 204).¹³ The elaboration covers some seventy chapters of the *Brutus* on its way across cultures, generations, fields of expertise, and pedagogical authority.

The series of parallels, however, offers more than just direct analogies or oppositions. The comparisons prime the reader to be alert to parallels, to respond as Cicero has Brutus do. Yet however helpful Brutus is as a surrogate reader, in his hands the nested syncrises yield little more than a labyrinthine chain of connections, a mystery investigated but never solved. While Cicero models the forging of such connections, he still leaves considerable interpretive latitude for a reader to draw inferences independently from the assertions of the dialogue participants. That is, significant events and individuals are set side by side, but Cicero does not complete the interpretive work that is made possible by the posited comparisons and analogies. Although Brutus connects the pairs Crassus/Scaevola and

¹⁰ Feeney (2007) 39–40 on synchronism of cultures as "an exercise in correspondence" as well as "an exercise in disparity" (39).

¹¹ On this complex syncrisis see Kytzler (1970) 292–94.

¹² On citation of oral sources for written material, see Hendrickson (1906), with demurrals at Douglas (1966a) 1 (mistakenly citing Hendrickson 1926).

¹³ Kytzler (1970) 293 tallies eleven figures, but the didactic role of Isocrates and Cicero's similar position in the *Brutus* make Isocrates no less essential to the "chain of comparisons" ("Kette von Vergleichen"). Cf. the discussion of the dozen Roman orators of the late republic in C. Steel (2002).

Cicero/Sulpicius, he does not draw the most obvious conclusion of the comparison: just as Crassus surpassed Scaevola in eloquence, so too does Cicero surpass Sulpicius as the great orator of his generation. And working further back into the various syncretisms, another set of parallels emerges: Sulpicius had two teachers, Lucius Lucilius Balbus and Gaius Aquilius Gallus, whom he surpassed and whose shortcomings he supplemented. The relevance to Cicero is not directly stated, but it must be apparent: Cicero also devoted himself to two figures of a previous generation (even if he did not study under them at great length), Antonius and Crassus.¹⁴

The presentation of these orators, including Brutus' complex comparison, implicitly asserts what could not be said: Cicero too combined and supplemented what Antonius and Crassus lacked, merging the forcefulness of one and the elegance of the other, and outdoing both. When speaking about them directly Cicero instead shows deference: little could be added to their generation's accomplishments, except by someone better prepared in philosophy, law, and history (*ut eo nihil ferme quisquam addere posset, nisi qui a philosophia a iure civili ab historia fuisset instructor*, 161). When Brutus seeks an example (*iam est iste quem exspectas?*), Cicero defers (*nescio*, 162). The response is neither true ignorance nor false modesty: leaving things uncertain only redirects onto the reader the search for this knowledge, as if to say "I don't know, but *you* might." We are encouraged to find connections across generations and, eventually, in Cicero's biography: philosophy, jurisprudence, and history were all part of his education (322).

We are also under no obligation to accept and interpret the happy coincidences as Brutus does by likening Cicero to Sulpicius. It's possible to resist their surface allure, as Atticus does when pointing up the historical distortions of Cicero's likening of Themistocles and Coriolanus (41–44, further discussed below). Indeed, the two interlocutors are so valuable precisely for their different responses. Brutus accepts Cicero's claims and advances the lines of interpretation. Atticus assists the dialogue's conceptual progression, but often by challenging its claims or unstated assumptions. Cicero's elaborate game of show-don't-tell instructs readers even as it leaves them to their own speculative impulses: we are fashioned into independent readers of syncretism.¹⁵ Nevertheless, that independence may still come at the price of becoming subject unwittingly to Cicero's own aims in other matters. He also posits far less innocent parallels that are

¹⁴ And of course he also emulated Cotta and Hortensius later on (317, discussed in Chapter 1).

¹⁵ Barchiesi (1962) 21–38 makes groundbreaking observations about the pedagogical shaping of readers in the *Brutus*, although the scholarship has often neglected his insights.

equally irresistible and involve the crafting of historical details to suit his own narrative.

History and Veracity in the *Brutus*

As the chronology progresses Cicero interweaves countless digressions into its catalogue of speakers.¹⁶ Just as there are nested syncrises of considerable sophistication, Cicero recursively handles concepts and ideas in the work's examples and digressions. Part of its elaborate artistry involves fleshing out a topic or theme by revisiting it at intervals.¹⁷ One central topic is the accurate presentation of the past, which the interlocutors address at various points and often at length: the "beginning of Latin literature" in 240 (72–73), the potential distortions of the *laudatio funebris* (62), Curio's dialogue on the conduct of Julius Caesar (218–19), and fictional syncrisis of the lives of Themistocles and Coriolanus (41–44). Although these digressions in isolation appear to be little more than scattered vignettes on tangential topics, taken together they programmatically outline the limits and latitude for presentation that Cicero accords himself in the *Brutus*. The evaluation of truthful narratives throughout the dialogue reveals Cicero's attitude toward the dual – and sometimes rival – expectations of accuracy and plausibility in his account.

Livius Andronicus and the Beginning of Roman Literature in 240 BCE

Few passages of the *Brutus* have received more attention than the discussion of Livius Andronicus' play of 240 BCE.

And yet this Livius first produced a play when Gaius Claudius, son of Caecus, and Marcus Tuditanus were consuls in the very year before Ennius' birth, and 514 years after Rome's foundation, as Atticus says, and we concur. You know, writers dispute the number of years. Accius wrote that Livius was taken prisoner at Tarentum by Quintus Maximus while consul for the fifth time, thirty years after he had produced a play – this is not only

¹⁶ Barchiesi (1962) 21–38 first noticed that the progressivist evaluation of Livius–Naevius–Ennius, pulled along by an inherently modernizing and Enniocentric momentum, can only be understood in connection to the parallel narrative about Cato's place in early oratorical history.

¹⁷ E.g. the lasting merits of older artists (in poetry or oratory), biography, the role of Greek culture in shaping Roman literature, the difficulty of oratory, and effective persuasion as the main aim of oratory. Even the work's subject is defined on four separate occasions (20, 22, 74, 137; see Chapter 2).

what Atticus writes but also what I've found in ancient registers. Yet Accius wrote that Livius produced the play eleven years later in the consulship of Gaius Cornelius and Quintus Minucius during the *Ludi Iuventatis*, which Livius Salinator had vowed at the battle of Sena. And in this matter Accius was so far off that Ennius was forty years old when they were consuls; if Livius were his contemporary then the man who first produced a play was a little younger than both Plautus and Naevius, the men who had already produced many plays before those consuls.

atqui hic Livius [qui] primus fabulam C. Claudio Caeci filio et M. Tuditano consulibus docuit anno ipso ante quam natus est Ennius, post Romam conditam autem quarto decimo et quingentesimo, ut hic ait, quem nos sequimur. est enim inter scriptores de numero annorum controversia. Accius autem a Q. Maximo quintum consule captum Tarento scripsit Livium annis xxx post quam eum fabulam docuisse et Atticus scribit et nos in antiquis commentariis invenimus; docuisse autem fabulam annis post xi, C. Cornelio Q. Minucio consulibus ludis Iuventatis, quos Salinator Senensi proelio voverat. in quo tantus error Acci fuit, ut his consulibus xl annos natus Ennius fuerit: quoi aequalis fuerit Livius, minor fuit aliquanto is, qui primus fabulam dedit, quam ii, qui multas docuerant ante hos consules, et Plautus et Naevius. (72–73)

This passage has cemented for posterity – both ancient and modern – the beginning of Latin literature, when Livius Andronicus produced a *fabula* for the *ludi Romani* in September 240.¹⁸ The story behind the establishment of this date is far more complex than the smooth account of Greek-to-Latin translation on offer here, both in terms of what had to happen in Rome's relationship to Greek and Italian powers and traditions, and also in terms of the scholarly jockeying that for some time had been seeking to fix a firm date. The Greco-Roman reflex to focus on individuals and their actions, to seek out first creators or adaptors of institutions, runs counter to modern emphases on impersonal cultural and linguistic contexts or on the competing agents and documenters of literary change.¹⁹

The traditional story has it that “Andronikos” hailed from Greek-speaking Taras (Tarentum in Latin), one of many Greek colonies in Magna Graecia, the region of Italy that Rome subdued piecemeal in the

¹⁸ In addition to 72–73, see Cic. *Sen.* 50, *Tusc.* 1.3 with Gruen (1990) 80–92 and Bernstein (1998) 234–51. On the debates over 240 see Suerbaum (2002) 51–57, Manuwald (2011) 30–40, Welsh (2011). See now Feeny (2016) for a larger contextualization; D'Anna (1984). The establishment of Livius as the beginning was not certain but would win out: Liv. 7.2.8, V. Max. 2.4.4, Gell. *NA* 17.21.42, Euanth. *de Com.* 4.3, Diom. *Gramm.* 1.489, Cassiod. *Chron.* 128 M.

