

Critical Analysis on Cicero *Against Verres* 2.1.76-77

In this analysis of two of Cicero's paragraphs from *In Verrem*, I will look at how Cicero uses language and themes in his other works and how his arguments relate to his Late Republican Roman context.

In Verrem is a compilation of Cicero's prepared speeches for the trial of the former governor of Sicily, Caius [Licinius] Verres.¹ They are part of a movement, beginning in the Second Century BC, of removing provincial corruption by allowing Roman subjects to prosecute magistrates through Roman citizen patrons.² Verres was prosecuted on behalf of non-citizen Sicilians for "ruthless spoliation".³

Following the *Lex Acilia*, such trials typically focused on extortion, awarding the victims twice what was extorted.⁴ Easily quantified spoliated artefacts were better lines of inquiry than others. Cicero admitted he would likely have dropped or shortened

¹ The nomen *Licinius* is sometimes given, but is not certain, see: Papin, Yves Denis. *Chronologie de l'histoire ancienne*. Editions Jean-Paul Gisserot, 1998, p.65; Farrington, Henry L. "Blueprint for Legal Practice: Establishing Cicero's Ideal Style." (2015), p.47

² T.N. Mitchell ed. *Cicero: Verrines II. I*. "Introduction" Oxford University Press, 1986, p.2

³ Cowles, Frank Hewitt. "Cicero's Debut as a Prosecutor." *The Classical Journal* 24.6 (1929): 429-448, p.429

⁴ Mitchell, p.3

the issue of mishandling grain imports had he delivered the Second Action.⁵

As a result, *In Verrem* mostly focuses on Verres' extortion in Sicily but *In Verrem* 2.1 describes Verres' previous wrongdoings as a quæstor and legate under Governor Gnæus Cornelius Dolabella of Cilicia.⁶ This is not the crux of Cicero's overall argument, but it establishes Verres' character. The Lampsacus narrative is especially important as it is 23 paragraphs long, whereas his other crimes as a legate (mostly spoliation) take 9.⁷ It is about Verres' attempt to rape a noblewoman and Verres' influence in a corrupt trial. It is not about extortion.

When studying the Second Action, one must remember that it was never delivered, making its primary purpose to showcase Cicero's rhetorical and investigative talent.⁸ Details that would distract from Cicero's main accusations can serve a narrative purpose.

⁵ May, James M., ed. *Brill's companion to Cicero: Oratory and rhetoric*. Brill, 2002, p.92.

⁶ Gildenhard, Ingo. *Cicero, Against Verres, 2.1. 53–86: Latin Text with Introduction, Study Questions, Commentary and English Translation*. Open Book Publishers, 2011, p.ix

⁷ Gildenhard, *Against Verres*, p.ix

⁸ May, James M., ed. *Brill's companion to Cicero: Oratory and rhetoric*. Brill, 2002, p.92

The first speech can be thought of as an origin story for Cicero's villain, Verres, who is more like a tyrant from a Greek tragedy than a typical Roman defendant.⁹ Within Cicero's thought, however, there are two categories of tyrants: natural and those caused by society or the times.¹⁰ Verres' backstory establishes him as a natural tyrant.¹¹

Paragraphs 76 and 77 are the climax of Cicero's Philodamus narrative, which the Hispanian orator Quintilian believed to be a great example of an emotional argument supporting the rational one.¹² Not only that, but they exemplify the use of pathos before the closing arguments, showing that pathos is useful whenever it aids rationality.¹³

Before these paragraphs, Cicero described Verres' attempted rape of the daughter of Philadamus, a Lampsacene noble, similarly to Appius Claudius' attempted rape of Verginia.¹⁴ Appius Claudius receives justice when he and the other Decemvirates are

⁹ Frazel, Thomas D. *The Rhetoric of Cicero's "In Verrem"*. Vol. 179. Vandenhoeck & Ruprecht, 2009, p.177.