¹⁹ Habinek (1998) emphasizes the determining role of Roman elites in their attempts to secure and maintain power.

wake of the expulsion of the invading Macedonian king Pyrrhus in 275. Tarentum fell into Roman hands in 272 and Andronikos would have been one of the enslaved in the city's settlement with its new masters.²⁰ He acquired, upon later manumission by one of the *Livii*, the name Livius Andronicus (a praenomen, Lucius, attested for example in Gellius, is uncertain), a name that perfectly reflects the Greek and Latin halves of his poetic output, such as his Latin *Odyssea* and Latin plays based on Greek models.²¹ Centuries later Suetonius dubbed him (and Ennius) a "half Greek" (*semigraecus*, *Gram. et rhet.* 1.2), no doubt a nod to his ethnic background as much as to his cultural production. Livius was also an ideal choice to translate and produce a Latin play because of his background as an actor and playwright (the two were closely allied in the early history of Roman drama), because of Tarentum's renowned theater, and because Romans grew to appreciate dramatic performances after experiencing them during the First Punic War (264–241).

A play at the *ludi Romani* capped Rome's military success with a cultural flourish, as the event marked in public performance all that Rome had accomplished in defeating Carthage the year before. Rome was now a major military power in the Mediterranean, and a Greek play in Latin on a Roman stage would showcase its simultaneous assertion to cultural relevance on the international stage. As Erich Gruen has written, "The accomplishment would be marked by elevation of the *ludi* to a cultural event that announced Rome's participation in the intellectual world of the Greeks."²² Hiero, ruler of the powerful Greek town of Syracuse, would draw the right conclusion, attending the festival in 239 and bringing a large gift of grain, Sicily's prize crop. The visit and the gesture were not so unlike the embassy of amity from the Hellenistic kingdom that was dispatched when the Romans expelled King Pyrrhus a few decades before.²³

The *ludi Romani* were the quintessentially Roman state festival, honoring Jupiter Optimus Maximus and serving as a venue for the powerful to display significant changes in the *res publica*. According to legend the festival – originally just circus races (*ludi circenses*) without theatrical performances (*ludi scaenici*) – was established near the beginning of the republic. Livy and Valerius Maximus claim that the *ludi scaenici* were

²⁰ Suerbaum (2002) 94–95 notes the possibility that he may have (just like Ennius in 184) come to Rome as a professional author and eventually gained citizenship.

²¹ See Feeney (2016) 62–63 on variant spellings of *Odyssea* (and the now commonly adopted form *Odusia*); I follow Cicero's spelling here.

²² Gruen (1990) 84. ²³ Eutr. 3.1.

added as part of a religious expiation in 364 BCE.²⁴ These would have been Etruscan dancers and nothing like the later unified dramas based on Greek models. Around this time, a fourth day was added to recognize the reconciliation of the patricians and plebeians after the Aventine Secession in 367. By the end of the republic the games had expanded considerably: the *ludi scaenici* would occupy 15–18 September, with the *circenses* beginning already on 5 September. The centerpiece of the whole event remained the feast in honor of Jupiter (*epulum Iovis*) on 13 September, the day of the dedication of the Capitoline temple of Jupiter in 509. The continuing political importance of this festival is seen in examples that postdate Livius' play. Marc Antony brilliantly sought to trade on the festival's political and religious relevance by passing a law that added a fifth day in Caesar's honor in 44 (19 September). Probably not coincidentally, Augustus' deification in 14 CE fell on the middle day of the five days of *scaenici* (17 September). Augustus thereby left a lasting and regular impress on Roman events even in death, as he came to occupy the middle of the *scaenici* just as Jupiter occupied the middle of the whole festival.²⁵ In light of this larger continuum, the choice of the venue (*ludi Romani*) and the year 240 BCE, the year after the defeat of the greatest power in the western Mediterranean, were thus freighted with immense symbolic meaning, and to choose this date as the beginning of literature at Rome was also to suggest an intimate relationship between Roman letters and Roman dominion.

One can thus see the attraction of this event not only to its originators, but also to the likes of Varro, Atticus, and Cicero, who conspired to overrule the beginning that Accius, (probably) following Porcius Licinus, had provided a century earlier. Cicero, as Jarrett Welsh has persuasively shown, hardly gives a fair account of what these second-century researchers were doing or what their motivations were. Accius (170 – ca. 85) was a prominent poet, primarily of tragedies, and an innovative figure in the writing of literary history. He was a freeborn Roman citizen who came to Rome from his native Pisaurum, probably to teach grammar. He must have been trained in rhetoric as well, but probably avoided the forum, since, as Quintilian tells us, he once quipped that he could not (as he could in the theater) get his opponents to say what he wanted in order to craft a snappy comeback (*Inst.* 5.13.43).²⁶ Accius penned the *Didascalica*, a work

²⁴ Liv. 7.2.1–13, V. Max. 2.4.4.

²⁵ Discussed in van den Berg (2008) 265–66.

²⁶ The anonymous *Rhetorica ad Herennium*, once thought to be Cicero's, does report that Accius successfully prosecuted a mime for slandering him on stage (*Accius iniuriarum agit*, *Rhet. Her.* 1.24, cf. 2.19). If Accius did speak on his own behalf, as *agit* would seem to suggest, it is perplexing that

of prose perhaps mixed with poetry in nine books, perhaps a precursor of Latin Menippean satire.²⁷ It was, by all accounts, the first major work on literary history in Latin, although he will have followed Porcius Licinus' earlier attempts, starting from Livius' hymn to Juno Regina of 207 and noting his play of 197.

In the *Didascalica* Accius may have sought to cultivate a more general audience, and his work included dialogue in its exposition. He covered poetic genres, chronology, and questions of authenticity. In this regard he is not only the most prominent representative of the pre-Varronian chronology, but also the most significant precursor to Cicero's *Brutus* in the Roman tradition of literary history and criticism.²⁸ The *Didascalica*, probably for lack of adequate access to reliable records, put Livius Andronicus' first drama in 197. This date was corrected to 240 by Varro and Atticus, a redating that Cicero ostentatiously defends even as he conceals the good reasons Accius would have had for such a choice. Accius probably still put Livius at the beginning of literary history, but in a different genre, and dated other early authors, Naevius and Plautus, to a later time that would have still allowed for internal consistency in his chronology. His posited beginning would have been in 207 during the consulship of Marcus Livius Salinator and Gaius Claudius Nero. Livius was commissioned to write a hymn to Juno Regina, to be sung by a procession of twenty-seven girls. Rome continued to struggle during the Second Punic War (218–201), and after this hymn's performance the Roman forces won the crucial battle of the Metaurus against the Carthaginian forces under the leadership of Hannibal's brother, Hasdrubal Barca. This was a major turning point, and the hymn and its author were recognized as having contributed to Rome's success.²⁹

We have so internalized Cicero's correction of Accius that it is worth spelling out the assumptions and silences that it has imposed on our sense

Cicero fails to mention his oratory, choosing instead exclusively to note his poetry. The anonymous author's report may be apocryphal – perhaps derived and adapted from a rhetorical exercise?

²⁷ Courtney (2003) 60–62 questions the poetic elements against Leo (1913) 386. On the *Didascalica* see Degl'Innocenti Pierini (1980) 58–67, Dangel (1995) 49–50, 252–55, 382–86, Schwindt (2000) 52–59, Suerbaum (2002) 163, with bibliography, Feeny (2016) 160–63. We know less about Accius' *Pragmatica*, which discussed aspects of stage performance and language: Degl'Innocenti Pierini (1980) 68–73, Dangel (1995) 51, 256–60, 386–89, Suerbaum (2002) 164.

²⁸ A potentially chastening point should at least be acknowledged: without Accius' account it is hard to know if he may have anticipated some issues and problems that Cicero seems to be the first to consider (much the same could be said for Varro). Leo (1913) 386–91 on the several similarities. See also the Conclusion.

²⁹ On the establishment of the *collegium scribarum histrionumque* (and the *collegium poetarum*) and possible, if murky, connections to Livius' hymn, see Horsfall (1976).

of literary history. Jarrett Welsh takes issue with Cicero's claim that Accius dated Livius' first play to 197, which Cicero says is eleven (or ten) years after Livius' capture in 209 (*annis post xi*). We might expect a Roman to have described the twelve years from 209 to 197 as *annis post xiii* (inclusive counting). This may not simply be Cicero's mathematical mistake, but rather a less-than-graceful obfuscation of what Accius, following Porcius Licinus, wrote: the hymn to Juno Regina in 207 was his first production, followed *xi* (i.e. ten with inclusive counting) years later in 197 by a dramatic production. Cicero distorts the chronology and introduces a mathematical error.³⁰

Varro, Atticus, and Cicero dated Livius' play to 240, having uncovered new information to share with their audience. They also endowed literature's debut at Rome with new meaning, as Welsh notes: "elevating a different narrative that made Latin literature begin in times of peace, only occupying Roman attentions when they were not engaged in more pressing matters of war."³¹ Cicero distorts Accius' reconstruction of literature's beginnings even as he is correcting it: he hides what were probably reasonable inferences and reconstructions based on the evidence Porcius Licinus and Accius had and magnifies Accius' mistake (*tantus error*) by cherry-picking those details that make Accius seem grossly inconsistent. Cicero not only follows the corrections of Atticus and Varro, he does so ostentatiously. The passage – on the surface at least – makes Cicero too seem like a prudent scrutinizer of events and their records.

The portrayal of Accius also diminishes his role as a literary historian and has two further effects. First, it allows Cicero to claim that he and his contemporaries have gotten it right because of their careful attention to detail. He unfairly suggests that Accius' whole chronology was not only mistaken but implausible even on its own terms, which was likely not true, as traces of a pre-Varronian chronology continued through antiquity. Porcius Licinus and Accius probably offered internally coherent, if factually questionable, accounts. Second, in decrying these predecessors Cicero repeats a rhetorical move that he made in discussing

³⁰ Again, Welsh (2011) 32–38 is invaluable. This may also be an example in which Cicero's hastiness serves his penchant for distortion. Rather than produce an internally coherent version he allows mathematical inaccuracies to stand. This manicured chaos enhances the impression that Accius had so confused matters.

³¹ Welsh (2011) 32. The Conclusion discusses the relationship between peace and the development of oratory.

Ennius' documentation of Marcus Cornelius Cethegus (57–60).³² Ennius becomes a reliable literary historian, for oratory at least, and Cicero follows in Ennius' literary-historical footsteps. The demotion of Accius as a literary historian goes hand in hand with the elevation of Ennius to a prominence in the field that he neither sought nor probably would have recognized. Much has been made of the distorting effects of Cicero's reconstructions of Ennius generally,³³ but to what extent he does so with Accius in the field of literary history is also important, not least because his criticisms of Accius, building on Varro and Atticus, contributed to the demise of Accius' reputation and hence the neglect of his texts.³⁴

To have literature begin in 240 rather than 207 also affects the relative chronologies of oratory and poetry. Livius' hymn to Juno Regina in 207 would have provided a virtually simultaneous dating with Cicero's first orator, Marcus Cornelius Cethegus, which would confuse the beginnings of literary history by making oratory and poetry debut at roughly the same time. Yet only poetry is accorded a fixed beginning. Why doesn't oratory have a precise start date when such great hay is made of poetry's? Oratory does reach its *prima maturitas* in 106, the year of Crassus' speech on the *lex Servilia* and Cicero's birth (161), and it seems to be nearing old age along with Cicero. Oratory has a life and yet no date of birth.

This should seem far stranger to us than it usually does, as should the lack of any reference to emulation of Greek models in oratory's rise. It is baffling that a work so motivated by chronological exactness in determining or highlighting the key moments of a tradition or genre should give no date whatsoever for oratory's inauguration other than suggesting something like 204. That Latin poetic texts were first produced from Greek models is important because oratory, though eventually influenced by Greek models, could be considered Roman from the beginning. Reconstructing the early tradition in this way makes oratory a kind of native practice, which is quite different from the art of Livius and Ennius, who were "both poets and also semi-Greeks" (*et poetae et semigraeci*, Suet. *Gram. et rhet.* 1.2).³⁵

³² Chapter 5 discusses Cicero's manipulations of Ennian material to bolster his claims to accuracy and neutrality.

³³ Discussed in Chapter 5.

³⁴ All the more ironic given Cicero's insistence on recognizing older Roman poets and orators. Earlier literary historians are not granted the same indulgence, which conveniently supports Cicero's role as literary historian.

³⁵ It is undoubtedly true that public speech isn't limited to a single culture and does not require a formal theory of rhetoric. But most cultures also have some form of poetic or song culture, the Romans included. And yet in the version that they (and we, following them) have produced, that

One consequence of having a Roman origin for oratory (shared with the Greeks rather than merely taken over from them; cf. 254) is that the account of its origin is shrouded in the mists of time and the great Roman figures there. Cicero may cite Ennius on Cethegus, but he avoids an account that says “in the year X early orator Y produced a speech modeled on Greek orator Z, much as in 240 Livius adapted Greek poets.” He might have claimed that “Appius Claudius Caecus inaugurated oratory after hearing Cineas, Demosthenes’ greatest student, thereby furnishing the first monument of Latin oratory inspired by a Greek model.”³⁶ Such an account would require some imaginative reconstruction, but tracing oratory’s beginning through Cineas to Demosthenes would also provide yet another support for the work’s Demosthenic bent and is at least as plausible as other fanciful unions across disciplines and cultures, such as Demosthenes’ association with Plato or Numa’s with Pythagoras.³⁷

Admittedly, oratorical education modeled on Greek authors experienced a marked upturn in the middle of the second century, with Rome’s eastern conquests and the subsequent importation of Greek disciplines and their teachers: Macedonia in 168, Achaia proper in 146, and the Pergamene kingdom in 133. Cicero cautiously labors to find the appropriate beginnings for oratorical adaptations of Greek material. Despite Cato’s obscure position in the pre-hellenized phase of the *Brutus*, he still has a patently Greek cast: the only orator directly compared with a Greek model (Lysias) and described with technical terminology in Greek. He is also the figure whose lifetime (234–149) bridges the first significant watershed (168) in the pre- and post-hellenizing phases of oratory. It is not until after Lucius Licinius Crassus that Greek influence on orators comes fully into its own, although a good dose of skepticism will serve us well when facing the public anti-hellenism of the likes of Cato, and especially of Crassus and Antonius in *de Oratore*.

native version has been supplanted by a hellenizing account. See Habinek (2005) and Feeney (2016) for (quite different) takes on poetry’s beginnings at Rome. Nothing prevented Romans or Cicero from producing an account for oratory that was also based on the imitation or adaptation of Greek models, even if it could not have been based on the translation of Greek models in the way that Livius Andronicus invented Roman poetry. Cicero’s version involves choices and what matters for our purposes is not their correctness but their consequences for conceptualizing literary history and the beginning of an artistic tradition.

³⁶ On Cineas see Lévêque (1957) 346–50 with Plut. *Pyrrh.* 14–15 (Cineas) and 18–19 (Caecus). See also Chapter 5 for Cineas’ connection to Appius Claudius Caecus.

³⁷ Demosthenes and Plato: 121, *de Orat.* 1.89, *Orat.* 15, Plut. *Dem.* 5.5. Numa and Pythagoras: Humm (2004).

That poetry began in 240 while oratory has designedly obscure beginnings may result from a desire to emphasize negligible imitation of Greeks in the early tradition and how this characterizes the oratorical tradition. Cicero attacks the Roman Atticists for subservience to Greek models and makes the early tradition fit his own hellenizing-but-not-philhellenizing commitments. It surely cannot be a coincidence that Atticus' objection to older orators involves not just Cato but also Crassus (294–96), who, in Cicero's depictions, publicly avoided ostentatious Greek learning, whatever his private activities and intellectual preferences. The line Atticus draws between outdated and modern orators is about stylistic differences, but also about attitudes toward Greek learning and emulating Greek orators.³⁸ The need to counter Atticist philhellenism may have prompted Cicero to reject early Roman dependency on Greek oratory. In that case what we have is yet another example of a seemingly ingenuous and unbiased account of origins and developments that are nevertheless shaped by Cicero's partisan aims.