¹⁰ Gildenhard. *Creative Eloquence: The Construction of Reality in Cicero's Speeches*. Oxford: Oxford University Press, 2011, p.91

¹¹ Gildenhard, *Creative Eloquence*, p.91

¹² Gildenhard, *Against Verres*, p.142

¹³ Gildenhard, *Against Verres*, p.142

¹⁴ May, James M., ed. *Brill's companion to Cicero: Oratory and rhetoric*. Brill, 2002, p.94

overthrown as the Republic is restored.¹⁵ Cicero inverts the story, as the victim's defenders are killed rather than Verres.¹⁶ The Verginia parallel is important as it is like the Rape of Lucretia narrative, but rather than punishing the monarch, the Romans punish corrupt Republican officials.¹⁷

In the previous paragraph Cicero clears Governor Nero of Asia from blame, claiming that he is of the highest virtue and only guilty in being too timid to stop Verres and Dolabella, governor of Cilicia (Cic. Verr. 2.1.75). Cicero denounces Nero's inaction, but shifts the blame to his antagonists Verres and Dolabella. To clear Nero somewhat, his action in setting up the execution is in the passive voice: *Constituitur in foro Laodiceæ* (Cic. Verr. 2.1.76).

Philodamus' execution is given many adjectives: *acerbum et miserum et grave* (Cic. Verr. 2.1.76). Cicero is not reporting bare facts, but conveys the appropriate emotional response. He explicitly tells the audience to imagine (*putatis*) what the scene looked like (Cic. Verr. 2.1.76). Imagination allows the reader to take Cicero's side as they imagine the events as he does. *Putatis'* lemma *puto*

¹⁵ Joshel, Sandra R., and A. Richlin. *The body female and the body politic: Livy's Lucretia and Verginia*. na, 1992, p.117

¹⁶ May, James M., ed. *Brill's companion to Cicero: Oratory and rhetoric*. Brill, 2002, p.94

¹⁷ McClure, Laura K., ed. *Sexuality and gender in the classical world: readings and sources*. John Wiley & Sons, 2008, pp. 169–171

can also mean “I judge” or “I esteem”, so he is telling the audience to judge the incident as he does.¹⁸ Throughout his works, Cicero frequently invites the audience, usually the Senate, to identify with him as he ostracises his opponent (this is perhaps most visible in his Catiline speeches).¹⁹

Although Cicero uses the term *acerbum* elsewhere to mean sad or bitter, he also uses the term to mean unripe or before its time, for example a *virgo* (virgin) is typically *acerba*.²⁰ Cicero is not only denouncing the weight (*grave*) of the injustice of killing a virtuous man such as Philodamus, but the bitterness in killing his young and innocent son (Cic. Verr. 2.1.76).

Roman concepts of family and virtue are invoked as Philodamus’ punishment is for defending the chastity of his children, carrying out the duty of a *paterfamilias* to protect his family,²¹ and Philodamus’ son for defending the life of his father and sister (Cic. Verr. 2.1.76).

¹⁸ Andrews, Ethan Allen, et al. *A Latin Dictionary: Founded on Andrews' Edition of Freund's Latin Dictionary. Rev., Enl. and in Great Part Rewritten by Charlton T. Lewis and Charles Short*. Clarendon Press, 1879, p.1496.

¹⁹ Gildenhard, *Creative Eloquence*, p.93

²⁰ Lewis and Short, p.23.

²¹ Tempest, Kathryn. *Cicero: politics and persuasion in ancient Rome*. A&C Black, 2011, p.64

This injustice is made clear as Cicero does not humour Verres' charges against Philodamus but asserts that Philodamus and his son are being killed because they exemplified Roman virtue and law (Cic. Verr. 2.1.76). Verres is being condemned as someone who punishes people for being good.

Roman virtue and law is the opposite of tyranny throughout Cicero's works.²² In the Verrines, Cicero insinuates that by being a tyrant Verres has "gone native" to Sicily which was famous for its legendary tyrants, such as Phalaris.²³ Cicero cannot use this same device in this narrative as it would contradict his depiction of the Lampsacenes as noble and peace-loving (Cic. Verr. 2.1.63); going native to Lampsacus would not be as bad.