The *Laudatio Funebri* and Curio's Dialogue

In criticizing the *laudatio funebris* ("funeral praise," "eulogy") Cicero yet again trumpets factual accuracy as a screen for his own motivations:

our history has been compromised by these speeches. Many things were written in them that didn't happen: false triumphs, excessive consulships, even made-up lineages and transfers to a plebeian branch, mingling men of lower birth with a different branch of the same family name, much as if I were to claim descent from Manius Tullius, patrician consul with Servius Sulpicius a decade after the expulsion of the kings.

his laudationibus historia rerum nostrarum est facta mendosior. multa enim scripta sunt in eis quae facta non sunt: falsi triumphi, plures consulatus, genera etiam falsa et ad plebem transitiones, cum homines humiliores in alienum eiusdem nominis infunderentur genus; ut si ego me a M'. Tullio esse dicerem, qui patricius cum Ser. Sulpicio consul anno x post exactos reges fuit. (62)

Though aware of the potential for misrepresentation in *laudationes*, Cicero does not dismiss them wholesale. The main emphasis falls on the skewing of content – retrospectively conjuring up details that misrepresent and therefore permanently confuse the historical record. Just before Cicero

³⁸ Gruen (1992) 52–83, 223–71, Eckert (2018) on (hostile) attitudes toward Greek learning.

rejected them for aesthetic reasons (61), but here pivots to their distorting potential, a criticism emerging from his deliberate confusion of aesthetic and historical criteria.

Despite the declared allegiance to factual accuracy, the passage does not square with the realities of oratorical practice. Any trained speaker courted possibilities for the invention and arrangement of details, an oratorical principle also applicable to dialogues. Another telling point against the passage's conclusiveness is the characterization of the *Brutus* itself as a *laudatio* for Hortensius, which, ironically, suggests what the evidence of the dialogue bears out: similar distortions might make their way into Cicero's history of oratory. At the end of the dialogue he promotes Brutus' familial descent from the Junii Bruti, presumably going back to Lucius Junius Brutus (331), from whom Brutus could not have descended directly.³⁹ Cicero may also have had an axe to grind, since the *laudationes* were restricted to the *nobilitas* and its families and thus were the one area of public oratory closed to him. In stark contrast stands the likes of a Caesar, who in his quaestorship held a *laudatio* at the *rostra* for his aunt Julia (the widow of Marius) and his wife Cornelia. Caesar there traced his family's lineage back to Ancus Marcius and to Venus, that is to the Roman kings and to the gods.⁴⁰

Cicero similarly insists on factual accuracy when he castigates Curio *pater* for an anachronism in his dialogue criticizing Caesar's administration of Gaul, which featured Gaius Vibius Pansa and Curio *filius* as interlocutors (218–19). Curio set the dialogue in 59 BCE, the year of Caesar's consulship and before his near-decade-long conquest of Gaul (58 to 50). The passage underscores the dangers of artistic license for plausibly ordering events, although the dialogue's fictional elements are never criticized. The fabrication of a conversation with Pansa and Curio, for example, like the *Brutus*' made-up meeting with Brutus and Atticus, is never challenged.⁴¹ The fiction's plausibility, chronologically or otherwise, must be maintained.

³⁹ Kierdorf (1980), Flower (1996) 128–50 on the *laudatio*. Wiseman (1974) on legendary genealogies. Goldenhard (2013b) 248 on Cicero's flirtations with regal descent; on Romulus, *Catil.* 3.2, on Servius Tullius, *Tusc.* 1.38 (perhaps in jest).

⁴⁰ Suet. *Jul.* 6.1. Wiseman (1974) 159: "the highest historical standards were not to be expected, but that does not mean that these semi-fictional family trees were not taken seriously at their own level."

⁴¹ *Fam.* 9.8.1 (SB 254), discussing the inclusion of Scaevola in *de Oratore*, emphasizes verisimilitude over truth: Varro should not be surprised to read about conversations that never actually took place. Cf. R. E. Jones (1939) for Cicero's latitude in portraying individuals, Hendrickson (1906) for Cicero's freedom with sources. Frisch (1985) reads the discussion of Curio's dialogue as a covert

The singling out of anachronisms may not be so innocent or common-sense for two quite different reasons. Cicero was hardly a friend of Curio, who not only had a successful political career but also clashed with Cicero, probably acquitting himself well.⁴² He seems to have persuaded the jury to overlook Cicero's testimony at the *Bona Dea* trial and they sparred publicly afterwards.⁴³ The overt criticism of Curio's faulty memory, and thus his oratorical skills, may be calculated to mask a covert dismissal of his politics. Yet most of all Curio's purported failures are a foil to Cicero's own circumspection in writing a dialogue so invested in the accuracy of its chronology. Whether the criticisms are warranted is another matter. It is not clear that Curio's anachronism was necessarily suspect or that his fiction violated the conventions of the genre, which was still quite new at Rome.⁴⁴ The conversations staged by Plato, Cicero, or in Tacitus' *Dialogus* had some latitude for authorial inventiveness, and modern criteria would situate these works into the category of (historical) fiction. As with the refutation of Accius' beginning of literature, the criticism of Curio highlights Cicero's commitment to accuracy even as his use of the dialogue form and rhetorical presentation does not commit him absolutely to factual accuracy.

Coriolanus and Cultural Syncrisis

While the passages concerning Accius' dating of Livius, the *laudationes*, and Curio's dialogue bolster Cicero's persona as a seeker of truth, this is not the case throughout the *Brutus*. Other passages call attention to Cicero's creative license in reconstructing or judging the past. The syncrisis

attack on Caesar. See also the brief discussion of Curio's dialogue in Chapter 2, which notes a minor anachronism in Cicero's staging of *de Republica*.

⁴² Curio was consul in 76, triumphed in 72, and was censor possibly in 61 (cf. *MRR* 2.92–93, 2.119, 3.186, respectively), with Moreau (1982) 157–67. W. J. Tatum (1991) on their antagonism and how it colored Cicero's judgment of Curio.

⁴³ Testimony: Moreau (1982) 194–226. Inveictive: The details surrounding dates and actual publication are disputed and need not concern us. See Geffcken (1973), Crawford (1994) 233–69 on *in P. Clodium et C. Curionem*, circulated without Cicero's permission in 58; *Att.* 1.16.8–10 (SB 16), *Att.* 3.12.2 (SB 57). McDermott (1972) 407–9 thinks Cicero published a separate attack on Curio, rejected by Crawford (1984) 108–9 n.10, (1994) 236 n.9.

⁴⁴ The earliest known example is from the jurist Marcus Junius Brutus, a didactic treatise on Roman law written to his son, discussed at *Cic. de Orat.* 2.224. Fantham (2004) 50–51 suggests that Curio's dialogue may precede Cicero's *de Oratore*. However, it is not certain that Curio wrote the dialogue before *de Oratore*, given that he criticizes Caesar's later policies – how much of Caesar did he criticize, i.e. how late could it have been written?

of Themistocles and Coriolanus reveals Cicero's potential to shape facts, ideas, and arguments:

I said, "In the next generation Themistocles followed him [Pisistratus], a very old figure for us but not so old for the Athenians. He lived in fact when the Greek state dominated but our state had only recently been freed from regal domination. You see, that terrible war against the Volsci, which the exiled Coriolanus was in, took place at about the same time as the Persian war, and the fortune of these two illustrious men was similar. Each in fact, though being a noteworthy citizen, was expelled by the wrongdoing of an ungrateful populace and went over to the enemy side and settled with voluntary death their wrathful intention. Now although you write differently about Coriolanus, Atticus, still grant me my preference for this manner of death."

Atticus smiled and said, "As you wish, since it's in fact permissible for rhetoricians to invent things in their narratives (*in historiis*) in order to render a more compelling account. Clitarchus and Stratocles made up the same story about Themistocles as you're doing now with Coriolanus. Now Thucydides, a noble Athenian and a very great man, was born only a bit later and wrote that he [Themistocles] died merely from an illness and was buried secretly in Attica, but added that there was suspicion of suicide by poison: your models [Clitarchus and Stratocles] say that after he had sacrificed a bull he caught the blood in a bowl and fell dead upon drinking it. While they were able to adorn this death rhetorically and tragically, that basic account offered no material to embellish. And so, since it so suits you that everything was the same for Themistocles and Coriolanus, you can have the drinking bowl from me too and I'll even give you the sacrificial animal, so that Coriolanus can fully be a second Themistocles."