To make this clearer, Philodamus has been referred to as a *vir* (Cic. Verr. 2.1.67), as was Nero (Cic. Verr. 2.1.75), but Verres and Dolabella are only *homines* or people (Cic. Verr. 2.1.76). The term *vir* and its relative *virtus* have both a male tone and a morally positive one. However it should be noted that Cicero is "the first Roman to attribute *virtus* to a woman without humourous intent", so Cicero's use of the terms should be seen as moral rather than

²² Gildenhard, *Creative Eloquence*, p.90

²³ Gildenhard, *Creative Eloquence*, p.91

gendered.²⁴ When Philodamus and his son are called *homines*, they are *homines innocentis nobilis* (innocent and noble people) to contrast Verres as a *hominis flagitiosissimi* (most wicked person) (Cic. Verr. 2.1.76).

Cicero pairs and contrasts each executed person a number of times: *parens adductus...altera parte filius; ille quod...hic quod; pater de filii morte, de patris filius* (Cic. Verr. 2.1.76). By describing the victims one after the other, Cicero can give more detail to each man and make their deaths more emotional. Cicero explains how they are both brave in the face of death, they are only crying because of how sad the other's fate is (Cic. Verr. 2.1.76).

They are wept over not only by each other, but by Nero and all Asia (Cic. Verr. 2.1.76). The Lampsacenes are singled out (Cic. Verr. 2.1.76). They have been described before as lovers of peace who are dutiful to every Roman citizen's needs (Cic. Verr. 2.1.63) and again their greatest concern is that friends of the Romans have been killed (Cic. Verr. 2.1.76). Verres has brought shame to Rome with no one forcing him to do so, while the Lampsacenes glorify

²⁴ Altman, William HF. "Womanly Humanism in Cicero's Tusculan Disputations." *Transactions of the American Philological Association*. The Johns Hopkins University Press, 2009, pp.411-412.

Rome even when they are being punished. The Lampsacenes are naturally virtuous foils for Verres' natural tyranny.

Cicero never names Philodamus' son or daughter although both are frequently mentioned. Cicero may not know their names as the incident took place in 80BC, ten years prior to Cicero's case.²⁵ There had been a case two years after the event, which largely depended on Verres' testimony and ended with Verres' acquittal and Dolabella's conviction.²⁶ Cicero's ability to find evidence about an event that occurred ten years prior, the official record of which was so favourable to Verres, should be questioned. Paragraph 76 heavily depends on an overtly imagined scene, which in turn depends on a certain interpretation of facts and assumption of intent that Catherine Steel has shown is far from certain.²⁷

Cicero now turns to the present day. The opening adverbial phrase *iam iam* (Cic. Verr. 2.1.77) can mean "at this moment", or "from now on".²⁸ Cicero may be calling Dolabella's attention with immediacy (compensating for the length of time that has passed), or

²⁵ Chisholm, Hugh. *The Encyclopædia Britannica: The New Volumes, Constituting, in Combination with the Twenty-nine Volumes of the Eleventh Edition, the Twelfth Edition of that Work, and Also Supplying a New, Distinctive, and Independent Library of Reference Dealing with Events and Developments of the Period 1910 to 1921 Inclusive*. Vol. 29. Encyclopædia Britannica Company, Limited, 1911, p.1038

²⁶ Chisholm, p.1038

²⁷ Steel, C. E. "Being economical with the truth: what really happened at Lampsacus?." *Cicero the Advocate* (2004): 233-251., p.236

²⁸ Lewis and Short, p.1011.

he may be suggesting that Dolabella's actions created irreversible change.