"As for that matter," I responded, "let it be settled: I'll be more careful now when treating history in earshot of someone whom I can adduce as an extremely scrupulous authority on Roman events."

hunc proximo saeculo Themistocles insecutus est, ut apud nos, peranti-
quus, ut apud Athenienses, non ita sane vetus. fuit enim regnante iam
Graeca,⁴⁵ nostra autem civitate non ita pridem dominatu regio liberata.
nam bellum Volscorum illud gravissimum, cui Coriolanus exsul interfuit,
eodem fere tempore quo Persarum bellum fuit, similisque fortuna clarorum
virorum; si quidem uterque, cum civis egregius fuisset, populi ingrati pulsus
iniuria se ad hostes contulit conatumque iracundiae suae morte sedavit.
nam etsi aliter apud te est, Attice, de Coriolano, concede tamen ut huic
generi mortis potius adsentiar.

⁴⁵ *Graeca* for *Graecia* (Kaster 2020, following Jahn; discussed at Badian 1967 225).

At ille ridens: tuo vero, inquit, arbitrato; quoniam quidem concessum est rhetoribus ementiri in historiis, ut aliquid dicere possint argutius. ut enim tu nunc de Coriolano, sic Clitarchus, sic Stratocles de Themistocle finxit. nam quem Thucydides, qui et Atheniensis erat et summo loco natus summusque vir et paulo aetate posterior, tantum <morbo> mortuum scripsit et in Attica clam humatum, addidit fuisse suspicionem veneno sibi conscivisse mortem: hunc isti aiunt, cum taurum immolavisset, excepisse sanguinem patera et eo potu mortuum concidisse. hanc enim mortem rhetorice et tragice ornare potuerunt; illa mors vulgaris nullam praebebat materiem ad ornatum. quare quoniam tibi ita quadrat, omnia fuisse Themistocli paria et Coriolano, pateram quoque a me sumas licet, praebebo etiam hostiam, ut Coriolanus sit plane alter Themistocles.

Sit sane, inquam, ut lubet, de isto; et ego cautius posthac historiam attingam te audiente, quem rerum Romanarum auctorem laudare possum religiosissimum. (41–44)

Cicero pleads with Atticus for indulgence in aligning Coriolanus' death with that of Themistocles, seeking to make the details match in each account (*similis, uterque*).⁴⁶ Atticus emphasizes precisely this alignment of the two historical figures (*omnia paria*). This playful sparring challenges gross historical distortion while supporting the parallels produced by syncritic comparison. Cicero may be chary of inventing a blatantly erroneous scenario with obvious chronological flaws, such as he found in Curio's dialogue. He will, however, embellish lives or align careers to enhance the plausibility of a given narrative, and here, as elsewhere, he draws attention to these embellishments. Cicero is at liberty to select, emphasize, and even create similarities between distinct individuals or events.⁴⁷

For this reason, Atticus comments, rhetoricians have latitude for inventiveness when producing a better account (*concessum est rhetoribus ementiri in historiis, ut aliquid dicere possint argutius*). This is not the same as falsification of the past, since the embellishment of facts must serve the coherent aims of the narrative. Atticus will subsequently adduce alternative evidence from Thucydides, who reports Themistocles' death, his secret burial in Attica, and the rumors of suicide by poison, which he

⁴⁶ Cicero repeats the parallel at *Amic.* 42. Liv. 2.40.10–11, Plut. *Cor.* 39.1–9, and Dion. Hal. *Ant. Rom.* 8.59 offer alternative accounts. See Berthold (1965) on Cicero's varying depictions of Themistocles; Marr (1995) on the genesis of Themistocles' suicide. Cf. Boyancé (1940), Bréguet (1967) 607–8, Rawson (1972) 33 n.4.

⁴⁷ At *Amic.* 42 Themistocles postdates Coriolanus by twenty years. Cf. *Att.* 9.10.3 (SB 177), where both are mentioned but the similarities are not emphasized. *De Oratore*, *de Republica*, and *de Legibus* all draw attention to their fictional status and potential for distortion.

acknowledges but rejects. Rhetoricians can elaborate accounts rhetorically and tragically (*hanc enim mortem rhetorice et tragice ornare potuerunt*, 43).⁴⁸ Furthermore, Cicero can at least cite sources for his version, even if the alternatives are less venerable than Thucydides (*ut enim tu nunc de Coriolano, sic Clitarchus, sic Stratocles de Themistocle finxit*, 42).⁴⁹ Cicero lays bare the procedures for the embellishment of inherited material (*ornare*), which is justified provided that it enhances similarities and patterns of a narrative.

Embellishment of details was standard practice among orators, who seek out the best material for a case (*inventio*) but with considerable license to fill in gaps with details that can be plausibly attributed or inferred. Imperial Roman declaimers formalized this artistic technique, exploring fully the power of its fictive tendencies for moral and ethical speculation. From a broader perspective Cicero's methodological reflections in the *Brutus* are of a piece with the general practice of ancient historians, who incorporated the data of history into embellished scenarios in order to produce the most coherent and plausible narrative.⁵⁰ It is noteworthy that the *Brutus*, a dialogue surveying the past rather than an annalistic account, nonetheless defines *historia* as the inventive artistic production of historical narrative.⁵¹

Cicero is by no means deaf to the substantive point underlying Atticus' objections. He concedes the need for circumspection in the presence of a historical authority as scrupulous as Atticus (*ego cautius posthac historiam attingam te audiente, quem rerum Romanarum auctorem laudare possum religiosissimum*, 44). The need for caution, however, only heightens attention to possible fictions without ruling them out. Through Atticus Cicero will later call into question his own pledge to be more cautious, as *religiosissimum* ("most punctilious," 44) anticipates Atticus' later

⁴⁸ The term *rhetorice* in the light of the norms of declamation may help to elucidate the procedures of factual embellishment. Declaimers had considerable license with the invention or supposition of facts, motives, or reasons provided that they did not contradict what was known or widely believed to be known.

⁴⁹ Citation of alternative precedents is crucial to his dating of Naevius' death, discussed below.

⁵⁰ The remarks at Lintott (2008) 3 are instructive: "most accounts of past history in his works have a persuasive element that tends to overshadow his devotion to the truth as he knows it."

⁵¹ The study of historiography in classics is now well established, with a considerable scholarship on the theoretical questions and countless studies of ancient historians' literary approaches. In addition to Cicero's discussions (Cic. *Fam.* 5.12 [SB 22], *Att.* 1.19, 2.1.1–2 [SB 19, SB 21], *de Orat.* 2.51–64, *Leg.* 1.1–5), see also several essays in Kraus (1999), and the Introduction, chaps. 1–3 and chap. 25 in Feldherr (2009). Wiseman (1979) and Woodman (1988) esp. 70–126 are seminal. There are still holdouts, most notably Lendon (2009, chap. 3 in Feldherr 2009). On the material from *de Oratore* see further Leeman (1963) 168–74, Fantham (2004) 146–52, and Fox (2007) 134–41.

questioning of Cicero's *religio* ("scrupulousness," "accuracy") in the likening of Cato's rhetorical ability to that of Lysias (293). The frequent gestures to scruple and accuracy ultimately throw into relief Cicero's considerable license to evaluate and manipulate the available material.⁵²

The *Brutus* does not insist on absolute truth in organizing the past, and references to distinctions such as fact/fiction or history/rhetoric provide only so much guidance for understanding Cicero's historiographical methods. Over and again the interest in exemplarity depicts later actors and events in harmony with preexisting models in an effort to search out repetitions and to make sense of later events through similarities to earlier ones. Most broadly, for example, Roman oratory develops similarly to Greek oratory and even to early Roman poetry on a number of scores (as this and other chapters discuss). The positing and analysis of parallels involve not so much passively comparing inert facts as actively organizing them so that they acquire explanatory meaning. Cicero eschews thoroughly implausible and contradictory ideas (as with Curio's anachronism), but the judicious selection and elucidation of details guide the narrative and its arguments throughout the dialogue. Cicero's duty is to persuade readers of the validity of his literary history, not to demonstrate its absolute factual accuracy.⁵³

Chronology and the Making of the Past

Cicero orders his material with an eye to the significance of watershed events, coincidences in the lives of individuals that often rely on but are not explicitly tied to syncritic judgment and are, nonetheless, essential to the larger image of literary history that emerges. These events include births and deaths of poets and orators, literary production alongside the tenure of office (often but not always the consulship), important literary works, or key stages of an orator's career.⁵⁴ A number of these details, to be sure, are traditional and therefore seem relatively innocent – the use of consular dating, for example. Indeed, scarcely a page of the *Brutus* fails to

⁵² Boyancé (1940) goes too far in reading the passage as granting Cicero *carte blanche*. We must also infer his attitude from his treatment of historical data.