Cicero mentions Dolabella's exile and his impoverished family (Cic. *Verr.* 2.1.77). In contrast to the many tears shed for Philodamus and his son, Cicero claims that he is unable to feel the same for Dolabella and his children (Cic. *Verr.* 2.1.77). Although he is not happy that these poor children are destitute, the blame is solely Dolabella's (Cic. *Verr.* 2.1.77). Dolabella's part in the tragedy ended when he was justly punished, no emotion is needed for something that is already resolved.

The next sentence carries religious overtones with the term *lui* (Cic. *Verr.* 2.1.77), which Cicero uses elsewhere to mean expiation (Cic. *ad Brut.* 1.12) or its doublet *elui* to wash away sin (Cic. *S. Rosc.* 24.66).²⁹ The god being appeased, however, is Verres' lusts and the sacrifice is the blood of innocent men (Cic. *Verr.* 2.1.77). *Sanguine* is an ablative of instrument carrying out the expiation (Cic. *Verr.* 2.1.77). The inversion of punishing virtue as if it were criminal is expanded by making Dolabella a kind of perverse priest that

²⁹ In some manuscripts the word there is *lui* as well, conversely some manuscripts of *In Verrem* have *elui* in *lui*'s place, see: Marcus Tullius Cicero and Albert Curtis Clark. *Pro S. Roscio Amerino*. C. Bange, 1902.

washes away innocence. Having shown Verres to have perverted Roman Law, he now perverts Roman religion.

Dolabella is also likened to a general who abandons his troops to the enemy. (Cic. *Verr.* 2.1.77) The authority that was given to him was legitimate, but the way Dolabella exercised it was not. It is not only Verres who perverts the Roman order as Dolabella is a traitor and deserter. The enemy (*hostem*) that Dolabella has abandoned the troops to is Verres (Cic. *Verr.* 2.1.77). Cicero often suggests that his opponents are *hostēs*: enemies to the Republic.³⁰ Dolabella was already convicted, so Cicero is free to make Dolabella's compliance with Verres more damning than he could for Nero. Nevertheless, Dolabella's role as a deserter is only meaningful as it proves Verres to be an enemy to the state. Whereas in reality, Dolabella was charged for his crimes in his own right,³¹ Cicero is appropriating him to make Verres appear worse.

Dolabella's foolishness is established by revisiting Verres' earlier treachery when he abandoned Marius' faction to join Sulla (Cic. *Verr.* 2.1.77).³² Cicero mentions that Verres had been a

³⁰ May, James M., ed. *Brill's companion to Cicero: Oratory and rhetoric*. Brill, 2002, p.94

³¹ Chisholm, p.1038

³² Chisholm, p.1038

quæstor of Carbo, Marius' co-consul, and later served as Dolabella's quæstor (Cic. *Verr.* 2.1.77). As Carbo was executed by Sulla, Cicero's claim that Verres attacked and betrayed Carbo is more than rhetoric (Cic. *Verr.* 2.1.77). The Sullan proscriptions affected many Romans and the thought that Verres was continuing to assault Romans would be alarming.

Cicero stated earlier that he had no intention of mentioning the crimes Verres committed under Sulla as he wanted to focus on his "specific crimes" (*propiisque criminibus*) (Cic. *Verr.* 2.1.43) but he is condemning Verres' actions under Sulla's command as nefarious in this paragraph anyway (Cic. *Verr.* 2.1.77). This specific crime supposedly shows that Verres did not commit crimes under Sulla because he was influenced to do so, but Verres was capable of committing such crimes of his own accord.

Paragraphs 76 and 77 establish Verres as a natural tyrant, a literary character that Cicero has more freedom to portray narratively in his Second Action, who undermines the Roman Republic through his tyranny and lack of virtue. Other characters reflect on Verres: Philodamus and his family as virtuous counterparts, and Dolabella and Nero as enablers. Verres is

portrayed as a tragic villain, but his story is notably without its proper conclusion. The punishment that Dolabella has already received highlights the necessity for Verres to receive his long overdue punishment. The argument undermines any sympathy the audience, whether that is the jury or the readers, could have for Verres as Verres is an intrinsically bad person who already should have been punished.

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