⁵³ As Moatti (1997) 310 notes, for late republican scholars illuminating the past was equivalent to getting it right: "la clarification valait bien la vérité." Zetzel (2007) 11 on the chronology of Atticus, Nepos, and Varro notes that "it is firm only in the sense that it became generally accepted, not that it was true." Cf. Fox (2007) 195.

⁵⁴ My section on the *Ciceropaideia* in Chapter 1 also discusses Cicero's alignment of biographical data, literary creations, and political events.

increase Cicero's debt to the annalistic tradition. Yet biographical details are essential to constructing a meaningful history, not as mere data points within a sequential narrative, but as "chronological hooks," which give meaning to that narrative.⁵⁵

Cicero only selectively draws on the traditional annalistic framework, the dating of years by reference to the two consuls. The consulships do not create a predictable linear trajectory; rather, select consulships populate his history with meaningful coordinates onto which the development of literature can be plotted. Other events, including individual births and deaths, lesser magistracies, periods of war, and the production of literary texts, whether poetry or oratory, are then plotted onto this grid of offices in order to provide a different sense of literary development in time.⁵⁶ Cicero lays out before the reader a "chronoscape" of meaningful literary events and their crafters. Rather than present smooth continuities of linear, annual, or cyclical regularity, he details instead a landscape of temporal progression from which emerge the key markers of literary-historical significance, artists and artworks of special distinction.⁵⁷

This history begins with his documentation of poetic events and deaths, which, because poetry precedes oratory at Rome, provides a model for later developments in the field of oratory. Cicero notes that Gaius Sulpicius Galus

was the most devoted to Greek letters of all noble men; and he was both ranked as an orator and was distinguished and elegant in other matters. By now the general manner of speech was rather rich and remarkable: you see, he was the praetor in charge of the games to Apollo at which Ennius had staged a *Thyestes* and then died, in the consulship of Quintus Marcius and Gnaeus Servilius.

⁵⁵ Douglas (1966b) 291: "Few pages, apart from the digressions into literary criticism and polemic, lack chronological indications." On "chronological hooks" cf. Feeney (2007) 13: "What eventually comes to underpin the entire ancient project of organizing historical time is precisely the use of such canonical events as hooks from which intervals forwards or backwards could be counted." Sumner (1973) 158, refining the arguments of Douglas (1966b), first conclusively established the importance of birth dates generally as a structuring principle: "Cicero used as his chronological foundation (a) dates of birth where known and (b) the evidence on dates of birth afforded by his orators' public careers." Sumner (1973) 3–5 and 159–60 takes an intermediate position between Douglas (1966b) and Badian (1964) 241 n.11, noting that "Douglas's theory is overstated rather than fundamentally mistaken" (5), while Badian's criticism of Douglas and characterization of the *Brutus* were "unduly severe and uncompromising" (160).

⁵⁶ Mazzarino (1966) 412–61 (one long note) discusses time in historiography, including the plotting of events onto conceptual space.

⁵⁷ "Chronoscape" is an adaptation of what Bakhtin (1981) 84 calls the "chronotope" to describe "the intrinsic connectedness of temporal and spatial relationships that are artistically expressed in literature." For a cognitive approach to physical representations of time, see Zerubavel (2003).

maxume omnium nobilium Graecis litteris studuit; isque et oratorum in numero est habitus et fuit reliquis rebus ornatus atque elegans. iam enim erat unctior quaedam splendidiorque consuetudo loquendi. nam hoc praetore ludos Apollini faciente cum Thyesten fabulam docuisset, Q. Marcio Cn. Servilio consulibus mortem obiit Ennius. (78)

Cicero cites Ennius' play as a marker of contemporary style, much as Naevius' writings reflect the speech of his age (*illius autem aetatis qui sermo fuerit ex Naevianis scriptis intellegi potest*, 60, discussed below).

Key elements, however, surface here and will resurface at other crucial points: a specific office (not necessarily the consulship) is connected to a piece of literature and the death of an author. This pattern aligns developments in literary history with the tenure of office and the birth or death of a significant figure. This is a lot to attribute to a single example, but the connection of Galus' praetorship to Ennius' *Thyestes* and his death in the same year endows these otherwise random events with explanatory force. The account is not one of strict causality, but it does explain and document aesthetic change. The simultaneity of events becomes a landmark in the chronoscape of literary history, confirming through coincidence the validity of Cicero's claims about oratorical progress. It may initially seem that Cicero treats these data much as he does the chronological hooks of the annual consulships, that is, as markers of temporal progress. Yet there is a crucial difference: the consulship provides a structure of regular intervals, while notable clusters of events allow a significant development in literary history to stand out against the background of the consulships.

Cicero will later draw on this pattern to explain his own place in literary history. The most obvious – and obviously self-serving – attempt to meaningfully populate this chronoscape is the presentation of his own birth:

But at the time when Crassus' speech was published, which I know you've often read, he was thirty-four and as many years older than me. He argued for the law in the year of my birth, whereas he was born in the consulship of Quintus Caepio and Gaius Laelius, three years younger than Antonius. I've set this out so it could be observed in which age the first maturity of Latin oratory had come into being and understood that it had been brought then nearly to its summit, so that virtually no one could enhance it, except someone better trained in philosophy, civil law, and history.

sed haec Crassi cum edita oratio est, quam te saepe legisse certo scio, quattuor et triginta tum habebat annos totidemque annis mihi aetate praestabat. his enim consulibus eam legem suasit quibus nati sumus, cum ipse esset Q. Caepione consule natus et C. Laelio, triennio ipso minor

quam Antonius. quod idcirco posui, ut dicendi Latine prima maturitas in qua aetate exstisset posset notari et intellexeretur iam ad summum paene esse perductam, ut eo nihil ferme quisquam addere posset, nisi qui a philosophia a iure civili ab historia fuisse instructor. (161)

Cicero's birth coincides with Crassus' speech in defense of the Servilian law (106 BCE), and Crassus himself came to the world in the consulship of C. Laelius (140 BCE), a significant figure in the *Brutus*' pairing of him with Africanus; Galba in turn outranks both men. Cicero provides not only the chronology but its interpretation, or at least part of it. He draws attention to what initially seem to be innocent parallels: his birth coincides with a formative speech by Crassus, who is born during the consulship of an eminent figure. Careful selection and interpretation, however, turns brute chronology and Roman habits of timekeeping into a meaningful narrative. Cicero forgoes any aesthetic argument about Crassus' speech or why oratory has attained maturity, assuming rather than seeking the reader's acknowledgment of the speech's status as a marker of oratory's florescence (we would do well to remember that Atticus later derides it, 296). Causality emerges from the established pattern, the interconnection of significant office, birth, and the production of a literary work. No argument is made about the specific historical or aesthetic developments that somehow demonstrate that oratory has reached maturity. Instead oratory's *prima maturitas* arises from the inevitable collusion of historical events: major figures in an interconnected sequence producing meaningful works of literature.

Cicero's birth is hardly the first instance in which ulterior motives underlie his artful construal of apparently inert facts. He repeatedly selects and then inserts specific events into his narrative in such a way that meaningful patterns emerge from the raw data of biography, as when he maps his and Hortensius' careers onto the life of Crassus in order to make those careers align more closely and to highlight their rivalry.⁵⁸ We first hear of Hortensius' debut in the forum in 95:

he first spoke in the forum when Lucius Crassus and Quintus Scaevola were consuls and even before the consuls themselves, and he left with the approval of those present and of the consuls themselves, who excelled all others in understanding.

is L. Crasso Q. Scaevola consulibus primum in foro dixit et apud hos ipsos quidem consules, et cum eorum qui adfuerunt tum ipsorum consulum, qui omnibus intellegentia anteibant, iudicio discessit probatus. (229).

⁵⁸ Chapter 1 discusses this aspect of the Ciceropaideia and Crassus' speech on the *lex Servilia*.

It is not until some seventy chapters later in the *Brutus*, after a long series of digressions, that Hortensius will return, now at the peak of his powers: “and so he was reaching his height when Crassus died, Cotta was exiled, the courts suspended, and I entered the forum” (*hoc igitur florescente Crassus est mortuus, Cotta pulsus, iudicia intermissa bello, nos in forum venimus*, 303). Cicero’s career follows closely on Hortensius’, but the determining points for their debuts are connected to quite different aspects of Crassus’ life: for Hortensius Crassus’ consulship, for Cicero Crassus’ death.

The details are useful for what they reveal as much as for what they omit, and small differences show how ingeniously Cicero labors to craft a seamless narrative. Cicero did not deliver a speech in 91/90 as Hortensius had in his debut “in the forum” in 95.⁵⁹ Cicero would only first take up cases, both private (Quinctius, 81 BCE) and public (Roscius of Ameria, 80 BCE), nearly a decade later (311). Unlike Hortensius, his entry into the forum was not a speech but the *tirocinium fori*, the introduction of an aspiring orator to public life. The details of Crassus’ life and death are not simply neutral chronological points on a timeline. Crassus’ biography is used to create the image of Cicero as the natural rival to Hortensius and, more importantly, as the natural successor to Crassus. References to these stages in Crassus’ life are all the more important because along the way in the *Brutus* Cicero endows events such as these, as well as births, deaths, offices, or literary productions, with meaning greater than their factual dates.

Inventing the Death of Naevius

The history of early poetry is riddled with confusion in the historical record, but some of it can be better understood by recognizing how Cicero interconnects biographical and political details within the development of an *ars*. One notorious example demonstrates well the transformation of raw data into a meaningful pattern: the date of Naevius’ death. It remains one of the riddles of the *Brutus*.⁶⁰ Barring new evidence his date of birth will remain unknown, and his death, Cicero claims, fell in the consulship of Cethegus (204 BCE):

⁵⁹ There are two separate issues in Cicero’s presentation here: first, he combines the events of 91/90 to make them seem contemporaneous and massages the details to make his career follow that of Hortensius. Hortensius likely did not speak in the forum but in the senate, and Hortensius’ participation in the forum (whatever it was) fundamentally differs from Cicero’s *tirocinium fori*. These are both discussed in Chapter 1.

⁶⁰ On this passage and the dates for the deaths of Plautus and Naevius, see Dahlmann (1962) 605–13, Schaaf (1979), D’Anna (1996), Rösch-Binde (1998) 470–89, Lehmann (2002) 102–7.

This Cethegus was consul with Publius Tuditanus during the Second Punic War and Marcus Cato was quaestor when they were consul, clearly just 140 years before I was consul. . . . When these men were consuls, Naevius died, as was written in the old records (although our friend Varro, an extremely careful researcher of antiquity, thinks this wrong and extends the life of Naevius). You see, Plautus died in the consulship of Publius Claudius and Lucius Porcius, when Cato was censor, twenty years after those consuls I mentioned.

At hic Cethegus consul cum P. Tuditano fuit bello Punico secundo quaestorque his consulibus M. Cato modo plane annis clx ante me consulem. . . . his enim consulibus, ut in veteribus commentariis scriptum est, Naevius est mortuus,⁶¹ quamquam Varro noster diligentissimus investigator antiquitatis putat in hoc erratum vitamque Naevi producit longius. nam Plautus P. Claudio L. Porcio viginti annis post illos quos ante dixi consulibus mortuus est Catone censore. (60)

Once again Cicero perfectly unites the appeal to diligent accuracy with what is likely a distortion in the service of his own aims, insisting on 204 BCE as the death date of Naevius and citing *veteres commentarii* as an alternative source. He also shows a markedly independent attitude toward Varro, again suggesting his scholarly circumspection by not appearing beholden to either Varro or even Atticus. That impression is misleading: he praises Varro's scrupulousness and notes the later date, but does not refute Varro in detail as he had refuted Accius for misdating the beginning of literature (72–73).

We are privy here to the attempted establishment of a chronological tradition based less on indisputable evidence than on a consensus of authorities or sources. One can compare disagreements over Rome's foundation, which years earlier Polybius, Varro, and Cicero had agreed upon as 751/50 BCE. By the time of the writing of the *Brutus* new evidence made compelling the revised and (now) traditional 754/53. Neither date is correct in any absolute sense. Cicero and his contemporaries were still sorting out precisely these kinds of questions while facing considerable material limitations in the historical record. Determinations were often made by assessing which date, in the absence of conclusive evidence, offered the best narrative; that narrative could, in a circular fashion, then also help to explain the choice of date.

What exactly is Cicero up to in this passage on Naevius' death? Two separate yet interrelated issues are involved: the insistence on 204 as the

⁶¹ I punctuate here with a comma for Malcovati's semicolon. The reasons are given below.

year of Naevius' death and the attribution of the sentence beginning with *nam* (is this Cicero's or Varro's reason?). One reading of Cicero's statement is as follows: Plautus died in the censorship of Cato (184); Plautus is Naevius' contemporary; therefore (Varro claims), Naevius lived longer than 204. As Douglas notes, the logic is senseless.⁶² The reasoning is coherent, however, if we see that Cicero recalls and reinforces a pattern he noted in the cases of Gaius Sulpicius Galus and Crassus/Hortensius/Cicero (discussed above). He prefers 204 because it has a canonical author dying during the tenure of office of a significant orator.

Producing that alignment involves some scholarly contortions. Cicero's reference to *veteres commentarii* is vague and warrants circumspection. The choice of 204 probably refers to notice of Naevius' last known dramatic production. Varro was almost certainly right in choosing a later date for Naevius' death, and Cicero probably knew so. Jerome claims that Naevius died while exiled in Utica in 201 (did Varro use similar details for his dating?). Cicero makes convenient use of conflicting but equally plausible evidence in the sources. While feeling obliged to signal his differences with Varro, he still insists on 204.⁶³

We can follow Cicero's train of thought to the end if we attribute the *nam*-clause to him rather than Varro.⁶⁴ Cicero does not say something like *nam, ut dixit Varro noster*, or cast the sentence as indirect statement to signal Varro's explanation. The notice of Plautus' death in 184 is Cicero's, and he provides it because he has been highlighting the career of Cato the Elder, who held office in 204 and 184. Mention of Cato's censorship might make sense, but the quaestorship is surprising. It is true that in 204 Cethegus, the first *orator*, held the consulship, but the synchrony of Cato's quaestorship with Cethegus' consulship cannot alone have motivated the

⁶² Douglas (1966a) 51.

⁶³ Jer. *Chron.* 1816 = Olymp. 144.4 = 201 BCE (*Uticae moritur, pulsus Roma*). Cf. Badian (1972) 160–61, Marmorale (1967) 31 and 132; Jocelyn (1969) 41–42 questions Jerome's reasons, but not a later dating. I suspect that Cicero omits details from Varro's account and not, as Jocelyn thinks, that Cicero found in Varro only the conjecture of a later date. Plautus' death in 184, it must be noted, is also only conjecture from the last known performance; see Leo (1912) 70. What records Cicero consulted remains a mystery, but these were presumably privately held documents rather than state archives; see Culham (1989).

⁶⁴ Schaaf (1979) 30, Rösch-Binde (1998) 478 n.2; D'Anna (1996) 100 n.31 attributes it to Varro. In the translation above I have made *quamquam* parenthetically concessive ("although"). Placing a half or full stop before it, as Malcovati does, shifts the focalization to Varro's viewpoint ("And yet"). Cicero does not switch to Varro's view but continues to present his own to the end of the section, merely noting Varro's different claim in passing.

notice.⁶⁵ Inclusion of the detail makes sense in conjunction with the later mention of Cato's censorship of 184 (when Plautus died). The *nam*-clause states that Plautus lived until the censorship of Cato not to argue that Naevius therefore lived longer but to underscore the alignments with Cato's career. Cato, of course, will usher in the next major stage in the development of oratory at Rome after Cethegus. The deaths of Naevius and Plautus meaningfully bracket each end of his *cursus*: his first major office (*quaestor*) and the final and most famous one (*ensor*). Cicero contrives to make the dates line up in order to suggest a meaningful pattern: the tenure of office by one significant literary figure (Cato) coincides with the death of another – in this case, with two others, Naevius and Plautus.

Cicero invents (in the ancient and modern senses) meaningful parallels in the biographies of Naevius, Plautus, and Cato, insisting that Naevius died in 204 in order to connect those deaths to the careers of the first two figures of oratorical history, and to the *cursus* of Cato the Elder in particular.⁶⁶ Just as Cicero aligned significant events for himself and Hortensius with the biographical data of Crassus, so does he contrive to organize the deaths and careers of Naevius/Plautus and Cethegus/Cato. This is yet another example of Cicero's impulse to find or craft meaningful patterns and synchronies in the historical account.

Now, this way of conducting the business of literary history may not sit well with modern scholars, who would probably throw up their hands at Cicero's emphasis on a coherent narrative over the better facts of chronology. But his interest is in selecting the right chronology for the purposes of his account, and not, as the modern scholar does, seeking to get the chronology right and then building the account from the data points. Cicero labors to create a larger sense of literary history that is interconnected and coherent, formed from patterns, repetitions, and coincidences in chronology and lives that suggest a unity and inevitability in the history.

A theoretical basis for plotting the deaths of Naevius/Plautus onto the careers of Cethegus/Cato had already surfaced in Cicero's exchange with Atticus over Coriolanus and Themistocles (discussed above). Cicero had

⁶⁵ Badian (1972) 155 and 201 remarks that no other quaestorship is mentioned in this way in the *Brutus*. Cf. Jocelyn *apud* Badian (1972) 201 with Badian's response. Of the four uses of *quaestor*, the closest example denotes C. Gracchus, but to indicate the age difference between Gracchus and Brutus' kinsman M. Junius Pennus (109).

⁶⁶ Plautus/Naevius make a convenient pair (apparently coevals at *Tusc.* 1.3; cf. *de Orat.* 3.45, Gell. *NA* 3.3). Schaaf (1979) argues that they indicate generational differences in style, rightly rejected by Rösch-Binde (1998) 480–81.

used the deaths of those two figures as a way to associate them and suggest their conceptual affinities within a larger narrative.⁶⁷ And just as he demonstrated free use of sources in selecting between Thucydides and the *rhetores*, Clitarchus and Stratocles, so too does he reject Varro's account concerning the death of Naevius in favor of unspecified *commentarii*. The presumably less reliable sources – which probably gave no other information than that Naevius last produced a play in 204 – are preferred because they provide better parallels. Cicero does not permit the evidence to drive the narrative; rather, as we might expect from someone alert to the latitude accorded to ancient rhetoric and historiography, he allows the narrative to shape the selection and presentation of plausible facts to support the grander design.⁶⁸

To be sure, he cannot willy-nilly manufacture the raw data of history, even if, in the face of competing sources, he can choose those he suspects or even knows are wrong. When turning to the biographies of early Roman poets, for example, it is largely coincidence that the significant dates of the poets' lives yield a fairly neat succession: Livius Andronicus first put on a play in 240, Ennius was born in 239 and lived until 169, and Accius was born in 170. If one overlooks other contemporaries such as Naevius or Pacuvius, then the material forms a neat, though not perfect, lineage of authors. One can imagine the physical impression of continuity all the more vividly when keeping in mind a visual representation such as Atticus' *Liber Annalis*, with all events laid out in a single sweeping view (*ut explicatis ordinibus temporum uno in conspectu omnia viderem*, 15).⁶⁹ One can further imagine Cicero gazing hopefully at the exact parallels that could have been – why could not Ennius have been born a year earlier and Accius a year later, a perfect sequence of deaths and births in the poetic succession of Livius–Ennius–Accius? Setting aside what Cicero saw or might have hoped to see in Atticus' *Liber*, a partial caveat must be issued in the case of Naevius, for whose death Cicero visibly selects the evidence that matches his own sense of the workings of literary history in the *Brutus*.

⁶⁷ Cicero's choice of Coriolanus/Themistocles in the "theoretical" discussion of synchronism and historical distortion may have been motivated not only by their similar fates while alive but also specifically for their similar deaths; only later in the dating of Naevius/Plautus does the focus on their deaths obtain its full importance.

⁶⁸ Jastrow (1900) 132 gets at the underlying psychology: "Create a belief in the theory, and the facts will create themselves."

⁶⁹ Münzer (1905) on the *Liber Annalis* with Feeney (2007) 7–42, who emphasizes the physical layout of synchronistic works across and within cultural histories. Again, it is worth noting that the death of Ennius does become a significant marker for the presentation of Gaius Nipicius Galus. As for Plautus and Naevius, circumspection is warranted.

This is not outright falsification, however, since he remains true to his methodological principles: he cites an alternative source for his claims; and the orator's commitment to *inventio* mandates the presentation or suppression of details to support an argument.

The tendentiousness in Cicero's literary history emerges not so much in the evolutionary scheme that culminates in Cicero, however important that feature is. To be sure, it is self-serving, but transparently so, leading most modern readers to question its assumptions. Less apparent and more compelling is the way it organizes literary history to suggest inevitability. Cicero adverts to the accurate presentation of factual details, but discerning a meaningful pattern in those details requires both the literary historian's arrangement of that material and the reader's willingness to accept it. The allure in this way of conducting business lies in providing surface gestures to reliability and plausibility on the one hand and then selecting and presenting those details to suggest a consequential pattern on the other. Cicero naturalizes the historical relationship of cause and effect, helping readers to forget that he, as much as history, is the organizing force behind the patterns that emerge.

The emphasis on meaningful coincidences powerfully reminds us that the plausibility of Cicero's literary history is sustained as much by its overall aesthetic impression as by any facts it may contain.⁷⁰ But all the scholarly energy devoted to biographical alignments must amount to more than simply an exercise in conveniently matching up dates or establishing patterns. Indeed, it cannot be merely coincidental that Cicero documents the beginning of orators by looking to poets. Just as Roman oratorical history maps onto Greek oratorical history, so too do Rome's oratorical beginnings map onto an early phase of the poetic tradition. Here early – but not earliest – is the operative word, since oratory's start necessarily postdates poetry's. Naevius and Plautus postdate Livius Andronicus, and so pairing them at their deaths with the careers of Cethegus and Cato juxtaposes the representatives of two different arts while keeping us in mind of the chronological sequence: oratory follows poetry.⁷¹

⁷⁰ Perkins (1992) 110: "Yet after they have constructed their narratives, most literary historians believe them. Their sense of conviction rests, I believe, on grounds that may broadly be called aesthetic. They have integrated many events into a pattern, and the sense of totality and coherence transforms itself into a sense of truth."

⁷¹ Literary historiography similarly passes from poetry to prose. Ennius and Accius, poets and literary historians (in Cicero's portrayal), give way to Varro and Cicero, prose authors of literary history. This shift is anticipated by the mention of poetic laments for dead colleagues – typically understood as Sophocles' tribute to Euripides – through which Cicero defends the *Brutus*' mourning of Hortensius (3).

The aesthetic impression of the neat sequence of facts lined up so perfectly also justifies yet another choice that ancient and modern readers have struggled with: making Cato not the first but the second orator. Yet having Cato come right after Cethegus fittingly unites the two through their simultaneous tenure of office (quaestor and consul, respectively) at the death of Naevius, a coincidence that neatly paves the way for Cato's censorship at the death of Plautus.

The alignment of Roman office holders and poetic deaths also brings us back to the discussion above of Galus' praetorship, his superintendence of the *ludi Apollinares*, and Ennius' death after producing his *Thyestes* there. That account also interconnects Roman literature and Roman office, conceiving of literary texts in the light of official duties and civic institutions and likening poetic performance to oratorical practice. And it is all the more meaningful that Galus' stylistic achievements are attributed to Greek learning and that he is affiliated with Roman games for Apollo – the divine sponsor, of course, of music, song, and poetry.

All these careful juxtapositions underscore what we can think of as the literariness of oratory. They are yet another pragmatic step in likening one literary genre to another literary genre by association. This is not the same as strictly or theoretically equating poetry and oratory, of course. It is rather the crafting of a persuasive web of cultural associations between early authors irrespective of genre, not to discount or ignore generic differences, but to fit each genre into a larger conception of a literary network. And it is for this reason that the *Brutus* – purportedly a history of oratory – initially focuses so intently on poetry and poets. Poetry began as an adaptation of Greek models, while oratory is a native tradition that evolved to rely on Greek texts while still rivaling or perhaps surpassing the best of them. If poetry is part of an established, recognizable, and evolving literary system, then, Cicero show us, it is a system to which oratory too must belong.